



Meeting Agenda

City Council

City Hall
601 4th Avenue E
Olympia, WA 98501

Information: 360.753.8244

Tuesday, September 15, 2020

5:30 PM

Online and via phone

Register to attend:

https://us02web.zoom.us/webinar/register/WN_EmJMVlreRfCKIXCw0uIQ6Q

1. ROLL CALL

1.A ANNOUNCEMENTS

1.B APPROVAL OF AGENDA

2. SPECIAL RECOGNITION

- 2.A** [20-0689](#) Approval of a Resolution and Actions to Address Injustice and Harm of BIPOC Transgender and Non-Binary People

Attachments: [Resolution](#)

- 2.B** [20-0670](#) Approval of an Ordinance Accepting a Bequest of \$139,513.42 from the Estate of Ina Fennell, a Former City Employee, to the Recreation Scholarship Program

Attachments: [Ordinance](#)

- 2.C** [20-0724](#) Proclamation - National Voter Registration Day

Attachments: [Proclamation](#)

3. PUBLIC COMMENT

(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 two (2) 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.

5. PUBLIC HEARING**6. OTHER BUSINESS****6.A** [20-0710](#) I-5 Corridor Study Update

Attachments: [Link to Corridor Study](#)

6.B [20-0688](#) Transportation Master Plan Briefing

Attachments: [Link to Transportation Master Plan webpage](#)

7. CONTINUED PUBLIC COMMENT

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

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

The City of Olympia is committed to the non-discriminatory treatment of all persons in employment and the delivery of services and resources. If you require accommodation for your attendance at the City Council meeting, please contact the Council's 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

Approval of a Resolution and Actions to Address Injustice and Harm of BIPOC Transgender and Non-Binary People

Agenda Date: 9/15/2020
Agenda Item Number: 2.A
File Number:20-0689

Type: resolution **Version:** 1 **Status:** Recognition

Title

Approval of a Resolution and Actions to Address Injustice and Harm of BIPOC Transgender and Non-Binary People

Recommended Action

Committee Recommendation:

Not referred to a committee

City Manager Recommendation:

Move to Approve Resolution and Actions to Address Injustice and Harm of BIPOC Transgender and Non-Binary People

Report

Issue:

Whether to Approve a Resolution and Actions to Address Injustice and Harm of BIPOC Transgender and Non-Binary People

Staff Contacts:

Jay Burney, City Manager, Executive Office, 360.753.8740

Olivia Salazar de Breau, Equity and Inclusion Coordinator, Human Resources, 360.753.8343

Presenter(s):

None - Consent Item

Background and Analysis:

Transgender and non-binary communities, particularly black transgender women, experience direct and systemic harm at disproportionate rates which result in discrimination, loss of access to services, targeted violence, and death. The purpose of this resolution is to recognize the harm being done against BIPOC (Black, Indigenous, People of Color) transgender and non-binary communities; and take strategic measures towards ensuring a safer, stronger, and thriving space for these communities.

Neighborhood/Community Interests (if known):

Type: resolution **Version:** 1 **Status:** Recognition

Staff worked closely with members of Heartspark Press, Gender Justice League, and the Coalition of Amplified Voices to draft a resolution to accurately and inclusively reflect transgender community concerns.

Options:

1. Move to approve the resolution and actions to address injustice and harm of BIPOC transgender and non-binary people.
2. Modify the resolution and direct staff to return to Council reflecting their changes.
3. Do not approve the resolution.

Financial Impact:

There is no known financial impact at this time.

Attachments:

Resolution

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OLYMPIA, WASHINGTON
RECOGNIZING INJUSTICE AND HARM AGAINST BIPOC (BLACK, INDIGENOUS, PEOPLE OF
COLOR) TRANSGENDER AND NON-BINARY PEOPLE AND ADOPTION OF POLICIES AND
ACTIONS TO PROTECT TRANSGENDER AND NON-BINARY COMMUNITIES**

WHEREAS, a reported sixty-six (66) Black Transgender Women have been murdered in the United States between January 2018 and the present day, of which ten (10) deaths have transpired between June 2020 and August 2020; and

WHEREAS, Black Transgender Women experience direct and systemic harm at a dangerous and alarming rate, including but not limited to physical and emotional violence, discrimination in healthcare, mental healthcare, employment, housing, and public programs providing basic needs for survival; and

WHEREAS, Washington's Law Against Discrimination, Chapter 49.60 RCW, explicitly prohibits discrimination based on "gender expression or identity," and that this protection includes (but is not limited to) employment, housing, health insurance, and places of public accommodation; and

WHEREAS, a November 2019 local study with BIPOC (Black, Indigenous, and People of Color) Transgender Women and Non-Binary People in Thurston County found that 89% of its participants experienced housing insecurity, 78% experienced violence and unemployment, 75% experienced employment discrimination, and 55% experienced inadequate medical care and food insecurity; and

WHEREAS, a March 2020 local study with Transgender Women and Non-Binary People in Thurston County found that 63% of participants made under \$2,000 a month, 75% of participants were unemployed between 2018 and 2020, and only 38% of participants had adequate health care; and

WHEREAS, the harms of discrimination have a significant impact on BIPOC Transgender and Non-Binary People; and reforms will often fail to include these harms unless they are specifically focused on; and

WHEREAS, the City of Olympia recognizes that it is illegal discrimination to not allow an employee to use their chosen name and pronouns, and that when a co-worker or supervisor is repeatedly and/or intentionally using the wrong name or pronouns, it may also be considered sexual harassment; and

WHEREAS, the City of Olympia recognizes that when a social service agency fails to intervene when a client faces transphobic harassment from other clients or staff, that it is a form of illegal discrimination;

NOW, THEREFORE, THE OLYMPIA CITY COUNCIL DOES HEREBY RESOLVE as follows:

1. The City of Olympia recognizes that Black Transgender and Non-Binary Lives Matter.
2. The City of Olympia commits to making its community a safer, stronger, and thriving space for BIPOC (Black, Indigenous, and People of Color) Transgender and Non-Binary People, and especially for Black Transgender Women.

3. The City of Olympia will ensure that City services are equitable to all by providing City staff and its contractors with access to comprehensive workplace diversity training that includes gender identity, transgender equality, implicit bias, and the intersectionality of race and disability.
4. The City of Olympia will work together with local Transgender rights leaders and organizations on data collection and best practices to ensure that BIPOC Transgender and Non-Binary People have fair access to employment and promotion within the City by including transgender and non-binary people in anonymous demographic data collection for employment, current employees, and management, and then use that collected information to improve hiring and HR practices.
5. The City of Olympia will ensure that all social service programs funded by the City are made available to BIPOC Transgender and Non-Binary People by including them in all client demographic collection as a way to identify where transgender and non-binary people are or are not being adequately served.
6. The City of Olympia will ensure that all professional services and bidding contracted with the City will explicitly prohibit transphobic discrimination or harassment, including transgender exclusion policies or practices in health benefits.
7. The City of Olympia commits to developing plans to make all City services and contracted social services equitably available to all through the work of the Social Justice and Equity Advisory Committee/Commission. In that work, there will be an area of focus on transgender and non-binary people, with a specific focus on significantly improving safety and community services for BIPOC Transgender and Non-Binary Communities, and especially for Black Transgender Women. Black Transgender Women, in collaboration with City staff, will be included in developing any plans of action moving forward. Planning efforts will develop model policies, identify barriers, service gaps, health and wellbeing disparities, and create action steps to remove those barriers and set benchmarks to measure success. The City will adopt best practices through input from BIPOC Transgender and Non-Binary community members, who will remain involved and included in implementation as that unfolds.

PASSED BY THE OLYMPIA CITY COUNCIL this _____ day of _____ 2020.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

Mark Barber

CITY ATTORNEY



City Council

Approval of an Ordinance Accepting a Bequest of \$139,513.42 from the Estate of Ina Fennell, a Former City Employee, to the Recreation Scholarship Program

Agenda Date: 9/15/2020
Agenda Item Number: 2.B
File Number:20-0670

Type: ordinance **Version:** 1 **Status:** 1st Reading-Not Consent

Title

Approval of an Ordinance Accepting a Bequest of \$139,513.42 from the Estate of Ina Fennell, a Former City Employee, to the Recreation Scholarship Program

Recommended Action

Committee Recommendation:

Not referred to a committee

City Manager Recommendation:

Move to approve an ordinance to accept a Recreation Scholarship Program bequest from the estate of Ina Fennell.

Report

Issue:

Whether to accept an estate bequest to the Recreation Scholarship Program

Staff Contact:

Scott River, Director of Recreation and Facilities; Parks, Arts and Recreation; 360.753.8506

Presenter(s):

Scott River, Director of Recreation and Facilities; Parks, Arts and Recreation; 360.753.8506

Background and Analysis:

The Recreation Scholarship Program was established by the Olympia City Council in July of 1996 through Ordinance #5614. This ordinance ordains that monies received from public or private donations shall be deposited for the purposes of providing scholarships to cover activity fees for low-income residents, predominantly youth. Because this fund is heavily depended on donations, available funds tend to lag behind community need. Because of this reality, the fund is not widely marketed out of staff concerns that it would result in turning away several qualifying requests per year.

Ina Fennell was a 37-year employee with the City, all of those years with the Parks, Arts and Recreation Department making her the longest continuous department employee at the time of her retirement. Ina spent the majority of her career working in customer service jobs at the old community center and The Olympia Center. During this time, she became aware of the need for scholarships to allow individuals to participate in a wide variety of recreation services. Whether it was a week of camp for a school age student, a month of fitness for an adult, or a kayak trip for a mother and son, she recognized the importance of equitable access. Ina was passionate about improving experiences for people, and especially loved her customers. And she was an advocate for them, regardless of their background. If you drew Ina as your customer service rep, you were sure to be made to feel special.

Ina passed away in 2018. Through her estate, she left \$139,513.42 to Olympia Parks, Arts & Recreation “for the specific purpose of providing funds for scholarships for families and individuals to participate in recreational programs throughout the year”. Ina lived the values of the parks and recreation industry and has now created an opportunity for many more citizens to realize the benefits with her legacy gift. By doubling the annual amount of funds typically available for qualifying participants to access, it is projected these funds will last until at least 2037.

Neighborhood/Community Interests (if known):

None

Options:

1. Approve the ordinance as submitted.
2. Modify the ordinance as submitted. This option will delay access to the funds for their intended purpose.
3. Do not approve the ordinance as submitted. This option will deny a significant funding source for qualifying individuals and families to access recreation services.

Financial Impact:

The Recreation Scholarship Program is 100% donor funded. While many donations come in throughout the year, none match the generosity and value of this one-time opportunity to solidify funds for years to come.

Attachments:

Ordinance

Ordinance No. _____

AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, ACCEPTING A BEQUEST TO THE CITY OF OLYMPIA FOR THE PURPOSES SET FORTH IN THE LAST WILL AND TESTAMENT OF INA FENNEL

WHEREAS, Ina Fennell worked for the City of Olympia for 37 years in the Parks, Arts, and Recreation Department; and

WHEREAS, Ms. Fennell passed away in 2018 and generously left a bequest in the sum of \$139,513.42 to be used for scholarships for those who might not otherwise be financially able to benefit from certain programs put on by Olympia's Department of Parks, Arts, and Recreation; and

WHEREAS, the City Council wishes to recognize Ms. Fennell's thoughtful bequest to Olympia's Department of Parks, Arts, and Recreation; and

WHEREAS, the City of Olympia has established the Recreation Scholarship Program for the Department of Parks, Arts, and Recreation where donations and bequests can be deposited for the benefit of providing scholarships to those in financial need so they may participate in Parks, Arts, and Recreation programs;

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

Section 1. The City Council hereby accepts the generous bequest from Ina Fennell in the sum of \$139,513.42 to be deposited into the Recreation Scholarship Program of the City of Olympia for the benefit of providing scholarships for those who might not otherwise financially be able to participate in certain programs through Olympia's Parks, Arts, and Recreation Department, as provided under the terms of the Last Will and Testament of Ina Fennell.

Section 2. The City Council thanks the Estate of Ina Fennell and expresses its appreciation for her generosity and thoughtfulness to help persons in financial need so they may participate in programs through Olympia's Parks, Arts, and Recreation Department.

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.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

Mark Barber

CITY ATTORNEY

PASSED:

APPROVED:

PUBLISHED:



City Council

Proclamation - National Voter Registration Day

Agenda Date: 9/15/2020
Agenda Item Number: 2.C
File Number:20-0724

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

Title

Proclamation - National Voter Registration Day

Recommended Action

Committee Recommendation:

Not referred to a committee

City Manager Recommendation:

Special Recognition, no action needed

Report

Issue:

Whether to receive a proclamation recognizing National Voter Registration Day

Staff Contacts:

Jay Burney, City Manager, Executive Office, 360.753.8740

Presenter(s):

Mary Hall, Thurston County Auditor

Background and Analysis:

National Voter Registration Day is a nonpartisan civic holiday celebrating our democracy. First observed in 2012, it has quickly gained momentum ever since. Nearly 3 million voters have registered to vote on the holiday to date.

Celebrated on the fourth Tuesday of September, National Voter Registration Day will take place on September 22, 2020. The holiday has been endorsed by the National Association of Secretaries of State (NASS), the National Association of State Election Directors (NASED), the U.S. Election Assistance Commission (EAC), and the National Association of Election Officials (The Election Center).

Neighborhood/Community Interests (if known):

N/A

Options:

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

Special recognition, no options provided.

Financial Impact:

N/A.

Attachments:

Proclamation

P R O C L A M A T I O N

WHEREAS, registering to vote empowers eligible citizens to exercise their right to vote on Election Day; and

WHEREAS, the City of Olympia is committed to strengthening democracy by encouraging voter registration and increasing participation in all elections; and

WHEREAS, civic-minded people and organizations have collaborated to establish September 22, 2020 as National Voter Registration Day; and

WHEREAS, the goal for the 2020 National Voter Registration Day is to create awareness of elections and motivate eligible citizens to vote in coming months; and

WHEREAS, the strength of our democracy depends on the willingness of our citizens to participate by choosing the people who will lead us and by voicing their opinions on important matters that will come before the voters on Election Day,

NOW THEREFORE, BE IT RESOLVED, that the Olympia City Council does hereby proclaim September 22, 2020 as

NATIONAL VOTER REGISTRATION DAY

In Olympia, and encourages all eligible city residents to register to vote.

SIGNED IN THE CITY OF OLYMPIA, WASHINGTON THIS 15TH DAY OF SEPTEMBER, 2020.

OLYMPIA CITY COUNCIL

***Cheryl Selby
Mayor***



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

City Council

Approval of August 25, 2020 City Council Meeting Minutes

Agenda Date: 9/15/2020
Agenda Item Number: 4.A
File Number:20-0674

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

Title

Approval of August 25, 2020 City Council Meeting Minutes



Meeting Minutes - Draft

City Council

City Hall
601 4th Avenue E
Olympia, WA 98501

Information: 360.753.8244

Tuesday, August 25, 2020

5:30 PM

Online and via phone

Register to attend:

https://us02web.zoom.us/webinar/register/WN_MmRG7UWJRW2y2uTcv9UJsQ

1. ROLL CALL

Present: 7 - Mayor Cheryl Selby, Mayor Pro Tem Jessica Bateman, Councilmember Jim Cooper, Councilmember Clark Gilman, Councilmember Dani Madrone, Councilmember Lisa Parshley and Councilmember Renata Rollins

1.A ANNOUNCEMENTS

City Manager Jay Burney announced the City has hired an outside investigator regarding Yvonne McDonald's death.

Mayor Selby provided background leading to a statement read in part by each Councilmember in support of the Black Lives Matter movement and the Council's commitment to continued racial justice work.

1.B APPROVAL OF AGENDA

The agenda was approved.

2. SPECIAL RECOGNITION

2.A [20-0658](#) Special Recognition - Proclamation Recognizing National Payroll Week

Councilmember Cooper read a proclamation recognizing September 7-14, 2020 as National Payroll Week.

The recognition was received.

2.B [20-0665](#) Special Recognition - Proclamation Recognizing the Centennial of the Ratification of the 19th Amendment

Councilmembers each took part in reading a proclamation recognizing August 26, 2020 as the Centennial of the ratification of the 19th Amendment.

The recognition was received.

3. PUBLIC COMMENT

The following people spoke: Kai Adams, Anne Whitney, Jessica Ryan, Stacy Waterworth, Stella Grimsted, and Ezra Schmidt.

4. CONSENT CALENDAR

- 4.A [20-0663](#) Approval of August 18, 2020 City Council Meeting Minutes

The minutes were adopted.

- 4.B [20-0655](#) Approval of a Resolution Authorizing the Use and Receipt of Electronic Signatures in Conducting Business at the City of Olympia

The resolution was adopted.

- 4.C [20-0657](#) Approval of a Resolution Authorizing Electronic Submittal of all Documents Associated with Public Works Contracting at the City of Olympia

The resolution was adopted.

4. SECOND READINGS (Ordinances) - None

4. FIRST READINGS (Ordinances)

- 4.D [20-0605](#) Approval of an Ordinance Amending Olympia Municipal Code Chapters 16 and 18 Related to 2016 Low Impact Development Updates

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

- 4.E [20-0623](#) Approval of an Ordinance Updating the Olympia Municipal Code to Align with Current Law and Administration, Amending Title 1 General Provisions, Title 2 Administration and Personnel, and Title 3 Revenue and Finance

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

Approval of the Consent Agenda

Councilmember Parshley moved, seconded by Councilmember Cooper, to adopt the Consent Calendar. The motion carried by the following vote:

Aye: 7 - Mayor Selby, Mayor Pro Tem Bateman, Councilmember Cooper, Councilmember Gilman, Councilmember Madrone, Councilmember Parshley and Councilmember Rollins

5. PUBLIC HEARING - None

6. OTHER BUSINESS

- 6.A** [20-0615](#) Approval of a Resolution Authorizing an Interlocal Agreement to Dissolve the Health and Human Services Council and Community Investment Partnership and Create the Regional Housing Council

Councilmember Cooper provided background on past efforts for jurisdictions to coordinate regionally on funding related to housing, homelessness and partnerships to promote affordable housing. He explained the rationale for dissolving the current agreement and creating the Regional Housing Council.

Assistant City Manager Keith Stahley discussed regional representation on the Regional Housing Council and highlighted the purpose and work to come from the Regional Housing Council.

Councilmembers commented and asked clarifying questions.

Mayor Selby moved, seconded by Mayor Pro Tem Bateman, to approve a resolution authorizing an Interlocal Agreement to dissolve the Health and Human Services Council and Community Investment Partnership and create the Regional Housing Council (RHC). The motion carried by the following vote:

Aye: 7 - Mayor Selby, Mayor Pro Tem Bateman, Councilmember Cooper, Councilmember Gilman, Councilmember Madrone, Councilmember Parshley and Councilmember Rollins

- 6.B** [20-0661](#) 2020 Budget Update

City Manager Jay Burney and Finance Director Nanci Lien provided an update on 2020 budget projections as a result of the COVID-19 pandemic.

Councilmembers commented and asked clarifying questions.

The discussion was completed.

- 7. CONTINUED PUBLIC COMMENT - None**

- 8. REPORTS AND REFERRALS**

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

Mayor Selby announced former Senator Frasier joined the meeting. Ms. Frasier commented on Item 2B regarding the centennial of the ratification of the 19th Amendment.

Mayor Selby announced the next City Council business meeting will be September 15.

Councilmembers reported on meetings attended.

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

9. ADJOURNMENT

The meeting adjourned at 7:33 p.m.



City Council

Approval of Annual Comprehensive Plan Amendment Schedule for 2021

Agenda Date: 9/15/2020
Agenda Item Number: 4.B
File Number:20-0666

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

Title

Approval of Annual Comprehensive Plan Amendment Schedule for 2021

Recommended Action

Committee Recommendation:

Not referred to a committee.

City Manager Recommendation:

Move to set November 20, 2020, as the deadline for Preliminary Comprehensive Plan Amendment applications for consideration in 2021 and direct staff to proceed with review schedule generally as outlined.

Report

Issue:

Whether to set November 20, 2020 as the deadline for Preliminary Comprehensive Plan Amendment applications for consideration in 2021.

Staff Contact:

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

Presenter(s):

None - Consent Calendar Item.

Background and Analysis:

Washington's Growth Management Act provides that, with only a few specific exceptions, a city's Comprehensive Plan can be amended only once each year. Accordingly, all proposed amendments are to be collected into one review process. Olympia's code directs that the City Council shall set an annual due date for proposing such amendments. Staff proposes that for 2021 amendments that deadline be Friday, November 20, 2020.

Washington's Growth Management Act provides that a city must review and evaluate its Comprehensive Plan every eight years. In addition, the Act provides that cities may consider annual Plan amendments. Subject to specific exceptions, the Act provides that any proposed annual amendments must be collected into one annual review with a schedule 'broadly disseminated' to the

public. (RCW 36.70A.130)

Chapter 18.59 of the Olympia Municipal Code outlines the Comprehensive Plan Amendment process. Proposed amendments may be submitted at any time. However, so that proposals are collected into an annual set of proposals, the code provides that the City Council shall set an annual submittal deadline. This deadline has varied, but most often it has been in mid-November.

The subsequent review process includes a preliminary review where the City Council decides which proposals should be considered - commonly known as the "screening" step. Those not eliminated at the screening step are then analyzed in detail and subject to Planning Commission public hearings, review and recommendations. The full process, leading to one collective final decision by the City Council, has varied from eight to 15 months.

To identify potential Plan amendments for 2021, staff proposes the schedule below. Note that only the submittal deadline is formally set by Council. Other dates are approximate and flow from the initial deadline. A more detailed schedule will be established by staff following Council approval of the initial deadline; including coordination with County staff regarding amendments affecting the Urban Growth Area.

Proposed Annual Comprehensive Plan Amendment Schedule for 2021

- Late September - Early October - Public announcement of schedule
- **November 20, 2020** - Deadline for public to submit preliminary proposals (no charge)
- January or February 2021 - City Council "screening" review of preliminary proposals, to determine whether the City should consider further each proposal
- March or April 2021 - Final amendment applications due (with application fee, and rezone application fees if applicable)
- April to May - City staff analysis and environmental review of proposals
- May to July - Planning Commission review and public hearings
- August and later - Council review and decisions

At a minimum, public announcement of the due date and schedule in general will include posting on the City website, notice to the news media, and notice mailed directly to agency staff, recognized neighborhood associations, and parties known to City staff that are considering amendment proposals.

Neighborhood/Community Interests (if known):

To date, no specific proposals are anticipated, however a few inquiries have been made by the public and various city departments. Public interest will depend on specific proposals.

Options:

1. Set November 20, 2020, as the deadline for preliminary annual Comprehensive Plan amendment proposals to be considered in 2021.
2. Set an alternative date as the deadline for submitting such proposals.
3. Decline to consider Plan amendment proposals in 2021.

Financial Impact:

None. Review of preliminary Comprehensive Plan Amendment applications is incorporated into the

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

Community Planning and Development Department's annual work plan.

Attachments:

None



City Council

Approval of a Resolution Authorizing Amendment No. 2 to the Interlocal Agreement for Consulting Services for a Cable Franchise Renewal

Agenda Date: 9/15/2020
Agenda Item Number: 4.C
File Number:20-0706

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

Title

Approval of a Resolution Authorizing Amendment No. 2 to the Interlocal Agreement for Consulting Services for a Cable Franchise Renewal

Recommended Action

Committee Recommendation:

Not referred to a committee.

City Manager Recommendation:

Move to approve the resolution authorizing an amendment extending the term and increasing the compensation of an interlocal agreement between the cities of Olympia, Lacey and Tumwater and Thurston County for consulting services for the Comcast Cable Franchise and authorizing the City Manager to sign the agreement.

Report

Issue:

Whether to extend the term and increase the compensation of an interlocal agreement to jointly negotiate with Comcast Cable Communications Management for the renewal of each jurisdiction's cable franchise and to share collective costs.

Staff Contact:

Kellie Purce Braseth, Strategic Communications Director, Executive, 360.753.8361.

Presenter(s):

None - Consent Calendar Item

Background and Analysis:

On April 12, 2018, the Cities of Olympia, Lacey, and Tumwater, and Thurston County entered into an interlocal Agreement for joint negotiation with Comcast Cable Communications for the renewal of each jurisdictions cable franchise, and to share collective costs. The term of the Agreement was to continue until December 31, 2019, and compensation was not to exceed \$107,370. On January 20,

2020, the jurisdictions amended the interlocal to extend the term until May 31, 2020, and to increase the compensation to not exceed \$132,370. However, a draft franchise with Comcast is still undergoing negotiation and the professional service costs for the project exceed the compensation budgeted for the completion of the cable franchise renewal.

Section 15.2 of the interlocal Agreement allows for the jurisdictions to amend the agreement, and the jurisdictions wish to extend the term to December 31, 2020, and the total compensation to \$157,730.

Neighborhood/Community Interests (if known):

The community has a high interest in high-quality, accessible and affordable cable services.

Options:

1. Approve resolution authorizing the amendment to the interlocal agreement for cable franchise consulting services: The amendment will allow the jurisdictions to continue in a joint approach that provides negotiating strength in numbers and cost sharing, and the joint franchise provides local consistency in cable franchise customer service and right-of-way activities.
2. Do not approve the resolution authorizing the interlocal agreement: Olympia would move forward with negotiating a franchise directly with Comcast and would bear all renewal cost on its own. The City would negotiate on behalf of a lesser number of subscribers and a smaller cable revenue base than if part of a multi-jurisdiction effort.

Financial Impact:

Olympia will bear 24.14% of the additional \$25,360 in compensation, for a total of \$6,122 to be paid from Olympia cable franchise fees (PEG Fund).

Attachments:

Resolution
Amended Interlocal Agreement

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OLYMPIA, WASHINGTON, APPROVING AMENDMENT NO. 2 TO THE INTERLOCAL AGREEMENT BETWEEN THE CITY OF OLYMPIA, CITY OF LACEY, CITY OF TUMWATER AND THURSTON COUNTY FOR CABLE FRANCHISE CONSULTING SERVICES

WHEREAS, on April 12, 2018, the Cities of Olympia, Lacey, and Tumwater and Thurston County (the Jurisdictions) entered into an Interlocal Agreement for joint negotiation with Comcast Cable Communications Management, LLC, (Comcast) for the renewal of each jurisdiction’s cable franchise, and to share collective costs; and

WHEREAS, the term of the Interlocal Agreement was to continue until December 31, 2019, and compensation was not to exceed One Hundred Seven Thousand and Three Hundred Seventy Dollars (\$107,370); and

WHEREAS, on January 20, 2020, the Jurisdictions amended the Interlocal agreement to extend the term and increase the compensation; and

WHEREAS, a draft franchise is still undergoing negotiation with Comcast; and

WHEREAS, the Jurisdictions wish to amend the Interlocal Agreement to extend the term to December 31, 2020, and increase the compensation to an amount not to exceed One Hundred Fifty-Seven Thousand and Seven Hundred Thirty Dollars (\$157,730);

NOW, THEREFORE, THE OLYMPIA CITY COUNCIL DOES HEREBY RESOLVE as follows:

1. The Olympia City Council hereby approves the form of Amendment No. 2 to the Interlocal Agreement between the Cities of Olympia, Lacey, and Tumwater and Thurston County for Cable Franchise Consulting Services and the terms and conditions contained therein.
2. The City Manager is authorized and directed to execute on behalf of the City of Olympia the Amendment No. 2 to the Interlocal Agreement, and any other documents necessary to execute said Agreement, and to make any minor modifications as may be required and are consistent with the intent of the Interlocal Agreement amendment, or to correct any scrivener’s errors.

PASSED BY THE OLYMPIA CITY COUNCIL this _____ day of _____ 2020.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

Mark Barber

CITY ATTORNEY

INTERLOCAL AGREEMENT FOR CONSULTING SERVICES

Thurston County Washington
City of Lacey, Washington
City of Olympia, Washington
City of Tumwater, Washington

AMENDMENT NO. 2

This INTERLOCAL AGREEMENT AMENDMENT NO. 2 is entered into in duplicate originals between THURSTON COUNTY, and the cities of LACEY, OLYMPIA, and TUMWATER, hereinafter collectively referred to as the “JURISDICTIONS.”

WHEREAS, the JURISDICTIONS desire to amend the INTERLOCAL AGREEMENT FOR CONSULTING SERVICES, executed on April 12, 2018, hereinafter referred to as the “AGREEMENT,” as provided herein; and

WHEREAS, Section 7 of the AGREEMENT allows for such an amendment.

NOW THEREFORE, in consideration of the mutual benefits and covenants contained herein, the AGREEMENT is hereby amended as follows:

Section 1. Purpose

The Jurisdictions agree that it is mutually beneficial to share in the collective cost of negotiating with Comcast Cable Communications Management, LLC (“Comcast”) jointly rather than individually for the purposes of renewing each Jurisdiction’s cable franchise. By doing so, the cost of negotiating with Comcast will be incrementally reduced for each Jurisdiction. To that end, the Jurisdictions have agreed to participate in the Professional Services Agreement for Consulting Services (“Consultant Agreement”), which includes its consultants and subconsultants Scope of Work, all attached hereto as Exhibits A (Professional Services Agreement for Consulting Services) and A-1 (Scope of Work and Budget) and incorporated herein by reference. All references in this Agreement to Exhibit A includes the references to Exhibits A and A-1 collectively, and incorporates by reference Amendment No. 1 to Professional Services Agreement for Consulting Services, and incorporates by reference Amendment No. 2 to Professional Services Agreement for Consulting Services.

Section 2. Term

The term of this Agreement shall be effective upon the approval of the last Jurisdiction’s governing body, and shall be effective though ~~May 31, 2020~~

INTERLOCAL AGREEMENT FOR CONSULTING SERVICES, AMENDMENT NO. 2
THURSTON COUNTY, CITY OF OLYMPIA, CITY OF LACEY, CITY OF TUMWATER

December 31, 2020, unless extended by agreement of the Jurisdictions.
Prior to commencement, this Agreement shall be filed or posted in
accordance with RCW 39.34.040.

Except as expressly provided by this AMENDMENT NO. 2, all other terms and conditions
of the original AGREEMENT remain the same and in full force and effect.

IN WITNESS WHEREOF, each party has caused this Amendment to be signed by its duly
authorized officer or representative as of the date set forth below his or her signature.

CITY OF LACEY

Scott Spence, City Manager Date

Approved as to form:

David Schneider, City Attorney

CITY OF OLYMPIA

Steven J. Burney, Date
City Manager

Approved as to form:

Mark Barber

Mark Barber, City Attorney

CITY OF TUMWATER

Pete Kmet, Mayor Date

Approved as to form:

Karen Kirkpatrick, City Attorney

THURSTON COUNTY

John Hutchings, Chair of the Board Date
Of County Commissioners

Approved as to form:

JON TUNHEIM
PROSECUTING ATTORNEY

Grace O'Connor, Deputy Prosecuting
Attorney



City Council

Approval of Bid Award for Stevens Field #2 Infield Synthetic Turf Conversion Project

Agenda Date: 9/15/2020
Agenda Item Number: 4.D
File Number:20-0677

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

Title

Approval of Bid Award for Stevens Field #2 Infield Synthetic Turf Conversion Project

Recommended Action

Committee Recommendation:

Not referred to a committee.

City Manager Recommendation:

Move to approve the purchase order for project construction with King County Directors' Association (KCDA) in the amount of \$390,425.63 and authorize the City Manager to execute the contract.

Report

Issue:

Whether to approve staff's recommendation to purchase the materials and installation of the synthetic turf infield through the KCDA cooperative purchasing contract.

Staff Contact:

Jonathon Turlove, Planning and Maintenance Director, Parks, Arts and Recreation, 360.753.8068

Presenter(s):

None - Consent Calendar Item

Background and Analysis:

The Stevens Field Park project involves the replacement of the dirt infield at Field #2 with synthetic turf. The City has chosen an alternate infill consisting of encapsulated sand with the addition of a shock pad. The sand is encapsulated with a virgin polymer rubber material that is not made from crumb rubber. Crumb rubber is a material that has come under recent scrutiny for its potential link to adverse health effects. This project will also improve stormwater drainage, ADA accessibility to the field, and outfield irrigation.

The City of Olympia is a member of the King County Directors' Association (KCDA) purchasing cooperative. KCDA openly advertises for bids and selects vendors in compliance with Washington State bidding laws. Use of cooperative purchasing for goods and services by a member agency is allowed under:

- Revised Code of Washington 28A.320.080, Cooperative Purchasing
- Revised Code of Washington 39.34, Interlocal Government Agreements

When this project is complete, it will be the second synthetic turf infield in the Olympia Parks system. Stevens Field #1 infield was also converted to synthetic turf in 2017. This project is nearly identical to that previous installation. Construction will begin in October 2020 and end by March 2021.

Neighborhood/Community Interests (if known):

- The 2015 random citizen survey conducted for Olympia’s 2016 Parks, Arts & Recreation Plan update indicated that the public considers “athletic fields” as one of the 5 “most needed” recreation facilities in Olympia.
- The City received project letters of support from South Sound Baseball, Thurston County Fastpitch Association, Olympia School District, GSL Tournaments and Olympia United Soccer Club.
- Construction will be done during the winter when fields are typically not in use. Field #1 will remain open for recreation programming and school use during construction.

Options:

1. Approve the purchase order with KCDA, in the amount of \$390,425.63, and authorize the City Manager to execute the contract.
2. Reject the purchase order with KCDA, request staff to rewrite project specifications and contract, and rebid the project.

Financial Impact:

This project is identified in the 2020-2025 Capital Facilities Plan. The City received a \$349,999 Youth Athletic Facilities grant from Washington State Recreation and Conservation Office (RCO) for this project and installation of LED field lighting on the same field. The LED lighting will be installed under a separate contract.

The bid of \$390,425.63, is above the Engineer’s estimate of \$361,622. There are sufficient funds in the budget to complete this project.

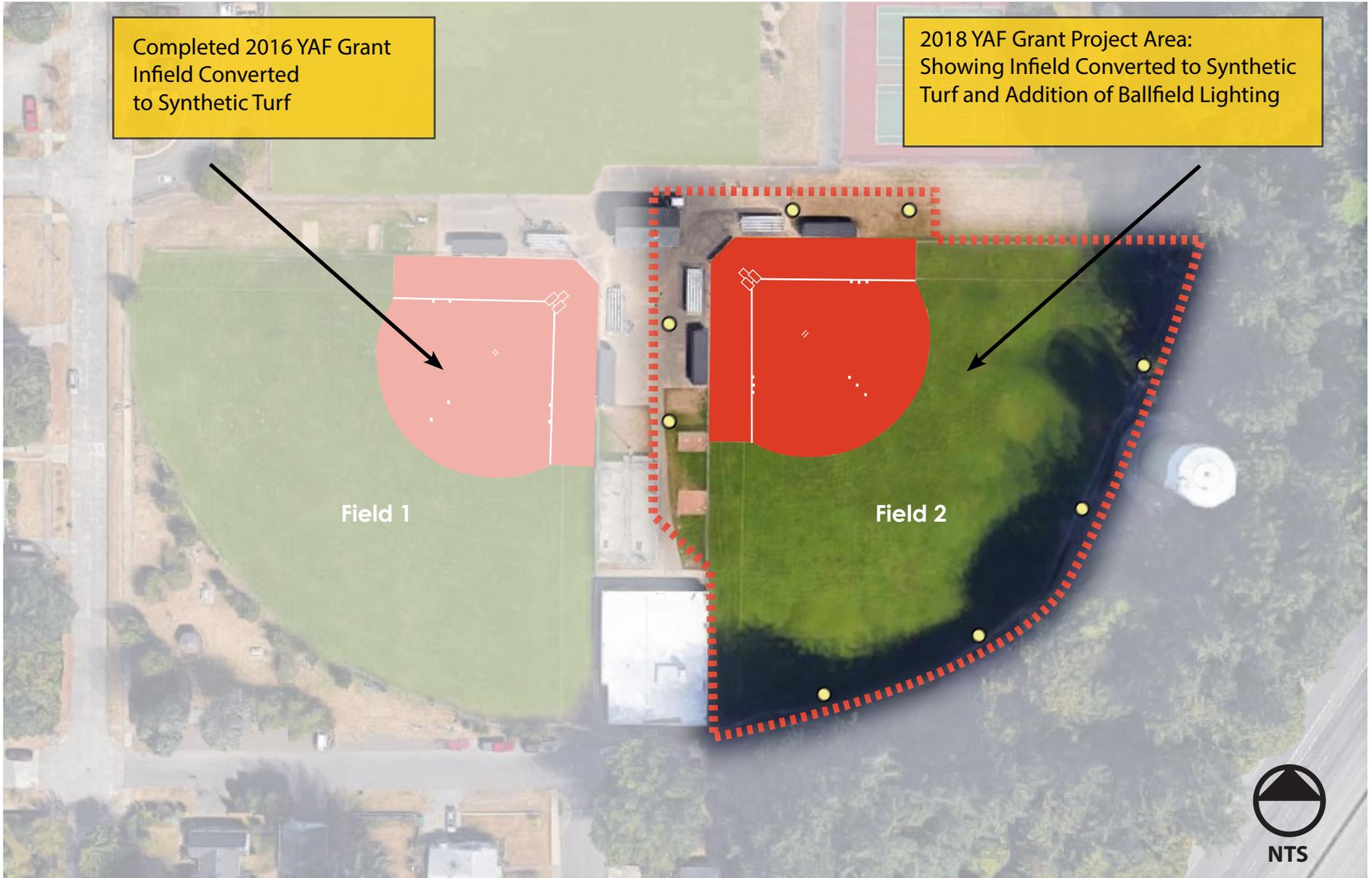
Attachments:

Project Boundary Map
Project Memorandum



Stevens Field Park

Field #2 Infield Synthetic Turf Conversion and Addition of Ballfield Lighting
Boundary Map





PROJECT MEMORANDUM

PROJECT: 1944H - Stevens Field #2 Synthetic Turf

DATE: August 14, 2020

BY: Jake Lund, PE
Senior Engineer
Olympia Parks, Arts, & Recreation – Planning & Design

SUBJECT: KCDA Purchasing Contract AEPA 020-A
Shaw Turf Athletic Field Surfacing

The City of Olympia Parks, Arts, & Recreation department wishes to contract with KCDA, Shaw Turf, and KBH Construction for the installation of a synthetic turf baseball/softball infield at Stevens Field Park.

The City will utilize contract AEPA 020-A coordinated by KCDA. The contract was advertised by KCDA and competitively bid September 16, 2019. The contract was awarded to Shaw Turf on February 20, 2020.

The City will execute a Purchase Order (#081420) to KCDA in the amount of \$390,425.63.

Contract information, procedures, and terms and conditions can be found on the KCDA website,

https://www.kcda.org/vendor/id-Shaw_Sports_Turf/Shaw_Sports_Turf_-_Athletic_Surfaces_Contract_AEPA_020-A

Or by contacting,

Valerie Buckbee, KCDA Contract and Procurement Specialist
425-251-8115, 800-422-5019 ext. 134
vbuckbee@kcda.org



City Council

Approval of a Resolution Authorizing Addendum No. 1 to the Real Estate Purchase and Sale Agreement between the City of Olympia and the Low Income Housing Institute (LIHI) Extending LIHI's Option to Purchase Property Located Adjacent to 318 State Avenue

Agenda Date: 9/15/2020
Agenda Item Number: 4.E
File Number:20-0709

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

Title

Approval of a Resolution Authorizing Addendum No. 1 to the Real Estate Purchase and Sale Agreement between the City of Olympia and the Low Income Housing Institute (LIHI) Extending LIHI's Option to Purchase Property Located Adjacent to 318 State Avenue

Recommended Action

Committee Recommendation:

Not referred to a committee.

City Manager Recommendation:

Move to approve the Resolution authorizing Addendum No. 1 to the Real Estate Purchase and Sale Agreement between the City of Olympia and the Low Income Housing Institute (LIHI) extending LIHI's option to purchase property located adjacent to 318 State Avenue.

Report

Issue:

Whether to extend the Low Income Housing Institute's option to purchase property located adjacent to 318 State Avenue for an additional five years.

Staff Contact:

Mark Barber, City Attorney, 360.753.8338

Presenter(s):

None - Consent Calendar Item.

Background and Analysis:

On April 14, 2015, the City and the Low Income Housing Institute (LIHI) entered into a Real Estate Purchase and Sale Agreement (the Agreement) for LIHI's purchase of 318 State Avenue (Billy Frank, Jr. Place). The terms of the Agreement included an option for LIHI to purchase the northerly portion

of the property located adjacent to 318 State Avenue (the Option Site) once environmental cleanup had taken place and a No Further Action Letter for the Option Site had been issued by the Washington State Department of Ecology (DOE). The option to purchase was exercisable at any time within five years of the closing date of the Agreement, which was October 14, 2015.

Groundwater monitoring wells currently remain on the Option Site, so DOE has not yet issued a No Further Action Letter. The City and LIHI wish to extend LIHI's option to purchase the Option Site for an additional five years.

Neighborhood/Community Interests (if known):

LIHI has proven its commitment to partnering with the City for low-income housing in the Olympia community.

Options:

1. Approve Addendum No. 1 to the Real Estate Purchase and Sale Agreement extending LIHI's option to purchase property located adjacent to 318 State Avenue for an additional five years.
2. Direct staff to negotiate different terms with LIHI for Addendum No. 1 to the Real Estate Purchase and Sale Agreement.
3. Do not extend LIHI's option to purchase the property.

Financial Impact:

None.

Attachments:

Resolution

Addendum No. 1

Purchase and Sale Agreement

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OLYMPIA, WASHINGTON,
AUTHORIZING AMENDMENT NO. 1 TO THE REAL ESTATE PURCHASE AND SALE AGREEMENT
BETWEEN THE CITY OF OLYMPIA AND THE LOW INCOME HOUSING INSTITUTE (LIHI)
EXTENDING LIHI'S OPTION TO PURCHASE PROPERTY LOCATED ADJACENT TO 318 STATE
AVENUE**

WHEREAS, on April 14, 2015, the City and the Low Income Housing Institute (LIHI) entered into a Real Estate Purchase and Sale Agreement (the Agreement) for LIHI's purchase of property located at 318 State Avenue (the Property); and

WHEREAS, the terms of the Agreement included an option for LIHI to purchase the northerly portion of the site (the Option Site), exercisable any time within five years of the Closing date (October 14, 2015), so long as environmental cleanup had taken place and a No Further Action Letter for the Option Site had been issued by the Washington State Department of Ecology (DOE); and

WHEREAS, groundwater monitoring wells remain on the Option Site and DOE has not yet issued a No Further Action Letter; and

WHEREAS, the City and LIHI wish to extend LIHI's option to purchase the Option Site for an additional five years;

NOW, THEREFORE, THE OLYMPIA CITY COUNCIL DOES HEREBY RESOLVE as follows:

1. The Olympia City Council hereby approves the form of Amendment No. 1 to the Real Estate Purchase and Sale Agreement between the City of Olympia and the Low Income Housing Institute and the terms and conditions contained therein.
2. The City Manager is authorized and directed to execute on behalf of the City of Olympia the Amendment No. 1 to the Real Estate Purchase and Sale Agreement, and any other documents necessary to execute said Amendment No. 1, and to make any minor modifications as may be required and are consistent with the intent of the Amendment No. 1, or to correct any scrivener's errors.

PASSED BY THE OLYMPIA CITY COUNCIL this _____ day of _____ 2020.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

Mark Barber

CITY ATTORNEY

ADDENDUM NO. 1

Real Estate Purchase and Sale Agreement

THE PARTIES to that certain Real Estate Purchase and Sale Agreement (hereafter "Agreement") with an Effective Date of April 14, 2015, hereby agree to modify, change and amend the Option to Purchase set forth in Paragraph 17 of the Agreement as follows:

17. Option to Purchase. Seller agrees to pursue expeditiously the cleanup of the property described in Exhibit D, in order to receive a no further action letter from DOE for the property described in Exhibit D. Buyer shall have the option to purchase from Seller the property described in Exhibit D for One Dollar and No Cents (\$1.00) exercisable at any time within ten (10) years of the Closing date of this Agreement. The exercise of this Option to Purchase shall be under the same general terms of this Agreement. Buyer agrees it shall execute a restrictive covenant that the Property described in Exhibit D shall be used solely in support of and ancillary to the low income residential housing to be constructed upon the Property described in Exhibit A to this Agreement, subject to the Seller's approval.

IT IS HEREBY SO AGREED.

LOW INCOME HOUSING INSTITUTE (LIHI)
a Washington nonprofit corporation

CITY OF OLYMPIA
a Washington municipal corporation

Sharon Lee

Sharon Lee, Executive Director

DATED: 09/09/2020

Steven J. Burney, City Manager

DATED: _____

APPROVED AS TO LEGAL FORM:

Mark Barber

Mark Barber, City Attorney

DATED: 09/02/2020

REAL ESTATE PURCHASE AND SALE AGREEMENT

This REAL ESTATE PURCHASE AND SALE AGREEMENT ("Agreement") is between City of Olympia ("Seller") and Low Income Housing Institute (LIHI) Inc., a Washington non-profit corporation ("Buyer"), jointly referred to as "the Parties."

Recitals

Seller is the owner of certain real property located at **318 State Avenue NE, Olympia, Thurston County, Washington**, consisting of approximately 15,960 square feet and more particularly described on **Exhibit A** (legal description and sketch) attached hereto and by this reference incorporated herein.

The Seller is interested in having new residential housing east of the Intercity Transit Center and north of State Avenue in the City of Olympia, because this area lacks new residential development. It is Seller's hope that new residential development at that location will help spur additional new development. The Washington State Constitution allows municipal funds to be spent in support of the infirm and the poor. Buyer agrees to develop and build low income residential housing upon the real property described in Exhibit A, attached hereto.

The signatories to this Agreement are authorized to execute associated documents, to correct legal descriptions if need be, and to correct scrivener's errors and other errors or omissions that are otherwise in substantial conformance with this Agreement.

NOW; THEREFORE, in consideration of the mutual covenants and conditions contained herein, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Seller and Buyer agree as follows:

1. Property. Seller hereby agrees to sell and convey to Buyer, and Buyer hereby agrees to purchase from Seller, subject to the terms and conditions set forth herein, the following:

1.1 Land. That certain real property located in Olympia, Thurston County, Washington, comprising tax parcel number 78503200500 and more particularly described on Exhibit A attached hereto (the "Land"). Buyer agrees that the use of the Land will be restricted to use as low income housing and ancillary supportive uses for a period of fifteen (15) years from issuance of a certificate of occupancy following all required building and structural inspections for Buyer's low income residential development

1.2 Appurtenances. All rights, privileges and easements appurtenant to the Land, including without limitation all minerals, oil, gas and other hydrocarbon substances on and under the Land, all development rights, air rights, water, water rights and water stock relating to the Land, and any and all easements, rights-of-way and other appurtenances used in connection with the beneficial use and enjoyment of the Land (all of which are collectively referred to as the "Appurtenances");

1.3 Improvements. All improvements and fixtures located on the Land.

1.4 Personal Property. Not applicable.

1.5 Right of Access. The Seller shall have the right to access monitoring wells 4 and 17 as described in the environmental documents provided to Buyer, until such time as Buyer has a need to construct over them.

1.6 Abandoned Property. Any of Seller's personal property left on the Land, including but not limited to any furniture and fixtures owned by Seller shall be considered abandoned

property, and at Closing title to such abandoned property shall pass to Buyer as if it had been conveyed by a bill of sale.

1.7 License. Seller shall grant Buyer a license to use and occupy the Property described in Exhibit D for construction staging and temporary construction access, excluding diesel equipment storage and subject to DOE requirements and disapproval.

All of the items described in **Paragraphs 1.1, 1.2, 1.3 and 1.4** above are herein collectively referred to as the "Property."

2. Purchase Price. The purchase price to be paid by Buyer to Seller for the Property (the "Purchase Price") is **One Hundred Thousand and 00/100 Dollars (\$100,000.00)**.

3. Payment of Purchase Price. On the Closing date, Buyer shall deposit with Escrow Agent the amount of the Purchase Price less any amounts to be credited against the Purchase Price pursuant to this Agreement. Within five (5) days following the execution and delivery of this Agreement, Buyer shall open escrow with Thurston County Title Insurance Company (the "Escrow Agent"), by depositing with Escrow Agent a copy of this executed Agreement.

4. Closing Date. The Closing (the "Closing") shall be held at the offices of the Escrow Agent, on the later of September 30, 2015, or the omnibus project financial closing no later than April 14, 2016, unless otherwise agreed by the parties. Closing shall occur when the Deed (as hereinafter defined) to Buyer is recorded and the Purchase Price is delivered to the Escrow Agent for delivery to Seller.

5. Title and Survey Matters.

5.1 Title Binder. Buyer has ordered a preliminary commitment for an ALTA owner's standard coverage title insurance policy issued by Thurston County Title Insurance Company ("Title Company") describing the Property, showing all matters of record pertaining to the Property and listing Buyer as the prospective named insured. Following the mutual execution of this Agreement, if necessary, Buyer shall obtain from Title Company a written supplemental report to such preliminary commitment, in a form acceptable to Buyer, updating the preliminary commitment to the execution date of the Agreement. Such preliminary commitment, supplemental reports and true, correct and legible copies of all documents referred to in such preliminary commitment and supplemental reports as conditions or exceptions to title to the Property are collectively referred to herein as the "Title Binder."

5.2 Title Review. Within thirty (30) business days of mutual execution hereof, Buyer shall review the Title Binder and any surveys of the Property, and shall notify Seller what exceptions to title, if any, affect the marketability or insurability of the title to the Property or which adversely affect the use of the Property. If Seller shall fail to remove any such exceptions objected to by Buyer from title prior to the Closing date, and Buyer is unwilling to take title subject thereto, Buyer may elect to either terminate this Agreement, or take title despite the existence of such exception. If Buyer elects to terminate, neither Buyer nor Seller shall have any further liabilities, obligations or rights with regard to this Agreement which shall then become null and void and of no further force or effect.

5.3 Title Policy. At Closing, Seller and Buyer shall cause Title Company to issue a standard ALTA owner's policy ("Title Policy") to Buyer, at Buyer's cost. The Title Policy shall (a) be satisfactory to Buyer, (b) be issued in the amount of the total Purchase Price and (c) insure fee simple, indefeasible title to the Property in Buyer. The Title Policy shall contain endorsements as Buyer may require. Buyer's obligation to close this transaction shall be contingent on Buyer's approval, in its sole and absolute discretion of the Title Policy required under this section 5.

6. Conditions to Buyer's Obligations.

6.1 Documents and Reports. Within thirty (30) calendar days after the execution and delivery of this Agreement (the "Document Delivery Date"), Seller shall deliver to Buyer copies of the

documents and reports listed on attached Exhibit C to this Agreement and in Seller's possession. Seller shall certify to Buyer, as of the Document Delivery Date, as to any documents listed on Exhibit C not in Seller's possession. All existing leases or occupancy agreements for the Property shall be referred to herein as the "Leases." All existing service contracts for the Property shall be referred to herein as the "Contracts." Buyer shall inform Seller, prior to the expiration of the Contingency Period (defined in section 6.5), which Contracts, if any, Buyer desires to assume at Closing (the "Assumed Contracts").

6.2 Inspection of the Property. Buyer and its employees, representatives, consultants and agents shall have the right and permission from the date Seller signs this Agreement through the Closing Date (or earlier termination of this Agreement) to enter upon the Property or any part thereof at all reasonable times and from time to time for the purpose, at Buyer's cost and expense, of making all tests and/or studies of the Property that Buyer may wish to undertake, including, without limitation, soils tests (including borings), toxic and hazardous waste studies, surveys, structural studies and review of zoning, fire, safety and other compliance matters; provided, however, Buyer shall indemnify and hold harmless Seller from and against any mechanic's or other liens or claims that may be filed or asserted against the Property or Seller as a direct result of any actions taken by Buyer in connection with the Property, including but not limited to permitting Seller to review a written description of Buyer's proposed testing and work to ensure same is properly done and will not exacerbate any existing condition of contamination on the property. Buyer shall also provide Seller with a copy of all soil or environmental test results for the property. Buyer shall reasonably restore the Property to its condition immediately prior to any invasive testing. The effect of the representations and warranties made by Seller in this Agreement shall not be diminished or deemed to be waived by any inspections, tests or investigations made by Buyer or its agents.

6.3 Appraisal of the Property. Buyer shall have the right to obtain an appraisal. Buyer's appraiser may enter onto the property as is necessary to appraise the Property.

6.4 Approval of the Property. Buyer's obligation to purchase the Property shall be subject to and contingent upon Buyer's approval, in its sole and absolute discretion, prior to the expiration of the Contingency Period, of all aspects of the Property, including, without limitation, the physical condition of the Property, Buyer's financing, and all of the information delivered by Seller pursuant to **Paragraph 6.1** above or otherwise obtained by Buyer regarding the Property. Buyer's obligation to purchase the Property is also conditioned on the Washington State Housing Finance Commission's ("WSHFC") approval of Buyer's pending proposal to build a low income residential housing project at this location (the "WSHFC Approval"). Buyer shall notify Seller of the WSHFC Approval by June 15, 2015, at 5 p.m. or that Buyer has not received the WSHFC Approval by said date.

6.5 Contingency Period. As used herein, the term "Contingency Period" means the period ending at 5:00 p.m. on June 15, 2015.

6.6 Buyer's Right to Terminate. If Buyer's conditions set forth in **Paragraph 6.4** above are not satisfied in Buyer's sole and absolute discretion, Buyer shall have the right to terminate this Agreement by sending written notice to Seller and Escrow Agent (such notice referred to as a "Termination Notice") prior to the expiration of the Contingency Period. If Buyer gives its Termination Notice to Seller, this Agreement shall terminate and neither Buyer nor Seller shall have any further liability to the other under this Agreement.

6.7 Additional Closing Conditions. Buyer's obligation to purchase the Property shall also be subject to the following conditions that must be satisfied as of Closing.

(i) Prior to Closing, all Contracts (whether written or oral), with respect to the Property shall be terminated in writing, except for the Assumed Contracts. Seller shall provide Buyer, prior to Closing, with written termination agreements with respect to all Contracts, except for the Assumed Contracts, in a form acceptable to Buyer;

(ii) All representations and warranties of Seller contained herein, to the best of Seller's knowledge, shall be true, accurate and complete at the time of the Closing as if made again at such time;

(iii) Seller shall have performed all obligations to be performed by it hereunder on or before Closing (or, if earlier, on or before the date set forth in this Agreement for such performance);

(iv) At Closing, title to the Property shall be in the condition required by **Paragraph 5** of this Agreement and Escrow Agent shall deliver the Title Policy to Buyer; and

(v) At Closing, the physical condition of the Property shall be substantially the same as on the date hereof, ordinary wear and tear excepted.

If the conditions set forth in this **Paragraph 6** are not satisfied as of Closing and Buyer does not waive the same, Buyer may terminate this Agreement, and thereafter neither Buyer nor Seller shall have any further liability to the other under this Agreement.

7. Seller's Representations and Warranties. Seller hereby makes the following representations and warranties, to the best of Seller's knowledge, which representations and warranties shall be deemed made by Seller to Buyer also as of the Closing date:

7.1 Title. Seller is the sole owner of the Property, except for reservations of record. At Closing, Seller shall convey the entire fee simple estate and right, title and interest in and to the Property by statutory warranty deed, free and clear of unapproved encumbrances of record.

7.2 Compliance with Law; Compliance with Property Restrictions. The Property complies in all material respects (both as to condition and use) with all applicable statutes, ordinances, codes, rules and regulations of any governmental authority having jurisdiction over the Property related to zoning, building, subdivision, and engineering.

7.3 Bankruptcy, etc. No bankruptcy, insolvency, rearrangement or similar action involving Seller or the Property, whether voluntary or involuntary, is pending, threatened, by a third party, or contemplated by Seller.

7.4 Taxes and Assessments. Other than amounts disclosed by the Title Binder, no other property taxes have been or will be assessed against the Property for the current tax year, and there are no general or special assessments or charges that have been levied, assessed or imposed on or against the Property.

7.5 Foreign Person. Seller is not a foreign person and is a "United States Person" as such term is defined in Section 7701(a) (30) of the Internal Revenue Code of 1986, as amended (the "Code") and shall deliver to Buyer prior to the Closing an affidavit evidencing such fact and such other documents as may be required under the Code.

7.6 Mechanics' Liens. No labor, material or services have been furnished in, on or about the Property or any part thereof as a result of which any mechanics', laborer's or materialmen's liens or claims might arise.

7.7 Underground Storage Tanks. Seller has no knowledge of (a) subterranean storage or underground storage tanks that exist on the Property, and (b) any previously existing underground storage tanks that have been removed or filled by the Seller in compliance with applicable law. There had been an underground storage tank on the site. To the best of Seller's knowledge, the tank was decommissioned in compliance with applicable law.

7.8 Leases and Other Agreements. Seller represents that there are no leases, occupancy agreements, service agreements, licenses, easements, or option agreements with regard to the Property.

7.9 Assumption of Liabilities. Buyer, by virtue of the purchase of the Property, will not be required to satisfy any obligation of Seller arising prior to the Closing date. However, Buyer will cooperate and assist the Seller in Seller's efforts to obtain a no further action letter for the Property (the "No Further Action Letter") from the Washington State Department of Ecology ("DOE").

7.10 Defaults. Seller is not in default and there has occurred no uncured event which, with notice, the passage of time or both would be a default, under any contract, agreement, lease, encumbrance, or instrument pertaining to the Property.

7.11 Utilities. The Property is served by water, storm and sanitary or septic sewer, electricity, and telephone supplied directly to the Property by facilities of public utilities. All such utilities are located within the boundaries of the Property or within lands dedicated to public use or within recorded easements for the same.

7.12 Public Improvements. Seller has no knowledge of any federal, state, county, municipal or other governmental plans to change the road system in the vicinity of the Property.

7.13 Subdivision. The conveyance of the Property will not constitute a violation of any subdivision ordinance. The Improvements on the Property comply in all material respects with all applicable subdivision ordinances and statutes.

Seller shall, at its sole cost, obtain a boundary line adjustment necessary to conform the legal lot lines to the lot lines depicted in Exhibit A prior to the Closing date. Said boundary line adjustment shall be effective and recorded at or before Closing, prior to the Buyer receiving title from Seller.

7.14 Due Authority. Seller and Buyer have all requisite power and authority to execute and deliver this Agreement and to carry out its obligations hereunder and the transactions contemplated hereby. This Agreement has been, and the documents contemplated hereby will be, duly executed and delivered by Seller and Buyer and constitute their legal, valid and binding obligation enforceable against Seller and Buyer in accordance with its terms.

7.15 No Omissions. The copies of any documents furnished to Buyer in connection with this transaction are true and complete copies of the documents they purport to be and contain no untrue statement of material fact and do not omit to state any material facts necessary to make the statements contained therein not misleading.

8. Covenants of Seller. Seller covenants and agrees as follows:

8.1 Perform Obligations. From the date of this Agreement to the Closing date, Seller will perform any monetary and non-monetary obligations it has regarding the Property.

8.2 No Liens. From the date of this Agreement to the Closing date, Seller will not allow any lien to attach to the Property, nor will Seller grant, create, or voluntarily allow the creating of, or amend, extend, modify or change, any easement, right-of-way, encumbrance, restriction, covenant, lease, license, option or other right affecting the Property or any part thereof without Buyer's written consent first having been obtained.

8.3 Provide Further Information. From the date of this Agreement to the Closing date, Seller will notify Buyer of each event of which Seller becomes aware affecting the Property or any part thereof immediately upon learning of the occurrence of such event.

9. Closing.

9.1 Time and Place. Provided that all the contingencies set forth in this Agreement have been previously fulfilled, the Closing shall take place at the place and time determined as set forth in **Paragraph 4** of this Agreement.

9.2 Documents to be Delivered by Seller. For and in consideration of, and as a condition precedent to the payment to Seller of the Purchase Price, Seller shall obtain and deliver to Buyer at Closing the following documents (all of which shall be duly executed and acknowledged where required):

(i) **Title Documents.** Such other documents, including, without limitation, lien waivers, indemnity bonds, indemnification agreements, and certificates of good standing as shall be required by Buyer, or by the Title Company as a condition to its insuring Buyer's good and marketable fee simple title to the Property.

(ii) **Authority.** Such evidence as the Title Company shall require as to authority of Seller to convey the Property to Buyer.

(iii) **Surveys and Drawings.** All surveys, site plans and plans and specifications relating to the Property as are in the possession or control of Seller, if any.

(iv) **Assignment.** An instrument of transfer in the form set forth on attached Exhibit G, pursuant to which Seller shall convey and assign to Buyer certain environmental indemnification rights more particularly described in Exhibit E.

(v) **Warranty Deed.** A statutory warranty deed ("Deed") conveying to Buyer a good, marketable and indefeasible title in fee simple absolute to the Property.

(vi) **Restrictive Covenant.** A restrictive covenant or other mutually agreeable document that limits the use of the land for fifteen (15) years to low income housing and supportive uses to that primary use as specified in Paragraph 1.1. The restrictive covenant may be part of the Deed or be a separate document.

9.3 Payment of Costs. At Closing, Buyer shall pay all charges for their title insurance, the escrow fee, the recording fee, and the technology fee.

9.4 Taxes. Seller is exempt from payment of real property excise taxes for the Property pursuant to WAC 458-61A-205.

9.5 Monetary Liens. Seller shall pay or cause to be satisfied at or prior to Closing all monetary liens on or with respect to all or any portion of the Property, including, but not limited to, mortgages, deeds of trust, security agreements, assignments of leases, rents and/or easements, judgment liens, tax liens (other than those for taxes not yet due and payable) and financing statements, except where Seller is exempt by statute or administrative rule or regulation.

9.6 Possession. Possession of the Property shall be delivered to Buyer at Closing. The Property, including without limitation the Improvements, shall be delivered to Buyer in good order.

9.7 Prorations. All amounts required to be prorated hereunder as of Closing, shall be calculated as if Buyer was in possession of the Property as of the date of Closing.

10. Environmental Compliance. Seller warrants, represents, covenants and agrees:

10.1 Environmental Indemnity. A. Until the December 31st following fifteen (15) years after the issuance of a certificate of occupancy on the Improvements made by Buyer on the

Property, but in no event more than twenty (20) years after the recording of the Statutory Warranty Deed with the Thurston County Auditor, the Seller shall defend, indemnify, and hold Buyer and its successors and assigns (collectively, "Indemnitees") harmless from any and all claims, liabilities, losses, damages, costs, liens, causes of action, suits, demands, judgments and expenses (including without limitation, reasonable court costs, attorneys' fees and costs of investigation), removal and remediation and governmental oversight costs (collectively, "Losses") arising out of or relating to the presence, disposal, escape, migration, leakage, spillage, discharge, emission, release or threatened release of any Hazardous Substance, as defined below, that exists in, on, under, or from the Property, upon and subject to the terms and conditions set forth below.

B. Notwithstanding anything to the contrary in this Agreement or otherwise, the Seller shall have no obligation to defend, indemnify, or hold Buyer or any other Indemnitee harmless with respect to any Losses arising (a) out of the release or threatened release of Hazardous Substances on the Property after Closing, or (b) out of the past release or threatened release of any Hazardous Substance on the Property caused by Buyer or any other Indemnitee, or any employee, agent, tenant, or contractor of Buyer or any other Indemnitee.

C. Promptly after the receipt by Buyer of notice of any claim or the commencement of any action or proceeding for which the Seller has agreed to indemnify Buyer, Buyer shall give the Seller written notice of such claim or the commencement of such action or proceeding and the Seller shall thereafter defend on behalf of Buyer, but at the Seller's sole cost and expense, any such action or proceeding for which indemnification is sought. No settlement of any such action or proceeding shall be made without Buyer's prior written approval, which shall not be unreasonably withheld (unless Buyer has previously been discharged from all liability in connection with such action or proceeding); provided that this provision is subject to the limitations of RCW 4.24.115 to the extent applicable.

10.2 Definitions. The term "Hazardous Substance" includes without limitation (a) those substances included within the definitions of "hazardous substances," "hazardous materials," "toxic substances," "hazardous wastes" or "solid waste" in any Environmental Law; (b) petroleum products and petroleum byproducts; (c) polychlorinated biphenyls; and (d) chlorinated solvents. The term "Environmental Law" includes any federal, state, municipal or local law, statute, ordinance, regulation, order or rule pertaining to health, industrial hygiene, environmental conditions or hazardous substances.

10.3 Environmental cleanup. The Seller originally acquired the property as part of a larger site from the Washington State Department of Transportation ("WSDOT") pursuant to an agreement that provided, amongst other things, for environmental indemnification. Seller and Buyer contemplate that the Seller will continue working towards obtaining the No Further Action Letter on the Property described in Exhibit A.

10.4 Release. As of Closing, Seller releases Buyer, and except as provided in Section 10.1, Buyer releases Seller, from any and all Losses arising out of the presence of Hazardous Substances on, under, above, or about the property, including Hazardous Substances that migrate to or from the Property.

11. Indemnification. Seller shall pay, protect, pay the defense costs of, indemnify and hold Buyer and its successors and assigns harmless from and against any and all loss, liability, claim, damage and expense suffered or incurred by reason of (a) the breach of any representation, warranty or agreement of Seller set forth in this Agreement, (b) the failure of Seller to perform any obligation required by this Agreement to be performed by Seller, (c) the ownership, maintenance, and/or operation of the Property by Seller prior to the Closing, not in conformance with this Agreement, or (d) any injuries to persons or property from any cause occasioned in whole or in part by any acts or omissions of the Seller, its representatives, employees, contractor or suppliers that occurred before Closing; provided, however, that nothing in this Paragraph 11 applies to Losses arising out of the presence of Hazardous Substance on, under, above, or about the Property, including Hazardous Substances that migrate or migrated to or from the Property.

12. Condemnation. In the event of any commenced, to be commenced or consummated proceedings in eminent domain or condemnation (collectively "Condemnation") respecting the Property or any portion thereof, Buyer may elect, by written notice to Seller, to terminate this Agreement and the escrow created pursuant hereto and be relieved of its obligation to purchase the Property. If Buyer terminates this Agreement neither Buyer nor Seller shall have any further liability to the other hereunder. If Buyer fails to make such election prior to the Closing date, this Agreement shall continue in effect, there shall be no reduction in the Purchase Price, and Seller shall, prior to the Closing date, assign to Buyer, by an assignment agreement in form and substance satisfactory to Buyer, its entire right, title and interest in and to any condemnation award or settlement made or to be made in connection with such Condemnation proceeding. Buyer shall have the right at all times to participate in all negotiations and dealings with the condemning authority and approve or disapprove any proposed settlement in respect to such matter. Seller shall forthwith notify Buyer in writing of any such Condemnation respecting the Property.

13. Casualty. If any fire, windstorm or casualty occurs and materially affects all or any portion of the Property on or after the date of this Agreement and prior to the Closing, Buyer may elect, by written notice to Seller, to terminate this Agreement and the escrow created pursuant hereto and be relieved of its obligation to purchase the Property. If Buyer terminates this Agreement neither Buyer nor Seller have any further liability to the other hereunder. If Buyer fails to make such election prior to the Closing date, this Agreement shall continue in effect, the Purchase Price shall be reduced by the amount of loss or damage occasioned by such casualty not covered by insurance, and Seller shall, prior to the Closing date, assign to Buyer, by an assignment agreement in form and substance satisfactory to Buyer, its entire right, title and interest in and to all insurance claims and proceeds to which Seller may be entitled in connection with such casualty. Buyer shall have the right at all times to participate in all negotiations and other dealings with the insurance carrier providing such coverage and to approve or disapprove any proposed settlement in respect to such matter. Seller shall forthwith notify Buyer in writing of any such casualty respecting the Property.

14. Notices. Unless applicable law requires a different method of giving notice, any and all notices, demands or other communications required or desired to be given hereunder by any party (collectively, "Notices") shall be in writing and shall be validly given or made to another party if delivered either personally or by Federal Express, UPS, USPS or other overnight delivery service of recognized standing, or if deposited in the United States mail, certified, registered, or express mail with postage prepaid. If such Notice is personally delivered, it shall be conclusively deemed given at the time of such delivery. If such Notice is delivered by Federal Express or other overnight delivery service of recognized standing, it shall be deemed given twenty four (24) hours after the deposit thereof with such delivery service. If such Notice is mailed as provided herein, such shall be deemed given forty-eight (48) hours after the deposit thereof in the United States mail. Each such Notice shall be deemed given only if properly addressed to the party to whom such notice is to be given as follows:

To Buyer: LIHI
2407 First Avenue
Seattle, WA 98121-1311
Attn: Sharon Lee

To Seller: City of Olympia
City Manager
PO Box 1967
Olympia, WA 98507
Attn: Steven R. Hall

With a copy to: City of Olympia
Legal Department
PO Box 1967
Olympia, WA 98507-1967
Attn: City Attorney

Any party hereto may change its address for the purpose of receiving notices as herein provided by a written notice given in the manner aforesaid to the other party hereto.

15. Event of Default. In the event of a default under this Agreement by Seller (including a breach of any representation, warranty or covenant set forth herein), Buyer shall be entitled, in addition to all other remedies, to seek monetary damages and specific performance of Seller's obligations hereunder.

16. Miscellaneous.

16.1 Applicable Law. This Agreement shall in all respects, be governed by the laws of the State of Washington.

16.2 Further Assurances. Each of the Parties shall execute and deliver any and all additional papers, documents and other assurances, and shall do any and all acts and things reasonably necessary in connection with the performance of its obligations hereunder, to carry out the intent of the parties hereto.

16.3 Modification or Amendment, Waivers. No amendment, change or modification of this Agreement shall be valid, unless in writing and signed by all of the Parties hereto. No waiver of any breach of any covenant or provision in this Agreement shall be deemed a waiver of any preceding or succeeding breach thereof, or of any other covenant or provision in this Agreement. No extension of time for performance of any obligation or act shall be deemed an extension of the time for performance of any other obligation or act.

16.4 Successors and Assigns. All of the terms and provisions contained herein shall inure to the benefit of and shall be binding upon the Parties hereto and their respective heirs, legal representatives, successors and assigns, including Buyer's covenant to use the Property for low income housing as specified in Paragraphs 1.1 and 9.2(vi).

Buyer may assign its rights and obligations under this Agreement to a limited partnership, limited liability company or limited liability limited partnership of which Buyer or an affiliate of Buyer is the general partner or manager without approval of the Seller. Any other assignment shall be subject to Seller approval, which shall not be unreasonably withheld, conditioned or denied. Buyer must notify and, if required, request approval by Seller of any such assignment prior to the Closing. Any such assignee shall for all purposes be regarded as Buyer under this Agreement.

16.5 Entire Agreement and No Third Party Beneficiaries. This Agreement constitutes the entire understanding and agreement of the Parties with respect to its subject matter and any and all prior agreements, understandings or representations with respect to its subject matter are hereby canceled in their entirety and are of no further force or effect. The Parties do not intend to confer any benefit under this Agreement to any person, firm or corporation other than the Parties.

16.6 Attorneys' Fees. Should either party bring suit to enforce this Agreement, the prevailing party in such lawsuit shall be entitled to an award of its reasonable attorneys' fees and costs incurred in connection with such lawsuit.

16.7 Construction. Captions are solely for the convenience of the Parties and are not a part of this Agreement. This Agreement shall not be construed as if it had been prepared by one of the Parties, but rather as if both parties had prepared it. If the date on which Buyer or Seller is required to take any action under the terms of this Agreement is not a business day, the action shall be taken on the next succeeding business day.

16.8 Partial Invalidity. If any term or provision of this Agreement or the application thereof to any person or circumstance shall, to any extent, be invalid or unenforceable, the remainder of

this Agreement, or the application of such term or provision to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby; and each such term and provision of this Agreement shall be valid and be enforced to the fullest extent permitted by law.

16.9 Survival. The covenants, agreements, obligations to indemnify, representations and warranties made in this Agreement shall survive the Closing unimpaired and shall not merge into the Deed and the recordation thereof.

16.10 Finders' or Brokers' Fees. Seller represents and warrants that it has not dealt with any broker or finder to which a commission or other fee is due in connection with any of the transactions contemplated by this Agreement and insofar as it knows, no broker or other person is entitled to any commission, charge or finder's fee in connection with the transactions contemplated by this Agreement. Seller agrees to indemnify, defend and hold harmless Buyer against any loss, liability, damage, cost, claim or expense, including interest, penalties and reasonable attorneys' fees, that Buyer shall incur or suffer by reason of a breach by Seller of the representation and warranty set forth above.

16.11 Time. Time is of the essence of every provision of this Agreement.

16.12 Risk of Loss. All of Seller's personal property of any kind or description whatsoever on the Property shall be at Seller's sole risk. Buyer shall not be liable for any damage done to or loss of such personal property, injury to person or damage or loss suffered by the business or occupation of Seller caused in any manner whatsoever, unless and to the extent the damage is caused by the gross negligence or willful misconduct of Buyer.

16.13 Force Majeure. Performance by Seller or Buyer of their obligations under this Agreement shall be extended by the period of delay caused by force majeure. Force majeure is war, natural catastrophe, strikes, walkouts or other labor industrial disturbance, order of any government, court or regulatory body having jurisdiction, shortages, blockade, embargo, riot, civil disorder, or any similar cause beyond the reasonable control of the party who is obligated to render performance (but excluding financial inability to perform, however caused).

16.14 Recitals. The Recitals set forth above are incorporated by this reference into this Agreement.

17. Option to Purchase. Seller agrees to pursue expeditiously the cleanup of the property described in Exhibit D, in order to receive a no further action letter from DOE for the property described in Exhibit D. Buyer shall have the option to purchase from Seller the property described in Exhibit D for One Dollar and No Cents (\$1.00) exercisable at any time within five (5) years of the Closing date of this Agreement. The exercise of this Option to Purchase shall be under the same general terms of this Agreement. Buyer agrees it shall execute a restrictive covenant that the Property described in Exhibit D shall be used solely in support of and ancillary to the low income residential housing to be constructed upon the Property described in Exhibit A to this Agreement, subject to the Seller's approval.

18. Expiration. This offer will expire if not executed by Seller and Buyer on or before 5:00 p.m. on April 22, 2015.

[Signatures appear on the following page]

SELLER:

City of Olympia, a Washington municipal corporation

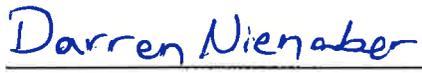
By: 

Name: Steven R Hall

Its: City Manager

Date: 4/14/2015

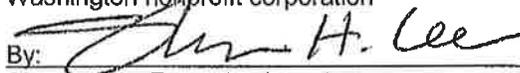
Approved as to form:



City Attorney

BUYER:

Low Income Housing Institute (LIHI), a
Washington nonprofit corporation

By: 

Sharon Lee, Executive Director

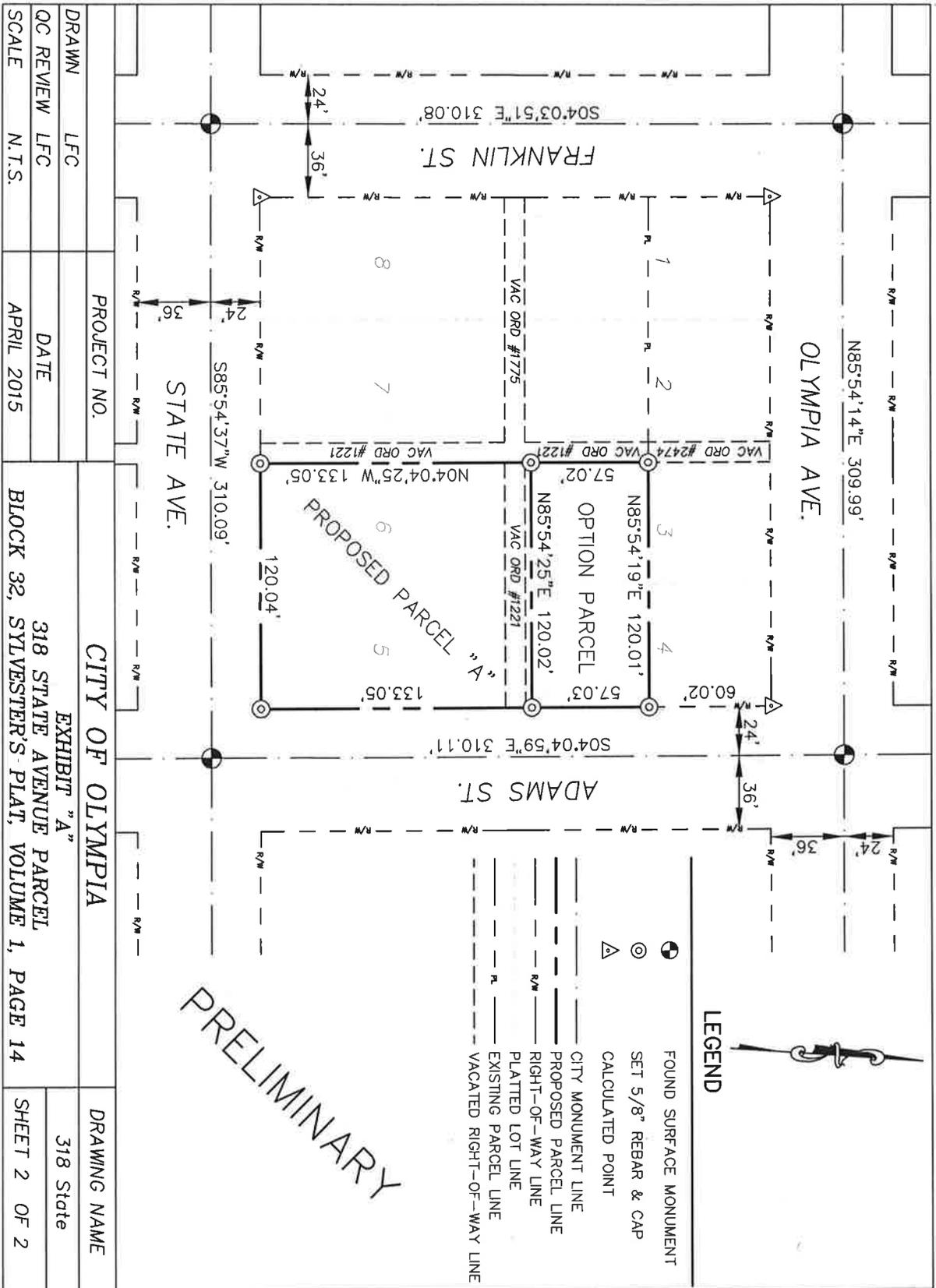
Date: 4/10/15

EXHIBIT A

Legal Description

Lots 5 and 6, the South 3.00 feet of Lots 3 and 4, Block 32, Sylvester's Plat of Olympia, as recorded in Volume 1 of Plats at page 14, records of Thurston County, Washington. TOGETHER WITH: the vacated east-west alley adjoining said Lots. EXCEPT THEREFROM: the north-south alley adjoining said Lots 3 and 6, as vacated by City of Olympia Ordinance No. 1775, dated June 5, 1923 and City of Olympia Ordinance No. 1221, dated October 22, 1912.

Containing 15,960 square feet, more or less.



DRAWN	LFC	PROJECT NO.	CITY OF OLYMPIA	DRAWING NAME	318 State
QC REVIEW	LFC	DATE	EXHIBIT "A"		
SCALE	N.T.S.	APRIL 2015	318 STATE AVENUE PARCEL		
			BLOCK 32, SYLVESTER'S PLAT, VOLUME 1, PAGE 14	SHEET 2 OF 2	

EXHIBIT B

Personal Property

NONE

EXHIBIT C

Documents and Reports

1. Copies of all of leases or other occupancy agreements relating to the Property, with originals to be delivered at Closing.
2. Copies of all licenses, permits and approvals issued by governmental authorities for the use and occupancy of the Property or any facility located thereon.
3. Any other information about the Property reasonably requested by Buyer if in the possession or control of Seller.
4. Any service contracts or other similar agreements related to the Property.
5. Reports of environmental conditions related to the Property.
6. Surveys.
7. Soils reports.

Exhibit D

The South half of Lots 3 and 4, Block 32, Sylvester's Plat of Olympia, as recorded in Volume 1 of Plats at page 14, records of Thurston County, Washington. EXCEPT THEREFROM: the South 3.00 feet of said Lots 3 and 4, the east-west alley adjoining said Lots, as vacated by City of Olympia Ordinance No. 1221, dated October 22, 1912, the north-south alley adjoining said Lot 3, as vacated by City of Olympia Ordinance No. 1775, dated June 5, 1923.

Containing 6,840 square feet, more or less.

EXHIBIT E

Assignment

ASSIGNMENT AND ASSUMPTION

THIS ASSIGNMENT AND ASSUMPTION (the "Assignment") is made as of this ___ day of _____, 20__ (the "Transfer Date") by City of Olympia ("Assignor"), in favor of Low Income Housing Institute (LIHI), a non-profit corporation organized under the laws of the State of Washington("Assignee").

For good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, Assignor hereby assigns and transfers to Assignee, as of the Transfer Date, all of the following relating to the real property legally described on attached (the "Property"), to the extent assignable:

While equally retaining the Assignor's own rights, the Assignor assigns its rights to Assignee under Article VII of the Real Property Purchase and Sale Agreement signed by the City of Olympia on March 12, 2008 and by the Washington State Department of Transportation on April 2, 2008. If Washington State Department of Transportation fails to accept this assignment, the Assignor reserves all rights under Article VII of that agreement.

IN WITNESS WHEREOF, this Assignment and Assumption is made as of the day and year first above written.

ASSIGNOR:

THE CITY OF OLYMPIA, a municipal corporation organized under the laws of the State of Washington

By: _____

Name: _____

Its: _____

ASSIGNEE:

Low Income Housing Institute (LIHI), a Washington nonprofit corporation

By: _____

Sharon Lee, Executive Director



City Council

Approval of an Ordinance Amending Olympia Municipal Code Chapters 16 and 18 Related to 2016 Low Impact Development Updates

Agenda Date: 9/15/2020
Agenda Item Number: 4.F
File Number:20-0605

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

Title

Approval of an Ordinance Amending Olympia Municipal Code Chapters 16 and 18 Related to 2016 Low Impact Development Updates

Recommended Action

Committee Recommendation:

The Planning Commission and Land Use and Environment Committee recommends the City Council adopt the attached ordinance amending the Low Impact Development (LID) Code to clarify or adjust language adopted in 2016 related to making Low Impact Development the common and preferred approach.

City Manager Recommendation:

Move to approve the ordinance amending the LID Code to clarify or adjust language adopted in 2016 related to making Low Impact Development the common and preferred approach on second reading.

Report

Issue:

Whether to approve the proposed amendments to the Olympia Municipal Code (OMC) proposed to clarify or adjust language adopted in 2016 related to making LID the common and preferred approach.

Staff Contact:

Nicole Floyd, Senior Planner, Community Planning and Development, 360.570.3768

Presenters:

None - Consent Calendar Item.

Background and Analysis:

Background and analysis haven't changed from first to second reading.

The original Low Impact Development (LID) code revision project began as a State mandate in February 2014 and was completed December 2016 as a community supported effort to change the standards of development and stormwater management to a more environmentally sensitive

approach. The update included revisions to City codes, standards, and manuals to make LID the preferred and commonly used approach to site development. The strategy emphasizes careful site planning and small-scale stormwater management practices that integrate into project designs.

Now, several years after the LID update, staff have identified areas in need of modification to better achieve the intent of the 2016 update. These proposed amendments, based on daily practical application, are not substantive. The amendments intend to refine and clarify code language that have been challenging to implement in order to better achieve the principles of LID.

Of the amendments proposed, those relating to hard surface limits have been of particular interest to the Planning Commission and community. Hard surfaces (pervious pavement etc.) are a preferred alternative to standard pavement, and the amendments in 2016 intended to incentivize their use. Unfortunately, the code language adopted in 2016 was far more restrictive than intended. This has resulted in unforeseen impacts on the installation of new decks, patios, and pathways in both residential and non-residential (such as schools and place of worship) projects within the residential zones.

Amendments proposed to address these issues include:

Relax Hard Surface Limits: Hard surface limits were included in the 2016 LID update to help incentivize and regulate the use new technologies such as porous concrete, pervious pavement etc. While establishing limits was appropriate, the limits were not evenly applied across the City. Pervious hard surfaces are a preferred approach because they allow water to penetrate through the surface, rather than causing runoff as traditional impervious pavements do. The Residential Low Intensity (RLI) zone has been impacted the most by the hard surface limits because they are identical to the impervious surface limits which in effect prohibits the more environmentally sensitive technology. The proposed revision would set hard surface limits at approximately 20% higher than impervious surface limits in most zones, which will better help incentivize their use and better implement the intent of the 2016 LID Update.

Schools, Parks, and Places of Worship: Impervious and hard surface limits have been challenging for schools, churches, and parks within the residential zones because these uses often include larger buildings and higher parking demands than standard housing. These non-residential projects are often able to use other methods to meet LID stormwater requirements because of the larger site area and through engineered solutions. Amendments would allow for a 10 percent increase in impervious surface and 20 percent increase in hard surface limits for larger non-residential uses on large lots, similar to limits in non-residential zones. The proposed criteria ensures the increase is the minimum necessary and that projects adequately addresses stormwater requirements found in other sections of the City's regulations.

The proposed revisions intend to provide better incentives to using pervious materials while maintaining the fundamental purpose of the Low Impact Development codes. The amendments are unanimously recommended by the Planning Commission and the Land Use and Environment Committee.

Neighborhood/Community Interests (if known):

Surface coverage limits are of interest to all residential property owners. Neighborhoods within the RLI Zoning District have been most impacted by current limits and have shown interest in these

amendments.

Options:

1. Adopt the ordinance approving the Municipal Code amendments as proposed.
2. Direct staff to modify the proposed Municipal code amendments and return with a revised ordinance.
3. Do not approve the proposed Municipal Code amendments.

Financial Impact:

None

Attachments:

Ordinance

Ordinance No. _____

AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, AMENDING SECTIONS WITHIN CHAPTERS 16 AND 18 OF THE OLYMPIA MUNICIPAL CODE TO REFINE REQUIREMENTS OF LOW IMPACT DEVELOPMENT TO MORE ACCURATELY IMPLEMENT THE INTENT OF THE 2016 LOW IMPACT DEVELOPMENT UPDATE

WHEREAS, the Washington State Department of Ecology NPDES Phase II permit required permittees to revise development standards to make Low Impact Development (LID) the preferred and commonly-used approach to development and the City of Olympia's 2016 update to Olympia's Development Code met these requirements; and

WHEREAS, through daily use and application, the City has identified a need for minor revision to development standards to fully implement the intent of the 2016 update; and

WHEREAS, the Olympia Planning Commission received a briefing on the proposed amendments on June 18, 2018, held a public hearing on July, 23 2018, and deliberated on August 6, 2018; and

WHEREAS, following the public hearing and deliberations, the Planning Commission recommended amendments to the Olympia Municipal Code authorizing the draft amendments; and

WHEREAS, pursuant to the State Environmental Policy Act (SEPA), the City adopted the existing Determination of Non-significance issued for the 2016 Low Impact Development Code Update initially issued on January 4, 2016 and re-issued on July 13, 2018; and

WHEREAS, the Land Use & Environment Committee received a briefing from staff and reviewed the draft ordinance on July 16, 2020, and approved recommendation of the LID code amendments to the City Council; and

WHEREAS, this Ordinance is consistent with the City of Olympia Comprehensive Plan policy to "establish regulations and design standards for new developments that will minimize impacts to stormwater runoff, environmentally sensitive areas, wildlife habitat, and trees"; and

WHEREAS, this Ordinance meets the goals and requirements of the Growth Management Act; and

WHEREAS, Chapters 35A.63 and 36.70A RCW and Article 11, Section 11 of the Washington State Constitution authorize and permit the City to adopt this Ordinance; and

WHEREAS, this Ordinance is supported by the staff report and materials associated with this Ordinance, along with other documents on file with the City of Olympia;

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

Section 1. Amendment of OMC 16.48.040. Olympia Municipal Code Section 16.48.040 is hereby amended to read as follows:

16.48.040 Permit or approval required

No person, corporation, or other legal entity may engage in land clearing in the city without having complied with one of the following:

- A. Obtaining approval of a ~~tree protection soil~~ and replacement vegetation plan and obtaining a tree removal permit as provided for in this chapter;
- B. Received a grading permit from the building official;
- C. Having obtained approval of the proposed work under the processes described in subsection A of Section 16.48.050, ~~subsequent to~~ after the adoption date of the ordinance codified in this chapter.

Section 2. Amendment of OMC 16.48.045. Olympia Municipal Code Section 16.48.045 is hereby amended to read as follows:

16.48.045 Tree removal

No trees, as defined by Section 16.48.030, ~~shall~~ may be removed without first obtaining approval of a ~~tree protection soil~~ and replacement vegetation plan and a tree removal permit pursuant to this chapter. Development plans may be required to be modified or changed when necessary to preserve individual trees or groups of trees.

Section 3. Amendment of OMC 16.60.020.W. Olympia Municipal Code Subsection 16.60.020.W is hereby amended to read as follows:

16.60.020 Definitions

W. "Remove or removal" is the act of removing a tree and associated soil, or vegetation within the critical root zone of the tree, by digging up, cutting down, or any act which causes a tree to die, significantly impacts its natural growing condition ~~and~~ or results in diminished environmental benefits or a hazard tree; including but not limited to, damage inflicted on the root system by machinery, storage of materials, or soil compaction; changing the ground level in the area of the tree's root system; damage inflicted on the tree permitting infections or infestation; excessive pruning; paving with concrete, asphalt, or other impervious material within the critical root zone, or any other action which is ~~deemed~~ harmful to the tree.

Section 3. Amendment of OMC 16.60.080.A. Olympia Municipal Code Subsection 16.60.080.A is hereby amended to read as follows:

16.60.080 Tree density requirement

A. Minimum Tree Density Requirement Established. A minimum tree density of 30 tree units per acre is required on the buildable area of each site, except within the Green Cove Basin (see OMC 16.60.080(5)) and in critical areas, see OMC 18.32. The tree density may consist of existing trees, replacement trees or a combination of existing and replacement trees, pursuant to the priority established in Section 16.60.070. For the purpose of calculating required minimum tree density in areas outside of Green Cove, critical areas, critical area buffers, city rights-of-way, and areas to be dedicated as city rights-of-way ~~shall be~~ are excluded from the buildable area of the site. For areas within Green Cove, only city rights-of-way and areas dedicated as rights-of-way are excluded from the buildable area of the site.

Section 4. Amendment of OMC 18.02.180.H. Olympia Municipal Code Subsection 18.02.180.H is hereby amended to read as follows:

18.02.180 Definitions

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.

Hard Surface. An impervious surface, a permeable pavement (pervious concrete, porous asphalt, permeable pavers), water penetrable decking, or a vegetated roof, in contrast with vegetated permeable soils.

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 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 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 5. Amendment of OMC 18.04.040. Olympia Municipal Code Section 18.04.040, Table 4, is hereby amended to read as follows:

18.04.040 TABLES: Permitted and Conditional Uses

TABLE 4.01 PERMITTED AND CONDITIONAL USES

DISTRICT	R1/5	R4	R-4CB	RLI	R 4-8	R 6-12	MR 7-13	MR 10-18	RM-18	RM-24	RMH	RMU	MHP	UR	ADDITIONAL REGULATIONS
MAXIMUM HOUSING DENSITY (in units per acre)	1/5	4	4	4	8	12	24	30	24	30	---	---	12	---	18.04.080(A)
MAXIMUM AVERAGE HOUSING DENSITY (in units per acre)	---	4	4	4	8	12	13	18	18	24	---	---	12	---	18.04.080(A)(2)
MINIMUM AVERAGE HOUSING DENSITY (in units per acre)	---	---	---	2	4	6	7	10	8 Manufactured Housing Parks = 5	18 Manufactured Housing Parks = 5	---	---	5	---	18.04.080(B)
MINIMUM LOT SIZE	4 acres for residential use; 5 acres for non-residential use	2,000 SF minimum 3,000 SF average = townhouse 5,000 SF = other	One acre; reduced to 12,000 SF if associated with a drainage dispersal tract of at least 65% in the same	2,000 SF minimum 3,000 SF average = townhouse 4,000 SF = other 6,000 SF = duplex 7,200 SF = multi-family	2,500 SF = cottage 2,000 SF minimum, 3,000 SF average = townhouse 4,000 SF = other	2,000 SF = cottage 1,600 SF minimum, 2,400 SF average = townhouse 7,200 SF = duplex, triplex 9,600 SF = fourplex	1,600 SF = cottage 1,600 SF minimum, 2,400 SF average = townhouse 6,000 SF = duplex 9,000 SF = multifamily 3,000 SF = other	1,600 SF = cottage 1,600 SF minimum, 2,400 SF average = townhouse 6,000 SF = duplex 7,200 SF = multifamily 3,000 SF = other	1,600 SF = cottage 1,600 SF minimum, 2,400 SF average = townhouse 6,000 SF = duplex 7,200 SF = multifamily 3,000 SF = other	1,600 SF minimum, 2,400 SF average = townhouse 2,500 SF = mobile home park	1,600 SF minimum, 2,000 SF average = townhouse 2,500 SF = mobile home park	2,000 SF = cottage 1,600 SF minimum 2,400 SF average = townhouse 7,200 SF = duplex 2,500 SF = mobile home park 3,500 SF = other	1,600 SF minimum, 2,000 SF average = townhouse 2,500 SF = mobile home park	18.04.080(C) 18.04.080(D) 18.04.080(E) 18.04.080(F) Chapter 18.64 (townhouses) 18.04.060(P) (mobile home parks)	

DISTRICT	R1/5	R4	R-4CB	RLI	R 4-8	R 6-12	MR 7-13	MR 10-18	RM-18	RM-24	RMH	RMU	MHP	UR	ADDITIONAL REGULATIONS
			subdivision plat.			3,500 SF = other									
MINIMUM LOT WIDTH	30' except: 16' = townhouse	50' except: 18' = townhouse	100'	30' except: 16' = townhouse; 60' = duplex 80' = multi-family	45' except: 35' = cottage 18' = townhouse	40' except: 30' = cottage 16' = townhouse 80' = duplex, triplex, fourplex	40' except: 30' = cottage 16' = townhouse 70' = duplex 80' = multifamily	40' except: 30' = cottage 40' = zero lot 16' = townhouse 70' = duplex 80' = multifamily	30' = mobile home park	30' = mobile home park	---	---	40' except: 30' = cottage 16' = townhouse 80' = duplex 30' = mobile home park	---	18.04.080(D)(1) 18.04.080(F) 18.04.080(G) 18.04.060(P) (mobile home parks)
MINIMUM FRONT YARD SETBACKS	20' except: 5' for agricultural buildings with farm animals	20'	20'	20' except: 10' with side or rear parking; 10' for flag lots 5' for agricultural buildings with farm animals	20' except: 10' with side or rear parking; 10' for flag lots; 5' for agricultural buildings with farm animals	20' except: 10' with side or rear parking; 10' for flag lots; 5' for agricultural buildings with farm animals	20' except: 10' with side or rear parking; 10' for flag lots; 5' for agricultural buildings with farm animals	15' except: 10' with side or rear parking; 10' for flag lots; 5' for agricultural buildings with farm animals	10'	5'	5' except: 10' for structures 35' or taller	10' except: 20' along Legion Way	20' except: 10' with side or rear parking; 5' for agricultural buildings with farm animals	0-10' except: 10' on Capitol House Block	18.04.080(H) 18.04.080(I)
MINIMUM REAR YARD SETBACKS	10' except: 5' for agricultural	25'	50'	10' except: 5' for agricultural	20' except: 5' for agricultural buildings	20' except: 5' for agricultural buildings	20' except: 15' for multifamily; 10' for cottages,	15' except: 10' for cottages,	10' except: 15' for multifamily	10' except: 20' next to an R 4-8 or R-12 district	5' except: 20' for structure	5'	20' except: 5' for agricultural buildings	5' except: 10' for	18.04.080(D) 18.04.080(F) 18.04.080(H) 18.04.080(I)

DISTRICT	R1/5	R4	R-4CB	RLI	R 4-8	R 6-12	MR 7-13	MR 10-18	RM-18	RM-24	RMH	RMU	MHP	UR	ADDITIONAL REGULATIONS
	al buildings with farm animals			al buildings with farm animals.	with farm animals; 10' for cottages, and wedge shaped lots	with farm animals 10' for cottages, and wedge shaped lots	cottages, and wedge shaped lots	and wedge shaped lots, 20' with alley access			s 35' or higher		with farm animals; 10' for cottages	structure s over 42'	
MINIMUM SIDE YARD SETBACKS	5' except: 10' along flanking streets; provided garages are set back 20' 5' for agricultural buildings with farm animals	5' except: 10' along flanking street; except garages shall meet Minimum Front Yard Setbacks 6' on one side of zero lot; 5' for agricultural building with farm animals	10' minimum each side, and minimum total of 60' for both side yards.	5' except: 10' along flanking streets; except garages shall meet Minimum Front Yard Setbacks 6' on one side of zero lot; 5' for agricultural buildings with farm animals	5' except: 10' along flanking streets; except garages shall meet Minimum Front Yard Setbacks 6' on one side of zero lot; 3' for cottages; 5' for agricultural buildings with farm animals	5' except: 10' for triplex, fourplex 10' along flanking streets; except garages shall meet Minimum Front Yard Setbacks 6' on one side of zero lot; 3' for cottages; 5' for agricultural buildings with farm animals	5' except: 10' along flanking streets; except garages shall meet Minimum Front Yard Setbacks 6' on one side of zero lot; 3' for cottages;	5' except: 10' along flanking streets; except garages shall meet Minimum Front Yard Setbacks 6' on one side of zero lot; 3' for cottages	5' except: 10' along flanking streets; except garages shall meet Minimum Front Yard Setbacks 6' on one side of zero lot; 3' for cottages;	5' except: 10' along flanking streets; except garages shall meet Minimum Front Yard Setbacks 6' on one side of zero lot; 3' for cottages; 10' for multifamily; 20' next to R 4-8, or R 6-12 district 10' - mobile home park	5' except: 10' along flanking streets; 6' on one side of zero lot;	---	5' except: 10' along flanking streets; 6' on one side of zero lot; 3' for agricultural buildings with farm animals; 10' - mobile home park	No minimum 10' on Capitol House Block	18.04.080(H)
MAXIMUM BUILDING HEIGHT	35'	35', except: 16' for	40' except: 16' for	40' except: 16' for	35', except: 16' for accessory	35', except: 16' for accessory	45', except: 25' for cottage; 16'	45', except: 25' for cottage; 16'	35, except: 16' for accessory	42'	60'	See 18.04.080 (I)	2 stories or 35' whichever is	42' or as shown on Figure 4-	18.04.080(I)

DISTRICT	R1/5	R4	R-4CB	RLI	R 4-8	R 6-12	MR 7-13	MR 10-18	RM-18	RM-24	RMH	RMU	MHP	UR	ADDITIONAL REGULATIONS
		accessory buildings	accessory buildings	accessory buildings	buildings; 25' for cottage 35' on sites 1 acre or more, if setbacks equal or exceed building height	buildings; 25' for cottages	for accessory buildings	for accessory buildings	buildings; 25' for cottage				less, except: 16' for accessory buildings; 25' for cottages	5A & 18.04.08 0 (3)	
MAXIMUM BUILDING COVERAGE	45% = lots of 10,000 SF; 25%=lots of 10,001 SF to 1 acre; 6%=1.01 acre or more	35% 60% = townhouses	6%; increased to 18% if associated with drainage dispersal tract of at least 65% in the same subdivision plat.	Refer to Maximum Coverage below	45% = .25 acre or less 40% = .26 acres or more 60% = townhouses	55% = .25 acre or less 40% = .26 acres or more 60% = townhouses	45%	50%	50%	55%	85%	85%	45% = .25 acres or less 30% = .26 to 1 acre 25% = 1.01 to 3 acres 20% = 3.01 acres or more	85% except for stoops, porches or balconies	
MAXIMUM ABOVE-GRADE STORIES		2 stories	3 stories	3 stories	2 stories	2 stories, 3 stories = triplex, fourplex	4 stories	4 stories	3 stories	3 stories	5 stories			5 stories	
MAXIMUM IMPERVIO	45% or 10,000sf	35%	6%; increased	2,500 SF or 6%	45% = .25 acre or less	55% = .25 acre or less	65%	65%	65%	75%	85%	85%	65% = .25 acre or less	85% except	<u>18.04.080(k)</u>

DISTRICT	R1/5	R4	R-4CB	RLI	R 4-8	R 6-12	MR 7-13	MR 10-18	RM-18	RM-24	RMH	RMU	MHP	UR	ADDITIONAL REGULATIONS
US SURFACE COVERAGE	(whichever is greater) = lots greater <u>less than</u> 4 acres; 6%=4.1 acre or more	60% = Townhouses	to 18% if associated with drainage dispersal tract of at least 65% in the same subdivision plat.	coverage whichever is greater.	40% = .26 acre or more 60% = Townhouses	40% = .26 acres or more 60% = Townhouses							40% = .26 to 1 acre 35% = 1.01 to 3 acres 25% = 3.01 + acres 70% = townhouses	for stoops, porches or balconies	
MAXIMUM HARD SURFACE	45 <u>65%</u> or 10,000sf (whichever is greater) = lots less than 4 acres; <u>625%</u> =4.1 acre or more	45% <u>70 65%</u> <u>80%</u> = Townhouses	<u>6%</u> ; increased to 18% if associated with drainage dispersal tract of at least 65% in the same subdivision plat; <u>25%</u>	<u>2,500 SF</u> <u>55%</u> or <u>6%</u> coverage; <u>3,500sf</u> (whichever is greater) = <u>.25 acre</u> or less; <u>25%</u> or <u>6,000sf</u> (whichever is greater) = <u>.26 acre</u> or more.	<u>55 65%</u> = .25 acre or less <u>50 70%</u> = .26 acre or more <u>70 80%</u> = Townhouses	<u>65 75%</u> = .25 acre or less <u>50 70%</u> = .26 acre or more <u>70 80%</u> = Townhouses	<u>70 75%</u>	<u>70 75%</u>	<u>70 75%</u>	<u>75 80%</u>	<u>85 90%</u>	<u>85 90%</u>	<u>65 85%</u> = .25 acre or less <u>40 60%</u> = .26 to 1 acre <u>35 55%</u> = 1.01 to 3 acres 25% = 3.01+ acres <u>70 90%</u> = townhouses	<u>85%</u> except for stoops, porches or balconies <u>95%</u>	18.04.080(k)
MINIMUM OPEN SPACE	220 tree units per		65% drainage dispersal		450 SF/unit for cottage	450 SF/unit for cottage	<u>30%25%</u> ; for multifamily;	<u>3025%</u> for multifamily;	<u>30%</u> <u>25%</u> for multifamily;	<u>25%</u> <u>20%</u> for multifamily;	<u>15%</u> <u>10%</u> for	<u>15%</u>	450 SF/unit for cottage	15% may include stoops,	18.04.080(J)

DISTRICT	R1/5	R4	R-4CB	RLI	R 4-8	R 6-12	MR 7-13	MR 10-18	RM-18	RM-24	RMH	RMU	MHP	UR	ADDITIONAL REGULATIONS
	acre required		area <u>may</u> <u>be</u> required; <u>it</u> may double as tree tract or critical areas buffer.		developments	developments	450 SF/unit for cottage developments	450 SF/unit for cottage developments	500 SF/space for mobile home park	500 SF/space for mobile home park	multifamily	<u>10% for multifamily</u> ; 500 SF/space for mobile home park	development; 500 SF/space for mobile home park	porches or balcony areas	

LEGEND

SF = Square Feet

RL1 = Residential Low Impact

R-4 = Residential - 4

MR 7-13 = Mixed Residential 7-13

MR 7-13 = Mixed Residential 7-13

Zero Lot = A Lot with Only One Side Yard

R 4-8 = Residential 4-8

MR 10-18 = Mixed Residential 10-18

RMH = Residential Multifamily High Rise

--- = No Regulation

R 6-12 = Residential 6-12

RM 18 = Residential Multifamily - 18

RMU = Residential Mixed Use

UR - Urban Residential

Section 6. Amendment of OMC 18.04.080. A NEW SUBSECTION K is hereby added the Olympia Municipal Code Subsection 18.04.080 to read as follows:

18.04.080 Residential districts' development standards

K. Surface Coverage Limits:

1. Increased Surface Coverage Limits: Non-residential uses such, as schools, parks, and places of worship, located in residential zones may increase the total amount of impervious or hard surfaces above the established maximum by up to ten percent (10%) for impervious surfaces, and twenty percent (20%) for hard surfaces, provided all of the following criteria are met:

- a) The project site is greater than one (1) acre in size.
- b) The increase is not caused by a desire for additional surface parking areas in excess of the range established in table 38.01 of OMC 18.38.100.
- c) Low impact development requirements in the Drainage Design and Erosion Control Manual are determined feasible and are implemented.

2. Existing Surfaces: An existing lot, which was legally built under regulations applicable at the time of its building, but which exceeds current impervious or hard surface coverage limits, may be replaced within the existing lot footprint, but cannot be expanded in a way that would increase the nonconformity. Replacement of such surfaces must comply with the Drainage Design and Erosion Control Manual, including, providing stormwater control measures.

3. Calculation Exclusions: The following are excluded from the impervious and hard surface coverage limit calculations. Note: these exclusions do not apply to calculations or requirements related to the Drainage Design and Erosion Control Manual.

- a) Ingress/egress easements serving a neighboring property;
- b) Areas excluded from the minimum lot area calculations (OMC 18.04.080(c)(4)), such as the panhandle of a flag lot;
- c) Portions of the driveway that extend beyond the required setback area when the additional length is caused by compliance with municipal code requirements, such as critical area and buffer protections.

Section 7. Amendment of OMC 18.04.080.H. Olympia Municipal Code Subsection 18.04.080.H is hereby amended to read as follows:

18.04.080 Residential ~~districts'~~districts development standards

H. Setbacks.

1. Measurement. The required setback area shall be measured from the outermost edge of the building foundation to the closest point on the applicable lot line.
2. Reduced Front Yard Setbacks. Front yard setbacks in the R-4, R 4-8, R 6-12, MR 7-13 and MR 10-18 districts may be reduced to a minimum of ten (10) feet under the following conditions:
 - a. When garage or parking lot access is from the rear of the lot;
 - b. When the garage is located at least ten (10) feet behind the front facade of the primary structure on the lot; or
 - c. When the driveway will be aligned to provide at least a twenty (20) foot long parking space between the sidewalk edge (closest to lot) and the garage. (See Chapter 18.100 Design Review and Chapter 18.175 Infill and Other Residential.)

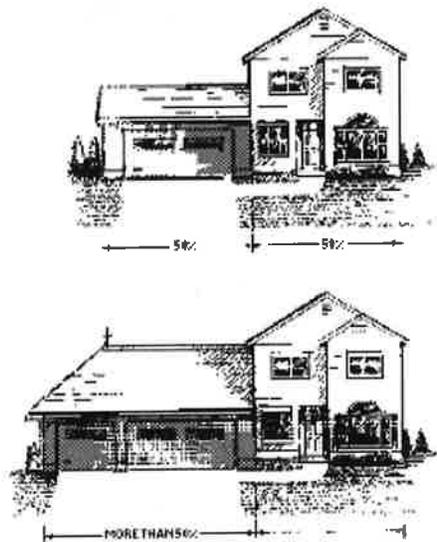
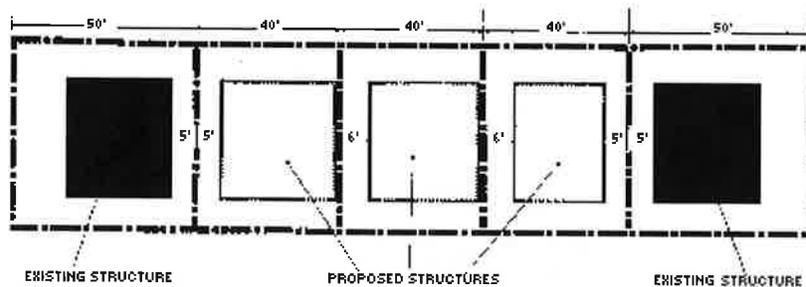


FIGURE 4-3

3. Rear Yard Setbacks. See Section 18.04.080(H)(5), Encroachments into Setbacks, Section 18.04.080(D)(2), Transitional Lots, and Table 4.04.
4. Side Yard Setbacks.
 - a. Reduced side yard setbacks. ~~Except for the R-4CB district, a~~ side yard building setback shall is not be required for a lot, served by an alley (such alley must be open, improved and accessible, not solely a right-of-way) provided it meets the following conditions:
 - i. Provision for reduced or zero setbacks shall specifically appear upon the face of a final short or long plat. Such plat shall provide that the minimum distance between residences will be six (6) feet. If the distance between a proposed dwelling and a property line is less than three (3) feet, the applicant shall provide evidence of a maintenance easement, at least

three (3) feet in width, which provides sufficient access for the owner of the dwelling to maintain the applicable exterior wall and roof of the dwelling. (Except as expressly provided, any reduced side yard provision appearing on a final plat shall withstand later amendments of this Title and shall be considered conforming.)

ii. Side yard setbacks shall not be less than five (5) feet along a property line adjoining a lot which is not developed or approved for reduced setbacks (e.g., a conventional lot with two (2) five (5) foot wide side yard setbacks). Side yard setbacks shall not be less than ten (10) feet along property lines which abut a public rights-of-way.



ZERO LOT LINE

FIGURE 4-4

- b. The minimum side yard setback from bikepaths and walkways shall comply with the side yard setback from the lot line as specified for the district in Table 4.04.
5. Encroachment Into Setbacks. The buildings and projections listed below shall be allowed outside of utility, access or other easements. See 18.04.080(H)(5) for additional exceptions.
- a. Except for Accessory Dwelling Units, any accessory structures may be located in a required rear yard and/or in the rear twenty (20) feet of a required interior side yard; however, if a garage entrance faces a rear or side property line, it shall be setback at least ten (10) feet from that property line. Accessory dwelling units may not encroach into required side yard setbacks. Accessory dwelling units may encroach into rear yards however, if the rear yard does not abut an alley, the accessory unit must be set back ten (10) feet from the rear property line. Further, any garage attached to any accessory dwelling unit shall conform with this Section.

b. Up to fifty (50) percent of a rear yards width may be occupied by a dwelling (primary residence or ADU) provided that the structure (foundation) is located at least ten (10) feet from the rear property line. For purposes of this section the rear yards width shall be measured in a straight line between the side property lines at the point of intersection with the rear property line.

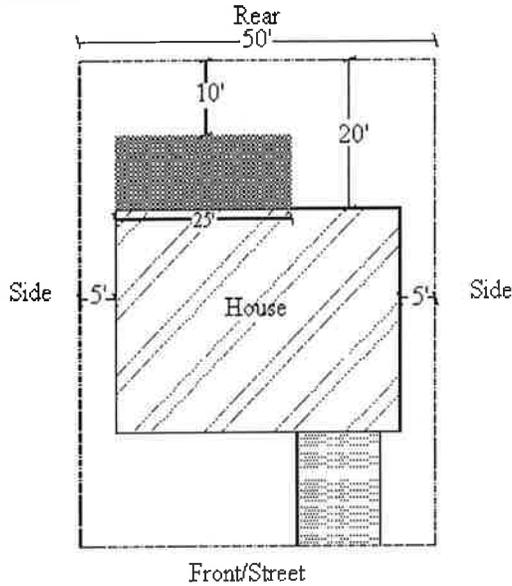


Figure 4-4a

c. Townhouse garages may share a common rear property line provided that access for interior lots is from a single common driveway to not more than one public street entrance.

Section 8. Amendment of OMC 18.06.080. Olympia Municipal Code OMC 18.06.080 Table 6.02 is hereby amended to read as follows:

TABLE 6.02

COMMERCIAL DISTRICTS' DEVELOPMENT STANDARDS

STANDARD	NR	PO/RM	GC	HDC-1	HDC-2	HDC-3	HDC-4 and HDC-4 Capital Mall	ADDITIONAL REGULATIONS
MINIMUM LOT SIZE	7,200 Sq. Ft.	No minimum, except 1,600 = cottage 3,000 = zero lot 1,600 sq. ft. minimum 2,400 sq. ft. average = townhouse 6,000 sq. ft. = duplex 7,200 sq. ft. = multifamily 4,000 = other	No minimum, except 1,600 sq. ft. minimum 2,400 sq. ft. average = townhouse	No minimum, except 1,600 = cottage 3,000 = zero lot 1,600 sq. ft. minimum 2,400 sq. ft. average = townhouse 6,000 sq. ft. = duplex 7,200 sq. ft. = multifamily 4,000 = other	No minimum, except 1,600 = cottage 3,000 = zero lot 1,600 sq. ft. minimum 2,400 sq. ft. average = townhouse 6,000 sq. ft. = duplex 7,200 sq. ft. = multifamily 4,000 = other	No minimum, except 1,600 sq. ft. minimum 2,400 sq. ft. average = townhouse	No minimum, except 1,600 sq. ft. minimum 2,400 sq. ft. average = townhouse	See also 18.06.100(D) for regulations on existing undersized lots of record.
FRONT YARD SETBACK	See Chapter <u>18.110</u> , Basic Commercial Design Criteria	10' maximum, if located in a High Density Corridor; 10' minimum otherwise.	5' minimum for residential otherwise none.	0-10' See 18.130	0-10' See 18.130	0-10' See 18.130	0-10' See 18.130	1. 50' minimum from property line for agriculture buildings (or structures) which house animals other than pets. 2. Must comply with clear sight triangle requirements, Section <u>18.40.060(C)</u> .

TABLE 6.02

COMMERCIAL DISTRICTS' DEVELOPMENT STANDARDS

STANDARD	NR	PO/RM	GC	HDC-1	HDC-2	HDC-3	HDC-4 and HDC-4 Capital Mall	ADDITIONAL REGULATIONS
								3. Must comply with site design standards, Chapter <u>18.100</u> .
REAR YARD SETBACK	15' minimum.	10' minimum; Except: 1. Next to an R 4, R 4-8, or R 6-12 district = 15' minimum + 5' for each bldg. floor above 2 stories. 2. Next to MR 7-13, MR 10-18, RM-18, RM-24 or RMH district = 10' minimum + 5' for each bldg. floor above 2 stories.	10' minimum; Except: 1. Next to single-family use or an R 4, R 4-8, or R 6-12 district = 15' minimum + 5' for each bldg. floor above 2 stories. 2. Next to MR 7-13, MR 10-18, RM-18, RM-24 or RMH district (refer to 1 above if adjacent use is single-family) = 10' minimum + 5' for each	10' minimum; Except: 1. Next to an R4, R4-8, or R6-12 district = 15' minimum + 5' for each bldg. floor above 2 stories; 10 ft. where an alley separates HDC-1 from the above residential district. 2. Next to MR7-13, MR 10-18, RM-18, RM-24 or RMH district = 10' minimum + 5' for each bldg. floor above 2 stories.	10' minimum; Except: 1. Next to an R4, R4-8, or R6-12 district = 15' minimum + 5' for each bldg. floor above 2 stories; 10 ft. where an alley separates HDC-2 from the above residential district. 2. Next to MR7-13, MR 10-18, RM-18, RM-24, or RMH district = 10' minimum + 5' for each bldg. floor above 2 stories.	10' minimum; Except: 1. Next to single-family use or an R4, R4-8, or R6-12 district = 15' minimum + 5' for each bldg. floor above 2 stories. 2. Next to MR7-13, MR10-18, RM-18, RM-24 or RMH district (refer to 1 above if adjacent use is single-family) = 10' minimum + 5' for each bldg. floor above 2 stories.	10' minimum; Except: 1. Next to single-family use or an RLI, R4, R4-8, or R6-12 district - 15' minimum + 5' for each bldg. floor above 2 stories. 2. Next to MR7-13, MR10-18, RM-18, RM-24 or RMH district (refer to 1 above if adjacent use is single-family) = 10' minimum + 5' for each bldg. floor above 2 stories.	1. 50' minimum from property line for agriculture buildings (or structures) which house animals other than pets. 2. Must comply with site design standards, Chapter <u>18.100</u> .

TABLE 6.02

COMMERCIAL DISTRICTS' DEVELOPMENT STANDARDS

STANDARD	NR	PO/RM	GC	HDC-1	HDC-2	HDC-3	HDC-4 and HDC-4 Capital Mall	ADDITIONAL REGULATIONS
			bldg. floor above 2 stories.					
SIDE YARD SETBACK	15' minimum.	No minimum on interior, 10' minimum on flanking street; Except: 1. Next to R 4, R 4-8, or R 6-12 district = 15' minimum + 5' for each building floor above 2 stories. 2. Next to MR 7-13, MR 10-18, RM-18, RM-24 or RMH district = 10' minimum + 5' for each bldg. floor above 2 stories. 3. Residential excluding	No Minimum; Except: 1. Next to R 4, R 4-8, or R 6-12 district = 15' minimum + 5' for each building floor above 2 stories. 2. Next to MR 7-13, MR 10-18, RM-18, RM-24 or RMH district = 10' minimum + 5' for each bldg. floor above 2 stories. 3. Residential excluding mixed use structures: 5' except 6' on	No minimum on interior, 10' minimum on flanking street; Except: 1. Next to R4, R4-8, or R6-12 district = 15' minimum + 5' for each building floor above 2 stories. 2. Next to MR7-13, MR10-18, RM-18, RM-24 or RMH district = 10' minimum + 5' for each bldg. floor above 2 stories. 3. Residential excluding mixed use structures:	No minimum on interior, 10' minimum on flanking street; Except: 1. Next to R4, R4-8, or R6-12 district = 15' minimum + 5' for each building floor above 2 stories. 2. Next to MR7-13, MR10-18, RM-18, RM-24 or RMH district = 10' minimum + 5' for each building floor above 2 stories. 3. Residential excluding mixed use structures:	No Minimum; Except: 1. Next to R4, R4-8, or R6-12 district = 15' minimum + 5' for each building floor above 2 stories. 2. Next to MR7-13, MR10-18, RM-18, RM-24 or RMH district = 10' minimum + 5' for each bldg. floor above 2 stories. 3. Residential excluding mixed use structures; 5' except 6' on one side of zero lot.	No Minimum; Except: 1. Next to RLI, R4, R4-8, or R6-12 district = 15' minimum + 5' for each building floor above 2 stories. 2. Next to MR7-13, MR10-18, RM-18, RM-24 or RMH district = 10' minimum + 5' for each bldg. floor above 2 stories. 3. Residential excluding mixed use structures; 5' except 6' on one size of zero lot.	1. 50' minimum from property line for agriculture buildings (or structures) which house animals other than pets. 2. Must comply with clear sight triangle requirements, Section 18.40.060(C). 3. Residential sideyards can be reduced consistent with 18.04.080(H)(5). 4. Must comply with site design standards, Chapter 18.100.

TABLE 6.02

COMMERCIAL DISTRICTS' DEVELOPMENT STANDARDS

STANDARD	NR	PO/RM	GC	HDC-1	HDC-2	HDC-3	HDC-4 and HDC-4 Capital Mall	ADDITIONAL REGULATIONS
		mixed use structures: 5' except 6' on one side of zero lot.	one side of zero lot.	5' except 6' on one side of zero lot.	5' except 6' on one side of zero lot.			
MAXIMUM BUILDING HEIGHT	Up to 35', whichever is less.	Up to 35', if any portion of the building is within 100' of R 4, R 4-8, or R 6-12 district; Up to 60' otherwise.	Up to 35', if any portion of the building is within 100' of R 4, R 4-8, or R 6-12 district; Up to 60' otherwise; or up to 70', if at least 50% of the required parking is under the building; or up to 75', if at least one story is residential.	The portion of a building within 100' of land zoned for maximum density of less than 14 units per acre is limited to 35'. The portion of a building within 50' of land zoned for a maximum density of 14 units per acre or more is limited to the lesser of 60' or the height allowed in the abutting district.	The portion of a building within 100' of land zoned for maximum density of less than 14 units per acre is limited to 35'. The portion of a building within 50' of land zoned for a maximum density of 14 units per acre or more is limited to the lesser of 60' or the height allowed in the abutting district.	The portion of a building within 100' of land zoned for maximum density of less than 14 units per acre is limited to 35'. The portion of a building within 50' of land zoned for a maximum density of 14 units per acre or more is limited to the lesser of 60' or the height allowed in the abutting district.	The portion of a building within 100' of land zoned for maximum density of less than 14 units per acre is limited to 35'. The portion of a building within 50' of land zoned for a maximum density of 14 units per acre or more is limited to the lesser of 60' or the height allowed in the abutting district.	<ol style="list-style-type: none"> 1. Not to exceed height limit set by State Capitol Group Height District, 18.10.060, for properties near the State Capitol Campus. 2. Must comply with site design standards, Chapter <u>18.100</u>. 3. HDC-1 and HDC-2 additional story must comply with OMC 18.06.100.A.6.

TABLE 6.02

COMMERCIAL DISTRICTS' DEVELOPMENT STANDARDS

STANDARD	NR	PO/RM	GC	HDC-1	HDC-2	HDC-3	HDC-4 and HDC-4 Capital Mall	ADDITIONAL REGULATIONS
				Up to 60' otherwise. Provided that one additional story may be built for residential development only.	Up to 60' otherwise. Provided that one additional story may be built for residential development only.	Up to 60' otherwise; or up to 70', if at least 50% of the required parking is under the building; or up to 75', if at least one story is residential.	Up to 60' otherwise; or up to 70', if at least 50% of the required parking is under the building; or up to 75', if at least one story is residential. See 18.130.060 Significant Building Entry tower exemption (allows an additional 30' for a tower element at Capital Mall). Up to 75' for HDC-4 zoned properties where the proposed project provides for the development of	

TABLE 6.02

COMMERCIAL DISTRICTS' DEVELOPMENT STANDARDS

STANDARD	NR	PO/RM	GC	HDC-1	HDC-2	HDC-3	HDC-4 and HDC-4 Capital Mall	ADDITIONAL REGULATIONS
							replacement dwelling units in a development agreement and the project site is all or part of an area of 40 acres or more that was in contiguous common ownership in 2009.	
MAXIMUM BUILDING COVERAGE	45%	70%, except 55% for residential only structures	70%; or 85% if at least 50% of the required parking is under the building.	70% for all structures	70% for all structures	70% for all structures, 85% if at least 50% of the required parking is under the building.	70% for all structures. 85% of the site if at least 50% of the required parking is under the building. On redeveloped sites, 85% if at least 50% of new required parking is under	For projects in the GC and HDC-4 zones west of Yauger Way, limitations of building size per 18.06.100(C) and 18.130.020 apply.

TABLE 6.02

COMMERCIAL DISTRICTS' DEVELOPMENT STANDARDS

STANDARD	NR	PO/RM	GC	HDC-1	HDC-2	HDC-3	HDC-4 and HDC-4 Capital Mall	ADDITIONAL REGULATIONS
							the building or in a structured parking form. 85% for HDC-4 zoned properties where the proposed project provides for the development of replacement dwelling units in a development agreement and the project site is all or part of an area of 40 acres or more that was in contiguous common ownership in 2009.	
MAXIMUM IMPERVIOUS	50%	70%	85%	85% for all structures	See OMC <u>18.06.100(D)</u> .			

TABLE 6.02

COMMERCIAL DISTRICTS' DEVELOPMENT STANDARDS

STANDARD	NR	PO/RM	GC	HDC-1	HDC-2	HDC-3	HDC-4 and HDC-4 Capital Mall	ADDITIONAL REGULATIONS
SURFACE COVERAGE								
MAXIMUM HARD SURFACE	<u>60</u> 70%	85% , except 75% for residential structures85%	<u>100%</u>	<u>100%</u>	<u>100%</u>	<u>100%</u>	<u>100%</u>	
ADDITIONAL DISTRICT- WIDE DEVELOPMENT STANDARDS	Maximum building size (gross sq. ft.): 3,000 for single use; 6,000 for mixed use.	Building floors above 3 stories which abut a street or residential district must be stepped back a minimum of 8 feet (see 18.06.100(B) and Figure 6- 3).	Building floors above 3 stories which abut a street or residential district must be stepped back a minimum of 8 feet (see 18.06.100(B)).	Building floors above 3 stories which abut a street or residential district must be stepped back a minimum of 8 feet (see 18.06.100(B)).	Building floors above 3 stories which abut a street or residential district must be stepped back a minimum of 8 feet (see 18.06.100(B)).	Building Floors above 3 stories which abut a street or residential district must be stepped back a minimum of 8 feet (see 18.06.100(B)).	Building floors above 3 stories which abut a street or residential district must be stepped back a minimum of 8 feet (see 18.06.100(B)).	For properties in the vicinity of the Downtown or Kaiser Road and Harrison Ave NE, also see Pedestrian Streets Overlay District, Chapter <u>18.16</u> . For retail uses over 25,000 square feet in gross floor area, see Section <u>18.06.100(G)</u> Large Scale Retail Uses. EXCEPTION: Section <u>18.06.100(G)</u> shall not apply to motor vehicle sales.

LEGEND

NR = Neighborhood Retail
 GC = General Commercial

PO/RM = Professional
 Office/Residential Multifamily

HDC-1=High Density Corridor-1
 HDC-2=High Density Corridor-2
 HDC-3=High Density Corridor-3
 HDC-4=High Density Corridor-4

TABLE 6.02

COMMERCIAL DEVELOPMENT STANDARDS

STANDARD	MS	UW	UW-H	DB	CS-H	AS	ADDITIONAL REGULATIONS
MINIMUM LOT AREA	7,200 Sq. Ft.	No minimum.	No minimum.	No minimum.	7,200 Sq. Ft. if bldg. height is 35' or less. 12,500 Sq. Ft. if bldg. height is over 35'.	No minimum.	
FRONT YARD SETBACK	10' maximum.	No minimum; however, see Chapter <u>18.100</u> for design guidelines for pedestrian access and view corridors.	No minimum.	No minimum.	No minimum.	30' minimum for buildings; 15' for other structures except signs	1. 50' minimum from property line for agriculture buildings (or structures) which house animals other than pets. 2. Must comply with clear sight triangle requirements, Section <u>18.40.060(C)</u> . 3. See Design Guidelines, Chapter <u>18.100</u> .

TABLE 6.02

COMMERCIAL DEVELOPMENT STANDARDS

STANDARD	MS	UW	UW-H	DB	CS-H	AS	ADDITIONAL REGULATIONS
REAR YARD SETBACK	15' minimum; If next to a residential zone, 15' minimum plus 5' for every story over 3 stories.	No minimum; however, see Chapter <u>18.100</u> for design guidelines for pedestrian access and view corridors.	No minimum.	No minimum.	5' minimum if building has 1 or 2 stories. 10' minimum if building has 3 or more stories.	15' minimum.	50' minimum from property line for agriculture buildings (or structures) which house animals other than pets.
SIDE YARD SETBACK	10' minimum; 15' minimum plus 5' for every story over 3 stories if next to a residential zone.	No minimum; however, see Chapter <u>18.100</u> for design guidelines for pedestrian access and view corridors.	No minimum.	No minimum.	5' minimum if building has 1 or 2 stories. 10' minimum if building has 3 or more stories; AND the sum of the 2 side yards shall be no less than 1/2 the building height.	5' minimum 30' minimum for buildings and 15' minimum for other structures from flanking streets.	1. 50' minimum from property line for agriculture buildings (or structures) which house animals other than pets. 2. Must comply with clear sight triangle requirements, Section <u>18.40.060(C)</u> . 3. See Design Guidelines, Chapter <u>18.100</u> .
MAXIMUM BUILDING HEIGHT	75'; except hospitals, which may exceed that height.	See Figure 6-2, Urban Waterfront District Height Limits Exceptions:	Refer to Figure 6-2 and 6-2B for specific height and building configurations	75'; PROVIDED, however, that two additional stories may be built, if they are	75' Exception: Up to 100' may be allowed with conditional approval by the	40' accessory building limited to 20'.	Not to exceed height limit set by State Capitol Group Height District, 18.10.060, for

TABLE 6.02

COMMERCIAL DEVELOPMENT STANDARDS

STANDARD	MS	UW	UW-H	DB	CS-H	AS	ADDITIONAL REGULATIONS
		<p>1) In the portion of the area Downtown with a height limit of 65', two additional residential stories may be built. See 18.06.100(A)(2)(b).</p> <p>2) In the portion of the area on West Bay Drive with a height limit of 42' to 65', the taller height limit is conditioned upon the provision of certain waterfront amenities. See 18.06.100(A)(2)(c).</p>	required on specific blocks.	residential. There are also restrictions around Sylvester Park. For details, see 18.06.100(C)(6) Height, Downtown Business District.	City Council, upon recommendation of the Hearing Examiner. For details, see 18.06.100(C)(5), Height, Commercial Services-High Density.		properties near the State Capitol Campus.
MAXIMUM BUILDING COVERAGE	50%	<p>60% for properties between the shoreline and the nearest upland street.</p> <p>100% for properties not between the shoreline and the nearest upland street.</p> <p>See also Chapter <u>18.100</u> for design guidelines for pedestrian access and view corridors.</p>	100%	No requirement.	No requirement.	85%	
MAXIMUM IMPERVIOUS	60%	100% development coverage.	100%	100%	100%	85%	See OMC <u>18.06.100(D)</u> .

TABLE 6.02

COMMERCIAL DEVELOPMENT STANDARDS

STANDARD	MS	UW	UW-H	DB	CS-H	AS	ADDITIONAL REGULATIONS
SURFACE COVERAGE							
MAXIMUM HARD SURFACE	<u>65</u> 80%	<u>100%</u>	<u>100%</u>	<u>100%</u>	<u>100%</u>	<u>100%</u>	
ADDITIONAL DISTRICT-WIDE DEVELOPMENT STANDARDS	Building floors above 3 stories which abut a street or residential district must be stepped back a minimum of 8 feet (see 18.06.100(F)). Residential uses (Section 5 of Table 6.01) may not be constructed within 600 feet of Lilly Road except in upper stories of mixed use building; all	Street ends abutting the water shall be preserved to provide views of and public access to the water, pursuant to Section <u>12.16.050(D)</u> OMC. See also Chapter <u>18.100</u> for Downtown design guidelines for Pedestrian Access and View Corridors and Waterfront Public Access; Chapter <u>18.100</u> for Port Peninsula design guidelines for Pedestrian Connections and View Corridors; Section <u>18.06.100(A)(2)(c)</u> for West Bay Drive building height and view blockage limits; and Chapter <u>18.100</u> for West Bay Drive view corridors. See also	Street ends abutting the water shall be preserved to provide views of and public access to the water, pursuant to OMC Section <u>12.16.050(D)</u> .		Residential uses must comply with High Rise Multi-family (RM-H) development standards.	6' of sight-screening buffer shall be provided along north, east, and west district boundaries. See Olympia Park Replat covenants for access, and other standards applicable to replat lots.	For properties in the vicinity of the Downtown, also see Pedestrian Streets Overlay District, Chapter <u>18.16</u> . For retail uses over 25,000 square feet in gross floor area, see Section <u>18.06.100 (G)</u> Large Scale Retail Uses. EXCEPTION: Section <u>18.06.100 (G)</u> shall not apply to motor vehicle sales.

TABLE 6.02

COMMERCIAL DEVELOPMENT STANDARDS

STANDARD	MS	UW	UW-H	DB	CS-H	AS	ADDITIONAL REGULATIONS
	other development standards are the same as for commercial uses.	Chapter <u>18.100</u> for Downtown design guidelines for Pedestrian Access and View Corridors and Waterfront Public Access; Chapter <u>18.100</u> for Port Peninsula design guidelines for Pedestrian Connections and View Corridors; Section <u>18.06.100(A)(2)(c)</u> for West Bay Drive building height and view blockage limits; and Chapter <u>18.100</u> for West Bay Drive view corridors.					

LEGEND

MS = Medical Services

CS-H = Commercial Services -

UW = Urban Waterfront

DB = Downtown Business

High Density

UW-H = Urban Waterfront-Housing

AS=Auto Services

Section 9. Amendment of OMC 18.36.060.C. Olympia Municipal Code Subsection 18.36.060.C is hereby amended to read as follows:

18.36.060 General requirements

C. Irrigation.

1. Irrigation, if used, shall must be ~~temporary~~ the minimum necessary for the purposes of plant establishment- and maintenance.
2. All irrigation systems shall be adequate to ensure survival of all retained and new plants and may be equipped with a controller capable of dual or multiple programming. Controllers must have multiple start capability and flexible calendar programming. They must also allow for at least seven day timing cycles. Timers should be set to water during evening hours after sundown.
3. Irrigation systems shall be designed and operated to minimize runoff and overspray to non-irrigated areas.
4. The water schedule for each circuit identified on the approved landscape plan must be posted inside the corresponding controller.

Section 10. Amendment of OMC 18.36.180.C. Olympia Municipal Code Subsection 18.36.180.C is hereby amended to read as follows:

18.36.180 Parking lot landscape and screening.

C. Interior Parking Lot Landscaping.

1. The following interior parking lot landscape area is required for all development covered by 18.36.180(A). Space requirements are considered minimums, additional landscape area may be necessary to meet design requirements below.

Required landscape area per parking stall.

Stall size	(1-20)	(21-30)	(31-40)	(41 +)
Standard	23 sq.ft. (8.25%)	27 sq.ft. (9.75%)	31 sq.ft. (11.25%)	35 sq.ft. (12.75%)
Small Space	17 sq.ft. (8.3%)	20 sq.ft. (9.8%)	23 sq.ft. (11.3%)	26 sq.ft. (12.7%)

2. Landscape Islands - Design.

a. ~~Landscape Islands~~The applicant shall install landscape islands which must be a minimum of one hundred forty-four (144) square feet ~~and no more than five hundred (500) square feet in size.~~ Islands ~~shall~~must be designed so that trees will be planted a minimum of ~~four (4)~~ six (6) feet from any hard scape surface. The minimum island size may be reduced, ~~on a case by case basis, if appropriate 'structural soil' is provided to ensure that trees can achieve maturity.~~ The maximum allowable size of five hundred (500) square feet may be increased to allow for the preservation of existing trees and associated vegetation pursuant to OMC ~~16.60~~ or to accommodate stormwater infiltration/treatment/conveyance practices if appropriate accommodations for the trees and roots to mature to full size are provided. Accommodations can include 'structural soil' or other methods that provide adequate soil volume as provided by the City.

b. Islands shall be provided in the following location:

i. Landscaping islands shall be placed at the end of every parking row and with a spacing of approximately one (1) island for every nine (9) parking spaces consistent with a goal of maximizing canopy tree coverage at maturity; and

ii. Between loading doors/maneuvering areas and parking area; and

iii. Any remaining required landscaping shall be dispersed throughout the parking lot interior to reduce visual impact.

c. Permanent curbing shall be provided in all landscape areas within or abutting parking areas. Based on appropriate surface water considerations, other structural barriers such as concrete wheel stops may be substituted for curbing.

3. Landscape Islands - Materials.

a. One tree ~~shall~~must be planted for every two hundred (200) square feet of landscape island area; provided that every landscape island must contain at least one (1) tree. Two (2) trees are required in islands separating or ending a double row of parking, regardless of the island size. Planting areas ~~shall~~must be provided with the maximum number of trees possible given recommended spacing for species type, and the estimated mature size of the tree.

b. All landscape islands within parking areas shall be comprised of a minimum of 60% native vegetation, or well-adapted drought-tolerant vegetation, where site conditions are appropriate for establishment and long-term survival. Grass lawn is prohibited except as needed and approved for stormwater conveyance.

- c. No plant material greater than twelve inches in height shall be located within two (2) feet of a curb or other protective barrier in landscape areas adjacent to parking spaces and vehicle use areas.
- d. Deciduous and/or evergreen trees shall be used which form a canopy. Deciduous trees shall have a minimum size of two (2) inches in caliper measured six (6) inches above the base. Evergreen trees shall be a minimum six (6) feet in height at planting.
- e. Shrubs and ground cover. Ground cover shall be planted and spaced in a triangular pattern which will result in eighty (80) percent coverage in three (3) years. The mature size of shrubs and trees whose canopy is no more than two (2) feet above the ground may also be included in total ground cover calculations.
- f. Motor vehicle overhang. Parked motor vehicles may overhang landscaped areas up to two (2) feet when wheel stops or curbing are provided. Plants more than twelve (12) inches tall are not allowed within the overhang area.

Section 11. Corrections. The City Clerk and codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance, including the correction of scrivener/clerk errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 12. 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 13. Ratification. Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

Section 14. Effective Date. This Ordinance shall take effect thirty (30) days after publication, as provided by law.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

Michael M. Young

DEPUTY CITY ATTORNEY

PASSED:

APPROVED:

PUBLISHED:



City Council

Approval of an Ordinance Updating the Olympia Municipal Code to Align with Current Law and Administration, Amending Title 1 General Provisions, Title 2 Administration and Personnel, and Title 3 Revenue and Finance

Agenda Date: 9/15/2020
Agenda Item Number: 4.G
File Number:20-0623

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

Title

Approval of an Ordinance Updating the Olympia Municipal Code to Align with Current Law and Administration, Amending Title 1 General Provisions, Title 2 Administration and Personnel, and Title 3 Revenue and Finance

Recommended Action

Committee Recommendation:

Not referred to a committee.

City Manager Recommendation:

Move to approve the ordinance updating the Olympia Municipal Code to align with current law and administration, amending Title 1 General Provisions, Title 2 Administration and Personnel, and Title 3 Revenue and Finance on second reading.

Report

Issue:

Whether to approve an ordinance updating the Olympia Municipal Code to align with current law and administration.

Staff Contact:

Annaliese Harksen, Deputy City Attorney, 360.753.8338

Presenter(s):

None - Consent Calendar Item.

Background and Analysis:

Background and analysis haven't changed from first to second reading.

Over time, law and administration change and require updating. This ordinance is the first of many that will be brought to the City Council for approval to update the City's Municipal Code. Because

updating the Code in one ordinance would be too cumbersome, the goal is to update the Code by title for consistency with current law and administration, including two to three title updates in each ordinance.

In addition to the typical evolution of job titles and duties over time, on July 15, 2020, the City Manager announced a reorganization of staff. This reorganization will provide greater efficiency in responding to the priorities of Olympia's community. The City Manager has designated two Assistant City Managers, one of whom will oversee Homelessness and Economic Development, and the other will oversee Strategic Initiatives, which includes Communications, Information Technology, Human Resources, and the Office of Performance and Innovation. The reorganization eliminates the Administrative Services Department and creates a separate Finance Department. The Fire, Police, Finance, Public Works, Parks, Arts & Recreation, and Legal departments will continue to report to the City Manager.

Neighborhood/Community Interests (if known):

None known.

Options:

1. Approve the proposed Ordinance updating Olympia Municipal Code Titles 1, 2, and 3.
2. Direct staff to modify the Ordinance.
3. Move to take no action.

Financial Impact:

None.

Attachments:

Ordinance

Ordinance No. _____

AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, UPDATING THE OLYMPIA MUNICIPAL CODE TO ALIGN WITH CURRENT LAW AND ADMINISTRATION, AMENDING TITLE 1 GENERAL PROVISIONS, TITLE 2 ADMINISTRATION AND PERSONNEL, AND TITLE 3 REVENUE AND FINANCE

WHEREAS, the City Manager recognizes that the community of Olympia has grown in recent years and, with that growth, certain laws have changed, and priorities of its citizens have evolved; and

WHEREAS, the organizational structure of staff has been updated, which will best utilize resources to address issues of primary importance; and

WHEREAS, the City Manager has completed an organizational update and directed staff to draft City of Olympia Municipal Code (OMC) amendments that reflect updated law and the new staffing structure, titles, duties and references; and

WHEREAS, to bring the entire OMC up to date in a single ordinance editing staff organizational structure, titles, duties, and references would be too cumbersome and, as a result, draft updates to the OMC are presented to City Council incrementally, updating a few titles in each ordinance until such time as the entire OMC is updated; and

WHEREAS, this Ordinance updates Titles 1, 2, and 3 with respect to staff organizational structure, titles, duties, references and aligns the code with current law and administration;

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

Section 1. Amendment of Title 1. Olympia Municipal Code Title 1, GENERAL PROVISIONS, is hereby amended to read as follows:

Title 1
GENERAL PROVISIONS

Chapters:

- 1.01 Code Adoption**
- 1.04 General Provisions**
- 1.08 City Classification**
- 1.12 City Seal**
- 1.16 Initiative and Referendum**
- 1.20 Prisoners**
- 1.24 Discrimination in Delivery of City Services or Resources**

Chapter 1.01 CODE ADOPTION

1.01.000 Chapter Contents

Sections:

- 1.01.010 Adoption.
- 1.01.020 Title--Citation--Reference.
- 1.01.030 Codification authority.
- 1.01.040 Ordinances passed prior to adoption of the code.
- 1.01.050 Reference applies to all amendments.
- 1.01.060 Title, chapter and section headings.
- 1.01.070 Reference to specific ordinances.
- 1.01.080 Effect of code on past actions and obligations.
- 1.01.090 Effective date.
- 1.01.100 Constitutionality.

1.01.010 Adoption

Pursuant to the provisions of Sections 35.21.500 through 35.21.570 of the RCW, there is adopted the "Olympia Municipal Code," as compiled, edited and published by ~~Book-Code~~ Publishing Company, Seattle, Washington; except that Sections 8.12.010(4), 8.12.080 and 8.12.090 of the previous ~~city~~-City code, although not codified herein, shall be retained and included in subsequent supplements thereto.

1.01.020 Title--Citation--Reference

This code shall be known as the "Olympia Municipal Code" and it shall be sufficient to refer to said code as the "municipal code" in any prosecution for the violation of any provision thereof or in any proceeding at law or equity. It shall be sufficient to designate any ordinance adding to, amending, correcting, or repealing all or any part or portion thereof as an addition to, amendment to, correction or repeal of the "Olympia Municipal Code." Further reference may be had to the titles, chapters, sections and subsections of the "Olympia Municipal Code" and such references shall apply to that numbered title, chapter, section or subsection as it appears in the code.

1.01.030 Codification authority

This code consists of all the regulatory and penal ordinances and certain of the administrative ordinances of the ~~city~~-City of Olympia, Washington, codified pursuant to the provisions of Sections 35.21.500 through 35.21.570 of the Revised Code of Washington.

1.01.040 Ordinances passed prior to adoption of the code

The last ordinance included in the initial code is Ordinance 4266, passed February 3, 1981. The following ordinances, passed subsequent to Ordinance 4266, but prior to adoption of this code, are adopted and made a part of this code: Ordinances 4267 through 4343, inclusive insofar as same are, by their terms made a party of this or the previous municipal code.

1.01.050 Reference applies to all amendments

Whenever a reference is made to this code as the "Olympia Municipal Code," or to any portion thereof, or to any ordinance of the ~~city~~City of Olympia, Washington, the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made.

1.01.060 Title, chapter and section headings

Title, chapter and section headings contained herein shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any title, chapter or section hereof.

1.01.070 Reference to specific ordinances

The provisions of this code shall not in any manner affect matters of record which refer to, or are otherwise connected with ordinances which are therein specifically designated by number or otherwise and which are included within the code, but such reference shall be construed to apply to the corresponding provisions contained within this code.

1.01.080 Effect of code on past actions and obligations

Neither the adoption of this code nor the repeal or amendment of any ordinance or part or portion of any ordinance of the ~~city~~City of Olympia shall in any manner affect the prosecution for violations of ordinances, which violations were committed prior to the effective date hereof, nor be construed as a waiver of any license, fee, or penalty at the effective date due and unpaid under such ordinances, nor be construed as affecting any of the provisions of such ordinances relating to the collection of any such license, fee, or penalty, or the penal provisions applicable to any violation thereof, nor to affect the validity of any bond or cash deposit in lieu thereof, required to be posted, filed or deposited pursuant to any ordinance and all rights and obligations thereunder appertaining shall continue in full force and effect.

1.01.090 Effective date

This code shall become effective on the date the ordinance adopting this code as the "Olympia Municipal Code" shall become effective.

1.01.100 Constitutionality

If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code. The ~~council~~City Council declares that it would have passed this ~~code~~Code, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases had been declared invalid or unconstitutional, and if for any reason this ~~code~~Code should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect.

Chapter 1.04 GENERAL PROVISIONS

1.04.000 Chapter Contents

Sections:

1.04.010 Definitions.

1.04.010 Definitions

The following words and phrases, whenever used in the ordinances of the City of Olympia, shall be construed as defined in this section, unless from the context a different meaning is intended or unless a different meaning is specifically defined and more particularly directed to the use of such words or phrases:

- A. "City" means the City of Olympia or the area within the limits of the City of Olympia, and such area outside the City over which the City has jurisdiction or control by virtue of any constitutional or statutory provision.
- B. "Council" means the City Council of the City of Olympia. "All its members" or "all commissioners" means the total number of ~~councilmembers~~ Councilmembers holding office.
- C. "City Council" means the City Council of the City of Olympia. "All its members" or "all ~~councilmembers~~ Councilmembers" means the total number of ~~councilmembers~~ Councilmembers holding office.
- D. "County" means the county of Thurston.
- E. "Law" denotes applicable federal law, the Constitution and statutes of the state of Washington, the ordinances of the City of Olympia, and, when appropriate, any and all rules and regulations which may be promulgated thereunder.
- F. "Master Meter" means a common meter which provides water service to a community or number of individual users.
- G. "May" is permissive.
- H. "Month" means a calendar month.
- I. "Must" and "shall" are each mandatory.
- J. "Oath" includes an affirmation or declaration in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed."
- K. "Owner," applied to a building or land, includes any part owner, joint owner, tenant in common, joint tenant, or tenant by the entirety of the whole or a part of such building or land.

- L. "Person" includes a natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization, or the manager, lessee, agent, servant, officer or employee of any of them.
- M. "Personal property" includes money, goods, chattels, things in action and evidences of debt.
- N. "Preceding" and "following" mean next before and next after, respectively.
- O. "Property" includes real and personal property.
- P. "Real property" includes lands, tenements and hereditaments.
- Q. "Sexual orientation" means heterosexuality, homosexuality, bisexuality, and gender expression or identity. As used in this definition, "gender expression or identity" means having or being perceived as having a gender identity, self-image, appearance, behavior, or expression, whether or not that gender identity, self-image, appearance, behavior, or expression is different from that traditionally associated with the sex assigned to that person at birth.
- R. "Sidewalk" means that portion of a street between the curb line and the adjacent property line intended for the use of pedestrians.
- S. "State" means the state of Washington.
- T. "Street" includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs, or other public ways in this city which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this state.
- U. "Tenant" and "occupant," applied to a building or land, include any person who occupies the whole or a part of such building or land, whether alone or with others.
- V. "Written" includes printed, typewritten, mimeographed, multi-graphed, or otherwise reproduced in permanent visible form.
- W. "Year" means a calendar year.

Chapter 1.08 CITY CLASSIFICATION

1.08.000 Chapter Contents

Sections:

- 1.08.010 Classification Adopted.
- 1.08.020 Plan of Government.

1.08.010 Classification Adopted

There is adopted for the ~~city~~City of Olympia, Washington, the classification of noncharter code city, pursuant to the provisions of RCW 35A.02.030.

1.08.020 Plan of Government

The plan of government under which the ~~city~~City is presently operating, is the council-manager form of government, as organized under RCW Chapter 35A.13.

Chapter 1.12 CITY SEAL

1.12.000 Chapter Contents

Sections:

1.12.010 Design of seal.

1.12.010 Design of seal

The following design, as described, the original of which is on file ~~in the office of the city clerk-treasurer~~with the City Clerk, is adopted as the seal of the ~~city~~City of Olympia, Washington: The dome of the Legislative Building, two fir trees, a ship and port facilities, a fish and academic cap and scroll, and 1859, the outer edge of the seal bearing the inscription "City of Olympia, Washington."

Chapter 1.16 INITIATIVE AND REFERENDUM

1.16.000 Chapter Contents

Sections:

1.16.010 Retention of powers--Statutory provisions.

1.16.010 Retention of powers--Statutory provisions

A. The ~~city council~~City Council elects to retain the powers of initiative and referendum for the qualified electors of the ~~city~~City for purposes of RCW 35A.11.080.

B. The powers of initiative and referendum shall, when exercised, be done so in the manner set forth for the commission form of government in RCW 35.17.240 through 35.17.360, as modified by RCW 35A.11.100.

Chapter 1.20 PRISONERS

1.20.000 Chapter Contents

Sections:

1.20.010 Confinement in ~~city~~-City jail.

1.20.020 Jail facilities.

1.20.010 Confinement in ~~city~~-City jail

A. Any person hereafter convicted and sentenced to any term in the ~~city~~-City jail, or to pay a fine and costs, for violation of any ~~city~~-City ordinance, shall, upon willful failure to pay such fine or cost after being given a hearing thereon, be confined in the ~~city~~-City jail until such term has been served or such fine and costs have been resolved.

B. Any such prisoner shall be allowed for the prisoner's time served in the ~~city~~-City jail, to be applied on the payments of such fine and costs, at the rate of ten dollars per day.

1.20.020 Jail facilities

The following chapters and sections of the Washington Administrative Code which pertain to thirty-day "holding facilities," as defined therein, which are not classified as advisory, including all future amendments thereto, are adopted by reference pursuant to the requirements of RCW Chapter 70.48, as amended by Chapter 462, Section 17, Laws of 1987:

- A. WAC Chapter 289-02, Introduction and Definitions;
- B. WAC Chapter 289-14, Administration;
- C. WAC Chapter 289-15, Safety;
- D. WAC Chapter 289-16, Operations;
- E. WAC Chapter 289-18, Security;
- F. WAC Chapter 289-19, Prisoner Conduct;
- G. WAC Chapter 289-20, Health and Welfare;
- H. WAC Chapter 289-22, Services and Programs;
- I. WAC Chapter 289-24, Communications.

Chapter 1.24
DISCRIMINATION IN DELIVERY OF CITY SERVICES OR RESOURCES

1.24.000 Chapter Contents

Sections:

1.24.010 Prohibited.

1.24.010 Prohibited

No officer, official, employee, agent or contractor of the ~~city~~ City shall in the rendering or delivery of city services or resources, discriminate against any person(s), firm or organization because of age, sex, race, creed, color, sexual orientation or national origin, or the presence of any physical, mental or sensory disability, or because of any other status protected from discrimination by law; provided, that this section shall not affect any other provision in law, ordinance, resolution or rule which grants special consideration, benefit or rights to any person(s), firm or organization based on the above classifications.

Section 2. Amendment of Title 2. Olympia Municipal Code Title 2, ADMINISTRATION AND PERSONNEL, is hereby amended to read as follows:

Title 2
ADMINISTRATION AND PERSONNEL

Chapters:

- 2.04 City Council**
- 2.05 Independent Salary Commission**
- 2.06 Council Committees**
- 2.08 City Manager**
- 2.12 Officers**
- 2.14 Municipal Court**
- 2.24 Department of Emergency Management**
- 2.28 Fire Department**
- 2.32 Fire Protection Agreements**
- 2.36 Police Department**
- 2.38 Police Auditor**
- 2.40 Police Reserve Force**
- 2.44 Civil Service Commission**
- 2.64 Officers' Compensation**
- 2.68 City Office Hours**
- 2.70 Legal Defense for Acts or Omissions**
- 2.72 Defense of Elected Officials in Recall Proceedings**
- 2.74 Miscellaneous, Administration**
- 2.82 Domestic Partnership Registry Program**
- 2.100 Citizen-Member Boards, Commissions and Advisory Committees**

Chapter 2.04 CITY COUNCIL

2.04.000 Chapter Contents

Sections:

- 2.04.010 Composition.
- 2.04.020 Powers.
- 2.04.030 Forfeiture of office.
- 2.04.040 Vacancies--Filling.
- 2.04.050 Meetings.
- 2.04.060 Mayor--Powers and duties--Election--Term.
- 2.04.070 Mayor ~~pro-tem~~ Pro Tem --Designation--Alternate appointments.
- 2.04.100 Compensation.

2.04.010 Composition

The ~~city council~~ City Council, under the council/manager plan of government, shall be composed of seven ~~councilmembers~~ Councilmembers, all of whom shall be elected by a majority vote from the city-at-large. The ~~councilmembers~~ Councilmembers elected to positions one, two and three at the first election of ~~councilmembers~~ Councilmembers on November 2, 1982, shall serve for one-year terms. The ~~councilmembers~~ Councilmembers elected to positions four, five, six and seven at the first election of ~~councilmembers~~ Councilmembers on November 2, 1982, shall serve for three-year terms. The ~~councilmembers~~ Councilmembers elected in subsequent elections shall serve four-year terms.

2.04.020 Powers

The ~~council~~ City Council shall be the legislative body of the ~~city~~ City and have all powers to conduct the affairs of the ~~city~~ City as are allowed under the Constitution of the state of Washington and RCW Chapter 35A, which are not specifically denied to the ~~council~~ City Council or reserved to the ~~city manager~~ City Manager by law.

2.04.030 Forfeiture of office

A ~~councilmember~~ Councilmember shall forfeit the ~~councilmember's~~ Councilmember's office if the ~~councilmember~~ Councilmember is absent for three consecutive regular meetings of the ~~council~~ Council without being excused by the ~~council~~ Council, or if the ~~councilmember~~ Councilmember ceases to have the qualifications prescribed for such office by law or ordinance, or if the ~~councilmember~~ Councilmember is convicted of a crime involving moral turpitude or an offense involving a violation of the ~~councilmember's~~ Councilmember's oath of office.

2.04.040 Vacancies--Filling

In the event of the extended excused absence or disability of a ~~councilmember~~ Councilmember, the remaining members by majority vote may appoint a ~~councilmember pro-tempore~~ Councilmember Pro Tempore to serve during the ~~councilmember's~~ Councilmember's absence or disability. In the event of an absence resulting from death, resignation or removal of a ~~councilmember~~ Councilmember from office, the remaining members by majority vote shall appoint a qualified person to fill the vacancy until the person elected to serve the remainder of the unexpired term takes office. If thirty (30) days pass after the occurrence of the vacancy and the ~~council~~

Council is unable to agree upon a person to be appointed to fill a vacancy in the ~~council~~ Council, the ~~mayor~~ Mayor may make the appointment from among the persons nominated by members of the ~~council~~ Council. If the vacant position is the ~~mayor's~~ Mayor's position, the ~~deputy mayor~~ Mayor Pro-Tem shall make the appointment from among those persons nominated by the ~~council~~ Council, within thirty (30) days after the occurrence of the vacancy if the ~~council~~ Council is unable to agree.

2.04.050 Meetings

A. Regular Meetings. Regular meetings of the City Council will be held on Tuesdays at the hour of seven p.m. in the City Council Chambers, City Hall, Olympia, Washington, or at other locations as determined by the Mayor. The Olympia City Council may establish its yearly meeting calendar at its annual retreat and generally does not schedule meetings on the fifth Tuesday of any month. The City Council's meeting calendar will be posted on the City's website and will identify those weeks when no meeting is scheduled. When any of the above scheduled ~~council~~ Council meetings occur on a legal holiday, the next business day shall be the date of the regular meeting.

B. Special Meetings. Special meetings of the City Council may be called at any time by the Mayor or by a majority of Council and notice will be provided as required by law.

2.04.060 Mayor –Powers and duties –Election –Term

A. In addition to the powers conferred upon the person elected ~~mayor~~ Mayor, the individual shall continue to have all rights, privileges and immunities of a ~~councilmember~~ Councilmember. The ~~mayor~~ Mayor shall be recognized as the head of the ~~city~~ City for ceremonial purposes and by the Governor for purposes of military law. The ~~mayor~~ Mayor shall have no regular administrative duties, but in time of public danger or emergency, if so authorized by ordinance, shall take command of the police, maintain law and enforce order.

B. Commencing with the November, 1991 election, the person elected by the voters of Olympia to Position One of the Olympia ~~city council~~ City Council shall be the ~~mayor~~ Mayor, with the powers and duties set forth in subsection A of this section and by general ~~city~~ City ordinance.

C. The term of the office of ~~mayor~~ Mayor shall be four years to run concurrently with the term for Position One of the ~~council~~ Council, with the initial term commencing January 1, 1992.

2.04.070 Mayor ~~pro tem~~ Pro Tem–Designation –Alternate appointments

Biennially at the first meeting of a new ~~council~~ Council, or periodically, the ~~councilmembers~~ Councilmembers may designate one of their number as ~~mayor pro tem~~ Mayor Pro Tem for the period specified by the ~~council~~ Council, to serve in the absence of the ~~mayor~~ Mayor. In lieu of such a designation, the ~~council~~ Council may appoint any qualified person as ~~mayor pro tempore~~ Mayor Pro Tem in the absence or temporary disability of the ~~mayor~~ Mayor. In the absence of both the ~~mayor~~ Mayor and the ~~mayor pro tem~~ Mayor Pro Tem, the ~~council~~ Council shall, by majority vote, elect a chairperson to preside over the meeting(s) of the ~~council~~ Council.

2.04.100 Compensation

Effective upon the commencement of terms January 1, 2008 and following election and qualification, the annual salary of the ~~mayor~~ Mayor of the ~~city~~ City shall be Nineteen Thousand Nine Hundred Sixty-Eight and no/100 Dollars (\$19,968); the annual salary of the ~~mayor pro tem~~ Mayor Pro Tem shall be Eighteen Thousand Three Hundred Four and no/100 Dollars (\$18,304); the annual salary of ~~councilmember~~ Councilmember

positions two and three shall be Sixteen Thousand Six Hundred Forty and no/100 Dollars (\$16,640) unless a ~~councilmember~~ Councilmember serves in either of said positions is the ~~mayor pro tem~~ Mayor Pro Tem, in which case the salary shall be as provided for the ~~mayor pro tem~~ Mayor Pro Tem. The annual salary of the remaining ~~councilmember~~ Councilmember positions shall be increased to Sixteen Thousand Six Hundred Forty and no/100 Dollars (\$16,640) upon commencement of the terms January 1, 2010, following election and qualification.

Notwithstanding the foregoing, this section shall not be applicable to any individual ~~councilmember~~ Councilmember to the extent that the salaries provided for above are deemed by a court of competent jurisdiction to be an increase of compensation after a ~~councilmember's~~ Councilmember's election contrary to RCW 35A.13.040, Article II, §25, and/or Article XI, §8 of the Washington State Constitution.

Effective from and after passage and publication of an ordinance creating an independent salary commission, the salaries for ~~city~~ City elected officials shall be set by the independent salary commission in accordance with § 1, Article XXX of the Washington State Constitution, RCW 35.21.015 and OMC Chapter 2.05.

Chapter 2.05 INDEPENDENT SALARY COMMISSION

2.05.000 Chapter Contents

Sections:

- 2.05.010 Established.
- 2.05.020 Purpose – Function.
- 2.05.030 Membership.
- 2.05.040 Qualifications.
- 2.05.050 Operation.
- 2.05.060 Responsibilities and Duties.
- 2.05.070 Vacancies.
- 2.05.080 Removal.
- 2.05.090 Effective Date – Salaries.

2.05.010 Established.

There is created and established an independent salary commission.

2.05.020 Purpose – Function.

The independent salary commission shall review and establish the salaries of the ~~mayor, mayor pro tem, and the council members~~ Mayor, Mayor Pro Tem, and the Councilmembers and exercise the powers and perform the duties established by RCW 35.21.015, as now existing or hereafter amended.

2.05.030 Membership.

A. The independent salary commission shall consist of five members appointed by the ~~mayor~~ Mayor and approved by the ~~city council~~ City Council.

B. The independent salary commission shall serve without compensation.

C. Each member of the independent salary commission shall serve a term of two (2) years commencing upon appointment and terminating 24 months thereafter.

D. No member of the commission shall be appointed to more than two terms.

2.05.040 Qualifications.

A. No person shall be appointed to serve as a member of the independent salary commission unless that person is a citizen of the United States, a resident of the ~~city~~ City for at least one year immediately preceding such appointment, and an elector of Thurston County.

B. No ~~city~~ officer, official, or employee of the ~~city~~ City or any of their immediate family members may serve on the commission. "Immediate family member" as used in this subsection means the parents, spouse, siblings, children, or dependent relatives of an officer, official, or employee, whether or not living in the household of the officer, official, or employee.

2.05.050 Operation.

A. The ~~city manager~~ City Manager will appoint appropriate city staff to assist the independent salary commission for clerical and support purposes.

B. The independent salary commission shall keep a written record of its proceedings, which shall be a public record in accordance with state law.

C. All meetings of the commission shall be open to the public pursuant to the Open Public Meetings Act, Chapter 42.30 RCW. The commission shall actively solicit public comment at all meetings, either verbally or in writing.

D. The independent salary commission shall meet as often as necessary in 2017 in order to file a salary schedule with the ~~city clerk~~ City Clerk on or before October 1, 2017. Once a salary schedule has been filed, the commission will not meet again until at least one year following the date of filing. Thereafter, the commission shall meet no less that one time per year, during the months of June or July.

E. Three members of the commission shall constitute a quorum and the votes of three members shall be sufficient for the decision of all matters and the transaction of all business to be decided or transacted by the independent salary commission.

2.05.060 Responsibilities and Duties.

The independent salary commission shall have the following responsibilities:

A. To study the relationship of salaries to the duties of the ~~mayor, mayor pro tem, and the city council~~ Mayor, Mayor Pro-Tem, and the City Council, and to study the costs personally incurred by ~~council members~~ Councilmembers in performing such duties;

B. To study the relationship of Olympia City Councilmembers' salaries and benefits to those salaries and benefits of ~~council members~~ Councilmembers in other city jurisdictions of a comparable nature and other current market conditions.

C. To establish salary and benefits by either increasing or decreasing the existing salary and benefits for each position of ~~mayor, mayor pro-tem, and council members~~ Mayor, Mayor Pro-Tem, and Councilmembers by an affirmative vote of not less than three (3) members.

D. To review and file a salary and compensation schedule with the ~~city clerk~~ City Clerk not later than October 1, 2017, and when a salary commission is convened thereafter, by October 1 in any subsequent year.

2.05.070 Vacancies.

In the event of a vacancy in the independent salary commission due to resignation or removal, the Mayor shall appoint, subject to approval of the ~~city council~~ City Council, a person to serve the unexpired portion of the term of the former commissioner's position.

2.05.080 Removal.

A member of the independent salary commission shall only be removed from office for cause of incapacity, incompetence, neglect of duty, or malfeasance in office, or for a disqualifying change of residence.

2.05.090 Effective Date – Salaries.

A. The ~~city clerk~~ City Clerk will publish the salary commission's schedule of salary and compensation which shall not become effective until thirty (30) days after publication. Such salary schedule shall be subject to referendum petition filed in accord with OMC Chapter 1.16 within thirty (30) days after filing of the salary schedule. In the event of the filing of a valid referendum petition, the salary increase or decrease shall not go into effect until approved by a vote of the people. Referendum measures shall be submitted to the voters of the ~~city~~ City at the next following general or municipal election occurring thirty (30) days or more after the referendum petition is filed and shall be governed by the provisions of the state Constitution or laws generally applicable to referendum measures.

B. Any salary increase or decrease shall become effective and incorporated into the ~~city~~ City budget without further action of the ~~city council~~ City Council or salary commission.

C. Salary increases established by the commission shall be effective as to all members of the ~~city council~~ City Council, regardless of their terms of office.

D. Salary decreases established by the salary commission shall not be effective as to incumbent ~~city council members~~ City Councilmembers until commencement of their next term of office.

E. Any adjustment of salary by the commission shall supersede any ~~city~~ City ordinance related to the budget or fixing of salaries, but only to the extent there is a conflict.

F. Existing salaries for the ~~mayor, mayor pro-tem, and council members~~ Mayor, Mayor Pro-Tem, and Councilmembers established by ~~city~~ City ordinance shall remain in effect unless and until changed in accordance with the provisions of this chapter.

Chapter 2.06 COUNCIL COMMITTEES

2.06.000 Chapter Contents

Sections:

- 2.06.010 Created.
- 2.06.020 Performance of tasks.
- 2.06.030 Assignment of members – Chairperson.
- 2.06.050 Recommendation of advisory board and commission members.
- 2.06.060 Council appointment to interlocal or interjurisdictional boards and commissions.
- 2.06.070 Terms--Vacancy filling.

2.06.010 Created

There are created the following committees of the City Council along with a general description of topics for their consideration:

- A. General Government Committee: Public safety, operational policy, economic development, housing, general government issues, boards and commissions;
- B. Land Use and Environment Committee: Planning, transportation, environment, utilities, parks, community development, neighborhoods;
- C. Finance Committee: finance/budget.

2.06.020 Performance of tasks

The committees created in this chapter shall perform such tasks in line with the subjects described in Section 2.06.010, or as may be referred to them by the City Council.

2.06.030 Assignment of members – Chairperson

~~Councilmembers~~Councilmembers shall be assigned to a committee as determined by the City Council after each Council election. A chairperson for each committee shall be selected by the Council to preside over committee meetings. If necessary, each committee shall meet at least once a month or more, depending on the committee's agenda, at date(s) and time(s) available to committee members.

2.06.050 Recommendation of advisory board and commission members

Repealed. Reference OMC 2.100.040.

2.06.060 Council appointment to interlocal or interjurisdictional boards and commissions

The City Council shall determine the Councilmember(s) to be appointed to the various boards and committees created by interlocal agreement or for interjurisdictional committees, commissions or boards.

2.06.070 Terms –Vacancy filling

The terms shall be for two-year periods, commencing on January 1st, of each even-numbered year. The terms for members of the Committee of the Chairs shall be co-extensive with the terms for members of the committees set forth in OMC Section 2.06.010. Vacancies occurring prior to the expiration of these terms shall be filled in the same manner as set forth in this chapter for regular appointments.

Chapter 2.08 CITY MANAGER

2.08.000 Chapter Contents

Sections:

- 2.08.010 Appointment--Powers and duties.
- 2.08.020 Council interference restricted.
- 2.08.030 Removal.
- 2.08.040 Filling vacancy.

2.08.010 Appointment –Powers and duties

The ~~council~~Council shall appoint a ~~city manager~~City Manager for an indefinite term or for any term set by the ~~council~~Council. The ~~city manager~~City Manager shall be the general supervisor over the administrative affairs of the ~~city~~City, under the direction and authority of the ~~council~~Council. The ~~city manager~~City Manager shall have the following specific duties, powers and responsibilities:

- A. To appoint and remove at any time all department heads, officers and employees of the ~~city~~City without interference by ~~council members~~Councilmembers, subject to any applicable law, rule or regulation relating to civil service or public employment;
- B. To attend all meetings of the ~~city council~~City Council at which the ~~city manager's~~City Manager's attendance may be required by that body;
- C. To see that all laws and ordinances are faithfully executed, subject to the authority which the ~~council~~Council may grant to the ~~mayor~~Mayor to maintain law and order in times of emergency;
- D. To keep the ~~council~~Council fully advised of the ~~city's~~City's financial condition and future needs;
- E. To prepare and submit to the ~~council~~Council a proposed budget for the fiscal year, as required by RCW Chapter 35A.33, and to be responsible for its administration upon adoption;
- F. To recommend for adoption by ~~council~~Council such measures as the ~~city manager~~City Manager may deem necessary and expedient;
- G. To submit reports as required by the ~~council~~Council, or as the ~~city manager~~City Manager may deem it advisable to submit;
- H. To perform such other duties as the ~~council~~Council may determine by ordinance or resolution.

2.08.020 Council interference restricted

The ~~council~~ Council, or any of its committees or members, shall not direct the appointment of any person to, or the person's removal from, office by the ~~city manager~~ City Manager or any of the ~~city manager's~~ City Manager's subordinates. The ~~council~~ Council and its members shall deal with the administrative service solely through the ~~manager~~ City Manager and neither the ~~council~~ Council nor any committee or member thereof is to give orders to any subordinate of the ~~city manager~~ City Manager, either publicly or privately, except for the purpose of inquiry, and as provided in RCW 35A.13.080.

2.08.030 Removal

The ~~city manager~~ City Manager may be removed by a majority vote of the ~~council~~ Council. The ~~council~~ Council shall, at least thirty (30) days prior to the effective date of removal, submit to the ~~city manager~~ City Manager a formal statement in the form of a resolution passed by a majority of the ~~council~~ Council stating the ~~council's~~ Council's intention to remove that ~~city manager~~ City Manager and the reasons therefor. Upon passage of the resolution, the ~~council~~ Council, by a majority vote, may suspend that ~~city manager~~ City Manager from duty. If the ~~city manager~~ City Manager responds in writing within thirty (30) days after receipt of the resolution, the ~~council~~ Council shall schedule a hearing upon the question of the ~~manager's~~ City Manager's removal. In the event no reply is timely filed, the resolution shall, upon the thirty first (31st) day from the date of such service, constitute the final resolution removing the ~~city manager~~ City Manager, and the ~~city manager's~~ City Manager's services shall terminate on that day.

2.08.040 Filling vacancy

The ~~city council~~ City Council may designate a qualified administrative officer to perform the duties of ~~city manager~~ City Manager during the absence, disability or suspension of the ~~city manager~~ City Manager.

Chapter 2.12 OFFICERS

2.12.000 Chapter Contents

Sections:

- 2.12.010 Designated.
- 2.12.020 Appointment--Removal.
- 2.12.030 City Clerk ~~-treasurer~~--Duties.
- 2.12.040 City attorney--Duties.
- 2.12.060 Director of ~~public works~~ Public Works--Powers and duties.

2.12.010 Designated

The officers of the ~~city~~ City, besides the ~~city manager~~ City Manager, ~~mayor~~ Mayor and ~~councilmembers~~ Councilmembers, shall be as follows: a ~~clerk~~ City Clerk, a ~~city attorney~~ City Attorney, a ~~municipal judge~~ Municipal Judge, a ~~chief of police~~ Chief of Police, a ~~chief of the fire department~~ Chief of the Fire Department, and a ~~director of public works~~ Director of Public Works. Additional offices and employment shall be created in the budgetary process as the ~~council~~ Council finds necessary or advisable, and the ~~council~~ Council shall determine the powers and duties of each office.

2.12.020 Appointment –Removal

Each officer shall be appointed by and shall serve at the pleasure of the City Manager, except that the Municipal Court Judge shall be elected pursuant to RCW 3.50. Removal of officers by the City Manager is subject to the provisions of any applicable law, rule or regulation relating to civil service and public employment and the city's ~~City's~~ personnel regulations. ~~Removal of officers by the City Manager is subject to the provisions of any applicable law, rule or regulation relating to civil service and public employment and the city's personnel regulations.~~

2.12.030 ~~Clerk-treasurer~~City Clerk–Duties

A.— It shall be the duty of the ~~city clerk-treasurer~~ City Clerk to ~~keep-retain on file in accordance with state law the corporate seal on all papers and documents belonging to the city City; and to file same within the city clerk-treasurer's office under appropriate heads; to attend the meetings of the city council and to keep a record of its City Council meetings and~~ proceedings, resolutions and ordinances; ~~to perform all clerical work of the department of finance and to perform all other duties required by law or by the ordinances of the city City.~~

B.— It shall further be the duty of the ~~city clerk-treasurer~~ to receive and safely keep all moneys belonging to the city from whatever source derived; replace the same to the credit of the different funds to which they properly belong; ~~to disburse the money by the direction of the city council and in accordance with the law; to make a report monthly to the city council of the condition of the treasury; and to perform all of the duties required of that city clerk-treasurer by law.~~

2.12.040 City ~~attorney~~Attorney–Duties

The ~~city attorney~~City Attorney shall be the legal advisor of the ~~city council~~City Council and of all the other officers of the ~~city~~City in relation to matters pertaining to their respective offices. The ~~city attorney~~City Attorney or their designee shall represent the ~~city~~City in all litigation in all courts in which the ~~city~~City is a party or directly interested and shall prosecute all violations of the ~~city~~City ordinances, and shall act generally as the attorney for the ~~city~~City and the several departments of the ~~city~~City government and shall perform such other duties as the ~~city council~~City Council may direct. The ~~city council~~City Council or City Manager may hire special counsel from time to time for any purpose deemed necessary.

2.12.060 Director of ~~public works~~Public Works–Powers and duties

The ~~director of public works~~Director of Public Works shall be responsible for and in charge of the ~~department of public works~~Department of Public Works. The ~~director of public works~~Director of Public Works shall have general responsibility for the ~~departments of engineering, utilities, street~~transportation, fleet, facilities, equipment rental and inspection and maintenance and other assigned operations and maintenance programs.

Chapter 2.14 MUNICIPAL COURT

2.14.000 Chapter Contents

Sections:

- [2.14.010](#) Established.
- [2.14.020](#) Powers and duties--Jurisdiction.
- [2.14.030](#) Olympia Municipal Court Judge's salary.

2.14.010 Established

The Olympia ~~police court is reconstituted as the~~ municipal court of Olympia ~~operates~~ pursuant to RCW Chapter [3.50](#) ~~as amended by the Court Improvement Act of 1984, Chapter 258, Laws of 1984. All of the duties and functions of the present police court, together with all cases pending thereunder, are transferred to the reconstituted municipal court.~~

2.14.020 Powers and duties –Jurisdiction

The municipal court shall possess such jurisdiction and shall exercise such power and duties as are set forth in RCW Chapter [3.50](#) ~~as amended by Chapter 258, Laws of 1984.~~

2.14.030 Olympia Municipal Court Judge's salary

- A. The salary for the Olympia Municipal Court Judge position shall be set at 95% of a district court judge's annual salary.
- B. The Olympia Municipal Court Judge's salary shall automatically be adjusted on the same date and to an amount equal to 95% of the salary of district court judges as set by the Washington Citizens' Commission on Salaries for Elected Officials, which was established pursuant to the authority granted in Article 28 of the Washington State Constitution, RCW [43.03.300](#), RCW [43.03.305](#), and RCW [43.03.310](#).

Chapter 2.24 DEPARTMENT OF EMERGENCY MANAGEMENT

2.24.000 Chapter Contents

Sections:

- [2.24.010](#) Purpose.
- [2.24.020](#) Emergency management policy.
- [2.24.030](#) Definitions.
- [2.24.040](#) Emergency Management Plan.
- [2.24.050](#) Emergency Management Committee created-membership.
- [2.24.060](#) Emergency Management Committee duties.
- [2.24.070](#) Adoption of Emergency Management Plan
- [2.24.075](#) Adoption of state statutes by reference.
- [2.24.080](#) Continuity of government.
- [2.24.090](#) Effect of chapter on other rules and regulations.

- 2.24.100 Interpretation of chapter.
- 2.24.110 Nonliability of ~~city~~City and complying agents.
- 2.24.120 Violation –Penalty.

2.24.010 Purpose

The declared purposes of this chapter are to provide for the preparation and carrying out of the plans for mitigation, preparedness, response and recovery for persons and property within the City of Olympia in the event of an emergency or disaster, and to provide for the coordination of emergency functions and services of this city with other affected public agencies and private persons, corporations and organizations. Any expenditures made in connection with such emergency management activities, including mutual aid activities, shall be deemed conclusively to be for the direct protection and benefit of the inhabitants and property of the City of Olympia.

2.24.020 Emergency management policy

It is the policy of the ~~city~~City to make effective preparation and use of staff/volunteers, resources, and facilities for dealing with any emergency or disaster that may occur. Disasters and emergencies, by their very nature, may disrupt or destroy existing systems and the capability of the ~~city~~City to respond to protect life, public health and public property. Therefore, citizens should be prepared to be on their own for at least 72 hours should an emergency or disaster occur.

2.24.030 Definitions

- A. Continuity of government. Continuity of government shall mean city government's ability to carry out essential processes and services under the threat of or occurrence of an emergency or disaster.
- B. Disaster. Disaster as used in this chapter shall mean an event or set of circumstances which:
 - 1. Reaches or soon shall reach such a dimension or degree of destructiveness as to exceed the scope of local resources, warranting the declaration of a disaster by the City Council, requesting the need of specific state assistance, or
 - 2. Results in the Governor declaring a state of emergency in accordance with state statutes.
- C. Emergency. Emergency as used in this chapter shall mean an event or set of circumstances which:
 - 1. Demands immediate action to preserve public health, protect life, protect public property or provide relief to any stricken neighborhood overtaken by such occurrences, and
 - 2. Reaches such a dimension or degree of destructiveness as to warrant the City Manager or Emergency Management Director proclaiming the existence of an emergency, with such action subject to prompt confirmation of the City Council by adoption of a resolution or ordinance at a special or regular meeting, authorizing and directing all city personnel, services and facilities to be assigned to the emergency response and recovery effort.
- D. Emergency management. Emergency management shall mean the preparation for and the carrying out of all emergency functions, other than functions for which the military forces are primarily responsible, to

mitigate, prepare for, respond to and recover from emergencies and disasters, and to aid victims suffering from injury or damage resulting from disasters caused by all hazards, whether natural or human caused, and to provide support for search and rescue operations for persons and property in distress.

E. ~~Emergency management director~~ Management Director. ~~Emergency management director~~ Management Director shall mean the person responsible for the administration and operation of the emergency management plan for the City of Olympia. This person shall be appointed by the City Manager.

F. ~~Unavailable~~. ~~Unavailable~~ shall mean for "members of the ~~city council~~ City Council" that an apparent temporary vacancy has occurred due to illness, injury, absence, or other inability to exercise the powers and duties of the office, and that the temporary vacancy is declared by a majority of the ~~council members~~ Councilmembers present and voting in emergency session. ~~Unavailable~~ shall mean for "appointive offices" that the City Manager has determined that a vacancy has occurred due to illness, injury, temporary absence from duty, or other temporary inability to act.

2.24.040 Emergency Management Plan

The emergency management plan, prepared by the Emergency Management Director, and promulgated by the Mayor and City Council is the official emergency management plan of the City of Olympia. The Emergency Management Director shall file a copy of this plan ~~in the office of~~ with the City Clerk, and distribute copies of said plan to appropriate city departments.

2.24.050 Emergency Management Committee created-membership

There is created the Olympia Emergency Management Committee which shall consist of such department heads and/or their designees, or other personnel as deemed appropriate by the City Manager.

2.24.060 Emergency Management Committee duties

The Emergency Management Committee shall perform the following duties:

- A. The Emergency Management Director ~~of emergency management~~ shall act as chairperson of the committee.
- B. Each member shall serve as a liaison to the Department of Emergency Management in order to coordinate the emergency management plan so that the citizens of Olympia may benefit from a workable plan.
- C. Each member shall report to the emergency operations center (EOC) when requested by the ~~Director of~~ Emergency Management Director in order to coordinate response activities.
- D. Each member shall create an emergency management organization within the member's department to guide the employees of the City during disasters and give employees a clear understanding of the emergency management plan and its principles.
- E. Each member shall guide the emergency organization of the member's department in writing disaster operating guidelines and/or including emergency/disaster provisions in the regular operating guidelines.

F. The Committee, as a whole, shall assist departments not represented on the Committee in development of an emergency management organization and written disaster operating guidelines.

2.24.070 Adoption of Emergency Management Plan

There is adopted for the City of Olympia a Comprehensive Emergency Management Plan dated January 2016, including appendices and its Annex A--Counter Terrorism, one (1) copy of which is on file in the office of the City Clerk and available for public inspection insofar as permitted by law. This plan is adopted by reference as though fully set forth herein. The emergency support function (ESF) of said plan, pertaining to operational matters, may be amended from time to time by the City Manager to reflect changed conditions or different standards applicable to Olympia.

2.24.075 Adoption of state statutes by reference

The following statutes set forth in the Revised Code of Washington (RCW) are hereby adopted by reference as if fully set forth herein:

Statute	Summary of Content*
RCW 38.52.010	Definitions applicable to Chapter 38.52 RCW, Emergency Management
RCW 38.52.020	Declaration of policy and purpose of Chapter 38.52 RCW
RCW 38.52.070	Local organizations and joint local organizations authorized—Establishment, operation—Emergency powers, procedures—Communication plans
RCW 38.52.080	Outside aid—Rights and liabilities—Claims
RCW 38.52.091	Mutual aid and interlocal agreements—Requirements
RCW 38.52.100	Appropriations—Acceptance of funds, services, etc
RCW 38.52.110	Use of existing services and facilities—Impressment of citizenry—First informer broadcasters
RCW 38.52.115	Liability of federal, state, and local agencies, and employees—Facilitation of access of first informer broadcaster
RCW 38.52.120	Political activity prohibited
RCW 38.52.140	Status of civil service employee preserved
RCW 38.52.150	Orders, rules, regulations—Enforcement—Availability—Penalty
RCW 43.06.220	State of emergency—Powers of governor pursuant to proclamation—Penalty
RCW 43.06.250	State of emergency—Refusing to leave public way or property when ordered—Penalty

**Summary of Content column in the table above is for informational purposes only*

2.24.080 Continuity of government

In the event of an emergency or disaster as defined in OMC Section 2.24.030 affecting the City of Olympia, the following policy is hereby established to provide for continuity of city government.

CITY COUNCIL: In the event the emergency or disaster results in one or more ~~council members~~ Councilmembers being unavailable after a reasonable attempt at notice to convene by the Mayor, City Manager or ~~Director of Emergency Management~~ Director, those ~~council members~~ Councilmembers available for duty shall constitute the City Council, and shall have full power to act by majority vote of those present for the purpose of meeting temporary immediate and emergency needs brought on by the emergency or disaster.

CITY MANAGER: In the event that the City Manager and Assistant City Manager(s) are unavailable by reason of an emergency or disaster, the City Council shall by majority vote of those present select an emergency interim city manager to exercise and discharge the duties of that office.

DEPARTMENT HEADS: In the event that a department director is unavailable by reason of an emergency or disaster, the City Manager shall appoint an emergency interim director.

COUNCIL MEETINGS AT OTHER THAN USUAL PLACES: In the event of a declared emergency or disaster which demands immediate action to preserve public health, protect life, protect public property, or to provide relief to the City of Olympia which may be overtaken by such occurrences, or which reaches such a dimension or degree of destructiveness as to warrant the Governor proclaiming a state of emergency pursuant to RCW 43.06.010, or as provided in the state Emergency Management Act (RCW Chapter 38.52), the Council will make available a speakerphone, conference call-in number or video streaming available at a location in Olympia City Hall or other city meeting location where the public can attend, except when in person attendance is otherwise prohibited by Order of the Governor, and listen to the City Council business or committee meeting. A request to change the location of Council meetings may be made on the call of the Mayor or any two Councilmembers.

2.24.090 Effect of chapter on other rules and regulations

At all times when the orders and regulations made and promulgated pursuant to this chapter are in effect, they shall supersede all existing ordinances, orders and regulations insofar as the latter may be inconsistent therewith.

2.24.100 Interpretation of chapter

This chapter shall be construed so as not to conflict with any state or federal statute or with any military rule or regulation.

2.24.110 Nonliability of ~~city~~ City and complying agents

This chapter is an exercise by the ~~city~~ City of its governmental functions for the protection of the public peace, health and safety and neither the ~~city~~ City, the agents and representatives of the ~~city~~ City, nor an individual, receiver, firm, partnership, corporation, association, or trustee, nor any of the agents thereof, in good faith carrying out, complying with or attempting to comply with, any order, rule or regulation promulgated pursuant to the provisions of this chapter shall be liable for any damage sustained to person or property as the result of such activity. No individual, firm, association, corporation or other party owning, maintaining or controlling any

building or premises who voluntarily and without compensation grants to the ~~city~~ City a license or privilege or otherwise permits the ~~city~~ City to inspect, designate and use for the purpose of sheltering persons during a mock, impending or actual natural or human caused disaster, or their successors in interest, or the agents or employees of any of them, shall be subject to liability for injuries sustained by any person while in or upon the building or premises or as a result of the condition of the building or premises or as a result of any act or omission in connection with the upkeep or maintenance thereof (except willful act of misconduct), when such person has entered or gone into or upon such building or premises for the purpose of seeking refuge therein or thereupon during an actual, impending, or mock, natural or human caused disaster.

2.24.120 Violation –Penalty

A. Penalties for violation of the following RCW's are as indicated in the table below:

Statute	Summary of Content*	Penalty for Violation
RCW <u>38.52.150</u>	Orders, rules, regulations—Enforcement—Availability—Penalty.	1st Offense – Misdemeanor 2nd Offense - Gross Misdemeanor
RCW <u>43.06.220</u>	State of emergency—Powers of governor pursuant to proclamation—Penalty.	Gross Misdemeanor
RCW <u>43.06.250</u>	State of emergency—Refusing to leave public way or public property when ordered—Penalty.	Misdemeanor

**Summary of Content column in the table above is for informational purposes only*

B. Except as provided in (A) of this subsection, every violation of any rule, regulation, proclamation or order issued in a disaster or emergency under the authority of this chapter by the City Manager, the Mayor, or the ~~Director of Emergency Management~~ Director is a misdemeanor. Where no penalty is otherwise specified for a violation of this chapter, the penalty is a misdemeanor.

C. The penalties for a misdemeanor and gross misdemeanor are as follows:

- (1) Misdemeanor. Every person convicted of a misdemeanor shall be punished by imprisonment for a maximum term fixed by the court of not more than ninety (90) days, or by a fine in an amount fixed by the court of not more than one thousand dollars, or by both such imprisonment and fine.
- (2) Gross misdemeanor. Every person convicted of a gross misdemeanor shall be punished by imprisonment for a maximum term fixed by the court of up to three hundred sixty-four (364) days, or by a fine in an amount fixed by the court of not more than five thousand dollars, or by both such imprisonment and fine.

Chapter 2.28 FIRE DEPARTMENT

2.28.000 Chapter Contents

Sections:

- 2.28.010 Personnel.
- 2.28.020 Appointments.
- 2.28.030 Management.

2.28.010 Personnel

There shall be a ~~fire department~~ Fire Department which shall consist of a ~~chief of the fire department~~ Chief of the Fire Department, and such other firefighters and employees as shall be deemed necessary.

2.28.020 Appointments

The ~~city manager~~ City Manager shall appoint the ~~chief of the fire department~~ Chief of the Fire Department and all personnel within the ~~fire department~~ Fire Department. The ~~city manager~~ City Manager shall appoint all other in accord with civil service rules.

2.28.030 Management

The ~~fire department~~ Fire Department shall be under the management of the ~~chief of the fire department~~ Chief of the Fire Department, except as otherwise provided by law.

Chapter 2.32 FIRE PROTECTION AGREEMENTS

2.32.000 Chapter Contents

Sections:

- 2.32.010 Agreements--Authorized.
- 2.32.020 Agreements--Conditions.
- 2.32.030 Service outside of city limits--Permitted.
- 2.32.040 Service outside of city limits--Conditions.
- 2.32.050 Disposition of revenue from contracts or agreements.

2.32.010 Agreements –Authorized

The ~~city council~~ City Council is authorized to execute agreements with other municipalities, agencies or districts pursuant to RCW Chapter 39.34 or with other nongovernmental institutions or agencies for mutual aid in fire control or protection or for paramedic services. Such agreement shall be executed and formalized in the manner required by law.

2.32.020 Agreements –Conditions

The agreement authorized in Section 2.32.010 shall indicate such conditions of service as are deemed appropriate by the ~~city council~~ City Council, but shall not jeopardize adequate fire protection and control within the ~~city~~ City.

2.32.030 Service outside of city limits –Permitted

Whenever a firefighter engages in any duty outside the limits of the ~~city~~ City pursuant to an agreement provided for in Section 2.32.010, such duties shall be considered as part of the firefighter's duty as firefighter for the ~~city~~ City, and the firefighter shall be entitled to the same benefits that the firefighter or the firefighter's family would be entitled to receive had the firefighter been engaged in any duty within the ~~city~~ City.

2.32.040 Service outside of city limits –Conditions

The ~~fire department~~ Fire Department shall not respond to any call for aid or service from outside the ~~city~~ City limits to any person or persons or community with which the ~~city~~ City has not entered into an agreement as provided for in Section 2.32.010 unless approved by the ~~chief of the fire department~~ Chief of the Fire Department.

2.32.050 Disposition of revenue from contracts or agreements

All revenue collected by the ~~city~~ City pursuant to contracts or agreements described in Section 2.32.010 shall be credited to the ~~general fund~~ General Fund of the ~~city~~ City.

Chapter 2.36 POLICE DEPARTMENT

2.36.000 Chapter Contents

Sections:

- 2.36.010 Personnel.
- 2.36.020 Appointments.
- 2.36.030 Management.
- 2.36.040 Removal of members.
- 2.36.050 Report to ~~council~~ City Council.
- 2.36.060 Compensation.
- 2.36.070 Chief of ~~police~~ Police--Powers and duties generally.
- 2.36.080 Chief of ~~police~~ Police--Duties designated.
- 2.36.085 Appointment of Officers: Authority to Grant General and Limited Commissions
- 2.36.090 Duties of police officers.
- 2.36.100 Unclaimed property.
- 2.36.110 Fixing bail.
- 2.36.120 Traffic school established--Purpose--Operation.

2.36.010 Personnel

A. The personnel of the ~~police department~~ Police Department of the ~~city~~ City shall consist of the following:

1. Chief;
2. Deputy Chief;
2. ~~Commander~~ Lieutenant;
3. Sergeant;
4. Police officer; and
5. Any other positions or rank created by the ~~city council~~ City Council.

B. Personnel appointed to positions or ranks provided for in this chapter shall be considered "City Police Officers" within the meaning of RCW 41.26.030(3).

2.36.020 Appointments

The ~~city manager~~ City Manager shall appoint the ~~chief of police~~ Chief of Police and all ~~city~~ City police officers, in accord with civil service rules.

2.36.030 Management

The ~~police department~~ Police Department shall be under the management of the ~~chief of police~~ Chief of Police, except as otherwise provided by law.

2.36.040 Removal of members

The ~~city manager~~ City Manager may remove any member of the ~~police department~~ Police Department in accord with all civil service regulations.

2.36.050 Report to ~~council~~ City Council

The ~~chief of police~~ Chief of Police will annually or as often as required by the ~~city council~~ City Council make a report of any municipal legislation deemed necessary by that ~~chief of police~~ Chief of Police to improve the efficiency of the ~~police department~~ Police Department. The ~~chief of police~~ Chief of Police shall also report annually the business and condition of the ~~police department~~ Police Department during the ~~chief of police's~~ Chief of Police's term of office, the number of arrests made during the year, the causes thereof, together with other general and special information as to the peace and good order of the ~~city~~ City. The ~~chief of police~~ Chief of Police shall also, when required by the ~~city council~~ City Council, submit an estimate of the amount of money that will be required to pay salaries and expenses of the ~~police department~~ Police Department for the ensuing fiscal year specifying in detail for what each sum shall be required.

2.36.060 Compensation

The compensation of all members of the ~~police department~~ Police Department shall be fixed in the annual budget process by the ~~City council~~ City Council.

2.36.070 Chief of ~~police~~ Police –Powers and duties generally

The ~~chief of police~~ Chief of Police shall have general charge and control of the police force, subject to the direction and control of the ~~city manager~~ City Manager; the ~~chief of police~~ Chief of Police shall enforce the criminal ordinances of the ~~city~~ City and the ~~chief of police~~ Chief of Police shall have such other and further powers and be charged with such other and further duties as are or may hereafter be prescribed by law or by the ordinances of the ~~city~~ City or by resolution of the ~~city council~~ City Council.

2.36.080 Chief of ~~police~~ Police –Duties designated

The ~~chief of police~~ Chief of Police shall be the chief peace officer of the ~~city~~ City and all processes issued by the police magistrate or by any justice of the peace in the ~~city~~ City, under authority of any ordinance of the ~~city~~ City, shall be directed to that ~~chief of police~~ Chief of Police for service and shall be served by that ~~chief of police~~ Chief of Police or by any member of the ~~police department~~ Police Department whom the ~~chief of police~~ Chief of Police may select, which officer shall make a return of such service. The ~~chief of police~~ Chief of Police shall exercise vigilant control over the ~~police department~~ Police Department and shall be the keeper of the ~~city~~ City jail and shall perform such other duties and have such other power as may be imposed upon that ~~chief of police~~ Chief of Police by ordinance. The ~~chief of police~~ Chief of Police shall also keep a correct record of all arrests made by that ~~chief of police~~ Chief of Police and by other members of the ~~police department~~ Police Department, showing the time and cause of each arrest, with the list and description of all property and money taken from each person arrested and a statement of the disposition of the same and shall make a full report thereof in writing to the ~~city council~~ City Council when required. The ~~chief of police~~ Chief of Police shall report monthly all sums collected by that ~~chief of police~~ Chief of Police and by the ~~police department~~ Police Department on behalf of the ~~city~~ City.

2.36.085 Appointment of Officers: Authority to Grant General and Limited Commissions

The ~~chief of police~~ Chief of Police may appoint, with the consent of the ~~city manager~~ City Manager, subject to any applicable civil service provisions, deputies and other public officers for the purpose of enforcing ~~city~~ City laws and codes or for engaging in any enforcement functions on behalf of the ~~city~~ City that require commissioned authority. Officers so appointed shall be subject to defined limits of authority and shall have such powers as are deemed appropriate and necessary for the proper performance of the duties of their office as authorized by the ~~chief of police~~ Chief of Police and permitted by law. Upon such appointment, the ~~chief of police~~ Chief of Police shall issue to the appointee a general or limited commission card as the case may be, and may authorize the appointee to carry an appropriate identifying badge. Appointments shall continue until the appointee is either permanently terminated from ~~city~~ City employment or volunteer service or the commission is otherwise modified by the ~~chief of police~~ Chief of Police. Any commission authorized hereunder may be modified or revoked at any time by the ~~chief of police~~ Chief of Police or the ~~city manager~~ City Manager, subject to any applicable civil service provisions.

2.36.090 Duties of police officers

The duties of the other members of the ~~police department~~ Police Department, both regular and special police officers, shall be such as may be provided from time to time by ordinance and by rules established by the ~~chief of police~~ Chief of Police in addition to the duties prescribed in this chapter.

2.36.100 Unclaimed property

The ~~chief of police~~ Chief of Police is authorized, under the supervision of the ~~city manager~~ City Manager, to accept, maintain and dispose of all lost and/or unclaimed property as may come into the possession of the ~~city police department~~ City Police Department. The ~~chief~~ Chief of Police shall be governed by the provisions and procedures set forth in RCW Chapter 63.21 for lost and found property and in RCW Chapter 63.32 for unclaimed property.

2.36.110 Fixing bail

The ~~chief of police~~ Chief of Police or, in the ~~chief of police's~~ Chief of Police's absence, any police officer of the ~~city~~ City, is authorized to fix and accept bail from persons arrested for violation of the ~~city~~ City ordinances, and such bail shall be fixed in accordance with general practice and rules according to the schedule fixed by the police judge and filed with the ~~police department~~ Police Department.

2.36.120 Traffic school established –Purpose –Operation

A. There is established within the Olympia ~~police department~~ Police Department a traffic school to be used in conjunction with the ~~city's~~ City's traffic first offender diversion program. The traffic school shall consist of eight (8) hours of instruction and shall run during the period of the traffic grant. The school shall be taught by members of the metro traffic services unit.

B. The ~~judge of the Olympia police court~~ Municipal Court Judge may, at the ~~judge's~~ Judge's discretion, order persons convicted of a traffic offense to attend the traffic school hereby created in lieu of a monetary fine or imprisonment.

C. It is contemplated that the traffic school shall be operated in cooperation with the cities of Lacey and Tumwater on such terms and conditions as may be established.

Chapter 2.38 POLICE AUDITOR

2.38.000 Chapter Contents

Sections:

- 2.38.010 Police Auditor.
- 2.38.020 Purpose.
- 2.38.030 Selection and compensation.
- 2.38.040 Term of service.
- 2.38.050 Termination of service.
- 2.38.060 Qualifications.
- 2.38.070 Duties and Responsibilities.
- 2.38.080 Reporting.
- 2.38.090 Confidentiality.
- 2.38.100 Independence of the Police Auditor.

2.38.010 Police Auditor

The City Council may, by contract, retain the services of a Police Auditor. The Police Auditor shall be totally independent from the Police Department and shall report to the City Council.

2.38.020 Purpose

The purpose of retaining a Police Auditor is to provide an independent review and audit of investigations of complaints about the Police Department and/or its employees. The specific goal is to increase public trust and confidence in the professional accountability systems of the Police Department.

2.38.030 Selection and Compensation

The Police Auditor shall be selected by the City Council. The Police Auditor may be retained under a professional service contract for the term specified in this Chapter, under conditions and for compensation determined appropriate by the City Council.

2.38.040 Term of Service

The term of the Police Auditor professional service contract shall be one year. The Police Auditor may be retained for further one-year terms as determined appropriate by the City Council.

2.38.050 Termination of Service

The professional services contract of the Police Auditor may be terminated under the conditions set forth by the Council in the contract.

2.38.060 Qualifications

The Police Auditor shall have the following minimum qualifications:

- A. A history of exemplary personal and professional conduct and integrity;
- B. The ability to establish a broad base of credibility in the community;
- C. A law degree or an advanced degree in a relevant social science;
- D. Knowledge of and experience with contemporary investigative techniques;
- E. Knowledge of labor law as applied to public safety employees;
- F. Excellent written and oral communications skills; and
- G. Facility with basic social science statistical analysis techniques.

2.38.070 Duties and Responsibilities

The Police Auditor shall have duties and responsibilities set forth in this Section, as follows:

A. The Police Auditor shall review police professional standards investigations relating to complaints about the Police Department or its employees to determine if the investigations meet the standard of being complete, thorough, objective, and fair.

B. The number of complaint cases to be reviewed annually shall include all complaints about police employees which allege the use of excessive or unnecessary force, civil rights violations, or bias and any other cases described in the contract.

C. Each investigative audit conducted by the Police Auditor is intended to be an impartial review of the Police Department's internal investigative process and a verification of the Department's compliance with established policy and procedure. Investigative audits shall not duplicate or interfere with any internal investigation. Materials utilized by the Police Auditor in investigative audits are confidential and anonymous, containing the name of no employee, complainant, or witness.

D. The Police Auditor shall make a written request to the Chief of Police for further investigation whenever the Police Auditor concludes that further work is needed for an investigation to meet the established standard. The Chief of Police may respond to such requests from the Police Auditor either by providing the additional investigation or by providing the Police Auditor with a written explanation indicating the reasons why the requested investigation is not being completed. The City Manager shall be provided with a copy of the written response in all cases where the Chief of Police elects not to conduct additional investigation requested by the Police Auditor.

2.38.080 Reporting

At a minimum, the Police Auditor shall file a mid-year and an annual report with the City Council, and shall provide the City Manager with a copy thereof. The reports shall include, but not be limited to:

- A. A listing of each complaint case audited during the reporting period, indicating the following:
 - 1. The complaint type;
 - 2. Whether additional investigation was requested, and, if so, the type of response provided (i.e., compliance with the request or receipt of a written explanation);
 - 3. A finding on each case audited indicating either:
 - a. That the case met the established investigative standard or
 - b. After response to a request for further investigation, the case failed to meet the investigative standard;
- B. An analysis of key trends and patterns; and
- C. Recommendations for revisions to process, policy, procedure or training stemming from the audit process.

2.38.090 Confidentiality

The Police Auditor shall be bound by and shall comply with all state and federal laws relating to access to and confidentiality of law enforcement records and information, and to the privacy rights of individuals. The Police Auditor shall not produce any report which contains the name of any individual police employee, complainant, or witness unless required by state law.

2.38.100 Independence of the Police Auditor

At all times, the Police Auditor shall be totally independent and findings, requests for further investigations, recommendations, and reports shall reflect the views of the Police Auditor alone. No person shall attempt to undermine the independence of the Police Auditor in the performance of the duties and responsibilities set forth in 2.38.070.

Chapter 2.40 POLICE RESERVE FORCE

2.40.000 Chapter Contents

Sections:

- 2.40.010 Established--Appointments and supervision.
- 2.40.020 Duties.
- 2.40.030 Membership--Qualifications--Revocation.
- 2.40.040 Commanding officer--Duties.
- 2.40.050 Powers of members.
- 2.40.060 Firearms.
- 2.40.070 Compensation.

2.40.010 Established –Appointments and supervision

There is created and established a police reserve force of up to thirty (30) members. Each member shall be appointed by the ~~chief of police~~ Chief of Police, with the approval of the ~~city manager~~ City Manager. The police reserve force shall function under the supervision of the ~~chief of police~~ Chief of Police.

2.40.020 Duties

The duties of the police reserve force are to supplement the regular police force in the protection of life, property, and preservation of peace and order.

2.40.030 Membership –Qualifications –Revocation

A. To be eligible for membership in the police reserve force, each applicant must file application with the ~~chief of police~~ Chief of Police, indicate the applicant's willingness to serve an average minimum of sixteen (16) hours per month in the public service, meet the qualifications and requirements prescribed for membership in the police reserve force, complete the training program, be appointed by the ~~chief of police~~ Chief of Police, take oath of office and be sworn in.

B. Members of the police reserve force shall:

1. Be a citizen of the United States;
2. Be trustworthy and of good moral character; and
3. Not have been convicted of a felony or any offense involving moral turpitude.

C. The ~~chief of police~~ Chief of Police is authorized to furnish each member of the police reserve force with a membership identification card and the reserve police officer is authorized to wear the prescribed uniform.

D. Membership of any person in the police reserve may be revoked at any time by the ~~chief of police~~ Chief of Police. Any member of the police reserve may resign upon notification to the ~~chief of police~~ Chief of Police. Upon separation from the organization, all equipment issued to that member by the ~~city~~ City must be turned in immediately.

2.40.040 Commanding officer –Duties

The ~~chief of police~~ Chief of Police is the commanding officer of the police reserve force. The ~~chief of police~~ Chief of Police shall be responsible for establishing a training program, promulgating rules and regulations for their conduct, prescribing their uniform, and supervising their performance of duty. The ~~chief of police~~ Chief of Police selects and appoints persons to the police reserve force and may appoint such subordinate officers as the ~~chief of police~~ Chief of Police deems suitable and necessary.

No member of the police reserve force shall be regarded as a ~~city~~ City employee for any purpose, subject to civil service rules and regulations, nor entitled to the benefits of the ~~police pension fund~~ Police Pension Fund Act (RCW Chapter 41.20) or the LEOFF Act (RCW Chapter 41.26).

2.40.050 Powers of members

Members of the police reserve force shall have all those powers vested in them by the ~~chief of police~~ Chief of Police while in the performance of officially authorized duties, but under no circumstances shall the reserve police officer exercise any power while not in the performance of duties ordered by the ~~chief of police~~ Chief of Police or the ~~chief of police's~~ Chief of Police's authorized representative.

2.40.060 Firearms

No member of the police reserve force shall carry a firearm until the member has received from the ~~chief of police~~ Chief of Police a certificate showing that the member is qualified in the use of such firearms and unless the member is on an assignment of duty in which the ~~chief of police~~ Chief of Police considers a firearm necessary.

2.40.070 Compensation

Members of the police reserve force serve without compensation, but the ~~city council~~ City Council may, in its discretion, pay all or part of the cost of furnishing uniforms and equipment and false arrest insurance when the appropriation therefor has been indicated as an item in the ~~city~~ City budget.

Chapter 2.44 CIVIL SERVICE COMMISSION

2.44.000 Chapter Contents

Sections:

- 2.44.010 Definitions.
- 2.44.020 Created--Membership.
- 2.44.030 Organization and duties.
- 2.44.040 Coverage--Promotion and discharge.
- 2.44.050 Retroactive effect.
- 2.44.060 Qualifications for a position under civil service.
- 2.44.070 Reasons for discharge.
- 2.44.080 Procedure upon removal or demotion.
- 2.44.090 Cooperation of city officers.
- 2.44.100 Vacancy filling.
- 2.44.110 Power of ~~city council~~ City Council.
- 2.44.120 Certificate of commission required on payroll, estimate or account.
- 2.44.130 Leave of absence.
- 2.44.140 Civil suits for enforcement of chapter.
- 2.44.150 Obstruction of procedure prohibited.
- 2.44.160 Administration by commission.
- 2.44.170 Accommodations and clerical assistance.
- 2.44.180 Appropriation.
- 2.44.190 Violation--Penalty.

2.44.010 Definitions

As used in this chapter, the following terms shall have the following described meanings:

- A. "Appointing power" means the ~~city manager~~ City Manager.
- B. "Appointment" includes all means of selection, appointing or employing any person to hold any office, place, position or employment subject to civil service.
- C. "Commission" means the civil service commission created in this chapter, and "commissioner" means any one of the three commissioners of that commission.
- D. "Full-paid fire department" means that the officers and firefighters employed in such are paid regularly by the ~~city~~ City and devote their whole time to fire fighting.

2.44.020 Created –Membership

- A. There is created in the ~~city~~ City a civil service commission, which shall be composed of three persons.
- B. The members of such commission shall be appointed by the ~~city manager~~ City Manager. The members of such commission shall serve without compensation. No person shall be appointed a member of such commission who is not a citizen of the United States, a resident of the ~~city~~ City immediately preceding such

appointment, and an elector of Thurston County, Washington. The term of office of such commissioners shall be for six years, except that the first three members of such commission shall be appointed to different terms, as follows: one to serve for a period of two years, one to serve for a period of four years, and one to serve for a period of six years. Any member of such commission may be removed from office for incompetency, failure to reside in the City, incompatibility or dereliction of duty, or malfeasance in office, or other good cause; provided, however, that no members of the commission shall be removed until charges have been preferred in writing, due notice and a full hearing had. The members of such commission shall devote due time and attention to the performance of the duties specified and imposed upon them by this chapter. Two members of such commission concurring shall be sufficient for the decision of all matters and the transaction of all business to be decided or transacted by the commission under or by virtue of the provisions of this chapter. At the time of any appointment not more than two commissioners shall be adherents of the same political party.

2.44.030 Organization and duties

A. Immediately after appointment the commission shall organize by electing one of its members chairperson and hold regular meetings at least once a month, and such additional meetings as may be required for the proper discharge of their duties.

B. They shall appoint a secretary and chief examiner, who shall keep the records of the commission, preserve all reports made to it, superintend and keep a record of all examinations held under its direction, and perform such other duties as the commission may prescribe.

C. The secretary and chief examiner shall be appointed as a result of competitive examination, which examination may be either original and open to all properly qualified citizens of the ~~city~~ City, or promotional and limited to persons already in the service of the ~~fire department~~ Fire Department and ~~police department~~ Police Department or of the ~~fire department and police department~~ Fire Department and Police Department and other departments of the ~~city~~ City, as the commission may decide. The secretary and chief examiner may be subject to suspension, reduction or discharge in the same manner and subject to the same limitation as are provided in the case of members of the ~~fire department and police department~~ Fire Department and Police Department. It shall be the duty of the civil service commission:

1. To make suitable rules and regulations not inconsistent with the provisions of this chapter. Such rules and regulations shall provide in detail the manner in which examinations may be held, and appointments, promotions, transfers, reinstatements, demotions, suspensions, and discharges shall be made, and may also provide for any other matters connected with the general subject of personnel administration, and which may be considered desirable to further carry out the general purposes of this chapter, or which may be found to be in the interest of good personnel administration. Such rules and regulations may be changed from time to time. The rules and regulations and any amendments thereof shall be printed, mimeographed or multi-graphed for free public distribution. Such rules and regulations may be changed from time to time.

2. All tests shall be practical, and shall consist only of subjects which will fairly determine the capacity of persons examined to perform duties of the position to which appointment is to be made, and may include tests of physical fitness and/or of manual skill.

3. The rules and regulations adopted by the commission shall provide for a credit of ten percent in favor of all applicants for appointment under civil service, who, in time of war, or in any expedition of the Armed Forces of the United States, have served in and been honorably discharged from the Armed

Forces of the United States, including the Army, Navy and Marine Corps and the American Red Cross. These credits apply to entrance examinations only.

4. The commission shall make investigations concerning and report upon all matters touching the enforcement and effect of the provisions of this chapter, and the rules and regulations prescribed hereunder; inspect all institutions, departments, offices, places, positions and employment's affected by this chapter, and ascertain whether this chapter and all such rules and regulations are being obeyed. Such investigations may be made by the commission or by any commissioner designated by the commission for that purpose. Not only must these investigations be made by the commission as mentioned above, but the commission must make like investigation on petition of a citizen, duly verified, stating that irregularities or abuses exist, or setting forth in concise language, in writing, the necessity for such investigation. In the course of such investigation the commission or designated commissioner, or chief examiner, shall have the power to administer oaths, subpoena and require the attendance of witnesses and the production by them of books, papers, documents and accounts appertaining to the investigation and also to cause the deposition of witnesses residing within or without the state to be taken in the manner prescribed by law for like depositions in civil actions in the Superior Court; and the oaths administered hereunder and the subpoenas issued hereunder shall have the same force and effect as the oaths administered by a Superior Court judge in the Superior Court judge's judicial capacity: and the failure upon the part of any person so subpoenaed to comply with the provisions of this section shall be deemed a violation of this chapter, and punishable as such.

5. All hearings and investigations before the commission, or designated commissioner, or chief examiner, shall be governed by this chapter and by rules of practice and procedure to be adopted by the commission, and in the conduct thereof neither the commission, nor designated commissioner, shall be bound by the technical rules of evidence. No informality in any proceedings or hearing, or in the manner of taking testimony before the commission or designated commissioner, shall invalidate any order, decision, rule or regulation made, approved or confirmed by the commission; provided, however, that no order, decision, rule or regulation made by any designated commissioner conducting any hearing or investigation alone shall be of any force or effect whatsoever unless and until concurred in by at least one of the other two members.

6. To hear and determine appeals or complaints respecting the administrative work of the personnel department; appeals upon the allocation of positions; the rejection of an examination, and such other matters as may be referred to the commission.

7. Establish and maintain in card or other suitable form a roster of officers and employees.

8. Provide for, formulate and hold competitive tests to determine the relative qualifications of persons who seek employment in any class or position and as a result thereof establish eligible lists for the various classes of positions, and to provide that persons laid off because of curtailment of expenditures, reduction in force and for like cause head the list in the order of their seniority, to the end that they shall be the first to be re-employed. All promotional examinations shall consist of at least written and oral tests, and employee performance evaluation if applicable.

9. When a vacant position is to be filled, to certify to the appointing authority, on written request, the names of those highest on the eligible list for the class, and the list shall contain a number of names equal to the number of vacancies to be filled, plus two. If there are no such lists, to authorize a

provisional or temporary appointment list of such class. Such temporary or provisional appointment shall not continue for a period longer than four months; nor shall any person receive more than one provisional appointment or serve more than four months as a provisional appointee in any one fiscal year.

10. Keep such records as may be necessary for the proper administration of this chapter.

2.44.040 Coverage –Promotion and discharge

The classified civil service and the provisions of this chapter shall include all full-paid employees of the ~~fire department and police department~~ Fire Department and the Police Department of the city City, excluding the ~~police chief, and the fire chief~~ Chief of Police and the Chief of Fire. All appointments to and promotions in such departments shall be made solely on merit, efficiency and fitness, which shall be ascertained by open competitive examination and impartial investigation. No person shall be reinstated in, or transferred, suspended or discharged from any such place, position or employment contrary to the provisions of this chapter.

2.44.050 Retroactive effect

For the benefit of the public service and to prevent delay, injury or interruption therein by reason of the enactment of this chapter, all persons holding a position in the ~~fire department and police department~~ Fire Department and Police Department of the city City, including the chiefs thereof, when this chapter takes effect, who have served in such position for a period of at least six months last past continuously, are declared, eligible for permanent appointment under civil service to the offices, places, positions or employment which they shall then hold respectively, without examination or other act on their part, and not on probation. Every such person is automatically adopted and inducted permanently into civil service, into such office, place, position or employment which such person then holds as completely and effectually to all intents and purposes as if such person had been permanently appointed thereto under civil service after examination and investigation.

2.44.060 Qualifications for a position under civil service

An applicant for a position of any kind under civil service must be a citizen of the United States of America, or, in the case of positions in the ~~fire department~~ Fire Department, a permanent resident alien under the United States Immigration and Naturalization Act, who can read and write the English language. An applicant for a position of any kind under civil service must be of an age suitable for the position applied for, in ordinary good health, of good moral character and of temperate and industrious habits; these facts to be ascertained in such manner as the commission may deem advisable.

2.44.070 Reasons for discharge

The tenure of everyone holding an office, place, position or employment under the provisions of this chapter shall be only during good behavior, and any such person may be removed or discharged, suspended without pay, demoted, or reduced in rank, or deprived of vacation privileges or other special privileges for any of the following reasons:

A. Incompetency, inefficiency or inattention to or dereliction of duty;

- B. Dishonesty, intemperance, immoral conduct, insubordination, discourteous treatment of the public, or a fellow employee, or any other act of omission or commission tending to injure the public service; or any other willful failure on the part of the employee to properly conduct that employee; or any willful violation of the provisions of this chapter or the rules and regulations to be adopted under this chapter;
- C. Mental or physical unfitness for the position which the employee holds;
- D. Dishonest, disgraceful, immoral or prejudicial conduct;
- E. Drunkenness or use of intoxicating liquors, narcotics, or any other habit-forming drug, liquid or preparation to such extent that the use thereof interferes with the efficiency or mental or physical fitness of the employee, or which precludes the employee from properly performing the functions and duties of any position under civil service;
- F. Conviction of a felony, or a misdemeanor, involving moral turpitude;
- G. Any other act or failure to act which in the judgment of the civil service commissioners is sufficient to show the offender to be an unsuitable and unfit person to be employed in the public service.

2.44.080 Procedure upon removal or demotion

No person in the classified civil service who shall have been permanently appointed or inducted into civil service under provisions of this chapter, shall be removed, suspended, demoted or discharged except for cause, and only upon the written accusation of the appointing power, or any citizen or taxpayer, a written statement of which accusation, in general terms, shall be served upon the accused, and a duplicate filed with the commission. Any person so removed, suspended, demoted or discharged may, within ten (10) days from the time of the person's removal, suspension, demotion or discharge, file with the commission a written demand for an investigation, whereupon the commission shall conduct such investigation. The investigation shall be confined to the determination of the question of whether such removal, suspension, demotion or discharge was or was not made for political or religious reasons and was or was not made in good faith or cause. After such investigation the commission may affirm the removal, or if it finds that the removal, suspension or demotion was made for political or religious reasons, or was not made in good faith for cause, shall order the immediate reinstatement or reemployment of such person in the office, place, position or employment from which such person was removed, suspended, demoted or discharged, which reinstatement shall, if the commission so provides in its discretion, be retroactive, and entitle such person to pay or compensation from the time of such removal, suspension, demotion or discharge. The commission, upon such investigation, in lieu of affirming the removal, suspension, demotion or discharge, may modify the order of removal, suspension, demotion or discharge by directing a suspension, without pay, for a given period, and subsequent restoration to duty, or demotion in classification, grade or pay. The findings of the commission shall be certified, in writing, to the appointing power, and shall be enforced by such officer.

All investigations made by the commission pursuant to the provisions of this section shall be by public hearing, after reasonable notice to the accused of the time and place of such hearing, at which hearing the accused shall be afforded an opportunity of appearing in person and by counsel, and presenting the person's defense. If such judgment or order be concurred in by the commission or a majority thereof, the accused may appeal therefrom to the court of original and unlimited jurisdiction in civil suits of Thurston County, Washington. Such appeal shall be taken by serving the commission, within thirty (30) days after the entry of such judgment or order, a written notice of appeal, stating the grounds thereof and demanding that a certified transcript of the

record and of all papers on file in the office of the commission affecting or relating to such judgment or order be filed by the commission with such court. The commission shall, within ten (10) days after the filing of such notice, make, certify and file such transcript with such court. The court of original and unlimited jurisdiction in civil suits shall thereupon proceed to hear and determine such appeal in a summary manner; provided, however, that such hearing shall be confined to the determination of whether the judgment or order of removal, discharge, demotion or suspension made by the commissioners was or was not made in good faith for cause, and no appeal to such court shall be taken except upon such ground or grounds.

2.44.090 Cooperation of city officers

It shall be the duty of all officers and employees of the ~~city~~ City to aid in the proper ways of carrying out the provisions of this chapter and such rules and regulations as may, from time to time, be prescribed by the commission under this chapter, and to afford the commission, its members and employees all reasonable facilities and assistance to inspect all books, papers, documents and accounts applying or in any way appertaining to any and all offices, places, positions and employment's, subject to civil service, and also to produce such books, papers, documents and accounts, and attend and testify, whenever required to do so by the commission or any commissioner.

2.44.100 Vacancy filling

A. Whenever a position in a classified service becomes vacant, the appointing power, if the appointing power desires to fill the vacancy, shall make requisition upon the commission for the names and addresses of persons eligible for appointment thereto. The commission shall certify the names of those highest on the list for the class, the list shall contain a number of names equal to the number of vacancies to be filled, plus two. The commission shall likewise certify that all of the persons on the list are willing to accept employment. If there is no appropriate eligible list for the class, the commission shall certify the names of the same number of people standing highest upon a list appropriate for such class. The appointing authority shall appoint one of the certified persons to each such vacant position.

B. Whenever requisition is to be made or whenever a position is held by a temporary appointee and an eligible list of persons for the class exists, the commission shall certify the names of those highest on the list for the class. The list shall contain a number of names equal to the number of vacancies to be filled, plus two. The appointing power shall appoint one of the persons so certified to each vacant position. No person so certified shall be laid off, suspended or given leave of absence from duty, transferred or reduced in pay or grade, except for reasons which will promote the good of the service, specified in writing, and after an opportunity to be heard by the commission, and then only with its consent and approval.

C. To enable the appointing power to exercise additional choice in the filling of positions, no appointment, employment or promotion in any position in the classified service shall be determined complete until after the expiration of a period of six months to one year probationary service, as may be provided in the rules of the civil service commission, during which the appointing power may terminate the employment of the person certified and previously appointed by that appointing power if during the performance test thus afforded upon observation or consideration of the performance of duty the appointing power deems that person unfit or unsatisfactory for service in the department, whereupon the appointing power shall designate one of the other persons certified and such person shall likewise enter upon such duties until some person is found who is fit for appointment, employment or promotion for the probationary period provided therefor, whereupon the appointment, employment or promotion shall be deemed to be complete.

2.44.110 Power of ~~city council~~ City Council

All offices, places, positions and employment's coming within the purview of this chapter shall be created by the ~~city council~~ City Council, and nothing contained in this chapter shall infringe upon the power and authority of the ~~city council~~ City Council to fix the salaries and compensation of all employees employed under this chapter.

2.44.120 Certificate of commission required on payroll, estimate or account

No treasurer, auditor, comptroller or other officer or employee of the city shall approve the payment of or be in any manner concerned in paying, auditing or approving any salary, wage or other compensation for services to any person subject to the jurisdiction and scope of this chapter, unless a payroll, estimate or account for such salary, wage or other compensation, containing the names of the persons to be paid, the amount to be paid to each such person, the services on account of which same is paid and any other information which, in the judgment of the civil service commission, should be furnished on the payroll, bears the certificate of the civil service commission, or of its secretary or other duly authorized agent, that the persons named in such payroll, estimate or account have been appointed or employed in compliance with the terms of this chapter and with the rules of the commission, and that the payroll, estimate or account is, so far as known to the commission, a true and accurate statement. The commission shall refuse to certify the pay of any public officer or employee whom it finds to be illegally or improperly appointed, and may further refuse to certify the pay of any public officer or employee who willfully or through culpable negligence violates or fails to comply with this chapter or with the rules of the commission.

2.44.130 Leave of absence

Leave of absence, without pay, may be granted by the appointing power to any person under civil service; provided, that such appointing power shall give notice of such leave to the commission. All temporary employment caused by leaves of absence shall be made from the eligible list of the classified civil service.

2.44.140 Civil suits for enforcement of chapter

It shall be the duty of the commission to begin and conduct all civil suits which may be necessary for the proper enforcement of this chapter and of the rules of the commission. The commission shall be represented in such suits by the chief legal officer of the ~~city~~ City, but the commission may in any case be represented by special counsel appointed.

2.44.150 Obstruction of procedure prohibited

No commissioner or any other persons shall, by themselves or in cooperation with one or more persons, defeat, deceive, or obstruct any person in respect to the person's right of examination or registration according to the rules and regulations of this chapter, or falsely mark, grade, estimate or report upon the examination or proper standing of any person examined, registered or certified pursuant to the provisions of this chapter, or aid in so doing, or make any false representation concerning the same, or concerning the person examined, or furnish any person any special or secret information for the purpose of improving or injuring the prospects or chances of any person so examined, registered or certified, or to be examined, registered or certified, or persuade any other person, or permit or aid in any manner any other person to personate that person, in connection with any examination or registration or application or request to be examined or registered.

2.44.160 Administration by commission

It shall be the duty of the commission appointed subject to the provisions of this chapter to immediately organize and see to it that the provisions thereon are carried into effect, and to this end to make suitable rules and regulations not inconsistent with the purpose of this chapter, for the purpose of carrying the provisions thereof into effect; and the failure upon the part of the commission, or any individual member thereof, to do so shall be deemed a violation of this chapter and shall be punishable as such.

2.44.170 Accommodations and clerical assistance

The ~~city~~ City shall provide the commission with suitable and convenient rooms and accommodations and cause the same to be furnished, heated and lighted and supplied with all office supplies and equipment necessary to carry on the business of the commission and with such clerical assistance as may be necessary, all of which is to be commensurate with the number of persons in the ~~city~~ City coming within the purview of this chapter; and the failure upon the part of the duly constituted authorities to do so shall be considered a violation of this chapter, and shall be punishable as such.

2.44.180 Appropriation

For the purpose of carrying out the provisions of this chapter, the ~~city~~ City is authorized to appropriate from the ~~general fund~~ General Fund not to exceed four-tenths of one percent of the total payroll of those included under the jurisdiction and scope of the chapter; provided, however, that if the ~~city council~~ City Council makes an appropriation for the support of the commission equal to or more than the continuing appropriation in any year, this section shall not be operative for said year, but otherwise shall be in full force and effect.

2.44.190 Violation –Penalty

Any person who willfully violates any of the provisions of this chapter is guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than one hundred dollars and by imprisonment in the ~~county~~ County jail for not longer than thirty (30) days, or by both such fine and imprisonment. The court of original and unlimited jurisdiction in civil suits shall have jurisdiction of all such offenses defined by this chapter.

Chapter 2.64 OFFICERS' COMPENSATION

2.64.000 Chapter Contents

Sections:

2.64.010 Appointive officers--Salary.

2.64.010 Appointive officers –Salary

The salaries of the appointive officers of the ~~city~~ City shall be determined annually by the ~~city council~~ City Council as deemed appropriate in the budget process.

Chapter 2.68 CITY OFFICE HOURS

2.68.000 Chapter Contents

Sections:

2.68.010 Designated.

2.68.010 Designated

The offices of the ~~city~~City shall be kept open for the transaction of business during weekdays from eight a.m. until five p.m.; provided, however, said offices shall remain closed during such holidays as may be prescribed by state law and/or ~~city~~City ordinance.

Chapter 2.70 LEGAL DEFENSE FOR ACTS OR OMISSIONS

2.70.000 Chapter Contents

Sections:

- 2.70.010 Circumstances where City will defend.
- 2.70.020 Determination of acts covered by this chapter.
- 2.70.030 Payment of any settlement or judgment.
- 2.70.040 Definitions.
- 2.70.050 Insurance coverage.
- 2.70.060 Bargaining unit contract.
- 2.70.070 Punitive damages.

2.70.010 Circumstances where City will defend

The City of Olympia shall at the request of any City officer, employee or volunteer defend at the City's expense said officer, employee or volunteer in any claim and/or litigation arising from any conduct, acts or omissions of such officers, employees or volunteers, under the following circumstances:

- A. If the acts or omissions were in good faith intended to be within the scope of the officer's, employee's or volunteer's official duties with the City of Olympia, as determined under Section 2.70.020 below;
- B. If and when a claim for damages is filed with the City, the officer, employee or volunteer, as soon as practicable, gives the City Manager's office a report on the incident involved, identifying the officers, employees or volunteers involved, giving information with respect to time, place and circumstances relative thereto and the names and addresses of witnesses or any other person with knowledge of the incident;
- C. If throughout the proceeding, the officer, employee or volunteer cooperates with the City Manager's office, City Attorney's office or any representative of an insurance adjustment firm or insurance authority or company retained by the City, or to which the City is a member, in the handling of any such claim and/or litigation by attending meetings, giving interviews, depositions, attending hearings and trials and assisting in securing and giving evidence and obtaining the attendance of witnesses;

D. If the officer, employee or volunteer has not or does not voluntarily, without authority from the City, assume any obligation, or commit to any responsibility arising out of the incident involved which gives rise to any loss or damage, except at the personal expense and cost of the officer or employee.

2.70.020 Determination of acts covered by this chapter

The determination whether the officer, employee or volunteer was acting in good faith within the scope of the officer's, employee's or volunteer's official duty with the City shall be made by the City Manager's office in consultation with the City Attorney. This determination shall be based on an investigation of the acts and circumstances surrounding the incident and shall be made as early in the proceedings as is reasonably possible. Once the determination is made, the officer, employee or volunteer involved shall be notified by the City Manager in writing. If the employee involved is the City Manager, the determination shall be made by the City Council. Any determination made under this section shall not be subject to appeal.

If the investigation reveals that the claim or action arose from any dishonest, fraudulent, criminal or malicious acts or omissions of the officer, employee or volunteer, such acts or omissions shall in no event be deemed within the scope of the officer's, employee's or volunteer's official duties for purposes of this chapter.

2.70.030 Payment of any settlement or judgment

Should it be determined pursuant to this chapter that an officer, employee or volunteer acted in good faith within the scope of the officer's, employee's or volunteer's official duties, any settlement, award or judgment against said officer, employee or volunteer shall be paid by the City or by its insurance carrier as provided below; provided, that if during the course of further investigation, trial discovery or trial it is found that any officer, employee or volunteer in fact did not act in good faith within the scope of the officer's, employee's or volunteer's official duties, any obligation of the City hereunder to defend and/or pay any monetary settlement, award or judgments may in the discretion of the City Manager be discontinued. If the officer or employee is the City Manager, the latter determination shall be made by the City Council.

2.70.040 Definitions

For purposes of this chapter, the term "officers" or "employees" shall mean all paid employees of the City, whether full-time or part-time, temporary or permanent. A person shall not be deemed an officer or employee simply because the person receives reimbursement for travel or other similar payments incident to some activity performed on behalf of the City. The term "officers" shall for purposes of this ordinance include members of the City Council.

The term "volunteer" shall mean any person performing services on behalf of and at the request of the City and who receives no compensation for such services. The fact that the person receives reimbursement for out of pocket expenses incident to such services, is covered by the City for worker's compensation or is covered under the City's liability insurance plan shall not affect the person's status as a volunteer.

2.70.050 Insurance coverage

Nothing contained in this chapter shall be construed to modify or amend any provision of any insurance coverage either through the Washington Cities Insurance Authority or another carrier, wherein the City or any officer, employee or volunteer is the named insured. In the event that any conflict exists between this chapter and the provisions of any such policy of insurance or coverage, the policy or coverage provision shall be controlling; provided, however, that nothing contained in this section shall be deemed to limit or restrict any

employee's, officer's or volunteer's rights to full coverage pursuant to this chapter, it being the intention of this chapter to provide, if necessary, complete coverage outside and beyond insurance policies or coverage which may be in effect while not compromising the terms and conditions of such policies or coverage by any conflicting provision contained in this chapter. Nothing in this chapter shall preclude the City from undertaking an officer's, employee's or volunteer's defense under a reservation of rights.

2.70.060 Bargaining unit contract

If a bargaining unit contract covers any of the provisions of this chapter, all employees under such contract shall be governed by the provisions thereof, rather than by the provisions of this chapter, and where any conflict exists between the provisions of any such contract in this chapter, the contract shall control.

2.70.070 Punitive damages

When an officer, employee or volunteer of the City has been represented in a claim and/or litigation by the City pursuant to this chapter and any judgment is rendered against such officer, employee or volunteer for punitive damages, the officer, employee or volunteer may make a request to the City Council that the City pay the award of punitive damages on behalf of the officer, employee or volunteer. Upon receiving a request made by or on behalf of a City officer, employee or volunteer to pay punitive damages, the City Council shall receive a report and recommendation from the City Manager. If the officer or employee is the City Manager or a City Councilmember, the City Council may retain the services of any person or agency to provide any report or information deemed necessary. Following receipt of the report and any recommendation, the City Council shall determine whether the best interest of the City and justice will be served by payment by the City of the award for punitive damages. There shall be no appeal from such determination. The Mayor shall communicate the Council's determination with respect to the officer's, employee's or volunteer's request for payment of punitive damages to said officer, employee or volunteer. Thereafter, the ~~Director of Administrative Services~~Finance Director shall authorize payment of punitive damages or decline to pay punitive damages in conformity with the Council's determination.

Chapter 2.72 DEFENSE OF ELECTED OFFICIALS IN RECALL PROCEEDINGS

2.72.000 Chapter Contents

Sections:

- 2.72.010 Payment of defense expenses in recall judicial proceedings; authority.
- 2.72.020 Payment of defense expenses in recall judicial proceedings; procedure.
- 2.72.030 Payment of defense expenses in recall judicial proceedings; costs on appeal.
- 2.72.040 Payment of defense expenses in recall judicial proceedings; definitions.

2.72.010 Payment of defense expenses in recall judicial proceedings; authority

The City Council shall consider any request by an elected official of the City of Olympia to pay the necessary expenses of defending such officer in a judicial proceeding convened to determine the sufficiency of a recall charge. The decision of the Council shall be made by motion in open meeting. The ~~Council~~Council shall approve the request if, upon considering all relevant and available information, it determines that reasonable evidence exists that the acts or omissions did not occur as alleged in the petition for recall.

The City Attorney shall likewise determine if any such request should be approved. The City Attorney shall approve the request if the City Attorney determines from the wording of the petition that a reasonable legal position can be established that the charge(s) is not "sufficient" for purposes of RCW 4.96.041.

2.72.020 Payment of defense expenses in recall judicial proceedings; procedure

Any request for payment by the City of recall defense costs must be made no later than ten (10) days after receipt of the petition. The request shall include a copy of the recall petition and may include any additional information deemed relevant by the elected official involved.

The City Council and City Attorney shall render their decision within fourteen (14) days of receipt of the request. The decision of the Council and City Attorney shall be made in writing and may not be appealed.

2.72.030 Payment of defense expenses in recall judicial proceedings; costs on appeal

Should the issue of sufficiency of the recall charge be appealed by either the petitioner or the elected official to the Supreme Court, the decision by the City Council and City Attorney as provided in this ordinance shall apply to the costs of such appeal.

2.72.040 Payment of defense expenses in recall judicial proceedings; definitions

A. Elected Official. For purposes of this ordinance, the term "elected official" shall include all members of the Olympia City Council and the Olympia Municipal Court Judge when the current term of the Municipal Court Judge expires and the position, if full-time, is filled by election.

B. Necessary expenses. For purposes of this ordinance, the term "necessary expenses" shall include all out-of-pocket expenses incurred in the judicial proceeding, including any applicable court costs, litigation costs and reasonable attorneys fees. Costs of any campaign with respect to a petition or recall election shall not be considered necessary expenses.

Chapter 2.74 MISCELLANEOUS, ADMINISTRATION

2.74.000 Chapter Contents

Sections:

- 2.74.010 Credit cards, obligations to City.
- 2.74.020 Cashing of employee checks.
- 2.74.030 Membership of City Employees.

2.74.010 Credit cards, obligations to City

The ~~City Treasurer (Director of Administrative Services)~~Finance Director is hereby authorized to establish procedures for the acceptance of credit cards for payment of City fees and charges, and fines and forfeitures. Costs associated with the use of credit cards may be assessed against the paying party, if allowed by the credit card issuing organization, or assumed as a cost of business or as a reduction of revenue as determined by the ~~City Treasurer~~Finance Director.

2.74.020 Cashing of employee checks

The ~~City Treasurer (Director of Administrative Services)~~ Finance Director is hereby authorized to establish procedures for the exchange of cash for a payroll check, draft or warrant from a City officer or employee; expense check, draft or warrant from a City officer or employee; or personal check from a City officer or employee. At a minimum the following conditions shall be established:

- A. The check, warrant or draft must be drawn to the order of cash or bearer and be immediately payable by a drawee financial institution;
- B. The person presenting the check, draft or warrant to the City must produce photo identification;
- C. Any payroll check, draft or warrant or expense check, draft or warrant must have been issued by the City of Olympia; and
- D. Personal checks cashed pursuant to this authorization cannot exceed \$200.00.

2.74.030 Membership of City Employees

No person under the employment of the City of Olympia, whether permanent or temporary, shall, while so employed, be eligible to be a member of an Olympia City Council advisory board, commission, or committee.

Chapter 2.82 DOMESTIC PARTNERSHIP REGISTRY

2.82.000 Chapter Contents

Sections:

- 2.82.010 Domestic Partnership Registry Program--Established.
- 2.82.020 Purpose.
- 2.82.030 Definitions.
- 2.82.040 Residency.
- 2.82.050 Implementation of Program.
- 2.82.060 Termination of Registration.

2.82.010 Domestic Partnership Registry Program--Established

There is hereby established for the City of Olympia a Domestic Partnership Registry Program. The fee for participation in the program shall be \$25 per partnership.

2.82.020 Purpose

The purpose of the Domestic Partnership Registration Program is to give unmarried couples in committed, ongoing family relationships the opportunity to document that relationship. By this means, the diversity of family configurations existing within our society is recognized.

2.82.030 Definitions

For purposes of this ordinance, domestic partners shall consist of two people 18 years of age or older who share the same regular and permanent residence and neither of whom is married or related by blood in a manner that would bar their marriage in the State of Washington. It is intended that domestic partners be people who have a relationship of mutual support, caring, and commitment, and are each other's sole domestic partner.

2.82.040 Residency

Neither domestic partner need be a resident of the City of Olympia.

2.82.050 Implementation of Program

The City Manager shall promulgate necessary rules and regulations to implement the provisions of this ordinance. The registration forms and register shall be maintained by the City Clerk's office.

2.82.060 Termination of Registration

At the request of either domestic partner, a domestic partnership shall be removed from the Domestic Partnership Register. A termination form must be signed by at least one of the partners as provided in the rules promulgated by the City Manager.

Chapter 2.100 CITIZEN-MEMBER BOARDS, COMMISSIONS AND ADVISORY COMMITTEES

2.100.000 Chapter Contents

Sections:

Article I. CITIZEN-MEMBER BOARDS, COMMISSIONS AND ADVISORY COMMITTEES APPOINTED BY THE OLYMPIA CITY COUNCIL

- 2.100.010 Purpose.
- 2.100.020 Committees Established.
- 2.100.030 List - Citizen -Member Committees Appointed by the Olympia City Council.
- 2.100.040 Members.
- 2.100.050 Term of Office.
- 2.100.060 Vacancies.
- 2.100.070 Rules of Procedure and Bylaws.
- 2.100.080 Annual Work Plan.
- 2.100.090 Staff Liaison Support.

Article II. ARTS COMMISSION

- 2.100.100 Established - Purpose.
- 2.100.110 Duties of Commission.
- 2.100.120 Budget.
- 2.100.130 Public Art –Purpose.
- 2.100.140 Public Art--Duties of Commission.
- 2.100.150 Public Art--Allocation of Municipal Funds.
- 2.100.160 Public Art--Definitions.
- 2.100.170 Public Art--Funds for Public Art.
- 2.100.180 Public Art--Municipal Art Fund.
- 2.100.190 Public Art--Administrative Guidelines –Public Art, Art Programs and Services.
- 2.100.200 Public Art--Maintenance and Conservation of Public Art.
- 2.100.210 Donations for Community Art Programs and Services; City Manager Authorized to Accept.
- 2.100.220 Donations for Community Art Programs and Services; Application of Ordinance.
- 2.100.230 Donations for Community Art Programs and Services; Community Arts Account Established.
- 2.100.240 Appropriation of Donations for Art Programs and Services.

Article III. BICYCLE AND PEDESTRIAN ADVISORY COMMITTEE

- 2.100.250 Established -- Purpose.
- 2.100.270 Duties.

Article IV. LODGING TAX ADVISORY COMMITTEE

- 2.100.280 Established--Purpose.
- 2.100.290 Membership--Appointment.
- 2.100.300 Duties.
- 2.100.310 Relationship between the Lodging Tax Advisory Committee and City Council.

Article V. PARKS AND RECREATION ADVISORY COMMITTEE

- 2.100.320 Established--Purpose.
- 2.100.340 Duties.

Article VI. PLANNING COMMISSION

- 2.100.350 Established – Membership – Purpose.
- 2.100.360 Duties.
- 2.100.370 Powers of City Council.
- 2.100.380 Use Districts –Development Plan.
- 2.100.390 Comprehensive Plan –Purpose and Preparation.
- 2.100.400 Comprehensive Plan –Public Hearing--Copy Filing.
- 2.100.410 Comprehensive Plan –Modification Procedure.

Article VII. UTILITY ADVISORY COMMITTEE

- 2.100.420 Established –Purpose.
- 2.100.440 Powers and Duties.

Article VIII. CITIZEN REPRESENTATIVES FOR POLICE USE OF FORCE EVENTS

- 2.100.500 Established –Purpose.
- 2.100.520 Qualifications.
- 2.100.530 Duties

NOTE: See OMC Chapter 18.76 for Design Review Board and OMC Chapter 18.84 for Heritage Commission-Historic Preservation.

Article I. CITIZEN-MEMBER BOARDS, COMMISSIONS AND ADVISORY COMMITTEES APPOINTED BY THE OLYMPIA CITY COUNCIL

2.100.010 Purpose

The purpose of this chapter is to create specific citizen-member committees appointed by the City Council, and provide uniform policies for the committees enabled herein, to the extent possible.

2.100.020 Committees Established

All citizen-member committees appointed by the City Council shall be established by Ordinance of the City Council and which shall contain a statement of purpose and of duties. Except as may be otherwise provided by ordinance, the committees appointed by Council are advisory in nature.

2.100.030 List - Citizen –Member Committees Appointed by the Olympia City Council

The committees appointed by the City Council are:

- A. Arts Commission (See OMC 2.100.100 - 2.100.240)
- B. Bicycle and Pedestrian Advisory Committee (See OMC 2.100.250 - 2.100.270)
- C. Design Review Board (See OMC 18.76)
- D. Heritage Commission (See OMC 18.12)
- E. Lodging Tax Advisory Committee (See OMC 2.100.280 - 2.100.310)
- F. Parks and Recreation Advisory Committee (See OMC 2.100.320 - 2.100.340)
- G. Planning Commission (See OMC 2.100.350 - 2.100.410)
- H. Utility Advisory Committee (See OMC 2.100.420 - 2.100.440)
- I. Citizen Representatives for Police Use of Force Events (See OMC 2.100.500 – 2.100.520)

2.100.040 Members

- A. Number of Members. Except as may be otherwise be provided in this chapter, each committee shall consist of nine (9) members appointed by the City Council.

B. Residency. Except as may be otherwise provided in the Olympia Municipal Code regarding a specific committee, the majority of members on each committee shall reside within the corporate limits of the City of Olympia or the City of Olympia Urban Growth Area.

1. This provision shall not apply to a committee member when there is a member vacancy during a term of office resulting in less than a majority of the remaining members residing within the corporate limits of the City of Olympia or the Urban Growth Area. In this case, the residency requirement may be suspended for the remainder of the term that was vacated.

C. Compensation. All committee members shall serve without compensation.

D. Appointment.

1. Members are appointed by majority vote of the Olympia City Council in an open public meeting.

2. Members serve at the discretion of the City Council, and may be removed from office for any reason by majority vote of the City Council in a public meeting.

3. City employees are not eligible for appointment to a committee during the term of their employment with the City.

E. Recruitment. The City Council's General Government Committee shall develop and implement a public process to recruit potential committee members.

F. Diversity. Given the applicant pool and qualifications at the time of member recruitment, the City Council shall strive, to the best of its ability, to achieve diversity in geographic residence within the City, gender, age, profession, and ethnicity on each committee. Except as may otherwise be provided by ordinance, no geographic, gender, age, profession, nor ethnicity restrictions shall be placed on applicant eligibility.

G. Non-Partisan. All positions are non-partisan.

2.100.050 Term of Office

A. The term of office for committee positions shall be three (3) years, and such terms shall commence on April 1.

B. The terms shall be staggered so that as near as possible one-third of each committee's membership shall expire each year.

C. Terms shall be limited to three (3) full terms, nine (9) years, on any one committee (except the Design Review Board, the Heritage Commission, and the Citizen Representatives for Police Use of Force Events). Partial terms will not be counted toward the number of terms considered. Citizens who have reached the term limit on any one committee remain eligible to apply and serve on a different committee. Upon a motion properly made and seconded, the City Council may waive a term limit restriction upon a vote of a majority of the City Council.

2.100.060 Vacancies

- A. Vacancies on committees occurring during the term of office shall be filled based upon on a timeline determined by the City Council’s General Government Committee.
- B. Any person appointed to fill a vacancy shall be appointed for the remainder of the unexpired term.

2.100.070 Rules of Procedure and Bylaws

The General Government Committee of the City Council shall establish Rules of Procedure and Bylaws for committees.

2.100.080 Annual Work Plan

Each committee, except the Design Review Board, and Citizen Representatives for Police Use of Force Events, shall present an annual work plan to the City Council for approval in a format and within parameters determined by the City Council’s General Government Committee. Substantive changes to the work plan after approval by the City Council shall be submitted to the General Government Committee for consideration and recommendation to the full Council.

2.100.090 Staff Liaison Support

The City Manager, or designee, shall appoint a primary staff liaison for each committee to ensure that meeting notifications and recordkeeping occurs consistent with applicable State laws; to provide professional guidance, issue analysis and recommendations; to assist the committee with research, report preparation, and correspondence in keeping with the committee’s Council-approved work plan; and to perform other committee liaison duties as may be assigned by the City Manager or designee.

Article II. ARTS COMMISSION

2.100.100 Established--Purpose

There is hereby established an Arts Commission (the Commission) to accomplish the following:

- A. To promote and encourage public programs to further the development and public awareness of, and interest in, the fine and performing arts and the cultural heritage of the area; and
- B. To advise the City Council in connection with the artistic and cultural development of the Olympia area; and
- C. To provide local artistic and cultural services to citizens of the Olympia area by making available to the City and its citizens expertise on the subject of visual and performing arts and cultural heritage; and
- D. To encourage donations, grants or other support to further expand artistic, cultural programs and services for the citizens of the Olympia area; and
- E. To reach out to and work with the governments, institutions and citizens of neighboring jurisdictions in connection with these purposes, and ultimately to include representatives of said jurisdictions on the commission.

2.100.110 Duties of Commission

The Commission is empowered to take the following actions:

- A. To encourage, conduct, sponsor or cosponsor, on behalf of the City, public programs to further the development and public awareness of, and interest in, the fine and performing arts, and the area's cultural heritage;
- B. To provide recommendations to the City Council and other groups on cultural and artistic endeavors and projects in which the City becomes involved and to act as a representative of the community in such matters;
- C. To advise the City Council concerning the receipt of or purchase of works of art to be placed on municipal property;
- D. To encourage donations, grants and other support to further expand arts and cultural services and programs available to citizens of Olympia and the region;
- E. To encourage participation in local artistic and cultural events and programs by citizens and governments of neighboring jurisdictions;
- F. Review all proposed donations for art programs and services to ensure that such donations are consistent with the goals of the Commission and the authority of the City of Olympia. After such review, submit a recommendation on the proposed donation(s) to the ~~director~~ Director of the Parks, Arts, and Recreation Department and the City Manager for formal acceptance or rejection provided the donation is under \$10,000 in value;
- G. Prepare and recommend to the City Council a plan that outlines the expenditures of donations received and held in the Community Art Account for art programs and services;
- H. To take such other actions as the City Council may direct from time to time.

2.100.120 Budget

The Commission's programs and operating expenses shall be funded from the City ~~general fund~~ General Fund and from grants, donations and other like sources. The City Manager shall include said budget within the annual operating budget of the City.

2.100.130 Public Art--Purpose

The City wishes to expand experience with visual and performing art. Such art has enabled people in all societies to understand more clearly their communities and individual lives. Artists capable of creating art for public places must be encouraged and Olympia's standing as a regional leader in public art enhanced. A policy is therefore established to direct the inclusion of works of art in public works of the City and to explore means for encouraging artists to live and work in Olympia. When opportunities and funding allow, the City may also support performing art in public places when such performing art is consistent with the Municipal Art Plan.

2.100.140 Public Art--Duties of Commission

To carry out its responsibilities hereunder, the Commission shall:

- A. Prepare and recommend to the City Council for approval a Municipal Art Plan and guidelines to carry out the City's Public Art Program, which shall include, but not be limited to:
 - 1. a method for the selection of artists or works of art and for placement of works of art at municipally owned, leased or rented property;
 - 2. support of performing art programs, if consistent with the Municipal Art Plan.
- B. Recommend purchase of works of art or commission the design, execution and/or placement of works of art. The arts program staff shall advise the department responsible for a particular construction project of the Arts Commission's recommendation regarding the design, execution and/or placement of a work of art in connection with such construction project.
- C. Review all proposed donation of works of art to the City, proposed donation of funds for the acquisition of works of art, if restricted or dedicated in any way, and proposed donation of sites for works of art to ensure that such donations are consistent with the goals of the Commission and the City.
- D. Promulgate rules and regulations consistent with Sections [2.100.130](#) through [2.100.170](#) to facilitate the implementation of the Arts Commission's responsibilities.

2.100.150 Public Art--Allocation of Municipal Funds

Sections [2.100.130](#) through [2.100.170](#) of this chapter provide allocation of certain municipal funds for the purpose of selecting, acquisitioning and installing art works in public places and further provides that moneys collected be held in a "Municipal Art Fund" to be expended for projects and programs as prescribed in the "Municipal Art Plan" to be developed by the Arts Commission. All works of art purchased and commissioned under the Municipal Art Plan shall become a part of the City art collection developed, administered, and operated by the City Arts Program.

Moneys in the Municipal Art Fund may also be used for the following:

- 1. toward the creation of a live/work housing project for local artists;
- 2. toward the City's Public Art, as provided in the Municipal Art Plan.

2.100.160 Public Art--Definitions

- A. "Commission" means the Olympia Arts Commission.
- B. "Conservation" means those activities required to conserve, repair, or preserve the integrity of the art work and setting within which the art work is located.

C. "Construction project" means any capital project paid for wholly or in part by the City to construct any building, structure, park, street, sidewalk, or parking facility, or any portion thereof, within the limits of the City.

D. "Municipal Art Plan" means a plan outlining the City expenditures of designated funds for Public Art projects for a one-year period.

E. "Public Art" includes visual and performing arts.

F. "Routine maintenance" means:

1. Those activities associated with keeping an art work and its setting clean and well-ordered; and
2. The removal of graffiti, if it can be accomplished employing effective, pre-approved methods.

2.100.170 Public Art--Funds for Public Art

Moneys for the Municipal Art Fund shall be secured through the following methods:

A. An annual amount equaling up to one dollar per capita may be appropriated from the City's ~~general fund~~ General fund for Public Art; and

B. All requests for appropriations from the ~~general fund~~ General Fund for new construction projects visible and usable by the public, and exceeding five hundred thousand dollars shall include an amount equal to one percent of the estimated construction cost of such project for Public Art.

C. The ~~arts program manager~~ Arts Program Manager, in consultation with ~~city~~ City management and department directors, may suggest to the City Council other appropriate funds on a project basis.

2.100.180 Public Art--Municipal Art Fund

There is established in the City treasury a special fund designated "Municipal Art Fund" into which shall be deposited funds appropriated as contemplated by Section 2.100.170, together with gifts or bequests to the City for such purpose, and other funds as the City Council shall appropriate for Public Art, and from which expenditures may be made for specific Public Art in accordance with the Plan specified in Section 2.100.140. Moneys in the Municipal Art Fund may also be used toward the creation of a live/work housing project for local artists. Separate accounts shall be established within the Municipal Art Fund to segregate receipts by source or, when so directed by the City Council, for specific works of art. A percentage of the Municipal Art Fund will be appropriated for administrative costs associated with the project. Arts program staff salaries will not be funded from the Municipal Art Fund, except where specifically provided for art conservation. Donations received for Public Art projects and purposes shall be administered pursuant to applicable policies adopted by the City.

The interest accruing in the Municipal Art Fund shall be segregated as an art conservation reserve. Moneys held in the art conservation reserve may be expended for staff time, professional services, supplies, and operating costs associated with the conservation, repair, restoration, or maintenance of works of Public Art as prescribed in an annual maintenance plan to be developed by the Arts Commission. In the event that excess funds are accumulated in the art conservation reserve, a percentage of reserve funds may be expended for special maintenance projects as recommended by the Arts Commission and approved by the City Council.

2.100.190 Administrative Guidelines--Public Art, Art Programs and Services

The City Manager or designee is hereby authorized to promulgate administrative guidelines to carry out the provisions of Sections 2.100.130 through 2.100.240. Any major changes to said guidelines shall be submitted to the ~~council~~Council for review.

2.100.200 Public Art--Maintenance and Conservation of Public Art

Routine maintenance of works of Public Art shall be performed by the Parks, Arts and Recreation Department consistent with the artist's specifications whenever possible. Minor routine costs shall be borne by the Parks, Arts and Recreation Department's budget. When routine maintenance costs exceed the resources of the Parks, Arts and Recreation Department, the Commission, in consultation with the arts program staff, may recommend the expenditure of art conservation reserve funds to support the cost of supplies and labor to perform routine maintenance.

Conservation, repair, and restoration of works of Public Art, once determined to be required by arts program staff and the Arts Commission, shall be performed by the artist or other contractor and the costs shall be fully born by the arts conservation reserve.

2.100.210 Donations for Community Art Programs and Services; City Manager Authorized to Accept

The City Manager is hereby authorized to accept on behalf of the City of Olympia donations for community art programs and services valued at less than \$10,000 and to carry out any conditions of the donation, so long as such conditions are within the authority of the City. The City Manager will, for each donation, communicate an appropriate acknowledgment of acceptance on behalf of the City of Olympia and an expression of appreciation.

Prior to making the City Manager's determination whether to accept a donation or whether any condition thereof is within the authority of the City, the City Manager shall receive and review the recommendation of the Arts Commission and the Director of the Parks, Arts and Recreation Department.

2.100.220 Donations for Community Art Programs and Services; Application of Ordinance

Sections 2.100.210, 2.100.230, 2.100.240 of this Chapter shall govern the receipt, holding and allocation of funds donated to the City only for the purpose of supporting community art programs and services.

2.100.230 Donations for Community Art Programs and Services; Community Arts Account Established

There is a special revolving account designated the "Community Arts Account" within the Special Accounts Control Fund. Donated funds received for community art programs and services pursuant to Sections 2.100.210, 2.100.230, and 2.100.240 shall be deposited into the "Community Arts Account." Funds held within the Community Arts Account shall be expended upon appropriation for arts programs and services set forth in the Municipal Art Plan for such programs and services approved by the City Council.

2.100.240 Appropriation of Donations for Art Programs and Services

Any donation given and received without conditions may be appropriated, pursuant to the Municipal Art Plan, for the enhancement or expansion of existing ~~city~~City art programs and services, or for the development of

new art programs or services. If an approved donation is conditional, it shall be deposited in the Community Arts Account and may be used only for purposes set forth in the condition. In either event, a proper credit shall be given to the fund source, such as "this program sponsored by the City of Olympia Arts Commission with support provided by the Community Arts Account." Enhanced or expanded art programs and services funded from the Community Arts Account will continue only if funds are available to continue such programs.

Article III. BICYCLE AND PEDESTRIAN ADVISORY COMMITTEE

2.100.250 Established--Purpose

There is hereby established a Bicycle and Pedestrian Advisory Committee of Olympia to advise the City Council on the encouragement and facilitation of the use of bicycles and walking as regular means of transportation or recreation, and provide for pedestrian and bicycle safety needs.

2.100.270 Duties

The Bicycle and Pedestrian Advisory Committee shall have the following duties:

- A. Oversee the development of a bicycling master plan for approval by the ~~council~~ Council and propose plan amendments as appropriate based on an annual review. Oversee the development of a pedestrian master plan for approval by the City Council and propose amendments as appropriate based on an annual review;
- B. Establish a list of recommended bicycle and pedestrian facility priorities for consideration during the City's annual review of capital improvement projects;
- C. Review preliminary plans for creating/enhancing bicycle and pedestrian facilities;
- D. Make recommendations on roadway design standards;
- E. Share information about existing and proposed bicycling and pedestrian programs with other community groups concerned with bicycle and pedestrian programs and safety;
- F. Make recommendations on any bicycle/pedestrian matters with an emphasis on policy and planning issues;
- G. Periodically review the results of implementation of City development standards and policies to ensure that the bicycle and pedestrian related goals in the Olympia Comprehensive Plan are being constructively addressed;
- H. Advise the City Council on citizen concerns on bicycle and pedestrian transportation matters;
- I. Other duties as appropriate.

Article IV. LODGING TAX ADVISORY COMMITTEE

2.100.280 Established--Purpose

There is hereby established a Lodging Tax Advisory Committee to advise the City Council on potential annual uses of the lodging tax imposed and collected by the City of Olympia.

2.100.290 Membership--Appointment

A. There shall be five (5) members of the Lodging Tax Advisory Committee, one (1) of whom shall be a member of the Olympia City Council, two (2) of whom shall be representatives of businesses required to collect the lodging tax, and two (2) of whom shall be persons involved in activities eligible to be funded by revenue received from the lodging tax.

B. The City Council representative shall serve as committee chair. The appointment of the City Council member will be determined annually by the City Council.

2.100.300 Duties

The Lodging Tax Advisory Committee shall have the following powers and duties:

A. Establish a process for and make recommendations to the City Council concerning potential uses for the lodging tax levied and collected by the City of Olympia within guidelines established by the City Council; and

B. Annually review and report to the City Council on the effectiveness of the use of the lodging tax in meeting the goals and parameters for the tax as adopted by the Olympia City Council.

2.100.310 Relationship Between the Lodging Tax Advisory Committee and the Olympia City Council

A. The annual recommendations of the Lodging Tax Advisory Committee on potential uses of that tax and the report on effectiveness of the lodging tax in meeting the goals adopted by the City Council shall be made to the Olympia City Council in a timely manner prior to or as part of ~~council~~Council consideration of the following year's ~~city~~City budget.

B. The Lodging Tax Advisory Committee shall inform citizens and groups that its work is advisory in nature only, and that the City Council decides how to use the lodging tax.

Article V. PARKS AND RECREATION ADVISORY COMMITTEE

2.100.320 Established--Purpose

There is hereby established a Parks and Recreation Advisory Committee to advise the City Council on recreation matters enumerated in this chapter.

2.100.340 Duties

The Parks and Recreation Advisory Committee shall have the following powers and duties:

- A. To make recommendations to the City Council concerning the future park, playground and other recreation resources of the City through the planning and development of a parks capital improvement plan;
- B. To update the Comprehensive Park Plan to comply with the Interagency Committee for Outdoor Recreation Grant in Aid programs;
- C. To make recommendations to the City Council regarding planning and development of public recreational facilities and programs;
- D. To cooperate with any departments and advisory bodies of the City and with public school authorities, Thurston County, the State of Washington, other cities and public and private entities in the furtherance of a well rounded parks and recreation program;
- E. To make recommendations to the City Council on rules and regulations regarding use of ~~city~~City recreational facilities to best serve the interests of the public;
- F. To serve as liaison between citizens and the City Council on parks and recreation related matters;
- G. To make recommendations to the City Council regarding any matters affecting parks and recreation programs;
- H. If requested by the City Council or City Manager, to provide advice regarding the employment of parks and recreation personnel;
- I. To carry out other parks and recreation related subjects assigned by the City Council or by ordinance.

Article VI. PLANNING COMMISSION

2.100.350 Established – Membership – Purpose

There is hereby established in the City, pursuant to RCW [35A.63.020](#), a Planning Commission, consisting of nine (9) members, to advise the City Council on the long range growth and development of Olympia, including changes to the City's Comprehensive Land Use Plan and zoning ordinance.

2.100.360 Duties

The Planning Commission is authorized and empowered to act as the research and fact-finding agency of the City. To that end, it may make surveys, provide analysis, undertake research, and make reports as generally authorized or requested by the City Council. The Planning Commission, upon such request or pursuant to such authority, may:

- A. Make inquiries, perform investigations and surveys concerning the resources of the City;
- B. Assemble and analyze any data obtained and formulate plans for the conservation of such resources and the systematic utilization and development thereof;
- C. Make recommendations from time to time as to the best methods of such conservation; utilization and development; and

D. Cooperate with other public agencies in such planning conservation and development.

2.100.370 Powers of City Council

The City Council is authorized and empowered to provide for the preparation by the Planning Commission and the adoption and enforcement of coordinated plans for the physical development of the City. For this purpose the City Council, as is deemed reasonably necessary or requisite in the interest of the health, safety, morals, and the general welfare, upon recommendation by its Planning Commission, by general ordinances of the City, may regulate and restrict the location and the uses of buildings and structures for residential, commercial, industrial and other purposes; the height, number of stories, size, construction and design of buildings and other structures; the size of yards, courts and other open spaces on the lot or tract; the density of population; the setback of buildings along highways, parks, or public water frontages; and the subdivision and development of land.

2.100.380 Use Districts--Development Plan

For any or all of such purposes the City Council, on recommendation of the Planning Commission, may divide the City or any portion thereof into districts of such size, shape and area, or may establish such official maps, or development plans for the whole or any portion of the area of the City as may be deemed best suited to carry out the purposes of this chapter; and within such districts it may regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures or land.

2.100.390 Comprehensive Plan--Purpose and Preparation

All such regulations shall be worked out as parts of a comprehensive plan which the Planning Commission shall prepare for the physical and other generally advantageous development of the City, and shall be designed, among other things, to encourage the most appropriate use of land throughout the City; to lessen traffic congestion and accidents; to secure safety from fire; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; to promote a coordinated development of the unbuilt areas; to encourage the formation of neighborhood or community units; to secure an appropriate allotment of land area in new developments for all the requirements of community life; to conserve and restore natural beauty and other natural resources; to facilitate the adequate provision of transportation, water, sewerage, and other public uses and requirements.

2.100.400 Comprehensive Plan--Public Hearing--Copy Filing

The Planning Commission may recommend to the City Council the plan so prepared as a whole, or may recommend parts of the plan by successive recommendations, said parts corresponding with geographic or political sections, divisions or subdivisions of the City, or with functional subdivisions of the subject matter of the plan; and may prepare and recommend any amendment or extension thereof or addition thereto. Before recommendation of the initial plan to the City, the Planning Commission shall hold at least one public hearing thereon, giving notice of the time and place by one publication in a newspaper of general circulation in the City and in the official gazette, if any, of the City. A copy of the ordinance or resolution adopting or embodying such plan or any part thereof or any amendment thereto, duly certified as a true copy by the City Clerk-Treasurer, shall be filed with the County Auditor. A like certified copy of any map or plat referred to or adopted by the ordinance or resolution shall likewise be filed with the ~~county auditor~~ County Auditor. The Auditor shall record the ordinance or resolution and keep on file the map or plat.

2.100.410 Comprehensive Plan--Modification Procedure

Any ordinance or ordinances, resolution or resolutions, adopting any such plan or regulations, or any part thereof, may be amended, supplemented, changed or modified by subsequent ordinance or resolution adopted by the City Council upon recommendation of the Planning Commission.

Article VII. UTILITY ADVISORY COMMITTEE

2.100.420 Established--Purpose

There is hereby established a Utility Advisory Committee to act as a public advisor to the City Council, the City Manager's office and the Public Works Department on utility policy matters for the City's four public utilities: Water, Wastewater, Storm and Surface Water, and Waste ReSources. The Utility Advisory Committee shall also act to actively encourage broad public participation in the planning and construction of the utility infrastructure which sustains the community. In this advisory role the Committee shall:

- A. Develop an understanding of the range and depth of utility policy issues, the relationship utilities have in implementing the Comprehensive Plan, and the role the various utility master plans have in ~~city~~City development.
- B. Provide advice to the City Council, the City Manager's office, the Planning Commission, and the Public Works Department in developing the Capital Facility Plan.
- C. Provide policy advice and direction on the setting of utility rates.
- D. Review the variety of public involvement tools available to encourage community participation, and make recommendations to the City Council on what tools to use to ensure broad community involvement in the planning and the building of the utilities.

2.100.440 Duties

The Utility Advisory Committee is authorized and empowered to act as the principal policy advisor to the City Council, the City Manager's office, and the Public Works Department on utility matters.

- A. The Utility Advisory Committee may conduct research, perform analysis and prepare and develop reports and recommendations to the City regarding utility policy choices on issues such as utility rates, the utility related chapters of the Comprehensive Plan, the utility master plans, utility franchises, regulatory compliance with state and federal laws, levels of customer service and satisfaction, and the capital facilities of each of the City's four public utilities.
- B. The Utility Advisory Committee shall also foster opportunities for expanding the public's involvement in the planning and delivery of public utility services.
- C. In addition, the Utility Advisory Committee will provide advice to the City on management strategies to:
 - 1. Maintain the community's investment in its utility infrastructure;
 - 2. Respond to state and federal regulations;

3. Define the role the utilities play in managing and accommodating growth in the community; and
 4. Evaluate operations to ensure the utilities are operated in a sustainable manner which assures stewardship for our natural, business, material, and human resources.
- D. The Utility Advisory Committee shall present an annual work plan to the City Council for approval.
- E. The Utility Advisory Committee shall present an annual report to the City Council for approval on the state of the utilities and the other work of the Utility Advisory Committee, including recommendations to improve the operations of the committee.

Article VIII. CITIZEN REPRESENTATIVES FOR POLICE USE OF FORCE EVENTS

2.100.500 Established--Purpose

There is hereby established a pool of six citizen representatives to assist by monitoring certain independent investigations regarding police use of deadly force that results in substantial harm or great bodily harm to inform whether such use of force meets the good faith standard established in RCW [9A.16.040](#). For each use of deadly force event for which an independent investigation involving citizens is needed, two citizen representatives from this pool of six will be selected to serve.

2.100.520 Qualifications

The Citizen Representatives must meet the following requirements in order to serve as a citizen representative:

- A. Must be available to serve on a team that will independently investigate a police use of deadly force event;
- B. Must have the ability to serve fairly and impartially;
- C. Must be available to serve during non-traditional working hours;
- D. Must be willing and able to attend the City of Olympia Police Department Citizen’s Academy as well as other training relevant to participation on an investigative team;
- E. Must be able to pass a background check that meets Criminal Justice Information Service (CJIS) requirements, as established by the Federal Bureau of Investigation;
- F. Must not have an active arrest warrant and must not have been convicted in any state of:
 1. Any felony; or
 2. A gross misdemeanor or misdemeanor involving domestic violence; or
 3. Any other crime that could impact the ability of a citizen representative to impartially serve as part of an independent team of investigators on a police use of deadly force matter;

- G. Must not be a City of Olympia officer, official, or employee, or an immediate family member of an City of Olympia officer, official, or employee. "Immediate family member" means parents, spouse, siblings, children, or dependent relatives;
- H. Must reside within the city limits of Olympia;
- I. Must be able to serve for the duration of a three-year term without compensation and serve for one term only; and
- J. Must be willing to sign a confidentiality agreement at the inception of their service on an investigative team and maintain strict confidentiality through the end of any criminal trial and appeal period.

2.100.530 Duties

- A. When selected to do so, each Citizen Representative shall, fairly and impartially, monitor independent investigations regarding any police use of deadly force that results in substantial harm or great bodily harm to inform whether such use of force meets the good faith standard established in RCW 9A.16.040, as instructed by the lead investigator of such team.
- B. Each Citizen Representative must attend the City of Olympia Police Department Citizen’s Academy, as well as other training determined relevant to participation on an investigative team prior to assignment to an investigation;
- C. Each Citizen Representative must maintain strict confidentiality throughout any investigation to which they have been assigned until its end and the conclusion of any subsequent trial and appeal period.

Section 3. Amendment of Title 3. Olympia Municipal Code Title 3, REVENUE AND FINANCE, is hereby amended to read as follows:

Title 3
REVENUE AND FINANCE

Chapters:

- 3.04 Funds**
- 3.08 Warrants**
- 3.12 ~~Damage-Contract~~ Claims**
- 3.14 Damage Claims**
- 3.16 Contracts**
- 3.18 Equal Benefits - City Contracts - Non-Discrimination in Benefits**
- 3.20 Local Improvement Districts**
- 3.22 Storm Drainage Utility**
- 3.24 Public Lands**
- 3.28 Franchise Application Fees**
- 3.32 Admission Tax**
- 3.36 Leasehold Excise Tax**
- 3.40 Lodging Tax**
- 3.44 Motor Vehicle Excise Tax**

- 3.48 Sales and Use Tax**
- 3.50 Additional Sales and Use Taxes**
- 3.52 Real Estate Excise Tax**
- 3.56 Donations**
- 3.60 Special Property Tax Valuation**
- 3.62 Parking and Business Improvement Area**

Chapter 3.04 FUNDS

3.04.000 Chapter Contents

Sections:

- 3.04.001 General Fund – Current Operations.
- 3.04.003 Special Account Control Fund.
- 3.04.006 Development Fee Revenue Fund.
- 3.04.007 Parking Fund.
- 3.04.014 LEOFF 1 OPEB Trust Fund.
- 3.04.021 The Washington Center for the Performing Arts Endowment Fund.
- 3.04.025 The Washington Center for the Performing Arts Operations and Maintenance Fund.
- 3.04.026 Arts Fund.
- 3.04.029 Facilities Major Repairs Fund.
- 3.04.107 HUD Fund.
- 3.04.127 Impact Fee Fund.
- 3.04.130 SEPA Mitigation Fund.
- 3.04.132 Lodging Tax Fund.
- 3.04.134 Parks and Recreational Sidewalks Utility Tax Fund.
- 3.04.135 Parking Business Improvement Area Fund.
- 3.04.136 Farmers Market Major Repair and Replacement Fund.
- 3.04.137 Hands On Children’s Museum Fund.
- 3.04.138 Transportation Benefit District Fund.
- 3.04.139 Grants Control Fund.
- 3.04.140 Real Estate Excise Tax Fund.
- 3.04.141 Olympia Metropolitan Park District Fund.
- 3.04.142 Home Fund.
- 3.04.200 Debt Service Funds.
- 3.04.317 Capital Improvement Fund.
- 3.04.318 Home Fund Capital Fund.
- 3.04.325 City Hall Construction Fund.
- 3.04.331 Fire Equipment Fund.
- 3.04.400 Waterworks Utility Funds.
- 3.04.403 Solid Waste (Garbage) Utility Fund.
- 3.04.404 Storm Drainage Utility Fund.
- 3.04.463 Waste Resources Capital Fund.
- 3.04.500 Equipment Rental Fund.
- 3.04.503 Unemployment Compensation Fund.
- 3.04.504 Insurance Trust Fund.

3.04.505 Workers Compensation Fund.

3.04.600 Fiduciary and Custodial Funds.

3.04.001 General Fund – Current Operations

A. Created. There is hereby created a fund to be known as the ~~general fund~~ General Fund. All general revenues of the ~~city~~ City not otherwise accounted for shall be placed in the ~~general fund~~ General Fund.

B. Uses. Any general government expenditure not otherwise provided for shall be paid out of the ~~general fund~~ General Fund.

3.04.003 Special Account Control Fund

A. Created. There is hereby created a fund to be known as the ~~special account control fund~~ Special Account Control Fund.

B. Uses. The ~~special account control fund~~ Special Account Control Fund shall be used as deemed necessary by the ~~director of administrative services (clerk/treasurer)~~ Finance Director for the purpose of accounting for special accounts (funds). Moneys for the fund shall come from sources provided by the various special accounts within the fund or other sources deemed necessary by the ~~city council~~ City Council. The ~~director of administrative services (clerk/treasurer)~~ Finance Director is authorized to transfer funds from the ~~general fund~~ General Fund or other funds which may have special accounts or funds to the ~~special account control fund~~ Special Account Control Fund as deemed necessary. Any special account or fund which may be designated as part of the ~~general fund~~ General Fund or other funds may be accounted for within the ~~special account control fund~~ Special Account Control Fund.

C. Following is a list of accounts within the ~~special account control fund~~ Special Account Control Fund:

1. Shared Leave (1703)

a. Created. There is created within the ~~special account control fund~~ Special Account Control Fund an account to be known as the ~~shared leave revolving account~~ Shared Leave Revolving Account.

b. Sources. There shall be deposited in said account moneys representing the value of vacation leave donated by ~~city~~ City employees pursuant to a shared leave program adopted by the ~~city manager~~ City Manager.

c. Uses. Moneys within the ~~shared leave revolving account~~ Shared Leave Revolving Account shall be used to provide assistance to ~~city~~ City employees consistent with the adopted administrative guidelines for personnel administration.

2. GHB Building (1705)

a. Created. There is hereby created within the ~~special account control fund~~ Special Account Control Fund an account designated as the GHB Building and Heritage Park Fountain Block Acquisition, Development and Maintenance Account.

b. Sources. There shall be deposited in said account monies received from the lease or rent of the GHB Building, plus any funds the ~~city council~~ City Council deems appropriate.

c. Uses. Funds within the GHB Building and Heritage Park Fountain Block Acquisition, Development, and Maintenance Account shall be used for maintenance of the GHB Building and the acquisition, development, and maintenance of properties and ground located within the Heritage Park Fountain Block.

3. Public, Education, and Government Access Television (1707)

a. Created. There is hereby created an account within the ~~special account control fund~~ Special Account Control Fund, to be known as the ~~public, education, and government access television account~~ Public, Education, and Government Access Television Account.

b. Sources. There shall be deposited in this account that portion of franchise fees and other monies as may be designated by contract or mutual agreement with franchised television cable companies and the City of Olympia, which are required to be expended for public, education, and government access television purposes as required by contract or agreement, and other monies which the ~~city council~~ City Council may direct to be deposited into this account.

c. Uses. This account may be used for public, education, and government access television access equipment, facilities and services or other items at the direction of the ~~city council~~ City Council.

(See also OMC 5.15 Cable Communications Franchises)

4. Health and Wellness Programs (1710)

a. Created. There is hereby created within the ~~special account control fund~~ Special Account Control Fund an account to be known as the ~~employee health and wellness account~~ Employee Health and Wellness Account.

b. Sources. There shall be deposited into this account funds returned to the ~~city~~ City from reserves or set-asides from employee insurance and welfare providers; grants, donations and other funds designated for the purpose of employee health and wellness; and other funds as may be appropriated or designated by the ~~city council~~ City Council.

c. Uses. This account may be used to pay for employee benefits, or to support employee health and wellness programs and activities including but not limited to: employee benefit outreach and programs, and health and wellness programs.

5. Lifecycle – PC Replacement and Information Systems Capital Projects (3501)

a. Created. There is hereby created within the ~~special account control fund~~ Special Account Control Fund an account to be known as the ~~information systems account~~ Information Systems Account.

b. Sources. There shall be deposited into this account monies budgeted within the various funds and departments for PC and network replacement and maintenance, monies from the sale of surplus PC and network equipment, transfers from various funds for implementation of the information technology plan, fiber optics and fiber conduit leases, and other monies which the City Council may direct to be deposited into this account.

c. Uses. This account may be used for the replacement, upgrade and maintenance of the PC and network systems, implementation of the information technology plan, or other items at the direction of the ~~city council~~ City Council.

d. Transfer. The ~~director of administrative services~~ Finance Director is authorized to transfer any remaining budget and related funding resources of the information system program within the ~~capital improvement fund~~ Capital Improvement Fund, to the ~~information system account~~ Information System Account, within the ~~special account control fund~~ Special Account Control Fund.

6. Building Demolition and Nuisance Abatement (4005)

a. Created. There is hereby created within the ~~special account control fund~~ Special Account Control Fund an account to be known as the ~~building demolition and nuisance abatement revolving account~~ Building Demolition and Nuisance Abatement Revolving Account.

b. Sources. There shall be deposited in said account monies which may be appropriated by the ~~city council~~ City Council from time to time, from reimbursements for building demolition and nuisance abatement performed or contracted by the ~~city~~ City, and from fines, forfeitures, and penalties levied and collected by the courts or otherwise paid to the ~~city~~ City for violation of the following titles of the Olympia Municipal Code: 5, 6, 8, 12, 14, 16, 17, and 18.

c. Uses. Monies within the ~~building demolition and nuisance abatement revolving account~~ Building Demolition and Nuisance Abatement Revolving Account may be used for all costs involved in the process of securing, removing, or abating any building or structure that is dangerous to the lives and safety of persons or property.

d. Transfer. The ~~city council~~ City Council may by resolution close this account and transfer any remaining monies to the ~~general fund~~ General Fund.

9. Trees (407)

a. Created. See OMC 16.60.045.A

b. Sources. See OMC 16.60.045.A

c. Uses. See OMC 16.60.045.B

10. Historic Preservation (4103)

- a. Created. There is hereby created within the ~~special account control fund~~ Special Account Control Fund an account to be known as the ~~historic preservation account~~ Historic Preservation Account.
- b. Sources. There shall be deposited into this account funds as designated by the ~~city council~~ City Council.
- c. Uses. This account may be used for historic preservation programs as designated by the ~~city council~~ City Council.

11. Housing and Community Development Loan (4601)

- a. Created. There is hereby created within the ~~special account control fund~~ Special Account Contrul Fund an account to be known as the ~~low income housing loan account~~ Low Income Housing Loan Account.
- b. Sources. There shall be deposited in said fund moneys remaining in the 1989 ~~general fund~~ General Fund budget for downtown housing which may be unspent as of December 31, 1989, funds which may be appropriated by the ~~city council~~ City Council from time to time, loan repayments and interest, and other moneys received from public or private sources for the purpose set forth below.
- c. Uses. Moneys within the ~~low income housing loan account~~ Low Income Housing Loan Account shall be used for making low or no interest loans for construction, remodeling or rehabilitation of residential units affordable to, or other nonresidential service facilities available to, low and moderate income persons as defined by the United States Department of Housing and Urban Development, or for other housing and economic development uses.

12. HUD and Rental Rehabilitation (4608)

- a. Created. There is hereby created within the ~~special account control fund~~ Special Account Control Fund an account to be known as the ~~community development rental rehabilitation revolving fund~~ Community Development Rental Rehabilitation Revolving Fund.
- b. Uses. The fund will be a revolving fund maintained by a separate checking account and shall be used for the purposes of issuance of loans for the rehabilitation of rental units, receipt of payments for the loans, and for CDBG eligible projects. The fund will be established and replenished initially from moneys from the state of Washington/ HUD grant until the two hundred thousand dollars has been used in this program. Thereafter, the fund will be replenished from repayment of loans.
- c. Rules and Regulations. The United States Department of Housing and Urban Development have established the rules and regulations regarding this fund.

13. Seizure and Forfeiture (6102)

a. Created. There is hereby created within the ~~special account control fund~~ Special Account Control Fund an account to be known as the ~~seizure and forfeiture account~~ Seizure and Forfeiture Account.

b. Sources. There shall be deposited into this account monies received by the ~~city~~ City from seized and forfeited property which by law or ~~council~~ Council direction is restricted in use, plus any other monies deemed appropriate by the ~~city council~~ City Council.

c. Uses. RCW 10.105.010(7)(c) describes the use of seized or forfeited monies. This account shall be used exclusively for the expansion and improvement of law enforcement activity as may be directed by the ~~city council~~ City Council and/or as required by law. Monies retained under RCW 10.105.010 may not be used to supplant pre-existing funding sources. Monies in this account not restricted by law may be used for other purposes as directed by the ~~city council~~ City Council.

14. Scholarship Donations (7201)

a. Created. There is hereby created within the ~~special account control fund~~ Special Account Control fund an account to be known as the ~~recreation scholarship account~~ Recreation Scholarship Account.

b. Sources. There shall be deposited in this account monies received from public or private donations or funds directly appropriated into the account.

c. Uses. Funds within the ~~recreation scholarship account~~ Recreation Scholarship Account shall be used to provide leisure and recreation scholarships for low-income residents, predominantly youth, through a program to be established by the City of Olympia Parks, and Recreation and Cultural Services Department. Funds available in the ~~recreation scholarship account~~ Recreation Scholarship Account at the end of the fiscal year shall carry forward in the account for future use as provided herein.

15. Arts Program (7202)

a. Created. See OMC. 2.100.180

b. Sources. See OMC 2.100.170

c. Uses. See OMC 2.100.180

16. Aerial Mapping (8212)

a. Created. There is hereby created within the ~~special account control fund~~ Special Account Control Fund an account designated as the ~~aerial mapping account~~ Aerial Mapping Account.

b. Sources. There shall be transferred into the ~~aerial mapping account~~ 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~~City designated for aerial mapping or other funds as may be designated by the ~~city council~~City Council.

c. Uses. Funds within the ~~aerial mapping account~~Aerial Mapping Account shall be used for updating the aerial mapping records of the ~~city~~City or for systems to access those records.

3.04.006 Development Fee Revenue Fund

A. Created. There is hereby created a fund to be known as the ~~development fee revenue fund~~Development Fee Revenue Fund.

B. Sources.

1. There shall be deposited into the ~~development fee revenue fund~~Development Fee Revenue Fund fees collected for management of development, including but not limited to: building permits, electrical permits, plumbing permits, mechanical permits, engineering permits, zoning fees, subdivision fees, inspection fees, and plan check fees.

2. Fees deposited into the ~~development fee revenue fund~~Development Fee Revenue Fund shall be fees collected for management of development.

C. Uses. Funds within the ~~development fee revenue fund~~Development Fee Revenue Fund shall be used to reimburse costs in the ~~general fund~~General Fund related to management of development, including but not limited to: personnel, equipment, consulting services, direct and indirect support and overhead, and other costs attributable to management of development. Funds within the ~~development fee revenue fund~~Development Fee Revenue Fund may be used to pay direct expenses in the fund as authorized by the established policy for management of the ~~development fee revenue fund~~Development Fee Revenue Fund.

D. Processes. The ~~city manager~~City Manager or designee shall establish processes to identify costs to be reimbursed by the ~~development fee revenue fund~~Development Fee Revenue Fund and costs to be directly charged to the fund. For Fiscal Year 2015, the amount to be reimbursed by the fund shall be the budget amount of development fees.

E. Target Balance Fund. The ~~city council~~City Council shall establish a target fund balance for the ~~development fee revenue fund~~Development Fee Revenue Fund. The ~~city council~~City Council shall establish policies for management of the target fund balance, which shall address at a minimum, actions to be taken when the fund balance exceeds or is less than the target fund balance.

F. Transfer. If the ~~city council~~City Council closes or discontinues the ~~development fee revenue fund~~Development Fee Revenue Fund, any remaining funds in the ~~development fee revenue fund~~Development Fee Revenue Fund shall be transferred to the ~~general fund~~General Fund of the ~~city~~City.

3.04.007 Parking Fund

A. Created. There is hereby created a fund to be known as the ~~parking fund~~Parking Fund.

B. Sources. There shall be deposited into the ~~parking fund~~Parking Fund revenues received from parking fines, revenue for parking on ~~city~~City streets and other ~~city~~City property, parking permits, parking meter

tokens, electric vehicle charging, other parking which may be managed by the ~~city~~ City, grants, debt proceeds related to capital or operation of the ~~parking fund~~ Parking Fund, and other monies which the City Council may direct to be deposited in the ~~parking fund~~ Parking Fund.

C. Uses. Funds within the ~~parking fund~~ Parking Fund shall be used for the operations and management of the Parking Program, capital improvements to the parking systems, programs and improvements to support economic development areas where the ~~city~~ City collects parking revenue, debt service on debt issued to support or enhance the parking system, direct and indirect overhead which supports parking operations and management, and other items at the direction of the ~~city council~~ City Council.

D. Transfer. If the ~~city council~~ City Council closes or discontinues the ~~parking fund~~ Parking Fund, any remaining funds in the ~~parking fund~~ Parking Fund shall be transferred to the ~~general fund~~ General Fund of the ~~city~~ City.

3.04.014 LEOFF 1 OPEB Trust Fund

A. Created. There is hereby created a trust fund to be known as the LEOFF 1 OPEB ~~trust fund~~ Trust Fund.

B. Sources. There shall be deposited into the LEOFF 1 OPEB ~~trust fund~~ Trust Fund such funds as may be designated by the City Council.

C. Uses. The LEOFF 1 OPEB ~~trust fund~~ Trust Fund shall be used exclusively to pay benefits to City of Olympia retirees of the Law Enforcement Officers' and Firefighters' Retirement System, Plan 1, pursuant to RCW 41.26, other than pension, until such time as there are no retirees legally eligible to receive benefits from the LEOFF 1 OPEB trust fund. In addition to the benefit payments, costs directly related to actuarial analysis and administrative functions of the LEOFF 1 OPEB Trust should be charged to the LEOFF 1 OPEB Trust Fund.

D. Transfer. At the time there are no retirees legally eligible to receive benefits from the LEOFF 1 OPEB ~~trust fund~~ Trust Fund, any remaining funds shall be transferred to the General Fund of the City.

3.04.021 The Washington Center for the Performing Arts Endowment Fund

A. There is hereby established a fund to be known as The Washington Center for the Performing Arts ~~endowment fund~~ Endowment Fund. There shall be deposited in the fund all proceeds from the sale of real property previously owned by the City of Olympia, located at the southwest corner of Black Lake Boulevard and Cooper Point Road in Olympia. More specifically, these proceeds shall include all moneys received for the property by Olympia on the closing date for the sale, December 18, 1984, and all payments hereafter received under the promissory note from Thompson Properties Four Limited Partnership, received as consideration in the sale and dated December 18, 1984, including principal and interest.

B. Any outside contributions to the ~~city~~ City for The Washington Center for the Performing Arts shall likewise be placed in the ~~endowment fund~~ Endowment Fund, unless otherwise designated by the donor.

C. Any interest or dividends accruing from moneys in the ~~endowment fund~~ Endowment Fund shall be retained in the fund.

D. All moneys within The Washington Center for the Performing Arts ~~endowment fund~~ Endowment Fund shall be used to broaden the use of the city center to all citizens and groups within Olympia, including the

remediation of the property located at the southwest corner of Black Lake Boulevard and Cooper Point Road in Olympia and the facilitation of the sale of that property. To that end, the ~~endowment fund~~ Endowment Fund shall be used only for the maintenance, operation, repair, upkeep or improvement of The Washington Center for the Performing Arts, or the remediation and sale of the property located at the southwest corner of Black Lake Boulevard and Cooper Point Road in Olympia. Disbursement from the ~~endowment fund~~ Endowment Fund shall be made by appropriation of the ~~city council~~ City Council directly for Washington Center purposes as set forth herein or pursuant to an agreement with the board of directors for The Washington Center for the Performing Arts.

3.04.025 The Washington Center for the Performing Arts Operations and Maintenance Fund

A. Created. There is hereby created a fund to be known as The Washington Center for the Performing Arts ~~operations and maintenance (O&M) fund~~ Operations and Maintenance (O&M) Fund.

B. Sources. There shall be deposited into The Washington Center O&M ~~fund~~ Fund, moneys appropriated within the ~~lodging tax fund~~ Lodging Tax Fund and The Washington Center ~~endowment fund~~ Endowment Fund for the purpose of supporting the operations and maintenance of The Washington Center for the Performing Arts, interest earnings of The Washington Center O&M ~~fund~~ Fund, donations received by the ~~city~~ City to support the operations and maintenance of The Washington Center for the Performing Arts, and other funds as determined by the ~~city council~~ City Council.

C. Uses. The Washington Center O&M ~~fund~~ Fund shall be used for the operations and maintenance of The Washington Center for the Performing Arts.

3.04.026 Arts Fund

A. Created. See OMC 2.100.180.

B. Sources. See OMC 2.100.170.

C. Uses. See OMC 2.100.180.

3.04.029 Facilities Major Repairs Fund

A. Created. There is hereby created a fund to be known as the ~~equipment and facilities replacement reserve fund~~ Equipment and Facilities Replacement Reserve Fund for the purpose of major replacement and/or repair of ~~city~~ City equipment and facilities, excluding equipment and facilities of the ~~city's~~ City's utilities and equipment rental funds.

B. Uses. The funds deposited in the ~~equipment and facilities replacement reserve fund~~ Equipment and Facilities Replacement Reserve Fund shall be used only for the above purposes as may be authorized by the ~~city council~~ City Council.

3.04.107 HUD Fund

A. Created. There is hereby created a fund to be known as the HUD ~~fund~~ Fund.

B. Sources. There shall be deposited into the HUD ~~fund~~ Fund such monies as received from the U.S. Department of Housing and Urban Development, loan repayments and interest for loans made from the HUD fund, monies accumulated in the HUD fund, and other monies as may be deemed appropriate or designated by the ~~city council~~ City Council, and such funds shall be used exclusively for approved projects.

C. Uses. The HUD ~~fund~~ Fund may be used for any legal purpose as authorized by the ~~city council~~ City Council, subject to limitations or restrictions as may be prescribed by the U.S Department of Housing and Urban Development or its successor.

D. Transfer. The ~~director of administrative services~~ Finance Director shall transfer and adjust revenue estimates and appropriations as may be required for the administration of the HUD ~~fund~~ Fund.

3.04.127 Impact Fee Fund

A. Created. See OMC 15.04.100.B

B. Sources. See OMC 15.04.040 through 15.04.090, and 15.04.120.

C. Uses. See OMC 15.04.130

D. The following are impact fee accounts:

1. Parks and ~~transportation impact fee accounts~~ Transportation Impact Fee Accounts (See OMC 15.04.100)
2. School ~~impact fee account~~ Impact Fee Account (See OMC 15.04.110)

(See also OMC Title 15 – Impact Fees)

3.04.130 SEPA Mitigation Fund

A. Created. There is hereby created a fund to be known as the SEPA ~~mitigation fund~~ Mitigation Fund.

B. Sources. Monies received under the State Environmental Policy Act (SEPA) authorization and mitigation fees, other than utility mitigation fees, shall be deposited in the SEPA ~~mitigation fund~~ Mitigation Fund. (See also OMC 14.04.190)

C. Uses. Mitigation fees deposited in the SEPA ~~mitigation fund~~ Mitigation Fund shall be used only for the purposes for which the fees were collected, plus administrative fees as approved by the ~~city council~~ City Council. Funds may be transferred out of the SEPA ~~mitigation fund~~ Mitigation Fund to finance projects, purchases, and improvements which meet the purpose for which the fees were collected.

(See also OMC 14.04 Environmental Policy)

3.04.132 Lodging Tax Fund

A. Created. There is hereby created a fund to be known as the ~~lodging tax fund~~ Lodging Tax Fund.

B. Uses. All taxes collected under OMC 3.40 shall be placed in the ~~lodging tax fund~~ Lodging Tax fund to be used solely for the purpose of OMC 3.40.

(See also OMC 3.40 – Lodging Tax)

3.04.134 Parks and Recreational Sidewalks Utility Tax Fund

A. Created. There is hereby created a fund to be known as the ~~parks and recreational sidewalks utility tax fund~~ Parks and Recreational Sidewalks Utility Tax Fund.

B. Sources. There shall be deposited into the ~~parks and recreational sidewalks utility tax fund~~ Parks and Recreational Sidewalks Utility Tax Fund the increase of three percent (3%) utility tax authorized by Ordinance No. 6314 and approved by a majority of electors voting in the September 2004 primary election, and other monies as may be deemed appropriate by the ~~city council~~ City Council.

C. Uses. Funds in the ~~parks and recreational sidewalks utility tax fund~~ Parks and Recreational Sidewalks Utility Tax Fund may be used as follows:

1. Utility tax monies collected under Ordinance No. 6314 may be used for purposes as set forth and as allocated in Ordinance No. 6314 and as amended; and
2. Other monies deposited in the ~~parks and recreational sidewalks utility tax fund~~ Parks and Recreational Sidewalks Utility Tax Fund under Section A above may be used for any purpose set forth in or consistent with Ordinance No. 6314 and as amended.

(See also OMC 5.84 Utility Services Tax)

3.04.135 Parking Business Improvement Area Fund

A. Created. There is hereby created a fund to be known as the ~~parking business improvement area fund~~ Parking Business Improvement Area Fund.

B. Uses. All monies collected under OMC 3.62 shall be placed in ~~parking business improvement area fund~~ Parking Business Improvement Area Fund to be used solely for the purpose of the OMC 3.62.

(See also OMC 3.62 Parking and Business Improvement Area)

3.04.136 Farmers Market Major Repair and Replacement Fund

A. Created. There is hereby created a fund to be known as the Farmers Market ~~major repair and replacement fund~~ Major Repair and Replacement Fund.

B. Sources. There shall be deposited into the Farmers Market ~~major repair and replacement fund~~ Major Repair and Replacement Fund monies received from the Olympia Farmers Market for major repair and maintenance of the farmers market facilities, capital donations to the ~~city~~ City for the farmers market and/or the facilities, and other funds as may be determined by the ~~city council~~ City Council.

C. Uses. The Farmers Market ~~repair and replacement fund~~ Repair and Replacement Fund may be used for major repair and maintenance of the farmers market facilities owned by the City of Olympia.

3.04.137 Hands On Children's Museum Fund

A. Created. There is hereby created a fund to be known as the Hands On Children's Museum ~~fund~~ Fund.

B. Sources. There shall be deposited into Hands On Children's Museum ~~fund~~ Fund shall receive funds from the Capital Area Regional Public Facilities District or other persons for the purposes related to the Hands On Children's Museum.

C. Uses. The Hands On Children's Museum ~~fund~~ Fund may be used for purposes related to the Hands On Children's Museum, including but not limited to, pre-development, pre-acquisition, planning, design, acquisition, construction, improvements, operations, maintenance, debt service, and/or other costs associated directly or indirectly with the Hands On Children's Museum.

3.04.138 Transportation Benefit District Fund

A. Created. There is hereby created a fund to be known as the Transportation Benefit District fund.

B. Sources. Pursuant to Chapter 36.73 RCW, there shall be deposited in the Transportation Benefit District ~~fund~~ Fund:

1. Proceeds from a vehicle tax of up to Forty and no/100 Dollars (\$40) per vehicle as provided for by RCW 82.80.140
2. When authorized by the voters pursuant to the requirements of Chapter 36.73 RCW, other taxes, fees, charges and tolls or increases in these revenue sources.

C. Uses. Funds in the Transportation Benefit District ~~fund~~ Fund shall be used for the preservation, maintenance, capacity, safety and operation of ~~city~~ City streets in accordance with the provisions of a state or regional plan. See also OMC 12.14.040.

(See also OMC 12.14 Transportation Benefit District)

3.04.139 Grants Control Fund

A. Created. There is hereby created a fund to be known as the ~~grants control fund~~ Grants Control Fund.

B. Uses. The fund shall be used as deemed necessary by the ~~director of Administrative Services (clerk/treasurer)~~ Finance Director for the purpose of accounting for grant revenue and activities.

3.04.140 Real Estate Excise Tax Fund

A. Created. There is hereby created a fund to be known as the ~~real estate excise tax (REET) fund~~ Real Estate Excise Tax (REET) Fund. The REET ~~fund~~ Fund shall be used for the purpose of receipting REET funds authorized by RCW 82.46.

B. Uses. The REET ~~fund-Fund~~ shall be used for purposes as authorized by law for the use of REET funds, as directed by the City Council.

(See also OMC 3.52 Real Estate Excise Tax)

3.04.141 Olympia Metropolitan Park District Fund

A. Created. There is hereby created a fund to be known as the Olympia Metropolitan Park District ~~fund-Fund~~.

B. Sources. Pursuant to Chapter 35.61 RCW, there shall be deposited in the Olympia Metropolitan Park District ~~fund-Fund~~ proceeds from an annual property tax of up to a maximum of \$0.75 per thousand dollars of assessed value as approved by a majority of the voters on November 3, 2015.

C. Uses. Funds from the Olympia Metropolitan Park District ~~fund-Fund~~ shall be used to acquire, construct, maintain, operate, and improve parks and recreational facilities and to supplement, not replace, existing City of Olympia parks and recreation funding.

3.04.142 Home Fund

A. Created. There is hereby created a fund to be known as the Home Fund.

B. Sources. There shall be deposited in the Home Fund, sales and use tax authorized by RCW 82.14.530 and interest thereon, and other funds as determined by the City Council to support the purposes of the Home Fund.

C. Uses. A maximum of forty (40) percent of the monies collected under RCW 82.14.530 shall be used for the operation, delivery, or evaluation of mental and behavioral health treatment. Other funds deposited in the Home Fund shall be used for purposes similar in nature to the above, as determined by the City Council.

3.04.200 Debt Service Funds

A. Created. There is hereby created a fund group to be known as the ~~debt service funds~~ Debt Service Funds. The ~~debt service funds~~ Debt Service Funds shall be used as deemed necessary by the ~~director of administrative services (clerk/treasurer)~~ Finance Director for the purpose of accounting for ~~city~~ City general obligation debt accounts (funds) required by debt funding ordinances, documents, and/or agreements.

B. Sources. Moneys for ~~debt service funds~~ Debt Service Funds shall come from sources authorized by the ~~city council~~ City Council.

C. Uses. The ~~director of administrative services (clerk/treasurer)~~ Finance Director is authorized to expend funds from the ~~debt service funds~~ Debt Service Funds as deemed necessary by debt funding ordinances, documents, and/or agreements.

D. Following is a list of ~~debt service funds~~ Debt Service Funds related to local improvement districts (LID):

1. LID Obligation Control Fund (208)
2. Created. There is hereby created a fund to be called the Local Improvement Fund, District No. 762.

a. Sources. Amounts assessed, levied, and collected upon the properties included within the LID for the purpose of defraying the cost and expense of the improvement, and into which fund shall be deposited the proceeds of the sale of warrants, installment notes, bonds, bond anticipation notes, or other short-term obligations which may be sold by the City and drawn against the fund.

b. Uses. Out of the fund shall be paid such warrants, installment notes, bonds, bond anticipation notes, or other short-term obligations, interest thereon, and the cost of improvement to be borne by the property included in the LID.

3. LID Guaranty Fund (213)

a. Created. There is hereby created a fund for the purpose of guaranteeing to the extent of such fund, and in the manner hereinafter provided, the payment of its local improvement bonds and warrants issued to pay for any local improvements ordered by the City Council subsequent to April 7, 1926.

b. Sources. Such fund shall be designated ~~local improvement guaranty fund~~ Local Improvement Guaranty Fund. For the purpose of maintaining the ~~fund~~ Local Improvement Guaranty Fund, the City shall, from time to time, levy, as other taxes are levied, such sums as may be necessary to meet the financial requirements thereof; provided that such sums so levied in any year shall not be more than sufficient to pay the outstanding warrants on the fund and to establish therein a balance which combined levy in any one (1) year shall not exceed five percent (5%) of the outstanding obligations thereby guaranteed. The tax levies herein authorized and directed shall be in addition to, and if need be, in excess of any and all statutory or charter limitations applicable to the tax levies of the City. There shall also be paid into each guaranty fund the interest received from bank deposits of the fund, as well as any surplus remaining in any local improvement fund after the payment of all outstanding bonds or warrants payable primarily out of such local improvement fund.

c. Uses. Whenever there shall be paid out of a guaranty fund any sums on account of principal or interest of a local improvement bond or warrant, the City, as trustee for the fund, shall be subrogated in all the rights of the holder of the bond or interest coupon or warrant so paid, and the proceeds thereof, or of the assessment underlying the same, shall become part of the ~~guaranty fund~~ Guaranty Fund. Warrants drawing interest at a rate not to exceed six percent (6%) shall be issued, as other warrants are issued, by the City, against a guaranty fund to meet any liability accruing against it; and at the time of making its annual budget and tax levy the City shall provide for the levying of a sum sufficient, with the other resources of the fund, to pay warrants so issued during the preceding fiscal year; provided, that such warrants shall at no time exceed five percent (5%) of the outstanding bond obligations guaranteed by the fund. As among the several issues of bonds or warrants guaranteed by the fund no preference shall exist, but defaulted interest coupons, bonds and warrants shall be purchased out of the fund in the order of their presentation.

d. Guaranty and Rights. So much of the money of a guaranty fund as is necessary may be used to purchase certificates of delinquency for general taxes on property subject to local improvement assessments, underlying bonds or warrants guaranteed by the fund, or to purchase property at ~~county~~ County tax foreclosures or from the ~~county~~ County after foreclosure, for the purpose of

protecting the ~~guaranty fund~~ Guaranty Fund. The fund shall be subrogated to the rights of the City, and the City may foreclose the lien of general tax certificates of delinquency and purchase the property at the foreclosure sale. After so acquiring title to real property, the City may lease or sell and convey the same at public or private sale for such price and on such terms as may be determined by resolution of the City Council, any provisions of law, charter or ordinance to the contrary, notwithstanding, and all proceeds resulting from such sales shall belong to, and be paid into the ~~guaranty fund~~ Guaranty Fund.

3.04.317 Capital Improvement Fund

- A. Created. There is hereby created a fund to be known as the ~~capital improvement fund~~ Capital Improvement. This fund is created for the purpose of accounting for capital projects related to general operations assets of the ~~city~~ City.
- B. Sources. Resources shall be added to the ~~capital improvement fund~~ Capital Improvement Fund via appropriations made by the ~~city council~~ City Council.
- C. Uses. Funds from the ~~capital improvement fund~~ Capital Improvement Fund shall be used in accordance with the authorized budget.

3.04.318 Home Fund Capital Fund

- A. Created. There is hereby created a fund to be known as the Home Fund Capital Fund.
- B. Sources. There shall be deposited in the Home Fund Capital Fund sales and use tax authorized by RCW 82.14.530 and interest thereon, and other funds as determined by the City Council to support the purposes of the Home Fund Capital Fund.
- C. Uses. A minimum of sixty (60) percent of the monies collected under RCW 82.14.530 shall be used for housing and housing-related purposes as defined in RCW 82.14.530(2)(a)(i), (ii), and (iii). Other funds deposited in the Home Fund Capital Fund shall be used for purposes similar in nature to the above, as determined by the City Council.

3.04.325 City Hall Construction Fund

- A. Created. There is hereby created a fund to be known as the ~~city hall construction and acquisition fund~~ City Hall Construction and Acquisition Fund.
- B. Sources. The ~~director of administrative services (clerk/treasurer)~~ Finance Director is authorized to transfer the remaining unexpended appropriations and related resources in the ~~capital improvements fund~~ Capital Improvements Fund, ~~city office space account~~ City Office Space Account, to the ~~city hall construction and acquisition fund~~ City Hall Construction and Acquisition fund.
- C. Uses. The ~~city hall construction and acquisition fund~~ City Hall Construction and Acquisition fund shall be for the purpose of planning, property acquisition, design, construction, equipping and furnishing, and other related costs of the City Hall facility.

3.04.331 Fire Equipment Fund

A. Created. There is hereby created a fund to be known as the ~~fire equipment and replacement fund~~ Fire Equipment and Replacement Fund.

B. Uses. Funds from the ~~fire equipment and replacement fund~~ Fire Equipment and Replacement Fund shall be used for the purchase of equipment by the ~~fire department~~ Fire Department, including but not limited to, vehicles, accessories thereto and major repairs and improvements, and other purposes as may be deemed appropriate by the ~~city council~~ City Council.

3.04.400 Waterworks Utility Funds

A. Created. There is hereby created a fund group known to be the ~~waterworks utility funds~~ Waterworks Utility Funds.

B. Sources. Moneys for the ~~waterworks utility funds~~ Waterworks Utility Funds shall come from sources authorized by local, state, or federal law.

C. Uses.

1. Funds from the ~~waterworks utility funds~~ Waterworks Utility Funds shall be used as deemed necessary by the ~~director of administrative services (clerk/treasurer)~~ Finance Director for the purpose of accounting for the ~~water and wastewater utility accounts (funds)~~ Water and Wastewater Utility Accounts (Funds) as required by local, state, or federal law.

2. The ~~director of administrative services (clerk/treasurer)~~ Finance Director is authorized to expend funds from the ~~waterworks utility funds~~ Waterworks Utility Funds as deemed necessary by the local, state, or federal law.

(See also OMC [13.04](#) Water; OMC [13.08](#) Sewers; OMC [13.20](#) Wastewater System; and OMC [13.24](#) Reclaimed Water)

D. Following is a list of the ~~waterworks utility funds~~ Waterworks Utility Funds:

1. Water Utility Operating Fund (401)

a. Created. There is hereby created a fund to be known as the ~~water utility operating fund~~ Water Utility Operating Fund.

b. Uses. The ~~director of administrative services (clerk/treasurer)~~ Finance Director is authorized to expend funds from the ~~water utility operating fund~~ Water Utility Operating Fund as deemed necessary by the ordinances of the City of Olympia and/or Washington State law.

2. Wastewater (Sewer) Utility Operating Fund (402)

a. Created. There is hereby created a fund to be known as the ~~sewer utility operating fund~~ Sewer Utility Operating Fund. This fund shall be for the purpose of accounting for the operations and maintenance of the sewer collection system.

- b. Uses. The ~~director of administrative services (clerk/treasurer)~~ Finance Director is authorized to expend funds from the ~~sewer utility operating fund~~ Sewer Utility Operating Fund as deemed necessary by the ordinances of the ~~city~~ City.
3. Water/Sewer Bond Redemption Fund (417)
- a. Created. There is hereby created a fund to be known as the ~~water and sewer revenue bond redemption fund~~ Water and Sewer Revenue Bond Redemption Fund.
- b. Uses. The ~~water and sewer revenue bond fund~~ Water and Sewer Revenue Bond Fund shall be drawn upon for the sole purpose of paying the principal of, premium if any, and interest on the bonds and any future parity bonds. The money in the ~~water and sewer revenue bond fund~~ Water and Sewer Revenue Bond Fund shall be kept separate and apart from all other funds and accounts of the ~~city~~ City.
4. Water/Sewer Bond Reserve Fund (427)
- a. Created. There is hereby created a fund to be known as the ~~water and sewer bond reserve fund~~ Water and Sewer Bond Reserve Fund. This reserve account has been created for the purpose of securing the payment of the principal of and interest on the bonds and any future parity bonds.
- b. Sources. The ~~city~~ City hereby covenants and agrees that it will satisfy the reserve account requirement for the bonds with bond proceeds. The ~~city~~ City further covenants and agrees that in the event it issues any future parity bonds it will provide in each ordinance authorizing the issuance of such future parity bonds for the payment into the reserve account out of gross revenue or assessments (or, at the option of the City, out of any other funds on hand and legally available therefor) approximately equal additional annual installments so that by five (5) years from the date of issuance of such future parity bonds there will have been paid into the reserve account an amount that, together with money already on deposit therein, will be at least equal to the reserve account requirement.
- c. Uses. The ~~water and sewer bond reserve fund~~ Water and Sewer Bond Reserve Fund shall be drawn upon for the sole purpose of paying the principal of, premium if any, and interest on the bonds and any future parity bonds whenever there is a sufficient amount in the reserve fund above the required reserve. Money in the reserve account may also be withdrawn to redeem and retire, and to pay the premium, if any, and interest due to such date of redemption, on the outstanding parity bonds secured by such reserve account, as long as the money remaining on deposit in such reserve account is at least equal to the reserve account requirement determined with respect to the parity bonds then outstanding. In the event the bonds outstanding are ever refunded, the money set aside in the reserve account to secure the payment thereof may be used to retire bonds or may be transferred to any other reserve account that may be created to secure the payment of any bonds issued to refund the bonds.
5. Water Utility Capital Improvement Fund (461)
- a. Created. There is hereby created a fund to be known as the ~~water capital improvement fund~~ Water Capital Improvement Fund.

b. Sources. The water general facility charges collected pursuant to OMC 13.04.375 of this code shall be deposited into the ~~water capital improvement fund~~ Water Capital Improvement Fund. The City Council may make any other funds available to the ~~water capital improvement fund~~ Water Capital Improvement Fund for the purposes set forth herein.

c. Uses.

i. Moneys within the ~~water capital improvement fund~~ Water Capital Improvement Fund shall only be used for the purpose of acquiring, equipping and/or making capital improvements to water facilities and extensions, additions, expansion and betterments to the Olympia water system owned by the City and shall not be used for maintenance or operations relative to those facilities. In the event that bonds or similar debt instruments are issued for advance provision of capital facilities for which water facility charges may be expended, charges may be used to pay debt service on such bonds or similar debt instruments to the extent that the facilities provided are of the type described above.

ii. Moneys from the ~~water capital improvement fund~~ Water Capital Improvement Fund may be used to grant rebates to developers for costs incurred in providing water capital facilities in excess of the capacity required for an individual development. Any rebates must be made pursuant to a refunding agreement between the developer and the City after the effective date of the ordinance codified in this section. Prior refunding agreements may be renegotiated in order to bring such agreements in accord with the provisions of this section.

6. Sewer Capital Improvement Fund (462)

a. Created. There is hereby established within the budget of the City a ~~sewer capital improvement fund~~ Sewer Capital Improvement Fund.

b. Sources. The sewer general facility charges collected pursuant to OMC Section 13.08.205 of this code shall be deposited into the ~~sewer capital improvement fund~~ Sewer Capital Improvement Fund. The City Council may make any other funds available to the ~~water capital improvement fund~~ Sewer Capital Improvement Fund for the purposes set forth herein.

c. Uses.

i. Moneys within the ~~sewer capital improvement fund~~ Sewer Capital Improvement Fund shall only be used for the purpose of acquiring, equipping and/or making capital improvements to sewer facilities, extensions and betterments of the Olympia sewer system owned by the City and shall not be used for maintenance or operations relative to those facilities or for LOTT joint facilities. In the event that bonds or similar debt instruments are issued for advance provision of capital facilities for which sewer facility charges may be expended, charges may be used to pay debt service on such bonds or similar debt instruments to the extent that the facilities provided are of the type described above.

ii. Moneys from the ~~sewer capital improvement fund~~ Sewer Capital Improvement Fund may be used to grant rebates to developers for costs incurred in providing sewer capital facilities in excess of the capacity required for an individual development. Any rebates must be made

pursuant to a refunding agreement between the developer and the City after the effective date of the ordinance codified in this section. Prior refunding agreements may be renegotiated in order to bring such agreements in accord with the provisions of this section.

3.04.403 Solid Waste (Garbage) Utility Fund

A. Created. There is hereby created a fund to be known as the ~~solid waste (garbage) utility fund~~ Solid Waste (Garbage) Utility Fund.

B. Sources.

1. The monies collected via charges pursuant to OMC 13.12 shall be deposited in the ~~solid waste (garbage) utility fund~~ Solid Waste (Garbage) Utility Fund. All receipts for the collection and the disposal of the garbage and refuse, and all receipts for the burning of garbage and all moneys received by the solid waste section, shall be ~~deposited with the city clerk-treasurer and become a part of the solid waste (garbage) utility fund~~ Solid Waste (Garbage) Utility Fund. All receipts from the sale of recyclables shall become a part of the ~~solid waste (garbage) utility fund~~ Solid Waste (Garbage) Utility Fund but shall be accounted separately. The City Council may make any other funds available to the ~~solid waste (garbage) utility fund~~ Solid Waste (Garbage) Utility Fund for the purposes set forth herein.

2. The City Council may also provide for additional moneys to be paid into the ~~solid waste (garbage) utility fund~~ Solid Waste (Garbage) Utility Fund from time to time from any available funds of the City, and warrants may be drawn on the ~~solid waste (garbage) utility fund~~ Solid Waste (Garbage) Utility Fund, any such additional moneys are to be repaid out of the ~~solid waste fund~~ Solid Waste Fund as soon as there are sufficient moneys available.

C. Uses. The expenses of establishing, conducting and operating the solid waste section shall be paid from the ~~solid waste (garbage) utility fund~~ Solid Waste (Garbage) Utility Fund.

3.04.404 Storm Drainage Utility Fund

A. Created. There is hereby created a fund group known to be the ~~storm drainage utility funds~~ Storm Drainage Utility Funds. These funds shall be used as deemed necessary by the ~~director of administrative services (clerk/treasurer)~~ Finance Director for the purpose of accounting for the Storm Drainage Utility accounts (funds) as required by ordinances and/or law.

B. Sources. Moneys for the ~~storm drainage utility funds~~ Storm Drainage Utility Funds shall come from sources authorized by local, state or federal law.

C. Uses. The ~~director of administrative services (clerk/treasurer)~~ Finance Director is authorized to expend funds from the storm drainage utility funds as deemed necessary by local, state or federal law.

D. The following are the ~~storm drainage utility funds~~ Storm Drainage Utility Funds:

1. Storm Water/Surface Water Operating Fund (404)

a. Created. There is hereby created a fund which shall be known as the Storm and Surface Water Operating Fund.

b. Sources. All revenues, assessments, and other charges collected by the utility pursuant to OMC 3.22, or otherwise received for drainage purposes or attributable to the operation and maintenance of the utility, and all loans to or grants or funds received for its construction, improvement and operation, shall be deposited in the utility fund. The City Council may make any other funds available to the Storm and Surface Water Operating Fund for the purposes set forth herein.

c. Uses. All disbursements for costs of data collection, planning, designing, constructing, acquiring, maintaining, operating and improving the drainage utility facilities, whether such facilities are natural, constructed or both, and administering the utility shall be made from the Storm and Surface Water Operating Fund.

2. Storm Water/Surface Water Mitigation Fund (407)

a. Created. There is hereby created a fund which shall be known as the Storm Drainage Mitigation Fund.

b. Sources. Monies received from storm drainage mitigation fees shall be deposited in the Storm Drainage Mitigation Fund.

c. Uses. Mitigation fees deposited in this Fund shall be used only for the purposes for which the fees were collected, plus administrative fees as approved by the City Council. Funds may be transferred out of this Fund to finance projects, purchases and improvements which meet the purpose for which the fees were collected.

3. Storm and Surface Water Debt Service Fund (418)

a. Created. There is hereby created a fund known as the ~~storm and surface water debt service fund~~ Surface Water Debt Service.

b. Sources. Monies designated by Council shall be deposited in the ~~storm and surface water debt service fund~~ Storm and Surface Water Debt Service Fund.

c. Uses. The ~~debt service fund~~ Storm and Surface Water Debt Service Fund shall be drawn upon for the sole purpose of paying the principal of, premium if any, and interest on debt issued by the Storm Drainage Utility. The money in the Storm and Surface Water Debt Service Fund shall be kept separate and apart from all other funds and accounts of the City.

4. Storm Water/Surface Water Capital Improvement Fund (434)

a. Created. There is hereby created a fund to be known as the ~~storm and surface water utility capital improvement fund~~ Storm and Surface Water Utility Capital Improvement Fund.

b. Sources. Monies designated by Council shall be deposited in the ~~storm and surface water utility capital improvement fund~~ Storm and Surface Water Utility Capital Improvement Fund.

c. Uses. Moneys within the ~~storm and surface water utility capital improvement fund~~ Storm and Surface Water Utility Capital Improvement Fund shall only be used for the purpose of acquiring, equipping and/or making capital improvements to storm and surface water facilities and extensions, additions, expansion and betterments to the Olympia storm and surface water system.

3.04.463 Waste Resources Capital Fund

- A. Created. There is hereby created a fund to be known as the Waste Resources Capital Fund.
- B. Sources. There shall be deposited in the Waste Resources Capital Fund, on an annual basis via transfer, monies from any rate increase directly attributed to capital needs, and other funds as determined by the Public Works Director to support the purposes set forth herein.
- C. Uses. Monies within the Waste Resources Capital Fund shall be used only for the purposes of acquiring, equipping and/or making capital improvements to the Waste Resources Center and capital projects related to Waste Resources, and shall not be used for maintenance or operations relative to those facilities or projects. Should the City Manager determine that those capital projects will not be completed, or if there are monies remaining in the Fund once the capital projects are completed, those monies accumulated in the Waste Resources Capital Fund may be transferred to the Waste Resources Operating Fund.

3.04.500 Equipment Rental Fund

- A. Created. There is hereby created a fund group to be known as the ~~equipment rental and replacement funds~~ Equipment Rental and Replacement Funds. These Funds shall be used as deemed necessary by the ~~director of administrative services (clerk/treasurer)~~ Finance Director for the purpose of accounting for the ~~equipment rental and replacement accounts (funds)~~ Equipment and Rental and Replacement Accounts (Funds) as required by ordinances and/or law. Moneys for these ~~funds~~ Funds shall come from sources authorized by these ordinances and/or law.
- B. Uses. The ~~director of administrative services (clerk/treasurer)~~ Finance Director is authorized to expend funds from the ~~equipment rental and replacement funds~~ Equipment Rental and Replacement Funds as deemed necessary by the ordinances and/or law mentioned above.
- C. The following are the ~~equipment rental and replacement funds~~ Equipment Rental and Replacement Funds:
1. Equipment Rental Operating Fund (501)
 - a. Created. There is hereby created a fund to be known as the ~~equipment rental fund~~ Equipment Rental Fund to be used as a revolving fund to be expended for salaries, wages, and operations required for the repair, replacement, purchase, and operation of motor vehicle equipment, and for the purchase of all equipment materials and supplies to be used in the administration and operation of said fund.
 - b. Sources. Monies designated by Council and a portion of the charges made to various divisions and departments of the City of Olympia shall be deposited in the ~~equipment rental operating fund~~ Equipment Rental Operating Fund.

c. Uses. Monies within the ~~equipment rental operating fund~~ Equipment Rental Operating Fund shall be used for salaries, wages, materials, overhead, or other costs necessary to operate and maintain all motor vehicle equipment of the City of Olympia.

d. Transfers. All monies deposited in said ~~equipment rental fund~~ Equipment Rental Operating Fund and not expended for any purpose other than those listed above shall remain in the fund from year to year and shall not be transferred to any other fund or expended for any other purpose unless authorized by the City Council.

2. Cumulative Reserve Equipment Rental Fund (502)

a. Created. There is hereby created, pursuant to RCW 35.21.070, a reserve fund to be known as the ~~cumulative reserve equipment rental fund~~ Cumulative Reserve Equipment Rental Fund.

b. Sources. Monies designated by Council and a portion of the charges made to various divisions and departments of the City of Olympia shall be deposited in the ~~cumulative reserve equipment rental fund~~ Cumulative Reserve Equipment Rental Fund.

c. Uses. This fund is hereby created for the following purposes as authorized by law:

1. Purchase of all forms of equipment and supplies used by the Equipment Rental Department of the City of Olympia, including but not limited to vehicles, excavating equipment and supplies accessory thereto.

2. Major replacement and/or repair of all forms of equipment handled by the Equipment Rental Department of the City of Olympia

d. Restrictions. Any monies in the ~~cumulative reserve equipment rental fund~~ Cumulative Reserve Equipment Rental Fund shall never be expended for any purpose other than those listed above without an approving vote by majority of the electors of the City of Olympia at a general or special election held for such purpose. Any monies in said fund at the end of the fiscal year shall not lapse nor shall the same be surplus available or which may be used for any purpose or purposes than those specified by this Ordinance.

3.04.503 Unemployment Compensation Fund

A. Created. There is hereby created a trust fund to be known as the ~~unemployment compensation fund~~ Unemployment Compensation Fund.

B. Sources. To provide funds for deposit into the ~~unemployment compensation fund~~ Unemployment Compensation Fund, each department and operating fund of the City shall, in its budget, provide for payments into the fund an amount not more than three percent (3%) of the amount paid for wages and salaries.

C. Uses. Monies in the ~~unemployment compensation fund~~ Unemployment Compensation Fund will be used for reimbursements to the Washington State Department of Employment Security and other costs connected with administering unemployment insurance claims.

3.04.504 Insurance Trust Fund

A. Created. There is hereby created a fund to be known as the ~~self insurance trust fund~~ Self-Insurance Trust Fund.

B. Sources. Monies budgeted for insurance shall be deposited into the ~~self insurance trust fund~~ Self-Insurance Trust Fund. The City Council may authorize transfer of monies to the Fund and shall designate moneys to be placed in the Fund for the coming budget year.

C. Uses. Monies in this fund will be used for payments for insurance related to risk management plans of the City; to pay claims against the City for which the City must pay a deductible or is self-insured; to pay for repairs or replacement to City property which is damaged or destroyed and not covered by insurance; to pay for corrections, repairs, or replacement of City property when immediate action is necessary to prevent injury to persons or property, and moneys are not available for such purpose from other budget sources; and to pay for studies of other areas of self-insurance.

3.04.505 Workers Compensation Fund

A. Created. There is hereby created a fund to be known as the ~~workers compensation fund~~ Workers Compensation Fund.

B. Sources. There shall be deposited in the ~~workers compensation fund~~ Workers Compensation Fund funds from any available source. Additionally, any employee deduction may be deposited which may be required by the State for workers compensation until such time as it is required to be remitted to the state.

C. Uses. The ~~workers compensation fund~~ Workers Compensation Fund shall be used to pay any worker's compensation claims, to pay obligations due to the state for workers compensation, to pay premiums for insurance or surety bonds as may be required, and to pay any other costs related to the City's workers compensation program, including but not limited to third party administration costs, actuarial studies, safety programs, accident prevention programs and administration of the workers compensation program.

3.04.600 Fiduciary and Custodial Funds

A. Created. There is hereby created a fund group to be known as the ~~fiduciary and custodial funds~~ Fiduciary and Custodial Funds. These funds shall be used as deemed necessary by the ~~director of administrative services (clerk/treasurer)~~ Finance Director for the purpose of accounting for funds designating the City in a fiduciary or custodial capacity as required by legal agreements or law. Moneys for these funds come from sources deemed by legal agreements or law.

B. Uses. The ~~director of administrative services (clerk/treasurer)~~ Finance Director is authorized to expend funds from the ~~fiduciary and custodial funds~~ Fiduciary and Custodial Funds as deemed necessary by the legal agreements or law authorizing the fund.

Chapter 3.08 WARRANTS

3.08.000 Chapter Contents

Sections:

- 3.08.010 Order of payment.
- 3.08.020 Cancellation after four years.
- 3.08.030 Retroactive effect.
- 3.08.040 Suspension of interest on unpaid warrants.
- 3.08.050 Payments to ~~city~~City in lawful money.
- 3.08.060 Numbering of warrants.
- 3.08.070 Payment from proper fund.
- 3.08.080 Rate of interest.

3.08.010 Order of payment

All ~~city~~City warrants on the ~~city~~City treasury for payment of money out of the ~~general fund~~General Fund shall be paid in the order in which they were issued.

3.08.020 Cancellation after four years

All warrants drawn on the ~~city~~City treasury shall be presented for payment within the period of four years after the date of the issue thereof and should the payee or legal holder of any such warrant or warrants neglect or fail to present the same for payment within the time specified in this section, it shall be the duty of the ~~city clerk-treasurer~~ Finance Director to enter the same as canceled on the City's books of the ~~city clerk-treasurer's office~~; provided, that should the payee or legal owner of any such canceled warrant or warrants present the same for payment after the lapse of four years from the date of the issue thereof, the ~~city council~~ City Council may upon proper showing, by affidavit and the delivery of the canceled warrant into their possession, issue a new warrant in lieu thereof, on the ~~city clerk-treasurer~~, and the ~~clerk-treasurer~~ Finance Director is authorized to pay the same as other warrants are paid.

3.08.030 Retroactive effect

All outstanding warrants, issued four years prior to the approval of this chapter shall be canceled by the ~~city clerk-treasurer~~ Finance Director, as provided in Section 3.08.010.

3.08.040 Suspension of interest on unpaid warrants

As often as the ~~city clerk-treasurer~~ Finance Director deems advisable the ~~city clerk-treasurer~~ City Clerk shall publish in the newspaper doing the ~~city~~City advertising a list of warrants that will be paid at the date to be named, and after such date no warrant so advertised and remaining unpaid shall bear interest. If, after publication has been made, any warrants named in the published list remain unrepresented for one month thereafter, the amount held in reserve to pay such warrant may be applied to pay other warrants of later date.

3.08.050 Payments to ~~city~~City in lawful money

All taxes, licenses and dues payable to the ~~city~~City must be paid in lawful money of the United States, except as hereinafter provided unless otherwise provided by law.

3.08.060 Numbering of warrants

All warrants ordered drawn on any fund shall be numbered, from number one on, consecutively, only with warrants drawn on that fund.

3.08.070 Payment from proper fund

No warrant shall be paid out of any fund except the fund upon which it is drawn.

3.08.080 Rate of interest

The rate of interest to be borne by current expense and water fund warrants hereafter issued by the ~~city~~City, shall not in any event exceed the maximum rate of seven percent per year.

Chapter 3.12 DAMAGE CONTRACT CLAIMS

3.12.000 Chapter Contents

Sections:

3.12.010 ~~Claims procedure—Contents of claims~~Purpose.

3.12.020 Auditing officer--Appointed.

3.12.030 Auditing officer--Bond provided.

3.12.040 Adoption of policies.

3.12.010 ~~Claims procedure—Contents of claims~~Purpose

~~The purpose of this Chapter is to address payment of claims arising out of contracts, authorized expenses, materials, and advancements as provided in 42.24 RCW. A.—All claims for damages against the city must be presented to and filed with the city claims manager. The claims manager shall refer any such claim to the city's appropriate risk pool, and no payments or appropriations shall be made regarding the claim before it is referred to the risk pool. The city risk manager shall, upon receipt, give notice and a description of all claims exceeding five thousand dollars in alleged damages to the city council. In addition, the claims manager shall quarterly give the city council summaries of all outstanding claims against the city of Olympia and give an indication of the potential liability posed by such claims.~~

~~B.—All such claims for damages must accurately locate and describe the defect that caused the injury, accurately describe the injury and state the time when same occurred and shall contain items of damages claimed and be sworn to by the claimant.~~

~~C.—No action shall be maintained against the city for any claim for damages until the same has been presented to the claims manager as outlined above.~~

3.12.020 Auditing officer –Appointed

The ~~city clerk/treasurer~~ Finance Director is appointed as the auditing officer of the ~~city~~City and is authorized to issue warrants or checks in payment of claims arising under this chapter~~under a contract, as provided in RCW 42.24.080~~. The ~~clerk/treasurer~~ Finance Director shall submit to the ~~council~~Council for approval all such

checks or warrants issued in payment of claims at the ~~council's~~ Council's next regularly scheduled public meeting and shall provide, upon request, documentation supporting the claim paid. If, upon review, the ~~council~~ Council disapproves any claim, the auditing officer and any other officer which signed the check or warrant shall jointly cause the disapproved claim to be recognized as a receivable of the ~~city~~ City, and shall pursue collection diligently until the amount is disproved or collected or until the ~~council~~ Council is satisfied and approves claim.

3.12.030 Auditing officer –Bond provided

The auditing officer and any other officer designated to sign checks or warrants in payment of claims shall furnish an official bond, at the ~~city's~~ City's expense, for faithful discharge of the auditing officer's and any other officer's duties in an amount not less than one hundred thousand dollars.

3.12.040 Adoption of policies

The ~~city council~~ City Council directs the ~~city manager~~ City Manager to adopt contracting, hiring, purchasing and disbursing policies which implement effective internal control.

Chapter 3.14 DAMAGE CLAIMS

3.14.000 Chapter Contents

Sections:

3.14.010 Claims Procedure – Contents of Claims.

3.14.010 Claims procedure –Contents of claims

A. All claims for damages against the City must be presented to and filed with the City Claims Manager, in accord with RCW Chapter 4.96. The Claims Manager shall refer any such claim to the City's appropriate risk pool or insurance provider, and no payments or appropriations shall be made regarding the claim before it is properly referred.

B. All such claims for damages must accurately locate and describe the defect that caused the injury, accurately describe the injury and state the time when same occurred and shall contain items of damages claimed and be sworn to by the claimant.

C. No action shall be maintained against the City for any claim for damages until the same has been presented to the Claims Manager as outlined above.

Chapter 3.16 CONTRACTS

3.16.000 Chapter Contents

Sections:

3.16.010 Purpose.

3.16.020 City Council Approval.

- 3.16.030 City Manager Approval.
- 3.16.040 City Manager Authorized to Delegate Certain Execution Authority.
- 3.16.050 City Manager Authority--Rules and Regulations for Contracting.
- 3.16.055 Documents to be Filed with the City Clerk.
- 3.16.060 Small Works Roster Established.
- 3.16.070 Method of Establishment of Small Works Roster.
- 3.16.080 Procedure for Utilization of Small Works Roster.
- 3.16.090 Posting of Small Works Roster Awards.
- 3.16.100 Public Works Construction Contracts--Change Order Level of Authority.
- 3.16.110 Level of Funding Required for Project Award.

3.16.010 Purpose

The purpose of this chapter is to establish a uniform practice for approval and execution of City of Olympia contracts, ensure City Council review of important and legally required contracts and other legal instruments, provide for efficient, streamlined preparation and execution of other contracts not requiring Council review, while also ensuring accountability by limiting the number of individuals authorized to execute contracts on the City's behalf. In addition, the purpose is to delegate to the City Manager authority to establish rules for competitive bidding where required by law and the acquisition of goods, services, and materials so long as such rules are with sound management practices and designed to secure the best quality for a fair price. The final purpose is to provide procedures for the creation and operation of a small works roster.

3.16.020 City Council Approval

The following documents and instruments shall be presented to the City Council for approval prior to their execution by the City Manager:

- A. Interlocal agreements: All contracts, agreements, memoranda of understanding, or other documents between the City of Olympia and any other governmental agency or agencies that are entered into pursuant to the supplemental authority for the City to contract in Chapter 39.34 RCW.
- B. Instruments pertaining to real property: any contract, agreement, lease, easement, bill of sale, or other instrument pertaining to the City's use, disposition, conveyance, or acquisition of real property.

Exceptions:

- (1) An acceptance by the City in its regulatory capacity of a dedication from a development is not subject to Council approval.
 - (2) Temporary construction licenses are not subject to Council approval.
 - (3) The City Manager is authorized to sign the following without further City Council approval: All instruments pertaining to the City's use, disposition, conveyance, or acquisition of real property by whatever method, provided that such transaction is associated with a capital improvement project that has been previously approved by Council.
- C. Any contract, agreement, or other document with a cost over \$300,000.

3.16.030 City Manager Approval

- A. The City Manager or the City Manager's designee, is authorized to approve and execute on behalf of the City of Olympia any contract, agreement, or document not otherwise subject to OMC Section 3.16.020.
- B. The City Manager or the City Manager's designee, is authorized to:
1. declare any public work an emergency, if it meets the criteria outlined under RCW 39.04.280. A written finding of the emergency must be filed with the City Clerk no later than two weeks following contractor award of such work.
 2. make written policies governing the waiver of competitive bidding requirements, provided the purchase or project qualifies for waiver under RCW 39.04.280, or other state or local law. Immediately following contract award, the contract and the factual basis for the exemption from public bidding must be recorded and open for public inspection.
 3. make a final decision to deem a contractor not-responsible and/or to reject bids for any public works project that falls within the City Manager's contract authority under this chapter.

3.16.040 City Manager Authorized to Delegate Certain Execution Authority

The City Manager is authorized, but not required, to delegate to a ~~Department Director or the Director's~~ department director or the director's designee the authority to approve and execute on behalf of the City of Olympia any contract, agreement or document not otherwise subject to OMC Section 3.16.020 and with an amount of less than \$150,000.

3.16.050 City Manager Authority--Rules and Regulations for Contracting

The City Manager is authorized to establish written rules and regulations for the construction/acquisition of public works, and the procurement of goods, services, and materials by the City. Such rules and regulations shall be governed by sound management practices designed to secure the best quality at a fair price. As such rules and regulations are established, copies shall be sent to the City Council; provided, however, that inadvertent failure to send such rules and regulations to the City Council shall not be grounds to invalidate any action by the City Manager or the City Manager's designee which is otherwise lawful. The City Manager is authorized to revise the rules and regulations from time to time as circumstances change or as the City Manager may, in the City Manager's discretion, deem appropriate.

3.16.055 Documents to be Filed with the City Clerk

One (1) original of any document governed by OMC Sections 3.16.020 through 3.16.040 shall be filed with the ~~office of the~~ City Clerk; provided, however, that failure to so file any such document shall not invalidate or excuse performance of any obligations contained therein.

3.16.060 Small Works Roster Established

The City Engineer or the City Engineer's designee (collectively hereafter Engineer) is authorized and directed to establish a ~~city~~ City construction contractor's small works rosters comprised of all contractors who request to be on the rosters and who are, where required by law, properly licensed or registered and bonded to perform contracting work in the State of Washington.

3.16.070 Method of Establishment of Small Works Roster

The small works roster shall be established by either or both of the following:

A. The Engineer may advertise for consultants in a newspaper of general circulation in order to update the small works roster. The Engineer shall add to the rosters those contractors who respond to the advertisement and request to be included on the rosters. In order to be included on the roster, contractors shall supply information as required by the Engineer.

B. The City of Olympia may establish the small works roster through contract with the Municipal Research and Services Center of Washington (MRSC) to adopt for City use those statewide electronic databases for small public works rosters developed and maintained by MRSC. At least once per year, on behalf of the City, MRSC shall publish in a newspaper of general circulation within the jurisdiction a notice of the existence of the roster or rosters and solicit the names of contractors for such roster or rosters. Responsible contractors shall be added to appropriate MRSC Roster(s) at any time that they submit a written request and necessary records. The City may require master contracts to be signed that become effective when a specific award is made using a small works roster.

3.16.080 Procedure for Utilization of Small Works Roster

A. The small works roster may be utilized, in lieu of advertising or requesting formal bids, as follows:

1. Whenever the City seeks to construct any public work project, the estimated cost of which, including costs of material, supplies, labor and equipment is \$300,000 or less or such other amounts as may be authorized by the law.

2. When the small works roster is utilized, the City shall invite written or electronic proposals from all appropriate contractors on the appropriate small works roster. The City Engineer shall establish procedures for securing telephone, written, or electronic quotations.

3. The invitation to the contractor on the small works roster shall include an estimate of the scope and nature of the work to be performed, materials and equipment to be furnished, and time required for completion. However, detailed plans and specifications need not be included in the invitation. This subsection does not eliminate other requirements for architectural or engineering approvals as to quality and compliance with building codes.

4. When awarding a contract for work under the small works roster, the City shall award the contract to the contractor submitting the lowest responsive, responsible proposal; provided, however, that the City reserves its right under applicable law to reject any or all proposals, and to waive procedural irregularities.

5. A contract awarded from a small works roster under this section need not be advertised.

6. Immediately after an award is made, the bid quotations obtained shall be recorded, open to public inspection, and available by telephone inquiry.

B. In lieu of awarding contracts under Subsection (A) of this section, the City may award a contract for work, construction, alteration, repair, or improvement project estimated to cost less than thirty-five thousand

(\$35,000) dollars using the limited public works process provided under this subsection. Public works projects awarded under this subsection are exempt from the other requirements of the small works roster process provided under subsection (A) of this section and are exempt from the requirement that contracts be awarded after advertisement as provided under RCW [39.04](#).

For limited public works projects, the City shall solicit electronic or written quotations from a minimum of three (3) contractors from the appropriate small works roster and shall award the contract to the lowest responsive, responsible bidder; provided, however, that the City may reject a quotation or waive procedural irregularities in a quotation and proceed to award. After an award is made, the quotations shall be open to public inspection and available by electronic request. The City shall attempt to distribute opportunities for limited public works projects equitably among contractors willing to perform in the geographic area of the work. The City shall maintain a list of the contractors contacted and the contracts awarded during the previous twenty-four months under the limited public works process, including the name of the contractor, the contractor's registration number, the amount of the contract, a brief description of the type of work performed, and the date the contract was awarded. The City may waive the payment and performance bond requirements of chapter [39.08](#) RCW and the retainage requirements of chapter [60.28](#) RCW, thereby assuming the liability for the contractor's nonpayment of laborers, mechanics, subcontractors, materials suppliers, suppliers, and taxes imposed under Title [82](#) RCW that may be due from the contractor for the limited public works project, however the City shall have the right of recovery against the contractor for any payments made on the contractor's behalf.

C. The breaking of any project into units or accomplishing any projects by phases is prohibited if it is done for the purpose of avoiding the maximum dollar amount of a contract that may be let using the small works roster process or limited public works process.

3.16.090 Posting of Small Works Roster Awards

When the City utilizes the small works roster procedure as established in Section [3.16.080](#) to award contract for public works projects, the City shall post a list of the contracts awarded under Section [3.16.080](#). The list shall contain the name of the contractor awarded the contract, the amount of the contract, a brief description of the type of work performed, and the date of the award, and shall be posted on the City's electronic web page.

3.16.100 Public Works Construction Contracts--Change Order Level of Authority

The City Manager or the City Manager's designee is authorized to approve change orders with a cumulative total of \$300,000 or less for any project. Council approval is required for cumulative change orders totaling over \$300,000 for a project, except when such approval is deemed "urgent" by the City Manager. An "urgent" change order is defined as one where delay in implementation could cause environmental or property damage or endanger public safety, as determined by the City Manager. An "urgent" determination may also be made when delays are estimated to cost the City of Olympia \$1,000 or more per day.

3.16.110 Level of Funding Required for Project Award

No Public Works contract award will be made on projects bid via the formal bidding process (construction in excess of \$300,000) unless funds in the amount of at least 110 percent of the bid are available. Similarly, no contract award will be made on projects bid via the Small Works roster bidding process (construction \$300,000 or less) unless funds in the amount of at least 115 percent of the bid are available.

Chapter 3.18 EQUAL BENEFITS CITY CONTRACTS - NON-DISCRIMINATION IN BENEFITS

3.18.000 Chapter Contents

Sections:

- 3.18.010 Definitions.
- 3.18.020 City Contracts – Non-Discrimination in Benefits.
- 3.18.030 Limitations.
- 3.18.040 Powers and Duties of the City.
- 3.18.050 Appeals.
- 3.18.060 Effective Date.

3.18.010 Definitions

For the purposes of this chapter:

- A. “Contract” means a contract for public works, consulting, or supplies, material, equipment or services estimated to cost fifty thousand dollars (\$50,000) or more;
- B. “Contract awarding authority” means a City-~~Department~~ department, Council, employee, or board authorized to enter into or to administer contracts on behalf of the City;
- C. “Employee benefits” means the provisions of health insurance benefits (medical, dental, vision), provided that it does not include benefits to the extent that the application of the requirements of this chapter to such benefits may be preempted by federal or state law.

3.18.020 City Contracts – Non-Discrimination in Benefits

- A. Each contractor on a City contract shall have in place, prior to contracting with the City, policies prohibiting discrimination in the provision of employee benefits based on age, sex, race, creed, color, sexual orientation or national origin, or the presence of any physical, mental or sensory disability, or because of any other status protected from discrimination by law.
- B. No contract awarding authority shall execute a contract with a contractor unless such contractor has agreed that it will not discriminate in the provision of employee benefits and has non-discrimination policies in place as provided for in this chapter. A signed Equal Benefits Compliance Declaration shall be completed by the contractor for all contracts awarded.
- C. All contracts awarded by the City shall contain provisions prohibiting discrimination in the provision of employee benefits, including provisions containing appropriate remedies for the breach thereof as prescribed by this chapter.

3.18.030 Limitations

The requirements of this chapter shall apply only to those portions of a contractor’s operations that occur:

- A. Within the City;
- B. On real property outside of the City if the property is owned by the City or if the City has a right to occupy the property, and if the contractor's presence at that location is connected to a contract with the City; and
- C. Elsewhere in the United States where work related to a City contract is being performed. The requirements of this chapter shall not apply to subcontracts or subcontractors of any contract or contractor.

3.18.040 Powers and Duties of the City

The City Manager shall have the power to:

- A. Adopt rules and regulations in accordance with this chapter, establishing standards and procedures for effectively carrying out this chapter;
- B. Determine and impose appropriate sanctions for violation of this chapter by contractors including, but not limited to:
 - 1. As allowed by law, disqualification of the contractor from being awarded a City contract; and
 - 2. Contractual remedies, including, but not limited to, termination of the contract.
- C. Examine contractor's benefit programs and policies covered by this chapter;
- D. Allow for remedial action after a finding of non-compliance, as specified by this chapter;
- E. Perform such other duties as may be required by ordinance or which are necessary to implement the purposes of this chapter.

3.18.050 Appeals

Any aggrieved party may appeal a decision of the City to the City Manager by the submittal of a written request within ten (10) working days of the decision to be appealed. The City Manager's decision will be in writing with findings upon which the decision was made. Subsequent appeal will be to the Thurston County Superior Court.

3.18.060 Effective Date

The provisions of this chapter shall apply to any contract awarded on or after August 1, 2014.

Chapter 3.20
LOCAL IMPROVEMENT DISTRICTS

3.20.000 Chapter Contents

Sections:

- 3.20.010 Method of procedure.
- 3.20.020 City Council to order improvements.

- 3.20.030 Improvements ordered by ordinance.
- 3.20.040 Petition for proposed improvement.
- 3.20.050 Resolution for proposed improvement.
- 3.20.060 Authorization of improvement.
- 3.20.070 Award of contract--Supervision of work.
- 3.20.080 Assessment roll--Preparation, filing and hearing.
- 3.20.090 Assessment roll--Approval.
- 3.20.100 Modes of payment--Penalty for delinquency.
- 3.20.110 Notice by publication and mail.
- 3.20.120 Special fund for each improvement district.
- 3.20.130 Issuance of bonds.
- 3.20.140 Terms of bonds--Interest.
- 3.20.150 Form of bonds.
- 3.20.160 Bond registry.
- 3.20.170 Foreclosure of delinquent assessments.
- 3.20.180 General ~~city~~City foreclosures--Proof, judgment, sales.
- 3.20.190 Call and payment of bonds and warrants.
- 3.20.200 Local improvement contracts.
- 3.20.210 Contracts to lowest and best bidder--Notice, check with bid.
- 3.20.220 Opening bids--Acceptance and rejection.
- 3.20.230 Subdistricts authorized.
- 3.20.240 City's contribution to be specified in ordinance.
- 3.20.250 Items of cost.
- 3.20.260 Installment notes and certificates.
- 3.20.270 Acceleration of installment payments.
- 3.20.280 Deferral of payments--Authorized by ordinance.
- 3.20.290 Deferral of payments--Applicants.
- 3.20.300 Deferral of payments--Economically disadvantaged defined.
- 3.20.310 Deferral of payments--Determination of eligibility--Appeal.
- 3.20.320 Payment required by designated date.

3.20.010 Method of procedure

Whenever the ~~city council~~City Council shall provide for making local improvements and for paying the whole or any portion of the cost and expense thereof by levying and collecting special assessments on property specially benefited, the proceedings therefor shall be in accordance with the provisions of an act entitled, "An act relating to local improvements in cities and towns and repealing certain acts and parts of acts," being Chapter 98 of the Session Laws of the State of Washington of 1911, as amended by Laws of 1927, Chapter 275, Laws of 1933, Chapter 107 and others (RCW Chapters [35.43](#); [35.49](#); [35.50](#); Sections 35.53.010; 35.53.020), and the provisions of this chapter and the acts and ordinances amendatory thereof.

3.20.020 City Council to order improvements

Whenever the public interest or convenience may require, the ~~council~~City Council is authorized and empowered to order the whole or any part of the streets, avenues, lanes, alleys, boulevards, park drives, parkways, public squares, and places within the ~~city~~City to be graded or regraded, planked or replanked, paved or repaved, macadamized, or remacadamized, graveled or regraveled, piled or repiled, capped or recapped or otherwise improved and to order sidewalks, drains, sewers, and all sewer appurtenances, culverts,

bulkheads, retaining walls, water mains, hydrants or appurtenances, curbing and crosswalks, street lighting systems, together with the cost and expense of furnishing electrical energy to the street lighting systems, moving sidewalks or escalators, together with the cost and expense of operating and maintaining moving sidewalks or escalators, auxiliary water system, dikes and embankments, bridges and trestles, and approaches thereto, or other local improvement whatsoever to be constructed, reconstructed, repaired or renewed therein and to order the planting, setting out, cultivating, maintaining and renewing of shade or ornamental trees and shrubbery thereon; and to order any and all work to be done which shall be necessary to complete any such improvement; and to levy and collect special assessments to pay the whole or any part of the cost and expense of any such improvement. The ~~city~~City may require uniform setting out, planting, cultivating, maintenance and renewal of shade and ornamental trees and shrubbery on any street or highway. Any local improvement payable, in whole or in part, by special assessments, which shall include a charge for the cost and expense of furnishing electrical energy to any system of street lighting or for the cost and expense of operation and maintenance of moving sidewalks or escalators shall be initiated only upon the petition signed by the owners of two-thirds of the lineal frontage upon the improvement to be made and two-thirds of the area within the limits of the proposed improvement district.

3.20.030 Improvements ordered by ordinance

Any such improvement may be ordered only by ordinance of the ~~council~~Council, either upon petition or resolution therefor.

3.20.040 Petition for proposed improvement

A. In case any such local improvement, the assessment district for which shall not extend beyond the termini of such improvement, shall be initiated upon petition, such petition shall set forth the nature and territorial extent of such proposed improvement, the mode of payment and the fact that the signers thereof are the owners, according to the records in the office of the ~~county auditor~~County Auditor, or property to an aggregate amount of a majority of the lineal frontage upon the improvement to be made and of the area within the limits of the assessment district to be created therefor. If any such property stands in the name of a deceased person, or any person for whom a guardian has been appointed, the signature of the executor, administrator or guardian as the case may be, shall be equivalent to the signature of the owner of the property on such petition.

B. Such petition shall be presented to and filed with the ~~city clerk-treasurer~~City Clerk. Upon the filing of such petition the ~~clerk-treasurer~~ shall deliver the same to the ~~city engineer~~City Engineer who shall ascertain if the facts set forth in the petition are true and shall cause an estimate of the cost and expense of such improvement to be made and shall transmit the same to the ~~city council~~City Council with a certificate setting forth whether the requisite number of signatures appear on the petition, together with all papers and information in the ~~city engineer's~~City Engineer's possession touching such improvement, with the estimated cost thereof and the ~~city engineer's~~City Engineer's recommendations thereof, together with a description of the boundaries of the district, and a statement of the proportionate amount of the cost and expense of such improvement which should be borne by property within the proposed assessment district, and a statement of the aggregate assessed valuation of the real estate exclusive of improvement in such district according to the valuation last placed upon it for purposes of general taxation.

C. In case such petition shall be found sufficient, such board, officer or authority shall also transmit to the ~~council~~Council a diagram or print showing thereon the lots, tracts or parcels of land and other property which

will be specially benefited thereby and the estimated amount of the cost and expense of such improvement to be borne by each such lot, tract or parcel of land or other property.

3.20.050 Resolution for proposed improvement

Any such improvement may be initiated directly by the ~~city council~~ City Council by a resolution declaring its intention to order such improvement, setting forth the nature and territorial extent of such proposed improvement, and notifying all persons who may desire to object thereto to appear and present such objections at a meeting of the ~~council~~ Council at the time specified in such resolution; and directing the proper board, officer or authority to submit to the ~~council~~ Council at or prior to the date fixed for such hearing the estimated cost and expense of such improvement, and a statement of the proportionate amount thereof which should be borne by the property within the proposed assessment district, and a statement of the aggregate assessed valuation of the real estate, exclusive of improvements, within the district according to the valuation also placed upon it for the purposes of general taxation, together with a diagram or printing showing thereon the lots, tracts and parcels of land and other property which will be specially benefited thereby and the estimated amount of the cost and expense of such improvement to be borne by each lot, tract or parcel of land or other property. Notice of the date of such hearing shall be given each owner or reputed owner of any lot, tract or parcel of land, or other property, specially benefited by the improvement by mailing to the owner or reputed owner of the property as shown on the tax rolls of the ~~county treasurer~~ County Treasurer, at the address shown thereon, a notice setting forth the nature of the proposed improvement, the total estimated cost, and the estimated benefits to the particular lot, tract or parcel, and the date of the hearing before the ~~city council~~ City Council; such notice shall be mailed as herein provided at least fifteen (15) days before the date fixed for such hearing. The resolution shall be published in at least two consecutive issues of the official newspaper of such city, the date of the first publication to be at least fifteen days prior to the date fixed by such resolution for hearing before the ~~city council~~ City Council.

3.20.060 Authorization of improvement

Upon the conclusion of the hearing previously held, should the ~~council~~ Council in its judgment deem the improvement to be a public benefit and necessary to the health, welfare and public interest of the community, the ~~council~~ Council shall authorize the improvement by ordinance subject to the provision of Remington Revised Statutes Nos. 9363 and 9365 (RCW 35.43.130; 35.43.180; Chapter 35.44).

3.20.070 Award of contract –Supervision of work

After the ~~city council~~ City Council shall have provided by ordinance for the making of any local improvement, plans therefor shall be approved, bids called and the contract let as hereinafter provided, and the work supervised by the ~~city engineer~~ City Engineer.

3.20.080 Assessment roll –Preparation, filing and hearing

A. Upon completion of all work made a portion of the improvement, by the ordinance creating such improvement district, and upon the expiration of the lien period for labor and materials liens as provided for in Section 3.20.200, or upon the final settlement and adjudication of all claims thereunder, so that the entire cost and expenses of the local improvement district is known, the ~~city engineer~~ City Engineer shall certify to the ~~city council~~ City Council the total cost and expense of the improvement and prepare, for submission to the ~~city council~~ City Council, an assessment roll in which each lot, tract, parcel or other portion of land shall have assessed against it the just and fair proportion of the actual total expense, in proportion as the lot, tract, parcel or other portion of real estate is benefited by the work involved.

B. The assessment roll shall be filed with the ~~city clerk-treasurer~~ City Clerk, as prepared by the ~~city engineer~~ City Engineer, shall contain the description of each lot, tract or parcel of land or other property to be assessed, the amount to be charged, levied or assessed against the same, and the name of the owner thereof, if known; but in no case shall a mistake in the name of the owner be fatal when the description of the property is correct.

C. The ~~city council~~ City Council upon receipt of such assessment roll, shall fix a date for hearing thereon and direct the clerk to give notice of such hearing and the time and place thereof. Such notice shall notify all persons who may desire to object thereto to make such objections in writing and to file same with such clerk at or prior to the date of hearing, and such notice shall be published at least five times in the official daily newspaper or two times in the official weekly newspaper, provided that at least fifteen days must elapse between the date of the last publication thereof and the date fixed for such hearing. At the time fixed for such hearing, the ~~city council~~ City Council shall sit as a board of equalization on the assessment roll, and at such hearing will consider such objections and make revisions therein as provided by state law.

D. Notice of the time and place of hearing on such assessment roll shall also be given to the owner or reputed owner of the property whose name appears thereon by mailing a notice thereof at least fifteen (15) days before the date fixed for the hearing, to such owner or reputed owner at the address of such owner as shown on the tax rolls of the ~~county treasurer~~ Treasurer for the property described on the list.

3.20.090 Assessment roll –Approval

Approval of all assessment rolls shall be by ordinance. An ordinance confirming any assessment roll shall levy and assess against each lot, tract, parcel of land, or other property appearing upon said roll, the amount charged against the same. Upon the enactment of such ordinance the roll shall be transmitted without delay to the ~~city treasurer~~ Finance Director with the ~~city clerk's~~ City Clerk's certificate that the same has been duly approved by ordinance.

3.20.100 Modes of payment –Penalty for delinquency

There shall be two modes of making payment for such portion of the cost and expense of any improvement provided for in this chapter, as shall be payable by special assessments: immediate payment, and payment by warrants and/or bonds. The mode adopted shall be the mode petitioned for, in case the improvement shall be made upon petition, or the mode shall be the one which the ~~council~~ Council shall designate in the ordinance ordering such improvement.

A. Mode of Immediate Payment. Whenever the cost and expense of any improvement is payable by the mode of immediate payment, the ~~city clerk-treasurer~~ City Clerk shall, upon receipt of such roll, publish a notice in the official paper of the ~~city~~ City for ten (10) consecutive daily, or two (2) consecutive weekly issues, that the said roll is in the ~~city clerk-treasurer's~~ City's hands for collection and that any assessment thereon or any portion of any such assessment may be paid at any time within thirty (30) days from the date of the first publication of the notice, without penalty, interest or costs, and that unless payment be made within such time, such assessment or unpaid portion thereof will become delinquent. Upon delinquency a penalty of five percent shall attach to, and become a part of, all such assessments. Delinquent assessments shall bear interest at the rate of five percent per year until paid. Such delinquent assessments with penalty and interest shall be collected without delay and the lien thereof be enforced in the manner provided by law and the ordinances of the ~~city~~ City.

B. Mode of Payment by Warrants and/or Bonds. Whenever the cost and expense of any improvement shall be payable by the mode of payment by warrants and/or by bonds, the whole or any portion of any assessment levied on account of such improvements may be paid without penalty or interest during the first thirty (30) days following the date of the first publication of a notice by the ~~city clerk-treasurer~~ City Clerk that such assessment and assessment roll is in the ~~city clerk-treasurer's~~ City's hands for collection, and the unpaid balance, if any, may be paid in equal annual installments, the number of which shall equal the number of years which the bonds to pay for the improvement may run; or, the lien of any such assessment may be discharged at any time after the said thirty (30) days by paying the entire unpaid portion thereof with all penalty and costs attaching, together with all interest thereon to date of delinquency of the installment thereof next falling due. The first installment shall become due and payable during the thirty-day period succeeding a date one year after the date of first publication of such notice, and annually thereafter each succeeding installment shall become due and payable in like manner. If the whole or any portion of any assessment remains unpaid after the first thirty-day period provided for herein, interest upon the whole unpaid sum shall be charged at the rate fixed in the ordinance providing for such improvement, and each year thereafter one of the installments, together with the interest due upon the whole of the unpaid balance shall be collected. Any installment not paid prior to the expiration of the thirty-day period during which such installment is due and payable, shall thereupon become delinquent. All delinquent installments shall, until paid, be subject to a charge for interest at the bond or warrant rate, and to an additional charge of five percent penalty levied upon both principal and interest due on such installment or installments.

3.20.110 Notice by publication and mail

Whenever the assessment roll of an assessment payable by the mode of payment by warrants and/or bonds has been placed in the hands of the ~~city clerk-treasurer~~ City for collection, the ~~city clerk-treasurer~~ City Clerk shall publish a notice in the official newspaper of the ~~city~~ City for ten (10) consecutive daily or two (2) consecutive weekly issues that the said roll is in the ~~city clerk-treasurer's~~ City's hands for collection and that any assessment thereon or any portion of such assessment may be paid at any time within thirty (30) days from the date of the first publication of the notice without penalty or costs. Whenever any subsequent installment of an assessment payable by the mode of payment by warrants and/or bonds becomes due and payable, the ~~city clerk-treasurer~~ City Clerk shall publish notice thereof for one daily or one weekly issue of the official newspaper. The date of the publication shall be at least thirty (30) days prior to the date of the delinquency of such installment. In all cases of assessment or installments thereof becoming due and payable, the ~~city clerk-treasurer~~ City shall mail a copy of the notice required to be published to the owner of the property assessed, when the post office address of the owner is known, but failure to mail the same shall not be fatal when publication is made.

3.20.120 Special fund for each improvement district

The ordinance confirming any assessment roll shall also create a special fund to be called Local Improvement Fund, District No. _____, into which shall be placed all sums paid on account of such assessment, including all interest and penalty thereon, and in event of sale of bonds by the ~~city~~ City, all premiums and accrued interest on bonds issued for such improvement.

3.20.130 Issuance of bonds

At the expiration of thirty (30) days after the date of first publication of the ~~clerk-treasurer's~~ City Clerk's notice referred to in Section 3.20.110, the ~~city clerk-treasurer~~ Finance Director shall report the total amount of the assessment, the total amount paid to ~~that city clerk-treasurer~~ City to redeem any lots, tracts, parcels of land or

other property from the assessment levies thereon, and the total amount unpaid on such assessment. Whereupon, if bonds are to be issued, the ~~mayor~~ Mayor and the ~~city clerk-treasurer~~ City Clerk shall issue the bonds of the local improvement district established by the ordinance providing for such improvement in an amount equal to the amount remaining unpaid on the assessment roll as shown by such report. The bonds provided for in this section shall not be issued prior to twenty (20) days after the expiration of the thirty (30) days mentioned above. Such bonds shall be in denominations of one hundred dollars each, except bonds numbered one, which shall be in an amount not to exceed two hundred dollars; provided, that the ~~city council~~ City Council may in the ordinance confirming the assessment roll designate any different denomination for such bonds. Such bonds shall be numbered from one upwards consecutively, and each bond and coupon shall be signed by the ~~mayor~~ Mayor and attested by the ~~city clerk-treasurer~~ City Clerk; provided, however, that such coupons may, instead of being so signed, have printed thereon the facsimile of the signatures of such officers, and each bond shall have the seal of the ~~city~~ City impressed thereon and shall refer to the improvement, to pay for which the same shall be issued, and to the ordinance ordering the same; and provided further, that the ~~city council~~ City Council may by the ordinance confirming any assessment roll authorize the ~~city clerk-treasurer~~ Finance Director to purchase, with moneys from any trust fund of the ~~city~~ City, warrants issued against the local improvement fund in an amount equal to the amounts unpaid on the assessment rolls in lieu of issuing bonds on such local improvement district as provided in this section. Any money so invested by the ~~city clerk-treasurer~~ Finance Director in the purchase of local improvement district warrants shall be repaid in the same manner and draw interest at the same rate as would the local improvement district bonds had they been issued.

3.20.140 Terms of bonds –Interest

Such bonds by their terms shall be made payable on or before a date not to exceed ten years from and after the date of the issuance of such bonds, which date may be fixed by resolution or may be fixed by the ordinance confirming the assessment roll. Such bonds shall bear interest at the rate provided by the ordinance ordering the improvement, but not exceeding eight percent per year, such interest to be payable annually. Each bond shall have attached thereto interest coupons for each interest payment.

3.20.150 Form of bonds

All bonds issued in pursuance of the provisions of this chapter shall be in substantially the following form:

Local Improvement Bonds, District No. _____ of the City of Olympia, State of Washington.

No. _____.

This bond is issued by virtue of the provisions of Chapter 98, Laws of 1911 of the Legislature of the State of Washington, entitled, "An Act relating to local improvements in cities and towns and repealing certain acts and parts of acts," approved March 17, 1911, and acts amendatory thereof.

This bond is guaranteed as provided by Chapter 209, Laws of 1927 of the State of Washington, Section 5 of which act reads as follows:

"Neither the holder nor the owner of any bond or warrant issued under the provisions of this act shall have any claim therefor against the city or town by which the same is issued, except for payment from the special assessments made for the improvement for which said bond or warrant was issued, and except as against the local improvement guaranty fund of such city or town, and the city or town shall not be liable to any holder or owner of such bond or warrant for any loss to the guaranty fund

occurring in the lawful operation thereof by the city or town. The remedy of the holder or owner of a bond or warrant in case of non-payment shall be confined to the enforcement of the assessment and to the guaranty fund."

The City of Olympia, a municipal corporation of the State of Washington, hereby promises to pay to bearer _____, lawful money of the United States, with interest thereon at the rate of ____ percent per annum, payable annually out of the fund established by Ordinance No. ____ of said city, and known as Local Improvement District Fund No. ____ and not otherwise, both principal and interest payable at the ~~City Hall office of the City Clerk-Treasurer of said city.~~

A coupon is hereto attached for each installment of interest to accrue hereon, and said interest shall be paid only on presentation and surrender of such coupons to the ~~City Clerk-Treasurer~~ Finance Director, but in case this bond is called for payment before its maturity, each and every coupon representing interest not accrued at the time this bond is payable under such call, shall be void. This bond is payable on or before the ____ day of _____, _____, and is subject to call by the ~~City Clerk-Treasurer~~ Finance Director of said city whenever there shall be sufficient money in said Local Improvement District Fund to pay the same and all unpaid bonds of the series of which this bond is one, which are prior to this bond in numerical order, over and above sufficient for the payment of interest on all unpaid bonds of said series. The City Council of said city, as the agent of said Local Improvement District No. ____ established by Ordinance No. ____ has caused this bond to be issued in the name of said city, as the bond of said Local Improvement District, the bond or proceeds thereof to be applied in part payment of so much of the cost and expense of the improvement of _____ by _____ and by doing such other work as may be necessary in connection therewith, under said Ordinance No. _____, as is levied and assessed against the property included in said Local Improvement District and benefited by said Improvement, and the said Local Improvement District Fund No. ____ has been established by Ordinance for said purpose and the holder or holders of this bond shall look only to said fund and the Local Improvement Guaranty Fund for the payment of either the principal or interest on this bond.

The call for payment of this bond, or any bond of the series of which this is one, shall be made by the ~~City Clerk-Treasurer~~ Finance Director by publishing the same in the city official newspaper of said city, and when such call is made for the payment of this bond, it will be paid on the day the next interest coupon hereon shall become due, after said call, and upon said day interest upon this bond shall cease, and any remaining coupons shall be void.

This bond is one of a series of _____ bonds aggregating in all the principal sum of _____ issued for said Local Improvement District, all of which bonds are subject to the same terms and conditions as herein expressed.

In witness whereof, the City of Olympia has caused these presents to be signed by its Mayor and attested by its City Clerk, and sealed with its corporate seal this ____ day of _____, in the year of our Lord, _____.

THE CITY OF OLYMPIA

By _____

MAYOR

Attest: _____(Seal)_____

City Clerk

3.20.160 Bond registry

The ~~city clerk-treasurer~~ Finance Director shall keep in the ~~city clerk-treasurer's office~~ a register of all such bonds issued. The ~~city clerk-treasurer~~ Finance Director shall enter therein the local improvement fund district number for which the same are issued and the date, amount and number of each bond and the term of payment.

3.20.170 Foreclosure of delinquent assessments

A. Whenever in the ~~city~~ City on the first day of January of any year two installments of any local improvement assessment are delinquent, or the final installment thereof has been delinquent for more than one year, the ~~city~~ City shall, on or before the first day of June of such year, proceed with the foreclosure of all such delinquent assessments of installments or installment thereof, as the case may be, by proceedings in court therefor in an action brought in its own name in the superior court of Thurston County; provided, that the ~~city clerk-treasurer~~ City shall mail or cause to be mailed to the person or persons whose name or names appear upon said assessment roll as the owner or owners of any lot, tract or parcel of land at the person's address as last known to the ~~clerk-treasurer~~ City; such notice to be mailed at least thirty (30) days before commencement of any such foreclosure proceedings and shall state the amount due upon each separate lot, tract or parcel of land and the date after which foreclosure proceedings will be commenced. The ~~clerk-treasurer~~ City shall file with the clerk of the court at the time of commencement of such proceedings proof of having mailed such notice by affidavit of the party mailing the same; such affidavit shall be conclusive proof of compliance with the above requirements. It shall not be necessary to bring a separate suit for each separate lot, tract or parcel of land or other property or for each separate local improvement district, but all or any part of the property so delinquent under any and all assessment rolls or local improvement districts in the ~~city~~ City may be proceeded against in the same action and all or any of the owners or persons interested in any of the property so delinquent may be joined as parties defendant in a single action to foreclose, and all or any liens for such delinquent assessments or installment or installments thereof may be foreclosed in such proceeding.

B. Every such proceeding shall be tried before the court without a jury and shall be initiated by filing with the clerk of the court a certificate of the ~~city clerk-treasurer~~ Finance Director setting forth a description of each such separate lot, tract or parcel of land or other property upon which such assessment or installment or installments is delinquent, the date of the delinquency and the amount thereof including penalty and interest thereon, the name of the owner thereof or that such owner is unknown as appears upon the assessment roll, the number and the date of passage of the ordinance authorizing the improvement, the number and date of passage of the ordinance confirming such assessment roll, and the number of such local improvement district. All such lots, tracts or parcels of land or other property may be include in one certificate. Such certificate shall be prima facie evidence of the regularity and legality of the proceedings connected therewith, and the burden of proof shall be upon the defendants.

C. Upon the filing of such certificate the ~~city clerk-treasurer~~ Finance Director shall, with such legal assistance as the ~~city council~~ City Council may provide, proceed with such foreclosure by summons served exclusively by publication in one general notice describing the property as the same is described upon the assessment rolls. Such summons shall be published once each week for four successive weeks in the official newspaper of the ~~city~~ City, and shall require the defendants and each of them to appear and answer said summons within sixty (60) days from the date of the first publication thereof. The publication of such summons shall be sufficient service thereof on all persons interested in the property described therein. The person or persons whose name

or names appear on the rolls as the owner or owners of such property shall be considered and treated as the owner or owners thereof for the purpose of foreclosure, and if upon the assessment roll it appears that the owner or owners of the property are unknown, then the property shall be proceeded against as belonging to an unknown owner or owners, and all persons owning or claiming to own, having or claiming to have an interest therein, are hereby required to take notice of the proceeding and of any and all steps thereunder.

D. In any such proceeding where the owner or parties interested in any particular lot, tract or parcel of land or other property included therein shall suffer a default the court may enter judgment of foreclosure and sale as to such parties and properties so in default and order sale thereof, and the action may proceed as to the remaining defendants and property. The judgment shall specify separately the amount of the assessment or installment or installments thereof, including interest, penalty and costs, chargeable to the several lots, tracts or parcels of land or other property in such proceeding. Such judgment shall have the effect of a separate judgment as to each such lot, tract or parcel of land or other property described in such judgment, and any appeal from such judgment shall not invalidate or delay the judgment except as to the property concerning which the appeal is taken. In entering judgment the court shall decree that such lots, tracts or parcels of land or other property be sold by the ~~city clerk-treasurer~~ City to enforce such judgment. Judgment may be entered as to any one or more separate lots, tracts or parcels of land or other property involved in such proceeding, and the court shall retain jurisdiction of the proceedings as to the balance.

E. The laws now or hereafter in force governing appeals from general tax foreclosure judgments shall apply to appeals from judgments had under this act.

F. All sales shall be held at the front door of ~~the city hall~~ Olympia City Hall and shall be made on Saturday between the hours of nine o'clock in the morning and four o'clock in the afternoon and shall continue from day to day (Sundays and holidays excepted) during the same hours until all lots, tracts or parcels of land or other property are sold. Notice containing a description of the property to be sold shall be given of the time and place where such sale is to take place by publication once each week for two successive weeks in the official newspaper of the ~~city~~ City. The date fixed for such sale shall be not less than ninety (90) days after the first publication of such notice. Said notice shall be substantially in the following form:

LOCAL IMPROVEMENT ASSESSMENT SALE: Public notice is hereby given that pursuant to local improvement assessment judgment of the Superior Court of the County of Thurston in the State of Washington, entered the day of _____, _____, in proceedings for foreclosure of local improvement assessment liens upon real property, as per provisions of law, that I shall on the day of _____, _____, at _____ o'clock at the front door of the City Hall in the City of Olympia in the County of Thurston, State of Washington, sell the following described lots, tracts or parcels of land or other property to satisfy the full amount of local improvement assessments, interest, penalty and costs adjudged to be due thereon together with interest accrued on such assessment to the date of sale and costs of sale as follows, to-wit:

(Description of property) (Amount due)

In witness whereof, I have hereunto set my hand this _____ day of _____, _____.

~~Treasurer~~ Finance Director of Olympia, County of Thurston, State of Washington.

G. At such sale each lot, tract or parcel of land or other property shall be sold to the person offering to pay therefor not less than the full amount of the assessments, interest, penalty and costs adjudged to be due thereon, and if no such offer is received shall be sold to the ~~city~~ City for such amount. If any bidder to whom

any property is stricken off at such sale does not pay the amount of the bidder's bid before ten a.m. on the day following the day of such sale, such property shall then be resold, or if the sale is closed, be deemed to have been sold to the ~~city~~ City. Any amount received upon such sale in excess of the amount of such assessment, penalty, interest and costs, shall be paid by the ~~city clerk treasurer~~ City to the clerk of the court for the benefit of the owner or owners of such property. Where foreclosure of two installments of the same assessment on any lot or tract is sought, the ~~city or town treasurer~~ City officer shall, upon payment of the installment first delinquent, together with interest, penalty, costs and charges, at any time before sale, cause such lot or tract to be dismissed from the action.

H. The purchaser of such property shall take the same subject to the lien of all unpaid general taxes and local improvement assessments other than the particular installment or installments thereof for which the lot, tract or parcel of land or other property was sold.

I. The ~~city clerk treasurer~~ City shall file with the clerk of the court, for deposit with other papers in the foreclosure action, proof of publication of the notice of sale, and a report of sale. The report shall contain the title and number of the action, a description of each lot or tract sold, the amount for which the same was sold, the date of sale thereof, and the name of the purchaser.

J. The ~~city clerk treasurer~~ City shall execute and deliver to a purchaser a certificate of purchase. All lots or tracts sold to the ~~city~~ City on the same day may be included in one certificate of purchase. The certificate shall be dated as of the date of the sale, contain the name of the owner as given on the assessment roll, a description of each lot or tract of land and the amount for which the same was sold, a brief designation of the improvement for which the assessment was levied, the name of the purchaser, a statement that the purchaser, the purchaser's successor or assigns, will be entitled to a deed at the expiration of the period of redemption provided for herein unless redemption be made, and shall be signed by the ~~clerk treasurer~~ appropriate City officer or official.

K. A certificate of purchase may be assigned by a written assignment, signed by the assignor and acknowledged in the same manner and before the same officers as provided for deeds. Certificates of purchase and assignments thereof may be recorded in the office of the auditor of the county wherein the land affected is situate.

L. Any lot or tract hereafter so sold shall be subject to redemption within two years from the date of sale. Redemptions may be made by the parties designated in, and shall be governed by, the statutes now or hereafter enacted which are applicable to redemptions from sales made under decrees foreclosing mortgages on real property; provided, the terms judgment debtor, or judgment debtor's successor in interest, as used in said statutes, shall be deemed and held, for the purpose of this section, to include an owner or a vendee; provided further, that the ~~city clerk treasurer~~ City shall perform the duties imposed by said statutes upon the sheriff.

M. Where the time for redemption shall have expired and no redemption shall have been made, the ~~city clerk treasurer~~ City shall execute and deliver to the purchaser, the purchaser's successor or assigns, of any lot a local improvement assessment deed. All property conveyed to the ~~city~~ City may be included in one deed. Such deed shall be prima facie evidence that the property therein described was assessed according to and as required by law, that the assessment was not paid, that the property was sold as required by law, that it was not redeemed, that the person executing the deed was the proper officer, and shall be conclusive evidence of the regularity of all other proceedings from the assessment up to and including the execution of the deed, and

of the installment or installments of the assessment, and that the same had not been paid prior to delinquency or at all.

C. The assessment roll and confirmatory order, or duly authenticated copies thereof, shall be prima facie evidence of regularity and legality of the proceedings connected therewith, and the burden of proof shall be upon defendants.

D. Where the owners and parties interested in any particular lot or tract shall default, the court may enter judgment of foreclosure and sale as to such parties and lots or tracts, and the action may proceed as to the remaining defendants and lots or tracts. The judgment shall specify separately the amount of the installment or installments, with interest, penalty, and costs chargeable to each lot or tract. The judgment shall have the effect of a separate judgment as to each lot or tract described in the judgment and any appeal shall not invalidate or delay the judgment except as to the property concerning which the appeal is taken. In the judgment the court shall order the lots or tracts therein described sold, and an order of sale shall issue pursuant thereto for the enforcement of the judgment. Judgment may be entered as to any one or more separate lots or tracts involved in the action, and the court shall retain jurisdiction of other properties.

E. All sales shall be subject to the right of redemption within two years from date of sale. The service of summons, and all proceedings except as otherwise prescribed herein, including appeal, order of sale, sale, redemption, and issuance of deed, shall be governed by the statutes now or hereafter in force relating to the foreclosure of mortgages on real property. For the purpose of this section the terms judgment debtor or successor in interest in the statutes governing redemption shall be deemed and held to include an owner or a vendee.

3.20.190 Call and payment of bonds and warrants

A. Should the ~~city clerk treasurer, in the city clerk treasurer's judgment,~~ City deem it wise and for the best interests of the ~~city~~ City and the local improvement district concerned, and if the ordinance setting up the assessment roll so specifies, the ~~city clerk treasurer~~ City may retire all warrants issued to cover the expense of the local improvement district by issuing, in redemption thereof, a series of local improvement district bonds in such sum as will retire all warrants issued, together with interest accruing thereon up to the date of the availability of the proceeds of the bond issued.

B. It shall be the duty of the ~~city clerk treasurer~~ Finance Director to call and pay in numerical order such outstanding bonds or warrants against any particular improvement fund as the ~~city clerk treasurer~~ City may be able to pay with the money on hand credited to such fund, and whenever the ~~city~~ City ~~clerk treasurer~~ shall have money on hand to the credit of such fund, but not sufficient to pay the whole of the next succeeding outstanding bond or warrant, the ~~city clerk treasurer~~ City may call in and pay such portion thereof as shall exhaust the amount of such fund.

C. Whenever the ~~city clerk treasurer~~ City shall pay a portion of any bond or warrant as provided above, the ~~city clerk treasurer~~ Finance Director shall endorse upon such bond or warrant the date and amount of such payment and take a receipt from the holder thereof, showing the number and description of such bond or warrant and the date, and amount so paid, which receipt the ~~clerk treasurer~~ Finance Director shall return with their ~~city clerk treasurer's~~ report as a voucher for the money so paid.

3.20.200 Local improvement contracts

A. All contracts for public improvements shall provide that at least fifteen percent of the amount due the contractor on estimates shall be retained to secure payment for labor performed thereon and material suppliers who have furnished materials therefor, and such labor and material suppliers shall for thirty (30) days after their work has been completed have a lien on such fifteen percent so reserved for labor done and materials furnished, which lien shall be senior to all other liens whether by judgment attachment or contract, and no improvement shall be deemed completed until the ~~city engineer~~ City Engineer shall have filed with the ~~city clerk-treasurer~~ City Clerk a statement signed by ~~that city clerk-treasurer~~ the City Engineer declaring the same to have been completed.

B. During the time allowed in the contract the ~~city engineer~~ City shall, on the last day of each month, issue an estimate of the amount of work completed during the month by the contractor, but shall after the date set for the completion of the contract furnish no estimate other than the final estimate issued after the completion of the work. Such final estimate issued by the ~~city engineer~~ City Engineer shall include, in addition to a statement of the amount of money due the contractor, a statement of the amount of money due the ~~city~~ City, same being the sums expended for abstracts, publishing, advertising lot ownerships and engineering prior to the date set for the completion of the contract, and the estimate shall also include the additional description charges specified in Section 3.20.230, all of which charges shall be paid as specified therein. All engineering expenses incurred after the time fixed in the contract for its completion shall be borne by the contractor as a penalty for failure to complete the work within the specified time.

C. The ~~city clerk-treasurer~~ Finance Director shall, upon order of the ~~city council~~ City Council, following the issuance of the estimate of the ~~city engineer~~ City Engineer deliver to the contractor money or warrants in an amount equal to eighty-five percent of such estimate. In case warrants are issued, they shall be drawn against the local improvement district fund under which the work is being done and shall bear interest at an amount to be fixed by the ordinance affirming the assessment roll; provided, that such interest shall accrue only from the date of the warrant to the date bonds are issued in redemption thereof, if bonds are to be issued, otherwise interest shall continue to accrue until warrants are paid.

D. The fifteen percent required to be held as a reserve to protect labor and material suppliers for thirty (30) days after the final completion of the improvement shall, at the expiration of such period, be paid to the contractor in warrants so far as the same shall be free from liens, which warrants shall bear interest from date of final acceptance of such work by the ~~city engineer~~ City Engineer and the ~~city council~~ City Council as outlined above. Immediately upon ascertaining the final estimate for any local improvement, the ~~city engineer~~ City Engineer shall file with the ~~city clerk-treasurer~~ City Clerk a certificate setting forth the total amount of the final estimate together with any accrued interest on warrants issued or to be issued to the contractor.

3.20.210 Contracts to lowest and best bidder –Notice check with bid

The ~~city council~~ City Council may provide that all the work to be done in any local improvement district shall be let in one contract, or at its option it may provide that the work in any local improvement district be subdivided and separate and distinct contracts be let for each subdivision thereof. All public improvements to be made by contract shall be let to the lowest and best bidder ~~therefor~~. Before awarding any such contract, or contracts, the ~~city council~~ City shall cause to be published, in the official newspaper of the ~~city~~ City a notice, where the expenditure required is less than five thousand dollars, by four successive publications, the first publication to be at least seven (7) days before the letting of such contract or contracts, inviting sealed proposals for such work, the plans and specifications whereof must, at the time of the publication of such notice, be on file in the

office of the ~~city clerk-treasurer~~ City Clerk, subject to public inspection. Such notice shall state generally the work to be done, and shall call for proposals for doing the same, to be sealed and filed with the ~~city clerk-treasurer~~ City Clerk on or before the day and hour named therein. All bids shall be accompanied by a certified check, payable to the order of the ~~city clerk-treasurer~~ City of Olympia, for a sum not less than five percent of the amount of the bid, and no bid shall be considered unless accompanied by such check.

3.20.220 Opening bids –Acceptance and rejection

At the time and place named such bids shall be publicly opened and read; no bid shall be rejected for informality but shall be received if it can be understood what is meant thereby. The ~~city council~~ City shall proceed to determine the lowest and best bidder and may let such contract to such bidder, or, if in its opinion all bids are too high, it may reject all of them and readvertise and in such case all checks shall be returned to the bidders by the ~~city clerk-treasurer~~ City; but if the contract is let, then, and in such case, all checks shall be returned to the bidders except that of the successful bidder, which shall be retained until the contract is entered into for making such improvement between the bidder and the ~~city~~ City in accordance with such bid, and the duly approved and accepted bond therefor be filed in the office of the ~~city clerk-treasurer~~ City Clerk. If the bidder fails to enter into such contract in accordance with the bidder's bid within ten (10) days from the date at which the bidder is notified that the bidder is the successful bidder, the ~~city clerk-treasurer~~ City shall ~~stamp across the face of the certified check, "Forfeited to the City of Olympia City Clerk," and shall~~ endorse and deliver the same to the ~~city clerk-treasurer~~ Finance Director to be deposited in the ~~city~~ City treasury to the credit of the proper local improvement fund, and the ~~city council~~ City shall readvertise for proposals for such work. The ~~city council~~ City Council shall not have the power to remit such forfeiture.

When the ~~city~~ City has advertised for competitive proposals and received no satisfactory bids for any improvement contemplated, the ~~city council~~ City may reject all bids presented and readvertise in their discretion, or, if in the judgment of the ~~council~~ City, such work can be performed, or supplies or materials furnished by the ~~city~~ City independent of contract, cheaper than under the lowest bid submitted, it may, after having so advertised and examined the bids, cause such work to be performed or supplies or materials to be furnished and independent of contract.

3.20.230 Subdistricts authorized

Whenever the ~~city council~~ City shall provide for the construction of any trunk sewer, it may divide the territory to be served thereby into subdistricts; the construction of such improvement may be made under separate contracts for such subdistricts thereof and the ~~city council~~ City may levy assessments in each subdistrict and issue bonds to be paid by the collection of assessments against property in each subdistrict independent of any other subdistrict; provided, however, that such subdistrict shall be set forth in the ordinance providing for such improvement and when it is proposed to pay any portion of the cost of such improvement from the ~~general fund~~ General Fund, such ordinance shall specify approximately the amount to be apportioned to each subdistrict.

3.20.240 City's contribution to be specified in ordinance

Every ordinance ordering any improvement as provided for in this chapter, shall declare what, if any, portion or proportionate amount of such cost and expense shall be borne by the ~~city~~ City out of any of its general funds, and shall direct that the remainder of such cost and expense be assessed against the property within the district in the manner provided by law.

3.20.250 Items of cost

In making an estimate of the cost and expense of any improvement as provided in this chapter, the ~~city engineer~~City Engineer shall include therein the estimated cost and expense of the engineering and surveying necessary for the improvement to be done by and under the ~~city engineer's~~City Engineer's direction and also the cost of ascertaining the ownership of lots and parcels of land included in the assessment district and the cost of advertising and publishing all notices required to be published, such figures to be revised when the assessment roll is being prepared, so as to include all actual costs and expenses incurred on the local improvement concerned, and also add a charge against each description of property upon any assessment roll the following sum: one dollar minimum per description, with an additional one dollar minimum per description for each installment year of the district; which sum in each particular case will be the charge for the cost of the accounting, clerical labor, books, and blanks incurred by the ~~city clerk-treasurer~~City in connection with such assessment, and in addition thereto, the final estimate shall include a sum of money sufficient to pay all accruing interest on warrants issued during construction or progress of the improvement, from date of issuance to ninety (90) days after completion of the improvement, or until the assessments on the assessment roll commence to draw interest, whichever is longer. As soon as all of the above-specified charges have been ascertained and included in the engineer's final progress estimate, the total amount thereof, with the exception of the interest item mentioned, shall be set forth in detail on a claim voucher drawn against the local improvement district, in favor of the current expense fund, of the ~~city~~City, and upon being audited and approved in the proper manner the same shall be ordered paid and the ~~city clerk-treasurer~~Finance Director shall draw a warrant in favor of the current expense fund, in full reimbursement of all advances made or to be made by the ~~city~~City for the benefit of the improvement.

The interest item mentioned above is to be retained in the local improvement district fund to meet the accruing interest on the warrants issued during the construction of the project.

3.20.260 Installment notes and certificates

A. In addition to the issuance of bonds and warrants in payment of the cost and expense of any local improvement, the ~~city~~City may also issue installment notes payable out of the local improvement district fund, where such notes are to be sold exclusively to another fund of the same municipality as an investment thereof. Such installment notes may be issued any time after the thirty-day period allowed by law for the payment of assessments of any district without penalty or interest, and may bear any denomination or denominations, the aggregate of which shall represent the balance of the cost and expense of the local improvement district which is to be borne by the property owners therein.

B. Application of local improvement district funds for the reduction of the principal and interest amounts due on any notes as provided herein to finance the improvement shall be made not less than once each year beginning with the issue date thereof. If more than one local improvement installment note is issued for a single district, the notes shall be numbered consecutively. All notes issued shall bear on the face thereof:

1. The name of the payee;
2. The number of the local improvement district from whose funds the notes are payable;
3. The date of issue of each note;
4. The date on which the note, or the final installment thereon shall become due;
5. The rate of interest, not to exceed eight percent, to be paid on the unpaid balance thereof; and
6. Such manual or facsimile signatures and attestations as are required by state statute or ~~city~~City ordinance to appear on the warrants of the ~~city~~City.

C. The reverse side of each installment note issued pursuant to this section shall bear a tabular payment record which shall indicate at prescribed installment dates, the receipt of any local improvement district funds for the purpose of servicing the debt evidenced by the notes. Such receipts shall first be applied toward the interest due on the unpaid balance of the note, and any additional moneys shall thereafter apply as a reduction of the principal amount thereof. The tabular payment record shall, in addition to the above, show the unpaid principal balance due on each installment note, together with sufficient space opposite each transaction affecting the note for the manual signature of the ~~clerk-treasurer~~ Finance Director or other properly designated receiving officer of the ~~city~~ City.

D. Whenever there are insufficient funds in a local improvement district to meet any payment of installment interest due on any note herein; a noninterest-bearing defaulted installment interest certificate shall be issued by the ~~city clerk-treasurer~~ Finance Director which shall consist of a written statement certifying the amount of such defaulted interest installment; the name of the payee of the note to whom the interest is due and the number of the local improvement district from whose funds the note and interest thereon is payable. The certificate herein provided shall bear the manual signature of the ~~city clerk-treasurer~~ Finance Director or their ~~city clerk-treasurer's~~ authorized agent. The defaulted installment interest certificate so issued shall be redeemed for the face amount thereof with any available funds in the local improvement guaranty fund.

E. Whenever at the date of maturity of any installment note issued pursuant to this section, there are insufficient funds in a local improvement district, due to delinquencies in the collection of assessments, to pay the final installment of principal due thereon, the note shall be redeemed with any available funds in the local improvement guaranty fund for the amount of the final installment.

F. All certificates and notes issued pursuant to this section are to become subject to the same redemption privileges as apply to any local improvement district bonds and warrants now accorded the protection of the local improvement guaranty fund as provided in RCW Chapter 35.54, and whenever the certificates or notes issued as provided herein are redeemed by the local improvement guaranty fund, they shall be held therein as investments thereof in the same manner as prescribed for other defaulted local improvement district obligations.

3.20.270 Acceleration of installment payments

Where in the formation of any local improvement district by the ~~city council~~ City Council, it shall be provided that payment of the local improvement assessments may be made in installments over a period of years, such installment payment provisions shall be subject to acceleration upon the following conditions:

Upon failure to make payment of any installment provided for in the local improvement assessment ordinance when due, the entire assessment, including deferred installments thereon, shall become due and payable and the collection thereof may be enforced in the manner prescribed for the collection of local improvement assessments; provided, however, that payment of such delinquent installment or installments due, together with interest, penalty and cost, at any time before the entry of judgment in foreclosure as provided by law, shall extend the time of payment on the remainder of the assessment the same as if there had been no delinquency or foreclosure.

3.20.280 Deferral of payments –Authorized by ordinance

In any case where an ordinance authorizing a local improvement so provides, the collection of payment of any or all local improvement district assessments payable by economically disadvantaged persons may be deferred

for a period of time not extending past the date established in the ordinance for payment of the final assessment.

3.20.290 Deferral of payments –Applicants

Applicants for deferral of payments hereunder may be property owners or other persons who, under the terms of a recorded contract of purchase, recorded mortgage, recorded deed of trust, or recorded lease are responsible under penalty of forfeiture, foreclosure or default as between vendor/vendee, mortgagor/mortgagee, trustor/trustee, and grantee, and beneficiary and lender, or lessor and lessee for the payment of local improvement district assessments.

3.20.300 Deferral of payments –Economically disadvantaged defined

Any applicant for deferral of payment hereunder must qualify as economically disadvantaged. For the purposes of this chapter, a person shall be deemed to be economically disadvantaged if such person meets the qualifications of the definition of "Low and Moderate Income Families in the State of Washington," as defined by the United States Department of Housing and Urban Development from time to time.

3.20.310 Deferral of payments –Determination of eligibility –Appeal

All applications for deferral of payments hereunder shall be made to the ~~city manager~~City Manager upon such forms as the ~~city manager~~City Manager may prescribe, and the ~~city manager~~City Manager shall make all determinations as to eligibility. In the event any person is aggrieved by any decision of the ~~city manager~~City Manager hereunder City Manager's, the person may appeal such decision by notice in writing to the ~~city council~~ which City's Hearing Examiner, who shall hear and finally determine such appeal upon reasonable notice to the appellant.

3.20.320 Payment required by designated date

Nothing under this chapter shall be deemed to forgive payment of any local improvement district assessments which, in any event, shall be due (inclusive of principal and all accrued interest) no later than the date established in the ordinance creating the LID for payment of the final assessment. Any delinquent local assessments may be foreclosed in the manner provided by law.

DRAINAGE UTILITY

3.22.000 Chapter Contents

Sections:

- 3.22.010 Utility defined.
- 3.22.020 Established--Powers.
- 3.22.030 Fund established.
- 3.22.040 Duty of ~~city~~City not extended.

3.22.010 Utility defined

The following words, when used in this chapter, shall have the following meanings unless the context clearly indicates otherwise: "Utility" means the ~~city~~City storm drainage utility, a utility which operates and maintains

the storm water or surface water drains, channels and facilities, outfalls for storm drainage and the rights and interests in property relating to the system.

3.22.020 Established –Powers

There is established the ~~city~~City storm drainage utility, to be administered and operated by the department of public works. The utility is authorized to exercise all of the lawful powers necessary and appropriate to plan for, finance, acquire, construct, develop, improve, maintain and operate all storm water control facilities acquired after the effective date of the ordinance codified in this chapter, including, without limitation, all the lawful powers to fix, alter, regulate and control the rate, charges and conditions for the use thereof and full power to enter into agreements with other agencies as permitted by law.

3.22.030 Fund established

A. There is created a fund which shall be known as the storm drainage utility fund. All revenues, assessments, and other charges collected by the utility, or otherwise received for drainage purposes or attributable to the operation and maintenance of the utility, and all loans to or grants or funds received for its construction, improvement and operation, shall be deposited in the utility fund. All disbursements for costs of data collection, planning, designing, constructing, acquiring, maintaining, operating and improving the drainage utility facilities, whether such facilities are natural, constructed or both, and administering the utility shall be made from the storm drainage utility fund.

B. The ~~city~~City may create, at such time or times as it deems appropriate, any other funds necessary for the administration of the utility and may designate the revenues to be placed therein and the purpose or purposes of such funds which may be the same as or similar to the purposes designated in this section for the utility fund created in this section, and such purposes shall then be transferred to such newly created fund.

3.22.040 Duty of ~~city~~City not extended

Nothing in this chapter shall be construed to create a duty on the part of the ~~city~~City or the utility to insure or protect individual persons or property against water drainage not otherwise imposed by law.

Chapter 3.24 PUBLIC LANDS

3.24.000 Chapter Contents

Sections:

Article I. OLD OLYMPIA WATERSHED

- 3.24.010 Description.
- 3.24.020 City to retain ownership--Use.
- 3.24.030 Disposition of income.
- 3.24.040 Preservation.

Article II. SYLVESTER PARK

3.24.050 Description.

3.24.060 City interest to be retained.

Article I. OLD OLYMPIA WATERSHED

3.24.010 Description

The Old Olympia Watershed is best described as that property of the ~~city~~ City ~~now under the jurisdiction of the city water department,~~ known as the Moxlie Creek Watershed, and consisting of one hundred sixty-six acres, more or less, within the following described area: Swan’s Addition, Cullen’s Addition, Steven’s Addition, Vacated Kasson’s Addition, Wildwood Addition, and E. H. Wilson’s D.L.C., all in Olympia, Thurston County, Washington.

3.24.020 City to retain ownership –Use

The Old Olympia Watershed, including the timber thereon, shall be retained in the ownership of the ~~city~~ City, and it shall never be used for other than an emergency city water supply, or other public purpose unless such other use is approved by a vote of the people.

3.24.030 Disposition of income

Any income realized from the area, from whatever source derived, other than from the sale of water for public consumption, shall be used solely for the maintenance and development of the area itself.

3.24.040 Preservation

Every effort shall be made to preserve the natural beauty of the area.

Article II. SYLVESTER PARK

3.24.050 Description

Sylvester Park is best described as the public square bounded by Capitol Way, Legion Way, Washington Street and East Seventh Street, all in the ~~city~~ City of Olympia, Thurston County, Washington.

3.24.060 City interest to be retained

~~The interest of the city~~ Although owned by the State of Washington, the public interest* in Sylvester Park shall never be disposed of in any manner unless the proposal is approved by a vote of the people.

NOTE: *The City of Olympia conditioned the transfer of Sylvester Park to the State of Washington on its continued use for the benefit of the public.

Chapter 3.28 FRANCHISE APPLICATION FEES

3.28.000 Chapter Contents

Sections:

3.28.010 Designated.

3.28.010 Designated

All applicants for franchises under Section 5.15.120 and for master permits or Telecommunication Right-of-Way Use Authorizations under Title 11 of this Code from the City are required to pay to the ~~clerk-treasurer~~ City with their application therefor an amount determined by City ordinance or resolution necessary for the purpose of defraying the expense of administering the application.

Chapter 3.32 ADMISSION TAX

3.32.000 Chapter Contents

Sections:

- 3.32.010 Definitions.
- 3.32.020 Imposed.
- 3.32.030 Price to be printed on ticket.
- 3.32.040 Duty to collect and remit--Reports.
- 3.32.050 Extensions and penalties.
- 3.32.060 Certificate of registration--Issuance and validity.
- 3.32.070 Certificate of registration--Temporary amusement.
- 3.32.080 Payment upon disposal of business.
- 3.32.090 Revenue to be deposited in current expense fund.
- 3.32.100 Power to adopt regulations for administration and enforcement.
- 3.32.110 Effective date.
- 3.32.120 Violation--Penalty.

3.32.010 Definitions

For the purposes of this chapter, words and phrases shall have the following meanings:

A. "Admissions charge," in addition to its usual and ordinary meaning, includes but is not limited in meaning to the following:

1. A charge made for season tickets or subscriptions;
2. A cover charge, or a charge made for use of seats and tables reserved or otherwise, and other similar accommodations;
3. A charge made for food and refreshment in any place where free entertainment, recreation, or amusement is provided;

4. A charge made for admission to any place defined in this section;
5. A charge made for rental or use of equipment or facilities for purposes of recreation or amusement; if the rental of the equipment or facilities is necessary to the enjoyment of the privilege for which a general admission is charged, the combined charges shall be considered as the admission charge;
6. Automobile parking charges if the amount of the charge is determined according to the number of passengers in the automobile.

~~B.~~—"Clerk" means the city clerk treasurer.

BE. "Nonprofit organization" means an organization, corporation, or association organized and operated for the advancement, appreciation, public exhibition or performance, preservation, study and/or teaching of the performing arts (music, drama, opera, dance or like activity), visual arts, history or science, which for reason of its nonprofit status is considered exempt by the United States government from federal income taxation pursuant to Section 501(C)(l) or (3) of the Internal Revenue Code of 1954, 26 U.S.C. Section 501, as now existing or hereafter amended; or a nonprofit organization which sponsors community-wide festival events.

CD. "Person" means any individual, receiver, assignee, firm, copartnership, joint venture, corporation, company, joint stock company, association, society or any group of individuals acting as a unit, whether mutual, cooperative, social, nonprofit or otherwise.

DE. "Place" includes, but is not restricted to, theaters, dance halls, taverns, cabarets, amphitheaters, auditoriums, stadiums, athletic pavilions and fields, skating rinks, circuses, sideshows, swimming pools, outdoor amusement parks, and such attractions as merry-go-rounds, ferris wheels, dodge 'ems, roller coasters, observation towers, and private clubs.

3.32.020 Imposed

There is levied and imposed a tax at the rate of one cent per twenty cents or fraction thereof, paid as an admission charge, upon any person who pays to any place such admission charge, as those terms are defined in Section 3.32.010; provided, that such tax shall not apply to any person paying an admission charge to any activity of any elementary or secondary school or to any opera, concert, recital or like musical entertainment; any play, puppet show or dramatic reading; any exhibition of painting, sculpture or artistic or historical objects; or to a museum or any historical or scientific vessel, or any scientific exhibition, or to other like performances or events when a nonprofit organization, as defined in Section 3.32.010, publicly sponsors such activity and receives the use and benefit of admission charges collected therefor, or to a carnival held as part of a community-wide festival event sponsored by a nonprofit organization; or to an event or activity sponsored by the ~~city~~ City or where the net proceeds are contributed to a ~~city~~ City program. For purposes of this exemption for carnivals, "sponsored" means held pursuant to an agreement between the nonprofit organization and the carnival company or organization whereby the nonprofit organization shall receive an amount equal to at least fifteen percent of the gross admission charges collected during the carnival event.

3.32.030 Price to be printed on ticket

The price, exclusive of the tax to be paid by the person paying for admission, at which every admission ticket or car is sold shall be conspicuously and indelibly printed or written on the face or back of that part of the ticket which is to be taken up by the management of the place to which admission is gained; and it is unlawful

for any person to sell an admission ticket or card on which the name of the vendor or the price is not so printed, stamped, or written, or to sell an admission ticket or card at a price in excess of the price printed, stamped, or written thereon.

3.32.040 Duty to collect and remit –Reports

A. Every person receiving any payment for admissions on which a tax is levied under this chapter shall collect the amount of the tax imposed from the person making the admission payment. The tax required to be collected under this chapter shall be deemed to be held in trust by the person required to collect the same until paid to the ~~clerk~~City as provided. Any person required to collect the tax imposed under this chapter who fails to collect the same or, having collected the same, fails to remit the same to the ~~clerk~~City in the manner prescribed by this chapter, whether such failure is the result of the person's own act or the result of acts or conditions beyond the person's control, shall nevertheless be personally liable to the ~~city~~City for the amount of such tax and shall, unless the remittance is made as required, be guilty of a violation of this chapter.

B. The tax imposed under this chapter shall be collected at the time the admission charge is paid by the person seeking admission to any place and shall be reported and remitted by the person receiving the tax to the ~~clerk~~City in the quarterly installments and remittances therefor on or before the fifteenth day of the month next succeeding the end of the quarterly period in which the tax is collected or approved; provided, that the first return and remittance under this chapter shall be made on or before the fifteenth day of July, 1961, and shall cover the period from and including May 1, 1961, to and including June 30, 1961. Payment or remittance of the tax collected may be made by check unless payment or remittance is otherwise required by the ~~clerk~~City, but payment by check shall not relieve the person collecting the tax from liability for payment and remittance of the tax to the ~~clerk~~City unless the check is honored and is in the full and correct amount. The person receiving any payment for admissions shall make out a return upon such forms and setting forth such information as the ~~clerk~~City may require, showing the amount of the tax upon admissions for which the person is liable for the preceding quarterly period, and shall sign and transmit the same to the ~~city~~clerkCity with a remittance for said amount; provided, that the ~~clerk~~Finance Director may in their ~~clerk's~~ discretion require verified annual returns from any person receiving admission payments setting forth such additional information as the ~~clerk~~Finance Director may deem necessary to determine correctly the amount of tax collected and payable.

C. Whenever any theater, circus, show, exhibition, entertainment or amusement makes an admission charge which is subject to the tax levied under this chapter, and the same is of a temporary or transitory nature, of which the ~~clerk~~City shall be the judge, the ~~clerk~~Finance Director may require the report and remittance of the admission tax immediately upon the collection of the same, at the conclusion of the performance or exhibition, or at the conclusion of the series of performances or exhibitions or at such other times as the ~~clerk~~City shall determine; and failure to comply with any requirement of the ~~clerk~~City as to report and remittance of the tax as required shall be a violation of this chapter. The books, records and accounts of any person collecting a tax levied under this chapter shall, as to admission charges and tax collections, be at all reasonable times subject to examination and audit by the ~~clerk~~City.

3.32.050 Extensions and penalties

The ~~clerk~~Finance Director, for good cause shown, may extend the time for making and filing a return under this chapter, and may grant such reasonable additional time within which to make and file such return as the ~~clerk~~Finance Director may deem proper; provided, that any extension in excess of thirty (30) days shall be conditional on payment of interest of one-half of one percent for each thirty (30) days or portion thereof of the

amount of tax from the date such tax became due. If payment of the tax due under this chapter is not received by the ~~clerk-City~~ within ten (10) days of the due date thereof there shall be added to the tax a penalty of ten percent of the amount thereof, but in no case shall the penalty be less than one dollar. If any taxpayer fails to file a return under this chapter, within ten (10) days of the due date thereof, and it appears that there was no tax due or paid for the period for which no return was filed, the ~~clerk-City~~ may assess against such delinquent a penalty not to exceed three dollars for such failure. The ~~clerk-City~~ shall notify persons by mail of the amount of any penalties so added or assessed and the same shall become due and be paid within ten (10) days from the date of such notice.

3.32.060 Certificate of registration –Issuance and validity

Any person conducting or operating any place for entrance to which an admission charge is made shall, on a form prescribed by the ~~clerk-City~~, make application to and procure from the ~~clerk-City~~ a certificate of registration, the fee for which shall be ~~one dollar~~ determined by the City, which certificate shall continue valid as long as the registrant shall continue in business and pay the tax accrued to the ~~city-City~~ under this chapter. Such certificate shall be personal and nontransferable. Such certificate of registration shall be posted in a conspicuous place in each ticket or box office where tickets of admission are sold.

3.32.070 Certificate of registration –Temporary amusement

Whenever a certificate of registration is obtained for the purpose of operating or conducting a temporary or transitory amusement, entertainment or exhibition by persons who are not the owners, lessees or custodians of the building, lots or place where the amusement is to be conducted, the tax imposed by this chapter shall be reported and remitted as provided in Section 3.32.040 by said owner, lessee or custodian, unless paid by the person conducting the place. The applicant for a certificate of registration for such purpose shall furnish with the application therefor the name and address of the owner, lessee or custodian of the premises upon which the amusement is to be conducted, and such owner, lessee or custodian shall be notified by the ~~clerk-City~~ of the issuance of such certificate and the joint liability for collection and remittance of such tax.

3.32.080 Payment upon disposal of business

Whenever any person operating a place to which admission is charged quits business, or sells out, exchanges, or otherwise disposes of the person's business, any tax payable under this chapter becomes immediately due and payable, and such person shall, within ten (10) days thereafter, make a return and pay the tax due. Any person who shall become a successor to such business shall become liable for the full amount of such tax and withhold from the purchase price a sum sufficient to pay any tax due from such person until such time as such person shall produce a receipt from the ~~city-clerk-City~~ showing payment in full of any tax due or a certificate from the ~~clerk-City~~ to the effect that no tax is due, and, if such tax is not paid within ten (10) days from the date of the sale, exchange or other disposal, the purchaser or successor shall likewise thereupon become liable for the payment of the full amount of the tax, and the payment thereof by such purchaser or successor shall, to the extent of the amount of tax be deemed a payment on the purchase price, and if the payment is greater than the purchase price the amount of the difference shall become a debt due the purchaser or successor from the former owner.

3.32.090 Revenue to be deposited in current expense fund

All revenue collected from the tax imposed by this chapter shall be deposited to the credit of the ~~city-City~~ current expense fund.

3.32.100 Power to adopt regulations for administration and enforcement

The ~~clerk~~Finance Director shall have power to adopt rules and regulations not inconsistent with the terms of this chapter for carrying out and enforcing the payment, collection and remittance of the tax levied under this chapter; and a copy of such rules and regulations shall be on file and available for public examination ~~in the clerk's office~~. Failure or refusal to comply with any such rules and regulations shall be deemed a violation of this chapter.

3.32.110 Effective date

The tax levied and imposed by this chapter shall be collected and paid on and after May 1, 1943.

3.32.120 Violation – Penalty

Each violation of or failure to comply with the provisions of this chapter shall constitute a separate offense and shall subject the offender to a fine of not to exceed one hundred dollars or to imprisonment in the ~~city~~City jail for not to exceed (30) thirty days, or to both such fine and imprisonment.

Chapter 3.36 LEASEHOLD EXCISE TAX

3.36.000 Chapter Contents

Sections:

- 3.36.010 Levied.
- 3.36.020 Rate.
- 3.36.030 Administration and collection.
- 3.36.040 Exemptions.
- 3.36.050 Inspection of ~~city~~City records.
- 3.36.060 Contract with state.
- 3.36.070 Penalty for violation.

3.36.010 Levied

There is levied and shall be collected a leasehold excise tax on and after July 1, 1976, upon the act or privilege of occupying or using publicly owned real or personal property within the ~~city~~City through a "leasehold interest" as defined by RCW 82.29A.020. The tax shall be paid, collected, and remitted to the Department of Revenue of the State of Washington at the time and in the manner prescribed by RCW 82.29A.050.

3.36.020 Rate

The rate of the tax imposed by Section 3.36.010 shall be four percent of the taxable rent (as defined by RCW 82.29A.020); provided, that the following credits shall be allowed in determining the tax payable:

- A. With respect to a leasehold interest arising out of any lease or agreement, the terms of which are binding on the lessee prior to July 1, 1970, where such lease or agreement has not been renegotiated (as defined by RCW 82.29A.020) since that date, and excluding from such credit any lease or agreement, including options to renew, which extends beyond January 1, 1985, as follows:

1. With respect to taxes due in calendar year 1976, a credit equal to eighty percent of the tax produced by the above rate,
2. With respect to taxes due in calendar year 1977, a credit equal to sixty percent of the tax produced by the above rate,
3. With respect to taxes due in calendar year 1978, a credit equal to forty percent of the tax produced by the above rate,
4. With respect to taxes due in calendar year 1979, a credit equal to twenty percent of the tax produced by the above rate;

B. With respect to a product lease (as defined by RCW [82.29A.020](#)), a credit of thirty-three percent of the tax produced by the above rate.

3.36.030 Administration and collection

The administration and collection of the tax imposed by this chapter shall be in accordance with the provisions of RCW Chapter [82.29A](#).

3.36.040 Exemptions

Leasehold interests exempted by RCW [82.29A.130](#) as it now exists or may hereafter be amended shall be exempt from the tax imposed pursuant to Section [3.36.010](#) of this chapter.

3.36.050 Inspection of ~~city~~City records

The ~~city~~City consents to the inspection of such records as are necessary to qualify the ~~city~~City for inspection of records of the Department of Revenue pursuant to RCW [82.32.330](#).

3.36.060 Contract with state

The ~~mayor of the city~~City Manager is authorized to execute a contract with the Department of Revenue of the State of Washington for the administration and collection of the tax imposed by Section [3.36.010](#); provided, that the ~~city attorney~~City Attorney shall first approve the form and content of the contract.

3.36.070 Penalty for violation

Any person, firm or corporation convicted of the violation of any of the provisions of this chapter shall be fined not to exceed the sum of five hundred dollars.

Chapter 3.40 LODGING TAX

3.40.000 Chapter Contents

Sections:

- [3.40.010](#) Levied.
- [3.40.020](#) Definitions.

- 3.40.030 Tax imposed additional to others.
- 3.40.040 Special fund created.
- 3.40.050 Contract with The Washington Center.
- 3.40.060 Administration and collection.
- 3.40.070 Penalty for violation or noncompliance.

3.40.010 Levied

There is levied a special excise tax of four percent (4%) on the sale of or charge made for the furnishing of lodging that is subject to tax under Chapter 82.08 RCW. The tax imposed under Chapter 82.08 RCW applies to the sale of or charge made for the furnishing of lodging by a hotel, rooming house, tourist court, motel, or trailer camp, and the granting of any similar license to use real property, as distinguished from the renting or leasing of real property. It shall be presumed that the occupancy of real property for a continuous period of one month or more constitutes a rental or lease of real property and not a mere license to use or enjoy the same.

3.40.020 Definitions

The definitions of "selling price," "seller," "buyer," "consumer", and all other definitions as are now contained in RCW 82.08.010, and subsequent amendments thereto, are adopted as the definitions for the tax levied in this chapter.

3.40.030 Tax imposed additional to others

The tax levied in this chapter shall be in addition to any license fee or any tax imposed or levied under any law or any other ordinance of the ~~city~~City; provided, the first two percent (2%) of the tax shall be deducted from the amount of tax the seller would otherwise be required to collect and pay to the Department of Revenue under Chapter 82.08 RCW.

3.40.040 Special fund created

There is created a special fund in the treasury of the City, and all taxes collected under this chapter shall be placed in this special fund to be used solely for the purpose of paying all or any part of the cost of tourist promotion, acquisition of tourism-related facilities, or operation of tourism-related facilities or to pay for any other uses as authorized in Chapter 67.28 RCW, as now or hereafter amended.

3.40.050 Contract with The Washington Center

Nothing in this ordinance shall affect or modify the amount payable under the contract with The Washington Center for the Performing Arts in effect on the effective date of this ordinance.

3.40.060 Administration and collection

For the purposes of the tax levied in this chapter:

- A. The Department of Revenue is designated as the agent of the City for the purpose of collection and administration of the tax.

B. The administrative provisions contained by RCW [82.08.050](#) through [82.08.070](#) and in Chapter [82.32](#) RCW shall apply to administration and collection of the tax by the Department of Revenue.

C. All rules and adopted by the Department of Revenue for the administration of Chapter [82.08](#) RCW are adopted by reference.

D. The Department of Revenue is authorized to prescribe and utilize such forms and reporting procedures as the Department may deem necessary and appropriate.

3.40.070 Penalty for violation or noncompliance

It is unlawful for any person, firm, or corporation to violate or fail to comply with any of the provisions of this chapter. Every person convicted of a violation of any provision of this chapter shall be punished by a fine in a sum not to exceed \$500.00. Each day of violation shall be considered a separate offense.

Chapter 3.44 MOTOR VEHICLE EXCISE TAX

3.44.000 Chapter Contents

Sections:

[3.44.010](#) Levied.

3.44.010 Levied

There is levied an excise tax in the amount of one percent of the fair market value of every motor vehicle owned by a resident of the ~~city~~City, for the privilege of using the motor vehicle within the ~~city~~City; provided, however, in no event shall the tax on any such vehicle be less than one dollar.

Chapter 3.48 SALES AND USE TAX

3.48.000 Chapter Contents

Sections:

[3.48.010](#) Imposed.

[3.48.020](#) Rate.

[3.48.030](#) Administration and collection.

[3.48.040](#) Inspection of ~~city~~City records.

[3.48.050](#) Contract with state.

[3.48.060](#) Penalty for violation.

3.48.010 Imposed

There is imposed a sales or use tax, as the case may be, on every taxable event, as defined in RCW [82.14.020](#), occurring within the ~~city~~City. The tax shall be imposed upon and collected from those persons from whom the state sales or use tax is collected pursuant to RCW Chapters [82.08](#) and [82.12](#).

3.48.020 Rate

The rate of the tax imposed by Section 3.48.010 shall be one-half of one percent of the selling price or value of the article used, as the case may be; provided, however, that during such period as there is in effect a sales or use tax imposed by Thurston County, the rate of tax imposed by this chapter shall be four hundred twenty-five one-thousandths of one percent.

3.48.030 Administration and collection

The administration and collection of the tax imposed by this chapter shall be in accordance with the provisions of RCW 82.14.050.

3.48.040 Inspection of ~~city~~ City records

The ~~city~~ City consents to the inspection of such records as are necessary to qualify the ~~city~~ City for inspection of records of the Department of Revenue pursuant to RCW 82.32.330.

3.48.050 Contract with state

The ~~mayor and city clerk-treasurer are~~ City Manager is authorized to enter into a contract with the Department of Revenue of the State of Washington for the administration of the tax imposed in this chapter.

3.48.060 Penalty for violation

Any seller who fails or refuses to collect the tax as required with the intent to violate the provisions of this chapter or to gain some advantage or benefit, either direct or indirect, and any buyer who refuses to pay any tax under this chapter is guilty of a misdemeanor and on conviction thereof in the police court of the ~~city~~ City, shall be fined not more than five hundred dollars.

Chapter 3.50 ADDITIONAL SALES AND USE TAXES

3.50.000 Chapter Contents

Sections:

Article I. Additional Sales and Use Tax

- 3.50.010 Imposition of sales and use tax.
- 3.50.020 Rate of tax imposed.
- 3.50.030 Administration and collection of tax.
- 3.50.040 Consent to inspection of records.
- 3.50.050 Authorizing execution of contract for administration.
- 3.50.060 Special initiative.
- 3.50.070 Penalties.
- 3.50.080 Effective date.

Article II. Additional Sales and Use Tax for Public Safety and Criminal Justice

- 3.50.110 Findings.
- 3.50.120 Additional sales and use tax imposed.
- 3.50.130 Administration.

Article III. Additional Sales and Use Tax for Affordable and Supportive Housing

- 3.50.210 Findings.
- 3.50.220 Additional sales and use tax imposed.
- 3.50.230 Administration.

Article I. Additional Sales and Use Tax

3.50.010 Imposition of sales and use tax

In addition to any other sales and use tax imposed under this title, there is imposed a sales or use tax, as the case may be, as authorized by RCW 82.14.030(2), upon every taxable event, as defined in RCW 82.14.020, occurring within the ~~city~~ City of Olympia. The tax shall be imposed upon and collected from those persons from whom the state sales or use tax is collected pursuant to RCW Chapters 82.08 and 82.12.

3.50.020 Rate of tax imposed

The rate of the tax imposed by Section 3.50.010 shall be one-half of one percent of the selling price or value of the article used, as the case may be; provided, however, that during such period as there is in effect a sales tax or use tax imposed by Thurston County under Section 17(2), Chapter 49, Laws of 1982, First Extraordinary Session at a rate equal to or greater than the rate imposed by this section, the ~~county~~ County shall receive fifteen percent (15%) of the tax imposed by Section 3.50.010; provided, further, that during such period as there is in effect a sales tax or use tax imposed by Thurston County under Section 17(2), Chapter 49, Laws of 1982, First Extraordinary Session at a rate which is less than the rate imposed by this section, the ~~county~~ County shall receive from the tax imposed by Section 3.50.010 that amount of revenues equal to fifteen percent (15%) of the rate of the tax imposed by the ~~county~~ County under Section 17(2), Chapter 49, Laws of 1982, First Extraordinary Session.

3.50.030 Administration and collection of tax

The administration and collection of the tax imposed by this chapter shall be in accordance with the provisions of RCW 82.14.050.

3.50.040 Consent to inspection of records

The ~~city~~ City of Olympia consents to the inspection of such records as are necessary to qualify the ~~city~~ City for inspection of records of the Department of Revenue, pursuant to RCW 82.32.330.

3.50.050 Authorizing execution of contract for administration

The ~~mayor and clerk-treasurer~~ City Manager is authorized to enter into a contract with the Department of Revenue for the administration of this tax.

3.50.060 Special initiative

This chapter shall be subject to a special initiative. The number of registered voters needed to sign a petition for special initiative shall be twenty-five percent of the total number of votes cast for all candidates for ~~mayor~~ Mayor at the last preceding ~~city~~ City election. If a special initiative petition is filed with the ~~city council~~ City Council, the operation of this chapter shall not be suspended pending a final decision on the disposition of the special initiative. The procedures for initiative contained in RCW 35.17.240 through 35.17.360 shall apply to any such special initiative petition.

3.50.070 Penalties

Any seller who fails or refuses to collect the tax as required with the intent to violate the provisions of this chapter or to gain some advantage or benefit, either direct or indirect, and any buyer who refuses to pay any tax due under this chapter shall be guilty of a misdemeanor, and upon conviction thereof shall be fined no more than five hundred dollars or imprisoned for not more than six months, or be punished by both such fine and imprisonment.

3.50.080 Effective date

This chapter shall take effect April 1, 1983.

Article II. Additional Sales and Use Tax for Public Safety and Criminal Justice

3.50.110 Findings

The City Council (the "Council") of the City of Olympia, Washington (the "City"), makes the following findings and determinations:

1. RCW 82.14.450 authorizes cities to submit a proposition to the voters authorizing a sales and use tax increase of not more than one-tenth of one percent (the "Additional Sales and Use Tax"), provided that at least one-third of the revenues are dedicated to criminal justice purposes (as defined under RCW 82.14.340), fire protection purposes, or both.
2. The Council on July 10, 2012 adopted Resolution No. M-1780 (the "Ballot Resolution") authorizing submission to the qualified voters of the City a proposition authorizing the Additional Sales and Use Tax, for Public Safety and Criminal Justice purposes ("Proposition No. 1").
3. Proposition No. 1 was approved by the requisite number of voters at the election held on November 6, 2012 and its passage was certified by the County Auditor on November 27, 2012.
4. The Council finds that the City has satisfied all prerequisites to imposing the Additional Sales and Use Tax, including without limitation, the conditions set forth in RCW 82.14.450 and the Ballot Resolution.

3.50.120 Additional sales and use tax imposed

1. Tax Imposed; Effective Date. The Additional Sales and Use Tax shall be imposed at a rate of one tenth of one percent of the selling price in the case of a sales tax, or value of the article used, in the case of a use tax. The tax shall become effective on the earliest practicable date consistent with RCW 82.14.055.

2. Use of Additional Sales and Use Tax Receipts. City proceeds shall be used for Public Safety and Criminal Justice purposes to ensure that at least one-third of all proceeds from the Additional Sales and Use Tax shall be used for criminal justice purposes as defined in RCW [82.14.340](#). Receipts shall be distributed between the City and Thurston County in accordance with RCW [82.14.450](#).

3.50.130 Administration

The City Clerk is directed to cause a certified copy of the ordinance codified in this article to be delivered to the State of Washington Department of Revenue and any other public officers or agencies required by law. The City Finance Director and other appropriate officers are authorized and directed to enter into such contracts with and provide such notices to the State Department of Revenue and other appropriate state or local agencies for the collection and distribution of receipts of the tax imposed by this article as may be necessary or convenient consistent with chapter [82.14](#) RCW and other applicable law.

Article III. Additional Sales and Use Tax for Affordable and Supportive Housing

3.50.210 Findings

The City Council (the "Council") of the City of Olympia, Washington (the "City"), makes the following findings and determinations:

1. RCW [82.14.530](#) authorizes cities to submit a proposition to the voters authorizing a sales and use tax increase of not more than one-tenth of one percent, provided that the City's proceeds from said increase shall be used to construct affordable and supportive housing and for housing-related purposes, including mental and behavioral health-related facilities, and for costs for operations, maintenance, delivery, and evaluation of mental health programs and services, or housing-related services, all as permitted by state law.
2. On October 24, 2017, the Council adopted Resolution No. M-1912 (the "Ballot Resolution") authorizing submission to the qualified voters of the City a proposition authorizing an additional sales and use tax of not more than one-tenth of one percent for the Olympia Home Fund for supportive housing and housing-related purposes, including mental and behavioral health-related facilities ("Proposition No. 1").
3. Proposition No. 1 was approved by the requisite number of voters at the election held on February 13, 2018, and its passage was certified by the County Auditor on February 23, 2018.
4. The Council finds that the City of Olympia has satisfied all prerequisites to imposing the additional sales and use tax, including without limitation, the conditions set forth in RCW [82.14.530](#) and the Ballot Resolution.

3.50.220 Additional sales and use tax imposed

1. Tax Imposed; Effective Date. The additional sales and use tax shall be imposed at a rate of one-tenth of one percent of the selling price in the case of a sales tax, or value of the article used, in the case of a use tax. The tax shall become effective on the earliest practicable date consistent with RCW [82.14.055](#).
2. Use of Additional Sales and Use Tax Receipts. City proceeds shall be used for housing and housing-related services, including mental and behavioral health programs and facilities as required by RCW [82.14.530](#) and that a minimum of sixty (60) percent of the monies collected under RCW [82.14.530](#) shall be used for the housing and housing-related purposes as defined in RCW [82.14.530\(2\)\(a\)\(i\)](#), (ii), and (iii), and the remainder

of the monies collected shall be used for the operation, delivery, or evaluation of mental and behavioral health treatment programs and services or housing-related services as required by RCW [82.14.530\(2\)\(c\)](#).

3.50.230 Administration

The City Clerk is directed to cause a certified copy of the ordinance codified in this article to be delivered to the State of Washington Department of Revenue and any other public officers or agencies required by law. The ~~City's Administrative Services Director~~ City Manager and other appropriate officers are authorized and directed to enter into such contracts with and provide such notices to the State Department of Revenue and other appropriate state or local agencies for the collection and distribution of receipts of the tax imposed by this article as may be necessary or convenient consistent with Chapter [82.14](#) RCW and other applicable law.

Chapter 3.52 REAL ESTATE EXCISE TAX

3.52.000 Chapter Contents

Sections:

- [3.52.010](#) Imposition--Rate.
- [3.52.020](#) Taxable events.
- [3.52.030](#) Consistency with state tax, statutes.
- [3.52.040](#) Distribution of tax proceeds--Use limitations.
- [3.52.050](#) Seller's obligation.
- [3.52.060](#) Lien provisions.
- [3.52.070](#) Payment and collection of tax--Receipts and recordation.
- [3.52.080](#) Date payable--Penalty for late payment.
- [3.52.090](#) Excessive and improper payments.

3.52.010 Imposition –Rate

There is imposed a tax of one-half of one percent of the selling price on each sale of real property within the corporate limits of the ~~city~~ City.

3.52.020 Taxable events

Taxes imposed herein shall be collected from persons who are taxable by the state under RCW Chapter [82.45](#) and WAC [458-61](#) upon the occurrence of any taxable event within the corporate limits of the ~~city~~ City.

3.52.030 Consistency with state tax, statutes

The taxes imposed herein shall comply with all applicable rules, regulations, laws and court decisions regarding real estate excise taxes as imposed by the state under RCW Chapter [82.45](#) and WAC [458-61](#). The provisions of those chapters, to the extent they are not inconsistent with this chapter, shall apply as though fully set forth herein.

3.52.040 Distribution of tax proceeds –Use limitations

- A. The ~~county treasurer~~County Treasurer shall place one percent of the proceeds of the taxes imposed herein in the ~~county~~County current expense fund to defray costs of collection.
- B. The remaining proceeds from ~~city~~City taxes imposed herein shall be distributed to the ~~city~~City monthly, and those taxes imposed under Section 3.52.010 shall be placed by the ~~city treasurer~~Finance Director in a municipal capital improvements fund. These capital improvement funds shall be used by the ~~city~~City for local improvements, including those listed in RCW 35.43.040.
- C. This section shall not limit the existing authority of the ~~city~~City to impose special assessments on property benefitted thereby in the manner prescribed by law.

3.52.050 Seller's obligation

The taxes imposed herein are the obligation of the seller and may be enforced through the action of debt against the seller or in the manner prescribed for the foreclosure of mortgages.

3.52.060 Lien provisions

The taxes imposed herein and any interest or penalties thereon are the specific lien upon each piece of real property sold, from the time of sale or until the tax is paid, which lien may be enforced in the manner prescribed for the foreclosure of mortgages. Resort to one course of enforcement is not an election not to pursue the other.

3.52.070 Payment and collection of tax –Receipts and recordation

The taxes imposed herein shall be paid to and collected by the treasurer of the county within which is located the real property which was sold. The ~~county treasurer~~County Treasurer shall act as agent for the city within the county imposing the tax. The ~~county treasurer~~County Treasurer shall cause a stamp evidencing satisfaction of the lien to be affixed to the instrument of sale or conveyance prior to its recording or to the real estate excise tax affidavit in the case of used mobile home sales. A receipt issued by the ~~county treasurer~~County Treasurer for the payment of the tax imposed herein shall be evidence of the satisfaction of the lien imposed in Section 3.52.060 of this chapter and may be recorded in the manner prescribed for recording satisfactions or mortgages. No instrument of sale or conveyance evidencing a sale subject to the tax may be accepted by the ~~county auditor~~County Auditor for filing or recording until the tax is paid and the stamp affixed thereto; in case the tax is not due on the transfer, the instrument shall not be accepted until suitable notation of this fact is made on the instrument by the ~~county treasurer~~County Treasurer.

3.52.080 Date payable –Penalty for late payment

The tax imposed hereunder shall become due and payable immediately at the time of sale, and if not so paid within thirty (30) days thereafter, shall bear interest at the rate of one percent per month from the time of sale until the date of payment.

3.52.090 Excessive and improper payments

If, upon written application by a taxpayer to the ~~county treasurer~~ County Treasurer for a refund, it appears a tax has been paid in excess of the amount actually due or upon a sale or other transfer declared to be exempt such excess amount or improper payment shall be refunded by the ~~county treasurer~~ County Treasurer to the taxpayer; provided, that no refund shall be made unless the state has first authorized the refund of an excessive amount or an improper amount paid, unless such improper amount was paid as a result of a miscalculation. Any refund made shall be withheld from the next monthly distribution to the ~~city~~ City.

Chapter 3.56 DONATIONS

3.56.000 Chapter Contents

Sections:

- 3.56.010 Definition.
- 3.56.020 ~~Manager authorized to accept.~~ City Manager Authority
- 3.56.030 Disposition of property.
- 3.56.040 Acknowledgement of donations.
- 3.56.050 Policies and procedure.

3.56.010 Definition

As used in this chapter, the term "donation" refers to any money or property, real or personal, donated, devised or bequeathed, with or without restriction, to the ~~city~~ City.

3.56.020 Manager authorized to accept

~~The city manager~~ With the exception of real property, the City Manager is authorized to accept donations up to \$10,000 in value and to carry out any conditions thereof, if same is within the powers granted by law to the ~~city~~ City. ~~The city manager~~ City Manager may decline to accept a donation if such donation is not consistent with the policies, plans, goals or ordinances of the ~~city~~ City or if acceptance of same is contrary to law. All donations of real property and donations in value of \$10,000 or more shall be brought to City Council for authorization and approval by ordinance.

3.56.030 Disposition of property

The ~~city manager~~ City Manager shall hold, use or dispose of any property donated in accordance with any terms and conditions of said donation. If the donation is without conditions, the ~~manager~~ City shall hold, use or dispose of the property in the manner deemed most appropriate under the laws, policies, goals and plans of the ~~city~~ City; provided, that the ~~city manager~~ City Manager shall refer to the ~~city council~~ City Council the matter of use or disposition of real property. Monetary donations shall be deposited in the appropriate fund to carry out the conditions thereof; and if said donations are given without conditions said funds shall be deposited in the ~~general fund~~ General Fund to be appropriated pursuant to the budget process.

3.56.040 Acknowledgement of donations

The ~~city manager~~ City Manager or their designee shall, for each donation, communicate an acknowledgement of acceptance on behalf of the ~~city~~ City and express appropriate appreciation therefor.

3.56.050 Policies and procedure

The ~~city manager~~ City Manager shall promulgate appropriate policies and procedures, with the recommendation of the various ~~city~~ City departments, to encourage and facilitate the making of donations to the ~~city~~ City.

Chapter 3.60 SPECIAL PROPERTY TAX VALUATION

3.60.000 Chapter Contents

Sections:

- 3.60.010 Properties eligible for special property tax valuation.
- 3.60.020 Process to seek special property tax valuation; criteria for approval.
- 3.60.030 Tax reduction - expiration.

3.60.010 Properties Eligible for Special Property Tax Valuation; Criteria

Properties eligible for the special property tax valuation under Chapter 449, Laws of 1985 (RCW 84.26), shall include properties on which one or more buildings have been substantially rehabilitated (i.e., the actual cost of the rehabilitation incurred by the property owner is equal to at least twenty-five (25) percent of the assessed value of the building, exclusive of the assessed value attributable to the land, prior to construction of the improvements, where the buildings meet the following criteria:

- A. All buildings individually placed upon the Olympia Heritage Register pursuant to OMC 18.12, and which have retained major historic features; or
- B. Buildings in the pivotal and primary classifications of buildings within a Heritage Register Historic District and which have retained major historic features; or
- C. Buildings which are on the Olympia Heritage Register or are within an Olympia Heritage Register Historic District and which have lost major design feature(s). The Secretary of the Interior Standards for Treatment of Historic Properties (as amended) shall guide the restoration or improvement under this section. Provided, that the developer of the property shall have the option of replacing lost features through an accurate restoration or improving the property through a new adaptive design which is compatible with the size, scale, material and color of the historic building or the original feature.

3.60.020 Process to reduce property tax

- A. The Olympia City Council is hereby designated as the local Review Board to carry out the duties specified in this Chapter and in Chapter 449, Laws of 1985, Section 5 (RCW 84.26).
- B. A person seeking to establish a special property tax valuation for property eligible under OMC Section 3.60.010 and Chapter 449, Laws of 1985 (RCW 84.26), shall submit an application to the County Assessor under RCW 84.26.040 within twenty-four (24) months of the commencement of the rehabilitation for which the special property tax valuation is sought, and no later than October 1 of the calendar year preceding the first assessment year for which classification is requested. The County Assessor shall submit the application to the Olympia Heritage Commission within ten (10) days of receiving the application. The Heritage

Commission shall review the application and make a recommendation to the local Review Board within sixty (60) days of receipt of the application, but not later than September 1 of the calendar year preceding the first assessment year for which the classification is requested.

C. The local Review Board shall approve an application for a special property tax valuation if the property is eligible under Section 3.60.010 of this Chapter and under RCW Chapter 84.26.030, the property owner enters into an agreement with the local Review Board for a ten-year period meeting the requirements set forth below, and the rehabilitation upon which the application is based have not altered or in any way adversely affected those elements of the property which qualify it as historically significant. Whether an alteration adversely affects those elements which qualify a property as historically significant, shall be determined by the Review Board based on the Secretary of the Interior Standards for Treatment of Historic Properties (as amended). For purposes of this section, the elements of the property which are historically significant shall be those specified with the designation to the Heritage Register. The ten-year agreement with the local Review Board shall commence on the date of its approval and require the owner to:

1. Monitor the property for its continued qualification for the special valuation.
2. Comply with rehabilitation plans and minimum standards of maintenance as defined in the agreement.
3. Make the historic aspects of the property accessible to public view one day a year, if the property is not visible from the public rights-of-way.
4. Apply to the local Review Board for approval or denial of any demolition or alteration of the property.
5. Comply with any other provisions in the original agreement as may be appropriate.

D. Once an agreement between an owner and the Review Board has become effective pursuant to Chapter 449, Laws of 1985 (RCW 84.26), there shall be no changes in standards of maintenance, public access, alteration or report requirements, or any other provisions of the agreement, during the period of the classification without the approval of all parties to the agreement.

E. An application for classification of an historic property as eligible for a special property tax valuation shall be approved or denied by the Review Board before December 31 of the calendar year in which the application is made. Prior to making its decision to approve or deny an application, the local Review Board is authorized to examine an applicant's records.

F. The Review Board shall notify the County Assessor and the applicant of the approval or denial of the application.

G. If the Review Board determines that the property qualifies as eligible historic property, the Review Board shall certify the fact in writing and shall file a copy of the certificate with the County Assessor within ten (10) days. The certificate shall state the facts upon which the approval is based.

H. Any decision of the Review Board acting as the local Review Board on any application for classification as historic property eligible for special valuation may be appealed to Superior Court under RCW 34.05.510 - .598

in addition to any other remedy of law. Any decision on the disqualification of historic property eligible for special valuation, or any other dispute, may be appealed to the County Board of Equalization in accordance with RCW [84.40.038](#).

3.60.030 Tax reduction –Expiration

When property has once been classified and valued as eligible historic property, it shall remain so classified and be granted the special valuation provided by this Chapter and RCW [84.26.070](#) for ten (10) years, or until the property is disqualified by the circumstances set forth in RCW [84.26.080](#) or as it may be amended from time to time. Whenever property granted a special property tax valuation hereunder becomes disqualified for the special valuation, additional tax shall be assessed and payable as provided in RCW [84.26.090](#) - .100, as they may be amended from time to time.

Chapter 3.62 PARKING AND BUSINESS IMPROVEMENT AREA

3.62.000 Chapter Contents

Sections:

- [3.62.010](#) Parking and Business Improvement Area Established.
- [3.62.020](#) Programs.
- [3.62.030](#) Levy of Special Assessments.
- [3.62.040](#) Rate Changes.
- [3.62.050](#) Deposit of Revenues.
- [3.62.060](#) Collection Schedule.
- [3.62.070](#) Delinquent Payments.
- [3.62.080](#) Notices.
- [3.62.090](#) Disputes.
- [3.62.100](#) Expenditures.
- [3.62.110](#) Administration.
- [3.62.120](#) Contract for Program Management.
- [3.62.130](#) Advisory Board.
- [3.62.140](#) Bids Required for Construction of Projects.
- [3.62.150](#) Commencement of Assessments.
- [3.62.160](#) Ratification and Confirmation.

3.62.010 Parking and Business Improvement Area Established

As authorized by Chapter [35.87A](#) RCW, there is hereby established a Parking and Business Improvement Area ("Parking and Business Improvement Area" or "PBIA"), consisting of Zones A, B and C, within the boundaries as described below and shown on the map attached hereto as Exhibit A-1. If there is any conflict between said map and narrative description, the text shall prevail.

ZONE A:

All of that portion of the City of Olympia, Washington described as bounded on the North by the centerline of State Avenue, bounded on the South by the centerline of Legion Way, bounded on the West by the centerline of Columbia Street, and bounded on the East by the centerline of Franklin Street.

ZONE B:

All of that portion of the City of Olympia, Washington described as beginning at the centerline intersection of Water Street and 7th Avenue; thence West to the ordinary high water line of Capitol Lake; thence Northerly and Westerly along said line to the East line of the Deschutes Waterway as shown on the official First Class Tideland Plat of the City of Olympia; thence Northerly along said waterway and its extension to the centerline of Olympia Avenue extended Westerly; thence Easterly along said extension to the line of ordinary high tide; thence Northerly along said line to the centerline of Thurston Avenue extended Westerly; thence Easterly along said extension and the centerline of Thurston Avenue to the centerline of Jefferson Street; thence Southerly along said centerline to the centerline of Olympia Avenue; thence Easterly along the centerline, as platted, of said street to a point 150 feet more or less Westerly of the centerline intersection of Pear Street and Olympia Avenue; thence Southerly more or less parallel to Pear Street, said course following original platted lot lines, to the centerline of 7th Avenue; thence Westerly along said centerline to the point of beginning; EXCEPTING, the area described in Zone A above.

ZONE C:

All of that portion of the City of Olympia, Washington described as beginning at the centerline intersection of Columbia Avenue and Union Avenue; thence Northerly along the centerline of Columbia Avenue to the centerline of 7th Avenue; thence Easterly along said centerline to the centerline of Washington Street; thence Southerly along said centerline to the centerline of 7th Ave; thence Westerly along said centerline to the point of beginning; ALSO, All of that portion of the City of Olympia, Washington described as beginning at the line of ordinary high tide with to the centerline of Thurston Avenue extended westerly; thence Northerly along said high tide line to a point 600 feet Northerly of the centerline of Corky Avenue extended Westerly; thence Easterly and parallel to Corky Avenue and its extension to the centerline of East Bay Drive; thence Southerly along said centerline to the centerline of Olympia Avenue; thence Westerly along said centerline to the centerline of Jefferson Street; thence Northerly along said centerline to the centerline of Thurston Avenue; thence Westerly along said centerline and its extension to the point of beginning.

3.62.020 Programs

Special Assessment revenues shall be used for the purpose of providing special projects and services under the following program headings:

1) Downtown Parking Improvements Program

This program will provide for parking improvements to address the concern for downtown Olympia businesses and property owners, as well as patrons and employees. The PBIA special assessments may be used to fund administrative costs such as staff support, the construction or operation and maintenance of a parking structure or other parking improvements.

2) Clean and Safe Program

This program will provide additional projects and services to make downtown cleaner, more welcoming and improve the public's perception of safety. This program may include a volunteer effort to provide eyes and ears on the street and to assist people downtown; administration and staff support; graffiti removal; and efforts to reduce offenses such as public urination, drug use and sales, aggressive panhandling and public intoxication.

3) Civic Beautification and Sign Program

An overall beautification program will help the general aesthetic of downtown. Such a program may include:

- a) Streetscape beautification
- b) Area-wide Paint Up, Fix Up, Clean Up Campaign
- c) Public arts programs
- d) Public/private way finding signs
- e) Administration and staff support

4) Business Recruitment and Retention Program

Preparation of inventories of commercial vacancies, information about incentives and benefits to locating downtown and development of a common vision for the types of businesses and other organizations would enhance the downtown. Inventory information will facilitate development of specific recruitment and retention strategies for different parts of downtown. Inventories may include:

- a) Community preference surveys
- b) Inventory of vacancies
- c) Advertising vacancies

Administration and staff support to prepare the inventories is included.

5) Commercial Marketing Program

Development of a well-conceived "Buy Local" marketing program that will benefit the whole downtown and to continue the support of long-standing community events through:

- a) Advertising and promotion
- b) Theme development
- c) Special events and activities
- d) Tourism attraction

Other existing programs may be reviewed for supplementation with PBIA special assessments, including but not limited to:

- a) Community events held downtown including Music in the Park, ArtsWalk, Downtown for the Holidays, and the Pet Parade;

- b) Marketing programs including the shopping and restaurant guide, and event management or support;
- c) Programs to clean up downtown that include the semi-annual clean-ups, graffiti management, and mural programs.
- d) Programs to develop partnerships for local governments, quasi-public and non-profit groups that work in or invest resources in downtown on behalf of the public.

Administration and staff support will be included in the programs and projects listed above.

The list of possible services and projects within the general program categories above is illustrative and not exclusive. The costs are estimated only and the PBIA budget shall be established by City Council and expended based on actual receipts, as set forth in Section 10 below.

3.62.030 Levy of Special Assessments

To finance the programs authorized in OMC [3.62.020](#), and in recognition of the special benefits created thereby, a special assessment is hereby levied upon and shall be collected annually from all the businesses and multi-family residence owners / operators ("Ratepayers") in the Parking and Business Improvement Area described in OMC [3.62.010](#), as authorized by RCW [35.87A.080](#), except non-profit corporations or organizations. Assessments shall not be pro-rated. The special assessments shall be levied upon the Ratepayers in Zones A, B and C according to the rates established as follows:

Definitions:

Business. Means any person, group or entity, including but not limited to a sole proprietorship, partnership, corporation, limited liability partnership or limited liability corporation, that engages in business with the object of gain, benefit, or advantage to the person, group or entity, or to another person or class, directly or indirectly. "Engages in business" as used herein shall have the meaning set forth in Olympia Municipal Code Section [5.04.040.N](#).

Employee. Any person whose work is devoted to the ongoing operation of a business or multi-family residence. As used in this ordinance, "Employee" includes a person with an ownership interest in a business, regardless of whether that person is paid a salary or wages.

Financial Institution. Means a bank, savings and loan, credit union, or similar institution.

Full-Time Equivalent (FTE). A position or positions requiring work equal to or exceeding forty (40) hours per week.

Large // Medium // Small. Based on employee count: FTE's (Full time Equivalent)

- Small 1-3 FTE's
- Medium 4-6 FTE's
- Large 7+ FTE's

Lodging. Means engaging in the business defined in OMC Section 5.04.040.MM.3.f. Examples include the rental of rooms by the day or week to community visitors. "Lodging" also means the rental or lease of a residential dwelling unit, if such unit is contained within any building or buildings containing four (4) or more residential units or any combination of residential and commercial units, whether title to the entire property is held in single or undivided ownership or title to individual units is held by owners who also, directly or indirectly through an association, own real property in common with the other unit owners.

Non-profit corporation or non-profit organization. "Non-profit corporation or non-profit organization" means a corporation or organization in which no part of the income can be distributed to its members, directors, or officers and that holds a current tax exempt status as provided under Sec. 501(c)(3) of the Internal Revenue Code, as may hereafter be amended, or is specifically exempted from the requirement to apply for its tax exempt status under Sec. 501(c)(3) of the Internal Revenue Code, or as may hereafter be amended. Where the term "non-profit organization" is used, it is meant to include non-profit corporations.

Personal Care Service Business. Means a hair salon, barber shop, manicurist, tanning salon, acupuncturist, massage therapist, esthetician, exercise studio, yoga studio, Pilates studio, soothsayer, and the like.

Professional Services Businesses. Means Architects, Engineers, Attorneys, Dentists, Doctors, Accountants, Optometrists, Realtors, Insurance Offices, Mortgage Brokers and most other businesses that require advanced and/or specialized licenses and/or advanced academic degrees.

Restaurant. Means a business that sells prepared foods and drinks.

Retail. Means a business that engages in sales at retail and / or retail sales, as those terms are defined in Olympia Municipal Code Section 5.04.040.MM.1.a and .1.c - .1e, but does not include the provision of any services. "Retail" includes, as an example, the buying and reselling of goods, such as that engaged in by clothing stores, shoe stores, office supplies, etc.

Service Business. Means a business that engages in retail services, as that term is defined in Olympia Municipal Code Section 5.04.040.JJ, or engages in the activities set forth in OMC 5.04.040.MM.1.b, MM.2, MM.3a - e, MM.4, and MM.6-7. Examples include repair shops, automotive-oriented service businesses, computer repair and support, tech support services, entertainment businesses such as theaters, etc.

3.62.040 Rate Changes

Changes in the assessment rate shall only be made by ordinance adopted by the Olympia City Council and as authorized in RCW [35.87A.140](#).

3.62.050 Deposit of Revenues

There is hereby created in the City a separate subaccount designated as the Parking Business Improvement Area Account (called "the Account"). The following monies shall be deposited in the Account:

- A. All revenues from special assessments levied under this ordinance;
- B. All income to the City from public events financed with special assessments;
- C. Gifts, donations and voluntary assessment payments for the Account; and

D. Interest and all other income from the investment of Account deposits.

3.62.060 Collection Schedule

Special assessments shall be collected on an annual basis.

3.62.070 Delinquent Payments

If an assessment has not been paid within thirty (30) days after its due date, it will be considered delinquent. The City Manager or their designee is authorized to assign delinquent assessments to a collection agency or bring an action in any court of competent jurisdiction.

3.62.080 Notices

Notices of assessment and all other notices contemplated by this ordinance may be sent by ordinary mail or delivered by the City to the address shown on City of Olympia records, as they may be modified from time to time based on information provided by the Program Manager (if any). Failure of the Ratepayer to receive any mailed notice shall not release the Ratepayer from the duty to pay the assessment and any collection agency charges.

3.62.090 Disputes

Any Ratepayer aggrieved by the amount of an assessment may appeal the ~~Program Manager's~~ City's rate classification to the City Manager or the City Manager's designee for review. The City Manager or the City Manager's designee may uphold the assessment or adjust the assessment consistent with this ordinance. The City Manager's or the City Manager's designee's decision shall be final and not appealable to any court or body. The appellant Ratepayer has the burden of proof to show that the assessment is inconsistent with the applicable assessment fee provided for herein.

3.62.100 Expenditures

Expenditures from the Account shall be made upon vouchers drawn for services rendered and shall be used exclusively for the statutory purposes each as more fully defined in Section 2. Pursuant to RCW 35.87A.110, the City Council shall have the sole discretion and authority to adopt a work program and budget for expenditures from the Account at such times as the Council may determine.

3.62.110 Administration

The City Manager or the City Manager's designee shall administer the program for the City with authority to:

- A. Classify Ratepayers within the three zones under Sections 1 and 3. As part of this classification, the City Manager or designee is authorized to make a determination of the number of regular FTEs employed by a Ratepayer prior to issuing assessment notices each calendar year. The classification and FTE determination shall be based on information from City of Olympia records as they may be modified from time to time based on information provided by the Program Manager (if any);
- B. Collect the special assessments; and
- C. Upon Council approval, execute an annual program management contract with a Program Manager.

3.62.120 Contract for Program Management

Pursuant to RCW [35.87A.110](#), the City Manager or designee may contract with a chamber of commerce or similar business association entity or entities operating within the boundaries of the PBIA to act as a Program Manager. The Program Manager shall administer the PBIA's operation, including but not limited to implementation of the projects and activities contained in the work program adopted by the City Council under OMC [3.62.020](#), performing the administrative duties allocated to the City Manager or the City Manager's ~~Designee~~ designee under this Chapter.

Any contract entered into under this Section shall include provisions to address the following:

A. Provisions for the Program Manager to:

1. Create and maintain a business data base of all Ratepayers within the boundaries of the PBIA;
2. Classify each Ratepayer within each of the three zones, based on the number of regular FTEs for each Ratepayer;
3. Provide the data base and classifications to the City in sufficient time for its use in mailing annual special assessment notices, but no later than November 1 of each calendar year;
4. Perform all basic Municipal Services Contract provisions (periodic billing and reporting requirements, internal controls and maintain accurate records, etc.);
5. Perform the projects and services listed in Section 020 as approved annually by the City Council pursuant to Subsection B.2 below;
6. Submit reimbursement request on vouchers drawn for services rendered (consistent with the Council adopted budget and work program for that calendar year);
7. Provide administrative support for the creation and operation of the PBIA Advisory Board created pursuant to Section 13 below, including soliciting nominations and conducting an election for Board representatives.

B. Provisions for the CITY to:

1. Review the PBIA Advisory Board's annual proposed budget recommendations for special services and projects;
2. Adopt a work program and budget for expenditures;
3. Send a bill to each business within the boundary on an annual basis based on the assessment list provided by the Program Manager;
4. Resolve Ratepayer disputes;
5. Collect special assessments;

6. Pursue collection by sending the bill to a collection agency or commencing an action in a court of competent jurisdiction to collect the special assessment;
7. Review and reimburse eligible expenses; and
8. Conduct periodic review of the Program Manager's performance.

3.62.130 Advisory Board

There is hereby created an advisory board to the Olympia City Council. The Board shall consist of an odd number totaling at least 15 member representatives of Ratepayers representing a diversity of business classifications, interests, and viewpoints within the PBIA. Board members shall be elected by a majority of Ratepayers within the PBIA voting in an election conducted by the Program Manager under Section 12 above. The Council may also appoint a nonvoting Councilmember representative and/or City staff liaison. The Board's duties shall include the annual development of a proposed work program with specific projects and budgets and the recommendation of the same to the City Council for its consideration, and preparation of a plan for regular communication of PBIA projects and information to Ratepayers, including specific provisions for communication with non-English speaking Ratepayers and other projects and activities as approved by the City Council in the Board's annual work plan.

3.62.140 Bids Required for Construction of Projects

Pursuant to RCW [35.87A.200](#), the City Manager and/or the Program Manager utilized under Section 12 above shall call for competitive bids by appropriate public notice and award contracts, whenever the estimated cost of any Parking and Business Improvement Area public works construction project, including cost of materials, supplies and equipment, exceeds the sum of two thousand five hundred dollars. Pursuant to RCW [35.87A.210](#), the cost of a public works construction project for the purposes of this Section shall be aggregate of all amounts to be paid for the labor, materials and equipment on one continuous or inter-related project where work is to be performed simultaneously or in near sequence.

Breaking a public works construction project into small units for the purposes of avoiding the minimum dollar amount prescribed herein is contrary to public policy and is prohibited.

3.62.150 Commencement of Assessments

Assessments shall commence as of January 1, 2006 for all existing businesses located within the assessment area depicted in Section 1 above. Any new business or multi-family residence commencing operation within the boundaries of the PBIA after November 1 of any given year shall be exempt from payment of the assessment until November 1 following the business' or multi-family residence's commencement of operation; provided, that no exemption under this section have a duration of longer than one year. Such a business or multi-family residence shall be assessed the January 1 following commencement of its operation. Assessments shall not be prorated.

3.62.160 Ratification and Confirmation

The making of contracts and expenditures and the sending of assessment notices pursuant to the authority and prior to the effective date of this ordinance are hereby ratified and confirmed.

Section 4. Corrections. The City Clerk and codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance, including the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 5. 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 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:



DEPUTY CITY ATTORNEY

PASSED:

APPROVED:

PUBLISHED:



City Council

Approval of an Ordinance Declaring a Continuing Public Health Emergency Relating to Coronavirus (COVID-19) - First and Final Reading

Agenda Date: 9/15/2020
Agenda Item Number: 4.H
File Number:20-0708

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

Title

Approval of an Ordinance Declaring a Continuing Public Health Emergency Relating to Coronavirus (COVID-19) - First and Final Reading

Recommended Action

Committee Recommendation:

Not referred to a committee.

City Manager Recommendation:

Move to approve the Ordinance declaring a continuing state of public health emergency relating to Coronavirus (COVID-19) and authorizing actions as are reasonable and necessary to mitigate conditions caused by such public health emergency on first and final reading.

Report

Issue:

Whether to approve an Ordinance declaring a continuing state of public health emergency relating to Coronavirus (COVID-19) and authorizing actions as are reasonable and necessary to mitigate conditions caused by such public health emergency.

Staff Contact:

Mark Barber, City Attorney, 360.753.8338

Presenter(s):

None - Consent Calendar Item.

Background and Analysis:

On January 21, 2020, the Washington State Department of Health confirmed the first case of Novel Coronavirus (COVID-19) in the United States of America in Snohomish County, Washington.

On January 31, 2020, the Secretary of the United States Department of Public Health and Human Services, Alex Azar, declared a public health emergency effective January 27, 2020 for the Novel

Coronavirus known as COVID-19.

On February 29, 2020, Governor Jay Inslee signed Proclamation 20-05 declaring that a State of Emergency exists in all counties in the State of Washington due to the number of confirmed cases of COVID-19 in the state, and that the risk of person-to-person transmission throughout Washington State and the United States of America would significantly impact the life and health of people, as well as the economy of Washington State, and is a public disaster that affects life, health, property or the public peace. The Governor directed State agencies and departments to use State resources to do everything reasonably possible to assist political subdivisions of the State in an effort to respond and recover from the outbreak.

On March 17, 2020, the Olympia City Council enacted Ordinance No. 7233 declaring a state of public health emergency, and that the Olympia City Council will take all actions within its powers and resources to protect the public peace, health, safety and welfare of the citizens, residents and businesses of the City of Olympia during the novel coronavirus COVID-19 pandemic to mitigate the consequences of the illness and public health emergency taking place and to maintain essential public services such as police, fire, public works and public utilities such as water and solid waste collection.

As a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, the Governor subsequently issued amendatory Proclamations 20-06 through 20-53, 20-55 through 20-67, and 20-69 through 20-70, exercising the Governor's emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations.

On June 16, 2020, the Olympia City Council enacted Ordinance No. 7246 declaring a continuing state of public health emergency and authorizing actions as are reasonable and necessary to mitigate conditions caused by such public health emergency.

In a Proclamation issued on September 2, 2020, the Governor proclaimed that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-28, et seq., are amended to (1) recognize the extension of the statutory waivers and suspensions of RCW 42.56 and RCW 42.30 by the leadership of the Washington State Senate and House of Representatives until 11:59 p.m. on October 1, 2020, and (2) similarly extend the prohibitions therein to 11:59 p.m. on October 1, 2020; and

The worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace.

The Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident.

The Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and

infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people.

On September 7, 2020, the Washington State Department of Health was reporting 77,545 confirmed cases and 1,953 deaths statewide due to COVID-19. As of September 7, 2020, Thurston County had 961 confirmed cases of COVID-19 and 15 deaths.

Declaring a continuing state of public health emergency provides a factual basis for the public health emergency and references statutory authority that allows the City more flexibility to act quickly in response to COVID-19. Under the Ordinance, the City may, for example, obligate funds for emergency expenditures as directed by the City Council and enter into contracts and incur obligations necessary to combat such emergency situations to protect the health and safety of persons and property.

The Ordinance shall take effect immediately upon adoption by a vote of a majority plus one, and the emergency will be in effect through December 18, 2020, at 11:59 p.m., at which point the City Council will review the conditions that gave rise to this public health emergency to determine if keeping it in place is warranted.

Neighborhood/Community Interests (if known):

The COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic, continues to broadly spread throughout Washington State, seriously increasing the threat of serious associated health risks to the citizens, residents and businesses of Olympia.

Options:

1. Move to approve the Ordinance declaring a continuing state of public health emergency relating to coronavirus (COVID-19) and authorizing actions as are reasonable and necessary to mitigate conditions caused by such public health emergency.
2. Direct staff to modify the Ordinance.
3. Move to take no action.

Financial Impact:

Unknown.

Attachments:

Ordinance

AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, RELATING TO PUBLIC HEALTH AND SAFETY AND DECLARING A CONTINUING STATE OF PUBLIC HEALTH EMERGENCY RELATING TO CORONAVIRUS (COVID-19) AND AUTHORIZING ACTIONS AS ARE REASONABLE AND NECESSARY TO MITIGATE CONDITIONS CAUSED BY SUCH PUBLIC HEALTH EMERGENCY

WHEREAS, on January 21, 2020, the Washington State Department of Health confirmed the first case of novel coronavirus (COVID-19) in the United States of America in Snohomish County, Washington, and local health departments and the Washington State Department of Health have since worked to identify, contact, and test persons in Washington State who may have been potentially exposed to COVID-19 in coordination with the United States Centers for Disease Control and Prevention (CDC); and

WHEREAS, on January 31, 2020, the Secretary of the United States Department of Public Health and Human Services, Alex Azar, declared a public emergency effective January 27, 2020, for the novel coronavirus known as COVID-19; and

WHEREAS, on February 29, 2020, Governor Jay Inslee signed Proclamation 20-05 declaring that a State of Emergency exists in all counties in the State of Washington due to the number of confirmed cases of COVID-19 in the State, and that the risk of person-to-person transmission throughout Washington State and the United States of America would significantly impact the life and health of our people, as well as the economy of Washington State, and is a public disaster that affects life, health, property or the public peace. The Governor directed State agencies and departments to utilize State resources to do everything reasonably possible to assist political subdivisions of the State in an effort to respond and recover from the outbreak; and

WHEREAS, on March 17, 2020, the Olympia City Council enacted Ordinance No. 7233 declaring a state of public health emergency, and that the Olympia City Council will take all actions within its powers and resources to protect the public peace, health, safety and welfare of the citizens and businesses of the City of Olympia during the novel coronavirus COVID-19 pandemic to mitigate the consequences of the illness and public health emergency taking place and to maintain essential public services such as police, fire, public works and public utilities such as water and solid waste collection; and

WHEREAS, as a result of the continued worldwide spread of COVID-19, its significant progression in Washington State, and the high risk it poses to our most vulnerable populations, the Governor subsequently issued amendatory Proclamations 20-06 through 20-53, 20-55 through 20-67, and 20-69 through 20-70, exercising the Governor's emergency powers under RCW 43.06.220 by prohibiting certain activities and waiving and suspending specified laws and regulations; and

WHEREAS, on June 16, 2020, the Olympia City Council enacted Ordinance No. 7246 declaring a continuing state of public health emergency and authorizing actions as are reasonable and necessary to mitigate conditions caused by such public health emergency; and

WHEREAS, the COVID-19 disease, caused by a virus that spreads easily from person to person which may result in serious illness or death and has been classified by the World Health Organization as a worldwide pandemic continues to broadly spread throughout Washington State, seriously increasing the threat of associated health risks statewide; and

WHEREAS, in a Proclamation issued on September 2, 2020, the Governor proclaimed that a State of Emergency continues to exist in all counties of Washington State, that Proclamation 20-05 and all amendments thereto remain in effect as otherwise amended, and that Proclamations 20-28, et seq., are amended to (1) recognize the extension of the statutory waivers and suspensions of RCW 42.56 and RCW 42.30 by the leadership of the Washington State

Senate and House of Representatives until 11:59 p.m. on October 1, 2020, and (2) similarly extend the prohibitions therein to 11:59 p.m. on October 1, 2020; and

WHEREAS, the health professionals and epidemiological modeling experts predict that although we have passed the peak of the first wave of COVID-19 in the State and we have made adequate progress as a state to modify some of the initial community mitigation efforts, the nature of COVID-19 viral transmission, including both asymptomatic and symptomatic spread as well as the relatively high infectious nature, suggests it is appropriate to slowly re-open Washington State only through a careful, phased, and science-based approach. Modelers continue to agree that fully relaxing social distancing measures will result in a sharp increase of cases; and

WHEREAS, the worldwide COVID-19 pandemic and its progression in Washington State continues to threaten the life and health of our people as well as the economy of Washington State, and remains a public disaster affecting life, health, property or the public peace; and

WHEREAS, the Washington State Department of Health continues to maintain a Public Health Incident Management Team in coordination with the State Emergency Operations Center and other supporting state agencies to manage the public health aspects of the incident; and

WHEREAS, the Washington State Military Department Emergency Management Division, through the State Emergency Operations Center, continues coordinating resources across state government to support the Department of Health and local health officials in alleviating the impacts to people, property, and infrastructure, and continues coordinating with the Department of Health in assessing the impacts and long-term effects of the incident on Washington State and its people; and

WHEREAS, on September 7, 2020, the Washington State Department of Health was reporting 77,545 confirmed cases and 1,953 deaths statewide due to COVID-19; and

WHEREAS, as of September 7, 2020, Thurston County had 961 confirmed cases of COVID-19 and 16 deaths; and

WHEREAS, the Olympia City Council finds that the above circumstances and facts continue to present significant public health and safety issues for the City of Olympia and its citizens, residents and businesses and continues to necessitate urgent further actions to mitigate the risks and threat to public health and safety and the City's economy caused by the COVID-19 pandemic; and

WHEREAS, the City continues to be confronted with exigent financial circumstances related to this public health emergency to protect its citizens, residents, and businesses, and to protect the community, and must continue to take immediate measures to reduce the public health risk caused by COVID-19; and

WHEREAS, the Olympia City Council finds that providing essential public services by continuing operation of the City's business, including but not limited to first responders such as fire and police, water, sewer and solid waste utilities and other essential government services must continue, but not without recognizing the risks associated with the COVID-19 epidemic to its citizens, residents and employees, the declaration of a continuing public health emergency will allow, pursuant to RCW 42.30.070, the need for expedited action by the City's governing body to continue to meet the emergency, which may continue to entail providing for meeting sites other than the regular meeting site and that notice requirements of the Open Public Meetings Act may continue to be suspended during such emergency pursuant to proclamation and order of the Governor, and as provided by law; and

WHEREAS, the above public health emergency continues to warrant the exercise of the City's power to declare a continuing public health emergency under authority of Article XI, Section 11, of the Washington State Constitution; 35A.11.020 RCW; 35A.11.030 RCW; 35A.13.190 RCW; 35A.38.010 RCW; 35.33.081 RCW; Chapter 38.52 RCW; Chapter 39.04 RCW; WAC 197-11-880; and other applicable laws and regulations, and pursuant to Chapter 2.24 of the Olympia Municipal Code, as are reasonable and necessary in light of such of public health emergency to mitigate the conditions giving rise to the public emergency;

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

Section 1. The above-stated recitals are adopted as findings of the Olympia City Council and are incorporated by this reference as though fully set forth herein.

Section 2. It is hereby declared that a state of emergency continues to exist due to an exigent threat to human health related to the COVID-19 epidemic affecting the City of Olympia, its citizens, residents and businesses, as defined in the City of Olympia Comprehensive Emergency Management Plan, due to the worldwide and local outbreak of COVID-19 and for all the reasons stated in the Governor's Proclamations 20-05, 20-06, 20-07, 20-08 and his successive orders. Therefore:

- A.** The City Manager is hereby authorized and empowered to carry out those powers and duties as are reasonable and necessary to mitigate the effects of the COVID-19 public health emergency.
- B.** All of the personnel, services and facilities of the City of Olympia will be utilized as needed, in response to the emergency needs of the community and its businesses.
- C.** Those departments, officers, and employees of the City are authorized and empowered, among other things, to do the following:
 - (1) Obligate funds for emergency expenditures as directed by the City Council;
 - (2) Enter into contracts and incur obligations necessary to combat such emergency situations to protect the health and safety of persons and property;
 - (3) To enter into contracts and incur obligations necessary to combat such public health emergency and to protect the persons, property and environment, and provide emergency assistance to the victims of such emergency, consistent with the City's Comprehensive Emergency Management Plan;
 - (4) Take other actions, as appropriate, in response to such emergency, including but not limited to changing the manner and meeting sites of the business meetings of the Olympia City Council and the notice requirements of the Open Public Meetings Act as provided in RCW 42.30.070, or the terms or collection of fees, charges and taxes; and
 - (5) The City Manager is authorized to make and adjust Human Resources Policies related to leave usage and other issues related to employees as necessitated by the impacts of COVID-19, with the primary goal to maintain the functions and services provided by the City of Olympia.
- D.** Each designated City department is authorized to exercise the powers vested under Section 2 of this Ordinance in light of these exigencies of an extreme emergency situation without regard to time consuming procedures and formalities prescribed by law (with the exception of mandatory constitutional requirements).

Section 3. Sunset Provision. This Ordinance shall sunset and no longer be in force or effect at 11:59 p.m. on December 18, 2020. The City Council shall review the conditions that have given rise to this public health emergency to determine if such conditions warrant keeping in place the extraordinary measures authorized herein to respond to this public health emergency, or whether the public health emergency has passed. If the Olympia City Council finds that the public health emergency continues, this Ordinance may be extended by legislative action.

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 is for the preservation of public peace, health, safety, and welfare and shall take immediate effect upon adoption, as provided by law.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

Mark Barber

CITY ATTORNEY

PASSED:

APPROVED:

PUBLISHED:



City Council

I-5 Corridor Study Update

Agenda Date: 9/15/2020
Agenda Item Number: 6.A
File Number:20-0710

Type: information **Version:** 2 **Status:** Other Business

Title

I-5 Corridor Study Update

Recommended Action

Committee Recommendation:

Not referred to a committee.

City Manager Recommendation:

Receive a briefing on the I-5 Corridor Study. Briefing only; no action requested.

Report

Issue:

Whether to receive a briefing/update on the I-5 Corridor Study.

Staff Contacts:

Jay Burney, City Manager, Executive Office, 360.753.8740

Presenter(s):

Marc Daily, Executive Director, Thurston Regional Planning Council

Background and Analysis:

For almost five years, a top transportation priority of Thurston Regional Planning Council's (TRPC) membership has been to identify and implement strategies to address congestion, environmental, and flood-risk concerns related to Interstate 5 between Mounts Road near DuPont through Tumwater. The Thurston region secured state transportation funding in 2018 to conduct preliminary planning work for these issues. The Washington State Department of Transportation (WSDOT) led this work with support from TRPC. The report for this corridor study can be found at:

<https://wsdot.wa.gov/planning/studies/i5/tumwater-mounts-road/home>

In the upcoming legislative session, TRPC expects that both the House and Senate transportation committees will discuss a potential transportation budget package. To prepare for this, TRPC, South Sound Military and Communities Partnership, and the Thurston Legislative Partnership are working on an I-5 budget request for the Thurston region based on the corridor study. TRPC's Executive Director, Marc Daily, will brief Council on the outcomes of the corridor study and the draft state transportation budget request.

Neighborhood/Community Interests (if known):

N/A

Options:

Briefing only.

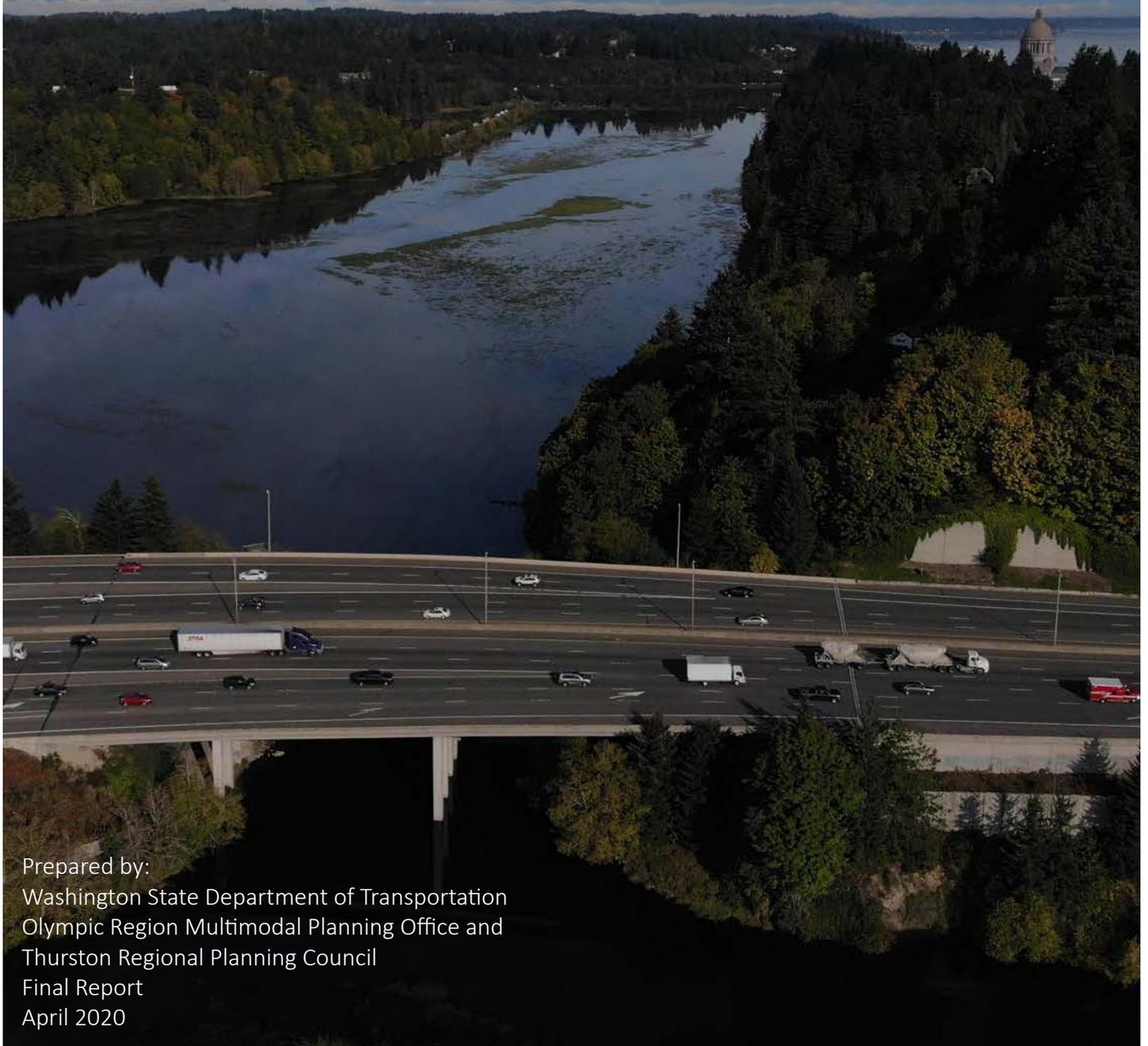
Financial Impact:

N/A

Attachments:

[Link to Study](#)

INTERSTATE 5: TUMWATER TO MOUNTS ROAD MID- AND LONG- RANGE STRATEGIES



Prepared by:
Washington State Department of Transportation
Olympic Region Multimodal Planning Office and
Thurston Regional Planning Council
Final Report
April 2020

Title VI Notice to Public

It is the Washington State Department of Transportation's (WSDOT) policy to assure that no person shall, on the grounds of race, color, national origin or sex, as provided by Title VI of the Civil Rights Act of 1964, be excluded from participation in, be denied the benefits of, or be otherwise discriminated against under any of its federally funded programs and activities. Any person who believes his/her Title VI protection has been violated, may file a complaint with WSDOT's Office of Equal Opportunity (OEO). For additional information regarding Title VI complaint procedures and/or information regarding our non-discrimination obligations, please contact OEO's Title VI Coordinator at (360) 705-7090.

Americans with Disabilities Act (ADA) Information

This material can be made available in an alternate format by emailing the Office of Equal Opportunity at wsdotada@wsdot.wa.gov or by calling toll free, 855-362-4ADA(4232). Persons who are deaf or hard of hearing may make a request by calling the Washington State Relay at 711.

Notificación de Título VI al Público

Es la política del Departamento de Transporte del Estado de Washington el asegurarse que ninguna persona, por razones de raza, color, nación de origen o sexo, como es provisto en el Título VI del Acto de Derechos Civiles de 1964, ser excluido de la participación en, ser negado los beneficios de, o ser discriminado de otra manera bajo cualquiera de sus programas y actividades financiado con fondos federales. Cualquier persona quien crea que su protección bajo el Titulo VI ha sido violada, puede presentar una queja con la Comisión Estadounidense Igualdad de Oportunidades en el Empleo. Para obtener información adicional sobre los procedimientos de queja bajo el Titulo VI y/o información sobre nuestras obligaciones antidiscriminatorias, pueden contactar al coordinador del Título VI en la Comisión Estadounidense de Igualdad de Oportunidades en el Empleo 360-705-7090.

Información del Acta Americans with Disabilities Act (ADA)

Este material es disponible en un formato alternativo enviando un email/correo electrónico a la Comisión Estadounidense de Igualdad de Oportunidades en el Empleo wsdotada@wsdot.wa.gov o llamando gratis al 855-362-4ADA (4232). Personas sordas o con discapacidad auditiva pueden solicitar llamando Washington State Relay al 711.

**Interstate 5 Tumwater to Mounts Road
Mid- and Long-Range Strategies Planning Study**

April 2020

Study limits milepost 99 to milepost 116

Approved by:

John Wynands

John Wynands
WSDOT Olympic Region Administrator

April 27, 2020

Date

Concurrence by:

Electronic Signature - Kerri Woehler

Kerri Woelher
Director, Multimodal Planning

04.27.20

Date

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Executive Summary

In 2018, the Washington State Legislature funded a planning study of Interstate 5 between SR 121 in Tumwater (exit 99) and Mounts Road near DuPont (exit 116) to develop mid- and long-term strategies for improving the region's transportation system performance. Collaborating with local partners, WSDOT and Thurston Regional Planning Council (TRPC) developed strategies to meet study goals and support local agency plans while focusing on the legislative requirements¹:

- *Identifying strategies for regional congestion management,*
- *Identifying potential improvements for the US 101/I-5 Interchange,*
- *Identifying a strategic plan for the Nisqually River bridges, considering ecosystem benefits.*

The study area includes the cities of Tumwater, Olympia, Lacey, parts of unincorporated Thurston and Pierce Counties, and the Billy Frank Jr. Nisqually National Wildlife Refuge. The study area is near the Nisqually Indian Tribe Reservation and Joint Base Lewis-McChord (JBLM). In addition to I-5, study partners considered facilities for all transportation modes present in these communities in their analysis including transit, vehicles on local roads, walking, and bicycling.

This segment of I-5 is important regionally and nationally for a number of reasons:

- It is the primary north-south route along the west coast, connecting regional and global economic centers.
- It serves as the primary commute route in the study area and the south Puget Sound region generally.
- It provides access to Joint Base Lewis-McChord and is important for base operations.
- It is one of three roads, and the only high-capacity and high-speed road, connecting Thurston and Pierce counties.

Figure ES-1: Study area map



¹ Engrossed Substitute Senate Bill 6106, page 45 line 37 – page 46 line 6. <http://lawfilesexternal.wa.gov/biennium/2017-18/Pdf/Bills/Session%20Laws/Senate/6106-S.S.L.pdf>



I-5 and US 101 meet just south of the Washington State Capitol. This is one of the places the legislature directed WSDOT to focus on.

- It passes directly through the Nisqually River valley near the river's estuary, an environmentally important place, the traditional home of the Nisqually Indian Tribe, and habitat for threatened species of salmon and steelhead.

This segment of I-5 experiences recurring congestion due to high traffic volumes and weaving at interchanges. These issues occur mostly at three locations during peak commute periods: the US 101 interchange at Exit 104; between the state Capitol and Lacey at Exits 105 and 109; and near the Nisqually River bridges. I-5 also passes through the Nisqually River valley, an environmentally sensitive and important area for Endangered Species Act listed Chinook salmon and steelhead as well as the traditional home of the Nisqually Indian Tribe.

WSDOT's mission is to provide safe, reliable, and cost-effective transportation options to improve communities and economic vitality for people and businesses. WSDOT approach to achieving its mission is called Practical Solutions. This approach uses performance-based, data-driven decision making and early community involvement to guide the development and delivery of transportation investments. Our goal is to identify and solve problems as quickly and inexpensively as possible.



I-5 passes through the Nisqually River Valley just upstream of where the river meets Puget Sound.

A strategic approach for I-5 through the Nisqually River valley

One of the outcomes the legislature required for this study was “...a strategic plan for the Nisqually River Bridges...” As it stands, the study team can only make recommendations based on the information available, which is largely focused on transportation. WSDOT is helping fund a study led by the Nisqually Indian Tribe and U.S. Geological Survey (USGS) of the Nisqually River and its delta near I-5. WSDOT expects results by summer 2020 which will provide data on potential for movement of the river channel and any effects I-5 has on salmon habitat and recovery particularly focusing on the estuary. This will inform evaluation of risks posed to I-5 and regional transportation by the river and potential impacts of I-5, and other factors like climate change, on fish and wildlife habitat. For the meantime, the study team developed a strategic approach for WSDOT and its partners regarding I-5 through the Nisqually Valley:

- Treat all strategy recommendations from this study provisional until the study being conducted by the Nisqually Indian Tribe and USGS is completed to provide a more complete picture of risks for I-5 and impacts on the river and delta.
- If any alteration to I-5 through the Nisqually River valley occurs, incorporate salmon productivity, flood control, and other environmental considerations into the design as contextual needs rather than as mitigation for impacts.
- If replacing I-5 through the Nisqually Valley is funded for environmental reasons, the design should 1) allow for future widening to alleviate the anticipated southbound chokepoint at Mounts Road and 2) address the active transportation gap between Thurston and Pierce counties.
- All partners should continue to develop interim solutions to help address habitat and flood protection concerns.

WSDOT used collaboration with partners and community engagement to steer the study process

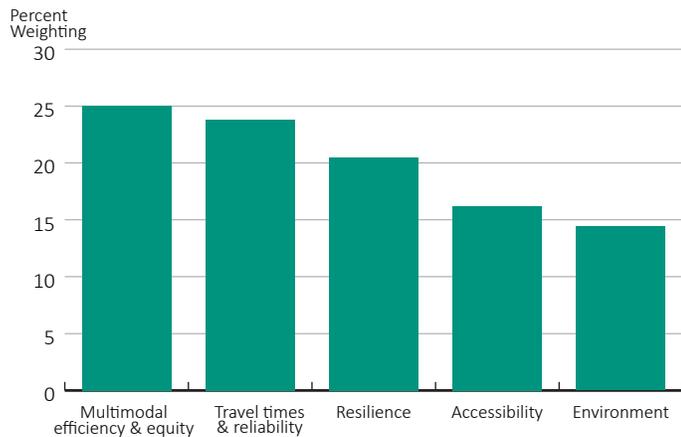
WSDOT and TRPC developed a planning process, discussed in depth in Chapter 3, which included a broad range of perspectives, disciplines, and backgrounds in outreach and decision making. To achieve this, the study team surveyed local communities and collaborated with local government partners to develop goals and strategies. The study team also worked with two advisory groups, one of technical experts and one of executive staff and elected officials from local governments, tribal governments, and state and federal agencies. Both groups met regularly to review progress and advise the study team. Early on in the study WSDOT and TRPC developed overarching goals through community engagement and collaboration with partners that articulated desired outcomes for local partners and aligned with legislative intent for the study:

- **Travel times and reliability** – Improve travel times on I-5 and make them more predictable.
- **Efficiency and equity** – Increase the transportation system’s ability to efficiently and equitably move all people and goods.
- **Accessibility** – Improve access to job sites, commercial services, and industrial areas.
- **Environmental** – Protect and enhance the environment including reducing the transportation-related impact on wildlife habitat in the Nisqually River delta.
- **Resilience** – Improve the transportation system’s ability to operate during disruption and recover from it.

The study team used input from the technical advisory group and results from study surveys to prioritize the study goals. This step allowed the stakeholder advisory groups and public to determine how study goals were weighted in evaluating the overall effectiveness of model scenarios. Advisory group input and public input were given equal weight in calculating the final prioritization.

Exhibit ES-2: Study goal weighing scores
Overall study advisory groups and public input ranked Efficiency & Equity highest among study goals, followed closely by travel times

Study goal area percent weighting calculated from advisory group input and public survey feedback



Notes: Goal area weightings were as follows: Efficiency & Equity 25.0%, Travel Times 23.8%, Resilience 20.5%, Accessibility 16.2%, Environment 14.4%

After developing these goals, WSDOT and TRPC developed strategies with the advisory groups that would support goal achievement, incorporating ideas from previous studies by WSDOT and local partners like Intercity Transit’s Long-Range Plan, and public input. The study team conducted an initial screening of the strategies to ensure they aligned with study goals and applicable state and federal law. The strategies that made it through this initial screen were then grouped into “scenarios” to be modeled or categorized as unable to be modeled. In total, the study team and advisory groups developed ten scenarios that could be tested in models, and 45 strategies made it through the initial screen but were unable to be modeled and had to be evaluated through other means.

The study team then collaborated with study partners to evaluate the effectiveness of each for achieving

Exhibit ES-3: Modeled strategy scenarios



study goals. Because there were strategies that could be modeled and those that could not, the study team developed two approaches for evaluating the different ideas investigated through the study.

The study team produced data from the modeled scenarios that could be translated into measures of system performance. The study team developed an initial set of performance measures for each study goal, discussed further in Chapter Six. Both study advisory groups helped develop these measures. For the strategies that could not be modeled, the study team collaborated with the advisory groups to evaluate each one.

Results from modeling suggest smaller improvements could yield big benefits

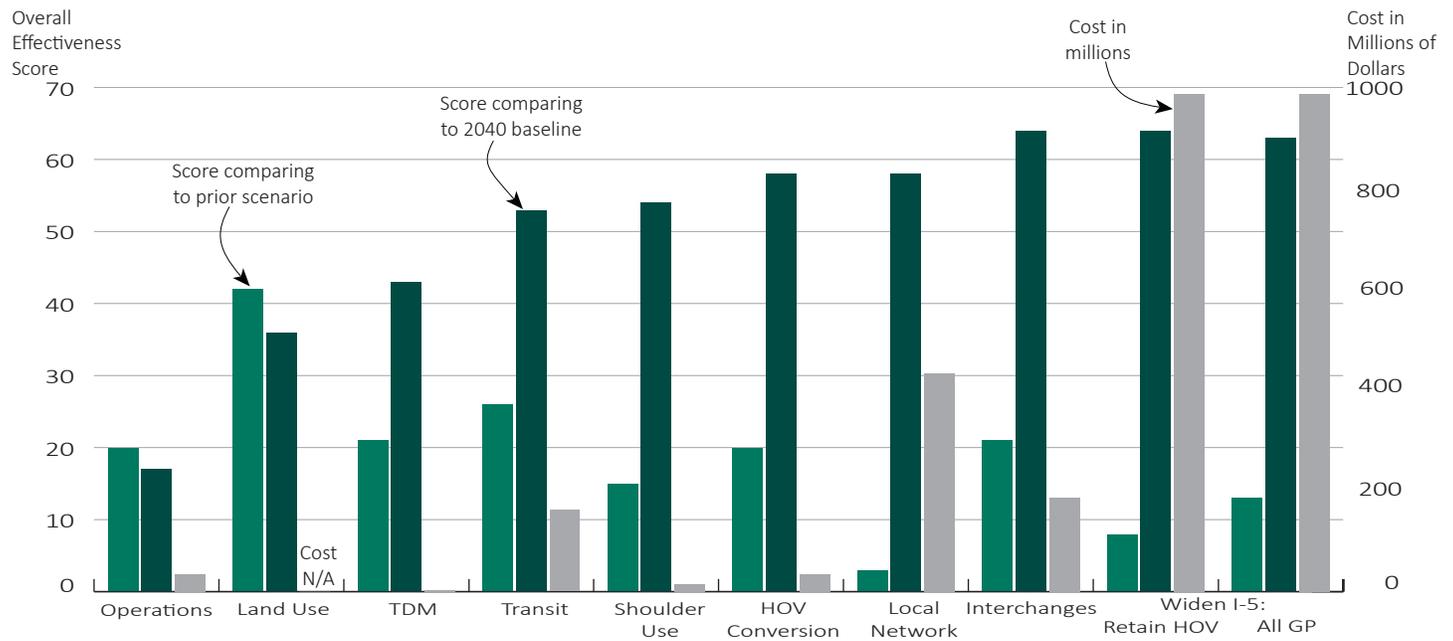
Exhibit ES-4 shows the overall effectiveness scores when comparing a scenario’s performance to the prior scenario and compared to the 2040 baseline scenario, which included all projects currently funded for construction and population and employment growth projections based on observed regional trends, as well as cost estimates. The scenarios are shown in the order they were modeled, from left to right. Each scenario included all of the improvements from previous scenarios, building off of each other, so the order of modeling is important to keep in mind with two exceptions. In *Scenario Nine – Widen I-5: Add General Purpose Lanes, Retain HOV Lanes* and *Scenario Ten – Widen I-5: Add General Purpose Lanes, Convert HOV lanes to General Purpose*, shoulder use was converted to permanent auxiliary lanes and Scenario Ten the HOV lanes were switched to general use.

These were the primary figures that influenced discussions on study recommendations. Both sets of performance scores were important as they gave the study team and advisory groups an idea of the incremental benefit of each scenario (score compared to prior scenario) and the

Exhibit ES-4: Scenario effectiveness scores

Overall effectiveness scores compared to prior scenario and 2040 baseline show incremental and cumulative benefits of the modeled scenarios

Overall effectiveness scores from modeling results compared to prior modeled scenario and funded base; Planning-level cost estimates in millions of 2019 dollars



cumulative benefit of all the improvements together (score compared to 2040 baseline). Both sets of performance scores show that the scenarios modeled earlier on, which were also generally lower cost, provided the most incremental benefit with the exception of *Scenario Seven – Regional Transportation Plan Local Projects*.

The overall effectiveness scores comparing to 2040 baseline further show that the two widening scenarios, while showing some incremental benefit, do not improve the cumulative benefit after the other smaller improvements had been implemented in the model. Furthermore, the last two scenarios are by far the most expensive of the modeled scenarios costing \$225 million more than all others that have an estimate combined. While planning-level cost estimates were not used to score scenarios, they were presented to advisory groups when discussing study recommendations. WSDOT uses the Practical Solutions approach to solving transportation issues. This means low-cost solutions to transportation performance issues are evaluated and exhausted prior to implementing higher-cost projects.

Recommendations for improving transportation system performance

The study team used performance data, and other information like planning-level cost estimates when available, as a tool to guide discussions of final recommendations with study advisory groups. Exhibit ES-5 shows the recommended timelines for further planning

and implementation of the various modeled scenarios as well as their planning-level cost estimates if available.

The recommendations reflect the results of those final deliberations between the study team, study partners, and input from the public received through open house events. These are considered provisional recommendations until data from the study being conducted by the Nisqually Indian Tribe and USGS on the Nisqually River channel migration, risks to I-5, and sediment delivery to the estuary have been reviewed.

Most of the recommendations developed through this study will be investigated in further detail in the next phase of planning called a Planning and Environmental Linkages (PEL) study. Others, such as land use, are outside of WSDOT’s authority to implement and will require active engagement with local partners who will be the lead



Strategies involving using existing infrastructure more efficiently such as improving transit service scored well according to study performance measures.

Exhibit ES-5: Recommended timelines for further planning and implementation of modeled scenarios

Recommendations require transportation system will be maintained in a state of good repair

As discussed in Chapter Four, WSDOT has maintained the majority of this section of I-5 in fair or better condition. Modeling conducted for this study assumed that WSDOT and its partners will continue to maintain and preserve the transportation system in a state of good repair so that roadway operations and capacity will be maintained. System-wide, Washington State is currently substantially under-investing in state of good repair. WSDOT has regularly communicated this Preservation gap to the Washington State Legislature – in early 2020, WSDOT estimated an annual gap of \$690 million to preserve and maintain WSDOT’s transportation assets. As this continues, there will be widespread failures in the state system, resulting in operational reductions such as speed reductions, weight limitations, etc.

Scenario	Planning-level cost estimates ¹	Recommended strategy timelines		
		Near term (0-5 years)	Mid term (5-10 years)	Long term (10-20 years)
#2 – Land Use	Currently N/A ²	[Green bar spanning all three terms]		
#4 – Transit	\$145 million	[Green bar spanning all three terms]		
#3 – Transportation Demand Management	\$2 million	[Green bar spanning all three terms]		
#1 – Operations (state and local)	\$35 million	[Green bar spanning all three terms]		
#5 – Part Time Shoulder Use	\$15 million	[Green bar spanning all three terms]		
#8 – Interchange Improvements	\$186 million	[Green bar spanning all three terms]		
#6 – HOV Conversions	\$35 million	[Green bar spanning all three terms]		
#9 – Widen I-5: Add general purpose lanes, retain HOV lanes	\$987 million ³	[Green bar spanning all three terms]		
#7 – Local Network	\$433 million	Does not appreciable contribute to study performance measures		
#10 – Widen I-5: Add general purpose lanes, convert HOV lanes to general use	\$987 million ³	Not recommended		

Notes: 1) While planning-level cost estimates were developed and presented for consideration to study advisory groups, it was not used as a factor for scoring the scenarios. Cost estimates are provided in 2019 dollars. 2) WSDOT was not able to calculate the cost of planning and implementing TRPC’s Sustainable Thurston Land Use goals. Furthermore, any costs for implementing this strategy will likely be incurred by local agencies like city and county governments. 3) Cost estimate for Scenario Nine and Ten does not include an elevated causeway through the entire Nisqually River valley but does include replacing I-5 from the Nisqually River north/east to the BNSF train tracks with bridges. In general, there is a high level of uncertainty around costs for changes I-5 through the valley.

agencies. No one strategy is going to address all study goals alone, for example I-5 Travel Times and Reliability. These scenarios were modeled building off of each other and some may need to be implemented in conjunction to achieve the performance results discussed in this study.

COVID-19 implications for the results of this study currently unknown

WSDOT, TRPC, and their partners conducted this study between July 2018 and January 2020. Modeling used historic data on regional population, job growth and travel behavior to project future demand. This did not account for potential impacts of major disruptions such as COVID-19. While the near- and long-term effects of the pandemic are unknown, it will likely be different from the assumptions used in this study. *Scenario Three - TDM* is a good example of this, as expanded working from home has drastically reduced demand during the “Stay home, stay healthy” order.

Next steps

There are several ways WSDOT and its partners can move the recommendations of this study forward. There is currently no funding identified to fund the implementation of the strategies identified in this study.

- Prepare for federal documentation requirements with “Planning & Environmental Linkages” study.
- Engage partners to help deliver strategies outside WSDOT’s authority to implement.
- Work with the Nisqually Indian Tribe to analyze results of hydrologic study and develop recommendations.
- Communicate results of the study within the context of statewide priorities.

Chapter 1 - Introduction

Exhibit 1-1: Study area



The Washington State Legislature allocated funds in the 2018 session for a planning study of I-5 between SR 121 in Tumwater and Mounts Road near DuPont to develop mid- and long-term strategies for improving the region's transportation system performance. This report documents the analyses and engagement process Washington State Department of Transportation (WSDOT) and the Thurston Regional Planning Council (TRPC) conducted to develop those strategies with local partners and the community at-large. In addition, the Legislature also directed WSDOT and partners to consider how the proposed transportation strategies can improve salmon habitat and benefit the overall ecosystem in the Nisqually River Delta. Collaborating with local partners, WSDOT and TRPC developed mid- and long-range strategies that meet the study goals as well as support local land use, transportation, and environmental goals focusing on the following items as required by funding legislation¹:

*“The study should further develop mid- and long-term strategies from the corridor sketch, and **identify potential US 101/I-5 interchange improvements, a strategic plan for the Nisqually River bridges, regional congestion relief options, and ecosystem benefits to the Nisqually River estuary for salmon productivity and flood control.**”*

WSDOT approaches solving transportation issues using a process called *Practical Solutions*.² This approach to planning and designing focuses on achieving specific performance outcomes and working collaboratively with communities and partners in order to make the right investments in the transportation system at the right place and at the right time. For example, investing in incremental and multimodal improvements first, such as Transportation Systems Management and Operations or non-highway solutions, can avoid or delay costly expansion.

¹ Engrossed Substitute Senate Bill 6106, page 45 line 37 – page 46 line 6. <http://lawfilesexternal.wa.gov/biennium/2017-18/Pdf/Bills/Session%20Laws/Senate/6106-S.SL.pdf>

² WSDOT Practical Solutions webpage <https://www.wsdot.wa.gov/about/practical-solutions>

The study area

This study focused on I-5 between the 93rd Avenue SW interchange in Tumwater (milepost 99) and Mounts Road east of the Nisqually River (milepost 116) and the nearby area. The study area includes the cities of Tumwater, Olympia, Lacey, unincorporated parts of Thurston and Pierce Counties, the Billy Frank Jr. Nisqually National Wildlife Refuge, and is near the Nisqually Indian Tribe Reservation. In addition to I-5, study partners considered communities' multimodal transportation facilities, such as local roads and transit, in their analysis. The study area's northern end is near Joint Base Lewis-McChord (JBLM) and the city of DuPont. Most of the surrounding area is suburban or urban with rolling terrain. There are also two large valleys along the Nisqually and Deschutes rivers.

This segment of I-5 experiences recurring delay or congestion due to high traffic volumes and weaving at interchanges, which reduces vehicle throughput. These issues occur mostly at three locations during peak commute periods: the US 101 interchange at Exit 104; within the Olympia and Lacey urban growth areas between Exits 105 and 109; and near the Nisqually River bridges.

I-5 and the Puget Sound regional context

I-5 is the primary north-south route along the United States' west coast, connecting most major cities between Canada and Mexico. This segment of I-5 in particular is an important freight corridor, providing the only high-speed, north-south interstate corridor on the west side of the Cascade Mountains for trucks serving major seaports in Seattle, Tacoma, and Vancouver B.C. and Seattle-Tacoma International Airport. Trucks on this section of I-5 make up 10.2% to 13.4% of all traffic. Between 11,000 and 14,000 trucks use this section of I-5 daily, the third-highest daily truck volume across the state³.

³ WSDOT Freight and Goods data layer- <https://wsdot.maps.arcgis.com/home/item.html?id=09185bbba7c94253a26961489bb8ad20>



Commuters pull up to Joint Base Lewis-McChord's main gate. Photo courtesy of South Sound Military and Communities Partnership.

I-5 is important for operation of Joint-Base Lewis-McChord

In addition to its important role in commerce, this section of I-5 provides access to JBLM, the U.S. Department of Defense's premier west coast military installation and one of the largest military bases in the country. JBLM's location along I-5 and access to nearby seaports are essential to the base's function as a power projection platform. JBLM is the largest single-location employer in Washington State and the largest employer in Pierce County. Roughly 52,000 service members and civilians work at the base and 85% live off post⁴ and many use I-5 to access the base.

I-5 is a major commuting corridor in south Puget Sound

I-5 is also important for local commuting and travel, connecting Olympia and Tacoma and providing local access to communities in between. Commuter destinations along the corridor include major employment centers like the state capitol, JBLM, downtown Tacoma, and other commercial and industrial centers. Multiple transit agencies provide bus and vanpool services, and

there are multiple park-and-ride lots along the corridor. Sound Transit and Amtrak Cascades provide commuter and intercity/long-distance rail service, respectively. Bicycles are permitted on some of I-5 where alternate facilities are limited. A shared-use trail follows I-5 through Olympia and Lacey connecting with other regional trails. There is no trail connection between Thurston and Pierce counties so bicyclists must use highway or local roadway shoulders.

Alternate routes and capacity for I-5 are extremely limited

One of the reasons I-5 is so critical for regional and national travel is it is the only major highway connecting Thurston and Pierce counties. State Route 507 near Yelm and Nisqually Cutoff Road provide the only other connections. During major traffic disruptions, these two routes and a 75-mile detour around the west side of south Puget Sound through Tacoma, Purdy, and Shelton are the only alternates available to non-military vehicles. Other alternate routes such as Perimeter Road through JBLM and a gated maintenance path connecting to Mounts Road in DuPont just north of the Mounts Road interchange have only been made available during major disruptions such as the 2017 Amtrak derailment.

The Nisqually River and its delta

The Legislature directed WSDOT to consider "ecosystem benefits to the Nisqually River estuary for salmon productivity and flood control" in addition to considering transportation performance issues. The river and its delta – the traditional home of the Nisqually Indian Tribe – are designated critical habitat under the Endangered Species Act for listed Chinook salmon and steelhead and are critical to the exercise of the Nisqually Tribe's treaty rights. I-5 passes directly through this environmentally important and sensitive area and which has issues with adequate sediment delivery the delta, salmon habitat, and flooding.



Interstate 5 crosses the main stem of the Nisqually River just upstream of where it meets Puget Sound.

⁴ South Sound Military and Communities Partnership- <https://cityoflakewood.us/south-sound-military-and-communities-partnership/>

Chapter 2 - Related Studies and Planning Efforts

Prior to this study, WSDOT and local governments conducted several planning studies of issues along the corridor and completed plans outlining policy for land use and transportation within the study area. The study team reviewed the following related planning work:

- Local comprehensive plans and studies from cities, counties, and Thurston Regional Planning Council;
- WSDOT statewide plans;
- Relevant WSDOT planning studies, corridor sketches, or project development documents.

Where possible, WSDOT and study partners built on this previous work. The study team used that data and analysis as a base to help develop solutions and strategies.

Study team and partners considered local plans when developing strategies

WSDOT staff reviewed the relevant sections of transportation and comprehensive plans from the following local agencies:

- City of DuPont
- City of Olympia
- Pierce County
- City of Lacey
- City of Tumwater
- Thurston County
- City of Lakewood
- Nisqually Indian Tribe
- Thurston Regional Planning Council

While all of these governments have differing projects and priorities, there were several common themes among their policy goals.¹ All held safety as a high priority, including for bicyclists, pedestrians, and transit users. Many also emphasized the importance of I-5 to the regional transportation system. In addition, they all shared in the following goals and values:

- Improving alternative travel modes (particularly transit, rail, and carpooling) and managing demand;
- Achieving land-use patterns that support an efficient transportation system;

¹ City of DuPont Comprehensive Plan: Chapter 9 – Transportation; https://www.dupontwa.gov/DocumentCenter/View/1455/Final_Full_09nov15?bidid=#page=120

City of Lacey Comprehensive Plan: Community Vision – Transportation & Land Use; https://www.ci.lacey.wa.us/Portals/0/docs/community_development/planning_documents/2016_iii_community_vision.pdf#page=32

City of Lakewood Comprehensive Plan: 6.0 – Transportation; <https://cityoflakewood.us/wp-content/uploads/2019/11/1019-LAKEWOOD-COMPREHENSIVE-PLAN.pdf#page=151>

The study team worked to incorporate local strategies and plans into the I-5 study

Municipalities along the study area in Thurston County have adopted “Strategy Corridors”. These are roadways on the local network where local jurisdictions have committed to not widen the roadway beyond five lanes and pursue other strategies instead such as transit or improving network connectivity. WSDOT used policies like this as goalposts when developing strategies to ensure this study supports local plans.



- Maintaining the ability of freight traffic to travel within and through the region;
- Improving local network connectivity;
- Reducing barriers to accessing transportation services.

Within Thurston County, the local agencies shared transportation investment strategies and priorities as a result of TRPC’s coordinating regional planning. For example, all the cities and the county adopted “Strategy Corridors” as discussed above.

Legislative policy goals & WSDOT statewide plans provide a policy framework for planning on I-5

The Washington State Legislature codified six transportation policy goals in RCW 47.04.280. The goals are not prioritized and include Economic Vitality, Preservation, Safety, Mobility, Environment, and Stewardship.² The law states, in part, that “public investments in transportation should support achievement of these policy goals.” WSDOT has several statewide plans that layout how WSDOT will achieve

² Revised Code of Washington (RCW) Title 47, Chapter 47, Section 47.04.280 Transportation System Policy Goals; <https://apps.leg.wa.gov/rcw/default.aspx?cite=47.04.280>

these goals, influencing how WSDOT approaches planning and the types of solutions considered. These plans fall into two main categories. First are the high-level policy plans, like the Washington Transportation Plan³ completed by WSDOT and the Washington State Transportation Commission. Second are the “Modal” plans, which cover policy specific to individual modes of transportation like aviation or areas of transportation policy like freight mobility.

The Washington State Transportation Plan Phase Two document is WSDOT’s over-arching policy plan that sets a long-term vision for the state transportation system as well as strategies for achieving that vision. The most recent version of the Washington Transportation Plan established four focus areas⁴ for WSDOT:

- Maintain and preserve assets
- Manage growth and traffic congestion
- Enhance multimodal connections and choices
- Align funding structure with multimodal vision

WSDOT staff used these focus areas where possible as a guide for the study. For example, WSDOT incorporated the estimated cost of maintenance over the life of new facilities into the overall comparison of benefit to cost to align with the “maintain and preserve assets” focus area. This cost information was used in discussing recommendations for the modeled scenarios, detailed in Chapter Eight of this report, with study stakeholders. Similar policy and strategy guidance came from other agency plans including the Highway System Plan, Freight System Plan, and other modal plans..

Previous corridor plans and studies provided strategies to build from

WSDOT has completed studies previously within the study area that provided data and ideas for strategies to improve system performance. WSDOT and its partners considered the strategies and data from these studies when developing solutions to test. For example, working with local partners WSDOT completed the I-5 Near-Term Solutions Study for this same stretch of I-5 a year before this study began. The Near-Term Solutions Study recommended part-time shoulder use and demand management as strategies for improving performance in the next five years. These strategies were incorporated into the study’s traffic modeling to determine their long-term system performance contribution. WSDOT reviewed the following studies relevant to the corridor:

- **I-5/US101 Interchange Study (2013)** – This study developed solutions to be modeled later for addressing operational issues at the US 101 interchange.
- **I-5 Near term Solutions Study⁵ (2018)** – This study developed solutions to be modeled later for addressing operational issues at the US 101 interchange.
- **HOV Feasibility Study I-5: JBLM to 38th Street⁶ (2017)** – This study investigated possible approaches to extending HOV lanes from 38th Street in Tacoma to/through the JBLM area.
- **Corridor Sketch Initiative⁷ (2016-2017)** – WSDOT worked with local partners to develop high-level, baseline studies for highways around the state. A summary was developed for each corridor that documents strategies and solutions to address performance issues and manage system assets.
- **Martin Way & Marvin Road Interchange Justification Report (IJR)⁸ (2015)** – The City of Lacey in association with WSDOT and FHWA prepared an IJR, looking into alternatives for improving operations at the I-5 interchanges with Martin Way (Exit 109) and Marvin Road (Exit 111).
- **West Olympia Access Study⁹ (2016)** – The City of Olympia and WSDOT jointly evaluated transportation needs on Olympia’s west side. The City completed an IJR to investigate alternative solutions for US 101 near I-5.

³ Washington State Transportation Plan; <https://washtransplan.com/>

⁴ Washington State Transportation Plan Goal Areas; <https://washtransplan.com/wp-content/uploads/2018/05/WTPPhase2-2017-web-PlanAndAppendicies-1.pdf#page=13>

⁵ I-5 Near-Term Action Agenda Folio; https://www.trpc.org/DocumentCenter/View/5867/WSDOT_NearTermImprovements_030118

⁶ HOV Feasibility Study I-5: JBLM to S 38th Street Summary Report; https://www.wsdot.wa.gov/publications/fulltext/LegReports/15-17/15_JBLM_HOV_LaneFeasibilityStudy_SummaryReport.pdf

⁷ Corridor Sketch Initiative website; <https://www.wsdot.wa.gov/planning/corridor-sketch-initiative>

⁸ IJR for I-5/Martin Way Interchange and I-5/Marvin Road Interchange; https://www.ci.lacey.wa.us/Portals/0/docs/Public_Works/signed-ijr-martin-way-and-marvin-rd.pdf

⁹ West Olympia Access Study website; <http://olympiawa.gov/city-services/transportation-services/plans-studies-and-data/west-olympia-access-study.aspx>

Chapter 3 - Study process

WSDOT and the Thurston Regional Planning Council collaborated in creating a planning process that included a broad range of perspectives, disciplines, and backgrounds in outreach and decision making. To achieve this, the study team surveyed local communities and collaborated with local government partners to develop goals and strategies for this segment of I-5. The study team worked with two advisory groups, one of technical experts and one of executive staff or elected decision-makers from local governments, tribal governments, and state and federal agencies that met regularly to review progress and advise the study team. The table below lists the agencies and governments invited to participate in advisory groups. Not all organizations invited chose to participate.

The study team used the standard planning process of: 1) developing the purpose and goals, 2) analyzing existing and historical conditions, 3) developing performance measures, 4) developing strategies and solutions to achieve those goals, 5) evaluating potential solutions, and 6) developing recommendations based on evaluations. The study team conducted public engagement at various points in the process tailored to fit the needs of the study.

The study team met with the advisory groups thirteen times between June 2018 and January 2020 to gather input and discuss key policy considerations (see Exhibit 3-1). In addition to advisory group meetings, the study team conducted one-on-one interviews with potentially affected or interested organizations and agencies. The study team also consulted with relevant subject matter experts from the jurisdictions and within WSDOT such as WSDOT's Bridges & Structures office.

WSDOT and its partners developed strategies and solutions to a conceptual level to model and test. These were not detailed enough for construction which will require more detailed design and modeling. WSDOT's *Practical Solutions* framework calls for a focus on identifying needs and assessing alternative strategies at this step of the overall process. Further refinements to solutions will happen in subsequent planning efforts as shown in Exhibit 3-2.

The study team invited the following organizations to participate

- Confederated Tribes & Bands of the Yakama Nation
- Confederated Tribes of the Chehalis Reservation
- Cowlitz Indian Tribe
- City of DuPont
- Federal Highways Administration
- Intercity Transit
- Joint Base Lewis-McChord
- City of Lacey
- City of Lakewood
- Nisqually Indian Tribe
- City of Olympia
- Pierce County
- Pierce Transit
- Port of Olympia
- Puyallup Tribe of Indians
- City of Rainier
- Sound Transit
- Squaxin Island Tribe
- Town of Steilacoom
- City of Tenino
- Thurston County
- Thurston Economic Development Council
- Thurston Regional Planning Council
- City of Tumwater
- South Sound Military and Communities Partnership
- City of Yelm



Staff from WSDOT and TRPC meet with a study advisory group to discuss study progress and develop recommendations.

Exhibit 3-1: Study schedule

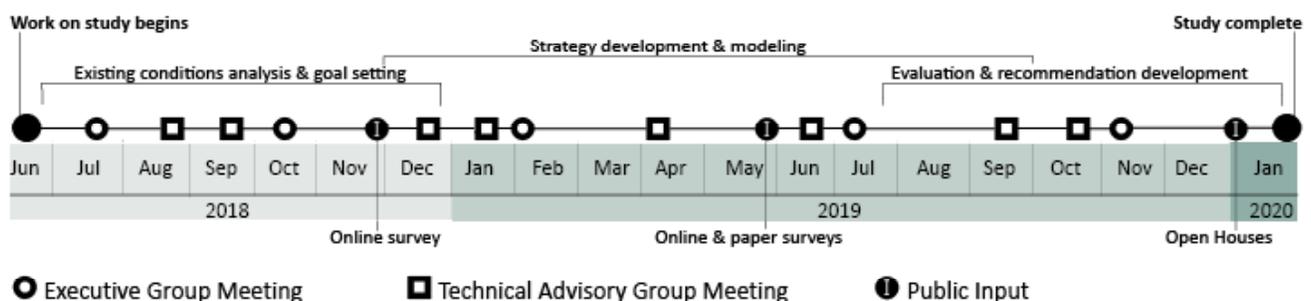
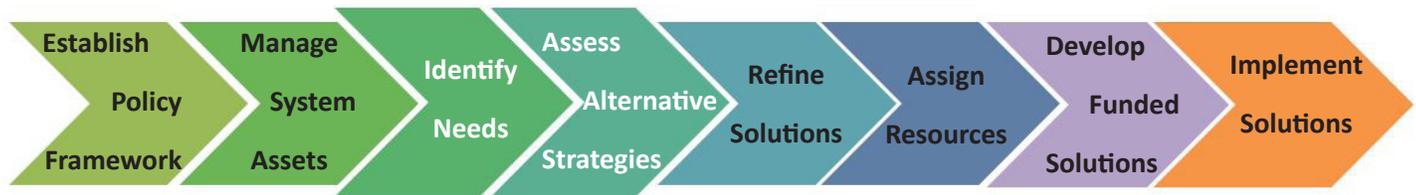


Exhibit 3-2: WSDOT's Practical Solutions framework



Study goals and performance measures

The study team collaborated with stakeholders and engaged the public in developing study and community goals for the corridor. The study goals include (not listed in order of priority):

- Improve travel times on I-5 and make them more predictable.
- Increase the transportation system's ability to efficiently and equitably move all people and goods.
- Improve access to job sites, commercial services, and industrial areas.
- Protect and enhance the environment including reducing the transportation-related impact on fish and wildlife habitat in the Nisqually River delta.
- Improve the transportation system's ability to operate during disruption and recover from it.

The study looked at performance of the transportation system as a whole, acknowledging the differing community and environmental needs throughout the corridor. The team recognized that different portions of the corridor call for different solutions, including strategies off the state highway system.

Community engagement

WSDOT and TRPC proactively reached out to communities that may be affected by future projects to obtain their feedback on the strategies and priorities developed by the study team and stakeholders. WSDOT's goal in community engagement is to include as many perspectives, disciplines, and backgrounds as practicable to guide decision making. WSDOT and TRPC sought to achieve the following through this study's community engagement effort:

- Increase awareness around WSDOT's planning efforts for this stretch of I-5
- Collect and document community members' preferred performance outcomes, priorities, and concerns
- Ensure WSDOT is aware of potential effects of different strategies on communities
- Inform and obtain feedback from the affected communities on the recommended strategies

To that end, WSDOT and TRPC carried out a paper survey, two online surveys, two in-person open house events, and an online open house using an online interactive story map. The study team gave particular focus to seeking input reflecting community demographics as much as practicable¹. Paper surveys were made available at accessible, commonly-used public spaces like at transit centers and libraries. The study teams also partnered with willing stakeholder agencies to directly distribute paper surveys such as the Nisqually Indian Tribe. Information was included offering translated copies of the survey in other languages as requested. See Appendix A for the study's communications and community engagement plan.

WSDOT study surveys received more than 4,600 responses

WSDOT sought feedback on community members' preferred outcomes and priorities mainly through the surveys. The study team collected 4,600 responses total, resulting in more than 6,500 open-ended responses to questions about study goals and strategies. WSDOT made both surveys available online and advertised them via email, social media, and local news. TRPC also made a paper version of the second survey which they distributed at publicly accessible locations such as libraries, food banks, and transit routes. The Nisqually Indian Tribe also helped distribute paper surveys.



In addition to online surveys, WSDOT and TRPC worked with local partners to distribute paper surveys at commonly used public spaces like transit centers.

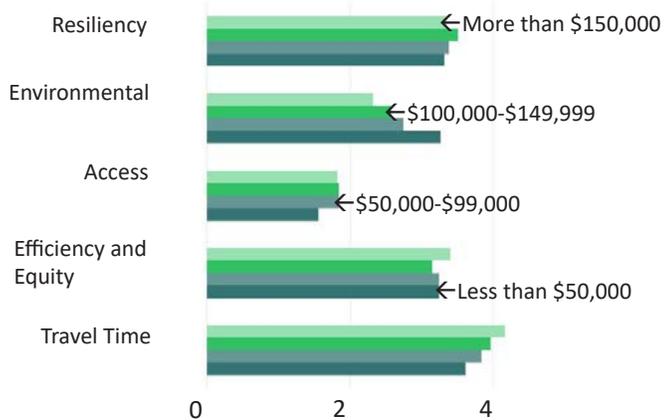
¹ WSDOT is required to protect the civil rights of all people affected by the agency's projects by making a concerted effort to engage minority, low-income and Limited English Proficient (LEP) populations. See WSDOT's Community Engagement Plan for the agency's guiding principles on this topic. <https://www.wsdot.wa.gov/sites/default/files/2019/05/22/Planning-CommunityEngagementPlan-2016Update.pdf>

The study team used public input to set study priorities, develop strategies, and account for user group needs

The study team used survey responses in three primary ways. First, they incorporated respondents answers on study goal priorities with input from the advisory groups (weighted 50/50) to develop the final scoring schemes for modeling results. Second, the study team used responses to refine the actual goals. An entire new goal of system resilience was added based on public input. Third, the study team and the advisory groups reviewed all comments regarding improving system performance that came from the surveys. Finally, the study team used comments from the open-houses and surveys for further refinement of the strategies.

Exhibit 3-3: Survey support of study goals differ
Support of study goals differed by respondent characteristics, travel time main goal overall

Average goal ranked by household income, five is most important



Overall respondents most valued improving travel times, while some placed a higher value on environment and equity

WSDOT asked survey respondents to rank five study goals developed collaboratively with local, tribal, state and federal partners (see Exhibit 3-3). In the first survey, respondents overall ranked “moving people and cars efficiently” as the highest priority. Most respondents in the second survey ranked “improving travel times on I-5 and making them more predictable” as their highest priority.

The study team found that respondent support among the study goals was different based on certain characteristics. For example, in the first survey, respondents with a household income of less than \$25,000 valued the goal of ensuring equitable access to transportation services 35 percent higher than the overall average. Those with household incomes of \$150,000 or more valued the same goal about 9 percent less than average.

Another notable trend was respondents who used commute modes other than driving alone valued improving travel times up to 16 percent less and equity and environmental goals up to 51 percent and 23 percent more, respectively. The study team added a new resiliency goal and reworded other goals adapting the content to reflect responses. The second survey yielded similar results.

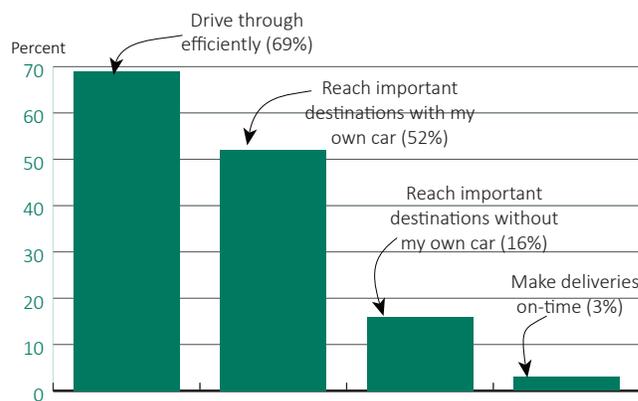
Respondents’ transportation needs correlated to primary commute mode, income, and age

The study team asked respondents what they need most from the transportation system (in addition to safety). The most common answer was to be able to drive through the corridor efficiently and reliably (see Exhibit 3-4). Similar to respondents’ weighting of study goals, there were notable differences in transportation needs based on characteristics such as commuting mode, income, and age.

Respondents who used any commute mode besides driving alone valued reaching destinations without a private vehicle more than average, ranging from 19 percent higher for those who carpool to 287 percent higher for those who only bike, walk, or use transit. Similarly, these groups tended to value driving through the corridor less than the overall survey sample on average.

Exhibit 3-4: Survey respondent transportation needs
Overall, most respondents say they need to drive through the corridor efficiently

Percent of respondents by transportation need indicated in survey



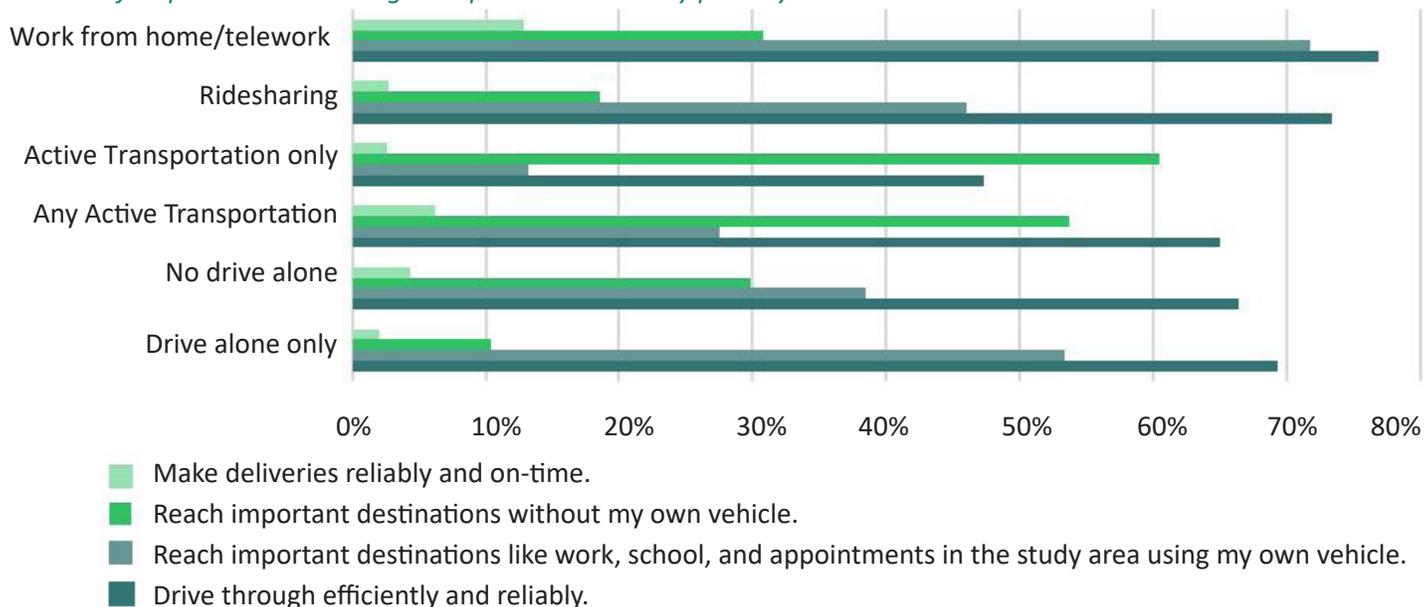
Respondents with household incomes of \$75,000 or less also valued reaching important destinations without their own vehicle 21 to 60 percent higher than the overall average. Respondents with household incomes above \$100,000 valued the same goal 17 percent less than average.

Finally, older respondents tended to value reaching important destinations with their own car less than the overall survey sample on average. Respondents over 45 valued this goal 10 to 21 percent lower than average, while respondents 44 and younger valued it 19 to 27 percent higher than average.

Exhibit 3-5: Survey transportation needs differ

Respondents transportation needs differed by their main commute mode

Percent of respondents indicating transportation needs by primary commute mode



Respondent comments lean toward resiliency, transit, environment

WSDOT staff reviewed roughly 6,500 open-ended responses related to study goals and outcomes in the first survey. Among responses related to study goals, 25 percent suggested adding resilience to disruptions like the Amtrak derailment that occurred in 2017 as a goal and many more expressed concern about it.

Another, more common, comment was to have reduced reliance on driving alone by expanding transit and other options as a study goal. 43 percent of responses about study goals mentioned this outcome. WSDOT and its study partners incorporated this intent into existing goals and measures.

“...I think there needs to be more push on reducing the number of cars on the road through better, more varied, swift, reliable, and financially accessible to all public transportation...”



Many survey respondents indicated the Nisqually delta was important to them. One comment read “Protect the integrity of the Nisqually River delta.” Photo courtesy of the Nisqually River Council.

Improvements to alternate routes and interchanges had most support overall; Support for HOV and transit correlated to income, commute mode, living in study area

WSDOT asked respondents what types of improvements they would support among options ranging from highway expansion to demand management and improvements to local roads in the second survey. “Adding capacity to, or developing, an alternate to I-5” was the most common response, with roughly 75 percent of respondents indicating support. “Improving traffic flow at interchanges like US 101/Olympia City Center” was a close second with 70 percent indicating support.

Respondents with lower household incomes and those who do not commute by driving alone were more supportive of transit, walking, and biking improvements. Support for improving conditions for walking or biking was 50 to 199 percent more than average for respondents who do not drive alone. Among respondents who drive alone, 60 percent supported adding new lanes to I-5, compared to 31 percent of active transportation users.

Respondents who live in zip codes touching the study area were more likely to support HOV, interchange, and bicycle/pedestrian improvements by 6, 7, and 15 percent more than average, respectively.

Most respondents indicated they are frequent commuters in study area

Most respondents indicated they travel within the study area at least a few times a week, generally during peak

commute hours (4 p.m. to 7 p.m. and 7 a.m. to 9 a.m.) to commute to and from work. Common uses also included visiting family and friends, recreational activities, and medical services. Roughly half of all respondents work in the Downtown Olympia/Tumwater area and about 61 percent live in the study area. A large majority of respondents (88 percent) indicated they drive alone to work. About 62 percent marked drive alone as the only commute mode they use.

Survey sample over-represented certain groups compared to study area

Respondent demographics differed from the study area, in some cases by a wide margin. For example, 15 percent of respondents had a yearly household income of at least \$150,000, double the proportion in the study area. The same applied to respondents with household incomes of \$100,000 to \$150,000. On the other hand, 13 percent of respondents had a yearly household income of less than \$50,000. This is roughly two thirds less than the study area population where households with incomes less than \$50,000 make up 41 percent of the population.

Respondents between 35 and 64 years old were also over-represented compared to the study area, while ages 25 and younger or 65 and older were under-represented. For example, about a quarter of respondents were between 45 and 54 years old, twice the rate of the study area population. Results were similar for ages 35-44 and 55-64.

Results for respondents' race/ethnicity were close to the study area in some cases and not in others. For example, 82 percent identified only as "white", while 79 percent of the study area population identified as such in census data. Others over-represented in the survey sample included Native American and Native Hawaiian/Pacific Islander at three and one percent of the survey sample compared to 1.4 and 0.9 percent of the study area population. The next largest groups of respondents identified as two or more races/ethnicities, Asian/Asian American, and Hispanic or Latinx, four, three, and two percent. Within the study area, the largest racial/ethnic groups after white are Hispanic or Latinx, two or more races, and black/African American with 9, 6, and 3 percent.

Chapter 4 - Existing conditions

WSDOT analyzed existing conditions along I-5 in the study area to help guide the study’s focus and to help develop strategies. WSDOT collected data on the current conditions for the following topics:

- Facility conditions including maintenance and preservation needs
- Geometric elements
- Environmental assets and factors
- Land use, demographics, and employment in and around the study area
- Observed crash history along I-5 in the study area¹
- Regional roadway, bicycle and pedestrian, and networks
- System operational performance

Facility conditions

WSDOT tracks conditions for two major facility categories for highways; pavement² and bridges/structures.³ Within the I-5 Tumwater to Mounts Road study area, there are roughly 108 lane miles of pavement and 64 bridges (18 roadway bridges and 2 rail bridges pass over I-5, and I-5 has 34 bridges over a roadway or waterway), including ramps and crossroads. According to agency data, these assets along the corridor are generally in good shape.

WSDOT evaluates the condition of asphalt and concrete pavement on state-managed roadways annually looking at various criteria such as surface cracking, rutting, and smoothness. The agency uses these criteria to classify pavement into five condition categories: very good, good, fair, poor, and very poor. About 99.6 percent of surveyed pavement within the study area is in fair or better condition, with 85 percent rated as good to very good. Data was not available for 19 percent of study area pavement.

In addition to pavement conditions, WSDOT tracks the time until sections of pavement are due for preservation. WSDOT considers about 11 percent of the corridor past due or very past due for preservation. The vast majority of the study corridor – about 89 percent of centerline miles – has not reached its due date for rehabilitation. However, within that figure about a fifth of the corridor will be due for preservation work by the end of Fiscal Year 2020 (June 30th, 2020).

1 Under 23 U.S. Code § 409, safety data, reports, surveys, schedules, lists compiled or collected for the purpose of identifying, evaluating, or planning the safety enhancement of potential crash sites, hazardous roadway conditions, or railway-highway crossings are not subject to discovery or admitted into evidence in a Federal or State court proceeding or considered for other purposes in any action for damages arising from any occurrence at a location mentioned or addressed in such reports, surveys, schedules, lists, or data.

2 Pavement Annual Report – WSDOT Gray Notebook 72, p. 9 <https://wsdot.wa.gov/publications/fulltext/graynotebook/gray-notebook-Dec18.pdf#page=9>

3 Bridges Annual Report – WSDOT Gray Notebook 74, p. 7 <https://wsdot.wa.gov/publications/fulltext/graynotebook/gray-notebook-Jun19.pdf#page=7>



WSDOT considers both I-5 bridges over the Nisqually River bridges to be in fair condition with more than 30 years of remaining service life.

Exhibit 4-1: Pavement condition

Almost all surveyed¹ pavements on study corridor are in fair or better condition

Corridor directional² miles and percent by pavement condition

CONDITION RATING	MILES ²	PERCENT
Very Good	11.62	40.8%
Good	12.7	44.6%
Fair	4.04	14.2%
Poor	0.12	0.4%
Very Poor	0.00	0.0%

Notes: 1 No data was available for 6.8 miles, or about 19%, of the corridor. 2 Directional miles is the number of miles in each direction of travel (e.g. north and south for this section of I-5). None of the pavement surveyed on the corridor was in “very poor” condition.

Data source: Washington State Pavement Management System 2016 version (for the 2017-2019 biennium).

Exhibit 4-2: Pavement due year

Almost all surveyed pavements on study corridor are in fair or better condition

Corridor centerline miles and percent by due for preservation category; Average years till due

Due year category	Total	Percent	Average years till due
Future Due	21.8	58%	18.1
Near Due	4.6	12%	3.8
Due	7.3	19%	1.2
Past Due	3.0	8%	-1.7
Far Past Due	1.0	3%	-5.9

Notes: 1 Directional miles is the number of miles in each direction of travel (e.g. north and south for this section of I-5). Data source: Washington State Pavement Management System 2016 version (for the 2017-2019 biennium)

Maintenance needs on the study corridor are only a part of statewide needs

WSDOT facilities within the study area are part of a larger statewide system that the agency is responsible for maintaining. The agency uses multiple performance measures and statewide goals to monitor facility conditions such as to maintaining 90% of pavement lane miles in fair or better condition. According to the most recent available data, there was a preservation backlog of \$346 million for pavement statewide in 2017 and a highway maintenance backlog of \$98 million per biennium. Similarly there are multiple needs for bridges statewide. For example, there were 459 state-owned bridges that needed seismic retrofitting at an estimated cost of \$614 million in Fiscal Year 2019. See WSDOT's Gray Notebook for more (links on previous page).

WSDOT regularly inspects bridges and categorizes their condition. Bridges classified in "Poor" condition are monitored, repaired, or replaced. Of the 64 bridges on the study corridor, there is only one listed as in poor condition; the Plum St SE northbound Ramp over Eastside St SE due to concrete deck deterioration. WSDOT has prioritized this for rehabilitation. A "Poor" condition rating does not mean a bridge is unsafe or in danger of collapse. Bridge inspectors have authority to close or restrict any bridge deemed unsafe at any point.

Geometric elements

WSDOT reviewed how the corridor was designed and laid out, called the geometric elements, to see if it affects system performance and meets current requirements. Some geometric elements on this section of I-5 use old design standards. For example, several off-ramp tapers, where ramps split from mainline I-5, diverge at a steeper rate than currently used for facility design speeds. Several on-ramp designs do not use acceleration lengths or taper rates currently used for a 60 mph mainline design speed. While geometric elements on most of the corridor meet current performance needs, changes could improve how facilities operate at several intersections of ramps and crossroads. WSDOT's Practical Solutions approach uses a performance data rather than standards. Proposed improvements will be evaluated on overall system performance.

WSDOT also reviewed all bridges on and over I-5 in the study area. Some of them would require widening or replacement to implement some of the improvements described in Chapter Seven of this study.

According to the WSDOT Bridge Engineering Information System, some of the bridges are considered functionally obsolete. For more information see the detailed geometric element summary included in Appendix B.

Environmental assets and factors

WSDOT conducted a preliminary environmental review of the study area focused on select environmental assets that either can affect the scope of future investments or are existing assets that need to be protected. This review is only a snapshot of the information available and did not examine the full range of environmental issues that will be addressed during site specific project development. WSDOT reviewed the following environmental assets for the study area:

- Climate vulnerability impacts
- Chronic environmental deficiencies
- Noise Walls
- Stormwater management
- Fish passage barriers
- Wetland mitigation sites
- Habitat connectivity priorities
- Historic preservation

WSDOT will analyze environmental data further as project locations become clearer, to determine what the environmental constraints and needs may be and how significant they are. WSDOT will use this information to also refine project purpose and goals if needed. WSDOT found several factors and assets that could constrain improvements.

First, there are five segments WSDOT has identified along the corridor as a high-priority for stormwater retrofits and two segments as medium-priority. These segments occur in the Nisqually River valley, near Carpenter Road, and near the Pacific Avenue Interchange. The corridor crosses multiple watersheds with Total Maximum Daily Load (TMDL) requirements for pollutants including the Upper Chehalis, Deschutes, Henderson Inlet, and Nisqually TMDL zones. Furthermore, there are several water bodies along the corridor on the state's 303(d) list, meaning their "beneficial uses are impaired by pollutants".⁴

Second, WSDOT has ranked three one-mile corridor segments as high-priority for investing in improvements to reduce collisions with wildlife⁵. There are also three segments with medium priority for ecological stewardship, one near the Deschutes River in Olympia and two near the Nisqually River delta. The segment adjacent to the Billy Frank Jr. Nisqually National Wildlife Refuge has a high ecological stewardship priority rank.

⁴ Washington State Department of Ecology – "Water quality assessment & 303(d) list" <https://ecology.wa.gov/Water-Shorelines/Water-quality/Water-improvement/Assessment-of-state-waters-303d>

⁵ Under 23 U.S. Code § 409, safety data, reports, surveys, schedules, lists compiled or collected for the purpose of identifying, evaluating, or planning the safety enhancement of potential crash sites, hazardous roadway conditions, or railway-highway crossings are not subject to discovery or admitted into evidence in a Federal or State court proceeding or considered for other purposes in any action for damages arising from any occurrence at a location mentioned or addressed in such reports, surveys, schedules, lists, or data.

Additionally, there are six documented fish passage barriers on the corridor which are in the federal injunction area.⁶ There’s also one wetland mitigation site along the corridor and as well as several noise walls which would need to be considered in project development.

For details on environmental assets along the study corridor not discussed here, see Appendix C – Environmental Assessment.

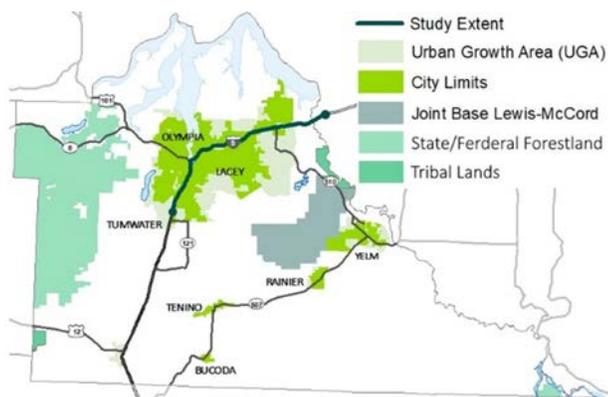
Land use

The study area is located primarily in Thurston County at the southern end of the Puget Sound with a small portion in southern Pierce County near DuPont and part of JBLM. At 736 square miles, Thurston County is the eighth smallest county in Washington. Thurston County is a mostly rural county but has several urban and suburban areas. About 13 percent of the land area is incorporated or unincorporated urban area, 70 percent is rural, one percent is tribal reservation and 16 percent is state or federal forest land. Lacey, Olympia, and Tumwater are the largest cities in Thurston County and together form the north urban area. In southern Thurston County are the cities of Rainier, Tenino, and Yelm, the Town of Bucoda, and unincorporated Grand Mound. There are two tribal reservations: the Confederated Tribes of the Chehalis Reservation and the Nisqually Indian Tribe Reservation.

Population and demographics

According to TRPC’s report, *The Profile*,⁷ Thurston County’s population was approximately 252,000 as of the 2010 census, with most people living in unincorporated areas.

Exhibit 4-3: Major administrative areas Thurston County



6 The Ecological Stewardship rank reflects a highway segment’s overlap with the ranges of select Endangered or Threatened wildlife and its proximity to connected networks of habitat identified by the Washington Habitat Connectivity Working Group. The listed species selected for inclusion in the ranking process were those species known to be most affected by highways, either due to road mortality or behavioral avoidance or both. WSDOT – “Federal court injunction for fish passage” <https://www.wsdot.wa.gov/Projects/FishPassage/CourtInjunction.htm>

7 Thurston Regional Planning Council; *The Profile* webpage; <https://www.trpc.org/391/The-Profile-Thurston-County-Statistics-D>

Since then, the county’s population has grown and the balance has shifted towards urban areas. Thurston County’s population was 281,700 in 2018. It is one of the fastest growing counties in Washington State. 63 percent of Thurston County’s population lives in the Lacey–Olympia–Tumwater urban area, 6 percent in the south county communities of Bucoda, Rainier, Tenino, Yelm, and Grand Mound, 0.3 percent in a tribal reservation, and the remaining 31 percent in rural unincorporated areas.

TRPC forecasts the population will continue to grow to roughly 371,000 by 2040, an increase of 119,000 or 47 percent. Furthermore, TRPC forecasts the balance of population will continue to concentrate in incorporated cities and urban growth areas between 2018 and 2040 (70,000 people). Other urban areas are also expected to absorb a significant amount of growth. Yelm’s population is projected to add 20,000 residents, an increase of 4.1 percent per year.

Exhibit 4-4: TRPC forecasts greater population densities in and around existing urban areas in 2040

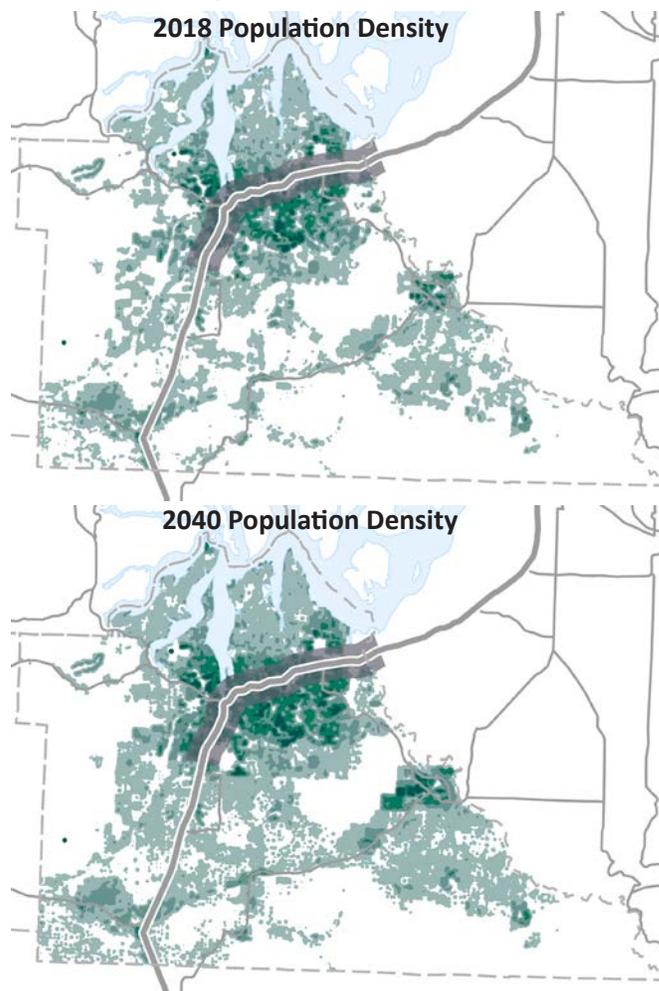


Exhibit 4-5: Map of demographic analysis area



Population dynamics in Thurston County are also changing. The area is becoming more diverse. As of 2017, the American Community Survey⁸ estimated people identifying as non-Hispanic white accounted for about 76 percent of the population compared to about 80 percent in 2010. Currently the largest minority groups in the county are Hispanic/Latinx, Asian, and two or more races which all grew between 2010 and 2017. TRPC also forecasts the population will gradually be older overall. The median age of Thurston County increased from 38.3 years in 2010 to 38.9 years in 2017. This trend is expected to continue.

Demographics within the study analysis area generally include a slightly higher proportion of population in minority groups, with limited English proficiency, and with a disability than the county as a whole. Exhibit 4-6 gives a demographic profile for the study area based on analyses conducted for Title VI⁹ and the National Environmental Policy Act (NEPA).¹⁰ The table also gives two measures of transit-dependency in the study area. In addition to the summary data in the table, there are three block groups that meet guidelines for limited English proficiency outlined in WSDOT’s Environmental Manual – Social and Community Effects chapter¹¹; two for Spanish speakers and one for Asian and Pacific Island Language speakers with five percent or more of people indicating limited English proficiency.

8 American Community Survey; Census Data webpage; <https://data.census.gov/cedsci/>

9 Title VI refers to Title VI of the Civil Rights Act of 1964 which prohibits discrimination based on race, color, or national origin in programs or activities which receive federal financial assistance. There are certain analyses agencies must conduct to ensure projects are not likely have a disparate impact or disproportionate impacts on populations protected under Title VI, and the Environmental Justice and Limited English Proficiency Executive Orders; WSDOT Environmental Justice webpage; <https://www.wsdot.wa.gov/environment/technical/disciplines/social-and-land-use-effects/environmental-justice>

10 WSDOT NEPA & SEPA guidance webpage; <https://www.wsdot.wa.gov/environment/technical/nepa-sepa>

11 WSDOT Environmental Manual Chapter 458; Page 458-8; <https://wsdot.wa.gov/publications/manuals/fulltext/M31-11/458.pdf>

Exhibit 4-6: Study Analysis Area Demographics

Study Analysis Area Demographics

2012-2016 average, 2016 American Community Survey

	TOTAL	PERCENT
Population	107,861	-
Households	42,984	-
Minority Populations		
Black/African American	4,281	4.0%
Native American	1,518	1.4%
Asian	7,700	7.1%
Hawaiian/Pacific Islander	959	0.9%
Some other race	988	0.9%
Two or more races	6,800	6.3%
Hispanic/Latinx Origin (Any Race)	8,988	8.3%
Total Minority Population	28,848	
Senior Population		
65 or Older	16,538	15.3%
Poverty Status		
Income below poverty in last 12 months	11,862	11.0%
Limited English Proficiency		
Spanish	717	0.7%
Other Indo-European Language LEP	94	0.1%
Asian and Pacific Island Languages LEP	1,239	1.1%
Other Languages	132	0.1%
Total	2,182	2.0%

Data from the Office of the Superintendent of Public Instruction¹² for the 36 schools in the study analysis area shows comparable proportions of minority students, with the exceptions of Hispanic/Latinx and two or more races which were both higher than American Community Survey data showed (7.6 and 5.0 percentage points higher, respectively). The number of individuals with limited English proficiency is also growing. Roughly 4.3 percent of students were “transitional bilingual”, more than twice the limited English proficiency population in the study area. The number of children on free and reduced lunches was 34.3 percent, significantly higher than the proportion of people with incomes below the federal poverty level.

12 Washington Office of Superintendent of Public Instruction State Report Card website; <https://washingtonstaterreportcard.ospi.k12.wa.us/>

Employment

Roughly 145,600 people work in Thurston County. State government is the largest employment sector with over 24,000 employees. Education, health, and social services, professional and business services, and retail trade are the next largest sectors. Over 37,000 new jobs have been added since 2000, an increase of 1.7 percent per year.

Like population, employment is expected to increase about 50 percent from 129,000 to 194,000. As employment grows, the balance of job types are expected to change. The education, health, and social services sector is projected to overtake state government within the next 25 years. Additionally, Joint Base Lewis McChord is located on the eastern end of the study corridor in Pierce County and is the largest single employment site in Washington state with roughly 52,000 military personell and civilian worker jobs on site.

Commuting increase between counties

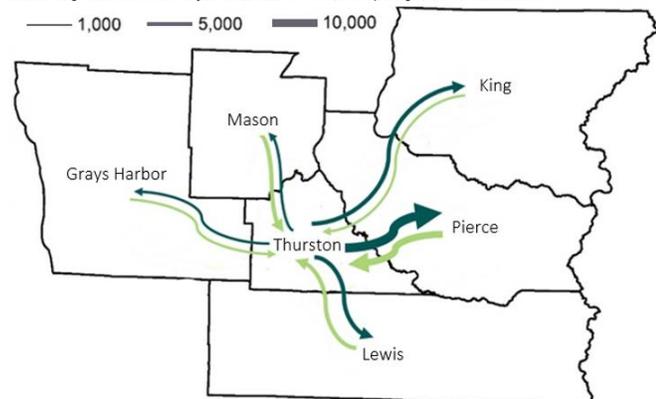
I-5 connects the study area to Tacoma and Seattle to the north and Centralia to the south. Over 121,000 trips cross the Thurston-Pierce border on I-5 each day. US-101 and US-12 also serve as important connections to Aberdeen, Hoquiam, and the Olympic Peninsula. Most Thurston County residents (72 percent) work in the county. However, a significant number commute out of county, primarily to Pierce and King Counties. TRPC estimates that by 2045 these outbound commuters will increase to 54,100, up from 35,300 in 2015.

Commute modes and timing, like population, are also changing albeit more slowly. People are leaving earlier and experiencing longer commutes. At the same time, more people are working from home. Other travel modes including biking, walking, transit, and carpooling have remained relatively stable in terms of the proportion of commuters but are all growing in terms of total number.

Exhibit 4-7: Commuting flows between Thurston and neighboring counties

Most regional commuters going to or coming from Pierce County

2018; Regional commuter flow between counties by origin and destination



Data source: Thurston Regional Planning Council

Regional roadway network

While I-5 is the primary highway through the study area, a network of other state highways and local roads serve residents, travelers, and businesses from in and outside the region. According to TRPC's 2040 Regional Transportation Plan, there are approximately 2,400 centerline miles of roads in Thurston County (including I-5).¹³ In addition, there are a few hundred more centerline miles of roadway in areas near the northern end of the study corridor in Pierce County. While the network of local roads and state highways is extensive, there are some notable things about how it is laid out and its effect on travel patterns in the region.

First, very few local roads provide alternate paths to I-5. Martin Way and Pacific Ave/Steilacoom Rd, the 4th Ave/State Ave couplet, and Harrison Ave provide east-west alternate routes through Olympia and Lacey. Capitol Blvd provides a north-south alternate route through Tumwater. These local arterial roads also tend to be heavily used due to how smaller local roads often have a circuitous, disconnected layout. In some cases this is due to topography and other physical features. For example, Budd Inlet and Capitol Lake bisect Olympia and only two roads besides I-5 cross it. In other cases, local roads were built with few outlets ending in a cul-de-sac or dead end. This funnels travelers onto the arterial roads and highways.

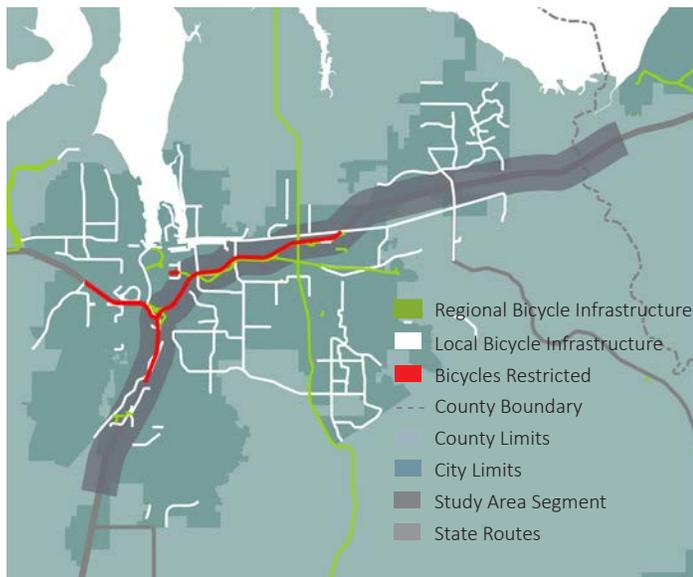
Second, there are relatively few places to cross I-5. Over the 17 miles of the study corridor there are 21 places where vehicle traffic can cross the highway of which 10 are interchanges and 11 are local road crossings. There are also three bicycle/pedestrian only crossings. Looking at seventeen mile stretches of I-5 through Tacoma and Seattle, we see 29 and 47 highway crossings, respectively. In the Tacoma area, 10 are interchanges and 19 are local crossings with one additional bike/pedestrian only crossing. In Seattle, there were 12 interchanges and 35 local crossings with an additional four bike/pedestrian only crossings. The sparse number of places to cross I-5 through the study area further concentrates traffic on certain local roads and encourages the use of I-5. It also has implications for active transportation users as it lengthens trips that need to cross the highway, reducing the likelihood of people using active modes.

Regional bicycle and pedestrian

In addition to the interconnected network of roads and highways throughout the study area, there is also infrastructure specifically built to support walking, biking, and transit including rail. Thurston Regional Planning Council and other local agencies have a strong commitment to developing transportation facilities that

¹³ TRPC Regional Transportation Plan – What Moves You, Appendix D, P.5; <https://www.trpc.org/DocumentCenter/View/2787/Appendix-D--Inventory-of-Facilities>

Exhibit 4-8: Bicycle facilities network in the region



“encourage walking, bicycling, transit use, and other alternatives to driving alone.” There are approximately 105 miles of bicycle infrastructure supporting local trips such as marked bike lanes and bike boulevards in addition to a large interconnected system of sidewalks. Communities along the study area also have 59 miles of shared-use trails that provide regional connections for biking and walking. While these trails connect communities within Thurston County or within Pierce County, there are currently no dedicated bicycle or pedestrian facilities between the two counties. Bicyclists in the “highly confident” category may use roadway shoulders on one of the three roadway connections (including I-5) but these are likely considered too dangerous by most users.¹⁴

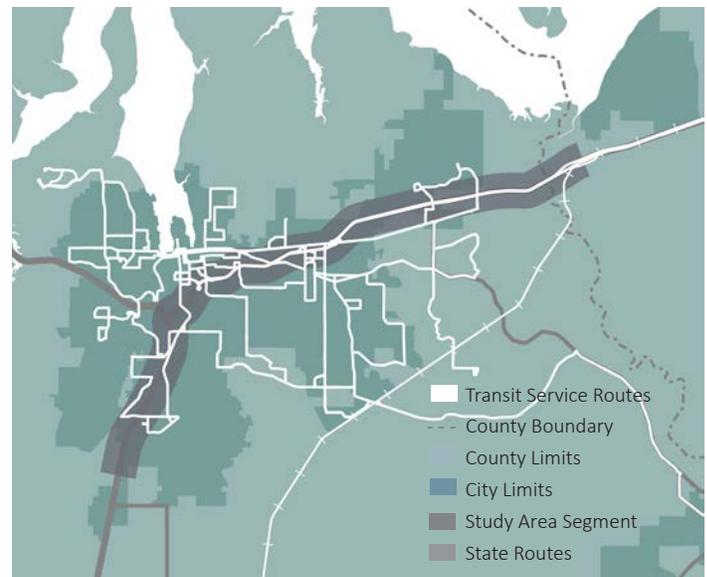
Construction of some new facilities will be completed within the span of time this study considered. For example, WSDOT is constructing a connection between Gravelly Lake Drive SW and Thorne Lane SW that will facilitate walking and biking in the Lakewood/Tillicum area. Local partners are also working on a shared-use path between Yelm in Thurston County and Roy in Pierce County but this project is currently in the planning stages and construction is not funded. As of now there are no active transportation connections between the two counties funded for construction.

Regional transit network

Transit connections between Thurston and Pierce counties are similarly limited. Currently InterCity Transit, which serves the north Thurston County urban areas and Yelm, has one bus route between Olympia and Tacoma with frequent service (15-30 minutes between trips) at peak commute times, up to 90 minutes between trips during off peak times, and no late night service. Additionally, bus service between Thurston and Pierce counties do not

14 Federal Highway Administration; Bikeway Selection Guide; P. 13 https://safety.fhwa.dot.gov/ped_bike/tools_solve/docs/fhwasa18077.pdf#page=15

Exhibit 4-9: Transit service in the study area mainly serves local travel



provide a travel time benefit compared to taking a private car as there are no High Occupancy Vehicle (HOV) lanes on I-5 until the Tacoma area.

Transfers from InterCity Transit bus service to Sound Transit bus routes and Sounder Commuter Rail in Lakewood and Tacoma also provide transit connections to the Seattle area. Pierce Transit does not currently provide service between Thurston and Pierce counties.

Current plans for future service expansion in the study area is mainly oriented toward local service.¹⁵ The lack of HOV lanes to incentivize transit ridership and reduce the cost of running commuter trips for service providers hinders further expansion of regional commuter bus service.

Expansion of Sounder Commuter Rail service is planned within the study area. According to current plans, Sound Transit will complete extension of commuter rail service to DuPont, at the study area’s northeastern edge, in 2036.¹⁶ While this would not create a commuter rail connection into Thurston County it would bring an additional option within closer reach for Thurston residents.

Amtrak provides passenger rail service from Centennial Station, located in unincorporated Thurston County on the edge of Lacey. The station is served by two bus routes and is not connected to the urban area with pedestrian or bicycle routes. Four daily round trips are provided on the Amtrak Cascades¹⁷ inter-city service and one daily round trip is provided on the Amtrak Coast Starlight¹⁸ long-distance service. The departure and arrival schedules do

15 Thurston Regional Planning Council, 2040 Regional Transportation Plan – Public Transportation Projects and Studies; p. 457; <https://www.trpc.org/Document-Center/View/2940/Appendix-P--Regional-Project-List-Detail#page=61>

16 Sound Transit – DuPont Sounder Extension website; <https://www.soundtransit.org/system-expansion/dupont-sounder-extension>

17 <https://www.amtrakcascades.com/>

18 <https://www.amtrak.com/routes/coast-starlight-train.html>

Exhibit 4-10: Number of crashes in the study corridor

Crashes on the study corridor increased between 2013 and 2017					
<i>2013-2017; Number of crashes by year and state route, percent change year over year</i>					
Year	2013	2014	2015	2016	2017
Total Incidents	715	755	867	1,010	1,044
I-5	601	643	737	873	912
US 101	114	112	130	137	132
Percent Change	-	6%	15%	16%	3%

not align with peak commuting times in the study area. Amtrak trains can provide a travel time benefit compared to automobile travel between Olympia, Tacoma, and Seattle but only if there is considerable congestion on the highway.

Safety analysis¹⁹

WSDOT provides and supports safe, reliable, and cost-effective transportation options to improve livability and economic vitality for people and businesses. WSDOT conducts a standard analysis of recent safety performance for all corridor planning studies. This analysis summarizes the total number and contributing factors of all crashes on the corridor, as well as US 101 between I-5 and Black Lake Boulevard, over a five-year period with a focus on those resulting in serious injuries or fatalities.

Between January 1, 2013 and December 31, 2017 a total of 4,391 crashes occurred within the study area including both the mainline highway and ramps. Of that total, about 85.8 percent occurred on the I-5. The remaining 14.2 percent occurred on US 101. The number of crashes rose each year with the largest increase of 16 percent happening between 2015 and 2016.

There were 37 types of primary contributing factors attributed to incidents that occurred in the study area. The most common primary contributing factor cited was driver inattention, which accounted for 1,066 crashes or just under one quarter of all incidents. Exceeding reasonable safe speeds was a close second at 1,034 crashes or 23.5 percent. Combined with the third most common contributing factor, following too closely, the top three contributing factors accounted for nearly two thirds of all crashes. Exhibit 4-12 provides the top ten primary contributing factors. The remaining 27 other primary contributing factors accounted for 1 percent to 0.02 percent of all crashes.

WSDOT also tracks other factors present at crashes such as lighting, pavement, and weather conditions. The majority

¹⁹ Under 23 U.S. Code § 409, safety data, reports, surveys, schedules, lists compiled or collected for the purpose of identifying, evaluating, or planning the safety enhancement of potential crash sites, hazardous roadway conditions, or railway-highway crossings are not subject to discovery or admitted into evidence in a Federal or State court proceeding or considered for other purposes in any action for damages arising from any occurrence at a location mentioned or addressed in such reports, surveys, schedules, lists, or data.

of crashes (70.2 percent) occurred under daylight. Roughly 56.2 percent of crashes occurred with dry pavement conditions, while 42.1 percent occurred with wet pavement. Slightly more than half of crashes occurred in clear to partly cloudy conditions. The next highest category was fog, smog, or smoke, accounting for 26.3 percent of crash conditions. About 6.2 percent of crashes occurred during inclement weather such as rain or snow, but these accounted for 29.3 percent of crashes resulting in injury.

There were 26 crashes resulting in serious injuries and eight resulting in fatalities between 2013 and 2017. Combined, these account for less than one percent of all crashes in the study area. All of the crashes resulting in fatalities and 24 of those resulting in serious injuries occurred on I-5. Furthermore, all but one of the fatal crashes occurred on the mainline highway as did roughly 80% of serious injury crashes. The one fatal crash not on the mainline involved a bicyclist. Primary contributing factors were split between exceeding reasonable safe speeds, driver impairment, inattention, and “other.” Overall, most crashes resulted in property damage only.

Exhibit 4-11: Incident contributing factors

Most common contributing factors for incidents was driver inattention, speeding, and following too close
2013-2017; Incidents by primary contributing factor

Primary Contributing factor	Count	Percent
Inattention	1,066	24.3%
Exceeding Reas. Safe Speed	1,034	23.5%
Follow Too Closely	739	16.8%
Other	344	7.8%
Did Not Grant RW to Vehicle	325	7.4%
None	183	4.2%
Under Influence of Alcohol	134	3.1%
Operating Defective Equipment	118	2.7%
Apparently Asleep	77	1.8%
Unknown Driver Distraction	58	1.3%

Exhibit 4-12: Number of incidents by severity

More than three quarters of incidents resulted in property damage only between 2013 and 2017, fatal and serious incidents accounted for less than one percent of total

2013-2017; Number and percent of incidents by severity of injury for I-5, US101 and study corridor total

	Grand Total	Fatal		Suspected Serious Injury		Suspected Minor Injury		Possible Injury		Property Damage Only	
Total	4391	8	0.2%	26	0.6%	233	5.3%	770	17.5%	3,353	76.4%
I-5	3766	8	0.2%	24	0.6%	199	5.3%	673	17.9%	2,862	76.0%
US 101	625	0	0.0%	2	0.3%	34	5.4%	97	15.5%	491	78.6%

Notes: Under 23 U.S. Code § 409, safety data, reports, surveys, schedules, lists compiled or collected for the purpose of identifying, evaluating, or planning the safety enhancement of potential crash sites, hazardous roadway conditions, or railway-highway crossings are not subject to discovery or admitted into evidence in a Federal or State court proceeding or considered for other purposes in any action for damages arising from any occurrence at a location mentioned or addressed in such reports, surveys, schedules, lists, or data.

System performance

One of the main purposes of this study is to identify and recommend strategies for addressing transportation performance issues along I-5 between Tumwater and DuPont. As stated in the introduction of the report, WSDOT has documented several performance issues within the study area. These issues can be understood in two basic categories: 1) recurring performance issues; and 2) non-recurring performance issues. Recurring performance issues happen on a regular and predictable basis such as congestion during the weekday morning or evening rush hours. Non-recurring performance issues do not occur regularly or predictably, such as congestion due to inclement weather or special events.

Recurring congestion

WSDOT has previously documented recurring performance issues on the study corridor in agency publications like the Corridor Capacity Report. Data on these performance gaps from previous WSDOT publications include:

- Results from WSDOT’s Corridor Sketch Initiative²⁰ indicate I-5 in the study area experienced recurring congestion (average speeds under 40 mph) over 3.4 miles in the southbound direction and 7.5 miles in the northbound direction in 2015.
- According to WSDOT’s 2017 Corridor Capacity Report,²¹ in 2016 this segment of I-5 experienced:
 - Southbound delay (average speeds under 51 mph) between mileposts 104-109,
 - Twenty minutes of routine congestion (average speeds under 45 mph, 40 percent or more of all weekdays) during the evening commute on southbound I-5 approaching Olympia, and
 - Reduced vehicle throughput (vehicles per hour) on southbound I-5 near Olympia city center during midday and the evening commute peak down to roughly 73 percent of maximum throughput.

20 WSDOT Corridor Sketch Initiative webpage; <https://www.wsdot.wa.gov/planning/corridor-sketch-initiative>

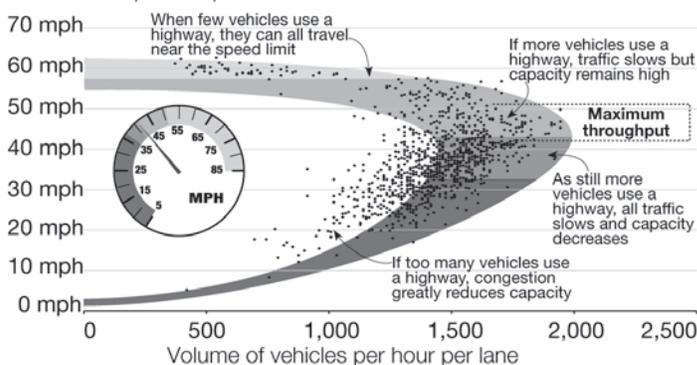
21 WSDOT 2018 Corridor Capacity Report, P. 34; <https://www.wsdot.wa.gov/publications/fulltext/graynotebook/corridor-capacity-report-18.pdf#page=34>

Maximum throughput speed is the highway’s most efficient state

Maximum throughput is the speed at which the most vehicles can move through a highway segment. WSDOT considers this more meaningful than posted speed or free-flow speed as the basis of performance measurement. WSDOT aims to provide a transportation system that is the most productive and efficient, rather than free-flowing but where fewer vehicles pass through a segment during peak travel periods. Maximum throughput is achieved when vehicles travel at speeds between 70 percent and 85 percent of the posted speed limit (for a 60 mph speed limit, between 42 and 51 mph). For more information, see *WSDOT’s Handbook for Corridor Capacity Evaluation*.

Understanding maximum throughput: An adaptation of the speed/volume curve

Represents I-405 northbound at 24th NE, 6-10 a.m. weekdays volume; Speed limit 60 mph; Maximum throughput speed ranges between: 70%-85% of posted speed

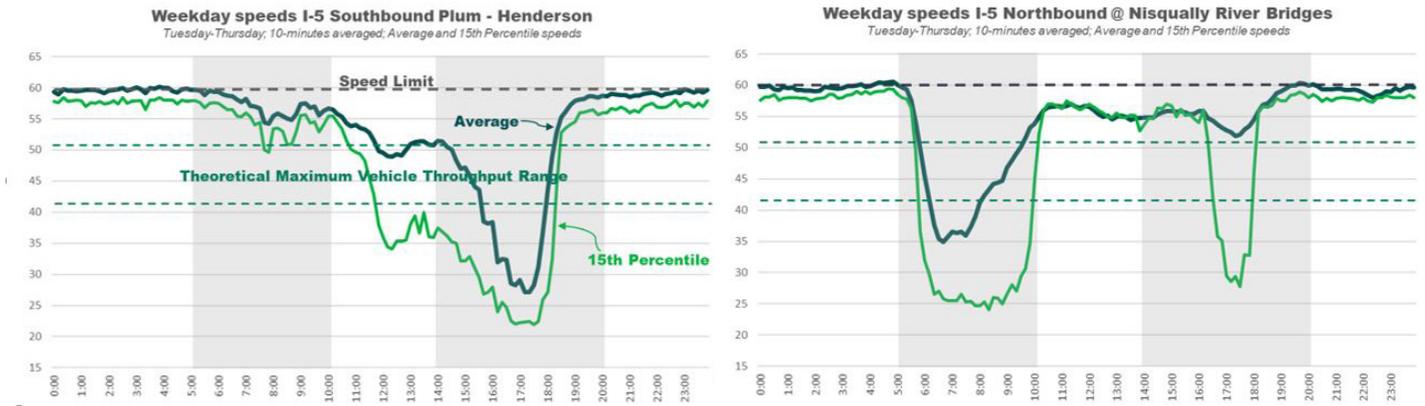


Data source: WSDOT Northwest Region Traffic Office.

Exhibit 4-13: Weekday speeds on southbound I-5 at Exit 105 and northbound I-5 at Nisqually River bridges

I-5 southbound approaching US 101 and northbound approaching through the Nisqually Valley showed average speeds below WSDOT’s maximum throughput range on a typical weekday

2017; Average and 15th percentile speeds on typical weekdays (Tuesday – Thursday) by 10-minute increments



- WSDOT’s 2013 I-5/US 101 Interchange Study found Level of Service below adopted thresholds at several locations including ramps at the US 101 interchange, Olympia City Center, and Pacific Avenue in Lacey.

WSDOT also analyzed data available through the National Performance Measurement Research Dataset²⁴ which supplies information on traffic speed for the entire National Highway System. The agency looked at annualized average and 15th percentile travel speeds for 2017 in five minute increments throughout a typical weekday (Tuesday through Thursday). Essentially these represent speeds during typical and “bad” days, respectively. Two locations on the corridor showed average speeds below maximum throughput ranges:

24 Federal Highway Administration Operations Performance Measurement webpage; https://ops.fhwa.dot.gov/perf_measurement/index.htm

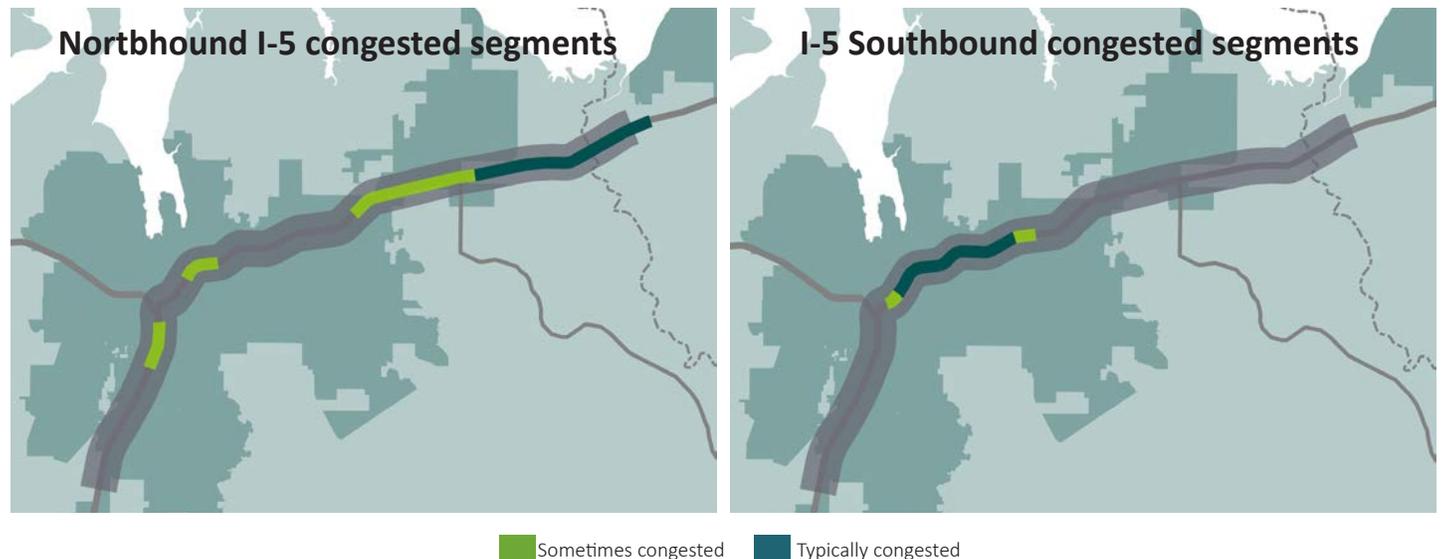
- I-5 southbound between Pacific Avenue and Henderson Avenue near the Capitol Boulevard arch bridge in the afternoon and evening, and
- I-5 northbound near the Nisqually River bridges between Exit 114 and the Mounts Road intersection in the morning.

These are locations where drivers encounter congested conditions on a typical weekday commute. Another thing to note about the graphs below is the difference between the average speeds (the dark green line) and the 15th percentile speeds (the light green line). The wider the gap, the greater the difference between typical conditions and a “bad day”. A good example is I-5 northbound at the Nisqually River bridges in the evening. Average speeds do not fall below maximum throughput but the 15th percentile falls well below, indicating that while the segment generally operates well in the evening throughout

Exhibit 4-15a: Recurring congestion on I-5 through study area

I-5 experiences recurring congestion mainly through the Nisqually River Valley and approaching US 101

2017; Typical weekdays (Tuesday – Thursday); Segments typically (average) and sometimes (15th percentile) experiencing speeds under maximum throughput range.



Seasonal changes in traffic: I-5 at the Nisqually River Bridges

Northbound I-5 at the Nisqually River bridges, like many parts of the transportation system, experiences seasonal changes in traffic performance. As shown in the graph at right, average speeds in August at the height of the summer travel season dip well below those from other times of year, particularly in the afternoon. WSDOT analyzed variation in potential contributing factors including traffic volume and incidents. The agency found that seasonal changes in traffic volumes mirrored changes in traffic speeds. August in addition to experiencing the slowest speeds had the highest average daily traffic volume of roughly 59,900. This is 18% more than the lowest volume month, January, which had an ADT of about 50,600.

Transportation models like the one built by the Thurston Regional Planning Council for this study are usually calibrated to “typical” or “average” traffic conditions. So seasonal changes like this may not be captured within the model.

For more details see the Modeling Validation and Calibration Report in Appendix D.

Exhibit 4-16: northbound I-5 average speeds in January and August
Northbound I-5 speeds near Nisqually River Bridges in summer well below winter speeds

2017; August and January, Tuesday-Thursday, 10-minute averaged speeds

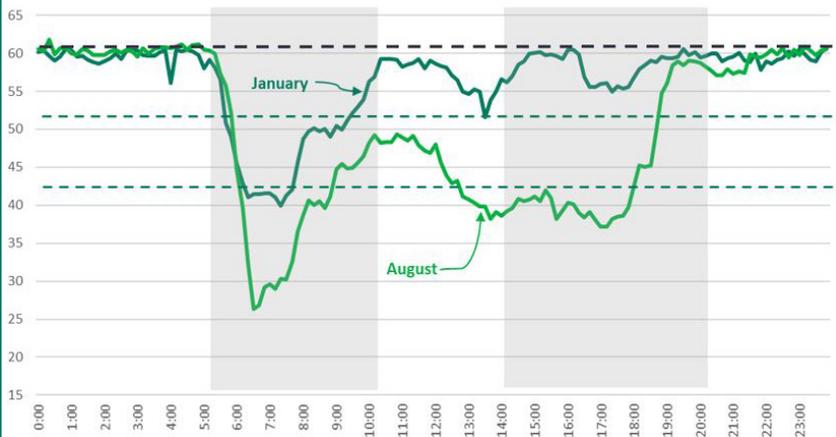
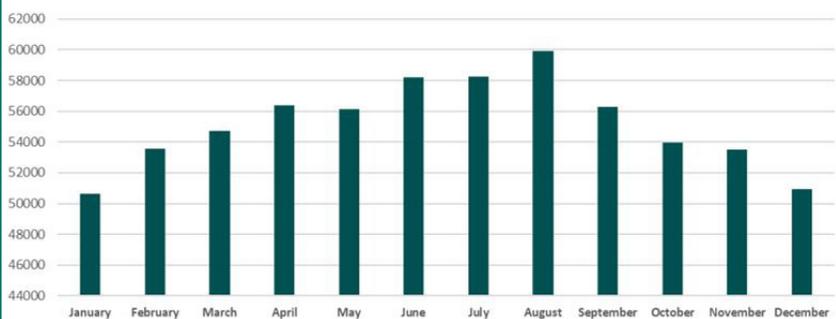


Exhibit 4-17: Average daily traffic peaked on northbound I-5 in August
Traffic volumes on I-5 through the Nisqually River Valley peaked during the summer travel season

2017; Tuesday-Thursday, Monthly average daily traffic



the year it can experience significant slowdowns. There were also five locations that had 15th percentile speeds below maximum throughput including:

- US 101 eastbound at the I-5 interchange (AM),
- I-5 northbound at Exit 104 to US 101 (PM),
- I-5 southbound at US 101 (PM),
- I-5 northbound between Martin Way and Marvin Road/SR 510 (AM), and
- I-5 northbound at the Nisqually River (PM).

At these locations and times, typical conditions were not very congested but on “bad days” they could experience slowdowns. The scale of these slowdowns varied from location to location. For example, as shown in Exhibit 4-14 for northbound I-5 at the Nisqually River, the 15th percentile speeds dropped below maximum throughput speeds for around two and a half hours in the evening commute period, reaching speeds under 30 mph. On the other hand, on US 101 eastbound approaching I-5, 15th percentile speeds dropped below maximum throughput speeds for roughly 15 minutes in the morning around the commute peak (not shown).

Non-recurring congestion

Using the same dataset as the safety analysis, WSDOT looked into trends for all crashes over the five year period between 2013 and 2017 along the study corridor to see how they might relate to congestion.²⁵ According to the Federal Highway Administration, non-recurring congestion accounts for roughly half of all congestion²⁶ with the top three causes being 1) incidents ranging from a disabled vehicle with a flat tire to an overturned semi-truck (25 percent), 2) inclement weather conditions (15 percent), and 3) work zones (10 percent). Events like these can reduce how many vehicles the roadway can move at a given time, called the effective capacity.

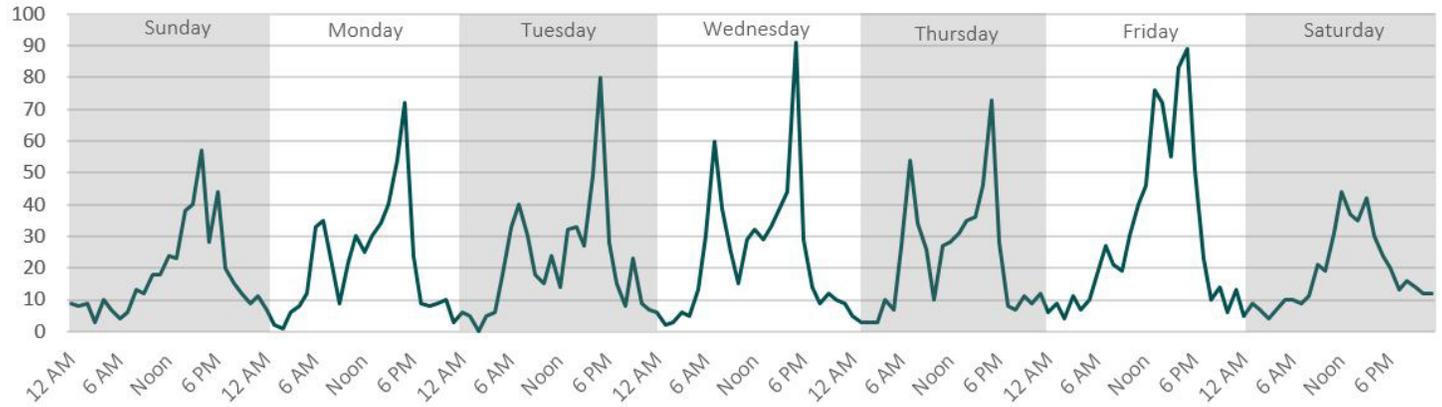
The occurrence of crashes on the study corridor roughly correlated with the most active times of day for driving such as the peak commute periods during the week and mid-day and evenings on weekends. The evening peak commute period (3-6 p.m.) within the study area accounted for 30 percent of crashes on I-5 and 25 percent on US 101 both during weekdays. As for individual days,

²⁶ “Reducing Non-Recurring Congestion”, https://ops.fhwa.dot.gov/program_areas/reduce-non-cong.htm

Exhibit 4-18: Number of crashes on I-5 by hour of the week

Number of crashes correlate to times with high traffic volumes, highest was Friday afternoons

2013-2017, All crashes on I-5 between mileposts 99 and 11



Notes: Under 23 U.S. Code § 409, safety data, reports, surveys, schedules, lists compiled or collected for the purpose of identifying, evaluating, or planning the safety enhancement of potential crash sites, hazardous roadway conditions, or railway-highway crossings are not subject to discovery or admitted into evidence in a Federal or State court proceeding or considered for other purposes in any action for damages arising from any occurrence at a location mentioned or addressed in such reports, surveys, schedules, lists, or data.

Fridays experienced the most crashes on I-5, accounting for roughly 20 percent of crashes.

For US 101, Wednesdays experienced the highest number, accounting for 18 percent of crashes. Weekends accounted for roughly a quarter of crashes for both routes.

The location of incidents also correlate to segments of the corridor that experience congestion. For example, on I-5 in

the southbound direction, 191 incidents occurred between milepost 105 and 106, roughly at the Olympia City Center exits where WSDOT has documented mobility performance issues. For comparison, thirty three incidents occurred over the same period in the southbound direction between mileposts 113 and 114 just west of the Nisqually River bridges.

Chapter 5 - Developing a strategic plan for Interstate 5 through the Nisqually River valley



The Nisqually River delta and Interstate 5 with Puget Sound in the background. I-5 traverses through the Nisqually River valley adjacent to the delta, important habitat for Endangered Species Act-listed Chinook salmon and steelhead.

In addition to transportation issues, the Legislature directed WSDOT to consider “ecosystem benefits to the Nisqually River estuary for salmon productivity and flood control” and develop “a strategic plan for the Nisqually River Bridges.”¹ The traditional home of the Nisqually Indian Tribe, the river and its delta provide critical habitat for Endangered Species Act-listed of Chinook salmon and steelhead. The river flows approximately 78 miles from its source at the Nisqually Glacier on Mount Rainier to its delta at the Billy Frank Jr. Nisqually National Wildlife Refuge, draining a 720 square mile watershed. This is the nation’s only river to begin in a National Park and end in a National Wildlife Refuge and the largest river flowing into Puget Sound south of the Tacoma Narrows Bridges. The Washington State Department of Fish and Wildlife (WDFW) ranked it as a high priority watershed² for production of Chinook salmon, an important food for the endangered southern resident Orcas³ and the Nisqually Indian Tribe’s treaty-secured rights to harvestable levels of salmon.

Significant funds have been invested to improve salmon habitat in the Nisqually River and its delta. The US Fish and Wildlife Service and the Nisqually Indian Tribe restored roughly 900 acres of the delta to tidal flooding from Puget Sound with the removal of the Brown Farm Dike. This was the largest tidal marsh restoration project in the Pacific

¹ Engrossed Substitute Senate Bill 6106; 2018 Regular Session Law; p. 46, lines 3-6; <http://lawfilesexternal.wa.gov/biennium/2017-18/Pdf/Bills/Session%20Laws/Senate/6106-S.SL.pdf#page=47>

² WDFW – “Washington’s Orcas Are Hungry: Increasing the food supply for Southern Resident Killer Whales” <https://www.arcgis.com/apps/Cascade/index.html?appid=b7f52cd0c3cb44ecadb1e16d49fd04c3>

³ Office of the Governor – Orca Recovery Taskforce webpage <https://www.governor.wa.gov/issues/issues/energy-environment/southern-resident-orca-recovery>

Northwest and, with other projects, restored more than 21 miles of historic tidal slough systems and re-connected historic flood plains. The project increased potential salt marsh habitat in Puget Sound by 50 percent.⁴ Despite these investments, hurdles remain for restoring salmon habitat in the Nisqually River and its estuary.

I-5 experiences some traffic congestion through the Nisqually River valley

As discussed in Chapter Four of this report, the portion of I-5 going through the Nisqually Valley experiences congestion. Typical weekdays see slowdowns in the northbound direction during the morning peak. There is also recurring southbound congestion just north of the valley along I-5 starting at the Mounts Road interchange (exit 116 in the evenings. These slowdowns worsen at the height of travel season in the summer and expand, lasting for most of the day and into the evening peak commute period. While not considered in the study performance measures, extensive weekend congestion also occurs on this segment of northbound I-5 during the summer travel season.

WSDOT maintains I-5 pavement and bridges through the Nisqually Valley in fair or better condition

WSDOT has maintained the majority of this segment of I-5 in fair or better condition to serve the needs of

⁴ United States Fish and Wildlife Service – Nisqually Delta Restoration <http://www.nisquallydeltarestoration.org/>

the traveling public. As of the 2017-2019 biennium, roughly 96 percent of I-5 pavement is in fair or better condition according to the agency's statewide pavement management system dataset⁵ with 75 percent in good or better condition. There are eight bridges on the main line of I-5 through the Nisqually River valley. WSDOT inspects bridges every two years and all these bridges are in fair or better condition.

The northbound bridge over the Nisqually River was originally constructed in 1937 and refurbished with a new deck in 1982. WSDOT projects a remaining service life of 30-35 years for the bridge. However, the northbound bridge has a weight restriction for large freight loads due to the age and design of the structure.

The southbound bridge over the river was constructed in 1967 when I-5 was expanded through the region. To reduce costs, I-5 was put on fill through most of the Nisqually Valley, rather than on piers as originally constructed. The southbound bridge has an estimated 45-50 years of remaining service life. Both bridges have received preservation work over the years such as concrete deck overlays and repainting of steel structures to extend their service life.

Reduced sediment delivery to the Nisqually delta affects salmon recovery

One of the barriers to salmon recovery is reduced sediment delivery to the delta which occurs mainly due to the large impoundment behind Alder and La Grande dams. According to a study by USGS, roughly 90 percent of sediment is trapped in Alder Reservoir behind these dams.⁶ However, another study by USGS and the Nisqually Indian Tribe reports that of the sediment that is making it to I-5, only 10-15 percent is making it to the delta with most of the rest going out into Puget Sound. The same study estimates that due to this reduced sediment delivery and parts of the estuary having subsided while they were cut off from Puget Sound, recovery of a significant portion of the delta restoration could take up to 250 years.⁷ In a presentation made in February 2019, the Nisqually Indian Tribe's Natural Resources department outlined a belief that this is potentially due to the design of I-5 constraining where water can flow into the estuary.⁸

⁵ WSDOT – Pavement Condition online map <https://wsdot.maps.arcgis.com/home/item.html?id=f49a4724610548c693680fa745b0a44e>

⁶ USGS and Nisqually Indian Tribe Report "Suspended Sediment Delivery to Puget Sound from the Lower Nisqually River, Western Washington, July 2010-November 2011", page 1; <https://pubs.usgs.gov/sir/2016/5062/sir20165062.pdf#page=9>

⁷ USGS ESRP Learning Project Annual Progress Report: Restoring Sediment Supply to Sustain Delta Marsh, Nisqually Delta, Washington: Annual Report Year 1; Grossman E., Stevens A., & Curran C.; Not yet Published

⁸ Nisqually Indian Tribe Natural Resources Department presentation to Thurston League of Women Voters; February 17, 2019; https://www.youtube.com/watch?v=-FLfl_x5nF8

WSDOT helping to fund study of Nisqually River near I-5 Bridges

WSDOT provided \$150,000 to help the Nisqually Indian Tribe and USGS complete a study of the Nisqually River's hydrology near I-5. The study will provide information on risks to I-5 from changes in the river channel, productivity of habitat in the delta, the effect of sea-level rise and I-5's location on transitional habitat from fresh water to saltwater, and potential for major flooding with changing climate factors. Results from this study will help inform WSDOT's long-term strategies for I-5 through the Nisqually delta. WSDOT is expecting results in summer 2020.



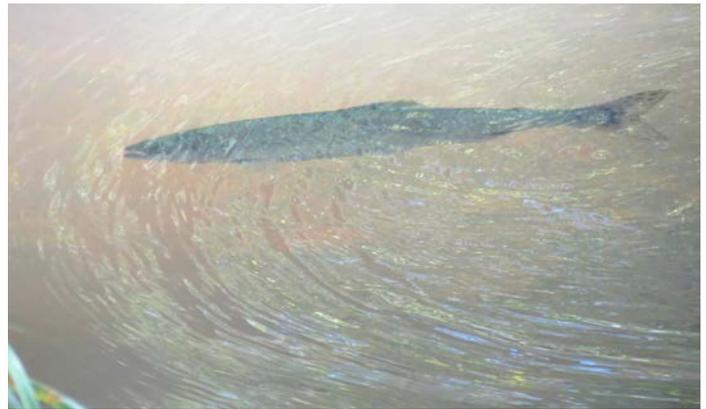
The Nisqually River delta at I-5 when the river was flowing at about 20,000 cubic feet per second and roughly 12 feet gauge height during a flood event in February 2020. This was just below a moderate-level flood event. The record flood from 1996 hit 17.13 feet of gauge height. Photo courtesy of the Nisqually Indian Tribe.

The ability of water to flow into the estuary during flooding also has potential implications for sediment delivery to the estuary. According to the USGS and Nisqually Indian Tribe study of sediment delivery, 36 percent of sediment that was delivered to Puget Sound by the Nisqually River was transported during two days of peak high-water events.

There are four main locations where water can flow past I-5 into the Nisqually River delta

Water can flow past I-5 through the Nisqually River Valley at four locations: the bridges over the main stem of the Nisqually River; over the wetlands east of the river; over an overflow channel at the interchange with Martin Way and Nisqually Cutoff Road (Exit 114); and the bridges over McAllister Creek. Before I-5 was built on fill, water and sediment could move more freely past the highway and into the delta. Other development and roads upstream of I-5 in the valley also affect where water can flow.

Major to moderate flooding has occurred on the Nisqually River in six of the last 30 years.⁹ While major flood stage is 14 feet, in 1996 the river hit a record flood of 17.13 feet flooding roughly 12,000 acres of private land upstream of I-5. These properties remained flooded even after the Nisqually River and McAllister Creek had receded under “bankfull” volumes. In their February 2019 presentation, the Nisqually Indian Tribe’s Natural Resources department stated a belief that this is evidence that floodwaters were not being effectively moved past I-5. According to TRPC’s Hazard Mitigation Plan, the February 1996 flood cost uninsured private property owners in Thurston County losses of more than \$22 million. The plan further states that “floods in Thurston County are common, and on an annual average basis, are the costliest natural hazard.” The most recent flood, pictured above crested at about 12 feet, only reaching minor flood stage.



An adult Pink salmon migrating up the Nisqually River to spawn. Salmon are anadromous, meaning they are born in fresh water and migrate to sea. Out-migrating juveniles use habitat where fresh and saltwater meet while their kidneys reverse function, which is essential for their ability to survive at sea. Photo courtesy of the Nisqually River Council.

As sea levels rise, salmon habitat transition between fresh water and salt water may be reduced

Another potential issue for salmon recovery in the Nisqually River is loss of habitat for young salmonids to transition between fresh and salt water due to rising sea levels. As sea levels continue to rise, the wedge of saltwater that intrudes into the delta twice a day will reach farther up the delta. In their February 2019 presentation,

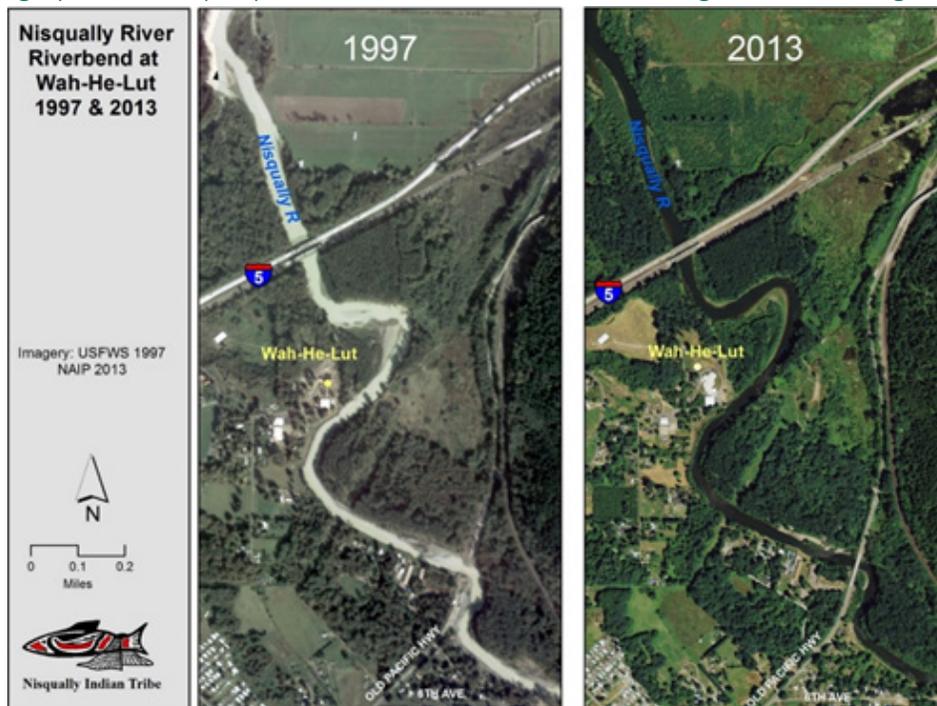
⁹ Thurston Regional Planning Council Hazard Mitigation Plan, Chapter 4.3 Flood Hazard Profile; https://www.trpc.org/DocumentCenter/View/4173/HazMit_Ch4-3_Flood?bidid=

the Nisqually Indian Tribe’s Natural Resources department outlined a belief that the location of I-5 in through the river valley may restrict where fresh water and salt water mix, making the gradient from fresh water to salt water more extreme which could impact survival of young salmon migrating out to sea.

The Nisqually River’s channel just upstream I-5 has been slowly migrating

Over time, rivers running through low-lying areas meander, changing their course year to year by varying degrees. This is especially common in high-gradient rivers in wet places such as western Washington. Exhibit 5-1 shows that the Nisqually River channel has been changing its course just

Exhibit 5-1: Aerial imagery of the Nisqually River at I-5 in 1997 and 2013 showing the channel migration



The photos above from the US Fish and Wildlife Service and National Agriculture Imagery Program (provided by the Nisqually Indian Tribe Department of Natural Resources) show the developing bend in the river just upstream (south) of the I-5 bridges in 1997 and 2013. As can be seen, the bend extended further northeast toward I-5 and a wetland complex.

upstream of the I-5 bridges crossing the main stem of the river, slowly forming a long bend. The Nisqually Indian Tribe in partnership with USGS is assessing how the channel will continue to migrate, what level of peak flows are likely to cause the channel to move, and potential risks to I-5.

In their February 2019 presentation, the Nisqually Indian Tribe's Department of Natural Resources stated a concern that a single major flood event like the one in 1996 could remove enough trees and vegetation in the riparian forest between the river and the highway to undermine the section of I-5 on fill between the Nisqually River Bridges and the bridges over the wetland complex. Such an event would cause significant disruptions in the supply chain because trucks would be re-routed on less direct routes. It could also affect access and operations for JBLM. The channel migration study, when completed, should provide more information regarding the potential for flooding to move the river bend.

Addressing the Nisqually River Bridges strategic plan requirement

The legislature articulated that the study include "...a strategic plan for the Nisqually River Bridges..." However, as of the date of this report, the study team can only make recommendations based on the information available, which is largely focused on transportation. As discussed on page 5-2, WSDOT is helping fund a study, led by the Nisqually Indian Tribe and USGS, of the current and expected future states of the Nisqually River and its delta near I-5 and any risks posed to I-5 from the river. WSDOT expects results by summer 2020, which will provide this critical environmental data.

From a transportation perspective, modeling for this study projects a significant bottleneck occurring by 2040 just

north of the bridges on I-5 at Mounts Road. Otherwise, WSDOT considers the bridges to have significant service life left and are in fair or better condition, notwithstanding the load restriction on the northbound bridge over the river. However, these bridges are part of a larger picture of the configuration of I-5 across the Nisqually delta. The biggest potential factor is the unknown risk to I-5 from the migration of the Nisqually River's channel just upstream of the bridges. Given the current lack of environmental data, the study team developed the following recommendations for a strategic approach:

- All recommendations from this study regarding transportation system needs and improvement strategies should be considered provisional until the Nisqually Indian Tribe/USGS study is completed to provide a more complete picture of risks posed to I-5 and the environmental impacts of the facility on the river and delta.
- If any alteration to I-5 through the Nisqually River valley occurs, it is recommended that salmon productivity, flood control, and other environmental considerations be incorporated into the design as contextual needs rather than as mitigation for construction impacts.
- If replacing I-5 through the Nisqually Valley is funded for environmental reasons, it is recommended that the design 1) allow for future widening, called forward compatibility, to alleviate the anticipated southbound chokepoint at Mounts Road and 2) address the active transportation gap between Thurston and Pierce counties.
- Regardless, it is recommended that all partners continue to develop interim solutions to help address salmon productivity and flood protection concerns.



The Nisqually River and I-5 Bridges looking south. The bend in the river just upstream of the bridges is partly visible in the background.

Chapter 6 - Modeling and strategy development

For this study, WSDOT and TRPC partnered to develop a transportation modeling framework for the Thurston Region and adjacent areas, with emphasis on I-5 between 93rd Avenue in Tumwater to Mounts Road and US 101 from I-5 to Black Lake Boulevard. The modeling framework includes an integrated Travel Demand Model and a Dynamic Traffic Assignment model platform. The demand model estimates how many people will be traveling between different locations in the model area, by what mode of transportation, and when during the day they will travel. The traffic assignment model uses results from the demand model and predicts what routes people will take and how the system will operate under the forecasted traffic demand. The study team used these models to compare performance of the various scenarios identified in the study.

All model scenarios were built for a future year of 2040. TRPC developed the population and land use forecasts used in the modeling framework as part of their regional work program. See Appendix E for a description of assumptions and data used to produce TRPC's 2040 Land Use Forecast.

A forecast is only as accurate as the assumptions that underlie it. They give us important information about our general direction, given what is known today. There are many other factors, unable to be considered in the forecast, which may impact future travel patterns. Decision-makers, planners, and the general public looking at results from this study should keep these limitations in mind.

Developing strategies

WSDOT and TRPC collaborated with study advisory groups to develop strategies to achieve study goals, incorporating ideas from previous studies and public input as discussed in chapters two and three. The study team used the following process to develop and refine strategies with local partners:

1. Present strategies from previous plans and public input to the advisory groups and brainstorm additional ideas.
2. Screen ideas to ensure they meet the study purpose.

Models are useful but results must be considered with caution

Transportation models statistically estimate regional travel behavior. They rely on observed historical data such as population growth and household transportation survey results about travel behavior to forecast future conditions and behavior. They cannot predict some kinds of disruptive changes such as natural disasters or changes in travel behavior due to new technologies like autonomous vehicles. They should only be used for generalized planning purposes. For specific investment decisions more detailed modeling, such as operational modeling, is generally used.

WSDOT was unable to account for the following potential future conditions with modeling:

- Changes in travel behavior
- Future disruptions like natural disasters
- The effect of new technologies
- The effect of construction on travel behavior
- Induced travel demand from new capacity

3. Sort strategies into those that could be modeled and those that could not.
4. Engage relevant agencies and partners to determine any critical issues with individual ideas.
5. Work with advisory groups to refine ideas that could be modeled into strategy scenarios.
6. Work with advisory groups to refine and evaluate ideas that could not be modeled.
7. Work with advisory groups to analyze effectiveness of modeled scenarios and develop recommendations.

Exhibit 6-1: Examples of improvement ideas by source

I-5/US 101 Interchange Study	Reconfigure 4th Ave roundabout to allow direct access to Deschutes Parkway
Corridor Sketch	Update signal timing and channelization on local arterial streets
2040 Regional Transportation Plan	Add a fourth lane to I-5
I-5/Martin Way and Marvin Road Interchange Justification Report	Install loop ramps on Martin Way interchange (Exit 109) with transit-only access to park & ride
WSDOT Highway System Plan	Install ramp metering
I-5 Near-term Solutions Study	Install part-time shoulder use on Southbound I-5
Public input surveys	Establish some sort of commuter or light rail service between Olympia and Tacoma

Exhibit 6-2: Modeled strategy scenarios



Reviewing previously completed studies and brainstorming new strategies with the study advisory groups and produced 81 ideas to consider for modeling. Public input provided an additional 66 ideas for consideration. See Exhibit 6-1 for examples of ideas gathered from previous studies and public input. A full list of ideas considered is provided in Appendix F.

The study team and technical advisory group reviewed all ideas. Many of the ideas from public input were similar to each other or those produced by the advisory groups. Similar ideas were combined and all were screened to ensure alignment with the study purpose and goals and that they did not go against any WSDOT policy or state, local, or federal rules. Only three ideas were initially removed from consideration for these reasons. An example of one of these was “halting development in the study area” as neither WSDOT nor its partners have the authority to implement this idea and it does not support study goals.

The study team also considered if an improvement idea would be able to be modeled. There were several reasons an idea may not have been able to be put into the model.

- The idea was larger than the scope of the model used
- The idea involved an undeveloped or developing technology
- The software used could not model the idea
- The idea was too vague as proposed

A good example that encompassed several of these issues was the suggestion for a statewide rapid transit system. This study used a model of the transportation system within the south Puget Sound region, mainly Thurston and Pierce counties. Implementation of rapid transit systems within this region is only just being piloted and is outside the scope of this study. The additional planning and modeling for that type and size of network needed to achieve large scale regional performance impacts is too complex and outside the fiscal resource for alternative development

as well. Finally, big questions like where a statewide rapid transit system would be located and how it would be operated would need to be answered and refined.

The study team further grouped ideas that could be modeled by the strategy they would fall under. For example, expanding telework options was grouped in transportation demand management and adding a lane to I-5 was grouped in capacity expansion/widening. These groups of solutions ultimately formed the strategy scenarios that the study team would later test in the model to evaluate their effect on the transportation system.

The study team and advisory groups also worked together to determine the order in which scenarios would be modeled. The final order used was selected to implement one aspect of Practical Solutions; which is to use lower cost solutions to achieve performance outcomes before considering more expensive fixes. Lower cost solutions were modeled first with each subsequent scenario including improvements from previous scenarios except where strategies were mutually exclusive. The table below shows the strategy scenarios that were modeled along with the order of modeling.

The baseline scenario: It's the year 2040

The baseline scenario includes all projects currently funded for completion in the study area before 2040 and a “business as usual” population and land use forecast developed by TRPC in 2012 that was based on observed trends in population and job growth as well as development patterns. The scenario includes the following elements:

- TRPC 2040 Land Use forecast. This is the ‘business as usual’ land use forecast developed in 2012.¹
- Traffic signal timing updates to facilitate optimized traffic flow through the study area within the model.

¹ TRPC 2040 Land Use Forecast Documentation website- <https://www.trpc.org/236/Population-Employment-Forecasting>

- Funded operations, travel demand, transit and capacity projects.

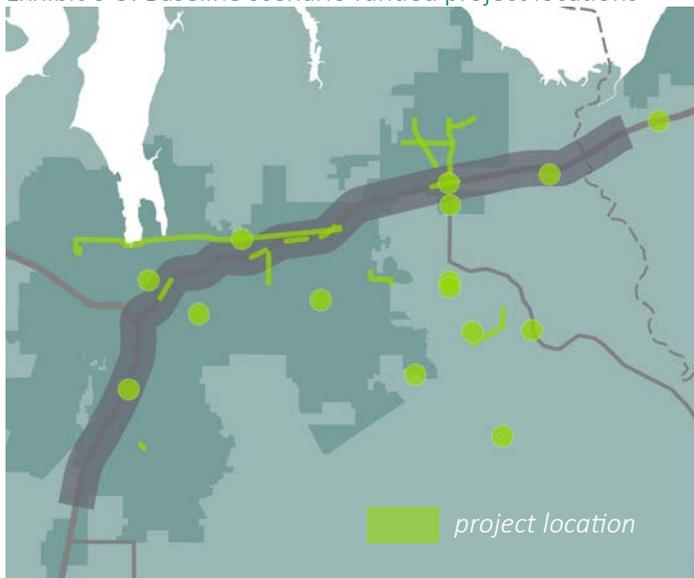
Exhibit 6-3 shows the location of projects included in the baseline scenario. See Appendix G for a list of all projects included in this scenario.

The study team used the performance measure results from this scenario to see how the transportation system would perform in the future given current trends in development and travel patterns and to compare against for the subsequent modeling scenarios.

In general, many of the performance issues seen today remained but are forecasted to be more severe such as the regularly occurring backups on southbound and northbound I-5 approaching the US 101 interchange. There were also new performance issues that arose due to added demand and changes in the roadway network. The main example of this is on southbound I-5 at the Mounts Road interchange (exit 116).

Currently, the roadway drops from four lanes to three at this location with the right lane being an exit only lane for the interchange. After improvements are completed

Exhibit 6-3: Baseline scenario funded project locations



Operational improvements are small changes that help improve traffic flow at key locations. For example, WSDOT is planning to add ramp metering to southbound I-5 through Olympia to help smooth traffic flow at merge points.

The scenarios developed for this study do not consider all possible strategies

The study team was not able to model all potential solutions or strategies that could be used to improve transportation system performance in the study area. There are several reasons for this. First and foremost was the study had a finite amount of time and financial resources to spend on modeling solutions.

Another reason was if an idea conflicted with local or state development policies or plans. Finally there were also technical limitations to the modeling software used that precluded modeling some strategies. There were a few key strategies the study team, advisory groups, and/or the public were interested in that were not modeled:

- Any rail transportation solutions including light rail like the Link system or commuter rail like the Sounder.
- Changes to the local transportation system beyond those identified in current local plans.
- New state highways to serve as an alternate to I-5.
- Tolling facilities to manage demand.

Further study would be needed to investigate the viability of these options.

through the JBLM area² which will widen the highway, add some new frontage road connections, and improve interchange operations, the highway will neck down from five lanes to three lanes, with one lane dropping as an exit only lane and another merging right before the Mounts Road bridge. The model predicts this location will become a new bottleneck with traffic backing up as far as Thorne Lane SW in Tillicum on southbound I-5 given the assumptions of the model and demand forecast.

Scenario One – Operations

Scenario One - Operations contains a variety of intersection improvements identified by project partners to address congestion issues in the 2040 baseline scenario. Operations refers to features and enhancements made to roads and transportation facilities that support movement of people and goods across the transportation network.³

There are 11 of these improvements, which are all off of I-5 with the exception of a small revision to the merging taper on the ramp between northbound I-5 and westbound US 101 at Exit 104 (shown on page 6-4, Exhibit 6-4). Some of the improvements are on WSDOT facilities like SR 507 near

² WSDOT JBLM Area Improvements website- <https://www.wsdot.wa.gov/Projects/I5/JBLMImprovements/default.htm>

³ WSDOT Transportation Systems Management and Operations: Operations webpage- <https://tsmowa.org/category/Operations%20%26%20Supporting%20Infrastructure>

Exhibit 6-4: Scenario 1 Operational improvements



Yelm while others are on the local roadway network. The general intent of this strategy was to improve performance through small projects at key locations on the network. See Appendix G for a full list of projects included in this scenario.

Scenario Two – Sustainable Thurston Land Use⁴

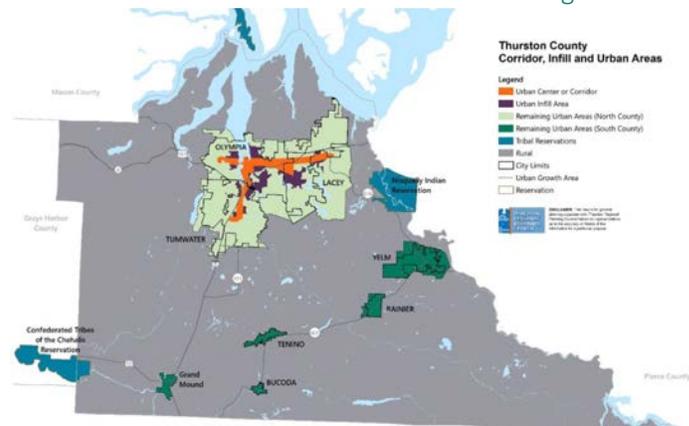
Scenario Two – Sustainable Thurston Land Use assumes the region will achieve goals in TRPC’s Sustainable Thurston vision rather than the “business as usual” 2040 Land Use Forecast.⁵ Similar to the adopted forecast used in the previous scenario, the visionary 2040 forecast was last updated in 2013. Sustainable Thurston has two primary goals for land use:

- By 2035, 72 percent of all households in Thurston County’s cities, towns, and unincorporated growth areas will be within a half mile (comparable to a 20-minute walk) of an urban center, corridor, or neighborhood center with access to goods and services to meet their daily needs.
- Between 2010 and 2035, 5 percent of new housing will locate in the rural areas. Rural areas are defined as outside of the cities, towns, unincorporated urban growth areas and tribal reservations.

The intent of modeling this scenario was to test how transitioning auto-oriented corridors into an urban form more conducive to alternate modes of travel like walking and mixing housing, services, and amenities might affect travel behavior and system performance. You can see what strategies TRPC plans to use to achieve these goals in Appendix G.

⁴ Scenario two – Land Use also includes improvements from all previous scenarios
⁵ TRPC About Sustainable Thurston webpage- <https://www.trpc.org/262/About-Sustainable-Thurston>

Exhibit 6-5: Sustainable Thurston Land Use designations



Scenario Three – Transportation Demand Management⁶

For *Scenario Three - Transportation Demand Management*, the study team built assumptions into the model that the region would achieve a higher level of participation in programs like teleworking and that more places in the region would have metered parking. Transportation demand management as a strategy focuses on reducing the amount people need to travel, particularly by driving alone during peak commute times. This is achieved by helping people use the infrastructure in place for transit, ridesharing, walking, biking and telework. *Scenario Three* consists of three elements

- Expanded participation in telework/compressed work week and other commute trip reduction techniques. The study uses the assumption that this would result in 25 percent of employees in the government non-education and professional service sectors reducing travel by one day a week.
- Managed parking at key employment sites, including raising the parking rate where parking is currently managed.
- New shared use trails.

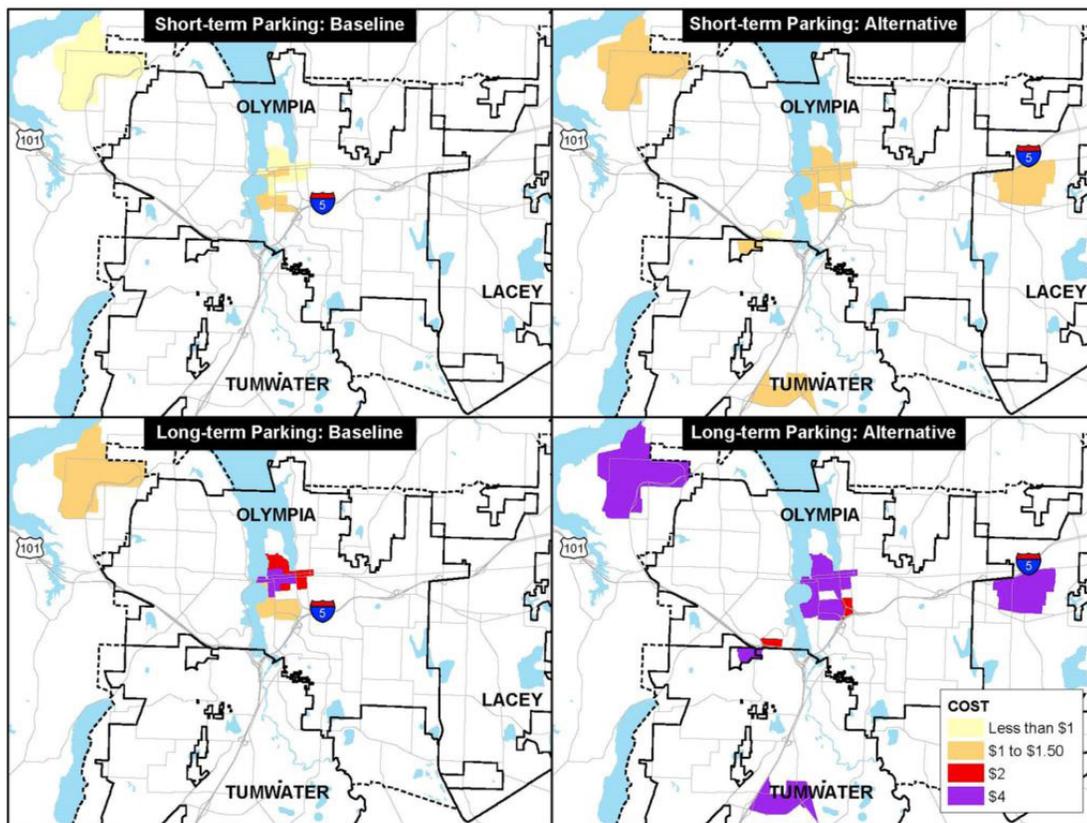
The areas where expanded managed parking was built into the model is shown in the map below. A list of all projects from this scenario can be found in Appendix G.

Scenario Four - Intercity Transit Long-Range Plan⁷

For *Scenario Four – Intercity Transit Long-Range Plan*, the study team added new local bus service that is part of InterCity Transit’s long-range plan. This included the new bus rapid transit demonstration route “The One” as well as the new Zero-Fare system that was implemented

⁶ Scenario three – Transportation Demand Management includes improvements from all previous scenarios
⁷ Scenario four –Transit includes improvements from all previous scenarios

Exhibit 6-6: Map of changes to parking pricing used in *Scenario Three — Transportation Demand Management*



January 1, 2020. The study team used an assumption that these changes, along with population growth and more transportation-efficient land use from *Scenario Two*, would result in a substantial increase in ridership. *Scenario Four* consists of the following elements:

- Increased transit services per Intercity Transit’s Long Range Plan⁸
- New transit routes (See Exhibit 6-7).
- A transit queue jump in downtown Olympia near the

⁸ Intercity Transits Plans, Publications, and Fact Sheets website- <https://www.intercitytransit.com/agency/plans-publications-fact-sheets>

Figure 6-7: Map of additions to transit service used for *Scenario Four — Intercity Transit Long-Range Plan*



Olympia Transit Center.

- An assumed 30 percent increase in transit ridership based on implementation of a variety of measures to increase transit ridership, including a Zero-fare transit system.

The areas where expanded transit service was built into the model is shown in the map below. A list of all improvements from this scenario can be found in Appendix G.

Scenario Five – Part-Time Shoulder Use⁹

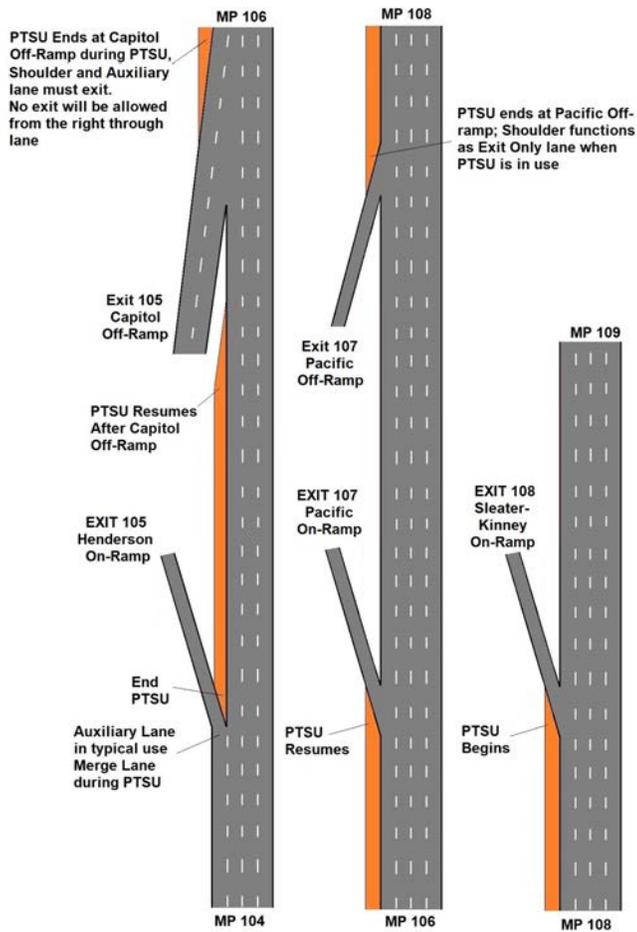
For *Scenario Five – Part Time Shoulder Use*, the study team added part time shoulder use as identified in the I-5 Near-Term Solutions Study. Part time shoulder use involves repurposing road shoulders during high demand conditions in order to improve efficiency and reduce congestion-related crashes on the transportation system.¹⁰ Part time shoulder use fits well within the Practical Solutions framework as it uses the existing highway footprint to add a lane for storage and congestion relief at peak periods, reducing costs for acquiring new right of way and construction especially if the shoulders are already thick enough to support regular use.

⁹ Scenario Five – Part-Time Shoulder Use includes improvements from all previous scenarios.

¹⁰ WSDOT Transportation Systems Management & Operations website- <https://tsmowa.org/category/operations-supporting-infrastructure/dynamic-lane-assignment>

For Scenario Five, the study team modeled allowing travel on the existing shoulder in the south-bound direction of I-5, between the Sleater-Kinney on-ramp and the

Exhibit 6-8: Diagram of Part-Time Shoulder Use sections



Henderson on-ramp (see Exhibit 6-8).

Scenario Six – High Occupancy Vehicle Lane Conversion¹¹

Scenario Six – High Occupancy Vehicle (HOV) Lane Conversion investigates what the effect of converting the left lane in both directions of I-5 between US 101 and Mounts Road HOV Lanes would be on study goals. HOV lanes are reserved for vehicles with either two or more or three or more occupants. These facilities move more people in fewer vehicles, as is the case on I-5 near Northgate in Seattle where the HOV lanes move close to three times as many people per lane than general purpose lanes.¹² HOV lanes also benefit transit users by providing faster more reliable travel times for transit.

The study team modeled HOV lanes with a two plus occupancy requirement. In addition to the HOV lane conversion itself, Scenario Six included additional

11 Scenario Six – High-Occupancy Vehicle Lane Conversion includes improvements from all previous scenarios.
 12 WSDOT 2018 Corridor Capacity Report- <https://www.wsdot.wa.gov/publications/fulltext/graynotebook/corridor-capacity-report-18.pdf#page=11>

improvements that would help HOV and transit travel. Finally, the study team assumed WSDOT would complete HOV lanes between Mounts Road and 38th Street in Tacoma,¹³ creating a continuous HOV lane from Olympia to Everett. Specific improvements are outlined in Appendix G. The scenario includes four elements:

- Converting an existing general capacity lane to HOV.
- Adding HOV bypass at on-ramps with ramp meters.
- Increasing express transit service frequency.
- Adding new park-and-ride lots or expanding capacity in existing park and ride lots.

Scenario Seven – Regional Transportation Plan Local Projects¹⁴

Scenario Seven – Regional Transportation Plan (RTP) Local Projects consists of 31 unfunded local roadway and state highway projects not on I-5 that are included in TRPC’s 2040 RTP and anticipated to be included in the 2045 RTP. There were also two projects on the local network identified by the technical advisory group members that the study team included in the model. Scenario Seven generally includes projects consisting of:

- Street and road capacity projects (new lanes, center turn lanes, medians and roundabouts).
- Street and road extensions.
- Additional operational improvements.

Specific improvements are outlined in Appendix G. Further details on most of the projects can be found in

Exhibit 6-9: Map of unfunded local projects included in Scenario Seven - RTP Local Projects



the RTP, available on TRPC’s website.¹⁵

13 WSDOT HOV Feasibility Study: I-5 JBLM to 38th Street- https://dot.wa.gov/publications/fulltext/LegReports/15-17/15_JBLM_HOV_LaneFeasibilityStudy_SummaryReport.pdf
 14 Scenario Seven – Local Network Improvements includes improvements from all previous scenarios.
 15 TRPC Regional Transportation Plan – What Moves You: Appendix P Regional

Scenario Eight – Interchange Improvements¹⁶

Scenario Eight – Interchange Improvements includes improvements to interchanges along I-5 beyond projects already included in previous scenarios (particularly the 2040 baseline scenario). These improvements come from various sources including TRPC’s 2040 RTP, previous WSDOT planning efforts, and ideas developed with study advisory groups. Interchanges are common places for highway operations problems due to vehicles merging, diverging, or weaving. Issues can also be caused by other aspects such as old designs or when interchanges are spaced too close. *Scenario Eight* includes the following major improvements:

- A braided ramp on southbound I-5 approaching US 101 (Exits 105 and 104) to separate traffic destined for US 101 westbound before the Henderson Ave on-ramp, reducing the weave there.
- Revisions to the Martin Way interchange (Exit 109) that reduce the need for left turns on Martin Way and provides direct access for transit to the Martin Way Park and Ride from the northbound on-ramp.
- Roundabouts to improve traffic flow at the Tumwater Blvd SW (Exit 101), Trospen Rd SW (Exit 102), and Mounts Road (Exit 116).
- Part-time shoulder use on northbound I-5 between Exits 103 and 104 (US 101).

All improvements included in this scenario are listed and

Project List Detail-<https://www.trpc.org/DocumentCenter/View/2940/Appendix-P--Regional-Project-List-Detail>

¹⁶ Scenario Eight – Interchange Improvements includes improvements from all previous scenarios.

described in Appendix G.

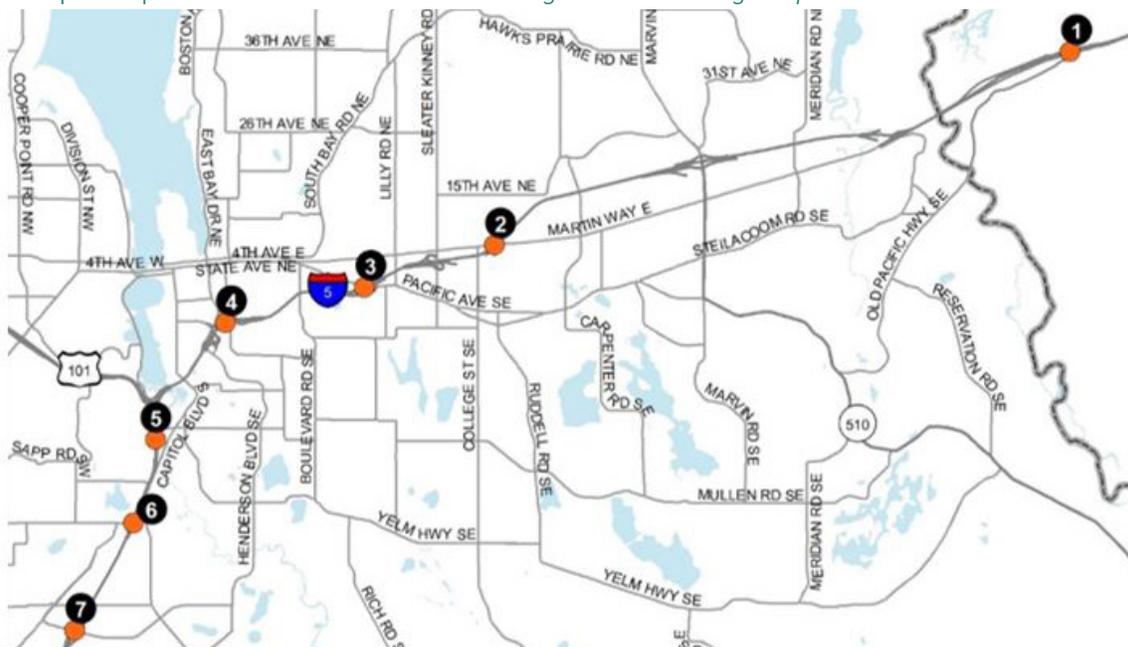
Scenario Nine – Widen I-5: Add General Purpose Lanes, Retain HOV Lanes¹⁷

Scenario Nine consists of making I-5 eight lanes wide (four in each direction) between the US 101 interchange and Mounts Road while retaining the HOV lanes established in *Scenario Six – HOV Lane Conversion*. In addition, this scenario includes some other capacity expansion type projects such as new ramps and auxiliary lanes designed to improve traffic flow issues observed in previous scenarios. *Scenario Nine* includes these major elements:

- Widen I-5 to four lanes in each direction between Mounts Road and US 101. This scenario retains the I-5/US 101 Braided Ramp interchange option in lieu of a fourth lane on the southbound I-5 mainline at the Plum St/Henderson Blvd interchange (Exit 105).
- Add auxiliary lanes at key locations such as southbound I-5 through Lacey and Olympia and northbound I-5 between US 101 and Pacific Ave. This replaces part-time shoulder use for southbound I-5 from Scenario Five – Part-Time Shoulder Use.
- Add a flyover exit ramp from I-5 northbound to US 101.

See Appendix G for a list of improvements included in this scenario as well as graphics and maps showing the rough ¹⁷ Scenario Nine – I-5 Capacity Expansion: Add a General Purpose Lane, Retain the HOV Lanes includes all improvements from previous scenarios except Scenario Six – Part-Time Shoulder Use. Scenario Nine expands the highway in these locations to include a full auxiliary lane and shoulder.

Exhibit 6-10: Map of improvement locations in Scenario Eight – Interchange improvements

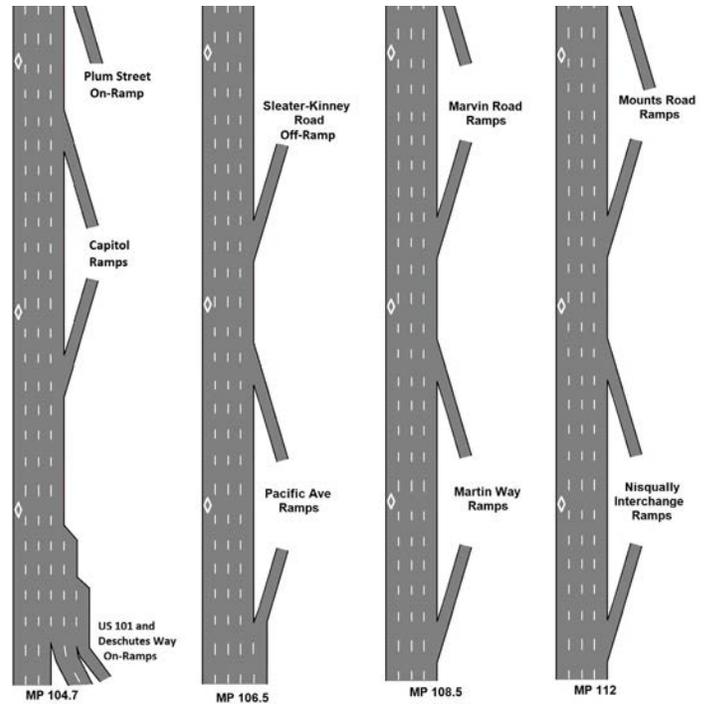


design of new facilities used in the model.

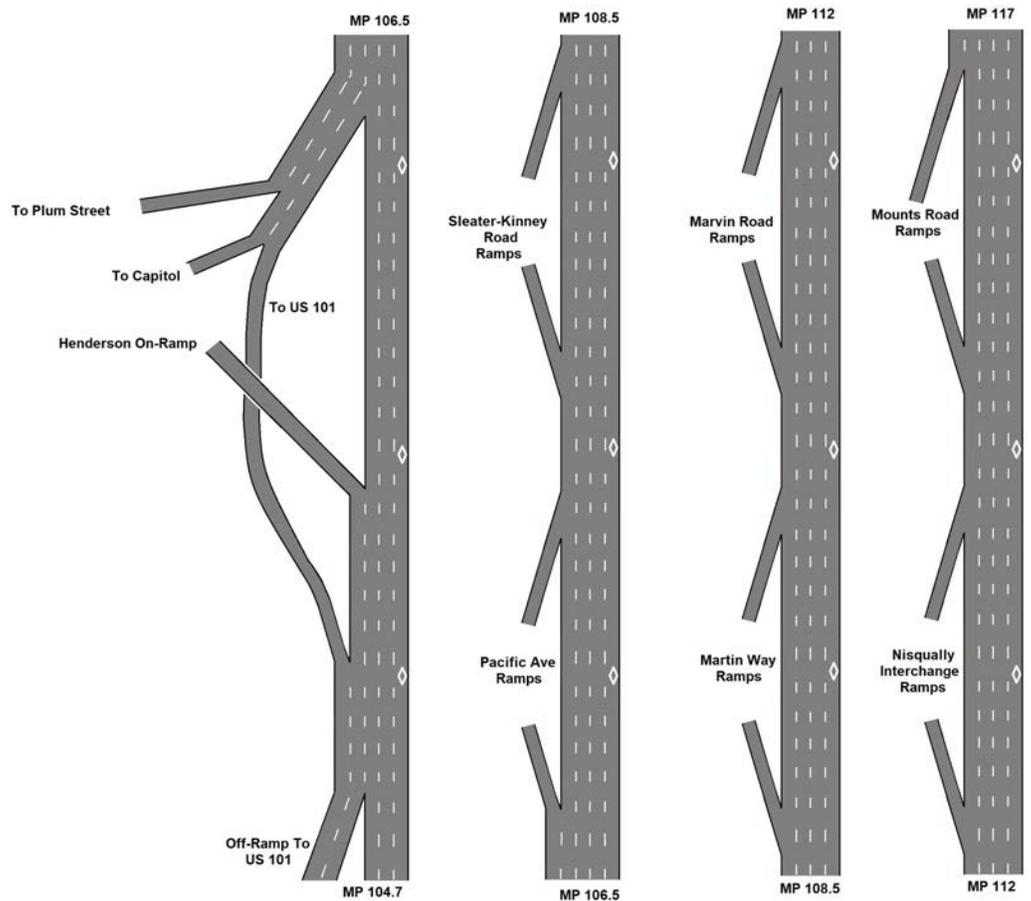
Scenario Ten – I-5 Capacity Expansion: Add General Purpose Lanes, Convert HOV Lanes to General Purpose¹⁸

Scenario Ten consists of the same elements as Scenario Nine, except the HOV lanes on I-5 in each direction are converted to general purpose use. The study team included this scenario to see if there was substantive performance differences between this scenario and Scenario Nine and based on public input received during 18 Scenario Ten – I-5 Capacity Expansion: I-5 Capacity Expansion: Add General Purpose Lanes, Convert HOV Lanes to General Purpose includes all improvements from previous scenarios except Scenario Six – Part-Time Shoulder Use, and Scenario Nine – I-5 Capacity Expansion: Add a General Purpose Lane, Retain the HOV Lanes. Scenario Ten expands includes a full auxiliary lanes and shoulders where scenario six had part-time shoulder use. The HOV lanes from scenario six are converted to general purpose use,

Exhibit 6-11: Diagram of improvements included in Scenario Nine- Widen I-5: Add General Purpose Lanes, Retain HOV I-5 Northbound four lanes including HOV



I-5 Southbound four lanes including HOV



Chapter 7 - Strategy evaluation and modeling results

After developing the various strategies, the study team collaborated with partners to evaluate the effectiveness of each for achieving study goals defined in Chapter 1. Because some strategies could be modeled and others could not, the study team developed two approaches for evaluating the strategies. The study team produced data from the modeled strategies that were used to measure system performance. For the strategies that could not be modeled, the study team worked with the advisory groups to develop a process that would reflect the groups' collective evaluation of each idea.

Evaluating strategies that were unable to be modeled

The study team, in collaboration with advisory groups, determined that modeling was not possible for 45 strategies. Chapter 3 covers the multiple reasons why modeling was not appropriate for these strategies. However, the team did not want to eliminate viable strategies because of modeling limitations, so they developed an alternate group scoring and review process to evaluate their potential, which included the following steps:

Step one – Screen strategies for feasibility

Some strategies were not feasible to construct or implement for various reasons, including conflicts with WSDOT policy or needing changes in state or federal rules or law. Very few strategies were screened out using this step, but examples include “charging JBLM mitigation fees for impacts to surrounding communities” and “installing emergency call boxes along I-5.”

Step two – Consult relevant agencies and subject matter experts

The study team met with experts from partners and within the WSDOT to ensure that proposed strategies do not go against their plans, policies, or law. Relevant agencies generally included local or regional governments or state agencies that own facilities or land that would be directly affected by the strategy. Some strategies were screened out through this process such as “Close the truck weigh station north of Mounts Road during peak periods” and “Adding capacity to Steilacoom Rd SE between Pacific Ave and Nisqually Cutoff Rd SE.”

Step three – Score strategies

The study team and advisory groups then evaluated strategies that were given the green light by relevant agencies and subject

matter experts for their effectiveness by study goal area. The study team gave a high-level rating for each idea using the categories: very positive; somewhat positive; neutral; somewhat negative; and very negative. The technical advisory group then reviewed and revised the scores.

Step four – Review results with advisory group and develop recommendations.

Given the high-level nature of the evaluation for the strategies that could not be modeled, the study team and advisory groups used this process more to guide discussion than as a definitive analysis. In the same vein, recommendations around these strategies generally involved recommending or not recommending further study. Details of the results of this evaluation for all strategies that could not be modeled can be found in Appendix H.

Evaluating strategies that were modeled

The study team collaborated with advisory groups to develop a methodology for evaluating the effectiveness of the strategy scenarios described in Chapter 5. This involved several key steps.

Step one – Prioritize the study goals relative to each other

The study team used input from the technical advisory group and results from study surveys to prioritize the study goals listed in Chapter 3. The purpose of this step was to allow the stakeholder advisory groups and public to determine which study goals were most important in evaluating the effectiveness of modeled scenarios.

The study team used an exercise with the technical advisory group called “forced-choice pair comparison” (example table in Exhibit 7-1) a common tool for developing group priorities. Participating members of the technical advisory group considered each study goal against the others individually in terms of which were most important to the legislative purpose, their organization's priorities, and performance of the transportation system (as well as any other considerations they thought were important). The study team took the resulting scores from each participant and averaged them by goal area to create a group weighting. The advisory group members then reviewed the averaged results and determined that the results did a good job of capturing the groups' values. No changes were made to the result from the exercise based on the discussion.

Respondents to the public surveys also provided input on their priorities for the study goals. Both surveys asked respondents to rank study goals from most to least

Exhibit 7-1: Advisory Group members filled out a “forced-choice pair comparison” exercise to develop study goal priorities

Study Goals	Travel times & reliability	Efficiently, equitable move people & goods	Improve accessibility	Nisqually habitat	Network redundancy/resiliency	Score
Travel times & reliability	A	B	C	A/D	E	1.5
Efficiently, equitably move people and goods		B	C	B/D	E	2.5
Improve accessibility			C	C	C/E	4.5
Nisqually habitat				D	E	2
Network redundancy/resiliency					E	4.5

* Please note Exhibit 7-1 is an example, not an actual submission by an advisory group member.

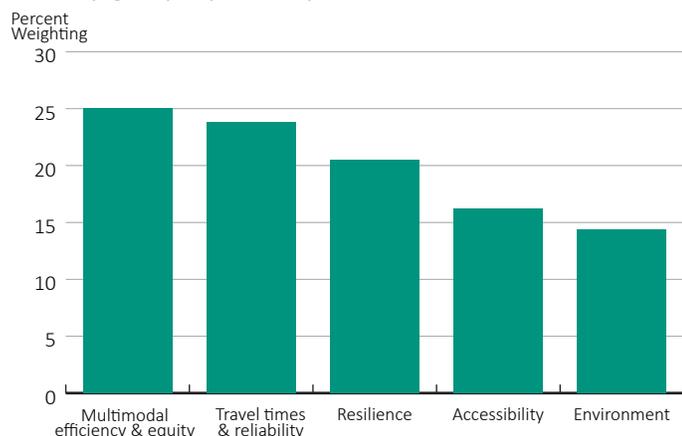
important. The first survey did not include the fifth study goal of network resilience, as this goal was added in response to feedback from that survey.

The study team used the rankings from the survey and averaged them for each goal area to create a group scoring, similar to the Technical Advisory Group process. As noted in Chapter 3, demographic groups were underrepresented in the survey responses (e.g. lower income households) that sometimes had different values and priorities for these study goals.

To create a final weighting that included input from both the Technical Advisory Group and general public, the study team averaged their overall results giving them equal weight to determine the final prioritization. This final weighting was presented to both advisory groups for a final opportunity to comment. Exhibit 7-2 reflects the combined rankings.

Exhibit 7-2: Overall advisory groups and public input ranked efficiency & equity highest among study goals

Study goal area by percent weighting calculated from advisory group input and public



Step two – Choose performance measures to assess scenario effectiveness

The study team developed an initial set of performance measures for each goal area. These measures, for the most part, have been used in prior WSDOT studies and reports or are currently coming into use such as the access to jobs and commercial services measures. The team also developed others specifically for this study like the traffic balance measure.

The Technical and the Executive Advisory Groups helped develop and refine the performance measures through multiple meetings. The study team presented an initial set of performance measures to the Technical Advisory Group who helped define aspects such as which roads would be used to measure travel times on alternate routes to I-5 or which populations would be considered in the environmental justice access to jobs measure. They also helped define the desired outcome and units of measure that would be used to score the effectiveness of each scenario. The study team also engaged with partners one on one as needed to refine performance measures and develop agreement with advisory group participants.

See Exhibit 7-3 on the next page for a list of performance measures. A detailed description of each measure can be found in Appendix G – Scenario and Performance Measures Report.

Exhibit 7-3: Performance measures organized by study goal area

Study goal area	Performance measures	Desired outcome
<p>Travel Times and Reliability: Improve travel times on I-5 and make them more predictable</p>	<ul style="list-style-type: none"> Travel times along I-5 between SR 121 (exit 99) and Main Gate (exit 120) Maximum throughput travel time index (MT³I, average travel time divided by maximum throughput travel time) for I-5 in the study area for all traffic and HOV 	<p>Reduce travel times</p> <p>Achieve an MT³I of 1, this means the corridor is operating at peak efficiency for moving vehicles</p>
<p>Efficiency and Equity: Increase the transportation system’s ability to efficiently and equitably move all people and goods</p>	<ul style="list-style-type: none"> Number of people moved during peak periods on I-5 for all traffic and HOV Travel mode split in Thurston County between driving alone, carpooling, vanpooling, transit, walking, and biking Total vehicle miles traveled in Thurston County Percent of traffic on I-5 traveling through the corridor rather than entering or exiting the highway Access to jobs and commercial services for Environmental Justice¹ populations by driving alone, HOV, and transit 	<p>Increase person throughput</p> <p>Decrease percent of trips made by driving alone</p> <p>Decrease total vehicle miles traveled</p> <p>Increase the “through traffic” percentage on I-5</p> <p>Increase access to jobs and commercial services for Environmental Justice populations</p>
<p>Accessibility: Improve access to job sites, commercial services, and industrial areas</p>	<ul style="list-style-type: none"> Access to jobs and commercial services by driving alone, HOV, and transit Travel times on local roads that connect I-5 to industrial areas (freight access routes) 	<p>Increase access to jobs and commercial services</p> <p>Decrease travel times on freight access routes</p>
<p>Environment: Protect and enhance the environment including reducing the transportation-related impact on wildlife habitat in the Nisqually River Delta.</p>	<ul style="list-style-type: none"> Total greenhouse gas emissions in Thurston County 	<p>Decrease greenhouse gas emissions</p>
<p>Resilience: Improve the transportation system’s ability to operate during disruption and recover from it.</p>	<ul style="list-style-type: none"> Advisory group evaluation comparing which strategies “improve the availability and/or capacity of alternate routes to I-5. Travel times on alternate routes to I-5 through the study area. 	<p>Increase availability or capacity of alternate routes to I-5</p> <p>Decrease travel times on alternate routes to I-5</p>

¹ WSDOT’s Environmental Manual Chapter 458.02 – Environmental Justice; <https://www.wsdot.wa.gov/publications/manuals/fulltext/M31-11/458.pdf#page=3>
WSDOT’s Community Engagement Plan – “Environmental Justice at WSDOT”; <https://www.wsdot.wa.gov/sites/default/files/2017/02/28/FinalCEP2016.pdf#page=15>
The study team analyzed access to jobs and services for minority populations, households experiencing poverty, households with disabled individuals, and households with no vehicle.

WSDOT is working with Nisqually Tribe to address salmon and habitat measures

Readers may notice that there are no performance measures in the table above regarding salmon habitat or the Nisqually River delta. The study team initially proposed several measures to include with other environmental performance measures. However, based on feedback from the public, the study advisory groups, and natural resources staff from the Nisqually Indian Tribe, WSDOT will address these aspects of the legislative requirements for this study separately from transportation performance (see Chapter 5).

WSDOT expects the hydrologic study, discussed on page 33, to conclude by summer 2020. WSDOT will review the results of the hydrologic study being conducted by the Nisqually Indian Tribe and the US Geological Survey to inform development of performance measures for these environmental requirements and evaluation of the model scenarios and un-modeled strategies.

Step three – Determine how performance measures results will be scored

The study team initially developed and proposed a method for scoring the performance measure results from the modeling process. The technical advisory group reviewed and refined the initial method over multiple meetings. The final method consists of the following elements:

- For each performance measure, give the best performing scenario a score of 100 and then score all other scenarios relative to it. Basically, this calculates the score of the lower performing scenarios as a percentage of the best one. For the purposes of scoring, the study team compared performance measures for each scenario to one scenario prior in order to determine the incremental benefit of each strategy.

The study team allowed for scenarios to have a negative score but used a “cap” of -100. This method allowed for consideration of both positive and negative tradeoffs of each scenario. For example, *Scenario Ten* (see on page 7-15) scored very positively on travel time measures but scored negatively for increasing vehicle miles traveled (VMT) and greenhouse gas emissions.

- Average each scenario’s performance measure scores within study goal areas. For example, the study goal area of “improving travel times on I-5 and making them more predictable” included three performance measures: 1) travel times on I-5; 2) the Maximum Throughput Travel Time Index for all traffic; and 3) HOV. Each scenario’s score for these three measures was averaged to create an effectiveness score for the goal.
- Apply the study goal weighting developed in Step One to the goal area effectiveness scores from the previous bullet. This yielded an overall effectiveness score.

Methods for calculating each step for each performance measure and goal area are described in detail Appendix I.

The study team and advisory groups used the effectiveness scores for study goal areas and the overall effectiveness score to compare how well each modeled scenario achieved desired outcomes. The scores informed

discussions between the study team and stakeholders that led to recommendations. Other factors, such as planning-level estimates of the cost to construct and maintain projects, were also used when those data were available but were not used in scoring.

Results summary by study goal

The tables in this section provide a high-level look at the effectiveness scores for each model scenario by study goal area and overall. Further detail for each scenario is provided on the subsequent pages. The study team and stakeholder advisory groups used these results along with other factors such as planning-level cost estimates to facilitate discussions around final recommendations which are detailed in Chapter Eight of this report.

Most of the modeled scenarios included multiple improvement projects as outlined in Chapter 5 – Modeling and Strategy Development, except for *Scenario Five – Part Time Shoulder Use*. This is important to consider when looking at the planning-level cost estimates which reflect the cost for all improvements in a scenario that the study team was able to calculate. WSDOT and its partners will analyze individual improvements further in the next phase of planning called a Planning and Environmental Linkages (PEL) study. Through the PEL process, the team will determine which individual improvements provide the most system benefits and hone in on potential project design features.

Travel Times and Reliability

For the I-5 Travel Times and Reliability goal, capacity expansion type improvements on the highway or on interchanges had positive effects.

- Scenario Ten – Widen I-5: Add General Purpose Lanes, Convert HOV Lanes to General Purpose* scored the highest when comparing performance to the prior modeled scenario.
- Scenario Five – Part Time Shoulder Use* was a very close second. *Scenario Nine – Widen I-5: Add General Purpose Lanes, Retain HOV Lanes* also scored highly compared to other scenarios. One important thing

Some cautions about modeling results

Beyond the general cautions about models, the study team discussed several key considerations with advisory groups before developing final recommendations. These include:

- **Effectiveness scores are based on the best performing scenario, not a performance target like level of service.** So, while a score will tell us which scenario was the best at improving travel times or system efficiency, it won't answer the question of which improved those measures "enough." This is an important distinction for future cost/benefit calculations.
- **The model could not replicate congestion issues on northbound I-5 in the morning through the Nisqually Valley.** While the study team did not settle on an explanation, the issue may be seasonal changes in traffic volume as discussed in Chapter 4.
- **The Dynamic Traffic Assignment (DTA) model was very complex and sensitive to small changes.** In some cases, this could lead to "model noise," which is changes in performance due to how the model works as opposed to reflecting change due to improvements in the transportation system. The study team investigated this model noise and sometimes make judgement calls about correcting these issues. This was most common with local roadway changes, some as small as signal timing updates.

to note, particularly with *Scenario Nine*, is that each model scenario built off all the previously modeled scenarios. So, the effects of HOV lanes included in this scenario were already accounted for in *Scenario Six – HOV conversion*, when they were added to the model.

- Other approaches also showed benefit to I-5 travel times such as *Scenario Two – Sustainable Thurston Land Use* and *Scenario Four – Intercity Transit Long-*

Scenario effectiveness score visualization scale

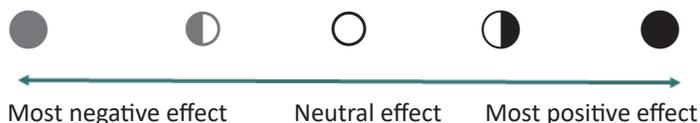


Exhibit 7-4: I-5 Travel times and reliability goal effectiveness scores

Scenario	Score
Widen I-5 – All General Purpose	●
Part Time Shoulder Use	●
Widen I-5-- Add General Purpose, Retain HOV	◐
Sustainable Thurston Land Use	◑
Interchange Improvements	◑
Intercity Transit Long-Range Plan	◑
Operations improvements	○
Transportation Demand Management	○
HOV Conversion	◑
Regional Transportation Plan - Local Projects	◐

*Scenarios listed in order of highest to lowest score

Range Plan. These two strategies allowed for travelers to either shift their trip to a different mode like transit or take shorter trips to achieve their needs which had some benefits for travel times on I-5 compared to the modeled scenarios.

- Only two scenarios exhibited negative effect on I-5 travel times and reliability measures: *Scenario Six – HOV Conversion* and *Scenario Seven – Regional Transportation Plan Local Projects*.

The I-5 Travel Times and Reliability goal area score was weighted at 23.8 percent when calculating overall effectiveness scores, per input from study advisory groups and the general public discussed on page 7-4. This was the second highest weighted goal.

Efficiency and Equity goal

For the Efficiency and Equity goal, a variety of scenarios showed positive effects. This may partly be due to the goal area including a variety of measures ranging from total VMT in Thurston County to access to jobs and commercial services for environmental justice populations, as shown in Exhibit 7-3.

- *Scenario Three – Transportation Demand Management* scored the highest among all the scenarios, mainly due to improvements in person throughput, mode split, and reduced VMT.
- The next two highest scorers, *Scenario Eight – Interchange Improvements* and *Scenario Four – Intercity Transit Long-Range Plan*, had different benefits.
- *Scenario Eight – Interchange Improvements* provided benefits particularly for person throughput measures and the balance of local, regional, and through traffic on I-5. *Scenario Four – Intercity Transit Long-Range Plan*, on the other hand, scored highly for mode split and access to jobs and services for EJ populations.

Exhibit 7-5: Efficiency & Equity goal effectiveness scores

Scenario	Score
Transportation Demand Management	
Interchange Improvements	
Intercity Transit Long-Range Plan	
HOV Conversion	
Operations improvements	
Widen I-5 – Add General Purpose Lanes, Retain HOV Lanes	
Sustainable Thurston Land Use	
Widen I-5 – All General Purpose Lanes Part	
Time Shoulder Use	
Regional Transportation Plan - Local Projects	

*Scenarios listed in order of highest to lowest score

These tradeoffs between individual performance measures as well as between the study goals are important considerations when looking at summary-level scores like those provided here. Detailed scoring results can be found in Appendix J.

Two scenarios showed negative effects on this goal area overall. *Scenario Five – Part-Time Shoulder Use* had a slightly negative effect due to an increase in VMT and a decrease in the proportion of thru traffic on I-5. However, the scenario had positive effects on other efficiency measures like person throughput. *Scenario Seven – Regional Transportation Plan - Local Projects* had a negative effectiveness score mainly due to reduced person throughput on I-5 and decreased thru traffic on I-5.

The Efficiency and Equity goal score was weighted at 25 percent when calculating overall effectiveness scores, per input from study advisory groups and the general public discussed on page 7-4. This was the highest weighted study goal.

Access to jobs, services, and industrial areas

Similar to Efficiency and Equity, a variety of scenarios showed positive effects for the Accessibility goal. This is because access measures, like those used for this goal area, can be improved both by making travel by given modes faster (multimodal mobility) or by making the length of trips people need to take to meet their daily needs shorter (land use).

- Scenario Two – Sustainable Thurston Land Use (adopted regionally in 2013) scored the highest for this goal area as it improved access to jobs and commercial

Exhibit 7-6: Accessibility goal effectiveness scores

Scenario	Score
Sustainable Thurston Land Use	
Intercity Transit Long-Range Plan	
HOV Conversion	
Regional Transportation Plan - Local Projects	
Widen I-5 – All General Purpose Lanes	
Widen I-5 – Add General Purpose Lanes, Retain HOV Lanes	
Part-Time Shoulder Use	
Interchange Improvements	
Operations improvements	
Transportation Demand Management	

*Scenarios listed in order of highest to lowest score

services by all three modes measured (single occupant vehicle, HOV, and Transit) as well as improving travel times on local freight access routes.

- Scenario Four – Intercity Transit Long-Range Plan improved access to jobs and commercial services for transit users and did so by a significant percentage compared to other scenarios.
- Scenario Six – HOV Conversion also improved access to jobs and services for HOV and transit users, almost two times more than Scenario Four. However, a negative effect on freight access route times mitigated those positive scores.
- Only Scenario Three – Transportation Demand Management exhibited a negative score - due to a negative result for travel times on freight access routes calculated in the model.

The Accessibility goal score was weighted at 16.2 percent when calculating overall effectiveness scores, per input from study advisory groups and the general public discussed on page 7-4. This was the second lowest weighted goal.

Environment

The environmental goal’s only performance measure for the portion of the study focused on transportation was greenhouse gas emissions in Thurston County (see Chapter 5 for information on the Nisqually River and I-5). So, scenarios that served to either reduce travel or shift travel to modes that emit less greenhouse gases tended to score well.

- *Scenario Two – Sustainable Thurston Land Use* scored the highest. It was the best scoring scenario also for reducing total VMT and scored only second to *Scenario Four – Intercity Transit Long-Range Plan* for shifting travel away from single occupant vehicles.
- *Scenario Six – HOV Conversion* and *Scenario Three – Transportation Demand Management* also scored well for the Environment goal largely due to reduced VMT in Thurston County as well as some mode shift away from SOV travel.
- Several scenarios exhibited neutral effects on this goal area. The most interesting one was *Scenario Four – Intercity Transit Long-Range Plan* which did have positive scores in other goal areas for shifting travel away from SOV to transit. However, total VMT remained flat in that scenario and transit use as a proportion of overall travel remained small so the end result was a neutral effect on total greenhouse gas emissions.
- Scenarios that included larger capacity expansion on I-5 tended to exhibit negative effects because they resulted in more VMT and more travel occurring by SOV. *Scenario Nine* and *Scenario Ten* both increased emissions by a greater percentage than *Scenario Two – Sustainable Thurston Land Use* decreased them when comparing to the prior scenario. *Scenario Five – Part Time Shoulder Use* also increased emissions but not as much.

The Environment goal score was weighted at 14.4 percent when calculating overall effectiveness scores, per input from study advisory groups and the general public discussed on page 7-4. This was the lowest weighted study goal.

Exhibit 7-7: Environment goal effectiveness scores

Scenario	Score
Sustainable Thurston Land Use	●
HOV Conversion	●
Transportation Demand Management	◐
Interchange Improvements	◑
Operations improvements	○
Intercity Transit Long-Range Plan	○
Regional Transportation Plan - Local Projects	○
Part Time Shoulder Use	◑
Widen I-5 – Add General Purpose, Retain HOV	●
Widen I-5 – All General Purpose	●

*Scenarios listed in order of highest to lowest score

Resilience

The resilience goal had two performance measures: travel times on local alternate routes to I-5 and the technical advisory groups scoring of how well each strategy improved the availability and capacity of alternate routes as discussed in Exhibit 7-3. The advisory group scoring also used a forced-choice pair comparison to create a group score for the scenarios like the exercise discussed on page 7-2 for establishing study goal priorities.

- *Scenario One – Operations* scored the highest for the Resilience study goal due a favorable evaluation from the advisory group and showing the best improvement for travel times on local routes.
- Other scenarios that scored well such as *Scenario Seven – Regional Transportation Plan - Local Projects* or *Scenario Five – Part Time Shoulder Use* also had positive evaluations from the advisory group and a positive effect on local route travel times.
- In some cases, a very high score for one measure offset a negative score for the other such as with *Scenario Eight – Interchange improvements* which received a positive advisory group evaluation but had a slightly negative effect on local route travel times.
- Only *Scenario Six – HOV Conversion* had an overall negative score for Resilience as it received the lowest advisory group evaluation and had a negative effect on local route travel times in the model.

The Resilience goal score was weighted at 20.5 percent when calculating overall effectiveness scores, per input

Exhibit 7-8: Overall effectiveness scores

Scenario	Score
Sustainable Thurston Land Use	●
Intercity Transit Long-Range Plan	◐
Transportation Demand Management	◐
Interchange Improvements	◑
Operations improvements	◑
HOV Conversion	◑
Part Time Shoulder Use	◑
Widen I-5 – All General Purpose	◑
Widen I-5 – Add General Purpose, Retain HOV	◑
Regional Transportation Plan - Local Projects	○

*Scenarios listed in order of highest to lowest score

from study advisory groups and the general public discussed on page 7-4. This was the third highest weighted study goal.

Overall effectiveness scores

To calculate the overall effectiveness scores, each scenario’s scores for the study goals were multiplied by the weighting factors developed through the advisory groups and public input described on page 7-4. The result is an overarching figure that gives a high-level understanding of how a scenario’s positive and negative tradeoffs balance the study goals and stakeholder priorities for performance outcomes.

- In terms of overall effectiveness, *Scenario Two – Sustainable Thurston Land Use* was the top performer by a fairly wide margin.
- This was followed by a clustering of scenarios with similar overall effectiveness scores including, in order of effectiveness, Transit, Transportation Demand Management, Interchange Improvements, Operations, HOV Conversion, and Part-Time Shoulder Use. While these scenarios had a similar overall score, they had different tradeoffs between the study goal areas. Some had negative effects on certain study goals, noted as light gray circles in Exhibit 7-8.
- Next, the two I-5 widening scenarios had similar levels of performance that was overall positive but not as high as the prior scenarios. As stated earlier, it is important to keep in mind with *Scenario Nine* that the benefits of HOV lanes were largely accounted for in *Scenario Six* so mainly we’re seeing the benefit of added auxiliary lanes and a major interchange improvement at Exit 104.

Exhibit 7-9: Resilience goal effectiveness



*Scenarios listed in order of highest to lowest score

- Finally, *Scenario Seven – Regional Transportation Plan Local Projects* had an overall neutral effect resulting from positive scores in some goal areas being offset by negative scores in others.

Results summary by modeling scenario

Scenario One – Operations

The overall effectiveness score for *Scenario One* comparing performance to the prior model scenario was 20, the fifth highest score overall, roughly tied with *Scenario Six – HOV Lane Conversion*. When comparing scenario performance changes from the 2040 Baseline, the score was 17.

While this was the lowest score when comparing to the 2040 baseline, it was the second highest increase in score only after *Scenario Two – Sustainable Thurston Land Use*.

Scenario One performed best on measures of system resilience, particularly improving travel times on alternate routes through the study area. The scenario also helped improve person throughput on I-5. Based on the study team’s observations of the model, this may be because the improvements on alternate routes to I-5 made them more viable options for commuters and took some demand off

Exhibit 7-10: Effectiveness scoring results for Scenario One - Operations

Scenario One - Operations Study goal area	Scores comparing performance changes from	
	Prior Scenario	2040 Baseline
Travel times & reliability	-11	-8
I-5 Travel times	7	6
MT ³ I – All Traffic	-15	-15
MT ³ I – HOV	-25	-15
Efficiency & Equity	26	20
I-5 Person throughput – All Traffic	52	36
I-5 Person throughput-HOV	90	29
Mode split	0	0
Vehicle Miles Traveled	-10	-5
Traffic balance	25	61
EJ Population access to jobs and commercial services	-4	-2
Accessibility	-4	-1
Access to jobs	-5	-2
Access to commercial services	-6	-3
Freight access route travel times	0	0
Environment	0	0
Greenhouse gas emissions	0	0
System resilience	80	67
Advisory group score	60	60
Alternate route travel times	100	74
Overall Effectiveness Score	20	17

Note: All figures used to develop scores are available in Appendix J

Exhibit 7-11: Effectiveness scores by study goal area sorted from highest to lowest scoring scenario for each

I-5 Travel Times and Reliability		Efficiency and Equity		Accessibility	
Scenario	Effectiveness	Scenario	Effectiveness	Scenario	Effectiveness
Widen I-5 – All General Purpose	●	Transportation Demand Management	●	Sustainable Thurston Land Use	●
Part Time Shoulder Use	●	Interchange Improvements	●	Intercity Transit Long-Range Plan	●
Widen I-5 – Add General Purpose, Retain HOV	◐	Intercity Transit Long-Range Plan	◐	HOV Conversion	◐
Sustainable Thurston Land Use	◑	HOV Conversion	◑	Regional Transportation Plan - Local Projects	◑
Interchange Improvements	◑	Operations improvements	◑	Widen I-5 – All General Purpose	◑
Intercity Transit Long-Range Plan	◑	Widen I-5 – Add General Purpose, Retain HOV	◑	Widen I-5 – Add General Purpose, Retain HOV	◑
Operations improvements	○	Sustainable Thurston Land Use	◑	Part Time Shoulder Use	◑
Transportation Demand Management	○	Widen I-5 – All General Purpose	◑	Interchange Improvements	○
HOV Conversion	◑	Part Time Shoulder Use	◑	Operations improvements	○
Regional Transportation Plan - Local Projects	◑	Regional Transportation Plan Local Projects	◑	Transportation Demand Management	◑
Environment		Resiliency		Overall (weighting applied)	
Scenario	Effectiveness	Scenario	Effectiveness	Scenario	Effectiveness
Sustainable Thurston Land Use	●	Operations improvements	●	Sustainable Thurston Land Use	●
HOV Conversion	●	Regional Transportation Plan - Local Projects	◑	Intercity Transit Long-Range Plan	◑
Transportation Demand Management	◐	Part Time Shoulder Use	◑	Transportation Demand Management	◑
Interchange Improvements	◑	Transportation Demand Management	◑	Interchange Improvements	◑
Operations improvements	○	Intercity Transit Long-Range Plan	◑	Operations improvements	◑
Intercity Transit Long-Range Plan	○	Sustainable Thurston Land Use	◑	HOV Conversion	◑
Regional Transportation Plan - Local Projects	○	Interchange Improvements	◑	Part Time Shoulder Use	◑
Part Time Shoulder Use	◑	Widen I-5 – All General Purpose	◑	Widen I-5 – All General Purpose	◑
Widen I-5 – Add General Purpose, Retain HOV	◑	Widen I-5 – Add General Purpose, Retain HOV	○	Widen I-5 – Add General Purpose, Retain HOV	◑
Widen I-5 – All General Purpose	◑	HOV Conversion	◑	Regional Transportation Plan Local Projects	○

Notes: Weighting was developed with input from study advisory groups and the general public through surveys as described on pages 44-45. Weight by goal area was as follows: I-5 Travel Times & Reliability 23.8%; Efficiency & Equity 25%; Accessibility 16.2%; Environment 14.4%; Resilience 20.5%.

of I-5, allowing it to operate a little better. This is reinforced by the positive score for traffic balance which means a higher percentage of traffic on I-5 was through traffic as opposed to local traffic getting on and off in the study area.

The study team estimated the overall cost to construct improvements included in this scenario at \$35.2 million. This scenario’s projects are estimated to cost an additional \$120,000 annually beyond current maintenance needs to keep in a state of good repair. All data from modeling used to create these scores are available in Appendix J.

Scenario Two – Sustainable Thurston Land Use

The overall effectiveness score for *Scenario Two* compared to the prior model scenario was 42 and 36 when compared to the 2040 Baseline, respectively. This was the highest score comparing to prior scenario. Additionally, *Scenario Two* the largest single increase in overall effectiveness when comparing to the 2040 Baseline.

This scenario was the best performer in terms of greenhouse gas emissions and accessibility measures. This is likely due to more dense development resulting in reduced need to travel, shorter trips, and greater ability

Exhibit 7-12: Effectiveness scoring results for Scenario Two - Sustainable Thurston Land Use

Scenario Two - Sustainable Thurston Land Use Study goal area	Scores comparing performance changes from	
	Prior Scenario	2040 Baseline
Travel times & reliability	24	10
I-5 Travel times	15	18
MT ³ I – All Traffic	19	4
MT ³ I – HOV	38	7
Efficiency & Equity	20	24
I-5 Person throughput – All Traffic	-39	8
I-5 Person throughput-HOV	-52	11
Mode split	84	31
Vehicle Miles Traveled	100	45
Traffic balance	-11	34
EJ Population access to jobs and commercial services	39	15
Accessibility	67	38
Access to jobs	56	20
Access to commercial services	45	17
Freight access route travel times	100	76
Environment	100	45
Greenhouse gas emissions	100	45
System resilience	31	75
Advisory group score	90	90
Alternate route travel times	-28	61
Overall Effectiveness Score	42	36

Note: All figures used to develop scores are available in Appendix J

to travel by modes besides driving alone- as borne out by scores within the efficiency and equity goal. *Scenario Two* also positively affects all other goal areas.

Some performance measures reflected a negative effect including person throughput on I-5, travel times on local alternate routes to I-5, and traffic balance on I-5. However, these were more than offset by this strategy’s positive effects on travel times and reliability measures.

The study team was not able to estimate the overall cost to implement this scenario. Costs will likely be different among the city and county governments near the study area. Fully implementing this scenario will likely require local policy and code changes outside WSDOT’s purview. All modeling data used to create these scores are available in Appendix J.

Scenario Three – Transportation Demand Management

The overall effectiveness score for *Scenario Three* was then compared to the prior scenario was 21 and 43 when compared to the 2040 baseline. This score comes in at the third most effective when comparing to prior scenario, nearly tying with *Scenario Eight - Interchange Improvements*. This TDM strategy performed particularly well on environmental and efficiency measures such as mode split, vehicle miles traveled, and person throughput.

Performance measures relating to travel times, on the other hand, tended to have slightly negative scores. It was unclear to the study team and technical experts from partner organizations why TDM as a strategy would have a negative effect on travel times. This may have been a case of “model noise” as described on page 7-5. Despite these negative results, TDM still performed well overall compared to other strategies.

Why are the scores comparing to the prior scenario and baseline different?

The two approaches to the overall effectiveness score show model scenarios’ incremental (compared to prior scenario) and cumulative (compared to 2040 baseline) effects. The effectiveness scores for scenarios compared to the prior scenario and the 2040 baseline are different, even for *Scenario One*, because of how scoring was calculated. A scenario’s score for a particular performance measure was based off the best performing scenario for that measure compared to the reference scenario (either the prior or the 2040 baseline). This results in a different set of scores that provide us with different information, both of which are useful for evaluating potential strategies.

The study team estimated the overall cost of this scenario at roughly \$2 million. The cost information for this scenario reflects the funding provided for the 2019-2021 biennium (state Regional Mobility Grant- City of Olympia) and projected federal funding (STPBG TRPC 2021-2023). Projects from this scenario would also cost an estimated additional \$120,000 annually beyond current maintenance needs to keep in a state of good repair. All data from modeling used to create these scores are available in Appendix J.

Exhibit 7-13: Effectiveness scoring results for Scenario Three- Transportation Demand Management

Scenario Three - Transportation Demand Management Study goal area	Scores comparing performance changes from	
	Prior Scenario	2040 Baseline
Travel times & reliability	-12	3
I-5 Travel times	-13	13
MT ³ I – All Traffic	-7	-3
MT ³ I – HOV	-17	-1
Efficiency & Equity	49	55
I-5 Person throughput – All Traffic	51	43
I-5 Person throughput-HOV	87	41
Mode split	71	56
Vehicle Miles Traveled	62	75
Traffic balance	27	100
EJ Population access to jobs and commercial services	-4	13
Accessibility	-27	23
Access to jobs	-7	17
Access to commercial services	-4	15
Freight access route travel times	-71	36
Environment	64	76
Greenhouse gas emissions	64	76
System resilience	34	67
Advisory group score	50	50
Alternate route travel times	18	83
Overall Effectiveness Score	21	43

Note: All figures used to develop scores are available in Appendix J

COVID-19 implications for the results of this study currently unknown

WSDOT, TRPC, and their partners conducted this study between July 2018 and January 2020. Modeling used historic data on regional population, job growth and travel behavior to project future demand. This did not account for potential impacts of major disruptions such as COVID-19. While the near- and long-term effects of the pandemic are unknown, it will likely be different from the assumptions used in this study. *Scenario Three - TDM* is a good example of this, as expanded working from home has drastically reduced demand during the “Stay home, stay healthy” order.

Scenario Four – Intercity Transit

Long-Range Plan

The overall effectiveness score for *Scenario Four* comparing to the prior scenario was 26 and 53 when compared to the 2040 baseline, respectively. This made it the second most effective scenario overall when comparing to the prior scenario after *Scenario Two – Sustainable Thurston Land Use*. Among the study goals, transit as a strategy benefited access to jobs and services most. In particular, access to jobs and commercial services for transit users increased by roughly five percent each. The only scenario to benefit measures of access more was *Scenario Six – HOV Conversion*. In addition to measures of access for the general population, this scenario had similar benefits for populations disproportionately impacted by environmental justice and accessibility issues in the study area such as low-income households or people with a disability.

Scenario Four had the highest benefit to mode split among all the strategies, mainly due to the assumptions used regarding how much transit ridership would increase as a result of improvements such as Intercity Transit

Exhibit 7-14: Effectiveness scoring results for Scenario Four- Intercity Transit Long-Range Plan

Scenario Four - Intercity Transit Long-Range Plan Study goal area	Scores comparing performance changes from	
	Prior Scenario	2040 Baseline
Travel times & reliability	14	13
I-5 Travel times	1	11
MT ³ I – All Traffic	15	13
MT ³ I – HOV	27	15
Efficiency & Equity	30	65
I-5 Person throughput – All Traffic	10	50
I-5 Person throughput-HOV	13	46
Mode split	100	92
Vehicle Miles Traveled	0	75
Traffic balance	-6	86
EJ Population access to jobs and commercial services	62	41
Accessibility	52	48
Access to jobs	68	43
Access to commercial services	62	42
Freight access route travel times	26	60
Environment	0	71
Greenhouse gas emissions	0	71
System resilience	33	77
Advisory group score	80	80
Alternate route travel times	-15	74
Overall Effectiveness Score	26	53

Note: All figures used to develop scores are available in Appendix J

implementing a “Zero-Fare” rate structure. There were also moderate benefits for travel times on I-5 and efficiency measures. Resilience scored well, largely reflecting the advisory group forced pair comparison exercise.

While there were no overall negative scores, this scenario scored zero for the environmental goal as there was very little change in greenhouse gas emissions. This is likely due to the transit ridership being a small portion of the overall trips in the system. All data from modeling used to create these scores are available in Appendix J.

Based on information from Intercity Transit, the costs to implement their long-range plan total roughly \$145 million. Of that cost, between \$48 million and \$55 million is capital costs (the figure shown in Exhibits ES-4 and 8-2) of building stops or buying buses and the remainder is operations costs of actually running service.

Scenario Five – Part-Time Shoulder Use

The overall effectiveness score for *Scenario Five* comparing to the prior scenario was 15, ranking seventh among the other scenarios, and 54 when compared to the

Exhibit 7-15: Effectiveness scoring results for *Scenario Five Part-Time Shoulder Use*

Scenario Five Part-Time Shoulder Use Study goal area	Scores comparing performance changes from	
	Prior Scenario	2040 Baseline
Travel times & reliability	68	63
I-5 Travel times	46	53
MT ³ I – All Traffic	57	68
MT ³ I – HOV	100	69
Efficiency & Equity	-9	36
I-5 Person throughput – All Traffic	40	78
I-5 Person throughput-HOV	42	59
Mode split	0	92
Vehicle Miles Traveled	-63	44
Traffic balance	-74	-97
EJ Population access to jobs and commercial services	3	42
Accessibility	9	59
Access to jobs	8	46
Access to commercial services	-3	41
Freight access route travel times	22	89
Environment	-61	42
Greenhouse gas emissions	-61	42
System resilience	33	70
Advisory group score	80	40
Alternate route travel times	-15	100
Overall Effectiveness Score	15	54

Note: All figures used to develop scores are available in Appendix J

2040 Baseline. The greatest benefits of Part Time Shoulder Use were measures of travel time and reliability, scoring only second to *Scenario Ten* for this goal area (see page 7-15). The other study goal that showed benefits from this strategy was system resilience, mainly due to how the study technical advisory group scored it relative to other scenarios. There was also moderate benefit to accessibility measures.

Part time shoulder use did have negative effects, particularly to the environment goal, due to an increase in greenhouse gas emissions. There was also a slight negative score for efficiency measures like total vehicle miles traveled and the balance of through traffic versus local or regional traffic on I-5. Other efficiency measures, particularly person throughput, had a positive score.

The study team estimated the overall cost to construct improvements included in this scenario at \$15.3 million. In addition, projects from this scenario would cost an estimated additional \$340,000 annually beyond current maintenance needs to keep in a state of good repair. All data from modeling used to create these scores are in Appendix J.

Scenario Six – HOV Conversion

The overall effectiveness score for *Scenario Six* when comparing the prior scenario was 20, tying with *Scenario One - Operations*, and 58 when compared to the 2040 Baseline. However, HOV conversion as a strategy has different tradeoffs for performance than *Scenario One*. The strongest benefits for HOV Conversion were seen in the environment, efficiency and equity, and accessibility measures. The scenario scored the best of all strategies for multiple measures in these goal areas including HOV person throughput, access to jobs and commercial services for environmental justice populations, and access measures for the general population. These were due to the travel time benefits for transit and HOV travelers that allowed for greater access during congested periods. HOV conversion also scored second only to Land Use for improving emissions.

On the other hand, *Scenario Six* had negative effects on I-5 travel times and system resilience measures. Repurposing the left lanes for HOV use resulted in a 4- to 5-minute increase in travel times for general purpose traffic. Travel times also increased on routes providing access to industrial areas from I-5.

The study team estimated the overall cost to construct improvements included in this scenario at \$35.1 million. Roughly \$19.7 million of this would fund the actual lane conversion. The remaining \$15.4 million would fund supporting improvements like HOV bypass lanes at on-ramps. In addition, projects from this scenario would cost an estimated additional \$90,000 annually beyond current maintenance needs to keep in a state of good repair. All data from modeling used to create these scores are available in Appendix J.

Exhibit 7-16: Effectiveness scoring results for Scenario Six- HOV Conversion

Scenario Six - HOV Conversion Study goal area	Scores comparing performance changes from	
	Prior Scenario	2040 Baseline
Travel times & reliability	-18	44
I-5 Travel times	-51	17
MT ³ I – All Traffic	-64	20
MT ³ I – HOV	60	97
Efficiency & Equity	26	51
I-5 Person throughput – All Traffic	-62	31
I-5 Person throughput-HOV	100	96
Mode split	21	100
Vehicle Miles Traveled	94	90
Traffic balance	-100	-100
EJ Population access to jobs and commercial services	100	91
Accessibility	46	78
Access to jobs	100	87
Access to commercial services	100	87
Freight access route travel times	-61	58
Environment	96	89
Greenhouse gas emissions	96	89
System resilience	-19	45
Advisory group score	10	10
Alternate route travel times	-48	79
Overall Effectiveness Score	20	58

Note: All figures used to develop scores are available in Appendix J

Scenario Seven – Regional Transportation Plan - Local Projects

The overall effectiveness score for Scenario Seven was three when compared to the previous scenario, the lowest score among the different strategies, and 58 when compared to the 2040 baseline the same score as Scenario Six – HOV Conversion. The low score for this Local Network strategy is largely due to negative scores for measures in the travel times and reliability, and in the efficiency and equity study goals. Planned improvements to the local network, when implemented in the model, seemed to help traffic flow better on local roads which ultimately delivered vehicles faster to I-5 resulting in increased travel times. This affected person throughput on I-5 and increased the amount of local traffic on the highway.

The projects did have some positive effects for study performance measures. For system resilience, the scenario scored well in the advisory group scoring. For accessibility measures, travel times on freight access routes scored well while access to jobs and services were slightly negative.

Exhibit 7-17: Effectiveness scoring results for Scenario Seven - Regional Transportation Plan - Local Projects

Scenario Seven - RTP Local Projects Study goal area	Scores comparing performance changes from	
	Prior Scenario	2040 Baseline
Travel times & reliability	-35	9
I-5 Travel times	-39	-19
MT ³ I – All Traffic	-64	-55
MT ³ I – HOV	6	100
Efficiency & Equity	-23	41
I-5 Person throughput – All Traffic	-55	-8
I-5 Person throughput-HOV	-40	80
Mode split	-2	99
Vehicle Miles Traveled	-4	88
Traffic balance	-26	-100
EJ Population access to jobs and commercial services	-11	86
Accessibility	25	88
Access to jobs	-8	84
Access to commercial services	-14	81
Freight access route travel times	97	100
Environment	0	87
Greenhouse gas emissions	0	87
System resilience	63	91
Advisory group score	100	100
Alternate route travel times	-25	81
Overall Effectiveness Score	3	58

Note: All figures used to develop scores are available in Appendix J

These results make sense given the particular projects in local plans and their intended purposes. Most projects in this category aim to improve traffic flow and reduce crash potential related to a number of contributing factors on those roads. Based on figures from local plans, the overall cost to construct improvements included in this scenario was estimated at \$433.2 million. WSDOT did not estimate annual costs to maintain these local system projects. All data from modeling used to create these scores are available in Appendix J.

Scenario Eight – Interchange Improvements

The overall effectiveness score for Scenario Eight when comparing to the prior scenario was 21, tying with Scenario Three - Transportation Demand Management, and 64 when compared to the 2040 Baseline. Improving interchanges in the study area had fairly evenly distributed benefits among the study goals with the exception of accessibility measures. The highest score for this strategy was for the efficiency and equity goal, particularly person throughput and traffic balance on I-5. Other performance measures that showed notable benefit from this scenario

Exhibit 7-18: Effectiveness scoring results for Scenario Eight - Interchange Improvements

Scenario Eight - Interchange Improvements Study goal area	Scores comparing performance changes from	
	Prior Scenario	2040 Baseline
Travel times & reliability	21	35
I-5 Travel times	32	11
MT ³ I – All Traffic	47	0
MT ³ I – HOV	-16	94
Efficiency & Equity	33	52
I-5 Person throughput – All Traffic	59	30
I-5 Person throughput-HOV	39	94
Mode split	-1	99
Vehicle Miles Traveled	24	100
Traffic balance	69	-100
EJ Population access to jobs and commercial services	6	89
Accessibility	-3	88
Access to jobs	5	86
Access to commercial services	9	85
Freight access route travel times	-24	94
Environment	26	100
Greenhouse gas emissions	26	100
System resilience	23	68
Advisory group score	70	70
Alternate route travel times	-25	65
Overall Effectiveness Score	21	64

Note: All figures used to develop scores are available in Appendix J

included travel times on I-5, emissions, and the advisory group score of system resilience benefits.

Scenario Eight had a slight negative score for the accessibility goal. This was due to an increase in travel times on local routes providing access to industrial areas. Travel times on other local routes measured under the system resilience goal had a similar increase in travel times.

The study team estimated the overall cost to construct improvements included in this scenario at \$186.4 million. In addition, projects from this scenario would cost an estimated additional \$2.4 million annually beyond current maintenance needs to keep in a state of good repair. All data from modeling used to create these scores are available in Appendix J.

Scenario Nine – Widen I-5: Add General Purpose Lanes, Retain HOV Lanes

The overall effectiveness score for Scenario Nine was eight when comparing to the prior scenario, outranking only Scenario Seven - RTP Local Projects, and 64 when comparing to the 2040 Baseline, the same as

Scenario Eight - Interchange Improvements. However, this relatively low score reflects the tradeoffs between different study goals. Expanding capacity while keeping HOV lanes from Scenario Six had relatively strong benefits for travel times and reliability particularly. The scenario also benefited efficiency and equity measures with the greatest benefits among all strategies for person throughput and traffic balance on I-5. General benefits of HOV lanes were already accounted for in Scenario Six, which accounts in part for this scenario’s relatively low score.

On the other hand, there were negative effects of this scenario, particularly for environmental measures. Scenario Nine was second only to Scenario Ten in terms of emissions increases. The scenario scored -100, the most negative score possible. The increase of 2.1% in GHG emissions resulting from this scenario was greater than the largest decrease of -1.6% which occurred in Scenario Two – Sustainable Thurston Land Use. This scenario also scored -100 for increasing total vehicle miles traveled in the county.

The study team estimated the overall cost to construct improvements included in this scenario at \$987.4 million. Projects from this scenario would also cost an estimated

Exhibit 7-19: Effectiveness scoring results for Scenario Nine - Widen I-5: Add GP Lanes, Retain HOV Lanes

Scenario Nine- Widen I-5: Add GP Lanes, Retain HOV Study goal area	Scores comparing performance changes from	
	Prior Scenario	2040 Baseline
Travel times & reliability	54	83
I-5 Travel times	56	60
MT ³ I – All Traffic	90	90
MT ³ I – HOV	16	100
Efficiency & Equity	21	59
I-5 Person throughput – All Traffic	100	100
I-5 Person throughput-HOV	15	100
Mode split	-4	97
Vehicle Miles Traveled	-100	43
Traffic balance	100	-86
EJ Population access to jobs and commercial services	18	96
Accessibility	15	89
Access to jobs	23	95
Access to commercial services	22	95
Freight access route travel times	0	76
Environment	-100	39
Greenhouse gas emissions	-100	39
System resilience	9	44
Advisory group score	30	30
Alternate route travel times	-12	58
Overall Effectiveness Score	8	64

Note: All figures used to develop scores are available in Appendix J

additional \$21.2 million annually beyond current maintenance needs to keep in a state of good repair. All data from modeling used to create these scores are available in Appendix J.

Scenario Ten – Widen I-5: Add general purpose lanes, Convert HOV lanes to general purpose

The overall effectiveness score for Scenario Ten when comparing to the prior scenario was 13, coming in eighth out of the ten strategies, and 63 when compared to the 2040 Baseline, one point lower than Scenario Nine. This scenario, while close to the previous in score, had different performance tradeoffs due to the lack of HOV lanes. Travel times and reliability metrics showed the strongest benefit, particularly for general purpose traffic. The scenario also showed benefits for some efficiency measures like overall person throughput on I-5 and traffic balance, with a higher percentage of through-traffic.

There was also some benefit to accessibility and system resilience measures. However, these benefits were offset by negative effects on HOV person throughput, increases in vehicle miles traveled, and a shift in mode split toward SOV travel resulting in a low score for efficiency.

This scenario, similar to the previous one, scored -100 for environment as emissions increased 2.7%. This was the largest increase in emissions among all of the scenarios modeled.

Construction and maintenance costs for this strategy are the same as Scenario Nine. All data used to create these scores are available in Appendix J.

Exhibit 7-20: Effectiveness scoring results for Scenario Ten - Widen I-5: Add GP Lanes, Convert HOV Lanes to GP

Scenario Ten- Widen I-5: All General Purpose Lanes Study goal area	Scores comparing performance changes from	
	Prior Scenario	2040 Baseline
Travel times & reliability	72	100
I-5 Travel times	100	100
MT ³ I – All Traffic	100	100
MT ³ I – HOV	16	100
Efficiency & Equity	9	48
I-5 Person throughput – All Traffic	81	86
I-5 Person throughput-HOV	-42	77
Mode split	-7	95
Vehicle Miles Traveled	-100	27
Traffic balance	94	-100
EJ Population access to jobs and commercial services	27	100
Accessibility	24	88
Access to jobs	37	100
Access to commercial services	34	100
Freight access route travel times	0	64
Environment	-100	21
Greenhouse gas emissions	-100	21
System resilience	21	49
Advisory group score	20	20
Alternate route travel times	22	77
Overall Effectiveness Score	13	63

Note: All figures used to develop scores are available in Appendix J

Chapter 8 - Provisional study recommendations and next steps

This chapter describes the provisional recommendations for the study. All study recommendations regarding transportation system needs and improvement strategies should be considered provisional until the Nisqually Indian Tribe/USGS study is completed to provide a full picture of risks posed to I-5 and the environmental impacts of the facility on the river and delta. This information will be incorporated into the Planning and Environmental Linkages (PEL) study, as described at the end of this chapter. The study team used performance data discussed in the previous chapters as a tool for guiding discussions of final recommendations with study advisory groups. The recommendations reflect the results of those final deliberations between the study team, study partners, and input from the public received through open house events.

Recommendations for strategies that were unable to be modeled

Using the evaluation of the 45 strategies that were not modeled (mentioned in Chapters 3 and 5, and detailed in Appendix H), the study team and advisory groups developed recommendations where applicable. In many cases, partners were already pursuing an idea, so no recommendation was needed. Recommendations fell into the following categories:

- **Recommended for further study** – This is the strongest recommendation the study team and advisory groups gave for ideas and strategies that were not modeled.

- **Consider for further study** – This recommendation means the study team and advisory groups thought ideas or strategies could be valuable but did not rise to the level of a full recommendation for further study.
- **WSDOT to review for implementation** – Some ideas were relatively small in scale and could be passed on to the relevant office within WSDOT to review for feasibility and potential for benefit.
- **Further study currently proposed** – Study has already been proposed by WSDOT or other agencies.
- **Not recommended for further study** – For a variety of reasons, these ideas and strategies should not be pursued further.
- **Already or currently being studied** – Some ideas are currently being studied or have recently been studied.
- **Outside scope** – Only one idea was given this designation as it is a question of state law more appropriately addressed by the state Legislature.

Exhibit 8-1 on page 8-2 sorts the ideas by the final recommendation made. These recommendations reflect the combined opinions of the study team and advisory groups and are based on group evaluation of each idea. Notes on why these recommendations were made are available in Appendix H. Please note, some of the original ideas that were similar have been combined in the table

Addressing the Nisqually River Bridges strategic plan requirement

One of the outcomes the legislature required for this study was “...a strategic plan for the Nisqually River Bridges...” Recommendations and information regarding this requirement can be found in Chapter 5. WSDOT helped fund a study of the current and expected future states of the Nisqually River and its delta near I-5 and any risks posed to I-5 from the river. WSDOT expects results in summer 2020 which will provide much needed data for additional recommendations. It will also be incorporated into the next steps of planning for this section of I-5 in the PEL study that will analyze the benefits of individual improvements within the modeled scenarios more in depth.



Exhibit 8-1: Recommendations for strategies that were not modeled organized by recommendation category

Recommendation	Idea or Strategy
Recommended for further study	Implement tolling or congestion pricing on all of I-5 through the study area
	Improve bicycle infrastructure – Establish active transportation routes between major destinations
	Develop mechanism for WSDOT to be involved in land use decisions that impact state-owned transportation facilities
	Evaluate alternate routes for, and impacts to the local system from, non-recurring congestion
Consider for further study	Improve access to Amtrak and Sounder services
	Provide shuttle services to the capitol campus
	Update signal timing and channelization on the local network
	Centralize local traffic management
	Keep the Mounts Road access gate to JBLM open longer
	Camera-based speeding enforcement on local network
	Complete refined origin/destination study to evaluate local system improvements
WSDOT to review for implementation	Improve signing to help distribute traffic
	Add signage and high-friction surfacing to northbound Exit 104
Further study currently proposed	Improve bicycle infrastructure – improve local bicycle facilities
	Offer childcare and/or schools at major employment sites
	Expand transit services – High Capacity Transit (commuter rail, light rail, etc...)
Not Recommended for further study	Expand transit services – direct shuttles/micro transit in rural areas
	Adjust pickup/drop off hours to off-peak times at ports
	Add capacity to Waddell Creek Road
	Move Thurston County’s Waste and Recovery Center south to rail access station
	Reduce vertical and horizontal curves of I-5
	Close truck weigh station north of Mounts Road during peak periods
Already or currently being studied	Expand transit services – Ferry service
	Expand transit service – Rapid Transit Systems
	Study freight needs and origins/destinations
Studied previously	Air taxi service to Tacoma, Seattle, and Everett from Olympia Regional Airport
	Increase driver testing requirements
Outside study scope	Increase gas tax

Recommendations for strategies that were modeled

Exhibit 8-2 shows the overall effectiveness scores when comparing a scenario’s performance to the prior scenario and compared to the 2040 baseline scenario as well as the planning level cost estimates. The scenarios are shown in the order they were modeled from left to right. Each scenario included all of the improvements from previous scenarios, building off of each other, so the order of modeling is important to keep in mind with two exceptions. In *Scenario Nine – Widen I-5: Add General Purpose Lanes, Retain HOV Lanes* and *Scenario Ten – Widen I-5: Add General Purpose Lanes, Convert HOV lanes to General Purpose, shoulder use* was converted to permanent auxiliary lanes and Scenario Ten the HOV lanes were switched to general use.

The overall effectiveness scores comparing to 2040 baseline further show that the two widening scenarios, while showing some incremental benefit, do not improve the cumulative benefit after the other smaller improvements had been implemented in the model. Furthermore, the last two scenarios are far and away the most expensive of the modeled scenarios costing \$225 million more than all others that have an estimate

combined. While planning-level cost estimates were noted used to score scenarios, it was presented to advisory groups for consideration.

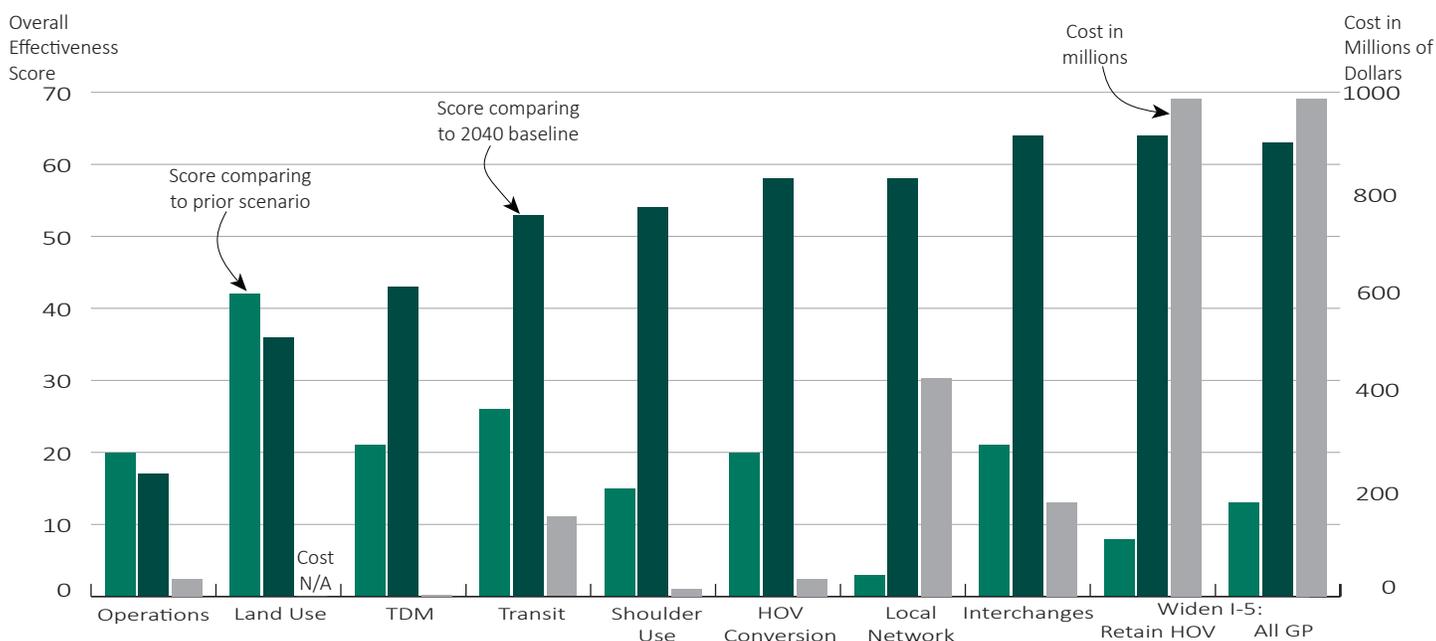
Using the performance data outputs from the modeling process and planning-level cost estimates (both described in Chapter Seven), the study team and study advisory groups developed recommendations for each scenario. As previously mentioned, these data were used as a tool to facilitate discussions between study stakeholders on the advisory groups, WSDOT, and TRPC. Most of the recommendations developed through this study will be investigated in further detail in the next phase of planning called a Planning and Environmental Linkages (PEL) study. Others, such as land use, are outside of WSDOT’s authority to implement and will require active engagement with local partners who will be the lead agencies.

Exhibit 8-3 shows the recommended timelines for further planning and implementation of the various modeled scenarios as well as their planning-level cost estimates if available. No one strategy is going to address all study goals alone, for example I-5 Travel Times and Reliability. These scenarios were modeled building off of each other and some may need to be implemented in conjunction to achieve the performance results discussed in this study.

Exhibit 8-2: Overall effectiveness scores and planning-level cost estimates

Overall effectiveness scores compared to prior scenario and 2040 baseline show incremental and cumulative benefits of the modeled scenarios

Overall effectiveness scores from modeling results compared to prior modeled scenario and funded base; Planning-level cost estimates in millions of 2019 dollars



Recommendations require transportation system will be maintained in a state of good repair

As discussed in Chapter Four, WSDOT has maintained the majority of this section of I-5 in fair or better condition. Modeling conducted for this study assumed that WSDOT and its partners will continue to maintain and preserve the transportation system in a state of good repair so that roadway operations and capacity will be maintained. System-wide, Washington State is currently substantially under-investing in state of good repair. WSDOT has regularly communicated this Preservation gap to the Washington State Legislature – in early 2020, WSDOT estimated an annual gap of \$690 million to preserve and maintain WSDOT’s transportation assets. As this continues, there will be widespread failures in the state system, resulting in operational reductions such as speed reductions, weight limitations, etc.

Scenario	Planning-level cost estimates ¹	Recommended strategy timelines		
		Near term (0-5 years)	Mid term (5-10 years)	Long term (10-20 years)
#2 – Land Use	Currently N/A ²	[Green bar spanning all timelines]		
#4 – Transit	\$145 million	[Green bar spanning all timelines]		
#3 – Transportation Demand Management	\$2 million	[Green bar spanning all timelines]		
#1 – Operations (state and local)	\$35 million	[Green bar spanning all timelines]		
#5 – Part Time Shoulder Use	\$15 million	[Green bar spanning all timelines]		
#8 – Interchange Improvements	\$186 million	[Green bar spanning all timelines]		
#6 – HOV Conversions	\$35 million	[Green bar spanning all timelines]		
#9 – Widen I-5: Add general purpose lanes, retain HOV lanes	\$987 million ³	[Green bar spanning all timelines]		
#7 – Local Network	\$433 million	Does not appreciable contribute to study performance measures		
#10 – Widen I-5: Add general purpose lanes, convert HOV lanes to general use	\$987 million ³	Not recommended		

Notes: 1) While planning-level cost estimates were developed and presented for consideration to study advisory groups, it was not used as a factor for scoring the scenarios. Cost estimates are provided in 2019 dollars. 2) WSDOT was not able to calculate the cost of planning and implementing TRPC’s Sustainable Thurston Land Use goals. Furthermore, any costs for implementing this strategy will likely be incurred by local agencies like city and county governments. 3) Cost estimate for Scenario Nine and Ten does not include an elevated causeway through the entire Nisqually River valley but does include replacing I-5 from the Nisqually River north/east to the BNSF train tracks with bridges. In general, there is a high level of uncertainty around costs for changes I-5 through the valley.

Recommendations for Scenario Two – Sustainable Thurston Land Use

Scenario Two – Sustainable Thurston Land Use was the highest scoring strategy overall, due to its large effect in overall system performance and its positive benefits across all study goal areas. The overall effectiveness score was twice as high as the next best scoring scenario.

Recommended timelines for implementation are the near-, mid-, and long-term. This essentially amounts to ongoing implementation. TRPC’s Sustainable Thurston plan called for achieving the land use goals used in this scenario by 2035. Fully implementing this scenario will likely require policy and code changes at the local level that are outside WSDOT’s control. While authority to implement this strategy ultimately lies with local agencies, WSDOT should engage those local governments to support achieving Sustainable Thurston land use goals.

The study team was unable to calculate a cost of implementation. Any costs that are associated with achieving Sustainable Thurston land use goals will likely be incurred by local agencies and the costs will likely vary.

Recommendations for Scenario Four – Intercity Transit Long-Range Plan

Scenario Four – Intercity Transit Long-Range Plan was the second best scoring strategy for overall effectiveness. In addition to a high overall effectiveness score, the types of transit improvements included in this scenario, namely bus transit service, require minimal physical changes to the existing road network and can be adapted to changing future conditions. Recommended timelines for implementation are the same as Land Use, basically ongoing implementation starting in the near term. An important point to note about this scenario is that the improvements included in it are essentially Intercity

Transit's existing approved long-range plan. Further study of additional transit improvements, particularly high-capacity transit options (recommended in the previous section of this chapter) could support implementing this scenario.

Based on figures from Intercity Transit, this scenario would cost roughly \$145 million in total, including \$48 million to \$55 million in capital costs and the rest as operations costs. These costs are spread over the 20-year planning period of this study. Roughly \$28 million of this figure is unsecured.

Recommendations for Scenario Three – Transportation Demand Management

Scenario Three – Transportation Demand Management was the third highest scoring scenario, practically tying with *Scenario Eight – Interchange Improvements*. Recommended timelines for implementation are in the near-, mid-, and long-term similar to *Scenario Two* and *Scenario Four*. Based on figures from TRPC, the expected cost to implement the TDM strategy is approximately \$2 million based on secured funding of \$400,000 for 2019-2023. These costs are largely for creating, operating, and maintaining demand management programs.

While this strategy scored roughly the same as *Scenario Eight – Interchange Improvements*, it would not require much construction and would therefore reduce impacts to the traveling public while providing a similar overall benefit according to the study's performance measures. Furthermore, the TDM strategy costs significantly less than interchange improvements.

Recommendations for Scenario One – Operations

Scenario One – Operations was the fourth highest scoring scenario. Recommended timelines for further planning and implementation of the specific improvements included in this scenario are in the near and mid-term. While the individual projects included in this scenario range in their construction cost, they tend to be fairly small which is why the study team and advisory groups to recommend earlier implementation. Further analysis will be needed in the PEL study to determine which specific projects in this scenario provide the most benefits for their cost.

Operations scored roughly the same as *Scenario Six – HOV Conversion* for overall effectiveness and in total cost more than that scenario. However, because the operations scenario was made up of multiple small projects, the study team and advisory groups thought there was an opportunity to begin more detailed planning for these solutions in the near term while HOV conversion was a larger project that may take longer to implement.

Recommendations for Scenario Five – Part-Time Shoulder Use

Scenario Five – Part-Time Shoulder Use was the fifth highest scoring scenario for overall effectiveness. The recommended timeline for considering this strategy in additional planning is in the mid-term. The overall cost to build this scenario was estimated around \$15 million.

While this scenario scored lower than some strategies, the study team and advisory groups thought the relatively low cost estimate and the fact that it only includes a single project supported recommending it for further consideration in the mid-term. Furthermore, this scenario would not expand the footprint of I-5 and has relatively low added life-cycle costs for maintenance and preservation.

Recommendations for Scenario Eight – Interchange Improvements

Scenario Eight – Interchange Improvements was the fourth highest scoring scenario, almost tied with *Scenario Three – TDM*. The recommended timeline for considering in further planning is in the mid- and long-term. The overall cost to construct this scenario was estimated at \$186 million. However, like the *Scenario One – Operations* strategy, this scenario is made up of several smaller improvements that could be constructed independently. Further analysis will be needed to determine which of the individual projects provided the most system benefit.

Recommendations for Scenario Six – HOV Conversion

Scenario Six – HOV Conversion was the sixth highest scoring scenario in overall effectiveness, practically tied with *Scenario One – Operations*. The recommended timeline for considering improvements in this scenario in further planning is in the mid-term. The overall cost to construct improvements in this scenario was estimated at roughly \$35 million. While there are several improvements included in this scenario- HOV bypass lanes at on-ramps, improved express transit service- the main improvement would be striping and signing the inside (left) lanes in each direction on I-5 for HOV use.

This scenario had relatively high overall effectiveness score, reflecting very good benefits for certain study goals like access to jobs and services and relatively small negative impacts for others, like travel times. The study team and advisory groups discussed the political feasibility of this scenario. However, they ultimately decided to rely on the study process and performance measures and let elected decision-makers grapple with the results.

This scenario assumes that an HOV lane will be present between Mounts Road and 38th Street in Tacoma. If this

will not be the case, the performance benefits of this scenario should be re-evaluated.

Recommendations for Scenario Nine – Widen I-5: Add GP Lanes, Retain HOV Lanes

Scenario Nine was the second lowest scoring scenario in terms of overall effectiveness when comparing to the incremental benefits from the prior modeled scenario (*Scenario Eight – Interchange Improvements*). However, since each modeling scenario built on prior scenarios, the performance benefits of HOV lanes largely accounted for in *Scenario Six – HOV Conversion*. When comparing this scenario's performance to the 2040 Baseline, it actually scored slightly better than *Scenario Ten – Widen I-5: Add General Purpose Lanes, Convert HOV to General Use*. Furthermore, *Scenario Nine* provided more balanced benefits for study goal areas (aside from environment), whereas *Scenario Ten* was heavily weighted toward benefits to travel time and reliability goal performance measures.

The recommended timeline for considering this scenario in further planning is in the long-term. A strategy like this would take years of planning and construction so the costs would likely be even higher at the time of actual implementation due to inflation and changes in cost of labor and materials. Furthermore, based on WSDOT's *Practical Solutions* approach to addressing

transportation needs, other options should be exhausted before considering projects that expand mainline highway capacity. This strategy had relatively low incremental benefits after other less costly and invasive strategies had already been implemented in the model.

WSDOT may want to consider several improvements included in this scenario separately in further study. In particular, improvements to the ramp between northbound I-5 and US 101 (Exit 104) and auxiliary lanes at key locations along I-5 in the study area. The study team added these improvements to this scenario based on observations of performance at specific locations from previously modeled scenarios.

The cost estimate for *Scenario Nine* and *Scenario Ten* does not include an elevated causeway through the entire Nisqually River valley but does include replacing I-5 with a bridge from the Nisqually River north/east to the BNSF Railway tracks. In general, there is a high level of uncertainty around the design of any potential changes to I-5 through the Nisqually River valley as the results of the USGS/Nisqually Indian Tribe's hydrologic study of the river is not complete. Estimated costs for replacing I-5 through the Nisqually River valley could change if a different design is needed.

Recommendations for Scenario Seven – Regional Transportation Plan Local Projects

Scenario Seven – Regional Transportation Plan Local Network scored the lowest in overall effectiveness. While the study team and advisory groups did not recommend this scenario for consideration in further planning to meet the study goals, they recognize that these improvements meet other local goals, such as safety and multimodal mobility on local roads. While this scenario provided the least benefit relative to the study goals, there are still good reasons not directly related to I-5 that these projects are in local and regional plans.

Furthermore, the results for this scenario should not be construed to mean that local network improvements in general could not benefit the highway system. This study only modeled unfunded projects included in the 2040 RTP. Other possible local network improvements could benefit regional congestion management, including I-5.

Recommendations for Scenario Ten – Widen I-5: Add General Purpose Lanes, Convert HOV Lanes to General Use

Scenario Ten ranked seventh, third from last, among the other scenarios in terms of overall effectiveness when compared to the prior modeled scenario (*Scenario Eight – Interchange Improvements*, *Scenario Nine* and *Ten* were mutually exclusive). When comparing performance of this

Other Recommendations and Observations

In addition to the recommendations detailed here for the modeled scenarios, the study team was able to glean some observations about how the system responded to different strategies. These will be useful for future planning efforts along the study corridor.

- Local network improvements near interchanges in urban areas had a strong influence on I-5 performance. Local agencies and WSDOT should work together to analyze future planned improvements' impacts to local roads and I-5.
- The braided ramp improvement on I-5 Southbound at Henderson & Plum (Exit 105) performed better with a permanent auxiliary lane. WSDOT should consider including the auxiliary lane as part of the braided ramp improvement if implemented.
- Roundabouts on Mounts Road and SR 507 made a more viable alternate route to I-5 and provided some congestion benefit.
- Some new local road connections reduced the proportion of local traffic on I-5 by giving local travelers alternate route options.

scenario to the 2040 Baseline, it performs about the same as Scenario Nine. For this reason, and others outlined in the section discussing Scenario Nine, the study team and advisory groups did not recommend Scenario Ten for further consideration in future planning efforts as Scenario Nine provided broader benefits to study goals. However, if HOV lanes are not developed on I-5 between S 38th Street in Tacoma and Mounts Road in DuPont, then this scenario may warrant consideration. WSDOT completed a feasibility study of HOV lanes between JBLM and S 38th St in Tacoma in 2017. Additional analysis and coordination is currently in progress.¹

Next steps

There are several ways WSDOT and its partners can move the recommendations of this study forward. There is currently no funding identified for the strategies recommended in this study.

- **Prepare for federal documentation requirements with a “Planning & Environmental Linkages” study.**
In late 2019, WSDOT began a process to continue work to study this corridor based on direction from the state legislature; WSDOT will build upon the goals and strategies developed in this study to develop a PEL report. This will involve more in depth analysis of individual components of recommended scenarios to evaluate which improvements provide the most benefit to the transportation system. Preliminary work on this phase of the planning process has already begun. The environmental, community, and economic goals defined by the public and stakeholders early, in this transportation study, work will easily transition into PEL. The PEL report will be a precursor to National Environmental Policy Act (NEPA) documentation which is needed to get federal approval. Guidance from the Federal Highway Administration³ requires WSDOT to obtain input from federal and state agencies, tribal governments, and the public. A PEL process documents analysis, methods, and relevant decisions. This process streamlines the approval timeline, in compliance with One Federal Decision.⁴
- **Engage partners to help deliver strategies outside WSDOT’s authority.**
A unique aspect of this study is that the top three recommended strategies are largely outside WSDOT’s purview to implement. Land use policy is under the authority of local city and county governments.

Restrictions in how WSDOT can spend funds based on previous rulings from the state Supreme Court, also restricts how WSDOT can help implement the transit strategy.⁵ So, to ensure that the three highest priority strategies are actively implemented, WSDOT will need to engage with its partners. In addition, agency leadership should work with the legislature to develop mechanisms for WSDOT to have greater involvement in these strategies. This could help in implementing WSDOT’s Practical Solutions approach as these strategies can be lower cost and don’t require costly expansion of highway right-of-way

- **Work with the Nisqually Indian Tribe to analyze results of hydrologic study and develop recommendations.**

As stated in Chapter 5, the legislature required that this study develop a strategic plan for the Nisqually River Bridges and address ecosystem benefits to the Nisqually River estuary for salmon productivity and flood control. The Nisqually Indian Tribe is currently conducting a study of the river channel near the I-5 bridges and sediment delivery past the bridges. WSDOT should engage with the Nisqually Indian Tribe and other stakeholders to incorporate information from their study and finalize priorities and recommendations from the rest of this report through the PEL study process.

- **Communicate corridor and WSDOT priorities to stakeholders.**

This report discusses how the needs of this corridor, in terms of system performance and facility conditions, fit into the State’s wider transportation priorities. There are sizable maintenance and preservation needs that are currently underfunded.⁶ There are segments of the state highway system that experience significantly greater performance issues like congestion.⁷

WSDOT should take proactive steps to communicate with stakeholders about how projects and programs included in this study are ultimately prioritized and funded to manage expectations about what may actually be constructed and when.

1 WSDOT HOV Feasibility Study I-5: JBLM to S 38th St; https://www.wsdot.wa.gov/publications/fulltext/LegReports/15-17/15_JBLM_HOV_LaneFeasibility_Study_SummaryReport.pdf

3 FHWA Planning and Environmental Linkages website; <https://www.fhwa.dot.gov/innovation/everydaycounts/edc-1/PEL.cfm>

4 FHWA One Federal Decision webpage; https://www.environment.fhwa.dot.gov/nepa/oneFederal_decision.aspx

5 “18th Amendment to the Constitution”; the Washington State Legislature’s Transportation Resource Manual; <http://leg.wa.gov/JTC/trm/Documents/TRM%202017%20Update/7%20-%2018th%20Amendment-Final.pdf>

6 State of Transportation 2020 presentation, slide 12; <https://www.wsdot.wa.gov/publications/fulltext/state-of-transportation/files/2020-state-of-transportation.pdf#page=12>

7 WSDOT 2018 Corridor Capacity Report “Statewide Congestion Indicators”, page 8; <https://www.wsdot.wa.gov/publications/fulltext/graynotebook/corridor-capacity-report-18.pdf#page=8>



City Council

Transportation Master Plan Briefing

Agenda Date: 9/15/2020
Agenda Item Number: 6.B
File Number:20-0688

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

Title

Transportation Master Plan Briefing

Recommended Action

Committee Recommendation:

Not referred to a committee.

City Manager Recommendation:

Briefing only. No action requested.

Report

Issue:

Whether to receive a briefing on the Transportation Master Plan.

Staff Contact:

Sophie Stimson, Transportation Planning Supervisor, Public Works Transportation, 360.753.8497

Presenter(s):

Sophie Stimson, Transportation Planning Supervisor
Mark Russell, Deputy Director of Public Works

Background and Analysis:

Transportation staff have completed work on the draft Transportation Master Plan (TMP). Staff will brief the City Council on the contents of the plan. The draft plan will be posted for public review and comment in October using the online platform, Engage Olympia. Following public review and comment, staff will make any needed revisions and bring the plan to Council for acceptance at the end of the year or early next year.

The TMP and the long-term project lists it contains positions the City to update our Transportation Concurrency and Impact Fee programs. The Council's Finance Committee was briefed on these changes on August 19, 2020. Staff will provide the Council with an overview of these changes. Proposed revisions to ordinances, including a new fee schedule, will be presented to the City Council for adoption later this year.

Neighborhood/Community Interests (if known):

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

Public input through two online surveys indicated support for the approach to the development of the TMP. Staff has informed key stakeholders of the proposed updates to Transportation Concurrency and Impact Fees.

Options:

None, briefing only.

Financial Impact:

None.

Attachments:

Link to Transportation Master Plan webpage

Transportation Master Plan (TMP)

Featured Links

- [March 2019 Council Presentation \(Slides\)](#)
- [March 2019 Council Presentation \(Video\)](#)

Navigation

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About the TMP

The City is working on a Transportation Master Plan (TMP). Olympia is growing, and we need to plan a transportation system that will keep everyone moving. This is the first Transportation Master Plan for the City of Olympia.

The TMP will link the vision and goals in the City's Comprehensive Plan to projects we build. It will include prioritized project lists for bicycle, pedestrian, transit, and motor vehicle infrastructure. The plan will also include a 20-year funding strategy for all the projects.

The most recent milestone in the development of the plan was the online story map and survey that was presented in November 2019. You can still review the story map by clicking the story map #2 button below. The story map presents 20 years worth of prioritized projects to improve streets for walking, biking, driving, and transit. The survey that was in the story map is closed. To see the results, click on the story map #2 survey summary below.

Project Information

- Story Map #2 (2019)
- Story Map #2 Survey Summary
- Project Development Flow Chart
- Project Scope Summary
- Transportation Goal Summary
- Funding Overview
- Story Map #1 Survey Summary (2018)

Questions?

Contact Sophie Stimson at 360.753.8497 or sstimson@ci.olympia.wa.us

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LEARN ABOUT YOUR TRANSPORTATION OPTIONS

City Calendar

- 9/10 - 6:00 p.m. [Olympia Arts Commission](#)
- 9/10 - 6:30 p.m. [Design Review Board ** No Meeting **](#)
- 9/14 - 5:00 p.m. [LEOFF 1 Disability Board](#)
- 9/14 - 6:30 p.m. [Hearing Examiner](#)
- 9/15 - 8:30 a.m. [Civil Service Commission](#)

→ [View full calendar...](#)

City Updates

MESSAGE FROM THE OLYMPIA CITY COUNCIL: ALL BLACK LIVES MATTER The City of Olympia stands in solidarity with the Black community. [Read the Council's message](#)

USE OF FORCE EVENTS BOARD - APPLY NOW! The City is looking for people interested in serving on the Police Use of Force Events Board. Community representatives will monitor and lend transparency to the investigative process of a police use-of-deadly-force incident. [Learn more and apply](#)

TOWN HALLS ON RACIAL JUSTICE The Olympia City Council recently hosted a series of Town Halls on racial justice. *Racial Justice and the Justice System* [View recording](#) *Racial Justice and Economic Opportunity* [View recording](#) *Racial Justice and the Healthcare System* [View recording](#) *Racial Justice and the Education System* [View recording](#)

ONE COMMUNITY: HEALTHY, SAFE & HOUSED The One Community Plan is our roadmap for responding to the homelessness crisis and its impacts on our entire community. [Learn more...](#)

CITY BUILDINGS NOW OPEN! City buildings are now open to the public. Special hours and

feedback

restrictions are in place. Visit our [COVID-19 page](#) for details. Customers are reminded that they can still take care of most City business from home on our [Online Services page](#).

COUNCIL MEETINGS DURING COVID-19 EMERGENCY City Council will continue to hold its regular meeting schedule during the coronavirus emergency, but the Council Chamber will be closed to the public. You can register to watch the meetings live via Zoom (links on our [City Council page](#)). Meeting recordings are available the following day on the City's [online meeting management system](#) . **How to comment** Links to Council (and Council committee) meeting packets will be posted on the City Council page when available (typically 5 days prior to meeting). Once posted, the public can sign up to speak during the public comment period of the meeting when they register to attend or submit comments on agenda items until 4 p.m. the day of the meeting. Comments can also be emailed to citycouncil@ci.olympia.wa.us.

MEETINGS [Agendas and Minutes](#) for City Council and most advisory committees.

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