

From: Beverly Bassett <bev@54321.com>
Sent: Tuesday, September 26, 2017 2:56 PM
To: Catherine McCoy
Cc: Beverly Bassett
Subject: Development "Westman Mill" between State St & East Bay

Dear Ms McCoy,

I am commenting on above subject development structure(s) which is/are now in it's third (3rd) name change in order to thoroughly confuse people about this matter — itself a sleazy indicator of the lack of integrity which has been a continual part of the process of developing this land inappropriately for buildings.

I am absolutely 100% opposed to building this, or putting any structure(s) of any type onto this land which is former estuary and which is toxic to an unknown depth and degree because the full nature and extent of the toxicity has not been studied and defined. What is known is that water flows clean out of Watershed Park, and by the time the Moxley/Indian Creek culvert drains into East Bay it is profoundly polluted with dioxin, PCBs and many other toxins. The exact source of this pollution is as yet unknown. That it is still unknown is probably a matter of liability for the responsible parties.

This site is former natural estuary and represents our last best chance to daylight and remediate some natural environmental self-healing tidal flow features for our downtown. It is completely inappropriate and unwise development in the first place; thus, nothing can be made to comply with any rational development standards. It is wrong to put any structure on this land or any of the other parcels which have been gifted to Walker John for this inappropriate development and his personal profit.

Being right at sea level, this site will soon experience tidal flooding on a routine basis — rendering the occupants of any proposed structure(s) at definite risk for health effects from the contamination which is being only superficially and inadequately cleaned up by the Port of Olympia. Salmon still migrate through this horrible culvert and have been documented to still make their way into both watersheds through both Indian and Moxley Creeks.

When our own superstorms come, as they will, this will help to make downtown Olympia a toxic soup of dioxin and other toxins that will threaten our own lives and the lives of our children and grandchildren.

Further, the developer, Walker John, is only leasing this property: ownership will remain public; thus, liability for the ensuing mess when the floods come will be public exposure to liability as well because it will be provable and documentable that concerned citizens made the City and the Port aware. Private profits, public liability. Not okay.

This is our last chance for public comment; yet, we have commented and commented and commented and commented saying “NO” and why and given the City and the Port our rational

and ecologically-sound arguments — which have been systematically ignored time after time after time.

What will it take for you and those whose interests you, our public employee and public servant, to hear what we are saying and act in an appropriate, rational, manner in the true best interests of all the people rather in a way that benefits only the few for a brief period of time before things go sour in a way that leaves the public liable?!

I will not pursue this charade of public involvement any further in this communication. If you and your bosses cannot hear me and us, we will speak in language that you can better understand in the future.

Sincerely,

Beverly Bassett
1218 Marion St NE
Olympia, WA 98506
bev@54321.com

From: Jeanette Dickison <jeanette5@comcast.net>
Sent: Saturday, October 7, 2017 9:37 AM
To: Catherine McCoy
Cc: CityCouncil
Subject: Moxlie Creek Daylighting Issue/Westman Hill Project

Hi Catherine,

Here's why daylighting Moxlie Creek is misguided:

While I was on Council, we prioritized where funding habitat enhancement would do the most good for fish and wildlife habitat. Our work came after what was called The East Bay Habitat Study, circa 1992. It's conclusions: East Bay is impeded by the formation of the peninsula that has created poor water circulation. Restoring the steep banks along the area to the west is not possible. Moxlie Creek has been degraded because of development, and even small habitat restoration projects like the one done by the Hulberts at the corner of Union and Plum only carry small benefit. There are many projects in lower Puget Sound that scientists, including Tribal scientists, have identified as being much more important and productive. (See the list of mitigation projects LOTT alliance has developed or the work done in the West Bay Habitat Study by the City for the future improvement of habitat along that shoreline developed in partnership with the Squaxin Tribe.)

Spending millions of dollars to try to improve a non-productive creek doesn't make sense, especially when our dollars are dwindling for habitat projects, and our fish stocks are imperiled. That said, a legitimate environmental issue should be dealt with at the SEPA process. I don't believe in end-runs, even more, runs against housing projects in our downtown. There are many legitimate environmental issues that need to be addressed, and downtown housing is a master at addressing many of them. In fact, there's more bang for the buck environmentally with a downtown housing project than the daylighting of Moxlie Creek could ever provide.

Daylighting Moxlie Creek has never been identified as a goal of the Port or City. Raising it for the purpose of protesting a development project in the downtown, in my opinion, is misplaced environmental activism. I believe that the most important result of the Larida Passage public process was the community's agreement and consensus that new housing should be built "anywhere else" in our downtown appropriately zoned for housing, but not on the Isthmus.

We have just finished a Comprehensive Plan update that took three years and provided the community numerous opportunities to identify and spotlight planning issues. Moxlie Creek Daylighting was NOT one of them (and never has been).

Will emotional constituencies challenge these processes and their conclusions whenever development projects are proposed that compliment our Comp Plan goals in the downtown? I'm sure they will. It is the City's responsibility to follow the time-honored processes that protect both the citizens and developers, not go sideways, and particularly in this case, respond outside of the legal process. It will discourage future investment in our city!

Daylighting Moxlie Creek is merely a cosmetic environmental issue with a very low priority scientifically and financially. We must ask how the cost of spending tens of millions of dollars on such an effort would set back our goals of improving marine habitat and building a dense, compact and sustainable city for our childrens' future.

Jeanette Dickison
Olympia WA

From: CityCouncil
Sent: Friday, September 22, 2017 10:38 AM
To: 'northbeachcomm@cs.com'
Cc: Councilmembers; Steve Hall; Jay Burney; Kellie Braseth; Connie Cobb; Catherine McCoy; Keith Stahley
Subject: RE: Sept 22; Design Review ; Westman Mill, #17-2795

Thank you for your comments. I will forward them on to all Councilmembers and appropriate staff.

Susan Grisham, Executive Assistant
City of Olympia | P.O. Box 1967 | Olympia WA 98507
360-753-8244 sgrisham@ci.olympia.wa.us

Please note all correspondence is subject to public disclosure.

From: northbeachcomm@cs.com [<mailto:northbeachcomm@cs.com>]
Sent: Friday, September 22, 2017 10:35 AM
To: Kathy.mccormick@comcast.net
Subject: Sept 22; Design Review ; Westman Mill, #17-2795

Case: Westman Mill, 17-2795 at Design Review Sept. 28 - this is the apartments on the 'Eastbay Flats' site over Moxie Creek area

Hello City of Olympia;

This letter addresses the Westman Mill application# 17-2795.

I am against giving this City of Oly. a building permit.
There are too many unanswered questions regarding this parcel.
Please see the issues, below.

There is no mention of Moxlie Creek in this application.
Why?
Moxlie Creek lies underneath this parcel, or very close.
We need to know about how this creek will effect this parcel in the future.
It is a "salmon bearing" water, the creek has fish in it.
We need to find this out before this parcel is given a building permit.
I am against giving this appli. a building permit.
There are too many issues with this permit, that have not been answered, resolved.

Thanks;

L. Riner
2103 Harrison AVE NW

Oly., WA
98502
360-956-0254

P.S

Landscape design: The public should be informed whether the city arborist finds that the design complies with requirements for tree plantings on the property under Chapter 16.60.

16.60.030 Applicability

B. Unless otherwise exempted, any site to be developed, within the City of Olympia, shall be required to develop a Soil and Vegetation Plan (SVP) and shall be required to meet the minimum tree density herein created.

the requirement appears to be:

New Development	30 tree units per acre	30 tree units per acre
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Possible loss of artesian spring: Public should be informed whether design requires capping of potential artesian spring (a special character and quality of Olympia) which could be incorporated as a design feature. The statement that water on the property comes only from a ditch, is demonstrably absurd, given that it stayed green and wet into late summer. There is great likelihood that an artesian spring, a feature highly valued by the Olympia public, is present.

Attachment 1: " Historic land uses" should include historic tideland uses. This historic use fits the criterion of Municipal Code Chapter 18.100.040 "to preserve the special character and quality of Olympia by maintaining the integrity of those areas which...are of special historic significance."

SUMmary of Special Site COnditions: Presence of Moxlie Creek pipe, providing passage for salmon. Potential presence of artesian spring should be mentioned.

This consideration meets the criterion of 18.100.040, "To consider...the broader public impact of any proposal."

Likewise, its presence in a flood zone with unpredictable and unknown flood levels for the life of the project after approximately 30 years, fits the above criterion. The design should incorporate maximum predicted flood levels.

Catherine McCoy

From: Sherri Goulet <shardon@comcast.net>
Sent: Wednesday, September 27, 2017 10:05 PM
To: Catherine McCoy
Subject: East Bay Flats

To Whom It May Concern:

I am opposed to this project because the design for a multi-story housing and retail building is inappropriate. Have you answered all questions about designing this development for sea level rise? As yet, this has not been done.

Any development of Parcel A must be designed in such a way that it can be compatible with future restoration efforts for Indian Creek-Moxlie. This is not part of the development plan or design.

Reject the design of this East Bay Flats project.

Sincerely,
Sherri Goulet

Sent from my iPhone



COMMENT SHEET

Please feel free to leave comments or questions regarding tonight's Public Meeting.
Your feedback is important - we would love to hear from you. *Thank you.*

Are there enough trees
on this parcel?
I do not see enough trees.
What about the small cap
of soil over this polluted area.
This is a Brownfield site -
not enough of a cap of
clean soil.
"Critical Area ordinance" needs to address Salmon
in Moxlie Creek.
Lee Kimer
2103 Harrison #2-12
Oly WA 98502

If you prefer to talk to the Lead Planner on the project, contact:

Catherine McCoy, Associate Planner
Community Planning & Development (CPD)
(360) 570-3776
cmccoy@ci.olympia.wa.us



COMMENT SHEET

Please feel free to leave comments or questions regarding tonight's Public Meeting. Your feedback is important - we would love to hear from you. *Thank you.*

I heard hear the Port of Olympia is a stake holder?
My taxes go into the Port. That's my two cents.
So here it is--- I don't want the apts. built
esp. here at this location. I want to see this land
developed into a green space. This is a place I go to
enjoy the peaceful sounds in nature that are hard to
come by in an urban setting. Frogs, a huge variety of
birds, other wildlife I have enjoyed, my friends have
enjoyed. Now, with the coming of these apts. instead
of quiet beauty I will encounter more cars, the
stench of exhaust and leaked oil from parked cars. I
will walk by more overpriced fancy boring restaurants.
Do we really need another coffee shop in Oly?
I noticed the apts at 4th Ave, their retail space for
the most part continues to remain empty. I've looked
at the affordability of these apts. 470 sq ft is at least \$1200,
way overpriced.
I do Not want these apts built!!!

If you prefer to talk to the Lead Planner on the project, contact:

Catherine McCoy, Associate Planner
Community Planning & Development (CPD)
(360) 570-3776
cmccoy@ci.olympia.wa.us



COMMENT SHEET

Please feel free to leave comments or questions regarding tonight's Public Meeting. Your feedback is important - we would love to hear from you. *Thank you.*

Feel that the historical nature of Moxlie Creek needs to be considered with the aim of daylighting Moxlie Creek. Design Review should consider the historical nature of the tide flats + Moxlie Creek which predate the Industrial use of this area.

The Critical Area Ordinance needs to be taken into account Moxlie Creek is a salmon bearing habitat. Salmon are an endangered species.

If you prefer to talk to the Lead Planner on the project, contact:

Catherine McCoy, Associate Planner
Community Planning & Development (CPD)
(360) 570-3776
cmccoy@ci.olympia.wa.us

Dear Ms McCoy,

I hope that it is not too late to submit my comments to you regarding the discussion that will happen tonight in the Design Review Board Hearing at 6:30.

I feel certain that by now you have heard from others that there are insurmountable problems related to Walker John's development on State Street. As I believe has been becoming more and more evident, this parcel is not well suited to development of any kind, but particularly not the project which has been being pushed along by those with short term, or perhaps uninformed, interests.

There are many points to consider and I will point out just the ones that I think should give the Design Review Board the most serious pause:

Regarding the Review Boards own guidelines I see that Section 1, A reads:

"To promote those qualities in the natural environment which bring value to the community";

I think it's great that this is at the top of the list, and would ask the Board to consider that the City's Shoreline Master Program includes a statement that says to **restore Moxlie Creek**, and thus another part of our estuary, would be **ecologically superior to any other use**.

In addition, the Review Board guidelines state that it is a priority, *to preserve the special character and quality of Olympia by maintaining the integrity of those areas which have a discernible character or are of special historic significance*. Clearly, the daylighting of Moxlie Creek as a part of our overall historical estuary would be appropriate.

There are also issues which should raise serious concerns about creating more human made structures in an area already impacted by sea level rise, particularly one so loaded with unstable contaminants. There are people who have a more thorough grasp of this problem and I urge the Board to take their comments to heart.

Thank you for considering my comment.

Sincerely,


Valerie Krull

1627 Dickinson Ave NW

Olympia, WA

September 28, 2017

From: sm <beulahcoro28@gmail.com>
Sent: Wednesday, September 27, 2017 12:45 PM
To: Catherine McCoy
Subject: Moxlie Creek

Moxlie Creek IS a Wetland.

The City and he Port should stop pretending it isn't.

East Bay and adjoining land should not be allowed to be Developed. It is in Violation of Law, this is why a Lawsuit is Pending.

We as citizens will continue to press the city to NOT allow the development of this critical area.

If it isn't denied permits, we will mount a larger action, legally, as well demonstrate public dissent action at every phase.

More protest and law enforcement cost are forthcoming.

Shawn Munger
611 Colombia St #7
Olympia Wa 98501

From: CityCouncil
Sent: Friday, September 29, 2017 6:25 AM
To: 'Sky Myers'
Cc: Councilmembers; Steve Hall; Jay Burney; Kellie Braseth; Keith Stahley; Catherine McCoy
Subject: From Sky Myers re Westman Mills Development Comment

Thank you for your comments. I'll forward them on to Councilmembers and appropriate staff.

Connie Cobb

Executive Department | City of Olympia
PO Box 1967 | Olympia WA 98507-1967
Phone: (360) 753-8451 | Fax: (360) 570-3791
Email: ccobb@ci.olympia.wa.us | Website: www.olympiawa.gov

All e-mail to and from this address is a public record.

From: Sky Myers [mailto:svdervish@gmail.com]
Sent: Tuesday, September 26, 2017 3:18 PM
To: CityCouncil <citycouncil@ci.olympia.wa.us>
Subject: Fwd: Westman Mills Development Comment

----- Forwarded message -----

From: **Sky Myers** <svdervish@gmail.com>
Date: Tue, Sep 26, 2017 at 12:29 PM
Subject: Westman Mills Development Comment
To: cmccoy@ci.olympia.wa.us

Ms. McCoy,

Please share my comment with the entire Design Board.

I am deeply concerned about the proposed development now being called Westman Mills. As a working person with little spare time, I am angry that a name change was made apparently with little, if any, public announcement, making it difficult for citizens like myself to follow the project through the city's process. The public input for this project has been nearly thwarted by this name change; I see you claim to have not received any comment. I have spoken before the Port of Olympia begging them not to approve the lease of this land, and now I implore the Design Review Committee to reject this proposal. Please, understand that I fully support density development, but new development must be above the flood zone and certainly not where a salmon bearing creek and historic estuary rightfully belong. Certainly not where our native brothers and sisters have a right to fish and should someday fish again.

There are many reasons this development concerns me, the most crucial of which is that it will essentially preclude any future restoration to Moxlie Creek and her natural estuary. I found it troubling that ***Moxlie Creek is not even mentioned in the design documents!*** Just because it is hidden underground does not mean it should be forgotten. Although the pipe currently runs under only a small portion of these parcels, historic photographs show where the creek naturally should be. This land is the only remaining hope for Moxlie to once again flow into the Salish Sea.

The eventual daylighting of a portion of Moxlie Creek would be great asset to our community and most importantly a crucial step in restoring the estuary at East Bay, and consequently improving water quality that sustains life at all levels of the food chain. Our plankton, our salmon, our orcas, our birds, and other creatures would all benefit. A healthy East Bay would also benefit future generations of Olympians.

I am also appalled that this project would be in direct conflict with the Medicine Creek Treaty and the Boldt decision granting local tribes the right to fish in their accustomed places and requiring that fish barriers be removed. Yes, a few salmon miraculously make it up that long dark underground pipe to reach Watershed Park. This is a testament to their strength and resilience, but the pipe is a barrier that should be removed so salmon can once again flourish. Our governments have time and again broken treaties, this is an opportunity to do the right thing. Will you?

Additionally, the Westman Mills project does not even support the purposes of Design Review as articulated in **Olympia Municipal Code Chapter 18.100.040:**

-
- **To promote those qualities in the natural environment which bring value to the community;**
- This project does NOTHING to promote natural environment and, in fact, will prevent ecological recovery and create further degradation of East Bay. The addition of a fake stream bed adds insult to injury.
-
- **To foster the attractiveness and functional utility of the community as a place to live and work;** This development will not be so attractive in 25-30 years when sea rise and tidal influx will be daily occurrences. The City has begun to study how sea rise will affect the downtown region, and by your own estimations this property will be inundated before the 50 year lease is up. Add in and storm surges it could be much sooner. The port's remediation effort is very superficial - the least they can get away with. Will sea rise and tidal influxes further distribute toxins throughout the area? It is apparent that the area is wetland, with standing water year round. Wouldn't it be more functional to give nature a hand and provide an opportunity for healing?
-
- **To preserve the special character and quality of Olympia by maintaining the integrity of those areas which have a discernible character or are of special historic significance;**
- Moxlie Creek could be a prime example of what makes our city special. The water. The special character of the combined Deschutes River/Moxlie Creek estuaries are of great historic and ecological significance. Someday restoring the estuary will be a great honor to our city's history and gift to future generations.
-
-
- **To raise the level of community expectations for the quality of the built environment;**
- This project as proposed - retail spaces and two expensive townhome complexes with a big paved-over parking lot and FAKE stream bed - is an insult. It may look pretty, but being built on toxic fill, in the flood zone, and over what should be a natural estuary is FAR below community expectations for a well planned and healthy urban environment.

- **To encourage originality and creativity in site planning and architecture;**
I see nothing especially original or creative about this project.

Although there seems to have been some effort to keep public from getting involved in this process by changing the name, the public is watching. We care. We are busy in our lives with so many fronts to fight in these troubling times, the last thing we need is for our city to cave to the same wealthy developers again who stand to profit tens (or more) of millions of dollars from the project while leaving the port and possibly the city, (aka the tax payers) with the liability. This project must not be approved in this location. It is very easy, all you must do is say “no.” It doesn’t cost a dime and it is the right thing to do!

Instead, imagine Olympia joining countless other cities and towns who have creeks and rivers flowing through urban and suburban environments, adding interest, character, green space, fish and birds, even economic opportunity (businesses tend to spring up and thrive when they are on any waterfront), and a healthier environment for all.

Honor the treaty, honor the salmon, the orca, the birds, and the water. In doing so, we honor our future inhabitants. Please, do not let short term gain hinder long range planning.

Most Sincerely,

Sky Myers
9636 Mariner Drive NW
Olympia, Wa 98502
[425-345-7913](tel:425-345-7913)

From: Sky Myers <sky.myers@icloud.com>
Sent: Friday, September 29, 2017 12:00 AM
To: Catherine McCoy
Subject: Design Review Westman Mills

Catherine McCoy,

I submitted a letter and attended the meeting tonight on the Westman Mills Project. I was greatly surprised that the hearing didn't go through the Design Board criteria and evaluate the project based on each of those criteria. I have not attended one of these hearings before and clearly do not understand this process. I did see the chart you emailed me, but I would appreciate a short meeting with you to clarify how public involvement plays a part and at which point the public can influence the process.

Sincerely,

Sky Myers
425-345-7913

From: SER <s.reddenbocker@gmail.com>
Sent: Wednesday, August 16, 2017 8:27 AM
To: Catherine McCoy
Subject: Eastbay Flats and Townhomes

No thank you! There was a time in Olympia when chain stores and businesses were not allowed in the immediate downtown area...what about chain reactions? What about putting the final link in a chain that works towards undoing? A chain that could very well permanently separate our bay from healing the damages we've already done.

Aretha Franklin sings a song called "Chain of Fools" and although it is about the womanizing of her lover, a message can still be taken (beyond that of the title) which is; let us not be the womanizer or the people that get played by them. Let's not play Mother Nature. Let's be tender and truthful and honestly good with honestly good intentions.

Water is still LIFE

Sincerely,

X.

<https://www.youtube.com/watch?v=gGAIW5dOnKo>

From: waltjorgensen@comcast.net
Sent: Thursday, September 28, 2017 4:55 PM
To: Catherine McCoy
Cc: Clark Gilman; Nathaniel Jones; Jim Cooper
Subject: Comments on Westman Mill Project

Catherine McCoy, Associate Planner, LEED AP

Olympia Community Planning & Development
601 4th Avenue East : PO Box 1967, Olympia WA 98507-1967
(360) 570-3776 : cmccoy@ci.olympia.wa.us

Dear Ms. McCoy,

In reading over many of the comments that have already been submitted, it would take extreme hubris for me to even consider trying to supplement or embellish on them. Dr. Helen Wheatley's comments below are especially comprehensive, relevant, empirically verifiable, and professionally presented.

My gestalt takeaway is that this proposed building and its attendant property features would be mundane and depressing in any variety of locations on earth. In this location it is injurious and preemptive to the restoration of the marine/estuarian structures that have been sequestered in a half mile long pipe for decades.

While eschewing any development on this triad of parcels is the most desirable and compliant of the City's options, there are most likely some radically different designs that will accommodate the daylighting of Moxlie Creek and in turn benefit economically from the reclaimed amenity of a significant natural creek that then "runs through it," greatly enhancing and up-valuing the adjacent properties throughout the course of its surfaced flow.

Tell them to start over and remind them that the public is not just a party to, but a major stakeholder in, this process and its results.

Walter R. Jorgensen
823 North St SE
Tumwater, WA 98501-3526
waltjorgensen@comcast.net
360-489-0764 (home)
360-819-0678 (cell)

From: Helen Wheatley <hwheatley22@comcast.net>

Subject: Westman Mill Development.....former East Bay Flats dev.

Date: September 26, 2017 at 3:44:34 PM PDT

To: cmccoy@ci.olympia.wa.us

Comments on Westman Mill Development, 510 State Ave NE,
Olympia. September 26, 2017

by Helen Wheatley, 2218 McCormick Ct SE, Olympia Washington
98501

An Olympia resident, I live next to Watershed Park and use it daily. I understand the connection between the ecological health of the Park, which is culturally valued and essential to the identity of Olympia, and the Port property of which Parcel A, East Bay Flats, is a part.

I am writing mainly out of extreme concern about the degradation of Moxlie Creek and the East Bay of Budd Inlet, although I also have concerns about the appropriateness of the Westman Mill design for the area where it is being placed.

The City of Olympia has stated Goal GN 1 as follows: "Natural resources and processes are conserved and protected by Olympia's planning, regulatory and management activities." East Bay/Moxlie is a unique area, of just the type intended to be aided by this goal. Yet degradation on the failure of natural processes is bound to continue there, unless there is an active effort to restore some degree of ecological function to the former estuary, and to separate and treat stormwater which is currently combined with Indian and Moxlie creeks through the Indian-Moxlie culvert and outfall.

Any development of Parcel A must be designed in such a way that it can be compatible with future restoration efforts for Indian Creek-Moxlie. I see no evidence of this in the plans presented.

Furthermore, the Habitat Management Plan provided by Acera is flawed in its findings and inadequate in its design. As a result, any design based on its findings is flawed as well. Given that the report provided on the website is dated June 2017, it is not clear whether the Plan ever played a role in the design. I request that the City of Olympia deny or at least postpone the current application, demand a new Critical Habitat analysis (preferably by a different contractor), and only then proceed accordingly.

I made a similar comment regarding critical habitat in August of this year, both in written form and at the August 29 meeting, without response. For this reason, I shall try to elaborate on the grounds for my opinion, and also assert that the public involvement process has been flawed. To begin with, while comment is taken, it has become apparent that there is no clear pathway for the City to provide a response.

In a similar vein, answers to questions about design for sea level rise have been very inadequate. The public interest in this matter is profound, as this remains public land and the public will ultimately pay for design failure. The city should not take active measures to implement its Downtown Strategy in the known flood zone until the Sea Level Rise section of the Comprehensive Plan is farther along.

I do not believe that the current cleanup of toxic land underway on the property is a deterrent to critical habitat review. Cleanup provides a needed first step for any future action and I am glad that the Port of Olympia has gotten around to it, decades after acquiring the brownfields.

In all, neither the developer nor the planning department have sufficiently contextualized Parcel A appropriately under environmental regulations or objective realities. The “industrial” design of the developer does not even reflect the most obvious “unique and desirable characteristic” of the Parcel A area: its maritime quality. The planning appears instead to focus almost exclusively on urban zoning, when the unique local “landmark” that would give a neighborhood its character, is actually the East Bay of Budd Inlet (and, of course, the LOTT sewage plant).

I am grateful that the City thought to bring in the city arborist and the fire department for discussion as plans moved forward, as this brought about noteworthy changes to design. In the future, the city should consider bringing in other experts as well, according to the situation. In this case, it could be money well spent to consult professionals with expertise in urban shoreline and stream restoration.

Again, the socio-cultural significance of the parcel has also been narrowly construed, despite the city’s receipt of comments expressing the cultural value of the unique East Bay environment

and the land's historical status as an estuary ("tideland.") It is improper to describe this parcel based only on its history after dredge and fill, and it is not necessarily the greatest aesthetic or cultural design value to fit a building in with the relatively brief industrial past of the Port Peninsula and East Bay. The use of this area by human beings goes back thousands of years. Even in the early years of American settlement, the estuary and tidelands were settled and had cultural meaning and value beyond its industrial use.

1. **Obstructions to full public involvement.** The Olympia Planning Commission/Design Review Board has omitted information the public needs to participate in an informed manner.
 1. On August 29, 2017, it held a neighborhood meeting on "East Bay Flats and Townhomes." On September 28, it will hold a regular meeting with "Westman Mill" on the agenda. The community has not been informed of the change in name. **A community member looking for "East Bay Flats" on the agenda would not know that "Westman Mill" is the same thing.**
 2. The **Indian-Moxlie Outfall is mislabeled "Indian Creek"** on the General Land Use Application, obscuring the presence of Moxlie Creek on the property.
 3. **The Critical Habitat and Wetland reports are not included with meeting materials**, making it difficult for the public to relate the design to its habitat context, despite demonstrated public concern regarding habitat.

1. **Sea Level Rise:** The University of Washington Climate Impact Group "recommended in 2008 that for decisions with long timelines and low risk tolerance, such as coastal development and public infrastructure, policymakers should use low-probability, high-impact estimates of sea level rise." (*City of Olympia 2015-2020 Water System Plan, pp 5-6*) The public made it clear on August 29 that this is a very high priority. **The structure has not been designed according to the recommended low-probability, high-impact estimates.**

1. **The design may conflict with future TMDL water pollution remediation plans.** Moxlie Creek has the US EPA impaired water quality status “TMDL Needed.” This fact, and its meaning, should be included in the description of the property. It should also be stated that Moxlie Creek enters the Deschutes Watershed at East Bay, another impaired water body, which is awaiting submission of a TMDL plan which is near completion. Especially with the added threat of climate change, it may be desirable or even necessary to **separate stream flow from stormwater. The ”Parcel C” culvert adjacent to the outfall area may require modification for the watersheds to comply with clean water standards. The plan design must account for future watershed remediation on Parcel C.**

1. **Both Indian and Moxlie Creek provide salmon habitat.** Moxlie Creek, in particular, has been described as providing “relatively high quality” fish and wildlife habitat. (*Indian and Moxlie Creek Systems*, http://www.co.thurston.wa.us/waterresources/basin/indian/Chapter5_6.pdf) Coho, chinook, and steelhead spawn in Moxlie Creek. There has already been considerable investment in improving the habitat in both creeks. Under the Critical Areas Ordinance (18.32.305), **the presence of these species in the “movement corridor” of the outfall should trigger full application of the Ordinance. When a development proposal lies within one thousand feet of an important habitats and species location, an Important Habitats and Species Management Plan shall be submitted by the applicant.** Furthermore, Chapter 18.32.405 states clearly that even “irrigation ditches, canals, storm or surface water runoff devices or other **artificial watercourses” are included as “streams”** in the chapter so long as **“they are used to convey streams naturally occurring** prior to construction.”

1. The City has committed to preserving, protecting and enhancing Critical Habitat. The **City has accepted a flawed Habitat Management Plan**, which must be reviewed and replaced with a document of adequate quality. Prepared by Acera and submitted in June of 2017, it states

in regard to fish and wildlife species regulated under Critical Areas Ordinance (OMC 18.32.300), that **“no such habitats or species occur on or within 1000 feet of Lot A.”** It fails to state that **Coho, cutthroat, and steelhead occur in Moxlie Creek.** It fails to mention the presence of shorebirds (kildeer) in the water belt on the east side of Parcel A. The consultants reviewed only Washington State fish and wildlife and US fish and wildlife databases, and conducted only one site visit on June 22, 2017. **They did not follow the ordinance by looking for species “subject to the standards in OMC 18.32.305 through OMC 18.32.330, notably Chinook Salmon (Puget Sound), listed as State Candidate (the grade above “sensitive”) and Coho Salmon and Steelhead (Puget Sound) federally listed as “threatened.”**

1. **City Planners must consider the relationship between the development of individual parcels and the overarching goals expressed by the Critical Areas Ordinance.** Critical Areas Ordinance of the City of Olympia (18.32) includes within its Purpose and Intent: “Protect wildlife habitat and species where possible throughout the City,” “...maintaining stream flows and stream quality for fish and marine shellfish”; “Minimizing...pollution of ...fish-bearing waters”; “Protecting the general public against losses from...subsidizing public mitigation of avoidable impacts, and...the cost for public emergency rescue and relief operations”; Identifying and mapping critical areas so that this information is available to...planners,...and potential...lessees of property”; “assisting property owners in developing their property consistent with this chapter by promoting the use of innovative land use techniques; and ...Achieving no overall net loss in acreage and functions of the City’s remaining wetlands.” **Planners should invoke 18.32.130, requiring that “...a public project of significant importance’ may be authorized only the the Hearing Examiner after a public hearing.**
2. **Applicants requesting approval for a development proposal are required, under 18.32.115, to**

“Demonstrate that any proposed project submitted conforms to the purposes, standards, and protection mechanisms of this Chapter” and “Include with the associated application a report which: ...Identifies and characterizes critical areas on the development parcel, and critical areas located on adjacent parcels...Assesses the impact upon the critical areas both from activities outside the critical area and from an proposed alteration...and...Proposes adequate protection mechanisms for the specific critical areas which may include but not be limited to avoidance, mitigation, monitoring and financial measures.” **The Applicant has failed to meet this standard**, and the City should send them back to the drawing board to prepare a better analysis. The City should explain to the public how it has worked with the developer to implement General Provisions, such as deed restriction, regarding Critical Area Tracts.

5) **Parcel A has been designed to skirt the shoreline designations on Parcels B and C.** The City and the Developer should demonstrate to the public that the development is designed in a manner consistent with implementation of the **Shoreline Master Program for B and C: (18.20), “Urban Intensity: The purpose of the Urban Intensity environment is to provide for high-intensity water-oriented commercial, transportation industrial, recreation and residential uses while protecting existing ecological functions and restoring ecological functions in areas that have been previously degraded...”** At present, the design does not appear to anticipate integrating with other development of this type.

6) The plans should state clearly whether the Dry Stream Bed feature will be retained or removed from plans going forward. At the Neighborhood Meeting on August 29, 2017, it seemed apparent that the Dry Stream Bed has given way to a fire lane.

