



Meeting Agenda

City Council

City Hall
601 4th Avenue E
Olympia, WA 98501

Information: 360.753.8244

Tuesday, October 4, 2022

7:00 PM

Online and Via Phone

Register to Attend:

https://us02web.zoom.us/webinar/register/WN_m8T8FGrCREWtSRaprbwgkQ

1. ROLL CALL

1.A ANNOUNCEMENTS

1.B APPROVAL OF AGENDA

2. SPECIAL RECOGNITION

2.A [22-0851](#) Special Recognition - Proclamation Recognizing Indigenous Peoples' Day

Attachments: [Proclamation](#)

2.B [22-0905](#) Special Recognition - National Recreation and Parks Association Diversity Scholarship Recipient Olivia Salazar de Breaux

3. PUBLIC COMMENT

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

During this portion of the meeting, community members 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.

COUNCIL RESPONSE TO PUBLIC COMMENT (Optional)

4. CONSENT CALENDAR

(Items of a Routine Nature)

4.A [22-0907](#) Approval of the September 27, 2022 City Council Meeting Minutes

Attachments: [Minutes](#)

- 4.B [22-0899](#) Approval of Bid Award for the Lions Park Sprayground Construction Contract

Attachments: [Summary of Bids](#)

4. SECOND READINGS (Ordinances) - NONE

4. FIRST READINGS (Ordinances)

- 4.C [22-0847](#) Approval of an Ordinance Authorizing the Collection of Impact Fees for North Thurston School District

Attachments: [Ordinance](#)

5. PUBLIC HEARING

- 5.A [22-0898](#) Public Hearing on the Exercise of Eminent Domain by the City of Olympia for the Fones Road Improvement Project

Attachments: [Fones Road Before/After Visualizations](#)

6. OTHER BUSINESS

- 6.A [22-0923](#) Senior Services of South Sound Home Share Program Update

- 6.B [22-0913](#) Approval of the Recommended Social Justice and Equity Commission 2022-2023 Work Plan

Attachments: [Draft Work Plan](#)

- 6.C [22-0891](#) Climate Action Plan Implementation

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. COUNCIL INTERGOVERNMENTAL/COMMITTEE REPORTS AND REFERRALS

9. CITY MANAGER'S REPORT AND REFERRALS

10. ADJOURNMENT

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



City Council

Special Recognition - Proclamation Recognizing Indigenous Peoples' Day

Agenda Date: 10/4/2022
Agenda Item Number: 2.A
File Number: 22-0851

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

Title

Special Recognition - Proclamation Recognizing Indigenous Peoples' Day

Recommended Action

Committee Recommendation:

Not referred to a committee.

City Manager Recommendation:

Proclaim October 10, 2022 as Indigenous Peoples' Day.

Report

Issue:

Whether to proclaim October 10, 2022 as Indigenous Peoples' Day.

Staff Contact:

Olivia Salazar de Breaux, Equity, Inclusion and Belonging Specialist, Olympia Parks, Arts and Recreation Department, 360.753.8343.

Presenter(s):

Squaxin Island Tribe Council representatives

Squaxin Island Museum staff representatives

Olivia Salazar de Breaux, Equity, Inclusion and Belonging Specialist, Olympia Parks, Arts and Recreation Department

Background and Analysis:

Indigenous Peoples' Day was first proposed in 1977 by a delegation of Native Nations to the United Nations sponsored International Conference on the Discrimination Against Indigenous Populations in the Americas. It is a day to recognize and celebrate Indigenous heritage, culture, and history while honoring past, current and future generations. The City of Olympia urges all residents to become more aware of the significance of this celebration and its role in the heritage of our nation and City.

The Squaxin Island Tribe's habitation of what is now Olympia spans thousands of years. The ancestral families who lived and thrived here named it Steh-Chass and occupied prosperous villages along the shores. Today, the Squaxin people continue stewardship of these ancestral lands, from the

Deschutes watershed and what is now Budd Inlet. The Squaxin Island Tribe and City of Olympia honor the Medicine Creek Treaty and have established a strong government-to-government relationship between the two sovereigns.

The City of Olympia is honored to partner with the Squaxin Island Tribe to host a community Indigenous Peoples' Day Celebration at Squaxin Park on October 10, 2022.

Attachments:

Proclamation

PROCLAMATION

WHEREAS, Indigenous Peoples’ Day was first proposed in 1977 by a delegation of Native Nations to the United Nations-sponsored International Conference on the Discrimination Against Indigenous Populations in the Americas; and

WHEREAS, Indigenous Peoples’ Day is a day to recognize and celebrate Indigenous heritage, culture, and history while honoring past, current and future generations; and

WHEREAS, the Olympia City Council reaffirms its commitment to reducing harm, being accountable for injustice, and collaborating with those most impacted by institutional oppression, and

WHEREAS, the City of Olympia honors and acknowledges the Indigenous people who have stewarded this land since time immemorial and who still inhabit the area today, the Steh-Chass Band of Indigenous people of the Squaxin Island Tribe; and

WHEREAS, today the Steh-Chass (Squaxin) people continue to steward these ancestral lands, from the Deschutes watershed and what is now Budd Inlet, and the Squaxin continue to call themselves “People of the Water” because of the bounty of the region’s waterways and artesian waters, which have sustained the people for millennia; and

WHEREAS, Indigenous People’s Day is a time to lift up the rich history and resilience of Indigenous people through colonization and assimilation, as well as to celebrate their culture and strength through self-determination; and

WHEREAS, on April 25, 2022, the City of Olympia formerly renamed Priest Point Park to Squaxin Park, a name chosen by the Squaxin Island Tribe that honors the importance of the people and culture that have inhabited the area for many thousands of years; and

WHEREAS, both the Squaxin Island Tribe and City of Olympia honor the Medicine Creek Treaty and have established a strong government-to-government relationship between the two sovereigns; and

WHEREAS, On October 7, 2021, the City of Olympia re-signed and re-affirmed their Accord with the Squaxin Island Tribe in the spirit of understanding and mutual respect and commit to the following long term-actions:

- *Coordinate and cooperate to support economic and infrastructure opportunities, protect natural resources, and respond to climate change;*
- *Create more opportunities for public art, education, and community service that will promote a healthy exchange of cultures;*
- *Establish an intergovernmental work group between the two Councils to advance these commitments and develop consultation protocol, a strategic plan, and enduring channels of communication;*
- *Conduct biannual meetings of the Squaxin Island Tribal Council and the Olympia City Council in the Spring and Fall to maintain a shared vision, address issues of mutual concern, develop strategies and agreements, and overcome obstacles;*
- *Renew this Accord every five years to celebrate our achievements, evaluate our processes, and update our priorities and actions; and*

NOW THEREFORE BE IT RESOLVED, that the Olympia City Council does hereby proclaim October 10, 2022 as

INDIGENOUS PEOPLES' DAY

In the City of Olympia, Washington, and encourages the community to attend an Indigenous Peoples' Day Celebration at Squaxin Park on October 10, 2022, which the City of Olympia has the honor of hosting in partnership with the Squaxin Island Tribe

SIGNED IN THE CITY OF OLYMPIA, WASHINGTON THIS 4th DAY OF OCTOBER 2022.

OLYMPIA CITY COUNCIL

***Cheryl Selby
Mayor***



City Council

Special Recognition - National Recreation and Parks Association Diversity Scholarship Recipient Olivia Salazar de Breaux

Agenda Date: 10/4/2022
Agenda Item Number: 2.B
File Number: 22-0905

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

Title

Special Recognition - National Recreation and Parks Association Diversity Scholarship Recipient
Olivia Salazar de Breaux

Recommended Action

Committee Recommendation:

Not referred to a committee.

City Manager Recommendation:

Recognize Equity, Inclusion, and Belonging Specialist Olivia Salazar de Breaux as a recipient of the National Recreation and Parks Association Diversity Scholarship.

Report

Issue:

Whether to Recognize Equity, Inclusion, and Belonging Specialist Olivia Salazar de Breaux as a recipient of the National Recreation and Parks Association Diversity Scholarship.

Staff Contact:

Paul Simmons, Parks, Arts, and Recreation Director, (360)753-8462

Presenter(s):

Paul Simmons, Parks, Arts, and Recreation Director

Background and Analysis:

The National Recreation and Parks Association (NRPA) Diversity Scholarship supports individuals from historically underrepresented groups in the parks and recreation community and demonstrates outstanding contributions serving diverse communities. Olivia Salazar de Breaux was one of people two chosen across the nation, and the person from Washington State, to receive the Diversity Scholarship this year.

Ms. Salazar de Breaux shares an immense passion and enthusiasm for the field of parks, arts, and recreation, making her a perfect fit for this scholarship. Her role at the City of Olympia as an Equity, Inclusion and Belonging Specialist in the Parks, Arts and Recreation Department is to be an

ambassador of the shared values of diversity, inclusion, equity and belonging, to cultivate authentic connections among staff as well as with the community; to seek restorative practices and bridge building; and facilitate collective and collaborative growth opportunities.

Ms. Salazar de Breaux has also played a pivotal role in working with local organizations and individuals to host a new series of authentic cultural events such as Juneteenth, Black History Month, and Indigenous Peoples' Day. She actively supported the Capital City Pride Festival and Latinx Youth Summit on behalf of the City. Over the next year she plans to foster additional partnerships and expand the City's cultural events offerings.

As a 2022 Diversity Scholarship recipient, Olivia was recognized at the "Best of the Best Award Ceremony" at the national conference in Phoenix, Arizona. She was also fully compensated for her conference registration, lodging, airfare, and travel expenses. She also was assigned a conference mentor. A primary focus of the program is to inspire future participation and leadership in NRPA and to develop professional contacts.

Attachments:

None



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

City Council

Approval of the September 27, 2022 City Council Meeting Minutes

Agenda Date: 10/4/2022
Agenda Item Number: 4.A
File Number:22-0907

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

Title

Approval of the September 27, 2022 City Council Meeting Minutes



Meeting Minutes - Draft

City Council

City Hall
601 4th Avenue E
Olympia, WA 98501

Information: 360.753.8244

Tuesday, September 27, 2022 7:00 PM Council Chambers, Online and Via Phone

Register to Attend:

https://us02web.zoom.us/webinar/register/WN_Az-tVHqIQmyUotnQ9U8J5w

1. ROLL CALL

Present: 6 - Mayor Cheryl Selby, Mayor Pro Tem Clark Gilman, Councilmember Jim Cooper, Councilmember Dani Madrone, Councilmember Lisa Parshley and Councilmember Dontae Payne

Excused: 1 - Councilmember Y  n Hu  nh

1.A ANNOUNCEMENTS

Strategic Planning & Performance Manager Stacey Ray gave an update on the Reimagining Public Safety process.

1.B APPROVAL OF AGENDA

The agenda was approved.

2. SPECIAL RECOGNITION

2.A [22-0879](#) Special Recognition - Proclamation Recognizing Hispanic Heritage Month

Councilmembers read a proclamation recognizing Hispanic Heritage Month.

Thurston County Commissioner Carolina Mejia discussed Hispanic Heritage Month.

The recognition was received.

2.B [22-0872](#) Special Recognition - Proclamation Recognizing October as Walk to School Month

Mayor Pro Tem Gilman read a proclamation recognizing Walk to School Month.

Walk N Roll Supervisor Kerri Wilson and Olympia School District Superintendent Patrick Murphy discussed the program.

The recognition was received.

2.C [22-0873](#) Special Recognition - 2022 Arbor Day Proclamation

Councilmember Madrone read a proclamation recognizing Arbor Day. Associate Planner Kym Foley discussed Arbor Day events taking place around Arbor Day.

The recognition was received.

3. PUBLIC COMMENT

The following people spoke: Walker Stephens, Talauna Reed, and Kim Murillo.

4. CONSENT CALENDAR

- 4.A** [22-0877](#) Approval of the September 20, 2022 City Council Meeting Minutes

The minutes were adopted.

- 4.B** [22-0850](#) Approval of a Bid Award for the State Avenue Safety Improvements Project

The decision was adopted.

- 4.C** [22-0874](#) Approval of a Resolution Authorizing a Professional Services Agreement for the Bioretention Hydraulic Performance Study with Associated Earth Sciences, Inc.

The resolution was adopted.

Approval of the Consent Agenda

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

Aye: 6 - Mayor Selby, Mayor Pro Tem Gilman, Councilmember Cooper, Councilmember Madrone, Councilmember Parshley and Councilmember Payne

Excused: 1 - Councilmember Huynh

4. SECOND READINGS (Ordinances) - NONE

4. FIRST READINGS (Ordinances) - NONE

5. PUBLIC HEARING

- 5.A** [22-0875](#) Public Hearing on the Draft 2022 Drainage Design and Erosion Control Manual

Engineering and Planning Supervisor Susan Clark gave an overview of the 2022 Drainage Design and Erosion Control Manual update.

Councilmembers asked clarifying questions.

Mayor Selby opened the public hearing at 8:11 p.m. No one spoke. The public hearing closed at 8:11 p.m.

The public hearing was held and closed.

6. OTHER BUSINESS

6.A [22-0868](#) Yelm Highway Community Park Master Plan Briefing

Parks Planning & Design Manager Laura Keehan gave a briefing on the Yelm Highway Community Park Master Plan.

Councilmembers asked clarifying questions.

The discussion was completed.

6.B [22-0870](#) Percival Landing Revisioning Process Briefing

Simmons gave a briefing on the Percival Landing Revisioning process.

Councilmembers asked clarifying questions.

The discussion was completed.

7. CONTINUED PUBLIC COMMENT - NONE

8. COUNCIL INTERGOVERNMENTAL/COMMITTEE REPORTS AND REFERRALS

Councilmembers reported on meetings and events attended.

Mayor Selby announced that the ordinance related to COVID hazard pay for grocery workers sunsets October 31, 2022.

Councilmember Jim Cooper requested that \$15,000 of Council goal funds be used to create an incentive for the gun destruction program. Council agreed and directed staff to bring forward a formal resolution at a future meeting for action.

9. CITY MANAGER'S REPORT AND REFERRALS - NONE

10. ADJOURNMENT

The meeting adjourned at 9:44 p.m.



City Council

Approval of Bid Award for the Lions Park Sprayground Construction Contract

Agenda Date: 10/4/2022
Agenda Item Number: 4.B
File Number: 22-0899

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

Title

Approval of Bid Award for the Lions Park Sprayground Construction Contract

Recommended Action

Committee Recommendation:

Not referred to a committee.

City Manager Recommendation:

Move to award the construction contract to Berschauer Construction, Inc. in the amount of \$1,294,307 and authorize the City Manager to execute the contract.

Report

Issue:

Whether to approve awarding the construction contract for the Lions Park Sprayground project to Berschauer Construction, Inc.

Staff Contact:

Jake Lund, Senior Engineer, Parks, Arts, & Recreation, 360.753.8152

Presenter(s):

None - Consent Calendar Item.

Background and Analysis:

The project will add a water recreation facility and associated site improvements to Lions Park in northeast Olympia. The primary component of the project will be construction of a new spray park (or splash pad) like the feature that was constructed at Woodruff Park in 2019. The project also includes a new mechanical building to house the water treatment system, onsite pathways and ADA accessibility improvements, remodel of the existing restroom to meet ADA standards, and street frontage improvements to address parking and pedestrian safety. Street and pedestrian improvements outside the park property amount to approximately \$425,000 of the project cost. The project received a Water Recreation Facility Construction Permit approval from the State Department of Health in April 2022.

The City received three bids on September 14, 2022. Berschauer Construction, Inc. was the lowest

responsible bidder with a base bid of \$1,294,307. The engineer's estimate of construction cost was \$1,239,000.

Neighborhood/Community Interests (if known):

Water recreation features for summer children's play have been a popular community request. After being identified in the 2016 Parks, Arts, & Recreation Plan, public engagement with community members, neighbors, and Eastside Neighborhood Association began in early 2018. Community members and neighbors have also submitted comments to City staff over the last few years. City staff has worked to track and incorporate as many of the comments or concerns into the final project design as possible. Public Works Transportation has required improvements to street and pedestrian routes adjacent to the park to address neighborhood concerns with parking and safety. The final design of the splash pad was posted on Engage Olympia and selected by the public through online voting for their favorite set of spray features.

Options:

1. Award the construction contract to Berschauer Construction, Inc. in the amount of \$1,294,307 and authorize the City Manager to execute the contract. The project proceeds as planned with a November 2022 construction start and planned public opening by June 2023.
2. Do not award the contract, reject all bids, and request that staff rebid the project. Delaying the project could result in higher bids and will require additional staff time to modify and rebid the project.
3. Consider awarding the construction contract to Berschauer Construction, Inc. at another time. This could cause delays in the construction timeline.

Financial Impact:

This project is identified in the Capital Facilities Plan as well as the 2016 Park, Arts, and Recreation Plan. Funding for the project comes from Olympia Metropolitan Park District funding, Neighborhood Park Impact Fees, SEPA Mitigation Fees, and a \$500,000 grant from the Washington State Recreation and Conservation Office.

The low bid of \$1,294,307 is 4.5% above the engineer's estimate. There is sufficient parks funding to complete this project.

Overall project costs:

| | |
|--|--------------------|
| Total Low Bid: | \$1,294,307 |
| Contingency to Award (10%): | \$129,431 |
| Design, Construction Admin. | \$160,000 |
| Permit fees (City & DOH) | \$5,000 |
| Water Treatment and Spray Equipment Purchase | \$295,105 |
| 1% for the Arts | \$12,943 |
| Total Estimated Project Cost: | \$1,896,786 |

Attachments:

Summary of Bids

**BID OPENING RESULTS**

Bid Open Date: 9/14/2022

Project: Lions Park Sprayground

Project No.: 2010H

Engineer's Estimate: \$ 1,239,000

Contact: Jake Lund, P.E., 360-753-8152

| Bidder | | | | Base bid total |
|-------------------------|--|--|--|----------------|
| Berschauer Construction | | | | \$1,294,307.00 |
| Roglin's | | | | \$1,312,800.00 |
| ACI | | | | \$1,396,396.00 |
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City Council

Approval of an Ordinance Authorizing the Collection of Impact Fees for North Thurston School District

Agenda Date: 10/4/2022
Agenda Item Number: 4.C
File Number: 22-0847

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

Title

Approval of an Ordinance Authorizing the Collection of Impact Fees for North Thurston School District

Recommended Action

Committee Recommendation:

The Land Use and Environment Committee recommend approval of the Ordinance.

City Manager Recommendation:

Move to approve an Ordinance Authorizing the Collection of Impact Fees for North Thurston School District.

Report

Issue:

Whether to approve and Ordinance authorizing collection of impact fees for the North Thurston School District.

Staff Contact:

Tim Smith, Deputy Director, Community Planning and Development Department, 360.570.3915

Presenter(s):

None - Consent Calendar Item.

Background and Analysis:

Certain types of new development in the City are charged impact fees in accordance with RCW 82.02 and Chapter 15.04 of the Olympia Municipal Code. Impact fees are intended to ensure that new growth pays a proportionate share of the cost of new facilities needed to serve the new development. The City currently assesses impact fees for City parks and transportation facilities and collects impact fees for school facilities at the request of the Olympia School District.

The North Thurston School District recently requested the City to begin assessing impact fees for all new single and multifamily developments located within the District's boundary. The boundary is located east of Fones and Franz Anderson roads. For example, properties located along Lilly and

Sleater Kinney roads are within the North Thurston School District.

The District's current practice with the City of Olympia is to review and request mitigation fees for residential projects that meet the City's adopted threshold for review under the State Environmental Policy Act (SEPA). Currently, residential projects of 10 residential units or more require SEPA review. Adoption of an impact fee ordinance would permit the City to collect impact fees for the District for all residential single and multifamily developments. While more developments would be subject to impact fees when compared to fees collected under SEPA, an impact fee program would allow the City to inform applicants of required fees earlier in the permitting process. Impact fees also require less coordination between applicants and the school district on the determination and collection of fees.

City Staff coordinated with both the North Thurston and Olympia School District to prepare the ordinance. A large portion of the changes to Chapter 15.04 were made to ensure a similar approach is provided with both districts on the assessment of school impact fees. The ordinance incorporates the following three key changes:

1. Adds North Thurston School District to the City's Impact Fee Chapter (OMC 15.04).
2. Creates a new section (15.04.040.C) that lists projects not subject to impact fees. This list includes accessory dwelling units, single room occupancy buildings, expansions and other development types that are currently found in the exemptions section (15.04.060).
3. Revises the exemption section in 15.04.060 to include only those uses where exemptions or reductions may be granted if certain requirement and conditions are met. This list includes senior housing, assisted care living, low-income housing, and early learning center projects.

This ordinance will authorize the City to collect impact fees for the North Thurston School District. The City is also working with the District to adopt its Capital Facilities Plan (CFP) into the City's CFP. This process will be completed by the end of the year and will allow the City to begin collecting impact fees starting in 2023.

Neighborhood/Community Interests (if known):

Permit fee costs are of strong interest to community members interested in developing within the City of Olympia.

Options:

1. Approve an Ordinance authorizing collection of impact fees for the North Thurston School District.
2. Approve an Ordinance authorizing collection of impact fees for the North Thurston School District with revisions.
3. Do not approve an Ordinance authorizing collection of impact fees for the North Thurston School District.

Financial Impact:

Impact fees would be charged to new single family and multifamily residential development located in the City and within the boundary of the North Thurston School District.

Attachments:

Ordinance

Ordinance No. _____

AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON AMENDING CHAPTER 15.04 AND SECTION 15.08.030 OF THE OLYMPIA MUNICIPAL CODE RELATING TO IMPACT FEES

WHEREAS, the Washington State Growth Management Act, chapter 36.70A RCW, requires that cities plan for growth; and

WHEREAS, RCW 82.02.050 - .090 authorizes cities to impose impact fees to ensure that adequate facilities are available to serve new growth and development; and

WHEREAS, in Ordinance Nos. 5490 and 6164, the City of Olympia did adopt such impact fees, to include "Park Impact Fees," "School Impact Fees," and "Transportation Impact Fees," which the City uses as a funding mechanism to help build new transportation and parks infrastructure, as well as help the Olympia School District build infrastructure; and

WHEREAS, the North Thurston School District has a service area boundary that covers a portion of the City of Olympia; and

WHEREAS, that area is experiencing an increase in permit applications for residential development; and

WHEREAS, the North Thurston School District has requested the City of Olympia adopt School Impact Fees to ensure that school facilities of the North Thurston School District are available to serve new residential growth and development; and

WHEREAS, pursuant to State Law and this Ordinance, the City and the North Thurston School District will enter into an Interlocal Agreement, memorializing the manner in which the City and the District will work together to administer school impact fees for developments within the North Thurston School District Service area; that Interlocal Agreement will come before Council as a separate agenda item; and

WHEREAS, in addition to adding the North Thurston School District, certain technical amendments to the City's Impact Fee Ordinance are being made. These include changing the process by which an applicant requests an 80 percent exemption for school impact fees for low-income housing developments within the Olympia School District; this change is being made in consultation with the Olympia School District. Other technical amendments are made only for clarity, with no substantive change intended; and

WHEREAS, it is anticipated that in a separate action, to be considered in December 2022, Council will consider and pass an ordinance in which it will amend chapter 15.16 of the Olympia Municipal Code (OMC) to update all impact fees, including school impact fees; in that ordinance, the North Thurston School District will be added to OMC 15.16.030 ("Schedule C, School Impact Fees") and the school impact applicable to developments within the North Thurston School District service area will be specified; and

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

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

Section 1. Amendment of OMC Chapter 15.04. Chapter 15.04 of the Olympia Municipal Code is hereby amended to read as follows:

Chapter 15.04 GENERAL PROVISIONS GOVERNING THE ASSESSMENT OF IMPACT FEES

15.04.000 Chapter Contents

Sections:

- 15.04.010 Findings and authority.
- 15.04.020 Definitions.
- 15.04.030 Findings of concurrency.
- 15.04.040 Assessment of impact fees.
- 15.04.050 Alternative and independent fee calculations.
- 15.04.060 Exemptions.
- 15.04.070 Credits.
- 15.04.080 Tax adjustments.
- 15.04.090 Appeals.
- 15.04.100 Establishment of impact fee accounts for parks and transportation.
- 15.04.110 Authorization for the school interlocal agreement and the establishment of the school impact account.
- 15.04.120 Refunds.
- 15.04.130 Use of funds.
- 15.04.140 Administrative guidelines.
- 15.04.150 Review.
- 15.04.160 Additional provisions pertaining to North Thurston School District.

15.04.010 Findings and authority

The City Council of the City of Olympia (~~the "Council"~~) hereby finds and determines that new growth and development, including ~~but not limited to~~ new residential, commercial, retail, office, and industrial development, in the City of Olympia ~~will create~~ creates additional demand and need for public facilities in the City of Olympia, and the Council finds that new growth and development should pay a proportionate share of the cost of new facilities needed to serve the new growth and development. The City of Olympia has conducted extensive studies documenting the procedures for measuring the impact of new developments on public facilities, has prepared the Parks Study and the Transportation Study and has reviewed the Olympia School District Schools Study prepared by the Olympia School District No. 111 ("District No. 111"), and the North Thurston School District Capital Facilities Plan prepared by the North Thurston School District and hereby incorporates these studies into this title by reference. Therefore, pursuant to ~~E~~chapter 82.02 RCW, the Council adopts this title to assess impact fees for parks, transportation facilities, and schools. The provisions of this title ~~shall~~ must be liberally construed in order to carry out the purposes of the Council in establishing the impact fee program.

15.04.020 Definitions

The following words and terms ~~shall~~ have the following meanings for the purposes of this title, unless the context clearly requires otherwise. Terms otherwise not defined herein ~~shall be~~ are defined pursuant to RCW 82.02.090, or given their usual and customary meaning.

~~A.~~ "Act" means the Growth Management Act, as codified in RCW 36.70A, as now in existence or as hereafter amended.

~~BA.~~ "Accessory Dwelling Unit" means a dwelling unit that has been added onto, created within, or separated from a single-family detached dwelling for use as a complete independent living unit with provisions for cooking, eating, sanitation, and sleeping.

~~CB.~~ "Building Permit" means an official document or certification which is issued by the Building Official and which authorizes the construction, alteration, enlargement, conversion, reconstruction, remodeling, rehabilitation, erection, demolition, moving, or repair of a building or structure.

~~DC.~~ "Capital Facilities" means the facilities or improvements included in a capital budget or capital facilities plan.

~~ED.~~ "Capital Facilities Plan" means the capital facilities plan element of a comprehensive plan adopted by the City of Olympia pursuant to ~~Chapter~~ 36.70A RCW, and such plan as amended.

~~FE.~~ "City" means the City of Olympia.

~~GE.~~ "Council" means the City Council of the City of Olympia.

~~HG.~~ "Concurrent" or "Concurrency" means that the improvements are in place at the time the impacts of development occur, or that the necessary financial commitments are in place, which ~~shall~~ include the impact fees anticipated to be generated by the development, to complete the improvements necessary to meet the specified standards of service defined in the Parks Study, the Transportation Study, ~~and the Olympia School District Schools Study,~~ and the North Thurston School District Capital Facilities Plan within ~~ten~~ (10) years of the time the impacts of development occur.

~~I.~~ "County" means ~~Thurston County~~.

~~JH.~~ "Department" means the Department of Community Planning and Development.

~~KI.~~ "Development Activity" means any construction, expansion, or change in the use of a building or structure that creates additional demand and need for public facilities.

~~LJ.~~ "Development Approval" means any written authorization from the City of Olympia which authorizes the commencement of a development activity.

~~MK.~~ "Director" means the Director of the Department of Community Planning and Development or the Director's designee.

~~N.~~ "District No. 111" means the Olympia School District No. 111, Thurston County, Washington.

~~OL.~~ "Downtown ~~Impact Fee Payment Area~~" means all properties located within the downtown area, which is currently bounded by: Budd Inlet on the north; Budd Inlet and Capitol Lake on the west; along 14th Avenue extending between Capitol Lake and Capitol Way, then east on 14th Avenue extending to Interstate 5 on the south; Eastside Street on the east; and along Olympia Avenue in a westerly direction reconnecting with the Budd Inlet on the north, including properties owned by the Port of Olympia, as shown in Figure 15-04-1.

PM. "Dwelling Unit" means a single unit providing complete and independent living facilities for one or more persons, including permanent facilities for living, sleeping, eating, cooking, and sanitation needs.

~~Q.~~ ~~"Elderly" means a person aged 62 or older.~~

RN. "Encumbered" means to reserve, set aside, or otherwise earmark the impact fees in order to pay for commitments, contractual obligations, or other liabilities incurred for public facilities.

SO. "Feepayer" is a person, collection of persons, corporation, partnership, an incorporated association, or any other similar entity, or department or bureau of any governmental entity or municipal corporation commencing a land development activity which creates the demand for additional capital facilities, and which requires the issuance of a building permit. "Feepayer" includes an applicant for an impact fee credit.

TP. "Gross Floor Area" or "GFA" means the total square footage of any building, structure, or use, including accessory uses.

~~UQ.~~ "Gross Leasable Area" or "GLA" means the total square footage of leasable space in any building, structure, or use, including accessory uses. This does not include common spaces like lobbies, elevator shafts, stairwells, etc.

~~VR.~~ "Hearing Examiner" means the Examiner who acts on behalf of the Council in considering and applying land use regulatory codes as provided under ~~Chapter 18.82 of the Olympia Municipal Code~~ OMC. Where appropriate, "Hearing Examiner" also refers to the office of the hearing examiner.

WS. "High Density Corridor" or "HDC" ~~will only include~~ includes HDC-1, HDC-2, HDC-3 land use zoning areas and ~~shall have~~ has the same meaning as set forth in ~~Olympia Municipal Code Subsections 18.06.020.B.10, .11, and .12~~ OMC 18.06.020(B)(10), (11), and (12).

XT. "Impact fee" means a payment of money imposed by the City of Olympia on development activity pursuant to this title as a condition of granting development approval in order to pay for the public facilities needed to serve new growth and development. "Impact fee" does not include a reasonable permit fee, an application fee, the administrative fee for collecting and handling school impact fees, ~~or~~ the cost of reviewing independent fee calculations, or the fee for deferring payment of impact fees.

YU. "Impact Fee Account" or "Account" means the account(s) established for each type of public facility for which impact fees are collected. The Accounts ~~shall be~~ are established pursuant to ~~Sections 15.04.100 and 15.04.110 of this title, OMC 15.04.100 and OMC 15.04.110 and~~ must comply with the requirements of RCW 82.02.070.

ZV. "Independent Fee Calculation" means the park impact calculation, the school impact calculation, the transportation impact calculation, ~~and/or~~ economic documentation prepared by a feepayer, to support the assessment of an impact fee other than by the use of ~~Schedules A, C and D of Chapter 15.16, schedules in Chapter 15.16 OMC,~~ or the calculations prepared by the Director or the Olympia School District No. 111 or the North Thurston School District where none of the fee categories or fee amounts in the schedules in ~~Chapter 15.16 OMC~~ accurately describe or capture the impacts of the new development on public facilities.

AAW. "Interest" means the average interest rate earned by the City of Olympia, ~~or the Olympia School District, No. 111 or the North Thurston School District~~ with respect to school fees, in the last fiscal year, if not otherwise defined.

~~BBX.~~ "Interlocal Agreement" or "Agreement" means the school interlocal agreement by and between the City of Olympia and ~~District No. 111 as authorized in Section 15.04.110~~ the Olympia School District and the school interlocal agreement by and between the City of Olympia and the North Thurston School District, as authorized in OMC 15.04.110 herein.

Y. "Low-income housing" means housing with a monthly housing expense, that is no greater than thirty percent of eighty percent of the median family income adjusted for family size, for the county where the project is located, as reported by the United States department of housing and urban development.

Z. "North Thurston School District" means the North Thurston School District No. 3.

AA. "North Thurston School District Capital Facilities Plan" means the North Thurston School District No. 3's capital facilities plan, as the same may be amended or updated.

~~EE~~BB. "Occupancy Permit" means the permit issued by the City of Olympia where a development activity results in a change in use of a pre-existing structure.

CC. "Olympia School District" means the Olympia School District No. 111, Thurston County, Washington.

DD. "Open Space" means for the purposes of this title undeveloped public land that is permanently protected from development (except for the development of trails or other passive public access or use).

EE. "Owner" means the owner of record of real property, or a person with an unrestricted written option to purchase property; provided that, if the real property is being purchased under a recorded real estate contract, the purchaser ~~shall be~~ is considered the owner of the real property.

FF. "Parks" means parks, open space, and recreational facilities, including ~~but not limited to~~ ball fields, golf courses, athletic fields, soccer fields, swimming pools, tennis courts, volleyball courts, neighborhood parks, community parks, special use parks, trails, and open space.

GG. "Parks Study" means the City of Olympia Park Impact Fee Study dated October 2012, and as ~~may be~~ amended ~~in the future~~.

HH. "Planned Residential Development" or "PRD" ~~shall have~~ has the same meaning as set forth in ~~Chapter 18.56 of the Olympia Municipal Code~~ OMC.

II. "Project Improvements" means site improvements and facilities that are planned and designed to provide service for a particular development or users of the project, and are not system improvements. No improvement or facility included in a capital facilities plan adopted by the Council ~~shall~~ may be considered a project improvement.

JJ. "Public Facilities" means the following capital facilities owned or operated by the City of Olympia or other governmental entities: (1) publicly owned parks, open space, and recreational facilities; (2) public streets, and roads; and (3) public school facilities.

KK. "Residential" or "Residential Development" means all types of construction intended for human habitation. This ~~shall include, but is not limited to,~~ includes single-family, duplex, triplex, and other multifamily development.

LL. "Olympia School District Schools Study" means the "Olympia School District - Rate Study for Impact Fees for School Facilities, 1994," and as ~~may be amended in the future.~~

MM. "Senior Housing Development" means a residential development of 10 units or more that is occupied exclusively by residents 55 years of age or older. In order to qualify for the "Senior Development" impact fee rate, a restrictive covenant is required to be placed on the deed limiting the development to residents 55 years of age or older.

NN. "Single Room Occupancy Dwelling" means a housing type consisting of one room, often with cooking facilities and with private or shared bathroom facilities.

OO. "Square Footage" means the square footage of the gross floor area of the development.

PP. "State" means the State of Washington.

QQ. "System Improvements" means ~~a public facilities facility that are~~ is included in the City of Olympia's capital facilities plan, the Olympia School Study, or the North Thurston School District Capital Facilities Plan and are designed to provide service to service areas within the community at large, in contrast to project improvements.

RR. "Transportation Study" means the City of Olympia Multimodal Transportation Impact Fee Rate Study dated October 2020, and as ~~may be amended in the future.~~

15.04.030 Findings of concurrency

A. Prior to approving proposed subdivisions, dedications, short plats, short subdivisions, planned residential developments, or binding site plans, the Council or administrative personnel shall make written findings that the public facilities which will be needed as a result of the new development, such as parks, recreation, open space, schools, and school grounds, will be provided concurrent with development. The concurrency requirement is satisfied if the improvements are in place at the time the impacts of development occur, or that the necessary financial commitments are in place, which ~~shall~~ include the impact fees anticipated to be generated by the development, to complete the improvements required to meet the specified standards of service defined in the Parks Study ~~and, the Olympia School District Schools Study, and the North Thurston School District Capital Facilities Plan~~ within ~~ten (10)~~ years of the time that the impacts of development occur. Any combination of the following ~~shall constitute~~ constitutes the "necessary financial commitments" for the purposes of this title:

1. The City ~~or, the Olympia School District No. 111, or the North Thurston School District~~ has received voter approval of ~~and/or~~ has bonding authority; (or both);
2. The City ~~or District No. 111, the Olympia School District, or the North Thurston School District~~ has received approval for federal, state, ~~or other funds;~~
3. The City ~~or, the Olympia School District No. 111, or the North Thurston School District~~ has received a secured commitment from a feepayer that the feepayer will construct the needed improvement(s) or facility and the City ~~or District No. 111, the Olympia School District, or the North Thurston School District~~ has found such improvement(s) or facility to be acceptable and consistent with its capital facilities plan; ~~and/or~~

4. ~~The City or, the Olympia School District No. 111, or the North Thurston School District~~ has other assured funding, including ~~but not limited to~~ impact fees which have been paid.

B. Compliance with this concurrency requirement ~~shall be~~ sufficient to satisfy the provisions of ~~RCW 58.17.110, RCW 58.17.060 and the Act chapter 36.70A RCW, the Growth Management Act, RCW 58.17.060, and RCW 58.17.110.~~ The finding of concurrency ~~shall~~must be made at the time of preliminary plat or PRD approval or at the time of binding site plan approval.

C. The City ~~shall~~may not approve applications for preliminary plats, PRDs, or binding site plans, unless the City is able to make a finding of concurrency; provided that, if the feepayer opts to dedicate land, to provide improvements, ~~and/or~~ construction consistent with the requirements of OMC 15.04.070 governing credits, where appropriate, the City can make a finding of concurrency.

D. A finding of concurrency provided to the applicant at the time of preliminary plat or PRD approval, or at the time of binding site plan approval, ~~shall be~~ valid for a period of three ~~(3)~~ years from the date of receipt. If pursuant to law, an applicant requests an extension of the three-year period between the date of preliminary and final plat or PRD approval, the applicant ~~shall be~~ subject to a new concurrency determination prior to the granting of a request for an extension.

E. If any party for any reason is able to exempt itself from the operation of this title, the City ~~reserves the right to~~may review its land use plan in conjunction with its capital facilities plan in order to ensure concurrency. In the event that the impact fees that might have been paid would have been an integral part of the financing to ensure concurrency, the City ~~reserves the right to~~may deny approval for the development on these grounds.

15.04.040-~~Assessment of impact fees~~

A. The City shall impose and collect impact fees, based on the schedules in ~~Chapter 15.16 OMC,~~ or an ~~independent alternate~~ fee calculation as provided for in ~~Section OMC 15.04.050, and the applicable interlocal agreements pursuant to OMC 15.04.110,~~ from any applicant seeking development approval from the City for any development activity within the City, where such development activity requires the issuance of a building or occupancy permit. ~~This shall include, but is not limited to,~~This includes the development of residential, commercial, retail, office, and industrial land, and includes the expansion of existing uses that creates a demand for additional public facilities, as well as a change in existing use that creates a demand for additional public facilities.

B. The Director shall determine whether a particular development activity is subject to impact fees under this chapter. The Director shall make such determination in writing and such determination is subject to appeal under the procedures set forth in chapter 18.75 OMC.

C. The following development activities are not subject to some or all impact fees:

1. Alteration of an existing nonresidential structure that does not expand the usable space or add any residential units is not subject to transportation, park, or school impact fees.

2. Miscellaneous improvement, including fences, walls, swimming pools, mining, dredging, filling, grading, paving, excavation or drilling operations, and signs is not subject to transportation, park, or school impact fees.

3. Demolition or moving of a structure is not subject to transportation, park, or school impact fees.

4. Expansion of an existing structure that results in the addition of 120 square feet or less of gross floor area is not subject to transportation, park, or school impact fees.

5. Replacement of a structure with a new structure of the same size and use at the same site or lot when such replacement occurs within 72 months of the demolition or destruction of the prior structure is not subject to transportation, park, or school impact fees. Replacement of a structure with a new structure of the same size must be interpreted to include any structure for which the gross square footage of the building will not be increased by more than 120 square feet. However, any additional residential unit that is created in the replacement is subject to park, transportation, and school impact fees, and any additional gross floor area greater than 120 square feet added in the replacement is subject to transportation impact fees.

6. The creation of an accessory dwelling unit is not subject to school impact fees.

7. A single room occupancy dwelling is not subject to school impact fees.

8. A change in use where the increase in trip generation is less than the threshold stated in OMC 15.04.040(E) is not subject to transportation impact fees.

9. Expansion of an existing residential structure that does not increase the number of residential units is not subject to school impact fees.

~~B.D.~~ Applicants seeking development approval from the City for residential developments where the property is located outside the boundaries of ~~the Olympia School District No. 111~~ shall ~~are~~ not be required to pay the school impact fee set forth in ~~Schedule C (Section 15.16.030) of Appendix A (Chapter 15.16)~~ OMC 15.16.030. Applicants seeking development approval from the City for residential developments where the property is located outside the boundaries of the North Thurston School District are not required to pay the school impact fee set forth in OMC 15.16.030.

~~C.E.~~ Where a change in use triggers review under the State Environmental Policy Act or increases the trip generation by more than ~~5%~~five percent or ~~ten~~10 peak hour person trips, whichever is less, the Director shall calculate a transportation impact fee based on the increases in the trip generation rate.

~~D.F.~~ The Director shall assess ~~Impact~~ impact fees shall be assessed at the time the complete building permit application is submitted for each unit in the development, using either the impact fee schedules then in effect or an independent fee calculation, at the election of the applicant and pursuant to the requirements set forth in ~~Section OMC 15.04.050~~. ~~The City shall not accept an application for a building permit if final plat, PRD, or binding site plan approval is needed and has not yet been granted by the City. Furthermore, the City shall not accept an application for a building permit unless prior to submittal or concurrent with submittal, the fee payer submits complete applications for all other discretionary reviews needed, including, but not limited to, design review, the environmental determination, and the accompanying checklist.~~

~~E.G.~~ ~~Applicants~~ An applicant that ~~have~~has been awarded credits prior to the submittal of the complete building permit application pursuant to ~~Section OMC 15.04.070~~, shall submit, along with the complete building permit application, a copy of the letter or certificate prepared by the Director pursuant to ~~Section OMC 15.04.070~~ setting forth the dollar amount of the credit awarded. Impact fees, as determined after the

application of appropriate credits, ~~shall be~~ collected from the feepayer at the time the building permit is issued or prior to final building inspection as set forth in ~~Subsection (H) below~~ of this section.

~~FH.~~ Where the impact fees imposed are determined by the square footage of the development, the impact fee ~~shall be~~ based on the size and type of structure proposed to be constructed on the property. If the final square footage of the development is in excess of the initial square footage set forth in the building permit, any difference will be adjusted at the time that a certificate of occupancy is issued or the time that the building is occupied, using the rate schedule in effect at ~~that the~~ time of permit application.

~~GI.~~ Except as provided in subsection ~~(HJ) below~~ of this section, the Department shall not issue a building permit unless and until the impact fees required by this ~~C~~chapter, less any permitted exemptions, credits, or deductions, have been paid.

~~HJ.~~ Impact fee payments may be deferred until prior to the City conducting a final building inspection. ~~All applicants and~~ An applicant or legal owners of the property upon which the development activity allowed by the building permit is to occur must sign an Impact Fee Deferral Agreement in a form acceptable ~~by~~ to the ~~City Attorney-city attorney~~. The applicant ~~will~~ shall pay a \$50 administrative fee, along with fees necessary for recording the agreement in the office of the Thurston County Auditor.

~~K.~~ In the event that the fees are not paid within the time provided in this section, the City ~~shall~~ may institute foreclosure proceedings under the process set forth in ~~C~~chapter 61.12 RCW, except as revised herein. The then-present owner shall also pay the City's reasonable attorney fees and costs incurred in the foreclosure process. Notwithstanding the foregoing, the City ~~shall~~ may not commence foreclosure proceedings less than ~~thirty (30)~~ calendar days prior to providing written notification to the then-present owner of the property via certified mail with return receipt requested advising of its intent to commence foreclosure proceedings. If the then-present owner cures the default within the ~~thirty~~ 30-day cure period, no attorney fees ~~and/or~~ costs will be owed. In addition, the City retains its full authority to withhold inspections and to suspend, revoke, or refuse to issue occupancy and other building permits and to commence enforcement actions due to non-payment of impact fees.

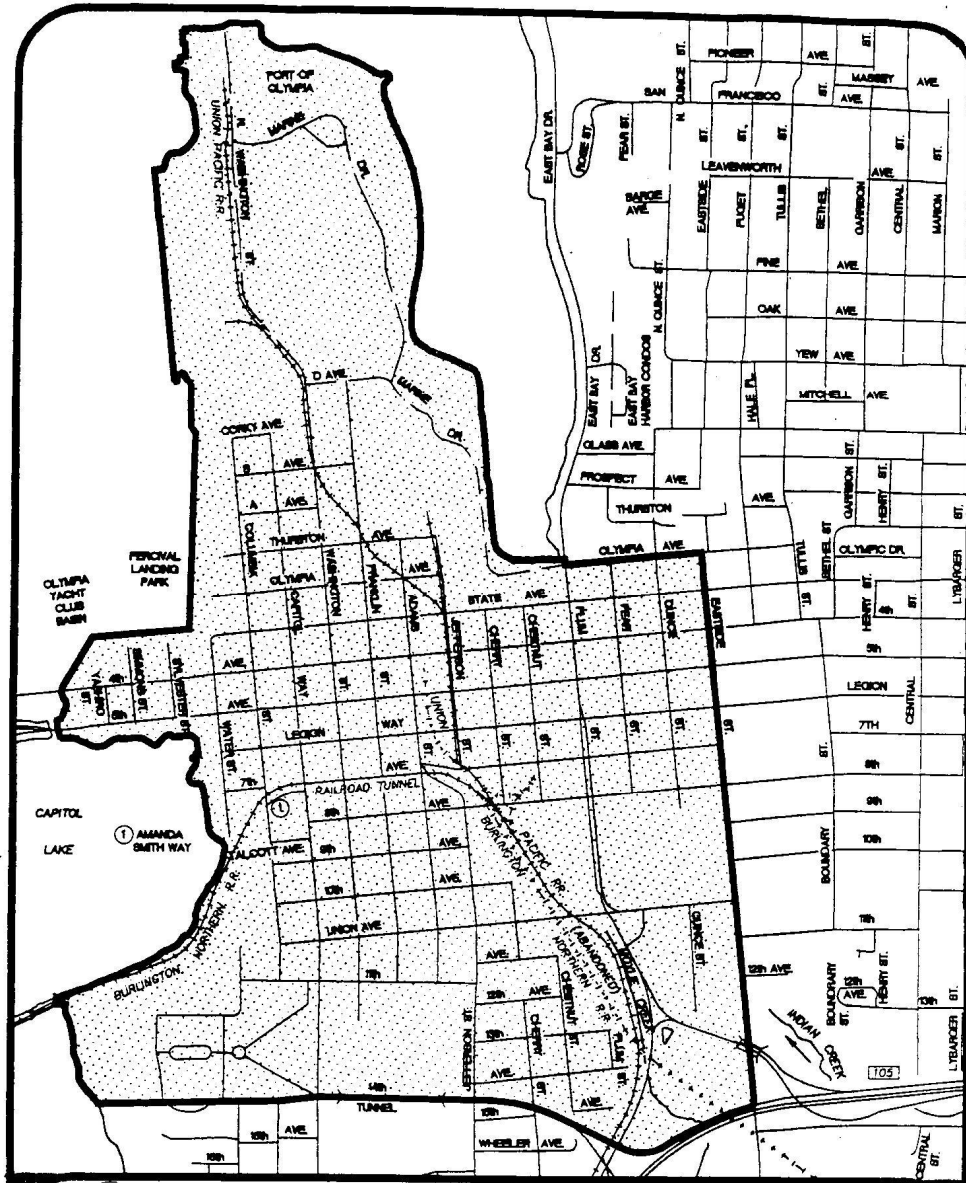


FIGURE 15-04-1
Downtown Deferred Impact Fee Payment Option Area
(Grey Shaded Area Only)

Note: This map is for illustrative purposes only.
For exact description of area, see Section [15.04.020](#) Definitions.

15.04.050 Alternative and Independent fee calculations

A.—If in the judgment of the Director, none of the fee categories or fee amounts set forth in Schedule A or D (Sections or) accurately describe or capture the impacts of a new development on parks or transportation facilities, the Department may prepare independent fee calculations and the Director may impose alternative fees on a specific development based on those calculations. The alternative fees and the calculations shall be set forth in writing and shall be mailed to the fee payer. For example, with respect to group homes, the fees imposed shall take into account the size and number of residents proposed to be housed in such group homes,

and the Director shall determine the fees to be imposed based on the Director's judgment of the approximate equivalent number of residents that would be generated compared to single family dwelling units.

B.—If District No. 111 believes in good faith that none of the fee categories or fee amounts set forth in Schedule C (Section) accurately describe or capture the impacts of a new development on schools, District No. 111 may conduct independent fee calculations and submit such calculations to the Director. The Director may impose alternative fees on a specific development based on the calculations of District No. 111, or may impose alternative fees based on the calculations of the Department. The alternative fees and the calculations shall be set forth in writing and shall be mailed to the feepayer.

C.—An applicant may elect to have impact fees determined according to Schedule A or D (Sections and , respectively). If the applicant does so, the applicant shall execute an agreement in a form satisfactory to the City Attorney waiving the applicant's right to an independent fee calculation provided for in this Section. In the alternative, if an applicant opts not to have the impact fees determined according to Schedule A or D (Sections or), the applicant may elect an independent fee calculation for the development activity for which a building permit is sought. In that event, the applicant may prepare and submit the applicant's own independent fee calculation. The applicant must make the election between fees calculated under Schedules A or D and an independent fee calculation prior to issuance of the building permit for the development. If the applicant elects to prepare the applicant's own independent fee calculation, the applicant must submit documentation showing the basis upon which the independent fee calculation was made.

D.—An applicant may elect to have impact fees determined according to Schedule C (Section). If the applicant does so, the applicant shall execute an agreement in a form satisfactory to the City Attorney waiving the applicant's right to an independent fee calculation provided for in this Section. In the alternative, if an applicant opts not to have the impact fees determined according to Schedule C (Section), the applicant may elect an independent fee calculation for the development activity for which a building permit is sought. In that event, the applicant may prepare and submit the applicant's own independent fee calculation. The applicant must make the election between fees calculated under Schedule C and an independent fee calculation prior to issuance of the building permit for the development. If the applicant elects to prepare its own independent fee calculation, the applicant must submit documentation showing the basis upon which the independent fee calculation was made. The Director shall provide District No. 111 an opportunity to review the independent fee calculation and provide an analysis to the Director concerning whether the independent fee calculation should be accepted, rejected, or accepted in part. The Director may adopt, reject, or adopt in part the independent fee calculation based on the analysis prepared by District No. 111, or may impose alternative fees based on the calculations of the Department, the feepayer's independent fee calculation, the specific characteristics of the development, and/or principles of fairness. The fees or alternative fees and the calculations shall be set forth in writing and shall be mailed to the feepayer, and with respect to school impact fees, to the Superintendent or the Superintendent's designee of District No. 111.

E.—Any applicant electing an independent fee calculation shall be required to pay the City of Olympia a fee to cover the cost of reviewing the independent fee calculation, as follows: If the applicant elects to submit the applicant's own independent fee calculation, the applicant shall pay to the City at the time of the independent fee calculation election a fee of five hundred dollars (\$500.00) plus a deposit of five hundred dollars (\$500.00) towards the City's actual costs incurred in reviewing the independent fee calculation. The applicant shall remit all remaining actual costs of the City's review of the independent fee calculation prior to and as a precondition of the City's issuance of the building permit. If the City's actual costs are lower than the deposit amount, the difference shall be remitted to the applicant.

~~F. While there is a presumption that the calculations set forth in the Parks Study, the Schools Study, and the Transportation Study are valid, the Director shall consider the documentation submitted by the feepayer and the analysis prepared by District No. 111, but is not required to accept such documentation or analysis which the Director reasonably deems to be inaccurate or not reliable, and may modify or deny the request, or, in the alternative, require the feepayer or District No. 111 to submit additional or different documentation for consideration. The Director is authorized to adjust the impact fees on a case by case basis based on the independent fee calculation, the specific characteristics of the development, and/or principles of fairness. The Director's decision shall be set forth in writing and shall be mailed to the feepayer, and with respect to school impact fees, to the Superintendent or the Superintendent's designee of District No. 111.~~

~~G. Determinations made by the Director pursuant to this Section may be appealed to the office of the hearing examiner subject to the procedures set forth in OMC Chapter .~~

A. If in the judgment of the Director, none of the fee categories or fee amounts set forth in OMC 15.16.010 or OMC 15.16.040 accurately describe or capture the impacts of a new development on parks or transportation facilities, the Department may prepare an alternative fee calculation and the Director may impose alternative fees on a specific development based on those calculations. The alternative fees and the calculations must be set forth in writing and must be mailed to the feepayer. For example, with respect to group homes, the alternate fees imposed must take into account the size and number of residents proposed to be housed in such group homes, and the Director shall determine the alternative fees to be imposed based on the Director's judgment of the approximate equivalent number of residents that would be generated compared to single family dwelling units.

B. An applicant may elect to have impact fees determined according to OMC 15.16.010 and OMC 15.16.040. In the alternative, an applicant may opt not to have the impact fees determined according to Sections OMC 15.16.010 or OMC 15.16.040, and may elect an independent fee calculation for the development activity for which a building permit is sought. In that event, the applicant may prepare and submit the applicant's own independent fee calculation. The applicant must make the election between fees calculated under OMC 15.16.010 and OMC 15.16.040 and an independent fee calculation prior to issuance of the building permit for the development. If the applicant elects to prepare the applicant's own independent fee calculation, the applicant must submit documentation showing the basis upon which the independent fee calculation was made.

C. School Impact Fees for developments within the Olympia School District service area are determined according to one of the following methods:

1. If the Olympia School District believes in good faith that none of the fee categories or fee amounts set forth in OMC 15.16.030 accurately describe or capture the impacts of a new development on schools within the Olympia School District's service area, the Olympia School District may conduct independent fee calculations and submit such calculations to the Director. The Director may impose alternative fees on a specific development based on the calculations of the Olympia School District or may impose alternative fees based on the calculations of the Department. The alternative fees and the calculations must be set forth in writing and must be mailed to the feepayer.

2. An applicant for a development within the Olympia School District service area may elect to have impact fees determined according to OMC 15.16.030. In the alternative, if an applicant opts not to have the impact fees determined according to OMC 15.16.030, the applicant may elect an independent fee calculation for the development activity for which a building permit is sought. In that event, the applicant may prepare and submit the applicant's own independent fee calculation. The applicant shall

make the election between fees calculated under OMC 15.16.030 and an independent fee calculation prior to issuance of the building permit for the development. If the applicant elects to prepare the applicant's own independent fee calculation, the applicant shall submit documentation showing the basis upon which the independent fee calculation was made. An independent fee calculation must use the same methodology used to establish the Olympia School District's fee schedule for the school district. The Director shall provide the Olympia School District an opportunity to review the applicant's independent fee calculation and provide an analysis to the Director concerning whether the independent fee calculation should be adopted, rejected, or adopted in part. The Director may adopt, reject, or adopt in part the independent fee calculation based on the analysis prepared by the Olympia School District, or may impose alternative fees based on one more of the calculations of the Department, the feepayer's independent fee calculation, the specific characteristics of the development, or principles of fairness. The fees or alternative fees and the calculations must be set forth in writing and must be mailed to the feepayer and to the Superintendent of the Olympia School District or the Superintendent's designee.

D. School Impact Fees for developments within the North Thurston School District service area are determined according to one of the following methods:

1. If the North Thurston School District believes in good faith that none of the fee categories or fee amounts in OMC 15.16.030 accurately describe or capture the impacts of a new development on schools within North Thurston School District's service area, the North Thurston School District may conduct independent fee calculations and submit such calculations to the Director. The Director may impose alternative fees on a specific development based on the calculations of the North Thurston School District or may impose alternative fees based on the calculations of the Department. The alternative fees and the calculations must be set forth in writing and must be mailed to the feepayer.

2. An applicant for a development within the North Thurston School District service area may elect to have impact fees determined according to OMC 15.16.030. In the alternative, if an applicant opts not to have the impact fees determined according to OMC 15.16.030 an applicant may elect to prepare and submit an independent fee calculation for the development activity for which a building permit is sought. The applicant shall make the election between fees calculated under Schedule C and an independent fee calculation prior to issuance of the building permit for the development. If the applicant elects to prepare the applicant's own independent fee calculation, the applicant shall submit documentation showing the basis upon which the independent calculation was made. An independent fee calculation must use the same methodology used to establish North Thurston School District's fee schedule for the school district. The Director shall provide the North Thurston School District an opportunity to review the applicant's independent fee calculation and provide an analysis to the Director concerning whether the independent fee calculation should be adopted, rejected, or adopted in part. The Director may adopt, reject, or adopt in part the independent fee calculation based on the analysis prepared by the North Thurston School District, or may impose alternative fees based on one or more of the calculations of the Department, the feepayer's independent fee calculation, the specific characteristics of the development, or principles of fairness. The fees or alternative fees and the calculations must be set forth in writing and must be mailed to the feepayer and to the Superintendent of the North Thurston School District or the Superintendent's designee.

E. Any applicant electing an independent fee calculation shall pay the City of Olympia a fee to cover the cost of reviewing the independent fee calculation, as follows: If the applicant elects to submit the applicant's own independent fee calculation, the applicant shall pay to the City at the time of the independent fee calculation election a fee of \$500.00 plus a deposit of \$500.00 towards the City's actual costs incurred in reviewing the

independent fee calculation. The applicant shall remit all remaining actual costs of the City's review of the independent fee calculation prior to and as a precondition of the City's issuance of the building permit. If the City's actual costs are lower than the deposit amount, the City shall remit the difference to the applicant.

F. While there is a presumption that the calculations set forth in the Parks Study, the Olympia School District Schools Study, the North Thurston School District Capital Facilities Plan, and the Transportation Study are valid, the Director shall consider the documentation submitted by the feepayer, and the analysis prepared by the Olympia School District or the North Thurston School District for development within their respective service areas, but is not required to accept such documentation or analysis which the Director reasonably deems to be inaccurate or not reliable, and may modify or deny the request, or, in the alternative, require the feepayer or the Olympia School District or the North Thurston School District to submit additional or different documentation for consideration. The Director is authorized to adjust the impact fees on a case-by-case basis based on one or more of the independent fee calculations, the specific characteristics of the development, or principles of fairness. The Director shall set forth the Director's decision in writing and shall mail the decision to the feepayer, and with respect to school impact fees, to the Superintendent of the Olympia School District or the Superintendent's designee, or the Superintendent of the North Thurston School District, or the Superintendent's designee, as applicable.

G. Determinations made by the Director pursuant to this section are subject to appeal under the procedures set forth in chapter 18.75 OMC.

15.04.060 Exemptions

A.—The following shall be exempted from the payment of impact fees as follows:

- 1.— ~~Alteration of an existing nonresidential structure that does not expand the usable space or add any residential units shall be exempt from paying all impact fees;~~
- 2.— ~~Miscellaneous improvements, including, but not limited to, fences, walls, swimming pools, and signs shall be exempt from paying all impact fees;~~
- 3.— ~~Demolition or moving of a structure shall be exempt from paying all impact fees;~~
- 4.— ~~Expansion of an existing structure that results in the addition of 120 square feet or less of gross floor area shall be exempt from paying all impact fees;~~
- 5.— ~~Replacement of a structure with a new structure of the same size and use at the same site or lot when such replacement occurs within 72 months of the demolition or destruction of the prior structure shall be exempt from paying all impact fees. Replacement of a structure with a new structure of the same size shall be interpreted to include any structure for which the gross square footage of the building will not be increased by more than 120 square feet. Such replacements shall be exempt from the payment of park, transportation impact fees, and school impact fees; provided that, park, transportation, and school impact fees will be charged for any additional residential units that are created in the replacement and, transportation impact fees shall be charged for any additional gross floor area greater than 120 square feet added in the replacement;~~
- 6.— ~~Any form of housing intended for and solely occupied by persons 62 years or older, including nursing homes and retirement centers, shall be exempt from the payment of school impact fees so long~~

as those uses are maintained, and the necessary covenants or declaration of restrictions, in a form approved by the City Attorney and the School District attorney, required to ensure the maintenance of such uses, are recorded on the property;

7.—The creation of an accessory dwelling unit shall be exempt from the payment of school impact fees and the creation of an accessory dwelling unit within an existing single family structure shall be exempt from the payment of park impact fees;

8.—A single room occupancy dwelling shall be exempt from the payment of school impact fees;

9.—A change in use where the increase in trip generation is less than the threshold stated in OMC (C), Assessment of Impact Fees shall be exempt from paying transportation impact fees; or

10.—Any form of low income housing occupied by households whose income when adjusted for size, is at or below 80 percent of the area median income, as annually adjusted by the U.S. Department of Housing and Urban Development shall be exempt from paying school impact fees provided that a covenant approved by the school district to assure continued use for low income housing is executed, and that the covenant is an obligation that runs with the land upon which the housing is located and is recorded against the title of the property.

11.—Developments limited to residents who routinely receive assistance with activities of daily living such as, but not limited to, bathing, dressing, eating, personal hygiene, transferring, toileting, and mobility shall be exempt from paying park and school impact fees.

12.—Any early learning facility, as defined in RCW , for the purposes of impact fee assessments, will not be subject to an impact fee that is greater than that imposed on commercial retail or office development activities that generate a similar number, volume, type, and duration of vehicle trips. Further, the early learning facility may receive:

a.—An 80 percent reduction in impact fees; or

b.—A full waiver from impact fees when the developer records a covenant with the Thurston County Auditor's Office that is compliant with RCW and:

i.—Requires that at least 25 percent of the children and families using the early learning facility qualify for state subsidized childcare, including early childhood education and assistance under chapter RCW;

ii.—Provides that if the property is converted to a use other than for an early learning facility, the property owner must pay the applicable impact fees in effect at the time of conversion; and

iii.—Provides that if at no point during a calendar year does the early learning facility achieve the required percentage of children and families qualified for state subsidized child care using the early learning facility, the property owner must pay 20 percent of the impact fee that would have been imposed on the development had there not been an exemption within 90 days of the local government notifying the property owner of the breach, and any balance remaining thereafter shall be a lien on the property.

~~B.—With respect to impact fees for parks and transportation, the Director shall be authorized to determine whether a particular development activity falls within an exemption identified in this Section, in any other Section, or under other applicable law. Determinations of the Director shall be in writing and shall be subject to the appeals procedures set forth in OMC Chapter.~~

~~C.—With respect to school impact fees, requests for an exemption shall be directed to District No. 111. District No. 111 shall determine whether a particular development activity falls within an exemption identified in this Section, in any other Section, or under other applicable law. District No. 111 shall forward its determination to the Director in writing, and the Director may adopt the determination of District No. 111 and may exempt or decline to exempt a particular development activity, or the Director may make an alternative determination and set forth the rationale for the alternative determination. Determinations of the Director shall be in writing and shall be subject to the appeals procedures set forth in OMC Chapter.~~

~~D.—Upon application by the owner, a partial exemption of not more than eighty percent (80%) of park, transportation and school impact fees, with no explicit requirement to pay the exempted portion of the fee from public funds, may be granted to a low income housing development, as defined below:~~

~~1.—The Director, after consultation with the Directors of Parks and Public Works Transportation, may grant an exemption to a low income housing project listed in an annual consolidated action plan approved by the City Council.~~

~~2.—The City Council may grant an exemption to a low income housing project not included in an annual consolidated action plan.~~

~~3.—The decision to grant, partially grant or deny an exemption shall be based on the public benefit of the specific project, the extent to which the applicant has sought other funding sources, the financial hardship to the project of paying the impact fees, the impacts of the project on public facilities and services, and the consistency of the project with adopted City plans and policies relating to low income housing.~~

~~4.—An exemption granted under this subsection must be conditioned upon requiring the developer to record a covenant approved by the Director that prohibits using the property for any purpose other than for low income housing as described in OMC Subsection 15.04.060.A.10. At a minimum, the covenant must address price restrictions and household income limits for the low income housing, and require that, if the property is converted to a use other than for low income housing as defined in the covenant, the property owner must pay the applicable impact fees in effect at the time of any conversion. Covenants required by this subsection must be recorded with the Thurston County Auditor.~~

~~5.—"Low income housing" means housing with a monthly housing expense that is no greater than thirty percent (30%) of eighty percent (80%) of the median family income adjusted for family size for Olympia, as reported by the United States Department of Housing and Urban Development.~~

The following are exempt from the payment of all or a portion of impact fees:

A. The development of any form of housing intended for and solely occupied by persons 55 years or older, including nursing homes and retirement centers, is exempt from the payment of school impact fees. A feepayer seeking an exemption from school impact fees as provided in this subsection shall direct the request for an exemption to the Director. The Director may grant, partially grant, or deny an exemption. The Director

shall make such determination in writing and such determination is subject to appeal under the procedures set forth in chapter 18.75 OMC.

B. The development of any form of housing meeting the definition of "Dwelling, Assisted Living" in OMC 18.02.180(D) is exempt from park impact fees and school impact fees. A feepayer seeking an exemption from park or school impact fees (or both) as provided in this subsection shall direct the request for an exemption to the Director. The Director may grant, partially grant, or deny an exemption. The Director shall make such determination in writing and such determination is subject to appeal under the procedures set forth in chapter 18.75 OMC.

C. The development of any form of low-income housing, as follows:

1. The development of any form of low-income housing within the Olympia School District or the North Thurston School District service areas may be exempt from not more than 80 percent of school impact fees. A feepayer seeking an exemption from school impact fees as provided in this subsection shall direct the request for an exemption to the Director. The Director may grant, partially grant, or deny an exemption. The Director shall make such determination in writing and such determination is subject to appeal, including by the feepayer or by the Olympia School District or the North Thurston School District, under the procedures set forth in chapter 18.75 OMC.

2. The development of any form of low-income housing may be exempt from not more than 80 percent of park and transportation impact fees. A feepayer seeking an exemption from park or transportation impact fees (or both) as provided in this subsection shall direct the request for an exemption to the Director. The Director may grant, partially grant, or deny an exemption under this subsection after consultation with the Directors of Parks, Arts and Recreation and Public Works Transportation. The Director shall make such determination in writing and such determination is subject to appeal under the procedures set forth in chapter 18.75 OMC.

D. The development of any early learning facilities, as follows:

1. For the purposes of impact fee assessments, the development of an early learning facility, as defined in RCW 43.31.565, is not subject to an impact fee that is greater than that imposed on commercial retail or office development activities that generate a similar number, volume, type, and duration of vehicle trips.

2. The Development of an early learning facility may receive:

a. An exemption for 80 percent of impact fees; or

b. An exemption for 100 percent of impact fees if the feepayer records a covenant with the Thurston County Auditor's Office that is compliant with RCW 82.02.060 and:

i. Requires that at least 25 percent of the children and families using the early learning facility qualify for state subsidized childcare, including early childhood education and assistance under chapter 43.216 RCW;

ii. Provides that if the property is converted to a use other than for an early learning facility, the property owner must pay the applicable impact fees in effect at the time of conversion; and

iii. Provides that if at no point during a calendar year does the early learning facility achieve the required percentage of children and families qualified for state subsidized child care using the early learning facility, the property owner must pay 20 percent of the impact fee that would have been imposed on the development had there not been an exemption within 90 days of the local government notifying the property owner of the breach, and any balance remaining thereafter shall be a lien on the property.

E. The decision to grant, partially grant, or deny a request for an exemption under this section must be based on the public benefit of the specific project, the extent to which the applicant has sought other funding sources, the financial hardship to the project of paying the impact fees, the impacts of the project on public facilities and services, and the consistency of the project with adopted City plans and policies, including those relating to low-income housing.

F. An exemption granted under this subsection must be conditioned upon the developer recording a covenant approved by the Director, in a form acceptable to the city attorney, and, for school impact fee exemptions, the school district, that prohibits using the property for any purpose other than that identified in the request for exemption. For low-income housing developments, at a minimum, the covenant must address price restrictions and household income limits for the low-income housing, and require that, if the property is converted to a use other than for low-income housing as defined in the covenant, the property owner must pay the applicable impact fees in effect at the time of any conversion. The feepayer shall record a covenant required by this subsection with the Thurston County Auditor, at the feepayer's expense.

15.04.070 Credits

A.—A feepayer can request that a credit or credits for park and/or transportation impact fees be granted for the total value of dedicated land, improvements, and/or construction provided by the feepayer if the land, improvements, and/or construction facility are identified in the capital facilities plan as projects providing capacity to serve new growth. The Director may make a finding that such land, improvements, and/or facility would serve the goals and objectives of the capital facilities plan. For park and transportation impact fees, the feepayer can also request a credit or credits for significant past tax payments. For each request for a credit or credits for significant past tax payments for park and transportation impact fees, the feepayer shall submit receipts and a calculation of past tax payments earmarked for or proratable to the projects that provide capacity to serve new growth in the capital facilities plan.

B.—Where the dedicated land, improvements, and/or construction is for the benefit of District No. 111, the feepayer shall direct the request for a credit or credits to District No. 111. District No. 111 shall first determine the general suitability of the land, improvements, and/or construction for District purposes. Second, District No. 111 shall determine whether the land, improvements, and/or the facility constructed are included within the District's adopted capital facilities plan or the Board of Directors for District No. 111 may make the finding that such land, improvements, and/or facilities would serve the goals and objectives of the capital facilities plan of District No. 111. District No. 111 shall forward its determination to the Director, including cases where District No. 111 determines that the dedicated land, improvements, and/or construction are not suitable for District purposes. The Director may adopt the determination of District No. 111 and may award or decline to award a

credit, or the Director may make an alternative determination and set forth in writing the rationale for the alternative determination.

C.—For each request for a credit or credits, if appropriate, the Director shall select an appraiser or the feepayer may select an independent appraiser acceptable to the Director. The appraiser must be a Washington State Certified Appraiser or must possess other equivalent certification and shall not have a fiduciary or personal interest in the property being appraised. A description of the appraiser's certification shall be included with the appraisal, and the appraiser shall certify that the appraiser does not have a fiduciary or personal interest in the property being appraised.

D.—The appraiser shall be directed to determine the total value of the dedicated land, improvements, and/or construction provided by the feepayer on a case-by-case basis.

E.—Where the dedicated land, improvements, and/or construction is for the benefit of District No. 111 and District No. 111 has determined that the land, improvements, and/or construction would be suitable for District purposes, District No. 111 shall select an appraiser or the feepayer may select an independent appraiser acceptable to District No. 111. Such appraiser must meet and comply with the requirements set forth in subsection C above. The appraiser shall be directed to determine the value of the dedicated land, improvements, or construction provided by the feepayer on a case-by-case basis.

F.—The feepayer shall pay for the cost of the appraisal or request that the cost of the appraisal be deducted from the credit which the Director may be providing to the feepayer, in the event that a credit is awarded.

G.—After receiving the appraisal, or the determination of District No. 111, and where consistent with the requirements of this Section, the Director shall provide the applicant with a letter or certificate setting forth the dollar amount of the credit, the reason for the credit, the legal description of the site donated where applicable, and the legal description or other adequate description of the project or development to which the credit may be applied. The applicant must sign and date a duplicate copy of such letter or certificate indicating the applicant's agreement to the terms of the letter or certificate, and return such signed document to the Director before the impact fee credit will be awarded. The failure of the applicant to sign, date, and return such document within sixty (60) calendar days shall nullify the credit. The credit must be used within seventy-two (72) months of the award of the credit.

H.—Any claim for credit must be made no later than twenty (20) calendar days after the submission of an application for a building permit.

I.—In no event shall the credit exceed the amount of the impact fees that would have been due for the proposed development activity.

J.—No credit shall be given for project improvements.

K.—Determinations made by the Director pursuant to this Section shall be subject to the appeals procedures set forth in OMC Chapter 18.75.

A. Park or transportation impact fee credit: A feepayer may be entitled to a credit or credits against park or transportation impact fees (or both) for the total value of any dedication of land for, improvement to, or new construction of any system improvement provided by the feepayer. A feepayer may request that a credit against park or transportation impact fees, or both, be granted for the total value of a system improvement provided by the feepayer if the system improvement is identified in the applicable capital facilities plan as projects providing capacity to serve new growth. The Director may make a finding that such system

improvement would serve the goals and objectives of the capital facilities plan. For park and transportation impact fees, the feepayer may also request a credit or credits for significant past tax payments. For each request for a credit or credits for significant past tax payments for park or transportation impact fees, the feepayer shall submit receipts and a calculation of past tax payments earmarked for or proratable to the project or projects that provide capacity to serve new growth in the capital facilities plan.

B. School impact fee credit: A feepayer may be entitled to a credit or credits against school impact fees for the total value of any dedication of land for, improvement to, or new construction of any system improvement provided by the feepayer, as follows:

1. North Thurston School District: Where the system improvement is for the benefit of the North Thurston School District, a feepayer may request that a credit for school impact fees be awarded to the feepayer for the total value of any system improvement provided by the feepayer. The feepayer shall direct the request for a credit to the Director and shall include documentation, such as receipts, to establish the amount of credit requested. The Director shall transmit the feepayer's request for a credit to the North Thurston School District, which shall determine the general suitability of system improvements for school district purposes. The North Thurston School District shall determine whether the system improvements are included within the district's adopted capital facilities plan or the board of directors of the North Thurston School district may determine that such system improvements would serve the goals and objectives of the capital facilities plan. The North Thurston School District shall forward its determination to the Director, including cases where the district determines that the system improvements are not suitable for district purposes or do not serve the goals and objects of the capital facilities plan. The Director may adopt the determination of the district and may award or decline to award a credit, or the Director may make an alternative determination and set forth in writing the rationale for the alternative determination.

2. Olympia School District: Where the system improvement is for the benefit of the Olympia School District, the feepayer shall direct the request for a credit to the Olympia School District, which shall determine the general suitability of the system improvement for District purposes. The Olympia School District shall determine whether the system improvement is included within the District's adopted capital facilities plan or the board of directors of the Olympia School District may determine that such system improvement would serve the goals and objectives of the capital facilities plan of the Olympia School District. The Olympia School District shall forward its determination to the Director, including cases where the Olympia School District determines that the system improvements are not suitable for District purposes or do not serve the goals and objects of the capital facilities plan. The Director may adopt the determination of the Olympia School District and may award or decline to award a credit, or the Director may make an alternative determination and set forth in writing the rationale for the alternative determination.

C. Appraisal of value of system improvements:

1. Except as provided in subsection 2 of this section, for each request for a credit determined by the Director to meet the requirements of this section, the Director shall determine the total value of the system improvements by using available documentation, or the Director may select an appraiser to make such determination. Alternatively, the feepayer may select an independent appraiser acceptable to the Director to make such determination.

2. For a system improvement benefiting the Olympia School District, for each request for a credit determined by the Director to meet the requirements of this section, the Olympia School District shall select an appraiser to determine the total value of the system improvements. Alternatively, the feepayer may select an independent appraiser acceptable to the Director, to make such determination.

3. An appraisal under this section must be performed by a Washington State Certified Appraiser or a person who possesses other equivalent certification. The person performing the appraisal may not have a fiduciary or personal interest in the project improvement being appraised. The person performing the appraisal shall include a description of the appraiser's qualifications with the appraisal and shall certify that the appraiser does not have a fiduciary or personal interest in the project improvement being appraised. The person performing the appraisal shall determine the total value of the system improvement provided by the feepayer on a case-by-case basis.

4. The feepayer shall pay for the cost of any appraisal under this section, or request that the cost of the appraisal be deducted from the credit which the Director may be providing to the feepayer, in the event that a credit is awarded.

D. For each request for a credit determined by the Director to meet the requirements of this section, and after the value of the system improvement has been determined as provided in Subsection C, above, the Director shall provide the feepayer with a letter or certificate setting forth the dollar amount of the credit, the reason for the credit, the legal description of the site donated where applicable, and the legal description or other adequate description of the project or development to which the credit may be applied. The feepayer must sign and date a duplicate copy of such letter or certificate indicating the applicant's agreement to the terms of the letter or certificate and return such signed document to the Director before the impact fee credit will be awarded. The failure of the feepayer to sign, date, and return such document within 60 calendar days nullifies the credit. The feepayer must the credit within 72 months of the award of the credit.

E. A feepayer shall make any request for a credit for a system improvement no later than the time of application for a building permit.

F. In no event may the credit exceed the amount of the impact fees that would have been due for the proposed development activity.

G. A feepayer is not entitled to any impact fee credit or credits for project improvements.

H. Determinations made by the Director pursuant to this Section are subject to the appeals procedures set forth in chapter 18.75 OMC.

15.04.080- Tax adjustments

Pursuant to and consistent with the requirements of RCW 82.02.060, the Parks Study, the Transportation Study, ~~and the Olympia School District Schools Study and the North Thurston School District Capital Facilities Plan~~ have provided adjustments for future taxes to be paid by the new development which are earmarked or proratable to the same new public facilities which will serve the new development. The impact fee schedules in ~~Appendix A (Chapter 15.16) OMC~~ have reasonably adjusted for taxes and other revenue sources which are anticipated to be available to fund these public improvements.

15.04.090- Appeals

A. Any feepayer may ~~pay~~any the impact ~~fees~~fee imposed by this title under protest in order to obtain a building permit or occupancy permit. No appeal ~~shall be~~ permitted until ~~the~~any impact ~~fees~~fee at issue ~~have~~has been paid.

B. Appeals regarding the impact ~~fees~~fee imposed on any development activity ~~shall~~may only be filed by the feepayer of the property where such development activity will occur, except as otherwise provided herein (See Subsection E of this section).

C. ~~The~~ Prior to filing an appeal, ~~The~~the feepayer ~~must~~shall first file a request for review regarding impact fees with the Director, as provided herein:

1. The request ~~shall~~must be in writing on the form provided by the City;
2. The request for review by the Director ~~shall~~must be filed no later than ~~fourteen~~ (14) calendar days after the feepayer pays the impact ~~fees~~fee at issue;
3. No administrative fee ~~will be~~ imposed for the request for review by the Director; and
4. The Director shall issue a determination in writing.

D. Determinations of the Director with respect to the applicability of the impact ~~fees~~fee to a given development activity, the availability or value of a credit, or the Director's decision concerning the independent fee calculation, or exemptions, or any other determination which the Director is authorized to make pursuant to this title, ~~can~~may be appealed to the hearing examiner subject to the procedures set forth in ~~OMC~~ chapter 18.75 OMC.

E. If the Director makes a determination on an adjustment, credit, or independent fee calculation contrary to or inconsistent with the determination or analysis prepared by ~~District No. 111, District No. 111~~the Olympia School District or the North Thurston School District, with respect to a system improvement benefiting such district, the district may appeal the Director's determination to the hearing examiner subject to the procedures set forth in ~~OMC~~ chapter 18.75 OMC.

15.04.100- Establishment of impact fee accounts for parks and transportation

A. Impact fee receipts ~~shall~~must be earmarked specifically and deposited in special interest-bearing accounts. The City shall invest the fees received ~~shall be invested~~ in a manner consistent with the investment policies of the City.

B. There are hereby established two separate impact fee accounts for the fees collected pursuant to this title: the Parks Impact Account and the Transportation Impact Account. ~~Funds~~The City shall use funds withdrawn from these accounts ~~must be used~~ in accordance with the provisions of Section OMC 15.04.130 of this title. Interest earned on the fees ~~shall~~must be retained in each of the accounts and expended for the purposes for which the impact fees were collected.

C. On an annual basis, the Financial Director shall provide a report to the Council on each of the two impact fee accounts showing the source and amount of all moneys collected, earned, or received, and the public improvements that were financed in whole or in part by impact fees.

D. Impact fees ~~shall~~must be expended or encumbered within ~~ten (10)~~ years of receipt, unless the Council identifies in written findings extraordinary and compelling reason or reasons for the City to hold the fees beyond the ~~ten (10)-year~~10-year period. Under such circumstances, the Council shall establish the period of time within which the impact fees ~~shall be~~are expended or encumbered.

15.04.110 Authorization for the school interlocal agreement and the establishment of the school impact account

A. The City Manager is authorized to execute, on behalf of the City, an interlocal agreement for the collection, expenditure, and reporting of school impact fees; provided that, such interlocal agreement complies with the provisions of this Section.

B. As a condition of the interlocal agreement, ~~District No. 111~~the Olympia School District shall establish a School Impact Account with the Office of the Thurston County Treasurer, who serves as the Treasurer for District No. 111. The account ~~shall~~must be an interest-bearing account, and the school impact fees received ~~shall~~must be invested in a manner consistent with the investment policies of ~~District No. 111~~the Olympia School District.

C. As a condition of the applicable interlocal agreement, the North Thurston School District shall establish a School Impact Account with the Office of the Thurston County Treasurer, who serves as the Treasurer for the North Thurston School District. The account must be an interest-bearing account, and the school impact fees received must be invested in a manner consistent with the investment policies of the North Thurston School District.

~~E.D.~~ For administrative convenience while processing the fee payments, school impact fees may be temporarily deposited in a City account, with interest earned retained by the City. As soon as practicable, the City shall transmit the school impact fees collected for the Olympia School District No. 111 to the Olympia School District No. 111, and the Olympia School District No. 111 shall deposit the fees in the School Impact Account established by the Olympia School District. Likewise, as soon as practicable, the City shall transmit the school impact fees collected for the North Thurston School District to the North Thurston School District, and the North Thurston School District shall deposit the fees in the School Impact Account established by the North Thurston School District.

~~E.E.~~ Funds withdrawn from the School Impact AccountAccounts for the Olympia School District No. 111 and the North Thurston School District must be used in accordance with the provisions of Section-OMC 15.04.130 of this title. The interest earned shall~~must~~be retained in this accountthese accounts and expended for the purposes for which the school impact fees were collected.

~~E.F.~~ On an annual basis, pursuant to the interlocal agreement,agreements, the Olympia School District No. 111and the North Thurston School District shall each provide a report to the Council on thetheir respective School Impact Account, showing the source and amount of all monies collected, earned, or received, and the public improvements that were financed in whole or in part by impact fees.

F.G. ~~___~~ School impact fees ~~shall~~must be expended or encumbered within ~~ten-(10)~~ years of receipt, unless the Council identifies in written findings extraordinary and compelling reason or reasons for the Olympia School District No. 111 or the North Thurston School District to hold the fees beyond the ~~ten-(10)-~~year period. Under such circumstances, the Council shall establish the period of time within which the impact fees ~~shall~~must be expended or encumbered, after consultation with ~~District No. 111~~the Olympia School District or the North Thurston School District, as applicable.

15.04.120- Refunds

A. If the City ~~or, the Olympia School District No. 111, or the North Thurston School District~~ fails to expend or encumber the impact fees within ~~ten-(10)~~ years of when the fees were paid, or where extraordinary or compelling reasons exist, such other time periods as established pursuant to ~~Sections OMC 15.04.100 or OMC 15.04.110~~, the current owner of the property on which impact fees have been paid may receive a refund of such fees. In determining whether impact fees have been expended or encumbered, impact fees ~~shall be~~are considered expended or encumbered on a first in, first out basis.

B. The City shall notify potential claimants by first class mail deposited with the United States Postal Service at the last known address of such claimants. The potential claimant must be the owner of the property for which the impact fee was paid.

C. ~~Current~~A current owner(s) seeking a refund of impact fees ~~must~~shall submit a written request for a refund of the fees to the Director ~~and/or the Olympia School District No. 111~~(for school impact fees in its service area) or the North Thurston School District (for school impact fees in its service area) within one ~~(1)~~ year of the date the right to claim the refund arises or the date that notice is given, whichever is later.

D. ~~Any~~The City, the Olympia School District, or the North Thurston School District, as applicable, shall retain any impact fees for which no application for a refund has been made by the claimant within this one-year period ~~shall be retained by the City or District No. 111 and such retained fees must be~~ expended on the appropriate public facilities. ~~Claimants shall have~~A claimant has no rightright to a refund if not timely requested pursuant to ~~Subsection OMC 15.04.120(C)~~.

E. Refunds of impact fees under this ~~Section~~shallmust include any interest earned on the impact fees by the City ~~or, the Olympia School District No. 111, or the North Thurston School District~~.

F. When the City seeks to terminate any or all components of the impact fee program, it shall refund, pursuant to this section, all unexpended or unencumbered funds from any terminated component or components, including interest earned, ~~shall be refunded pursuant to this Section~~. Upon the finding that any or all fee requirements are to be terminated, the City shall place notice of such termination and the availability of refunds in a newspaper of general circulation at least two ~~(2)~~ times and shall notify all potential claimants by first class mail at the last known address of the claimants. All funds available for refund ~~shall~~must be retained for a period of one ~~(1)~~ year. At the end of one ~~(1)~~ year, any remaining funds ~~shall~~must be retained by the City, but must be expended for the appropriate public facilities. This notice requirement ~~shall~~does not apply if there are no unexpended or unencumbered balances within the account or accounts being terminated.

G. The City, or the Olympia School District, or the North Thurston School District shall also refund to the current owner of property for which impact fees have been paid all impact fees paid, including interest earned on the impact fees, if the development activity for which the impact fees were imposed did not occur; provided that, if the City ~~or District No. 111, the Olympia School District, or the North Thurston School District~~ has

expended or encumbered the impact fees in good faith prior to the application for a refund, the Director ~~or, the Olympia School District No. 111 can, or the North Thurston School District may~~ decline to provide the refund. If within a period of three ~~(3)~~ years, the same or subsequent owner of the property proceeds with the same or substantially similar development activity, the owner can petition the Director, or the Olympia School District No. 111, or the North Thurston School District for an offset against the actual impact fee amounts paid. The petitioner ~~must~~shall provide receipts of impact fees previously paid for a development of the same or substantially similar nature on the same property or some portion thereof. In the case of park or transportation impact fees, the Director shall determine whether to grant an offset, and the determinations of the Director may be appealed pursuant to the procedures in ~~OMC Chapter 18.75 OMC~~. In the case of school impact fees, the Olympia School District No. 111 or the North Thurston School District, as applicable, shall determine whether to grant an offset. The Olympia School District No. 111 or the North Thurston School District shall forward its determination to the Director, and the Director may adopt the determination of ~~District No. 111 the district~~ and may grant or decline to grant an offset, or the Director may make an alternative determination and set forth the rationale for the alternative determination. ~~Determinations of the~~ The Director shall make such a determination in writing and ~~shall be the Director's determination is~~ subject to the appeals procedures set forth in ~~OMC Chapter 18.75 OMC~~.

15.04.130-Use of funds

A. Pursuant to this title, impact fees:

1. ~~shall~~Must be used for public improvements that will reasonably benefit the new development; and
2. ~~shall~~May not be imposed to make up for deficiencies in public facilities serving existing developments; and
3. ~~shall~~May not be used for maintenance or operation.

B. With respect to parks facilities, impact fees may be spent for public improvements, including, ~~but not limited to,~~ planning for parks that will reasonably benefit the new development, land acquisition, site improvements, necessary off-site improvements, construction, engineering, architectural, permitting, financing, and administrative expenses, applicable impact fees or mitigation costs, and capital equipment pertaining to park facilities.

C. Transportation impact fees may be spent for public improvements, including, ~~but not limited to,~~ planning, land acquisition, right-of-way acquisition, site improvements, necessary off-site improvements, construction, engineering, architectural, permitting, financing, and administrative expenses, applicable impact fees, or mitigation costs, and any other expenses which can be capitalized pertaining to transportation improvements.

D. With respect to schools, impact fees may be spent for public improvements, including, ~~but not limited to,~~ school planning, land acquisition, site improvements, necessary off-site improvements, construction, engineering, architectural, permitting, financing, and administrative expenses, applicable impact fees or mitigation costs, capital equipment pertaining to educational facilities, and any other expenses which can be capitalized.

E. Impact fees may also be used to recoup public improvement costs previously incurred by the City, ~~or the Olympia School District No. 111, or the North Thurston School District~~ to the extent that new growth and development will be served by the previously constructed improvements or incurred costs.

F. In the event that bonds or similar debt instruments are or have been issued for the advanced provision of public improvements for which impact fees may be expended, impact fees may be used to pay debt service on such bonds or similar debt instruments to the extent that the facilities or improvements provided are consistent with the requirements of this Section and are used to serve the new development.

15.04.140-Administrative guidelines

The Director ~~shall be~~ is authorized to adopt forms, applications, brochures, and guidelines for the implementation of this title, which may include the adoption of a procedures guide for impact fees.

15.04.150 Review

The Council shall review the fee schedules set forth in Chapter 15.16~~OMC shall be reviewed by the Council~~ as it may deem necessary and appropriate in conjunction with the annual update of the capital facilities plan element of the City's comprehensive plan.

15.04.160 Additional provisions pertaining to North Thurston School District

Service Area. The service area for the North Thurston School District school impact fees is the portions of the boundary of the North Thurston School District within the incorporated city limits of Olympia. The service area for the North Thurston School District Capital Facilities Plan, as amended, is hereby found to be reasonable and established on the basis of sound planning and engineering principles and are consistent with chapter 82.02 RCW.

Section 2. Amendment of OMC 15.08.030. Section 15.08.030 of the Olympia Municipal Code is hereby amended to read as follows:

15.08.030 School impact fees

A. The school impact fees applicable to developments within the Olympia School District service area set forth in Schedule C (Section OMC 15.16.030), attached to this title, are generated from the formula for calculating impact fees set forth in the School Study and the Olympia School District No. 111 Capital Facilities Plan, as the same may be amended from year to year. The School Study and the District's Capital Facilities Plan, as amended, are incorporated herein by reference. Except as otherwise provided in Sections OMC 15.04.050, OMC 15.04.060, or OMC 15.04.070 of Chapter 15.04, all new residential developments in the City within the Olympia School District service area will be charged the school impact fee in Schedule C (Section OMC 15.16.030).

B. The school impact fees applicable to developments within the North Thurston School District service area set forth OMC 15.16.030, attached to this title, are generated from the formula for calculating impact fees set forth in the North Thurston School District Capital Facilities Plan, as the same may be amended from year to year. The North Thurston School District Capital Facilities Plan, as amended, is incorporated herein by reference. Except as otherwise provided in OMC 15.04.050, OMC 15.04.060, or OMC 15.04.070, all new residential developments in the City within the North Thurston School District service area will be charged the school impact fee in OMC 15.16.030.

Section 3. 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 4. Severability. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the Ordinance or application of the provisions to other persons or circumstances shall remain unaffected.

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

Section 6. Effective Date. This Ordinance shall take effect thirty (30) days after passage and publication, as provided by law.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

Michael M. Young

DEPUTY CITY ATTORNEY

PASSED:

APPROVED:

PUBLISHED:



City Council

Public Hearing on the Exercise of Eminent Domain by the City of Olympia for the Fones Road Improvement Project.

Agenda Date: 10/4/2022
Agenda Item Number: 5.A
File Number: 22-0898

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

Title

Public Hearing on the Exercise of Eminent Domain by the City of Olympia for the Fones Road Improvement Project.

Recommended Action

Committee Recommendation:

Not referred to a committee.

City Manager Recommendation:

Hold a public hearing on the exercise of eminent domain by the City of Olympia for the Fones Road Improvement Project.

Report

Issue:

Whether to hold a public hearing on the exercise of eminent domain by the City of Olympia for the Fones Road Improvement Project.

Staff Contact:

Jim Rioux, Project Manager, Public Works Engineering, 360.753.8484

Presenter(s):

Mark Russell, P.E., Interim Public Works Director
Kinnon Williams, Foster Garvey PC

Background and Analysis:

The Project

Fones Road is a critical corridor directly serving commercial, industrial, and residential properties in east Olympia. The condition of the street is poor, sidewalks are scarce, they are neither contiguous nor accessible to people with disabilities, there are no bicycle facilities, and the only marked crosswalk on the half mile corridor between Pacific and 18th Avenues is at the Karen Fraser Woodland Trail. The trail crossing also needs safety improvements.

Public Works has progressed the design of Fones Road to the 90% level of completion, and it has

initiated acquisition of the right-of-way needed to build and later maintain the project. The project design includes, among many features, paths on both sides of the street with dedicated space for pedestrians and bicyclists that will be separated from the travel lanes. These will be the first separated bicycle lanes in our region. The planned access control, roundabout, decreased operating speed, and raised trail crossing will make Fones Road safer and more accessible for everyone who uses it, whether walking, bicycling, or driving.

Approximately 5,000 people live within a half mile, or a ten-minute walk, of Fones Road. Those who live on the east side of it are in a Census Tract that has been designated as a "Historically Disadvantaged Community" by the US Department of Transportation. 2020 Census data also indicates that this is a more racially diverse part of the community than other parts. Investing in this community reflects the City's commitment to improving equity. Those who drive will benefit from the increased safety and improved vehicle flow on the corridor, and those who do not will find it much easier to get around.

Additionally, Fones Road is an important employment center, particularly for people working in the retail and industrial sectors. In fact, in 2021 the City and Crown Beverage Packaging, located at the north end of Fones Road, earned the Economic Development Award from the Washington Economic Development Association for business retention. Improving truck access and circulation to this employer and others along the corridor is a key strategy for business retention.

When the project is done, those who live or work along Fones Road will be able to comfortably walk or bike to, among other places:

- Transit stops on Pacific or 18th
- Shopping or employment destinations at the north end of the corridor
- The regional trails network
- Homes, including a large mobile home park, along the south end of the corridor

Grant Funding

The City has received a total of \$6,064,571 in grant funding for this project from various sources, shown in the table below. Under federal grant rules, if we do not obligate funds for construction by April 30, 2023, we risk not only needing to return the federal grants but also impacting the entire Thurston Region's ability to receive future grants.

Therefore, we estimate that right-of-way acquisition must be done by February 15, 2023. This will allow enough time for the Washington State Department of Transportation to certify it, enabling us to obligate funding for construction by April 30th.

| Year | Grant Agency | Phase | Program | Amount |
|------|--------------|--------------|--|-------------|
| 2018 | FHWA | Design | Surface Transportation Program (STP) | \$1,176,803 |
| 2020 | FHWA | Construction | Surface Transportation Program (STP) | \$2,040,118 |
| 2020 | FHWA | Construction | Congestion Mitigation and Air Quality (CMAQ) | \$463,875 |
| 2020 | FHWA | Construction | Transportation Alternatives (TA) | \$383,775 |
| 2021 | TIB | Construction | Urban Arterial Program (UAP) | \$2,000,000 |
| | | | TOTAL | \$6,064,571 |

FHWA is the Federal Highway Administration, and the Transportation Improvement Board is a state funding agency.

Eminent domain

City staff make every effort to purchase right-of-way from each property owner, which is a routine part of many City projects. In every instance, we are required to offer a fair market value for the land purchase and follow multiple procedures to ensure the negotiation process is fair for everyone involved.

Eminent domain is sometimes a necessary tool for the City to use, such as when we are unable to finish negotiations on time. As with purchasing right-of-way, eminent domain requires that we pay property owners fair market value for their land. Additionally, using eminent domain requires us to follow “due process,” meaning that the property is acquired in a court proceeding.

We will continue to make every effort to purchase right-of-way. However, using eminent domain may become necessary in order to acquire the property in time to meet our obligation date. Both City and consultant staff have communicated extensively with each affected property owner, including officially notifying them of this public hearing and the pending City Council action regarding right-of-way acquisition.

Neighborhood/Community Interests (if known):

The Fones Road Project was included in the Transportation Master Plan which was reviewed by the public, and accepted by the Council in February 2021. The project is in the current Capital Facilities Plan (CFP), as well as prior year CFPs. Each year, the CFP is presented to the public for review prior to City Council approval.

Completion of this project will transform this corridor into a safer, multimodal street. The the street will better serve people of all abilities and increase access to transit in 18th and Pacific Avenues.

Options:

1. Hold a public hearing on the exercise of eminent domain by the City of Olympia for the Fones Road Improvement Project. Staff will bring Council a proposed Ordinance regarding eminent domain for consideration at a future meeting. This will ensure that right-of-way acquisition continues on a timeline needed for successful completion of the project.
2. Hold a public hearing on the exercise of eminent domain by the City of Olympia for the Fones Road Improvement Project at a later date. This could delay the right-of-way acquisition process and potentially jeopardize grant funding, not only for Olympia but all jurisdictions in the Thurston Region.
3. Do not hold a public hearing on the exercise of eminent domain. If acquisition agreements cannot be reached with property owners along Fones Road in a timely manner, then grant funding for the project and others within the region will be in jeopardy.

Financial Impact:

Costs associated with fees for eminent domain proceedings have been included in the current budget estimate for this project. The total project budget is approximately \$16 million.

Attachments:

Fones Road Before/After Visualizations







Fones Road @ Woodland Trail - Before



Fones Road Woodland Trail - After



City Council

Senior Services of South Sound Home Share Program Update

Agenda Date: 10/4/2022
Agenda Item Number: 6.A
File Number: 22-0923

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

Title

Senior Services of South Sound Home Share Program Update

Recommended Action

Committee Recommendation:

Not referred to a committee.

City Manager Recommendation:

Receive an update on the Senior Services of South Sound Home Share Program.

Report

Issue:

Whether to receive an Update on the Senior Services of South Sound Home Share Program.

Staff Contact:

Susan Grisham, Assistant to the City Manager, 360.753.8244

Presenter(s):

Rebecca Hutchinson, Home Share Manager, Senior Services for South Sound

Background and Analysis:

On July 9, 2021, the City Council received a request from Senior Services of South Sound for \$27,000 to round out funding for their Home Share Program. On September 21, the City Council approved the request, allocating \$27,000 of their Council goal funds for this program.

The Home Share Program facilitates arrangements where Home Providers offer accommodation to Home Seekers in exchange for an agreed upon level of support in the form of combinations of financial contribution, assistance with household tasks, transportation, or companionship. Home Providers and Home Seekers derive several benefits from home sharing through reduced housing expenses, increased independence, and the ability to age in place.

Senior Services of South Sound secured a full two years of pilot funding from other jurisdictions as well, for to staff the program and gain momentum in the community. The annual budget for the

program Includes 1.5 FTE and associated outreach and administrative expenses \$95,000 per year.

Senior Services of South Sound has received the following support, along with the \$27,000 allocated by Olympia:

- \$95,000 from the City of Lacey for two years.
- \$50,000 from Regional Housing Council starting September 2021 through August 2022
- \$18,000 from Tumwater CDBG for one year starting September 2021.

Neighborhood/Community Interests (if known):

Affordable housing and aging in place are of great interest to the Community.

Options:

1. Receive an update on the Senior Services of South Sound Home Share Program.
2. Do not receive an update on the Senior Services of South Sound Home Share Program.
3. Receive an update on the Senior Services of South Sound Home Share Program at another time.

Financial Impact:

In 2021, the City Council allocated \$27,000 in Council Goal funds for the program.

Attachments:

None



City Council

Approval of the Recommended Social Justice and Equity Commission 2022-2023 Work Plan

Agenda Date: 10/4/2022
Agenda Item Number: 6.B
File Number: 22-0913

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

Title

Approval of the Recommended Social Justice and Equity Commission 2022-2023 Work Plan

Recommended Action

Commission Recommendation:

The Community Livability and Public Safety Committee received a briefing on the Social Justice and Equity Commission recommended 2022-2023 Work Plan at their September 28 meeting and recommended forwarding it to the full City Council as amended.

City Manager Recommendation:

Move to approve the Social Justice and Equity Commission recommended 2022-2023 Work Plan as amended and approved by the Community Livability and Public Safety Committee.

Report

Issue:

Whether to approve the Social Justice and Equity Commission recommended 2022-2023 Work Plan as amended and approved by the Community Livability and Public Safety Committee.

Staff Contact:

Tobi Hill-Meyer, Diversity, Equity, and Inclusion Program Manager, Office of Strategic Initiatives
360.753.8285

Presenter(s):

Tobi Hill-Meyer, Diversity, Equity, and Inclusion Program Manager

Background and Analysis:

Each year, all advisory committees, boards, and commissions develop a work plan. The annual cycle goes from April to the following March, to match the appointment of new Commissioners in April 2023.

The Social Justice and Equity Commission (Commission) was formed earlier this year and had their first meeting in May 2022. At their retreat on September 10, they approved a work plan for the remainder of the Commission's annual cycle (September 2022 - April 2023). Work plan approval is required for the Commission to move forward on these projects and actions.

Highlights of the 2022-2023 work plan include the execution of a community discrimination assessment to gain a better understanding of discrimination in our community and what kinds of interventions could be effective, making a recommendation to the Council for civilian police oversight, and the creation of educational materials such as Know Your Rights and employer/landlord guidance.

The Community Livability and Public Safety Committee amended the work plan by requesting the Commission provide community oversight of the Police Auditor until a permanent civilian oversight model is recommended and approved by the City Council.

Meetings are held virtually on the fourth Monday of every month from 6-8 p.m.

Neighborhood/Community Interests (if known):

The purpose of the Social Justice and Equity Commission is to “eliminate racism and fulfill human rights for a just and equitable Olympia for all people.” The community has an expectation of to move forward with all reasonable speed.

Options:

1. Approve the recommended Social Justice and Equity Commission 2022-2023 Work Plan as amended and approved by the Community Livability and Public Safety Committee.
2. Direct the Social Justice and Equity Commission to add/delete items and schedule time on an upcoming meeting to discuss.

Financial Impact:

The City Council appropriated \$77,000 in the 2022 Operating Budget to support the work of the Commission.

Attachments:

Draft Work Plan 2022-2023

Social Justice and Equity Commission – 2022-23 Workplan

The purpose of the Social Justice and Equity Commission is to eliminate racism and fulfill human rights for a just and equitable Olympia for all people. The Commission will work to identify, respond to, and ultimately reduce discrimination and human rights violations occurring within the city.

Meetings: Fourth Monday of the month from 6-8pm

Staff Liaison: Tobi Hill-Meyer, 360-753-8285, thill@ci.olympia.wa.us

| Section 1: Policy Issues Commission recommendations on many of these items would be forwarded to the City Council. Recommendations may be conveyed in writing, directly by the Commission chair or a delegate, or by City staff. | | | | |
|---|--|---|--------------------|-------------------------|
| Title, Description, Deliverables | Estimated Commission Meeting Time | Estimated Staff Time Commitment | Schedule | Budget Implications |
| 1.1 Conduct a Community Discrimination Assessment The Commission will help select a consultant and assist with community engagement in order to develop a community assessment of equity and discrimination. The goal will be to gain a better understanding of what kinds of discrimination are most prominent in our community, where it appears, and what kinds of interventions would be most effective, and lead into the creation of an anti-discrimination program in the 2023-24 Work Plan. | 2-4 hours 3 Meetings 3-5 hour Sub-Committee Meeting | DEI Staff: 15-30 Other Staff: 5-10 | September - March | Cost to hire consultant |
| 1.2 Develop Recommendation for Civilian Police Oversight Models The Commission will review of different models for conducting police oversight, identify criteria and goals for a decision, and develop a recommendation for City Council | 3-4 hours 4 meetings | DEI Staff: 10-20 hours Other Staff: 5-15 hours | October - February | |

Social Justice and Equity Commission – 2022-23 Workplan

Section 2: As programs are developed and implemented and code amendment proposals and administrative procedures refined, staff often consults with the Commission for their input and perspective. This work is secondary to the primary committee purpose of policy recommendations and advice to the City Council. Depending on scope, there may not be sufficient staff time/resource available to accomplish or advance these items.

| Title, Description, Deliverables | Estimated Commission Meeting Time | Estimated Staff Time Commitment | Schedule | Budget Implications |
|--|-----------------------------------|--|--------------------|---|
| 2.1 Develop Educational Materials <ul style="list-style-type: none"> Know Your Rights Education Campaign Employer/Landlord Education Resource Materials and Referral Information <p>The Commission will help set goals for an education campaign, and review materials as they are created</p> | 2-4 hours 3 meetings | DEI Staff: 15-30 hours Other staff: 15-30 hours | October - February | Cost to hire consultant Cost of printing |
| 2.2 Police Auditor Oversight <p>In the interim before a permanent civilian police oversight model is selected, the Commission will provide community oversight of the police auditor including reviewing the report, findings, and recommendations.</p> | 4-6 hours 3 meetings | DEI Staff: 2-3 hours Other staff: 10-15 hours | October - March | |

Section 3: Administrative Activities

In addition to their role in providing input on policy and program implementation, the Commission reviews and approves their work plan on an annual basis. Other activities may include an annual retreat and meeting with other organizations.

| Title, Description, Deliverables | Estimated Commission Meeting Time | Estimated Staff Time Commitment | Schedule | Budget Implications |
|---|-----------------------------------|--|----------------------|---------------------|
| 3.1 Establish Mission, Vision, Values <p>The Commission will decide on a mission, vision, and values to guide the work moving forward</p> | 2-3 hours 1-2 meetings | DEI Staff: 3-5 hours Other Staff: 2-5 hours | September - November | |
| 3.2 Preparation of 2023-2024 Workplan <p>Time allotted for proposing and discussing work items for the following year</p> | 1-2 hours 2 meetings | DEI Staff: 10-15 hours | February - March | |

Social Justice and Equity Commission – 2022-23 Workplan

Section 4: Informational Briefings

In addition to their role in providing input on policy and program implementation, the Commission seeks to be a well-informed and effective advisory body. The activities below are intended to improve how the commission accomplishes their work plan each year and ensure they have information and knowledge necessary to fulfill their role. It is not atypical to not complete the informational briefings listed below, as they are the first items to be displaced when staff and commission time is needed for higher priority work items. Commissioners can submit questions to the staff liaison prior to scheduled briefings; they will be forwarded to the presenters to help them prepare.

| Title, Description, Deliverables | Estimated Commission Meeting Time | Estimated Staff Time Commitment | Schedule | Budget Implications |
|--|-----------------------------------|--|----------|---------------------|
| 4.1 Olympia Strong The City of Olympia is creating a plan for economic resiliency. This process will identify a long-term strategic framework and specific actions the City can take to help residents, businesses and the broader community weather challenging times and thrive. We are also focused on the City organization itself, to ensure revenues are available over the long-term to fund community goals. | 1 hour 1 meeting | DEI Staff: 1-2 hours Other Staff: 1-2 hours | November | |
| 4.2 Olympia Internal Operations Equity Assessment The City will assess and analyze our policies, codes, practices, and culture to build capacity and a strategic plan to ingrain DEI principles into every aspect of the City to transform how we operate. This briefing will provide an update on initial quantitative and qualitative data collected | 1 hour 1 meeting | DEI Staff: 1-2 hours Other Staff: 1-2 hours | January | |



City Council

Climate Action Plan Implementation

Agenda Date: 10/4/2022
Agenda Item Number: 6.C
File Number: 22-0891

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

Title

Climate Action Plan Implementation

Recommended Action

Committee Recommendation:

Not referred to a committee.

City Manager Recommendation:

Receive a briefing on Olympia's climate change response and implementation of the Thurston Climate Mitigation Plan.

Report

Issue:

Whether to receive a briefing on Olympia's climate change response and implementation of the Thurston Climate Mitigation Plan.

Staff Contact:

Pamela Braff, PhD, Climate Program Manager, City Manager's Office, 360.753.8249

Presenter(s):

Pamela Braff, PhD, Climate Program Manager

Background and Analysis:

Climate Action Goals

In April 2018, Thurston County, Olympia, Lacey, Tumwater, and Thurston Regional Planning Council began the first phase of work to develop a regional climate mitigation plan. Phase I resulted in the following regional greenhouse gas emissions reduction targets:

- 45% below 2015 levels by 2030
- 85% below 2015 levels by 2050

Over the next two years, the partner jurisdictions worked together to develop a regional climate mitigation plan. In February 2021, all partners accepted the Thurston Climate Mitigation Plan (TCMP) as a common framework to achieve the regionally adopted emissions reduction targets.

In 2021, Olympia also joined the Cities Race to Zero, pledging to achieve net-zero emissions by 2040

and set an interim 2030 science-based target, which reflects Olympia's fair share of a 50% reduction in global greenhouse gas emissions by 2030. In April 2022, Olympia City Council passed Resolution M-2320, pledging to reduce citywide greenhouse gas emissions:

- 59% below 2019 levels by 2030
- Net-zero by 2040

Implementation Progress

In January 2021, the City of Olympia established a new climate program and one full-time staff position to lead Olympia's implementation of the TCMP and other actions to support climate preparedness and adaptation.

Key progress to date includes:

- Building staff capacity to integrate climate action across all levels of city policy, planning, and decision-making.
- Reducing facility energy consumption and preparing to electrify city facilities and fleet vehicles.
- Developing new policies and programs to reduce community-wide emissions related to transportation and the built environment.
- Designing and implementing projects to make it easier to walk, bike, and ride transit.
- Supporting regional coordination of the TCMP.
- Initiating a new program focus area on climate preparedness and adaptation.

During this presentation, climate program staff will provide an overview of program accomplishments and anticipated next steps.

Neighborhood/Community Interests (if known):

Since the Acceptance of the Thurston Climate Mitigation Plan in February 2021, community members have continued to urge the City to take immediate and ambitious action to address climate change.

Options:

1. Receive the briefing.
2. Do not receive the briefing.
3. Receive the briefing at another time.

Financial Impact:

None at this time. long-term costs to achieve Olympia's greenhouse gas reduction targets and prepare for local impacts of climate change are expected to be significant over time. Additional funding will be necessary to achieve these goals.

Attachments:

Presentation
Thurston Climate Mitigation Plan