



City of
OLYMPIA

Community Planning & Development Department

Engineering Division

MEMORANDUM

TO: Planning Staff
Development Engineering Staff

FROM: Todd Stamm, Principal Planner
Tom Hill, Development Engineering Supervisor

DATE: February 7, 2003

SUBJECT: Sidewalks and Walking Routes to Schools for Subdivisions

This memo is provided to document the conclusions reached during the meeting between Olympia School District (OSD) and City of Olympia staff on May 16, 2002, regarding application of the “safe walking” provisions of the state’s subdivision platting statute.

This discussion, identified how the City will apply the provision of RCW 58.17.110. This provision requires that before approving any subdivision, (including Short Plats), the City must make a written finding that **“appropriate provisions are made for ... sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school.”** (Note: In addition to the approval of full subdivisions, RCW 58.17.060 extends this requirement to short plats.)

After reviewing this requirement and the history of its application to subdivisions in Olympia, the City of Olympia and School District agree that absent a directive from higher authority to the contrary, we will apply the requirements as follows:

1. Though it may involve off-site improvements, **this is not a SEPA issue.** The **subdivision statute** provides the authority to require any necessary improvements. Thus “appropriate provisions” will ordinarily not be a condition of an MDNS.
2. City staff will decide or recommend to the Examiner what is required to meet this standard. City staff will consult OSD staff whenever a question exists regarding “appropriate provisions.”

- D. The safety of street crossings will be evaluated by qualified professionals on a case-by-case basis. The presence of crossing-guards will be a factor considered, but not assumed, in any crossing evaluation. (OSD will provide guards for two crossings at each school.)
- E. Measures to reduce vehicle speeds are an option to convert an unsafe route to a safe route.

Any indication from the District staff that a walking route is hazardous will be given great weight.

The School District staff will identify any such features as soon as possible during project reviews. The 'hazardous rating' evaluation of the District is unofficial but may be used as a guideline in determining if a route is safe. However, it will **not** be determinative.

RCW 58.17.110

Approval or disapproval of subdivision and dedication -- Factors to be considered -- Conditions for approval -- Finding -- Release from damages.

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

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

[1995 c 32 3; 1990 1st ex.s. c 17 52; 1989 c 330 3; 1974 ex.s. c 134 5; 1969 ex.s. c 271 11.]

RCW 58.17.060

Short plats and short subdivisions -- Summary approval -- Regulations -- Requirements.

"(1) The legislative body of a city, town, or county shall adopt regulations and procedures, and appoint administrative personnel for the summary approval of short plats and short subdivisions or alteration or vacation thereof.(2) Cities, towns, and counties shall include in their short plat regulations and procedures pursuant to subsection (1) of this section provisions for considering sidewalks and other planning features that assure safe walking conditions for students who walk to and from school."

[1990 1st ex.s. c 17 51; 1989 c 330 2; 1987 c 354 5; 1987 c 92 1; 1974 ex.s. c 134 3; 1969 ex.s. c 271 6.]

3. The City will make any determination, if necessary, regarding the constitutional (nexus and proportionality) aspects of a particular required provision. (No proportionality limit has yet been established, but in one case Olympia's Examiner required a length of off-site sidewalk roughly equivalent to 50 feet per single-family lot).
4. The requirement applies to the **public** elementary and middle school intended to serve the site; not to 'magnet' or 'alternative' schools and not necessarily to the nearest school.
5. The walking route is to be to the school if located within one mile; and to a school bus stop if the site is over one mile from the school. (The one-mile limit is based on a statute mandating that the District provides bus service for students living over one mile from such schools. The one-mile measurement should be consistent with that statute.)
6. "Safe" only pertains to risk from being struck by motor vehicles and being near criminal housing (as defined in a school regulation) while traveling to and from school at the normal start and end of the school day. It does not pertain to other risks associated walking to and from school, including other criminal activity; and does not pertain to other times of day. (See crossing-guard note below.)
7. At minimum, any safe-walking route must meet American Disability Act standards.
8. The route must be a route students are reasonably expected to use; i.e., it is not so circuitous that students would inevitably take a shorter route.
9. The route must not include any trespass on private property or other course that is not lawful. It may include private easements and other routes intended for such use. (Note: Providing an easement for an existing short-cut is one means of meeting the standard.)

In general, to meet the standard, City staff will use the following principals:

- A. For elementary students, including kindergarten, a sidewalk separated from the motor-vehicle travel lanes by a curb and five-feet (parking or planter strip) is generally a safe-route. More separation may be required adjacent to arterials.
- B. For a route serving only middle school students, a wide bike lane may be acceptable, however a specific evaluation of roadway conditions should be done, especially if students will not be walking toward the direction of motor vehicle travel, i.e., left-side walkway.
- C. If right-of-way is lacking or the cost of standard improvements would be unconstitutional, alternatives to standard designs and/or "temporary" provisions may be approved.

Nancy Lenzi

From: Paula Smith
Sent: Wednesday, September 10, 2014 10:07 AM
To: CPD Work Requests
Subject: FW: Safe Walking Routes
Attachments: safewalkingroutes.pdf

This appears to be a type of interpretation on how we handle the Safe Walking Routes....could someone save memo (attached) this into the formal interpretations log in the PLANNING File on calvin?

Thanks Paula

From: Steve Friddle
Sent: Wednesday, September 10, 2014 9:59 AM
To: Catherine McCoy; Paula Smith
Cc: Alan Murley; Chuck Dower; Leonard Bauer
Subject: FW: Safe Walking Routes

All,

Cari raised the safe walking to schools question and Todd provided the well-reasoned 2/03 response memo. Since it has been some time I thought that it may be timely reminder and good reading of the attached for everyone. I want to add three additional thoughts:

- **Constitution:** Nexus (not an issue by legislation) and proportionality is lightly touched upon in # 3 in the memo. The best analogy I can offer is similarity to sewer or water. If the resource is a long ways away, the project must connect to move forward. There may be some alternatives for smaller projects where proportionality may call to extend a sidewalk to a reasonable school district bus pick-up location.
- **Jurisdiction:** The matter is delegated to the local jurisdiction (City, not the school district). Meaning, this is not something we seek the Districts determination (developers should not be negotiating with the district). However, we do seek District suggestions with regards to alternative routes (which way will students likely prefer to go) and design options (below).
- **Construction:** Based upon a locations specific area safe walking conditions, the walking facility may not require a full integral curb & walk. Sufficient creative narrower widths and design material alternatives have been identified and approved on a case by case basis.

If there are questions, we could add this as a topic at a future meeting.

Steve

From: Todd Stamm
Sent: Wednesday, September 10, 2014 8:59 AM
To: Steve Friddle; Cari Hornbein
Subject: RE: Safe Walking Routes

OSD's one-mile 'must provide bus service' rule is based on a state statute – which provides basis for our interpretation that the 'plat must provide safe walking route to school' statute is not applicable when plat is over one mile from school.

Attached is the detailed guideline we've been using in Olympia in order to apply this statute consistently. It was created in cooperation with PW & OSD and has been provided to the Examiner whenever this statute becomes an issue – thus

far without criticism from the Examiner. Over the years I've discussed this statute with planners in other jurisdictions. The statute is not uniformly applied around the State. The attached guideline, in part, is based on ruling by our Examiner and others. Let me know if you want to discuss. Maybe a CPWS topic?

Todd

From: Steve Friddle
Sent: Wednesday, September 10, 2014 8:04 AM
To: Cari Hornbein; Todd Stamm
Subject: RE: Safe Walking Routes

I'm not aware of such a trigger. Unless the examiner has made a ruling based upon some case law (Todd?). The only 1-mile I am aware of is that the OSD 111 offers bus service to students beyond 1-mile.

From: Cari Hornbein
Sent: Tuesday, September 09, 2014 8:12 PM
To: Todd Stamm; Steve Friddle
Subject: Safe Walking Routes

I've heard reference to 1 mile as the trigger for requiring safe walking routes to schools on plats, but it's not in the statute. Where does it come from?

Thanks,

Cari Hornbein, Senior Planner, AICP
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