

**CITY OF OLYMPIA
LAND USE AND ENVIRONMENT
COMMITTEE
MINUTES
August 17, 2009**

Members Present: Councilmember Messmer, Councilmember Machlis, Councilmember Strub

Staff Present: Cathie Butler, Todd Stamm, Jan Weydemeyer, Sophie Stimson, Steve Hall, David Riker

Guests Present: Gus Guethlein, Will Stakelin

The August 17, 2009 meeting of the Land Use and Environment Committee was called to order at 4:01 p.m.

Councilmember Strub requested that a discussion item be added to the agenda regarding the Ordinance which restricts septic placement on properties.

Councilmember Messmer requested that a discussion item be added to the agenda regarding determining if the issue of antiquated plats is complete.

Agenda, including additions, approved unanimously.

1. Approval of June 15, 2009 Land Use and Environment Committee Minutes

Approved unanimously with one correction on page 2, 4th paragraph: Councilmember Messmer's name was misspelled.

2. Comprehensive Plan Update Data Requirements (*Jan Weydemeyer, CP&D*)

Ms. Weydemeyer said that the Comp Plan will be looked at in a thorough way, involving updating population projections, building densities, housing data, future population growth, and transportation information. They also need to add new things that the law requires and look at what comes up from public input. This time around, we may want to use GIS for organizing data and asking analytical questions.

Questions and Comments from Committee:

- Did we extrapolate the 48% increase in population and a 55% increase in dwelling units from 2010-2030? (Councilmember Strub)
This is TRPC data. They take the existing trend line and extend it into the future. It is based on job projections and is driven by the employment forecast. (Ms. Weydemeyer)
- I suspect we are not meeting density goals. Does somebody think something will break loose and we will? (Councilmember Strub)
Population projections are not always accurate. The 1959 Comp Plan anticipated that we'd have 2030 population levels now. (Ms. Weydemeyer)
- We have had this big boom, and that trend is not continuing. We won't necessarily get more housing units. (Councilmember Messmer)

- We are supposed to plan and shape policies to accommodate growth by having buildable lands, zoning, and other mechanisms in place, even though we may not achieve the growth. (Councilmember Machlis)
- Where all these new housing units go is the real question. Do we have enough room near transit corridors to build housing? Do we have to change zoning? Our antiquated plats aren't easy to use. (Councilmember Messmer)
 - We have zoning that allows additional capacity that we are not achieving so far. One of the things we need to communicate is that achieving this will help alleviate the environmental consequences of sprawl. (Ms. Weydemeyer)*
- How can we encourage more density by some sort of tiering of impact fees? That could be a planning discussion, but we will need some sort of data to analyze what effect that might be. It would be good if we can establish that development that occurs in certain areas has certain advantages or disadvantages. (Councilmember Machlis)
- Do our fees reflect what our goals are? There is a cost to locating housing further out. (Councilmember Messmer)
- What are employment projections based on? Are there growth management requirements that have to do with how we are positioned in the county? Are we in competition to achieve growth management goals? (Councilmember Machlis)
 - It does require that we coordinate and cooperate with other jurisdictions. By working with them, we can get an economy of scale on some things. (Ms. Weydemeyer)*
- A "vision reality" taskforce will be formed through TRPC to discuss why we are not getting densities in cities. We will have the cities and county at the table at same time. Hopefully the county won't see itself as part of competition. (Councilmember Messmer)
- The transportation side will fit in well with the Comp Plan discussion, particularly where we are looking at intersections and the number of transit, cars, and bikes moving through. The 2000 survey about reducing single occupancy vehicle use showed us that we are improving, but we need new data. The GIS connectivity tool will be useful. (Councilmember Messmer)
- We won't get any real data from the 2010 census for years, although the public will expect it. The good news is that we are not missing raw data - what we have to do is figure out how to pull it out and use it. (Mr. Stamm)
- We may also see new climate change legislation proposed, which could involve collecting data. (Ms. Weydemeyer)
- What about the requirement about increasing the health of people in the City by providing opportunities for walking? We can show some progress with our accessible parks and sidewalk program. (Councilmember Messmer)
 - Part of the WAC requires planning to increase citizens' physical activity. (Ms. Weydemeyer)*
- In the projections you are showing on percentage of people 65 and older has a 2.6% increase. Is this a typo? (Councilmember Machlis)
 - It's about 2.5 times the current number.. (Ms. Weydemeyer)*
- The original Comp Plan economic development segment has a quality of life section. Increasing the quality of life is the largest attraction to employees. In terms of revenue, what is its relationship is to the Comp Plan? (Councilmember Machlis)

We have internal discussions about fiscal analysis, but it is not required for the Comp Plan. It was a conscious decision not to go there a couple of years ago. However, we have been talking about it with regard to the annexation policy (which is a newer part of the chapter). Mr. Stahley has more information about this. (Mr. Stamm)

- How do you budget for your mapping needs? (Councilmember Machlis)
We count on this effort being done with existing City resources. When we make a budget decision to cut the mapping department, then it cuts us off too, so we are watching the budget every year to make sure that those who are supporting us aren't cut. (Mr. Stamm)

3. Subdivision Development Practices for Inactive Subdivisions (Tom Hill, CP&D)

Mr. Stamm is sitting in for Tom Hill, who is out due to a family matter. Mr. Stamm said that they talked about plat extensions as a composite balance between providing relief for developers and giving the City more tools to minimize harm resulting from dormant development. Their suggestion is that staff continues to monitor the situation for now. There are only three or four developers/developments that this will affect at this time. Whitmore Glen will not be at risk of expiration until August 2010. Evergreen Hills (at Green Cove Basin) got a three-year extension this past June. College Station's approval expires 2011. The fourth one that may be affected, Kaiser South, is unusual, in that it was originally approved by the County, and therefore may be eligible for extensions. It is located right next to College Station.

Questions and Comments from Committee:

- When I read the minutes two months ago, it did not mention that we had some neighbor concerns, or that properties had problems that could be dangerous to people, or that there were stormwater, vegetation, security issues. Only one visitor, Mr. Prutzman gave an idea of what was happening on his property - stolen wiring. He said it would be helpful to have a barricade which would prevent cars from going in, but would allow the police to access it. Is that already in the rules? (Councilmember Messmer)
Mr. Stamm said that Mr. Hill also heard the message from Mr. Prutzman, and determined that we can accomplish our needs for erosion control and security with existing tools.
- We have an email today from Brad Corner regarding Green Cove Basin, with a concern about stormwater and other things, and they asked if we can change the rules to alleviate this concern. We need to be prepared with conditions that would make it acceptable and useful to change the rules. (Councilmember Messmer)
Staff had a meeting with the developer and engineer from Evergreen Hills and we were told that his client can readily comply. They decided to take the extension and figure out the particulars later. Right now, under our Ordinance, Whitmore Glen cannot obtain an extension. Kaiser South and College Station are in doubt because formerly county subdivisions. We should address this in the next few months and not wait until next summer. (Mr. Stamm)
- Councilmember Strub said that according to a letter from Thomas Parmenter regarding Evergreen Hills, their concerns go a little deeper beyond getting an extension. They are concerned about paying additional engineering fees for new conditions. Can we forgive those fees this time? She recommends that we take this up again in our next meeting and let them know. (Mr. Stamm suggested that we invite all the similarly situated parties.) Find out from Evergreen Hills specifically what their problems are. Then we can refer something out to Council. If people time out, the City loses our goal for density.
- We need to be prepared for the Whitmore Glen situation in advance, so they know the requirements. There is no extension allowed, so how do we allow an extension. What fees are we going to charge? (Councilmember Messmer)

The issue for Whitmore Glen may come up when they go to the bank to refinance and they need to answer the bank's question: do you have one or four years? (Mr. Stamm)

- A developer may put in curbs, sidewalks and then by the time the property has been developed, the City may have changed the street standards. But there are modifications, such as bulbouts, that can be used that doesn't require tearing out the street and starting over. On the other hand, we have learned a lot of things about stormwater and we could have a lot of damage being done if bad systems are in. How do you move through the process where you catch up with current thinking and balance it with going ahead? (Councilmember Messmer)
- Councilmember Strub suggested that we look at each one, project specific. We are trying to provide relief, but we don't want to roll back regulations.
- Are there more developments that will be asking for extensions? (Councilmember Machlis)
There are more subdivisions, but they haven't done much work on their sites yet. For some the 5-year clock isn't even running yet. (Mr. Stamm)

Mr. Stakelin said that he appreciates this discussion on allowing extensions. His understanding about Evergreen Hills is that the extension has been offered to them, but with conditions that are cost-prohibitive. Additional regulations push back their ability to move forward.

Councilmember Messmer said that we are going to revisit these specific sites to look at the fee issue and conditions that would help retain stormwater and security issues.

4. West Olympia Access Study - Preliminary Findings (Randy Wesselman, Public Works)

The purpose of this discussion is to look at preliminary findings and identify issues Committee would like to have them address prior to the full Council discussion on September 15. They would like to, if possible, narrow down the alternatives to one and have the Council make a decision that night.

Over the next month they plan to formulate a recommendation based on LUEC preference. They will send that to Washington DOT, who will make the decision whether or not to move it into their interchange justification report. They could choose to move both projects forward if they thought they both had merit. However, there is an additional cost to look at both alternatives. We have a lot of the information we need to decide on which one to bring forward. An Open House was held on August 6, with 15-20 people attending; there are four written comments that they received. They are accepting public comment until September 15.

Questions and Comments from Committee:

- It would be helpful to get the images and other information out in advance so people can be prepared to comment prior to Council discussion. (Councilmember Messmer)
Mr. Wesselman said that the photos are on the website, and they did a major email and regular mailings as well.
- On 101, another merging lane would seem to add more confusion. I understand that the idea is to have fewer entries and exits, but from a user perspective, it's confusing. (Councilmember Messmer)
- The Church of Living Water site (which now has a "for sale" sign on it), has approved an apartment complex. If they do move forward with it, they would have to help fund the overpass project. (Mr. Wesselman)
- Councilmember Messmer would like to show what the land use designation is for the pieces of property immediately adjacent and a couple of blocks away from the planned projects. We don't want to create another problem like Black Lake/Cooper Point, which is not just a throughway, but

also it's a destination. We need to think of the land use at the same time. Otherwise, we create a pod of activity, unreachable by bus, and bad for bikes and pedestrians because there so much traffic. Where does this go, in terms of the Comp Plan discussion?

- When I look at these, I don't feel a real need to judge one transportation option over another. My question for when council makes a decision has more to do with how this is going to impact the City's build-out, land use, planning goals. Will one or the other further the goals of density, commercial/industrial development? With regard to financing, Kaiser Rd. looks like it is a lot less expensive. It doesn't matter which one we choose if we can't find any money for it. All of these will be very competitive for grants. From the consumer point of view, what is this going to mean to me - where am going to drive, is there going to be less congestion? (Councilmember Machlis)
Mr. Wesselman said that the cost they presented at the open house - the Kaiser Rd interchange option was \$43 million. The Black Lake interchange with all the caveats - \$86 million. (Both are only construction estimates. There is no environmental mitigation, no right of way, no design costs figured in.) There are more wetlands issues for the Kaiser Rd option - it is close to Allison Springs. Kaiser is in the 1-5- and 10 year flood area. Black Lake is in the 10-year flood area.
- I am having trouble visualizing how I am going to get home from the west, i.e. Capitol Mall. There are two ways to get home: get on 101 or go through Harrison back through town. There are several things I will consider: 1. How well does this get people back and forth of our center of commerce? 2. How well does it accommodate the development we are putting on Cooper Point Rd. and 3. Does it negatively impact (exhaust, noise pollution) the people who are living on Ken Lake? Do the people at Ken prefer one of those options? What would be helpful to me would be landmarks as well as current land use. Provide a more detailed overview of what businesses are in the area. Show the center of commerce (mall, Trader Joe's) and the housing, including Ken Lake. On any December 23, you can visualize what the traffic will be like in 2030. We don't want people to give up and go to Costco because of the traffic. (Councilmember Strub)
Mr. Riker agreed to show the future land use and will identify what the actual problems are. Mr. Wesselman pointed out that Attachment 5 gives a comparison of the choices of interchanges with regard to environment, safety, etc. He said they are going to provide Committee with a sustainability action model that would show economic and community impact.
- Councilmember Machlis said she heard that we might have to finance more of this locally.
Financing is more a matter of SEPA and our own policy. WA DOT has generally not sought money from development in cities, except for extraordinary things, like roundabout on Henderson. (Mr. Stamm)
- If all the money came from state and federal, that would be fine., but she thinks the bill for the local street portions are the City's responsibility. What is the breakdown of what proportion what the state will pay and how we will come up with the money for the rest - LIDS, etc.?
(Councilmember Messmer)
At the next phase there will be more information on that as well as what the environmental impacts and environmental justice impacts (i.e. mobile home park at Kaiser) are. We don't have a financing package. It will be a combination of some local funds, through transport impact fees, and some development participation. The rest is likely federal and state allocations. We have the responsibility for doing some local improvement, such as intersection improvements. (Mr. Wesselman)
- Councilmember Strub is talking about the commerce center. Councilmember Machlis is talking about new development that would occur because of this new intersection. Can we afford to have another center of commerce - who would pay for the mess? Part of the current mess is that it is a destination at the mall and intersection. If we create another, how will be get people to and from

it except with SOVs? Do we have to build commerce at the Kaiser interchange in order to pay for it? We have a downtown, a mall; do we need another business center with commercial activity not really connected to very much housing? Could the Kaiser intersection help because the traffic of the health care facilities is taken somewhere else? Can it serve to relieve Black Lake/Cooper Point so it's not a big mess, but not generate a whole new place of business? (Councilmember Messmer)

- The other possibility is that it's not a retail center, but rather an industrial, educational center. Could we encourage something else where there is a lot more undeveloped property? This is a land use issue. (Councilmember Machlis)
- It is easy to imagine people taking that Kaiser Rd. exit and come out on 7th in order to go to the mall because the other way is backed up. We don't have roads around 7th that are built to handle that kind of traffic. (Councilmember Strub)
- We also have this pending issue with Friendly village - we have already given it a rezone - there is going to be commerce and more housing there. (Councilmember Strub)
We can do the land use zoning, but we can't tell you what would happen if we do this. (Mr. Riker)
There is very little vacant land there, hardly any parcel over five acres and there are no plans submitted. (Mr. Stamm)
- What about the actual land use that is going to be there? Does it help the situation at Black Lake? Where do the buses go and how do they move - does it improve, change, help or hurt? What about emergency access for each option? (Councilmember Messmer)
We were going to get into all of this, i.e. how does the site access to Capital Mall, what is influence to Yauger, Friendly Village, emergency access - we will be prepared to discuss the differences between the options. (Mr. Wesselman)
- The process will work like this: LUEC will express a preference for which of these will be moved ahead (or Committee will choose nothing). The next step is the interchange justification report - and we will need to pursue additional funding. All the work that we have done in all of our technical memos, will address all of the 8 points - we have already addressed 4. Some environmental work we have not done and will need to be addressed. Once that interchange just report is completed, then we will start to seek funding for design. This sets the stage, but a substantial amount of money will be needed to complete this. The consultant will prepare a scope of work outline and what it will cost to complete the next phase of the interchange just report. We will work with you and the WA DOT. (Mr. Wesselman)
- It's called the interchange justification report, but isn't it another step of feasibility? (Councilmember Machlis)
This goes further into design, environmental impacts, environ justice, specific mitigation issues, environ assessment, more safety analysis, (newer traffic counts), more detailed than what we have completed. (Mr. Wesselman)
- At that point, do we assume we have a do-able project? (Councilmember Machlis)
We have tried to fatal flaw this at this level of planning, and we haven't been able to kick either out. One of the things I have asked at the meetings is that one doesn't preclude the other. We have certain land use up to 2030, but beyond that, if we should need another, if one doesn't preclude the other. At this point, either one could happen, or both. (Mr. Wesselman)
- I still don't have an answer to the question as to whether these two solutions address the same problem. (Councilmember Machlis)

- Does the model say that either will help the Black Lake/Cooper Point intersection to the same extent as the other. (Councilmember Messmer)

Mr. Wesselman asked if the LUEC wants additional input from the public.

Councilmember Messmer said it would be helpful let the public know about the feedback that we received from the workshop, which was well attended and well done. Put that information into the packet. It would be good if this material is available sooner than Thursday or Friday before the meeting; more people may attend.

5. Discussion of whether Ordinance (#6486?) should be referred to Council for consideration for revision. (Councilmember Strub)

Councilmember Strub described the situation for property owner Glen Rossi. Legally he has eight plats (antiquated), but he bought it as a 1.5 acre property in 2006 and was told he can put in a septic system. According to the Ordinance, a new onsite septic system may be used provided the lot is larger than one acre, more than 300 feet from a sewer connection, and the lot exists prior to Nov 21, 2006. If he asks for a boundary line adjustment to make it into one parcel instead of eight, then the single lot comes into existence after Nov. 21, 2006, and it doesn't qualify for onsite septic according to the Ordinance.

The reason for the limitation about combining properties is so people wouldn't combine parcels and get away with not using the sewer. In this case, the property can't be utilized until sometime in the distant future when the City puts in sewer there.

Councilmember Strub suggested that we could revise this rule to allow the septic, but stipulate that future infill must hook up to the sewer when it comes in. If there is no boundary line adjustment, Mr. Rossi could put his house entirely within one of these "lots," put in a septic system, and have him agree that whenever the sewer comes he will hook up and vacate the septic and drain field. Make the restriction that these lots cannot be separately titled until the septic system is vacated.

We could give staff more flexibility - add a clause that says "without council approval" or "without developer's agreement."

Mr. Rossi will come to Council to talk about his situation and probably ask for a referral.

Mr. Hall asked if the LUEC wants a memo from staff before it considers a referral to change the policy. The memo could say that we will review the different concerns and types of issues and see if we can fine-tune the policy. We can help egregious situations and still leave the policy in play. There are at least two other different concerns from different people regarding this ordinance. Mr. Hall spent many hours with Mr. Rossi to see if there is any way around the ordinance, but there is not.

Questions and Comments from Committee:

- Is the ordinance not working in general? Do we have a constant problem or issue, or is this is an individual issue? If it is a broader issue, we should bring it up so that everybody wins or loses. It takes a lot of work to change an ordinance, and it should be applicable to other problems. Otherwise we may be creating problems in the future. (Councilmember Messmer)
- Mr. Stamm said that we have a lot of antiquated plats; changing this ordinance would mean a lot of properties would be able to get septic.
- Councilmember Machlis is sympathetic about the groundwater problems, but for a couple of underutilized acres, it would make sense to let them put in a septic. However, she agrees that allowing one will make it hard to hold the line, particularly on bigger parcels. We don't know global problem, how it fits in with other issues. (Councilmember Machlis)

- We don't want to have septic in the City limits, but there is also a concern that people should be able to do something with their properties. Are we telling them they shouldn't live there? A lot of property is not even on our 30-year plan. Would we rather have them go out and live in the county? (Councilmember Strub)
- We backed away from the septic issue, because the proliferation of these systems have groundwater and pollution consequences. Allowing septic can also prevent the sewer from coming. A lot of isolated septic will be coming in, waiting it out. They will ask to keep their septic until it fails. (Councilmember Messmer)
- Councilmember Strub mentioned that Mr. Rossi wants to build the house for income, not to live there himself. He wants to sell what he thought was a single parcel - 1.5 acres. The loan will come up at end of year, and he needs to know what the City wants to do.
- If it's not even the person who owns the property - it is speculation. He speculated on a permit he didn't have. (Councilmember Messmer)
- He had every reason to believe he had a permit. (Councilmember Strub)
- The legal description of his property, which he is aware of, says lots 1-8. (Mr. Stamm)
- The crux for me is that it is 8 lots - if it were 1.5 acres and that is what we were dealing with, it would have fit in guidelines. If he abandoned this, he'd fit except for date. (Councilmember Machlis)
- For this ordinance, originally the Council had no exceptions. However, hardships standards are available, and they can be revised. (Mr. Hall)
- I am cautious about taking a referral on a very specific property. A very narrow look that promises he will be getting this fixed by us is not the way to go. Look at the issue more broadly to see if there are any other exceptions. If hardship standards are not working, they have to be revised, but I am concerned that we open up door for this one and then that will allow 3000 more septic tanks. (Councilmember Messmer)
- We are trying to get away from antiquated plats because of problems such as this. We were talking about abandoning all plats dated prior to certain date. We need to pick a direction and go that way. Either stick with antiquated plats because we want that density, or we start making exceptions. I told him I would work on this issue. What I think we owe him is an answer. He needs to know if there is a good chance we can help him or he should abandon the contract. (Councilmember Strub)
- The answer is "no" right now. He needs to wait if he wants a different answer. We can't take a referral that says we will fix this for him yet. This will just create other problems. The purpose of a referral is to see if we should examine this and other issues. (Councilmember Messmer)
- We can write any ordinance we want. He needs to know if it's "no, go away," or "no, but we'll think about it." I'd like staff to report back to LUEC whether this Ordinance is working in a way that Council expected. It could go under removing barriers to development or it could go under antiquated plats. (Councilmember Strub)
- Councilmember Messmer thinks it should be a separate topic. We need to have a broad discussion of this issue. She thinks that staff needs more clarity. When an applicant comes in, and sees staff giving someone an exception, all will try to get exceptions. The referral most helpful is one that

keeps it broad. This code is not very old, we need to see if it's doing what we want - this is the important issue.

6. Determination of whether issue of antiquated plats has been completed. *(Councilmember Messmer)*

Councilmember Messmer would like to know if the LUEC feels that the issue of antiquated plats has been resolved. Are there still problems that haven't been addressed? We have been chewing away at the edges of it, i.e. by discussing issues such as stormwater, barriers to development, etc. Can we list the items we have addressed and say that this is enough?

- The only person I have heard back from regarding this issue is Julie Hankins and she made a proposal and spoke with Mr. Stamm and Mr. Hanna, and suggested a land swap - with a piece of land that Parks bought for Chehalis trail and is not using. It is flat and could result in more density. Mr. Hanna said that he thought there was enough merit to the idea and would look at it next year. That may solve the unfinished business of antiquated plats. *(Councilmember Machlis)*

Councilmember Messmer said that in order to finish the antiquated plats agenda item, it might be useful for us to say that staff will be taking care of very specific details, but that otherwise we can say that it is complete.

Meeting was adjourned at 6:15 p.m.