

**CITY OF OLYMPIA
LAND USE AND ENVIRONMENT
COMMITTEE
MINUTES
November 16, 2009**

Members Present: Councilmember Messmer, Councilmember Strub, Councilmember Machlis

Staff Present: Sophie Stimson, Keith Stahley, Randy Wesselman

Guests Present: Jack Horton

The November 16, 2009 meeting of the Land Use and Environment Committee was called to order at 5:00 p.m.

1. Approval of October 19, 2009 Land Use and Environment Committee Minutes

Minutes adopted from October meeting with changes per Councilmember Messmer:

Page 6: "turning to the committee" should be "returning to the committee."

Page 5: Councilmember Messmer said she preferred the fee-in-lieu, and that she preferred having sidewalks installed in front of the infill homes.

Page 5: The correct word is "razed," not "raised."

Councilmember Strub moved to approve minutes with changes. It was seconded by Councilmember Machlis. All said aye.

2. Public Pathways Briefing (*Sophie Stimson, CP&D*)

Ms. Stimson briefly went over the key areas documented thoroughly in the Staff Report.

The goal of the program is to encourage residents to work with their neighbors to improve public pathways. BPAC sent out materials to neighborhood association representatives asking them to come to the meeting on November 18 or email their ideas beforehand. One suggestion they already received was that the City provide guidelines for conflict resolution. On the application form, it requests that the lead resident get signatures from adjacent property owners. Although it is not required, BPAC said that even requesting these signatures seemed overly onerous. The next BPAC meeting is on Wednesday, November 18.

Committee Questions & Comments

Councilmember Messmer

- **She doesn't like to have to get adjacent neighbor's signatures.** This may insinuate that if one person disagreed, the project could be stopped. Is this consistent with how the City deals with other public rights-of-way issues? If the pathway is a street right-of-way that has not been opened, it is public, and therefore similar to any other capital improvement project that we do in Transportation. We should inform the adjacent owners, tell them that their support would be appreciated, but not be so formal as to get their signature. People may think signing something means a legal consent. We would not want them to think they have the option of saying no to something public that is already there. If there still are concerns, we would leave it to the lead resident to work out the problems.
- **Make a distinction between easements and other property.** If it is actually an easement, then it is technically under the ownership of that adjacent property owner, and we would we

need the signature. Discuss this with Mr. Nienaber in detail yet. We want to be sure we do the minimum we are required to do. However, even in the case of an easement, the connection is designated pedestrian access.

- **Have guidelines for determining whether or not you need to do a survey, such as in cases where there is no risk.** There is a situation she knows of where the connections are either so short or so obvious or both that a survey shouldn't be necessary.

Mr. Wesselman said that they were not advocating that we would have survey in every case, but there would be instances where we do not know enough.

- **Inform the property owner and resident.** Send the owner a certified letter and make the renter who lives there aware of the situation and work with them.

Councilmember Machlis

- **Real Risks.** Much of the staff work and costs revolve around the legal issues. What are our real risks of being wrong on survey or designation?

Ms. Stimson said that she worked with the City Surveyor to make sure these potential pathway areas were what they thought they were. Having the rights-of-way surveyed was a big cost, but if we don't know the official boundaries of the connections, it might be difficult to work with the adjacent property owners.

- **Liability.** What if a situation arises where there is a path that all the neighbors think would be useful, but it turns out that they were mistaken about the property. We would have spent a lot of money and legal time on this, but there doesn't seem to be a lot of risk for the City. Would this be a liability? Would people want to litigate if the City owns it?

Mr. Wesselman said that we need to talk to Mr. Nienaber. Sometimes it may wind up being on private property. We are limited on what we can and cannot do in that case.

Comments about the Agreement

- Ms. Stimson said that one person anonymously wrote a comment about the agreement saying that she is upset that the City would invest in program like this when her neighborhood has other problems.
- Councilmember Strub said that she won't consider anonymous comments .

Two Pilot Projects Recommended in 2010

- Ms. Stimson said that they are asking BPAC on Wednesday night to make a recommendation to the full Council. They are going to propose that Staff embark on a pilot project in 2010 to do just two projects. Although this project fits well with Mr. Hall's motto of helping people help themselves, it is a bit of an unknown as to how much staff resources it will take. However, BPAC can disagree and make a different recommendation.

More Comments

Councilmember Messmer:

- Be cautious about calling it a pilot project and saying that only two will be done next year due to lack of resources. Maybe more funding will come and we can do more projects. Leave the door open. Also maybe there are two in same neighborhood and one was particularly easy.

Councilmember Machlis

- It is good to make a new project like this experimental. It makes people understand that they can shape it and that all can learn from it. She thinks that talking about this as an experiment is important so people don't just think it is a budget issue. It makes it clear that we are not assuming that what goes right or wrong is good or bad. Sometimes if things go badly on one or two, people abandon it rather than seeing it as a learning experience.

- Does a neighborhood association or service club have to apply for doing such a project? The application seems to imply this.
Ms. Stimson said "No." We just need one point of contact. We are not providing a lot of information on how to involve others. The Parks Department has a lot of information on volunteer guidelines. We will talk to Mr. Nienaber about this.
- In that case, we should make application clearer.
- It might be interesting to ask them why they chose their path. What are they wanting to connect and why? What is the importance to their neighborhood? You would get a better feel for the neighborhood, and where they want to walk. A person who doesn't know the neighborhood would want to know what patterns they are absorbing.

Mr. Horton's Comments:

- He is excited by this incredible program.
- Many times even a little path will create a lot of connectivity, letting people get places without going onto the main street. On Bethel where he lives, there is a path that would get more people and bicycles out, and this will also create more of a sense of community.
- Although he recognizes that there will always be people who do not support a project, he doesn't want a filibuster to hold up the process. Maybe the process should be made similar to the rezoning process.
- He would like to see the program expanded to a more formalized process for projects that are more complex. This program has some key limitations on the extent of the development, i.e. a limited amount of gravel to be used, restrictions on planting trees, building bridges or boardwalks. He sees validity in this. However, if somebody is willing to come forward with money to produce designs for something bigger, we ought to have a way to do this, with standards for safety, design, permitting, like when the City does a project.
- He gave the example of Mission Creek trail where there is a creek-crossing and thus a boardwalk necessary. The neighbors hired a landscape architect to design it and paid him \$5K to design a boardwalk exactly like the other boardwalks in the area.

Councilmember Messmer

- Projects such as these (she also mentioned East Bay Drive to Reeves Middle School as one of this type) have huge potential connections, and they are unique. We need to look into future discussion about this. We need to get this Public Pathways program going for the small projects, but meanwhile we can discuss the trail building and volunteer program with Parks and Public Works. An example of a volunteer-maintained trail is the Garfield Nature Trail. The main question is how you go about the construction.
- An interesting example of a pathway cared for by volunteers is Holiday Hills/Cove at Ward Lake, which is literally street to street with a bollard in the middle. On the cove at the Ward Lake side neighbors have landscaped. That connection opened up to people running, riding, and walking. It is a connection that completely changed the character of the neighborhood. It opened up a spigot.

Councilmember Machlis said that we just need permitting standards, and information trail standards, and how to engage volunteers.

Ms. Stimson said they are aiming to have this come to Council on December 8.

Meeting was adjourned at 5:43.