



# Meeting Agenda

## City Council

City Hall  
601 4th Avenue E  
Olympia, WA 98501

Information: 360.753.8244

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**Tuesday, April 19, 2016**

**7:00 PM**

**Council Chambers**

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**1. ROLL CALL**

**1.A ANNOUNCEMENTS**

**1.B APPROVAL OF AGENDA**

**2. SPECIAL RECOGNITION**

**2.A** [16-0510](#) Special Recognition - Presentation by the American Legion of Officer of the Year

**2.B** [16-0507](#) Special Recognition - City of Olympia Awards and Recognitions

**3. PUBLIC COMMUNICATION**

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

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

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

**COUNCIL RESPONSE TO PUBLIC COMMUNICATION (Optional)**

**4. CONSENT CALENDAR**

*(Items of a Routine Nature)*

**4.A** [16-0513](#) Approval of April 12, 2016 Study Session Meeting Minutes

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

**4.B** [16-0514](#) Approval of April 12, 2016 City Council Meeting Minutes

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

#### 4. SECOND READINGS

- 4.C [16-0420](#) Approval of Proposed Ordinance Amending Olympia Municipal Code (OMC) Chapter 5.80, Unfair Housing Practices, to Include “Source of Income” as a Protected Class  
**Attachments:** [Proposed Amendment to OMC 5.80 Unfair Housing Practices](#)
- 4.D [16-0428](#) Approval of Amendment to Ordinance 6998 (Operating Budget Quarterly Adjustment)  
**Attachments:** [Ordinance](#)
- 4.E [16-0429](#) Approval of Amendment to Ordinance 6997 (Capital Budget Quarterly Adjustment)  
**Attachments:** [Ordinance](#)
- 4.F [16-0430](#) Approval of Ordinance to Create an Aerial Mapping Special Account  
**Attachments:** [Ordinance](#)
- 4.G [16-0437](#) Approval of Proposed Ordinance Eliminating Certain Business Licensing Fees and Amending Olympia Municipal Code (OMC) Section 5.02.015  
**Attachments:** [Ordinance](#)

#### 4. FIRST READINGS

- 4.H [16-0493](#) Approval of Ordinance Amending Olympia Historic Inventory Regulations  
**Attachments:** [Ordinance on Change to Regulation of Historic Inventory](#)

#### 5. PUBLIC HEARING

- 5.A [16-0481](#) Public Hearing on Ordinance Extending for an Additional Six Months the Moratorium on Medical Marijuana Collective Gardens and Other Cannabis-Related Uses not Licensed by Washington State  
**Attachments:** [Moratorium Ordinance](#)

#### 6. OTHER BUSINESS

- 6.A [16-0128](#) Briefing on Southeast Olympia Transportation System

#### 7. CONTINUED PUBLIC COMMUNICATION

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

#### 8. REPORTS AND REFERRALS

**8.A COUNCIL INTERGOVERNMENTAL/COMMITTEE REPORTS AND REFERRALS****8.B CITY MANAGER'S REPORT AND REFERRALS****9. EXECUTIVE SESSION**

- 9.A** [16-0515](#) EXECUTIVE SESSION - Pursuant to RCW 42.30.110 (1)(b) - Real Estate Matter; and Executive Session Pursuant to RCW 42.30.140 (4) (b) - Labor Negotiations

**9. ADJOURNMENT**

*The City of Olympia is committed to the non-discriminatory treatment of all persons in employment and the delivery of services and resources. If you require accommodation for your attendance at the City Council meeting, please contact the Council's Executive Assistant at 360.753.8244 at least 48 hours in advance of the meeting. For hearing impaired, please contact us by dialing the Washington State Relay Service at 7-1-1 or 1.800.833.6384.*



## City Council

### Special Recognition - Presentation by the American Legion of Officer of the Year

**Agenda Date:** 4/19/2016  
**Agenda Item Number:** 2.A  
**File Number:** 16-0510

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

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**Title**

Special Recognition - Presentation by the American Legion of Officer of the Year

**Recommended Action**

**Committee Recommendation:**

Not referred to a committee.

**City Manager Recommendation:**

Receive the presentation of the Officer of the Year award by the American Legion

**Report**

**Issue:**

Whether to receive the presentation by the American Legion Post #3 of their Officer of the Year award.

**Staff Contact:**

Steve Nelson, Deputy Chief of Police, 360.753.8146

**Presenter(s):**

Steve Nelson, Deputy Chief of Police  
David Gedrose, American Legion Post #3

**Background and Analysis:**

The American Legion Post #3 will present their "Officer of the Year" award to Officer Bryan Houser. David Gedrose from Post #3 will present the award and a \$500 donation to the Olympia Police Department.



## City Council

### Special Recognition - City of Olympia Awards and Recognitions

**Agenda Date:** 4/19/2016  
**Agenda Item Number:** 2.B  
**File Number:** 16-0507

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

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#### **Title**

Special Recognition - City of Olympia Awards and Recognitions

#### **Recommended Action**

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

Not referred to a committee.

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

Recognize recent acknowledgments of City of Olympia achievements.

#### **Report**

##### **Issue:**

Whether to recognize recent achievements by the City of Olympia.

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

Kellie Purce Braseth, Strategic Communications Director, 360.753.8361

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

Kellie Purce Braseth, Strategic Communications Director

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

The City of Olympia has been recognized by several national websites and a magazine:

- MoneyGeek.com ranked Olympia as the number one *Best Small City to Make a Living*. The City was praised for its “combination of affordable homes, quality schools, plentiful shopping, recreational activities and diverse population ....”
- Olympia landed the 20<sup>th</sup> spot on Livability.com’s *Top 100 Best Places to Live*. The website noted the “natural amenities” surrounding the City; the City’s “excellent educational system” and its “thriving arts scene.”
- WalletHub.com named Olympia the 12<sup>th</sup> *Best State Capital for 2016*. Among the data sets WalletHub combines for the overall rankings. Olympia ranked 12<sup>th</sup> for percentage of Millennial

Newcomers, Second for K-12 School System Quality, and First for Quality of Life.

- A recent print edition of Outside Magazine recognized Olympia as a place where the number of STEM jobs and the number of outdoor life opportunities make an attractive place for “tech geeks” to live.

**Attachments:**

No attachments.



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601 4th Avenue E.  
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360-753-8244

## City Council

### Approval of April 12, 2016 Study Session Meeting Minutes

**Agenda Date:** 4/19/2016  
**Agenda Item Number:** 4.A  
**File Number:** 16-0513

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

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**Title**

Approval of April 12, 2016 Study Session Meeting Minutes



# Meeting Minutes - Draft

## City Council

City Hall  
601 4th Avenue E  
Olympia, WA 98501

Information: 360.753.8244

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**Tuesday, April 12, 2016**

**5:30 PM**

**Council Chambers**

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### Study Session

#### 1. ROLL CALL

**Present:** 7 - Mayor Cheryl Selby, Mayor Pro Tem Nathaniel Jones, Councilmember Jessica Bateman, Councilmember Jim Cooper, Councilmember Clark Gilman, Councilmember Julie Hankins and Councilmember Jeannine Roe

#### 2. BUSINESS ITEM

**2.A** [16-0488](#) Final Report to the City Council from the Ad Hoc Committee on Police and Community Relations

Mayor Selby introduced the Co-Chairs of the Ad Hoc Committee on Police and Community Relations, Reiko Callner and Curt Pavola.

Mr. Pavola introduced the members of the Committee. He reviewed the two major tasks of the Committee, along with additional direction later given by the Council.

Mr. Pavola noted the Committee held five forums, 14 planning meetings and numerous personal one on one interaction with citizens. There were a total of 245 participants in these events, along with many written comments that were submitted.

Ms. Callner discussed the outreach methods used to interact with various groups and shared the participation goals of each forum. She noted committee members tried to be as accessible as possible. She reviewed the questions that were posed at each forum. She shared the main themes and messages the committee heard at the forums along with process/ideas to consider for implementing body-worn cameras.

Each committee member shared their reflections of what they heard at the forums, along with observations about the process and outcomes. Mr. Pavola thanked City Staff for their commitment and help throughout the process.

Councilmembers asked clarifying questions, shared feedback and expressed their gratitude to the Committee for their hard work. The Mayor and Mayor Pro Tem presented certificates of appreciation to the Committee Members.

**The study session was completed.**

#### 3. ADJOURNMENT



The meeting adjourned at 6:42 p.m.



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## City Council

### Approval of April 12, 2016 City Council Meeting Minutes

**Agenda Date:** 4/19/2016  
**Agenda Item Number:** 4.B  
**File Number:** 16-0514

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

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**Title**

Approval of April 12, 2016 City Council Meeting Minutes



# Meeting Minutes - Draft

## City Council

City Hall  
601 4th Avenue E  
Olympia, WA 98501

Information: 360.753.8244

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**Tuesday, April 12, 2016**

**7:00 PM**

**Council Chambers**

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### 1. ROLL CALL

**Present:** 7 - Mayor Cheryl Selby, Mayor Pro Tem Nathaniel Jones, Councilmember Jessica Bateman, Councilmember Jim Cooper, Councilmember Clark Gilman, Councilmember Julie Hankins and Councilmember Jeannine Roe

### 1.A ANNOUNCEMENTS

Mayor Selby announced the Council met in a Study Session earlier in the evening.

### 1.B APPROVAL OF AGENDA

The agenda was approved.

### 2. SPECIAL RECOGNITION

#### 2.A [16-0473](#) Special Recognition - Arbor Day Proclamation

Mayor Pro Tem Jones read the Arbor Day proclamation. Associate Planners Michelle Bentley and Jesse Barham and Park Ranger Sylvana Niehuser discussed this year's Arbor Day celebration at Priest Point Park on April 16.

**The recognition was received.**

#### 2.B [16-0478](#) Special Recognition - Equal Pay Day Proclamation

Councilmember Bateman read the Equal Pay Day proclamation. Rachel Friedman President of the Zonta Club and Hillary Soens Chief Executive Officer of YWCA discussed the significance of Equal Pay Day.

**The recognition was received.**

#### 2.C [16-0482](#) Special Recognition - Councilmember Jeannine Roe's Service on the Joint Animal Services Commission

Lacey Councilmember Jeff Gadman, Chair of the Joint Animal Services Commission recognized Councilmember Roe for her six years of representation on the Commission.

**The recognition was received.**

### 3. PUBLIC COMMUNICATION

The following people spoke: Jeffery Trinin, Pat Rasmussen, Diana Moore, Tom Nogler, Jim Reeves, Paul Larsen, Jack Havens, Holly West, Nani Nguyen, Liz Atkins-Pattenson and Allen Miller.

### COUNCIL RESPONSE TO PUBLIC COMMUNICATION (Optional)

### 4. CONSENT CALENDAR

- 4.A [16-0433](#) Approval of March 22, 2016 City Council Meeting Minutes

**The minutes were adopted.**

- 4.B [16-0474](#) Bills and Payroll Certification

Payroll check numbers 88517 through 88623 and Direct Deposit transmissions: Total: \$5,925,464.76; Claim check numbers 3670985 through 3672430: Total: \$6,904,634.03.

**The decision was adopted.**

- 4.C [16-0456](#) Approval of Advisory Committee and Commission 2016 Work Plans

**The plans were approved.**

- 4.D [16-0457](#) Approval of Reappointments to Advisory Committees and Commissions

**The reappointments were approved.**

- 4.E [16-0458](#) Approval of 2016 Appointments to Advisory Committees and Commissions

**The appointments were approved.**

- 4.F [16-0445](#) Approval of Bid Award for the Eastside Street & 22nd Avenue Sidewalk, Phase 1

**The decision was adopted.**

### 4. SECOND READINGS

- 4.G [16-0394](#) Approval of Ordinance Adopting RCW 69.50.440 Making it Unlawful to Open or Consume Marijuana in Public and Amending Olympia Municipal Code (OMC) Section 9.28.010

**The ordinance was adopted on second reading.**

#### 4. FIRST READINGS

4.H [16-0420](#)

Approval of Proposed Ordinance Amending Olympia Municipal Code (OMC) Chapter 5.80, Unfair Housing Practices, to Include "Source of Income" as a Protected Class

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

4.I [16-0428](#)

Approval of Amendment to Ordinance 6998 (Operating Budget Quarterly Adjustment)

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

4.J [16-0429](#)

Approval of Amendment to Ordinance 6997 (Capital Budget Quarterly Adjustment)

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

4.K [16-0430](#)

Approval of Ordinance to Create an Aerial Mapping Special Account

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

4.L [16-0437](#)

Approval of Proposed Ordinance Eliminating Certain Business Licensing Fees and Amending Olympia Municipal Code (OMC) Section 5.02.015

**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:** 7 - Mayor Selby, Mayor Pro Tem Jones, Councilmember Bateman, Councilmember Cooper, Councilmember Gilman, Councilmember Hankins and Councilmember Roe

#### 5. PUBLIC HEARING - None

#### 6. OTHER BUSINESS

6.A [16-0238](#)

Discussion of Regional Septic Conversion Program

Public Works Director Rich Hoey introduced regional efforts related to urban septic system conversions.

He noted staff from Olympia, Lacey, Tumwater and the Thurston County Health

Department have met to advance the regional work effort to move the septic-to-sewer program forward.

Water Resources Director, Andy Haub gave background on the issues surrounding septic systems in the region. He reviewed the Urban Septic System Conversion Strategy that has been developed.

Councilmembers asked clarifying questions.

**Councilmembers agreed to support continued work on a regional approach to septic conversion strategies.**

**6.B**     [16-0240](#)     Briefing on 2016 Construction

City Engineer Fran Eide briefed the Council on 2016 construction projects. The projects include repairs and improvements to City buildings, transportation projects, and downtown projects. Ms. Eide shared three videos showcasing several construction projects.

Councilmembers asked clarifying questions.

**The report was completed.**

**6.C**     [16-0468](#)     Discussion of Amendments to the Community Development Block Grant (CDBG) Program Year 2015 Action Plan

Program Manager Anna Schlecht gave background on the Community Development Block Grant (CDBG).

Ms. Schlecht discussed potential amendments and recommendations to the Program Year 2015 Action Plan that would reallocate additional funding to currently funded CDBG activities. These included, additional repayments of the City's Section 108 Loan; Crime Prevention Through Environmental Design (CPTED) program; property acquisition; purchase of equipment; or services and feasibility studies.

Committee members asked clarifying questions.

**The Council agreed to move forward with the public process to amend the Program Year 2015 Action Plan, which includes a public hearing and an open comment period of 30 days.**

**7. CONTINUED PUBLIC COMMUNICATION**

**8. REPORTS AND REFERRALS**

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

Councilmembers reported on meetings and events attended.

**8.B CITY MANAGER'S REPORT AND REFERRALS**

**9. ADJOURNMENT**

The meeting adjourned at 9:41 p.m.



## City Council

### Approval of Proposed Ordinance Amending Olympia Municipal Code (OMC) Chapter 5.80, Unfair Housing Practices, to Include “Source of Income” as a Protected Class

**Agenda Date:** 4/19/2016  
**Agenda Item Number:** 4.C  
**File Number:** 16-0420

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

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#### **Title**

Approval of Proposed Ordinance Amending Olympia Municipal Code (OMC) Chapter 5.80, Unfair Housing Practices, to Include “Source of Income” as a Protected Class

#### **Recommended Action**

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

Not referred to a committee.

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

Move to approve the proposed ordinance amending Olympia Municipal Code (OMC) Chapter 5.80 to include “source of income” as a protected class on second reading.

#### **Report**

##### **Issue:**

Whether the City should amend OMC Chapter 5.80, Unfair Housing Practices, to prevent housing discrimination and reduce homelessness by adding “source of income” as a protected class.

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

M. Anna Schlecht, Housing Programming Manager, Community Planning & Development Department, 360.753.8183  
Mark Barber, City Attorney, 360.753.8338

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

M. Anna Schlecht, Housing Programming Manager  
Mark Barber, City Attorney

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

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

Since 1967, communities across the United States have used local, state and federal laws to address housing discrimination. Typically codified under the title of “Unfair Housing Practices,” such laws



protect residents from discrimination that would unfairly limit their housing choices.

**History:** The federal **Fair Housing Act** was enacted as Title VIII of the Civil Rights Act of 1968. This law provided a tool to stop discrimination against buyers or renters of housing based on specific protected classes. Olympia enacted Ordinance No. 3456 in 1968, which created OMC Chapter 5.80, Unfair Housing Practices, and prohibited housing discrimination on the basis of “race, color, religion, ancestry, or national origin.”

Since that time, OMC Chapter 5.80 has been amended numerous times to include other classes of people who have experienced housing discrimination based on real or perceived characteristics. The current version states, “It is declared to be the policy of the city in the exercise of its police power for the public safety, public health, and general welfare, for the maintenance of business and good government, and to assure equal opportunity to all persons to live in decent housing facilities regardless of race, color, religion, ancestry, national origin, gender, familial status, the presence of any sensory, mental, or physical disability, the use of a trained guide dog or service animal by a disabled person, marital status, sexual orientation, or gender identity, or the perception thereof, . . .”

**Tumwater’s Ordinance:** In 1993, the City of Tumwater amended their “Unfair Housing Practices” ordinance to include “use of federal housing assistance” in order to be compliant with a federal grant. Since this amendment, Tumwater has not received any complaints.

**Intent of Amendment:** Discrimination against the use of public housing assistance severely limits the effectiveness of a key housing and homeless prevention strategy. Publicly funded housing subsidies allow low income people to secure housing in the neighborhood of their choosing. These housing subsidies also support the local housing industry. This form of housing strategy replaced an older strategy called “public housing” in which local governments owned the housing, often creating a concentrated and economically depressed neighborhood of very low income people. Housing subsidies provide support for a greater number of people, offer housing choice and keep more housing stock on local tax rolls.

However, some rental property owners refuse to rent to people with public housing subsidies. In fact, the recent homeless census conducted in January 2016, found a number of homeless people who possessed rental subsidy vouchers but could not find a landlord who would accept them.

Amending Olympia’s Unfair Housing Practices code (Attachment #1 - Proposed Amendment to OMC 5.80 - Unfair Housing Practices) would provide another useful tool to support affordable housing and prevent homelessness.

**Enforcement:** The current listing of protected classes is also included in county and state laws and therefore falls under the jurisdiction of the State Human Rights Commission’s Fair Housing Unit. The City would need to evaluate the potential burden of local enforcement for such an amendment, which could potentially include receiving, investigating and adjudicating complaints. However, based on Tumwater’s experience, there may be little to no impact.

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

All neighborhoods have a compelling interest in stabilizing residents and preventing housing discrimination.

**Options:**

1. Approve the proposed ordinance.
2. Do not approve the proposed ordinance.

**Financial Impact:**

Not known

**Attachment:**

Ordinance

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

**AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, RELATING TO UNFAIR HOUSING PRACTICES AND AMENDING CHAPTER 5.80 OF THE OLYMPIA MUNICIPAL CODE.**

WHEREAS, since 1967, communities across the United States have used local, state and federal laws to protect residents from discrimination that would unfairly limit their housing choices; and

WHEREAS, in 1968, the City of Olympia enacted Ordinance No. 3456, which created Olympia Municipal Code (OMC) Chapter 5.80, Unfair Housing Practices, and prohibited housing discrimination on the basis of "race, color, religion, ancestry, or national origin," and

WHEREAS, OMC Chapter 5.80 has been amended numerous times over the years to include other classes of people who have experienced housing discrimination based on real or perceived characteristics; and

WHEREAS, OMC Chapter 5.80 declares that it is the policy of the City to assure equal opportunity to all persons to live in decent housing facilities; and

WHEREAS, the City Council determines it to be in the best interest of the City Olympia to protect its residents from discrimination that would unfairly limit their housing choices and to amend OMC Chapter 5.80 by adding "source of income" as a protected class;

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

**Section 1. Amendment of OMC 5.80. Olympia Municipal Code Chapter 5.80 is hereby amended to read as follows:**

**Chapter 5.80  
UNFAIR HOUSING PRACTICES**

5.80.000 Chapter Contents

Sections:

- 5.80.010 Declaration of policy.
- 5.80.020 Definitions.
- 5.80.030 Unfair housing practices prohibited.
- 5.80.040 Prohibited practices designated.
- 5.80.060 Enforcement.
- 5.80.070 Exemptions and interpretation.
- 5.80.080 Violations -- Misdemeanor -- Gross Misdemeanor -- Civil Infraction.

**5.80.010 Declaration of policy**

It is declared to be the policy of the city in the exercise of its police power for the public safety, public health, and general welfare, for the maintenance of business and good government, and to assure equal opportunity

to all persons to live in decent housing facilities regardless of race, color, religion, ancestry, national origin, gender, familial status, the presence of any sensory, mental, or physical disability, the use of a trained guide dog or service animal by a disabled person, marital status, sexual orientation, or gender identity, or the perception thereof, or use of vouchers for payment of rent offered by any governmental agency on behalf of a prospective tenant or lessee, and to that end to prohibit discrimination in housing by any person, including real estate brokers, associate brokers, salespersons, owners of real property and lenders to forward the cause of community, and to secure a reduction of all tensions and discriminations because of race, color, religion, national origin, gender, familial status, the presence of any sensory, mental, or physical disability, the use of a trained guide dog or service animal by a disabled person, marital status, sexual orientation, or gender identity, or the perception thereof.

#### **5.80.020 Definitions**

Definitions as used in this chapter, unless additional meaning clearly appears from the context, shall have the meanings ascribed herein:

- A. "Commission" means the Washington State Human Rights Commission.
- B. "Dwelling" includes any building containing one or more dwelling units.
- C. "Dwelling unit" includes a suite of rooms for occupancy by one family containing space for living, sleeping, and preparation of food, and containing toilet and bathing facilities.
- D. "Familial Status" means one or more individuals who have not attained the age of 18 years being domiciled with: 1) a parent or another person having legal custody of such individual or individuals; or 2) the designee of such parent or other person having such custody, with the written permission of such parent or other person. The protections afforded against discrimination on the basis of familial status shall apply to any person who is pregnant or is in the process of securing legal custody of any individual who has not attained the age of 18 years.
- E. "Gender Identity" includes the status of being transsexual, transvestite, or transgender.
- F. "Housing accommodations" includes any dwelling, or dwelling unit, rooming unit, rooming house, lot or parcel of land in the city which is used, intended to be used, or arranged or designed to be used as, or improved with, a residential structure for one or more human beings.
- G. "Lender" includes any bank, insurance company, savings or building and loan association, credit union, trust company, mortgage company, or other person engaged wholly or partly in the business of lending money for the financing or acquisition, construction, repair, or maintenance of a housing accommodation.
- H. "Occupant" includes any person who has established residence or has the right to occupancy in a housing accommodation.

I. "Owners" include persons who own, lease, sublease, rent, operate, manage, have charge of, control, or have the right of ownership, possession, management, charge, or control of the housing accommodation, on their own behalf or on behalf of another.

J. "Person" includes one or more individuals, partnerships, or other organizations, trade or professional associations, corporations, legal representatives, trustees, trustees in bankruptcy, and receivers.

K. "Person aggrieved" means any person against whom any alleged unfair housing practice has been committed.

L. "Prospective borrower" includes any person who seeks to borrow money to finance the acquisition, construction, repair, or maintenance of a housing accommodation.

M. "Prospective occupant" includes any person who seeks to purchase, lease, sublease or rent a housing accommodation.

N. "Real estate broker, associate broker, salesperson, or employee" includes any person employed by or associated with a real estate broker to perform or assist in the performance of any or all of the functions of a real estate broker.

O. "Real estate broker" includes any person who for a fee, commission, or other valuable consideration, lists for sale, sells, purchases, exchanges, leases or subleases, rents, or negotiates or offers or attempts to negotiate the sale, purchase, exchange, lease, sublease or rental of a housing accommodation of another, or holds himself or herself out as, engaged in the business of selling, purchasing, exchanging, listing, leasing, subleasing, or renting a housing accommodation of another, or collects the rental for the use of a housing accommodation of another.

P. "Rooming unit" includes one or more rooms within a dwelling unit or rooming house containing space for living and sleeping.

Q. "Unfair housing practice" means any act prohibited by this chapter.

#### **5.80.030 Unfair housing practices prohibited**

Unfair housing practices as defined in this chapter in the sale and offering for sale and in the rental and offering for rent of housing accommodations are contrary to the public peace, health, safety and general welfare and are prohibited by the city in the exercise of its police power.

#### **5.80.040 Prohibited practices designated**

A. No owner, lessee, sublessee, assignee, real estate broker, associate broker, salesperson, or employee, managing agent of, or other person having the right to sell, rent, lease, sublease, assign, transfer, or otherwise dispose of a housing accommodation shall refuse to sell, rent, lease, sublease, assign, transfer, or otherwise

deny to, or withhold from any person or group of persons such housing accommodations, or segregate the use thereof, or represent that such housing accommodations are not available for inspection, when in fact they are so available, or expel or evict an occupant from a housing accommodation because of the race, color, religion, ancestry or national origin, gender, familial status, the presence of any sensory, mental, or physical disability, the use of a trained guide dog or service animal by a disabled person, marital status, sexual orientation, or gender identity, or the perception thereof, of such person or persons, or discriminate against or segregate any person because of his/her race, color, religion, ancestry, national origin, gender, familial status, the presence of any sensory, mental, or physical disability, the use of a trained guide dog or service animal by a disabled person, marital status, sexual orientation, or gender identity, or the perception thereof, in the terms, conditions, or privileges of the sale, rental, lease, sublease, assignment, transfer, or other disposition of any such housing accommodations or in the furnishing of facilities or services in connection therewith.

B. A real estate broker, salesperson, associate broker, or employee shall not, because of race, color, religion, ancestry, national origin gender, familial status, the presence of any sensory, mental, or physical disability, the use of a trained guide dog or service animal by a disabled person, marital status, sexual orientation, or gender identity, or the perception thereof, of an occupant, purchaser, prospective occupant, or prospective purchaser, or use of rental vouchers offered by any governmental agency on behalf of a prospective tenant or lessee:

1. Refuse or intentionally fail to list or discriminate in listing a housing accommodation for sale, rent, lease, or sublease;
2. Refuse or intentionally fail to show to a prospective occupant the housing accommodation listed for sale, rental, lease, or sublease;
3. Refuse or intentionally fail to accept and/or transmit to an owner any reasonable offer to purchase, lease, rent or sublease a housing accommodation;
4. Otherwise discriminate against an occupant, prospective occupant, purchaser, or prospective purchaser of a housing accommodation.

C. No person, or lender, or any agent or employee thereof, to whom application is made for financial assistance for the purchase, refinancing, lease, acquisition, construction, rehabilitation, repair, or maintenance of any housing accommodation shall:

1. Discriminate against any person or group of persons because of race, color, religion, ancestry, national origin gender, familial status, the presence of any sensory, mental, or physical disability, the use of a trained guide dog or service animal by a disabled person, marital status, sexual orientation, or gender identity, or the perception thereof, of such person or group of persons or of the prospective occupants or tenants of such real property in the granting, withholding, extending, modifying, or renewing, or in the rates, terms, conditions, or privileges of, any such financial assistance or use of

rental vouchers offered by any governmental agency on behalf of a prospective tenant or lessee, or in the extension of services in connection therewith; or

2. Use any form of application for such financial assistance, or make any record of inquiry in connection with applications for such financial assistance which expresses, directly or indirectly, any limitation, specification, or discrimination, on the ground of race, color, religion, ancestry, national origin, gender, familial status, the presence of any sensory, mental, or physical disability, the use of a trained guide dog or service animal by a disabled person, marital status, sexual orientation, or gender identity, or use of rental vouchers offered by any governmental agency on behalf of a prospective tenant or lessee.

D. An owner, person, real estate broker, associate broker, salesperson, or employee, or lender shall not:

1. Require any information, make, or keep any record, or use any form of application containing questions or entries concerning race, color, religion, ancestry, national origin, gender, familial status, the presence of any sensory, mental, or physical disability, the use of a trained guide dog or service animal by a disabled person, marital status, sexual orientation, or gender identity, or use of rental vouchers offered by any governmental agency on behalf of a prospective tenant or lessee, or the perception thereof, in connection with the sale, rental, lease, or sublease of any housing accommodation;

2. Publish, circulate, issue, or display, or cause to be published, circulated, issued, or displayed, any communication, notice, advertisement, or sign of any kind relating to the sale, rental, lease, sublease, assignment, transfer, or listing of a housing accommodation or accommodations which indicate any preference, limitation, specification, or discrimination based on race, color, religion, ancestry, national origin, gender, familial status, the presence of any sensory, mental, or physical disability, the use of a trained guide dog or service animal by a disabled person, marital status, sexual orientation, or gender identity, or use of rental vouchers offered by any governmental agency on behalf of a prospective tenant or lessee;

3. Aid, abet, incite, compel, or coerce the doing of any act defined in this chapter as an unfair housing practice; or obstruct or discriminate against a person in any manner because the person has complied or proposes to comply with the provisions of this chapter or has filed a complaint, testified, or assisted in any proceeding under this chapter, or any order issued thereunder, or attempt, either directly or indirectly, to commit any act defined in this chapter to be an unfair housing practice or apply any economic sanctions or deny any membership privileges because of compliance with the provisions of this chapter.

#### **5.80.060 Enforcement**

All complaints or allegations of violations of this chapter shall first be referred for formal action to the commission, for cases within the commission's jurisdiction, and in all other cases to a neutral third party

mediation, before formal charges are brought under this ordinance. The city prosecutor may decline or defer prosecution under this ordinance if an alleged victim fails to reasonably participate in mediation.

#### **5.80.070 Exemptions and interpretation**

Nothing in this chapter shall:

- A. Apply to the renting, subrenting, leasing or subleasing of single-family dwellings wherein the owners or persons entitled to possession thereof normally maintain, or intend to maintain, their residences, homes or abodes;
- B. Be interpreted to prohibit any person from making a choice from among prospective purchasers or tenants of property on the basis of factors other than race, color, religion, ancestry, national origin, gender, familial status, the presence of any sensory, mental, or physical disability, the use of a trained guide dog or service dog by a disabled person, marital status, sexual orientation, or gender identity, or the perception thereof.
- C. Make it an unfair practice or a denial of civil rights for any public or private educational institution to separate the sexes or give preference to or limit use of dormitories, residence halls, or other student housing to persons of one sex or to make distinctions on the base of marital or familial status;
- D. Apply the provisions of this chapter prohibiting discrimination based on familial status to housing for older persons as defined by the Federal Fair Housing Amendments Act of 1988, 42 USC Section 3607(B)(1) through (3) as amended by the Housing for Older Persons Act of 1995, P.L. 104-76, as enacted on December 28, 1995.
- E. Require structural changes, modifications, or additions to make facilities accessible to a disabled person except as otherwise required by law. However, such exception shall not permit discrimination based on the presence of any sensory, mental, or physical disability or the use of a trained guide dog or service dog by a blind, deaf, or physically disabled person under the conditions or for the reasons set forth in RCW 49.60.222 (2) as the same exists or may hereafter be amended.

#### **5.80.080 Violations -- Misdemeanor -- Gross Misdemeanor -- Civil Infraction**

A. Any person, firm, or corporation who knowingly violates or fails to comply with any term or provision of this chapter shall be deemed to have committed a misdemeanor, and if found guilty, shall be subject to a fine not to exceed One Thousand Dollars (\$1,000), and/or to imprisonment not to exceed ninety (90) days or to both such fine and imprisonment. Each day shall be a separate offense. In the event of a continuing violation or failure to comply, the second and subsequent days shall constitute a gross misdemeanor punishable by a fine not to exceed Five Thousand Dollars (\$5,000) and/or imprisonment not to exceed three hundred and sixty-five (365) days or both such time and imprisonment. Continuing violation shall mean the same type of violation which is committed within a year of the initial violation.



B. As an additional concurrent penalty, it shall be a civil infraction for a person, firm, or corporation to violate or fail to comply with any term or provision of this chapter. Each day shall be a separate infraction. A person, firm, or corporation found to have committed a civil infraction shall be assessed a monetary penalty as follows:

1. First offense: Class 3 (\$50), not including statutory assessments.
2. Second offense arising out of the same facts as the first offense: Class 2 (\$125), not including statutory assessments.
3. Third offense arising out of the same facts as the first offense: Class 1 (\$250), not including statutory assessments.

See also OMC Chapter 4.44, Uniform Civil Enforcement.

**Section 2. 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 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:**



CITY ATTORNEY

**PASSED:**

**APPROVED:**

**PUBLISHED:**



## City Council

### Approval of Amendment to Ordinance 6998 (Operating Budget Quarterly Adjustment)

**Agenda Date:** 4/19/2016  
**Agenda Item Number:** 4.D  
**File Number:** 16-0428

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

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**Title**

Approval of Amendment to Ordinance 6998 (Operating Budget Quarterly Adjustment)

**Recommended Action**

**Committee Recommendation:**

Not referred to a committee.

**City Manager Recommendation:**

Move to approve amending Ordinance 6998 on second reading.

**Report**

**Issue:**

Whether to amend Ordinance 6998, the Operating Budget quarterly adjustment.

**Staff Contact:**

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

**Presenter(s):**

Dean Walz, Fiscal Services Director

**Background and Analysis:**

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

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 does 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 separate ordinances were passed since the adoption of Ordinance 6998 relating to the Operating Budget.

Budget Items Not Previously Presented to the Council:

- 1) Appropriation of \$398,913 within the General Fund for additional cost of living increases of 1% for AFSCME, IUOE, Fire unions, and independent employees and a 2% increase for the Police Guild. 2016 cost of living increases were based on the percent of increase in sales tax in 2015 over 2014. The 2016 budget included a 2% cost of living increase for the above employee groups and 3% for the Fire Union. Labor contracts required a cost of living increase of 3% or 4% if sales tax increased between 5% and 6% in 2015 over 2014. The sales tax increase in 2015 was 5.32%. The appropriation is funded from additional sales tax projected to be received in 2016. The original 2016 budget was based on a 4% increase in sales tax in 2015.
- 2) Appropriation of \$36,551 to fund energy efficiency programs. Funding provided by energy conservation rebates.
- 3) Appropriation of \$84,347 for an additional FTE approved by the Council December 15, 2015. This approval was made too late in the year to add the funding to the original 2016 budget. Funding provided by development fee revenue.
- 4) Appropriation of \$2,330 for purchase of TASER cartridges & batteries. Funding provided by proceeds of the sale of old equipment.
- 5) Appropriation of \$1,000 for equipment for the Kids Canopy Climb program. Funding provided by a PARC grant, a pass-through grant from the Nisqually Tribe.
- 6) Appropriation of \$5,000 for the Ambassador at the Artesian Commons. Funding provided by a donation from the Nisqually Tribe.
- 7) Appropriation of \$15,285 within the Water/Sewer Bond Redemption Fund. The original 2016 budget was short by the amount. Funding is from fund balance.
- 8) Appropriation of \$10,000 for police training. Funding provided by a donation from the Nisqually Tribe.
- 9) Appropriation of 2,500 for the Recreation Scholarship Special Account. Funding provided by private donations to the Account.
- 10) Appropriation of \$588,207 to the Parking Fund. In late 2015 the Council created a separate Parking Fund. Previously, parking was part of the General Fund. In creating the new Fund the Council also closed the Parking Special Account that funded parking improvement and moved those monies into the new Parking Fund. This appropriation budgets the money transferred from the Parking Special Account into the new Parking Fund.
- 11) Adjustment to cancel \$173,000 of appropriations remained in the old Parking Special Account.
- 12) Appropriation of \$1,600,000 of General Fund, fund balance for various needs. This is fund balance in excess of the operating reserve. These are items approved by the Council on March 22, 2016.

|           |   |
|-----------|---|
| \$ 50,000 | Americans with Disabilities program               |
| \$300,000 | Implementation of Downtown strategy and Comp Plan |
| \$150,000 | Hazard Trees                                      |
| \$200,000 | East Bay erosion design and permitting            |
| \$ 50,000 | Sidewalk repairs                                  |
| \$ 35,000 | Artesian Commons ranger and well host             |
| \$ 50,000 | Canoe Journey support costs                       |
| \$ 70,000 | Emergency Preparedness                            |
| \$ 75,000 | Community and Economic Revitalization Committee   |
| \$225,000 | Blighted property acquisition                     |
| \$ 50,000 | Police MCT's                                      |

\$345,000 Downtown Sanitation Pilot

- 13) Appropriation of \$394,000 within the Fleet (Equipment Rental) Fund for fuel to be sold to the various departments. This is due to an accounting change whereby the sales will be recorded a sales (revenue) by the Fleet Fund and also an expense representing cost of fuel sold. Previously, the various departments made the purchase directly from inventory.
- 14) Appropriation of \$225,000 within the Building Demo/Nuisance Abatement Special Account for blighted property acquisition. This is funded by a transfer from the General Fund, see also item 12 above.

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

None noted.

**Options:**

- 1) Approve ordinance amending ordinance 6998.
- 2) Do not approve the amending ordinance. The budget items not previously presented to the Council would not be authorized.

**Financial Impact:**

Total increase appropriations by \$3,190,133. Funding for these appropriations noted above.

**Ordinance No.**

**AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, RELATING TO BUDGETS, FINANCE, AND SALARIES, AND AMENDING ORDINANCE NO. 6998.**

**WHEREAS**, the Olympia City Council held a public hearing and considered public testimony on the 2016 preliminary budget on November 17, 2015, as required by law; and

**WHEREAS**, the Olympia City Council passed Ordinance No. 6998 approving the 2016 budget on December 15, 2015; and

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

**WHEREAS**, the following amendments need to be made to Ordinance No. 6998;

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

**Section 1. 2016 Budget.** The budget for the calendar year 2016 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.<br/>FUND<br/>BALANCE</b> | <b>ESTIMATED<br/>REVENUE</b>     | <b>APPROP.</b>                   | <b>ADDITIONS<br/>TO FUND<br/>BALANCE</b> |
|--|-------------------------------------|----------------------------------|----------------------------------|--|
| General, Regular Operations                                  | \$116,500<br>\$1,716,500            | \$67,226,965<br>\$67,744,155     | \$67,343,465<br>\$69,460,655     | \$-                                      |
| General, Special Sub-Funds                                   |                                     |                                  |                                  |  |
| Special Accounts   | 264,880<br>266,720                  | 1,053,000<br>1,105,660           | 1,317,880<br>1,372,380           | -  |
| Development Fee Revenue                                      | -                                   | 3,037,211                        | 3,037,211                        | -  |
| Parking  | -<br>588,207                        | 1,518,700                        | 1,338,268<br>1,926,475           | 180,432                                  |
| Washington Center  | 5,000                               | 320,872                          | 325,872                          | -  |
| Municipal Arts   | 400                                 | 50,000                           | 50,400                           | -  |
| Equip & Facilities Reserve                                   | -                                   | 1,184,575<br>1,205,526           | 1,184,575<br>1,205,526           | -  |
| <b>Total General Fund</b>                                    | <b>386,780<br/>2,576,827</b>        | <b>74,391,323<br/>74,982,124</b> | <b>74,597,671<br/>77,378,519</b> | <b>180,432</b>                           |
| 4 <sup>th</sup> /5 <sup>th</sup> Avenue Corridor Bridge Loan | 2,306                               | 554,673                          | 556,979                          | -  |
| LTGO Bond Fund - 2006 Parks                                  | -                                   | 1,191,750                        | 1,191,750                        | -  |
| UTGO Bond Fund – 2009 Fire                                   | -                                   | 1,198,140                        | 1,193,731                        | 4,409                                    |
| City Hall Debt Fund – 2009                                   | 962                                 | 2,420,156                        | 2,421,118                        | -  |
| 2010 LTGO Bond – Street Projects                             | -                                   | 438,667                          | 438,663                          | 4  |
| L.O.C.A.L. Debt Fund – 2010                                  | 1                                   | 178,281                          | 178,282                          | -  |
| 2010B LTGO Bonds - HOCM                                      | -                                   | 420,688                          | 420,688                          | -  |
| 2013 LTGO Bond Fund  | -                                   | 671,675                          | 671,675                          | -  |
| Water Utility O&M  | -                                   | 12,328,250                       | 12,328,250                       | -  |
| Sewer Utility O&M  | 86,382                              | 18,853,133                       | 18,939,515                       | -  |
| Solid Waste Utility  | -                                   | 10,547,363                       | 10,528,483                       | 18,880                                   |

|                      |  |  |  |  |
|----------------------|--|--|--|--|
| Storm Water Utility  | 53,861                                 | 5,137,826                                    | 5,191,687                                    | -  |
| <b>FUND</b>          | <b>APPROP.<br/>FUND<br/>BALANCE</b>    | <b>ESTIMATED<br/>REVENUE</b>                 | <b>APPROP.</b>                               | <b>ADDITIONS<br/>TO FUND<br/>BALANCE</b> |
| Water/Sewer Bonds    | -<br><u>15,285</u>                     | 2,040,532                                    | <del>2,013,281</del><br><u>2,028,566</u>     | 27,251                                   |
| Stormwater Debt Fund | -                                      | 103,311                                      | 103,219                                      | 92                                       |
| Equipment Rental     | -                                      | <del>1,744,767</del><br><u>2,138,767</u>     | <del>1,744,087</del><br><u>2,138,087</u>     | 680                                      |
| <b>TOTALS</b>        | <b>\$530,292</b><br><b>\$2,735,624</b> | <b>\$132,220,535</b><br><b>\$133,205,336</b> | <b>\$132,519,079</b><br><b>\$135,709,212</b> | <b>\$231,748</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 2016 shall be as set forth in the "Supplementary Information" section of the 2016 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 6997 (Capital Budget Quarterly Adjustment)

**Agenda Date:** 4/19/2016  
**Agenda Item Number:** 4.E  
**File Number:** 16-0429

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

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**Title**

Approval of Amendment to Ordinance 6997 (Capital Budget Quarterly Adjustment)

**Recommended Action**

**Committee Recommendation:**

Not referred to a committee.

**City Manager Recommendation:**

Move to approve amending Ordinance 6997 on second reading.

**Report**

**Issue:**

Whether to amend Ordinance 6997, the Capital Budget Quarterly Adjustment.

**Staff Contact:**

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

**Presenter(s):**

Dean Walz, Fiscal Services Director

**Background and Analysis:**

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

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 does 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.

One ordinance was passed since the adoption of ordinance 6997 relating to the Capital Budget.

Ordinance 6999 passed on January 12, 2016, which appropriated \$203,200 for the Quince Street Sidewalk Project, funded by a Safe Routes to School grant.



Budget Items Not Previously Presented to the Council:

- 1) Appropriation of \$50,000 for additional cost related to the City Hall construction project, primarily legal fees. Funded from existing resources in the City Hall Construction Fund.
- 2) Appropriation of \$55,281 for the Harrison Avenue project and \$55,281 appropriation in the Transportation Impact Fee Fund budget for funds to be transferred to the Capital Improvement Fund. Funding is from Transportation Impact fees previously collected.
- 3) Reduction of \$639,300 in the Storm and Surface Water Capital Improvement Fund. The original 2016 CFP ordinance was overstated by this amount (an administrative error).
- 4) Re-distribution of \$50,000 each from the Flood Mitigation, Water Quality and Aquatic Habitat programs to fund the 2016 Storm and Surface Water Plan. There is no overall increase in the Storm and Surface Water Capital Improvement Fund.
- 5) Appropriation of \$400,000 within the Capital Improvement Fund for various programs, funded by transfer from the General Fund as part of the appropriations of General Fund, fund balance (see amendments to Operating Budget):
  - \$ 50,000    Americans with Disabilities program
  - \$150,000    Hazard Trees
  - \$200,000    East Bay erosion project, design and permitting

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

None known.

**Options:**

- 1) Approve ordinance amending ordinance 6997.
- 2) Do not approve the amending ordinance or re-allocation of budget. The budget items would not be authorized.

**Financial Impact:**

The total increase in appropriations is \$124,462. The sources of funding of these appropriations are noted above.

**Ordinance No.**

**AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, RELATING TO THE CAPITAL FACILITIES PLAN FOR THE YEARS 2016 – 2021, AND AMENDING ORDINANCE NO. 6997.**

**WHEREAS**, the Olympia City Council adopted the “Capital Facilities Plan” for years 2016 through 2021 by passing Ordinance No. 6997; and

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

**WHEREAS**, the following amendments need to be made to Ordinance No. 6997;

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

**Section 1.** That certain document entitled the "Capital Facilities Plan," covering the years 2016 through 2021, 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 2016 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                                 | \$2,649,315<br><u>\$2,704,596</u> | \$ -                                | \$2,649,315<br><u>\$2,704,596</u>   | \$-                              |
| SEPA Mitigation Fee Fund                        | 78,501                            | -                                   | 78,501                              | -                                |
| Parks & Recreational Sidewalk, Utility Tax Fund | -                                 | 2,409,750                           | 2,409,750                           | -                                |
| Real Estate Excise Tax Fund                     | 744,400                           | 1,200,000                           | 1,944,400                           | -                                |
| Capital Improvement Fund                        | 69,600                            | <del>10,136,306</del><br>10,794,757 | <del>10,205,906</del><br>10,864,387 | -                                |

| FUND                        | APPROP.<br>FUND<br>BALANCE | ESTIMATED<br>REVENUE | APPROP.             | ADDITIONS<br>TO FUND<br>BALANCE |
|-----------------------------|----------------------------|----------------------|---------------------|---------------------------------|
| City Hall Construction Fund | 50,000                     | -                    | 50,000              | -                               |
| Water CIP Fund              | 700,000                    | 7,730,000            | 8,430,000           | -                               |
| Sewer CIP Fund              | 1,311,700                  | 741,300              | 2,053,000           | -                               |
| Storm Water CIP Fund        | 586,000                    | 1,799,000            | 2,385,000           | -                               |
|                             |                            | 1,159,700            | 1,745,700           |                                 |
| <b>TOTALS</b>               | <b>\$6,139,516</b>         | <b>\$24,016,356</b>  | <b>\$30,155,872</b> | <b>\$0</b>                      |
|                             | <b>\$6,244,797</b>         | <b>\$24,035,507</b>  | <b>\$30,280,334</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 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 Ordinance to Create an Aerial Mapping Special Account

**Agenda Date:** 4/19/2016  
**Agenda Item Number:** 4.F  
**File Number:** 16-0430

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

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**Title:**

Approval of Ordinance to Create an Aerial Mapping Special Account

**Recommended Action**

**Council Committee Recommendation:**

Not referred to a committee

**City Manager Recommendation:**

Move to pass the ordinance to create an Aerial Mapping Special Account on second reading.

**Report**

**Issue:**

Whether to establish an Aerial Mapping Special Account within the Special Accounts Control Fund.

**Staff Contact:**

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

**Presenter(s):**

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

**Background and Analysis:**

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

The City updates its aerial maps on three and nine year cycles. Aerial photography is updated every three years at a cost of about \$45,000. Every nine years a Light Detection and Ranging (LiDAR) update is done, at a cost of about \$55,000. LiDAR uses light pulses, combined with other survey data to generate accurate, three-dimensional information about ground surface elevations. The ground surface elevations are used to correct aerial photography and for engineering and planning. City staff found that adding the cost of these updates at one time to the budget was difficult. Adding a smaller amount to the budget each year is predictable, and ensures that the City is able to regularly update this critical data, used by all City departments. The most recent update was done in 2015 when flights were done to update both aerial photography and LiDAR.

Staff recommends creating the Account to even out the budgeting for aerial map updates. Budgets

within the Special Accounts Control Fund are not annual budgets and as such, do not lapse at the end of the year.

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

The City has up-to-date information necessary to support work done by staff in support of our community.

**Options:**

- 1) Approve the creation of the Aerial Mapping Special Account.
- 2) Do not approve the creation of the Aerial Mapping Special Account.

**Financial Impact:**

The 2016 budget anticipates the creation of the special account. \$20,312 is included in the budget as a set-aside for future updates.

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

**AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, creating a special account known as the "Aerial Mapping Account" within the Special Accounts Control Fund.**

WHEREAS, the City of Olympia occasionally needs to update its aerial maps ; and

WHEREAS, these updates occur on 3 and 5 year cycles; and

WHEREAS, setting aside funds annually into a special account to fund the updates ensures funds will be available for updates,

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

**Section 1.** There is hereby created within the Special Accounts Control Fund a special account designated as the "Aerial Mapping Account".

**Section 2.** There shall be transferred into the Aerial Mapping Account funds as may be budgeted within the various departmental budgets for aerial mapping. There shall be deposited within the Account other funds that may be received by the City designated for aerial mapping or other funds as may be designated by the City Council.

**Section 3.** Funds within the Aerial Mapping Account shall be used for updating the aerial mapping records of the City or for systems to access those records.

**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 (ACA)

**PASSED:**

**APPROVED:**

**PUBLISHED:**



## City Council

### Approval of Proposed Ordinance Eliminating Certain Business Licensing Fees and Amending Olympia Municipal Code (OMC) Section 5.02.015

**Agenda Date:** 4/19/2016  
**Agenda Item Number:** 4.G  
**File Number:** 16-0437

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

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#### **Title**

Approval of Proposed Ordinance Eliminating Certain Business Licensing Fees and Amending Olympia Municipal Code (OMC) Section 5.02.015

#### **Recommended Action**

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

Move to approve the proposed ordinance eliminating certain business licensing fees and amending Olympia Municipal Code (OMC) Section 5.02.015.

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

Move to approve the proposed ordinance eliminating certain business licensing fees and amending OMC Section 5.02.015 on second reading.

#### **Report**

##### **Issue:**

Whether to eliminate the \$25 Business License Tax Registration Fee and the \$25 New Business Registration fee.

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

Bill Sampson, Fiscal Services Accounting Manager, Administrative Services, 360.753.8473

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

Dean Walz, Fiscal Services Manager, Administrative Services, 360.753.8465

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

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

Currently, in order to open a new business inside the City of Olympia, it costs \$80. The City imposes three different fees; a \$25 B&O Tax registration fee, a \$25 new business registration fee, and \$30 for a business license. The fee for annual renewals is \$30. In order to make it less costly for businesses (especially small businesses) to begin doing business in Olympia, the Finance Committee



recommends the fee be reduced to a flat \$30.

The City began using the online State system for license applications and renewals in 2010. This has been more efficient for the City, reducing our costs. By lowering our fee we are also more competitive with Lacey and Tumwater. Lacey currently charges \$25 for both the new license as well as the renewal. Tumwater charges \$50 for the first year and \$20 for a renewal.

The Finance Committee considered this issue at its March 2, 2016 meeting, directed staff to prepare an ordinance and recommended the Council approve the ordinance.

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

None known.

**Options:**

1. Move to approve the proposed ordinance.
2. Direct staff to make changes to the proposed ordinance.
3. Do not approve the proposed ordinance.

**Financial Impact:**

The change will reduce annual revenue by approximately \$100,000.

**Attachments:**

Proposed ordinance.

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

**AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, RELATING TO BUSINESS LICENSING AND AMENDING OLYMPIA MUNICIPAL CODE SECTION 5.02.015.**

WHEREAS, on March 2, 2016, the City of Olympia Finance Committee considered the issue of amending Olympia Municipal Code (OMC) Section 5.02.015 by eliminating the \$25 Business License Tax Registration Fee and the \$25 New Business Registration Fee in order to make it less costly for businesses, particularly small businesses, to begin doing business in the City of Olympia; and

WHEREAS, the Finance Committee directed staff to prepare an ordinance with its recommended amendments for full City Council consideration; and

WHEREAS, the Olympia City Council finds it to be in the best interest of the City of Olympia to eliminate the \$25 Business License Tax Registration Fee and the \$25 New Business Registration Fee and amend OMC 5.02.15 accordingly.

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

**Section 1. Amendment of OMC 5.02.015. Olympia Municipal Code 5.02.015 is hereby amended to read as follows:**

**5.02.015 License fee**

The initial fee for the City business license required by this chapter is ~~\$80.00~~\$30.00. ~~The fee is comprised of an annual renewal business license fee of \$30.00, a onetime new business registration fee of \$25.00 and a onetime B&O tax registration fee of \$25.00.~~ The renewal fee may be prorated to accommodate the license term established under OMC 5.02.010. The license fees listed in this section are in addition to any other license or handling fee collected by the BLS.

**Section 2. 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 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.

\_\_\_\_\_  
MAYOR

ATTEST:

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

**APPROVED AS TO FORM:**



CITY ATTORNEY *(per)*

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**PASSED:**

**APPROVED:**

**PUBLISHED:**



## City Council

### Approval of Ordinance Amending Olympia Historic Inventory Regulations

**Agenda Date:** 4/19/2016  
**Agenda Item Number:** 4.H  
**File Number:** 16-0493

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

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#### **Title**

Approval of Ordinance Amending Olympia Historic Inventory Regulations

#### **Recommended Action**

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

This matter was reviewed the Olympia Heritage Commission, Planning Commission and Land Use and Environment Committee and they recommend that City Council move to approve the ordinance.

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

Move to approve the ordinance amending Olympia Historic Inventory regulations on first reading and forward to second reading.

#### **Report**

##### **Issue:**

Whether to approve the ordinance which removes from Olympia Municipal Code the provision for Heritage Commission review of demolition permits for buildings that have been placed on the Olympia Historic Inventory (but not listed on Olympia Heritage Register or within a designated historic district).

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

Michelle Sadlier, Historic Preservation Officer, Community Planning & Development, 360.753.8031

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

None - Consent Calendar Item.

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

Under the Heritage Commission's approved work plans for 2014 and 2015, the Commission has been conducting heritage-related ordinance review. As a result of concerns identified on the regulation of Olympia Historic Inventory properties, the Commission has recommended the removal of OMC 18.12.100(B): Demolition of Property on the Historic Inventory from the Olympia Municipal Code (OMC).

This proposed code change is intended to improve transparency on the designation of historic buildings and improve customer service.

### Definitions

As described in the OMC, the City maintains two lists of historic properties:

- The Olympia Historic Inventory (**Inventory**); and
- The Olympia Heritage Register (**Register**).

The Inventory is the subject of this proposed code amendment. It is defined in OMC 18.02.180 as: *Buildings and property identified and listed by the Heritage Commission as having special historic significance and merit.*

The Inventory is a relatively informal list of historic buildings and sites. It results from information gained from a professional architectural survey of historic properties which is presented to the Heritage Commission for review. The Heritage Commission then determines which properties to place on the Inventory to note these properties as having historical significance to Olympia. The criteria and process to make this determination are not defined in the OMC, nor is formal public consultation called for. As a result, many building owners are unaware that their property is on the Inventory. There is minimal regulation associated with being on the Inventory (described below). There are also no preservation incentives, such as tax benefits, for Inventory properties.

The other list of historic properties - the Register - is defined in the code as: *The listing of properties having special historic significance and is listed on the Olympia Heritage Register, and including listings on the Washington Heritage Register, or National Register of Historic Places.*

In contrast to the Inventory, the Register has a formal application process that includes extensive historical research and documentation, assessment of the application by the Heritage Commission using pre-determined criteria, and a public process which includes a public hearing and the consent of the owner of the property proposed for designation. Regulation of Register properties is addressed in the OMC through the heritage review process. Owners of Register properties have access to preservation tax incentives, such as Washington State's Special Valuation program, and receive a bronze plaque to mark their property as one of Olympia's designated historic properties.

### Regulation of Inventory Properties

The only regulation associated with Inventory properties relates to demolition. Current code requires that proposed demolition of a building on the Inventory go through a special review process with the Heritage Commission. This process considers whether the property is eligible for the Register, resulting in the following:

1. If the property is determined not to be eligible, the Heritage Commission documents the property and conveys a Waiver of Certificate of Appropriateness, the document submitted to the City of Olympia's Building Official to indicate the Heritage Commission's recommendation of approval of an application on heritage grounds; or
2. If the property is determined to be eligible, the process of placing it on the Register begins.

However, in essence, whichever determination is made is unlikely to have a direct impact on the decision to approve an application to demolish the building. This is because, unless decided by the City Council (OMC 18.12.085(B)(10)), a building cannot be placed on the Register without the

owner's consent. As the owner is proposing to demolish the building, he/she is unlikely to give consent to place it on the Register. Therefore, although a decision would be delayed, an application proposing to demolish an Inventory building is unlikely to be turned down for historic preservation reasons.

Heritage Commission Recommendation:

Following consideration of these factors, the Heritage Commission concluded that owner uncertainty about Inventory designation and the potential costs involved in the delay of an application decision which is unlikely to prevent demolition does not support the promotion of historic preservation in our community. On May 28, 2014, the Commission recommended removal of the provision in the OMC on regulation of Inventory properties. Doing so would remove any regulation of these properties but retains the Inventory as an informational list of historically significant places. This proposal has no impact on formally designated properties on the Register, including buildings located within one of Olympia's five historic districts.

The sections of the OMC which would be impacted by this proposed change are:

- OMC 18.02.180 Definitions; and
- OMC 18.12 Historic Preservation.

Other Code Amendment Process Steps Completed:

1. Planning Commission Public Hearing - October 6, 2014: No comments made by the public;
2. Planning Commission Deliberation - October 20, 2014: Motion to accept the Heritage Commission's recommendation passed unanimously;
3. City of Olympia State Environmental Policy Act (SEPA) Official Review - October 27, 2014: Notice of Exemption from SEPA Review issued;
4. Department of Commerce 60-Day Notice - November 20, 2014: Passed without comment; and
5. Land Use and Environment Committee Meeting - February 26, 2015: Recommendation approved and referred to the City Council.

The delay in presenting the ordinance to the City Council was due to constraints on staff time.

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

General public interest in Olympia's historical character. No public comments were made at or following the Olympia Planning Commission's public hearing on October 6, 2014.

**Options:**

1. Approve the proposed ordinance.
2. Refer the ordinance to the Planning Commission for further review.
3. Do not approve the proposed ordinance.

**Financial Impact:**

Staff time included in base budget.

**Attachments:**

Ordinance

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

**AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, RELATED TO  
REGULATION OF THE DEMOLITION OF PROPERTIES LISTED ON THE  
HISTORIC PROPERTY INVENTORY AND AMENDING CHAPTER 18.12 AND  
SECTION 18.02.180(H) OF THE OLYMPIA MUNICIPAL CODE**

WHEREAS, on May 28, 2014, the Heritage Commission directed staff to prepare a proposed change to the Olympia Municipal Code as it relates to the regulation of the demolition of properties listed on Olympia's Historic Property Inventory; and

WHEREAS, the proposal went before the Olympia Planning Commission by public hearing on October 6, 2014, and the recommendation was accepted at the Commission's October 20, 2014 meeting; and

WHEREAS, the recommendation was then presented to the Land Use & Environment Committee on February 26, 2015, after which they referred the decision to the full City Council; and

WHEREAS, this Ordinance is supported by the staff report and materials associated with this Ordinance; and

WHEREAS, this Ordinance is also supported by the professional judgment and experience of the City staff who have worked on this proposal; and

WHEREAS, City Staff are known to the City Council, and staff's curriculum vitae shall be part of the record in support of this Ordinance; and

WHEREAS, the purpose of this Ordinance is to remove language regulating demolition of properties listed on the Historic Property Inventory and shift the focus to using the Olympia Heritage Register instead;

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

**Section 1. Amendment of OMC 18.12. Olympia Municipal Code 18.12 is hereby amended to read as follows:**

Chapter 18.12  
HISTORIC PRESERVATION

18.12.000 Chapter Contents

Sections:

- 18.12.020 General Purpose and Intent
- 18.12.040 Heritage Commission Creation and Size
- 18.12.045 Heritage Commission Composition
- 18.12.050 Heritage Commission Term of Appointment
- 18.12.055 Heritage Commission Powers and Duties
- 18.12.065 Heritage Commission Compensation
- 18.12.070 Heritage Commission Rules and Officers
- 18.12.075 Heritage Commission Staff



- 18.12.080 Heritage Register - Criteria to Designate Property
- 18.12.085 Heritage Register - Process to Designate Property to the Heritage Register or Historic District
- 18.12.090 Heritage Register - Alteration and Construction
- 18.12.100 Demolition of a Historic Buildings,or a Contributing Historic District Property ~~or Historic~~  
Inventory Property
- 18.12.110 Removal of Designation
- 18.12.120 Archaeological Sites

**18.12.020 General Purpose and Intent**

The purpose and intent of this chapter is to provide for the identification, enhancement, perpetuation and use of historic resources within the City in order to:

- A. Safeguard the heritage of the City as represented by those sites, buildings, districts, structures and objects which reflect significant elements of the City's history.
- B. Strengthen the economic vitality of the City by promoting the stabilization and improvement of property values in historic areas, and by encouraging new buildings and developments that will be harmonious with existing historic buildings and areas.
- C. Foster civic and neighborhood pride in the beauty and accomplishments of the past, and a sense of identity based on the City's history.
- D. Protect and enhance the City's ability to attract tourists and visitors, thereby stimulating the local economy.
- E. Assist, encourage and provide incentives to private owners for preservation, restoration, redevelopment and use of outstanding historic buildings, districts, neighborhoods, streets, structures, objects and sites.
- F. Promote and facilitate the early identification and resolution of conflicts between the preservation of historic resources and alternative land uses.
- G. Conserve valuable material and energy resources by ongoing use and maintenance of the existing built environment.

**18.12.040 Heritage Commission Creation and Size**

The Olympia Heritage Commission consists of up to eleven (11) members. Members of the Heritage Commission shall be appointed by the City Council.

#### **18.12.045 Heritage Commission Composition**

A. In making appointments, the City Council may consider names submitted from any source, but the Council shall notify local history and development-related organizations of vacancies so that names of interested and qualified individuals may be submitted by such organizations for consideration along with names from any other source.

B. The Heritage Commission shall always include at least four (4) professionals who have experience in identifying, evaluating and protecting historic resources and are selected from among the disciplines of history, architecture, architectural history, historic preservation, planning, cultural anthropology, archeology, cultural geography, American studies, law, and real estate. Heritage Commission action that would otherwise be valid shall not be rendered invalid by the temporary vacancy of one or all of the professional positions, unless the Heritage Commission action is related to meeting Certified Local Government (CLG) responsibilities cited in the Certification Agreement between the City of Olympia and the State Department of Archaeology and Historic Preservation, in which case Heritage Commission action may only be taken if in compliance with said agreements. Exception to the residency requirement of Heritage Commission members may be granted by the City Council in order to obtain representatives from these disciplines.

C. All members of the Heritage Commission must have a demonstrated interest in and knowledge of historic preservation.

#### **18.12.050 Heritage Commission Term of Appointment**

Appointment of members to the Heritage Commission shall be made for a three (3) year term and may be extended by City Council reappointment. The City Council shall appoint members to fill any vacancies for the unexpired term.

#### **18.12.055 Heritage Commission Powers and Duties**

A. The major responsibilities of the Heritage Commission are: to identify and actively encourage the preservation of ~~the City's Olympia's~~ historic resources by maintaining, updating, and expanding ~~an inventory of historic resources, a the Olympia~~ Heritage Register of Historic Places, and reviewing proposed changes to Heritage Register properties; to raise community awareness of ~~the City's Olympia's~~ history and historic resources; and to serve as the City's primary resource in matters of history, historic planning and preservation.

In carrying out these responsibilities the Heritage Commission shall engage in the following:

1. Educate property owners about the importance of rehabilitating, preserving, and maintaining the properties or objects.
2. ~~Conduct a comprehensive inventory of historic properties within the boundaries of the City; publicize and periodically update inventory results. The Heritage Commission may evaluate buildings in the inventory for their degree of historic significance to the City through a rating system as defined in~~

the City of Olympia Rating System. Initiate and review periodic surveys of historic properties in Olympia to help identify buildings of historical significance to the community.

3. Maintain a Heritage Register according to criteria and procedures stated in Sections 18.12.080 and 18.12.085. This Heritage Register shall list buildings, structures, districts, sites and objects identified by the Heritage Commission as having historic significance worthy of recognition and protection by the City.
4. Consider the establishment or expansion of Historic Districts (see OMC 18.12.085.C).
5. Review and make recommendations to the City Council on applications for Special Valuation Tax (see OMC 3.60).
6. Review proposals and applications to construct, change, alter, modify, remodel, remove or significantly affect properties or districts on the Heritage Register properties, as provided OMC 18.12.090 and 18.12.100. Such review shall be for the purpose of providing recommendations on the impacts of the proposed action to the identified historic resource. All recommendations shall be consistent with the Design Review Criteria and SEPA Mitigation. The City agency or body charged with acting on such a permit or document shall forward a copy of the final decision to the Heritage Commission.
7. Make recommendations to the City Council to be used in the land use and permitting process to guide this review.
8. Participate in, promote and conduct public information, educational and interpretive programs pertaining to historic and archaeological resources.
9. Provide information to the public on methods of maintaining and rehabilitating historic properties. This may take the form of pamphlets, newsletters, workshops or similar activities.
10. Recognize excellence in the rehabilitation of historic objects, buildings, structures, sites and districts, and new construction in historic areas; and encourage appropriate measures for such recognition.
11. Be informed about and provide information to the public on incentives for preservation of historic resources, including legislation, regulations and codes which encourage the use and adaptive reuse of historic properties.
12. Make recommendations to the City Council on nominations to the Washington Heritage Register and National Register of Historic Places.
13. Investigate and report to the City Council on the use of various federal, state, local or private funding sources available to promote historic, archaeological, and cultural resources in the City.

14. Provide liaison support, communication, and cooperation with federal, state and other local governmental entities which will further historic preservation objectives, including public education, within the Olympia area.
15. Review and provide recommendations to the City Council on the conduct of land use, housing and redevelopment, municipal improvement, and other types of planning and programs undertaken by any agency of the City, other neighboring cities and towns, the County, the state or federal governments, as they relate to historic and archaeological resources within the City.
16. Conduct all Heritage Commission meetings in compliance with RCW Chapter 42.30, the Open Public Meetings Act, to provide for public participation and adopt standards to guide this action.
17. Coordinate as appropriate with City departments and other heritage organizations.
18. Perform any other functions designated to the Commission by the City Council.

#### **18.12.065 Heritage Commission Compensation**

All members of the Heritage Commission shall serve without compensation except for out-of-pocket expenses incurred in connection with Heritage Commission meetings or programs, and which are in accordance with City policy for reimbursement of expenses.

#### **18.12.070 Heritage Commission Rules and Officers**

The Commission shall establish and adopt its own bylaws that are consistent with federal, state, and local laws to implement this Chapter. The Heritage Commission shall select from among its membership a chairperson and such other officers and committees, such as the Joint Review Committee and Heritage Review Committee, as may be necessary to conduct the Heritage Commission's business.

#### **18.12.075 Heritage Commission Staff**

The City shall provide professional staff and clerical support to the Heritage Commission. Additional assistance and information will be provided by other City departments as may be necessary to aid the Heritage Commission in carrying out its duties and responsibilities under this Chapter.

#### **18.12.080 Heritage Register - Criteria to Designate Property**

Any building, structure, object, site or district may be designated for inclusion in the City Heritage Register if it has significant character, interest or value as part of the development, heritage or cultural characteristics of the City, state or nation; is at least fifty (50) years old, or is of lesser age and has exceptional importance; possesses at least two (2) elements of integrity of location, design, setting, materials, workmanship; is well-maintained; and if it falls into at least one (1) of the following categories:

- A. Is significantly or substantially a part of or connected with events that have made a significant contribution to the broad patterns of national, state or local history.
- B. Embodies the distinctive architectural characteristics of a type, period, style or method of design or construction, or represents a significant and distinguishable entity whose components may lack individual distinction.
- C. Is an outstanding work of a designer, builder or architect who has made a substantial contribution to the art.
- D. Exemplifies or reflects special elements of the City's cultural, social, economic, political, aesthetic, engineering or architectural history.
- E. Is significantly or substantially a part of or connected with the lives of persons significant in national, state or local history.
- F. Has yielded or may be likely to yield archaeological information important in pre-history or history.
- G. Is a religious property deriving primary significance from architectural or artistic distinction or historical importance.
- H. Is a building or structure removed from its original location but which is significant primarily for architectural value, or which is the surviving structure most importantly associated with a historic person or event.
- I. Is a birthplace or grave of a historical figure of outstanding importance.
- J. Is a cemetery which derives its primary significance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events, or cultural patterns.
- K. Is a reconstructed building that has been executed in a historically accurate manner on the original site.
- L. Is a creative and unique example of folk architecture and design created by persons not formally trained in the architectural or design professions, and which does not fit into formal architectural or historical categories.

**18.12.085 Heritage Register - Process to Designate Property to the Heritage Register or Historic District**

Listing on the Heritage Register is an honor that denotes significant association with the historic, archaeological, engineering, or cultural heritage of the community. Properties are listed individually or as a Historic District.

A. Any person, including members of the Heritage Commission, may nominate a building, structure, object, site or district for inclusion on the City Heritage Register.

B. Individual Properties:

1. Applications shall be on forms provided by the city and include information and documentation supporting the historic significance of the building, structure, object, site or district.
2. The application shall specify the exterior features, outbuildings, and other characteristics of the site and the building interior (if any) that contribute to its designation.
3. Notification of nomination will be sent to the property owner.
4. If someone other than the property owner makes a nomination the Heritage Review Committee may deny an application for placement on the Heritage Register based on a determination of ineligibility during a preliminary review. Applicants may appeal this denial to the Heritage Commission.
5. If an application advances to the full Heritage Commission, notification of nomination will be sent to the property owner and posted on the site.
6. Notification of a public hearing will be mailed to the property owner and the applicant(s), posted on the site, and published in a newspaper of general circulation in Olympia, not less than ten (10) days prior to the hearing.
7. The Heritage Commission shall consider the merits of the nomination according to the criteria in OMC 18.12.080 following a public hearing.
8. If the Heritage Commission finds that the nominated property meets the designation criteria in OMC 18.12.080 and has the property owner's consent, the property shall be listed on the Heritage Register and owner(s) and lessee(s), if any, notified of the listing.
9. A marker for register properties with information about the property and its significance must be approved by the Heritage Commission or staff. The City may provide this marker.
10. If the owner does not consent to placement of his or her property on the Olympia Heritage Register, after following process set forth in OMC 18.12.085.B above, the Heritage Commission may recommend that the City Council approve designation without property owner consent. Notice will be given to the property owner at least 10 (ten) days prior to the City Council review. A person who is adversely aggrieved by a decision of the City Council under this subsection may appeal the City Council decision to Thurston County Superior Court as provided by law.

C. Districts:

1. Signatures must be obtained from the owners of a majority of the properties within the proposed district.
2. Applications shall be on forms and include information and documentation supporting the historic significance of the district.
3. The application shall specify the exterior features, outbuildings, and other characteristics of the sites within the district and the overall character defining elements that contribute to its designation, and identify the contributing and non-contributing status of the properties within the district.
4. The Heritage Review Committee or staff may deny an application for Historic District status based on a determination of a ineligibility during a preliminary review. Applicants may appeal this denial to the Heritage Commission.
5. The Heritage Commission shall consider the merits of the nomination according to the criteria in OMC 18.12.080 following a public hearing. If the Heritage Commission finds that the nominated district meets the designation criteria in OMC Section 18.12.080, the district may be listed on the Heritage Register with the owner's consent and the owner(s) and lessee(s), if any, notified of the listing.
6. If a majority of property owners within the proposed district boundaries do not consent to District designation, after following process set forth above, the Heritage Commission may recommend that the City Council approve designation without property owner consent. Notice will be given to the property owners at least 10 (ten) days prior to the City Council review. A person who is adversely affected or aggrieved by a decision of the City Council under this subsection may be appeal the City Council decision to Thurston County Superior Court pursuant to the procedures set forth in RCW Chapter.

D. The decision of the Heritage Commission designating objects, properties and districts to the City Register may be appealed by the owner(s) of the affected property in writing on forms provided by the City within thirty (30) days to the City Council. Decisions of the City Council may be appealed to Thurston County Superior Court.

E. Properties listed within a Historic District shall be noted on the official records of the City. Such properties shall be subject to the provisions set forth in this Chapter, as well as the bulk, use, setback, and other controls of the zoning district in which they are located. Nothing contained in this Chapter shall be construed to be repealing, modifying or waiving any zoning or building code provisions.

F. Markers noting the boundaries of the Historic District must be approved by the Heritage Commission or staff. The City may provided these markers.

### **18.12.090 Heritage Register - Alteration and Construction**

A. Applicability. (See Design Guidelines, Sections 18.105.020 and 18.105.030, Remodeled Historic Buildings.)

No person shall construct any new building or structure, or reconstruct, alter, restore, remodel, repair or demolish any existing building or structure which is on the Heritage Register or within a Historic District without review by the Heritage Commission, the Heritage Review Committee, or Joint Design Review, as required by OMC 18.12.070 and 18.76 180. The review shall apply only to exterior or interior features designated as significant and relating to the designation of the property to the Heritage Register and interior features for historically significant interior spaces of public buildings, including privately owned buildings open to the public; provided, that this section shall have no application to ordinary repair and maintenance, including painting, or Emergency Repair measures as defined in Chapter 18.02, Definitions. Violation of this rule shall be grounds for the Heritage Commission to review the property for removal from the Heritage Register. The review shall be based upon OMC 18.105.020 and 18.105.030.

#### **B. Review Process**

1. Whenever applications are made for alterations, changes, construction on any properties within a Historic District or on the Heritage Register, the Building Official shall notify the Preservation Officer so that the proposed change may be reviewed under the provisions of Sections 18.105.020 and 18.105.030. The Building Official or Preservation Officer shall also notify the applicant of the special review that is required. The Building Official shall continue to process such application and shall work with the Historic Preservation Officer in considering Building and Fire Code requirements and consider the Historic Building Code 16.04.020 but shall not issue any such permit, except as provided by law, until review and recommendations have been completed by the Heritage Commission, its Committee, the Joint Design Review Committee or the Preservation Officer. Consistent with law, any recommendations by the Heritage Commission, the Preservation Officer, or the Heritage Review Committee that are incorporated into the permit official's decision, shall become binding conditions of approval of any permits granted.

2. If no permit is required to pursue work on a designated property or within a designated Heritage Register District, whoever is responsible for the work is encouraged to consult with the Preservation Officer prior to commencement of the work for consistency with The Secretary of the Interior's Standards for the Treatment of Historic Properties (as amended).

3. Such applications shall be accompanied by such information as is required by the Heritage Commission and which is reasonably necessary for the proper review of the proposed project.

4. The Preservation Officer may review and approve minor work requiring a permit that does not involve substantial alterations, additions or removals that only alter the features identified when the property was listed on the Heritage Register, or District.



5. Unless legally required elsewhere, there shall be no notice, posting or publication requirements for action on the application, but all such actions shall be made at a regular meeting of the Heritage Commission or at a meeting of the Heritage Review Committee. The Heritage Commission's recommendations shall be in writing and shall state the findings of fact and reasons relied upon in reaching its decision. These findings of fact and reasons shall be based on the factors to consider in reviewing changes as cited in Section 18.12.120(C), Additional Factors to Consider.

6. The Heritage Commission's recommendations shall be transmitted to the Building Official. The recommendations of the Heritage Commission shall be given substantial weight by the Building Official in establishing conditions for the permit.

C. Standards for Review.

1. For a property individually listed on a Heritage Register, the proposed work should not detrimentally alter, destroy or adversely affect any exterior feature or interior feature relating to the designation of the property to the Heritage Register. In the case of construction of a new improvement, building or structure on the site of a Heritage Register property, the exterior of such construction will not adversely affect and will be compatible with the external appearance of existing designated improvements, buildings and structures on the site. The Secretary of the Interior's Standards for the Treatment of Historic Properties (as amended) shall be the standards which guide the review of Heritage Register properties.

2. For any property located within a Historic District, the proposed construction, removal, rehabilitation, alteration, remodeling, excavation or exterior alteration shall conform to the standards in OMC 18.110.210, 18.105.020, and 18.105.030 and preserve the historic context and merit of the district, consistent with The Secretary of the Interior's Standards for the Treatment of Historic Properties (as amended).

3. Proposed alterations or significant changes necessary or appropriate in order to meet the requirements of any other law, statute, ordinance, regulation, code or ordinance shall be coordinated with, and given consideration along with historic preservation concerns, in reviewing proposed changes to Heritage Register properties.

**18.12.100 Demolition of a Historic Building, or a Contributing Historic District Property, and Historic Inventory Property**

A. Demolition of a Historic Building or a Contributing Historic District Property. Findings and a recommendation to the Building Official made by the Heritage Commission or Historic Preservation Officer is required before a permit may be issued to allow whole or partial demolition of a designated structure or facility of recognized historical significance, which for the purposes of WAC 197-11-800(2)(f) is one listed on the Olympia Heritage Register, Washington Heritage Register or National Register of Historic Places. The owner or his/her agent shall apply to the building official who will request a review of the proposed demolition by the

Heritage Commission. The Heritage Commission shall recommend to the Building Official the approval or denial of the proposed demolition. Recommendations may also include steps to mitigate the loss of the property through, but not limited to, the procedures described in the SEPA Mitigation Policy for Olympia Historic Resources. The Building Official shall give substantial weight to these recommendations in establishing conditions of approval of the permits granted. If the structure is demolished, the Heritage Commission shall initiate the procedure for removal of the structure from the Heritage Register and may recommend designation as a historic site.

~~B. — Demolition of a Property on the Historic Inventory. If an application is made for the demolition of a property that is on the Inventory of Historic Places but is not listed on a Heritage Register or within a historic district, the Director shall notify the Preservation Officer. The Commission shall make a determination if the property is eligible for the Register. If it is not determined eligible, the Commission will document the property as outlined in its Rules and convey a Waiver of Certificate of Appropriateness to the Director. If the property is determined to be eligible for the Register pursuant to 18.12.080, the process outlined in 18.12.085 shall be followed.~~

#### **18.12.110 Removal of Designation**

In the event that any property is no longer deemed appropriate for designation to the Heritage Register, the Heritage Commission may remove such designation by the same procedure as provided for in establishing the designation, particularly Section 18.12.100(D), (E) and (F). A property may be removed from the Olympia Heritage Register without the owner's consent.

#### **18.12.120 Archaeological Sites**

A. Whenever in the course of excavation or development, archaeological materials (e.g. bones, shell, stone tools, beads, ceramics, old bottles, hearths, etc.) or human remains are observed during project activities, all work in the immediate vicinity shall stop. The Department of Archaeology and Historic Preservation, the Building Official, the Preservation Officer, any the affected tribe(s) and the county coroner (if applicable) shall be contacted immediately by the property owner or the City in order to help assess the situation and determine how to preserve the resource(s).

B. The property owner shall arrange for an inspection of the site within seven (7) calendar days by one or more archaeology professionals at the expense of the property owner. The Department of Archaeology and Historic Preservation (DAHP) maintains a list of archaeology professionals. The archaeology professionals (s) shall make recommendations as to site restoration, site protection or removal of artifacts. The DAHP, Building Official, property owner, affected tribes, and archaeologist will consult on the treatment of the archaeological resources.

C. If the archaeological inspection indicates the site is significant, or if the site has previously been recorded by the State Department of Archaeology and Historic Preservation, the Building Official and the Preservation Officer shall consult that agency for its recommendation. The Building Official may revoke or temporarily

suspend the permit based on the site's archaeological importance. Or, the Building Official shall add mitigating conditions to the project approval in order to protect these sites or artifacts. For sites that are not determined significant but are of local interest, the Building Official may add appropriate mitigating conditions. In any case, the discovery of archaeological materials requires that the property owner must comply with all applicable laws pertaining to archaeological resources (RCW 27.53, 27.44 and WAC 25-48). Failure to comply with this requirement could constitute a Class C Felony. If federal funds or permits are involved in the project, notification to the appropriate federal agency and the Advisory Council shall occur in addition to the above-listed parties, per 36 CFR Sec. 800.12.

D. Where known archeological sites, as identified by Department of Archaeology and Historic Preservation (DAHP), are proposed for development, the Review Authority shall consult DAHP for their recommendations, and may deny or condition the permit where the archaeological value of the site outweighs the development value, if compensation is available or require recovery of the archaeological materials or other appropriate mitigation measures.

E. The City of Olympia, through an agreement with the DAHP and the appropriate tribes, will reference identified archaeological sites in reviewing land use actions.

**Section 2. Amendment of OMC 18.02.180. Olympia Municipal Code Subsection 18.02.180(H) is hereby amended to read as follows:**

H. DEFINITIONS - SPECIFIC.

Handoff Candidate. A wireless communication facility that receives call transference from another wireless facility, usually located in an adjacent first "tier" surrounding the initial wireless facility.

Hazardous Materials. Those materials which are acutely toxic, ignitable, corrosive, reactive, persistent, carcinogenic, or which leach hazardous constituents, as described in Chapter 173-303 WAC. Examples include, but are not limited to, pesticides, acids, paint strippers and antifreeze.

Hazardous Waste. Those wastes which are acutely toxic, ignitable, corrosive, reactive, persistent, carcinogenic, or which leach hazardous constituents or are specifically listed as hazardous waste, as described in Chapter 173-303 WAC. Examples include, but are not limited to, pesticides, acids, paint strippers and antifreeze.

Hazardous Waste, Extremely. Any dangerous waste which:

a. Will persist in a hazardous form for several years or more at a disposal site and which in its persistent form:

i. Presents a significant environmental hazard and may be concentrated by living organisms through a food chain or may affect the genetic makeup of man or wildlife, and/or

- ii. Is highly toxic to man or wildlife;
- b. Is disposed of at a disposal site in such quantities as would present an extreme hazard to people or the environment. (See also Ash, Incinerator and Off-Site Treatment and Storage Facility.)

Health Fitness Centers and Dance Studios. Health clubs, aerobics centers, athletic clubs and gymnasiums, indoor tennis and swim clubs, handball and racquetball clubs, weight-reducing centers, dance studios, and other businesses primarily engaged in indoor health and recreation activities, whether on a membership basis or for the general public. (See also Commercial Recreation, Golf Courses, Country Clubs, and Riding Stables.)

Health Officer. That person of the Thurston County Health Department described as such in Chapter of 70.05 RCW or a duly authorized representative.

Hearing Examiner. See Examiner.

Hedge. A row of shrubs or low-branching trees planted close together that forms a sight-obscuring or obstructing barrier below seven feet above the ground.

Height, Building. The vertical distance from grade plane to the average height of the highest roof surface.

Herbicide. Any substance used to kill plants, especially weeds.

Heritage Commission. A commission charged with historic planning and preservation, consisting of members appointed by the City Council.

Heritage Register or Register. The listing of properties having special historic significance and is listed on the Olympia Heritage Register, and including listings on the Washington Heritage Register, or National Register of Historic Places.

Heritage Review Committee. A sub-committee of the Heritage Commission charged with reviewing proposed changes to properties on the Heritage Register or within a historic district, and with making recommendations on permit approval to the Building Official.

Historic Building. A building listed on the ~~Historic Property Inventory~~, Olympia Heritage Register, the National Register of Historic Places and/or the Washington Heritage Register.

Historic District. A geographically defined area containing buildings, structures, sites, objects and spaces linked historically through location, design, setting, materials, workmanship, feeling, and/or association. The significance of a district is the product of the sense of time and place in history that its individual components collectively convey. This sense may relate to developments during one period or through several periods in history.

Historic House Museum. A home owned by a public or registered nonprofit organization that has been placed on the National, local or State Register of Historic Places, and which is open to the public.

Historic Preservation Officer, Preservation Officer. The person designated by the Director to respond to requests for review and information relating to historic preservation and to be the primary staff liaison to work with the Heritage Commission.

~~Historic Property Inventory. Buildings and property identified and listed by the Heritage Commission as having special historic significance and merit.~~

Historic Resources. Any building, structure, object, district, area, or site that is significant in the history, architecture, archaeology or culture of this city, state, or nation, as identified by the Olympia Heritage Register, Washington Heritage Register, or the National Register of Historic Places.

Historic Site. A place where a significant event or pattern of events occurred. It may be the location of prehistoric or historic occupation or activities that may be marked by physical remains; or the site may be the symbolic focus of a significant event or pattern of events that may not have been actively occupied. A site may be the location of a ruined or now nonexistent building, structure, or object if the location itself possesses historic, cultural, or archaeological significance.

Historic Sites (Registered). Those buildings, structures, districts, sites and objects which are on the City Heritage Register or the State or National Register of Historic Places. (See also Archaeological Sites.)

Home Occupation. A commercial use within a residential dwelling unit which is clearly incidental and accessory to the residential use of the property and complies with applicable provisions of this Title.

Hospice Care Center. See Dwelling, Assisted Living.

Hospital. A medical institution or facility within an integrated campus setting for the purpose of diagnosis, care, and treatment of human illness, including surgery, long-term and emergency medical treatment. (See also Office, Medical.)

Hotel. See Dwelling, Transient.

Human Scale. The size or proportion of a building element or space, or an article of furniture, relative to the structural or functional dimensions of the human body. For example, a brick is approximately the size of a human hand.

Hydric Soil. A hydric soil is a soil that formed under conditions of saturation, flooding, or ponding long enough during the growing season to develop anaerobic conditions in the upper part. (USDA - NRCS 1995, Federal Register, 7/13/94, Vol. 59, No. 133, pp 35680-83). Hydric soils that occur in areas having positive indicators of

hydrophytic vegetation and wetland hydrology are wetland soils, as defined by the Washington State Wetlands Identification and Delineation Manual (1997), Ecology Publication #96-94, as amended or revised.

**Section 3. Severability.** If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the Ordinance or application of the provisions to other persons or circumstances shall remain unaffected.

**Section 4. Ratification.** Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

**Section 5. Effective Date.** This Ordinance 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:**

*Darren Nienaber*

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CITY ATTORNEY

**PASSED:**

**APPROVED:**

**PUBLISHED:**



## City Council

### Public Hearing on Ordinance Extending for an Additional Six Months the Moratorium on Medical Marijuana Collective Gardens and Other Cannabis-Related Uses not Licensed by Washington State

**Agenda Date:** 4/19/2016  
**Agenda Item Number:** 5.A  
**File Number:** 16-0481

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**Type:** public hearing **Version:** 1 **Status:** Public Hearing

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#### **Title**

Public Hearing on Ordinance Extending for an Additional Six Months the Moratorium on Medical Marijuana Collective Gardens and Other Cannabis-Related Uses not Licensed by Washington State

#### **Recommended Action**

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

Not referred to a committee.

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

Hold the public hearing. If Council has enough information for a decision after closing the public hearing, move to approve the ordinance extending the moratorium on medical marijuana collective gardens for an additional six months on first reading and forward to second reading.

#### **Report**

##### **Issue:**

Whether to extend for an additional six months the City's existing moratorium on new Medical Marijuana Collective Gardens and other cannabis related land uses not licensed by Washington State.

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

Chris Grabowski, Code Enforcement Officer, 360.753.8168  
Darren Nienaber, Deputy City Attorney, 360.753.8338

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

Chris Grabowski, Code Enforcement Officer, 360.753.8168  
Darren Nienaber, Deputy City Attorney, 360.753.8338

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

In November of 2012, Washington State voters passed Initiative Measure No. 502

(I-502) legalizing the sale of recreational cannabis in the State of Washington. Subsequently, on May 7, 2013, the Olympia City Council established a moratorium on all new cannabis related land uses. The moratorium was for one year. On October 15, 2013, Council approved interim zoning regulations for I-502 recreational marijuana and lifted that portion of the moratorium which applied to those uses. The moratorium on new medical marijuana collective gardens and other cannabis land uses not addressed by I-502 remained in place.

The Washington State Legislature passed comprehensive legislation (2SSB 5052 & HB 2136) creating rules for the largely unregulated medical cannabis collectives and establishing a state regulated system overseen by the Liquor and Cannabis Board, and the Washington State Department of Health. The long-standing "collectives" are now much smaller and more tightly regulated "cooperatives" that cannot easily rotate their four-person membership. The four-person cooperative can grow up to fifteen (15) plants per member. Cooperatives cannot sell or donate their product to other medical users, even those registered with the state, and members have to work the plants rather than pay into the cooperative. The state's new regulations mandate that all existing collective storefronts cease operation by July 1, 2016.

The number of state licensed retailers has been increased in the City of Olympia to meet demand previously met by the collective storefronts. To serve the medical users who will need or want access to marijuana at a store, the state authorized the creation of 222 licenses in addition to the 334 it originally authorized. The state allotted the City of Olympia three new retail cannabis licenses, in addition to the two licenses it received in the original round of licensing. All of five of these retail licenses have been assigned. The three new licensees are going through the Hearing Examiner review process.

The Olympia City Council approved interim regulations for state licensed retailers which add more allowed zones for sales, and reduces certain buffers to restricted land uses as authorized by state law. Under its 2014 regulations, the City allowed retail sales of cannabis through state licensed retail stores in General Commercial (GC) and High Density Corridor 4 (HDC-4) zones and production and processing in Light Industrial (LI) zones. The interim regulations approved by Council in 2015 added High Density Corridor 3 (HDC-3) and Medical Services (MS) zones to those allowed for retail sales, and reduced buffers on restricted land uses to 500 feet, except for schools and playgrounds, which remain at 1,000 feet. There was no change to the zoning for producers/processors. These interim regulations are scheduled to be taken up by the Olympia Planning Commission later this year.

At its September 22, 2015 meeting, the City Council extended the moratorium for an additional six months after holding the requisite public hearing. That extension is set to expire the first week of May 2016. It is necessary to extend the moratorium an additional six months in order to cover that time period until the July 1 deadline for pre-existing medical collectives to cease operations and the enforcement of that deadline, if necessary.

City staff requests that the Council extend the City's moratorium on marijuana establishments that



are not State-licensed.

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

There are a number of pre-existing collective garden shops currently serving the medical marijuana community which came into existence prior to the City's moratorium. Those shops which were unable to obtain a state retailer license will be required by the State to shut down by July 1, 2016.

**Options:**

1. Conduct public hearing, pass moratorium extension on first and final reading.
2. Conduct public hearing, first reading moratorium extension; second reading on April 26, 2016.
3. Conduct public hearing, do not extend moratorium, and let the moratorium expire in early May 2016.

**Financial Impact:**

None

**Attachments:**

Ordinance

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, EXTENDING FOR SIX MONTHS THE MORATORIUM UPON MEDICAL MARIJUANA COLLECTIVE GARDENS AS ESTABLISHED BY ORDINANCE NO. 6851 AND AS AMENDED BY ORDINANCE NO. 6873, ORDINANCE NO. 6900, ORDINANCE NO. 6929, ORDINANCE NO. 6959 AND ORDINANCE NO. 6980.**

WHEREAS, since 1970, federal law has prohibited the manufacture and possession of marijuana as a Schedule I drug; and

WHEREAS, Initiative Measure No. 692, approved by the voters of Washington State on November 30, 1998, and now codified as chapter 69.51A RCW, created an affirmative defense for "qualifying patients" to the charge of possession of marijuana (cannabis); and

WHEREAS, the intent of Initiative 692 was that qualifying "patients with terminal or debilitating illnesses who, in the judgment of their physicians, would benefit from the medical use of marijuana, shall not be found guilty of a crime under state law" (RCW 69.51A.005), but that nothing in the law "shall be construed to supersede Washington state law prohibiting the acquisition, possession, manufacture, sale, or use of marijuana for non-medical purposes" (RCW 69.51A.020); and

WHEREAS, the Washington State Legislature passed E2SSB 5073 in 2011; and

WHEREAS, on April 29, 2011, former Governor Christine Gregoire vetoed all of the provisions of E2SSB 5073 relevant to medical marijuana dispensaries but left the provisions relating to cultivation of marijuana for medical use by qualified patients individually and in collective gardens; and

WHEREAS, RCW 69.51A.085 authorizes qualifying patients "to create and participate in collective gardens for the purpose of producing, processing, transporting, and delivering cannabis for medical use," provided no more than ten qualifying patients participate in a collective garden, a collective garden does not contain more than 15 plants per patient up to a total of 45 plants per collective garden, and the collective garden does not contain more than 24 ounces of useable cannabis per patient, up to a total of 72 ounces of useable cannabis; and

WHEREAS, under RCW 69.51A.060(1), it is a class 3 civil infraction to display medical cannabis in a manner or place which is open to view of the general public, which would include growing plants; and

WHEREAS, Initiative Measure No. 502, approved by the voters of Washington State on November 6, 2012, calls for the establishment of a regulatory system licensing producers, processors, and retailers of recreational marijuana for adults 21 years of age and older, legalizes the possession and private recreational use of marijuana, and requires the Washington State Liquor Control Board to adopt procedures and criteria for issuing licenses to produce, process, and sell marijuana; and

WHEREAS, the City of Olympia adopted Ordinance No. 6851 on May 7, 2013, imposing a moratorium (the Moratorium) on the establishment of medical cannabis collective gardens and other establishments involved in the sale, manufacturing, distribution, or use of marijuana because of the potential impact on the public health, safety, and welfare; and

WHEREAS, the City Council conducted a public hearing on June 25, 2013, as required by Ordinance No. 6851, to take public testimony regarding the establishment of the Moratorium; and

WHEREAS, the City Council conducted a public hearing on October 15, 2013, to take public testimony regarding interim regulations pertaining to state-licensed producers, processors, and retailers of state-licensed recreational marijuana; and

WHEREAS, on November 4, 2013, the City Council adopted Ordinance No. 6873 establishing interim regulations to avoid unanticipated negative impacts on the community and the public health, safety, and welfare associated with state-licensed marijuana producers, processors, and retailers; and

WHEREAS, Ordinance No. 6873 repealed the Moratorium insofar as it applied to state-licensed retailers, producers, or processors of recreational marijuana. All other new marijuana uses, including medical marijuana establishments, continue to be prohibited by the Moratorium; and

WHEREAS, the City has received no evidence that there is insufficient access to medical marijuana; and

WHEREAS, the Washington State Attorney General issued an advisory opinion in January 2014, that states municipalities can prohibit state-licensed marijuana businesses within a city's boundaries or impose zoning and other land use regulations pertaining to such businesses; and

WHEREAS, legislation was introduced in the Washington State Legislature's 2014 session concerning recreational, commercial, and medical marijuana, which would have merged medical marijuana into the state-licensed recreational market; and

WHEREAS, the Legislature failed to act on the bills, leaving the laws regarding medical marijuana regulations unchanged; and

WHEREAS, the Federal Bureau of Investigation has indicated that it will not conduct criminal background checks on recreational marijuana applicants; and

WHEREAS, there remains uncertainty as to the federal government's position on the legality of and potential enforcement against medical marijuana collective gardens and dispensaries; and

WHEREAS, the United States Department of Justice issued a memorandum on August 29, 2013, which suggested that Washington's medical marijuana system is untenable and inconsistent with federal law enforcement priorities; and

WHEREAS, the legislation adopted in the Washington State legislature concerning medical marijuana was intended, in part, to respond to direction from the federal government about the need to regulate recreational and medical marijuana; and

WHEREAS, the Court of Appeals affirmed a city's right to prohibit collective gardens in *Cannabis Action Coalition v. City of Kent*; and

WHEREAS, jurisdictions are experiencing an increase in violence involving medical marijuana businesses; and

WHEREAS, the City is authorized pursuant to RCW 35A.63.220 and RCW 36.70A.390 to renew an existing moratorium for up to six months as long as the City adopts findings of fact and holds a public hearing prior to renewing the moratorium; and

WHEREAS, after conducting a public hearing on April 15, 2014, the City Council found it necessary to extend the duration of the Moratorium and adopted Ordinance No. 6900, extending the Moratorium for an additional six months; and

WHEREAS, after conducting a public hearing on October 28, 2014, the City Council found it necessary to extend the duration of the Moratorium and adopted Ordinance No. 6929, extending the Moratorium for an additional six months; and

WHEREAS, after conducting a public hearing on April 7, 2015, the City Council found it necessary to extend the Moratorium and adopted Ordinance No. 6959, extending the Moratorium for an additional six months; and

WHEREAS, after conducting a public hearing on September 22, 2015, the City Council found it necessary to extend the Moratorium and adopted Ordinance No. 6980, extending the Moratorium for an additional six months; and

WHEREAS, on April 19, 2016, the City Council held a public hearing to receive and consider public testimony regarding an additional six-month extension of the Moratorium; and

WHEREAS, the City Council finds it necessary to extend the duration of the Moratorium as established by Ordinance No. 6851 and as amended by Ordinance No. 6873, Ordinance No. 6900, Ordinance No. 6929, Ordinance No. 6959 and Ordinance No. 6980 for an additional six months in order to evaluate administrative rules to be adopted by the Washington State Liquor and Cannabis Control Board; and

WHEREAS, the City has completed certain portions of its work plan regarding permanent regulations of marijuana, including assessing the approaches of other jurisdictions; and

WHEREAS, in 2015, the Washington State Legislature passed comprehensive legislation (2SSB 5052 and HB 2136) creating laws for the largely unregulated medical cannabis market and establishing a state-regulated system overseen by the Washington State Department of Health; and

WHEREAS, Washington State's new regulations mandate that all existing collective storefronts cease operation by July 1, 2016; and

WHEREAS, additional time is needed for the City to evaluate administrative rules to be adopted by the Washington State Liquor and Cannabis Control Board related to medical marijuana; and

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

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

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

**Section 1. Extension of Moratorium Duration.** Section 3 of Ordinance No. 6851, as amended by Ordinance No. 6873, Ordinance No. 6900, Ordinance No. 6929, Ordinance No. 6959 and Ordinance No. 6980, is hereby amended as follows:

**Section 3. Duration.** The interim zoning control set forth in this Ordinance shall be in effect ~~one thousand ninety-three (1,093)~~ one thousand two hundred seventy-five days, unless subsequently extended by the City Council pursuant to state law.

**Section 2. Non-Application.** This Moratorium does not apply to state-licensed marijuana uses, as may be subsequently amended.

**Section 3. Findings.** The City Council hereby adopts the above recitals as findings of fact in support of this Ordinance.

**Section 4. Ordinance No. 6851.** All remaining provisions of Ordinance No. 6851, as amended by Ordinance No. 6873, Ordinance No. 6900, Ordinance No. 6929, Ordinance No. 6959 and Ordinance No. 6980, not herein amended or supplemented shall remain in full force and effect.

**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. 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. 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:**

*Darren Nienaber*

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DEPUTY CITY ATTORNEY

**PASSED:**

**APPROVED:**

**PUBLISHED:**



## City Council

# Briefing on Southeast Olympia Transportation System

**Agenda Date:** 4/19/2016  
**Agenda Item Number:** 6.A  
**File Number:** 16-0128

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

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### Title

Briefing on Southeast Olympia Transportation System

### Recommended Action

#### Committee Recommendation:

Not referred to a committee.

#### City Manager Recommendation:

Receive the briefing on the future Log Cabin Road Extension project and the transportation system in southeast Olympia, and provide guidance to staff.

### Report

#### Issue:

Whether to receive the briefing on the Southeast Olympia transportation system.

#### Staff Contact:

Rich Hoey, P.E., Director of Public Works, 360.753.8495

Mark Russell, P.E., Director of Transportation, Public Works, 360.753.8762

#### Presenter(s):

Rich Hoey, P.E., Director of Public Works

Mark Russell, P.E., Director of Transportation, Public Works

### Background and Analysis:

Projections indicate significant growth in southeast Olympia over the next 20 years. The City needs to plan for a transportation system that accommodates this growth. The Regional Transportation Plan improvements include a future extension of Log Cabin Road from Boulevard Road to Wiggins Road. The Log Cabin Road extension plan will pass through a portion of the area known as LBA Woods.

Thurston Regional Planning Council recently updated the regional model that forecasts traffic volumes throughout the County. City staff is currently evaluating the new information and how it affects future transportation projects in southeast Olympia.

This briefing will include the new forecasts and specifically focus on the need for the Log Cabin Road

Extension project. Staff will also present visual representations of several street width alternatives for Log Cabin Road, including an alternate route along Morse-Merryman Road. Implications and costs of these alternatives will also be discussed.

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

There is community interest in preserving the area known as LBA Woods as open space and for parks use. The future Log Cabin Road Extension project would build a road through a portion of this area.

**Options:**

Discussion only.

**Financial Impact:**

None at this time.

**Attachments:**

None.



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

## City Council

### **EXECUTIVE SESSION - Pursuant to RCW 42.30.110 (1)(b) - Real Estate Matter; and Executive Session Pursuant to RCW 42.30.140 (4)(b) - Labor Negotiations**

**Agenda Date:** 4/19/2016  
**Agenda Item Number:** 9.A  
**File Number:** 16-0515

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**Type:** executive session   **Version:** 1   **Status:** Executive Session

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#### **Title**

EXECUTIVE SESSION - Pursuant to RCW 42.30.110 (1)(b) - Real Estate Matter; and Executive Session Pursuant to RCW 42.30.140 (4)(b) - Labor Negotiations