

## MINUTES OF MEETING

Olympia Planning Commission Meeting  
Monday, June 4, 2012  
Olympia City Hall, Council Chambers  
601 4<sup>th</sup> Avenue East  
Olympia, WA

### Call to Order

Chair Tousley called the meeting to order at 6:30 p.m.

### Attendance

Members Present:	Roger Horn, Paul Ingman, Agnieszka Kiswa, Jerome Parker, Larry Leveen, James Reddick, Rob Richards, and Amy Tousley
Members Excused:	Judy Bardin
City of Olympia Staff:	Associate Planners Amy Buckler and Stacey Ray, Planning Manager Todd Stamm, and Deputy City Attorney Darren Nienaber
Others:	Tom Gow, Recording Secretary, Puget Sound Meeting Services

<b>SUMMARY OF ACTION ITEMS:</b>	
<b>Acceptance of Agenda:</b>	Approved as published.
<b>Approval of Minutes:</b>	Deferred to the June 6 meeting.
<b>Public Hearing: Permanent Homeless Encampment Amendment to Comprehensive Plan:</b>	Received public testimony on the proposed amendment. Extended the public written record until 5 p.m. Friday, June 8.
<b>Deliberation: OPC Public Process:</b>	Directed Commissioner Richards to work with Commissioners individually and City staff to refine the details of the hybrid public participation framework proposal.  Attained consensus on determining when the public record will close, format of the initial public input at the beginning of the process, and including public communication opportunities during each Commission deliberation meeting prior to the final public hearing.
<b>Draft Charter for Comprehensive Plan Update and Leadership Team Update:</b>	Agreed to continue meeting to Wednesday, June 6 at 6:30 p.m., to consider the draft charter and all other remaining agenda items.

### Acceptance of Agenda

Chair Tousley reviewed the agenda. There were no proposed changes to the agenda.

**Commissioner Horn moved, seconded by Commissioner Ingman, to approve the agenda as published. Motion carried unanimously.**

### Announcements

Chair Tousley reminded Commissioners to notify either her or staff of their inability to attend a meeting. A meeting quorum requires the attendance of six Commissioners.

Planner Buckler reported the public hearings on the Ken Lake comprehensive plan amendment and Trillium rezone will not be held at the June 18 meeting. The Ken Lake amendment has been removed from the annual comprehensive plan amendment docket and incorporated within the overall comprehensive plan update.

**Olympia Planning Commission Meeting**  
**Minutes of Meeting**  
**June 4, 2012 Page 2 of 15**

Because of the lack of staff resources, the City is delaying consideration of the Trillium rezone until adequate staff resources become available.

Planner Buckler asked for confirmation from Commissioners planning to attend the Planning Short Course on June 12. Special meeting notice requirements are necessary if a quorum of members attend the course.

Chair Tousley encouraged members to attend the Planning Short Course, which is sponsored by the Department of Commerce. The course covers the details of quasi-judicial and legislative meetings and the roles of the comprehensive plan and planning commissions.

**Approval of Minutes**

Commissioner Ingman requested postponing approval of the minutes until the end of the meeting. Chair Tousley agreed with the suggestion as long as the minutes are approved during the meeting as the next meeting is on June 18. The Commission concurred with the request to defer approval until later in the meeting.

**Public Communication**

There were no public comments.

**Public Hearing: Permanent Homeless Encampment Amendment to Comprehensive Plan**

Chair Tousley reported the Commission received a briefing on the proposed amendment on May 21. Manager Friddle is unable to attend the meeting due to illness.

Planner Buckler summarized the request. Thurston County and the PANZA Board requested a zoning code amendment to allow permanent homeless encampment on county-owned property in the Light Industrial zoning district. A public process followed by the Planning Commission. The City Council amended the development regulations to allow permanent homeless encampment on county-owned property in the Light Industrial zoning district. That decision was appealed to the Washington State Growth Management Hearings Board. The Board rendered a decision ordering the City of Olympia to bring its development regulations into compliance with the Growth Management Act pursuant to its decision by August 28, 2012. That prompted staff to readjust the Commission's schedule to hold a public hearing on a proposed amendment to the comprehensive plan allowing for permanent homeless encampment in the Light Industrial zoning district. The Commission will deliberate its recommendation on June 18. It's anticipated the Commission will hold the record open until Friday, June 8 at 5:00 p.m. for written comments. Any questions and comments can be directed to Planning Manager Steve Friddle at [sfriddle@ci.olympia.wa.us](mailto:sfriddle@ci.olympia.wa.us).

Chair Tousley reviewed correspondence received to date on the proposed amendment.

Commissioner Leveen noted that unlined language in Attachment 3 (Proposed Amendment – Olympia Comprehensive Plan, May 25, 2012) in the first paragraph under LU 18.4, "Such" in the fifth line should be reflected as existing language rather than new language.

Chair Tousley opened the public hearing at 6:42 p.m. and reviewed the public testimony process.

**Diana Wall, 4425 17<sup>th</sup> Avenue NW**, said she is testifying to try and convince the Commission to leave the comprehensive plan as written and not amend Land Use paragraphs in 18.4 and 18.5. The current comprehensive plan has very clear verbiage that should be upheld and unchanged from its original intent. The first two sentences in section 18.4 preserve industrial districts for industrial use and limit non-industrial uses in industrial districts to those uses which complement or support industrial development. In section 18.5, the first sentence states, "Prohibit land uses in industrial district which would be incompatible with existing or potential industrial uses." Residential activities are not compatible with industrial activities. In section 18.5, the plan considers providing notices on the title property within a specified distance of industrial districts to make existing and prospective landowners aware of the nature of the industrial district, in an effort to minimize incompatible land uses and the nuisance complaints. To her, it's a matter of right and wrong. District zones are defined clearly for a reason and are meant to be preserved for their intended use and not changed within a district. If she owned light industrial property and asked for an amendment for a residence on light industrial property, it

would likely take an act of Congress and she doesn't believe it's right that a law is proposed to be changed and amended for a special interest. That zoning is absolutely a district. Don't plop a residential use in the middle. She urged the Commission to uphold the existing plan as intended and as written. She thanked the Commission for their time and consideration.

**John Specht, 2935 Black Lake Boulevard, Tumwater**, said he is a business owner of Black Lake Landscape Supply and he has property in Mottman Industrial Park. He has three trucks and nine pieces of heavy equipment. When the temperature drops below 35° or 40° and equipment is started during cold mornings, the emission and the cloud of diesel fumes can be intense. He opposes the proposed amendment because it's meant for its zoning. There is the possibility of owners assuming some liability if someone claims their emphysema was caused by trucks in the industrial zone. The City of Olympia could be sued for not pursuing due diligence in researching the matter. That's his concern for the property. When Mottman opened in 1977, the first two or three businesses were Fircrest Lumber, Graystone Concrete, and Whistler, and it was intended for that type of zoning and not residential. It should be left for what it was intended for and if he tried to do something similar, it would never go through.

**Vallee Jo Fry, PO Box 8426, Lacey**, reported she is a property owner in the Mottman Industrial Park. She agreed that the way the proposed camp has been inserted into the two sections is incongruous as the property was deemed to be for industrial use. Including "except" and then plopping residential into that industrial use doesn't belong there and it's not safe for the residents at that site nor for those in the park operating heavy equipment and other kinds of activities within an industrial park. The owners do not want to lose the rights everyone in the park have as industrial park tenants. There are no safeguards in the proposed changes for industrial park tenants. She urged the Commission to stop this nonsense, go back, look for an appropriate place for the homeless camp, and leave the industrial park as it is.

**Richard Hoverton, 81136 Canon Court, Olympia**, reported he is also a property owner in Mottman Industrial Park. In looking at the actual proposed amendments, the first one says a process designed to impose reasonable compatibility measures and in the second one, it says prohibit land uses in industrial districts which would be incompatible with existing or potential industrial uses. He owns a building in the Mottman Industrial Park near the proposed Camp Quixote. He urged the Commission to recommend to the Olympia City Council that the comprehensive plan amendments not be authorized. He has discovered a long-standing use of a nearby industrial park property that is utterly incompatible with the proposed camp. This existing use is highly dangerous and would never be allowed in a residential area. The question before the Commission is whether residential will be allowed within an industrial area. Mr. Hoverton said he is not making this up either. He has watched this activity occurring often over the last four years and it's interesting to watch but he can't assure the Commission that no one would want to live next door to it. He refers to the training of police attack dogs by the Thurston County Sheriff and the Olympia, Tumwater, and Lacey Police Departments. The training takes place in the yard of the warehouse immediately to the west of the camp. This warehouse is owned by Thurston County, as he understands it. Mr. Hoverton displayed a photograph of the type of dog used in the police canine activities. He was bit by one in Cupertino, California in 1962 while riding his bike and he remembers it quite well. He doesn't believe there is a person present who would let their family live next door to an unfenced open air police dog training facility. He reminded the Commission that there will be children at Camp Quixote. One solution is to stop training the dogs at the location as the police can be ordered easily to do so and he is sure that is what will happen. Then, this use of the industrial park would no longer conflict with the proposed camp and all will seem well. But, it won't be. PANZA and others have assured everyone that they would never seek to limit our rights to use the industrial park for its established purposes - compatible with existing or potential industrial uses. However, when Thurston County is intimidated into giving up these activities these reassurances from PANZA will finally be exposed as empty rhetoric. This situation illustrates why he hopes the camp will not open. If it does, an activity that has been going on for years, is known to, is sanctioned by four local governments, and is an acceptable use for an industrial park will have been squashed. All that's necessary is changing a couple of nouns to see other industrial activities now completely acceptable fall victim to the same process. He referred to noise, traffic, painting, dust, weekend operations, nighttime operations, and whatever else. He is not describing a hypothetical case that might happen, as its happening this very minute at this meeting. The proponents of Camp Quixote, good people all, will not have to think very hard how to overcome this problem. They will reasonably conclude that the dog training must end. Their supporters and

local government will agree and the camp will then go forward. The existing use, legal, sanctioned, and long-standing will have to end. It will establish a dangerous precedent that he will continue to oppose. A highly unusual new use for a property with enough government support will prohibit an established, sanctioned, and legal use of that property. He does not think that is fair nor should it be legal and it's why he is asking the Commission to recommend against the proposed amendments.

**Heather Burgess, Attorney, Phillips Wesch Burgess PLLC, 724 Columbia Street NW, Suite 140, Olympia,** said she represents the Industrial Zoning Preservation Association, which is comprised of certain industrial property owners in the Mottman Industrial Park. She also represents Vallee Jo Fry, who testified previously, as well as individual property owners Tony and Isabel Cairone and Mr. John Peranzi. Notably, Mr. Peranzi, the Cairones, and Ms. Fry are the petitioners in the Western Washington Growth Management Hearings Board decision referenced in the initial staff report. She is also the author of a packet of material in the possession of the Commission that was forwarded prior to the hearing. The comments in the letter are lengthy and she does not intend to reiterate them during the public hearing since they have been provided in written form. Suffice to say, she does not think that this out-of-cycle comprehensive plan amendment is an appropriate tool to address the compliance that was issued by the Board in this particular case. This is a relatively complex issue and it's not her intent to belabor all the points made in the multiple hearings and processes that led up to the passage of the original development regulations. She indicated she will leave a binder which consists of excerpts of materials from that public process relevant to the impact of the proposed homeless encampment on the Mottman industrial Park property concerning property owners as well as selected excerpts from the materials presented at the conditional use permit and SEPA appeal hearings for the underlying project. She said she brings those to the Commission's attention because the City has chosen to reference those in the Environmental Checklist for the proposed amendments and some of those appear to be incorporated by reference at those materials include noise and traffic specific expert studies relevant to the impacts of introducing the proposed homeless encampment into the industrial zone. She has also prepared a supplemental comment letter not realizing that the record would be held open until Friday that she will provide as well. For the purposes of the record she summarized the points in the letter.

The Growth Management Act in addition to being a requirement that the development regulations be consistent with the comprehensive plan, which were the matters petitioned for review by the Growth Management Hearings Board, also requires that the City's comprehensive plan be internally consistent with itself. Some lay folks who are not trained attorneys have already spoken to the Commission this evening about the apparent internal inconsistency within the proposed amendments with respect to land use policies 18.4 and 18.5. The sentences themselves within the proposed amendments are internally inconsistent and therefore are not consistent with the Growth Management Act. She also identified additional policies within the comprehensive plan which appear internally inconsistent with the proposed amendments. These include policy 7.2, which would suggest that the county's homeless encampment be considered an essential public facility under the policies set out therein, given its regional intent to benefit and its difficulty to site. Land use policy 8.4, which governs introduction of multi-family type uses. Land use policy 8.5 about providing effective landscape buffers or transitional uses between industrial and residential zones. Land use policy 18.1 about encouraging industrial development compatible with surrounding land uses, and frankly, the over arching designation definition found within the comprehensive plan for the Light Industrial zone, which is supposed to provide for, "light industrial uses, such as assembly of products and warehousing and compatible complementary commercial uses." The proposed amendments allow a use that is inconsistent with this definition found in the comprehensive plan. Additionally, she was not aware that the City of Tumwater submitted a comment letter to the extent that it did. The Growth Management Act does require that the City coordinate its amendments with the City of Tumwater given its adjacent jurisdiction. Echoing the comments provided by the specific landowners, the proposed amendments are going to allow residential use in a middle of an industrial zone without specified noise mitigation measures, which will result in a limitation of industrial operations and potential personal liability for surrounding industrial properties. She realizes that this is a point of legal disagreement with City staff and the Hearing examiner, but those appeals have not been resolved and she urged the Commission that there is a contrary point of view outlined in her materials that she will provide to the Commission. The same thing goes for introduction of pedestrian and bicycle residential traffic into the Light Industrial zone. Neither the development standards nor the City of Tumwater's development standards address provisions for sidewalks, bicycle lanes, and other necessary safety features. Perhaps most importantly, she would like to return to the point of essential

public facilities. The Growth Management Act as well as the City's comprehensive plan set out specific provision and criteria for facilities such as this, which are difficult to site and provide a regional benefit. This is not about whether or not there is a need to provide a county homeless encampment. The question is whether or not simply sticking it in the midst of an industrial zone is a reasonable, appropriate, and lawful. She submitted to the Commission on behalf of her clients that it is not and suggested that the Commission pay close attention to Countywide Planning Policies pertaining to similar facilities as the Growth Management Act also requires that any amendments that the City undertakes be consistent with the Countywide Planning Policies. In summary, she does not feel that the amendments are appropriate or lawful and notwithstanding the intent to correct the compliance issue below, she doesn't believe they will and she will continue to raise these issues on compliance and further appeal if necessary. She expressed appreciation for consideration of her comments.

**Don Krupp, County Manager, Thurston County**, said he is also a resident of the City of Olympia and lives at 2213 Nut Tree Loop SE. He expressed support on behalf of the Thurston County Board of County Commissioners for this amendment to the comprehensive plan. He referred to a copy of a letter of support from the County Commissioners. The idea of a permanent homeless encampment originated several years ago when County Commissioners visited Camp Dignity in the Portland area. The County Commissioners learned quite a bit from the success of that effort at the time and then followed up by researching County-owned properties throughout Thurston County to try to identify properties that might be appropriate and suitable to replicate a similar site for Thurston County. The property owned in the Mottman industrial Park appears to be the best situated for this purpose and it meets a critical need in the community. He noted that the property in question is not included in the inventory of industrial or buildable lands and therefore it will not have impact on the supply of such lands to accommodate such growth by committing it to this particular purpose. The Mottman location has been on the market for some time and the County has not found a willing buyer for the property. The site is owned and managed by Thurston County and the acreage has ready access to water, sanitary sewer, and is served by public transportation. The site is conveniently located near public health and social services facilities, as well as local law enforcement. This particular amendment resolves an unintended inconsistency between the zoning code and the comprehensive plan and represents the policy preference that this body and the Olympia City Council have resolved in amending the code. The County is not just the property owner, but also the immediately adjacent neighbor as the County owns the acreage adjacent on the west side having a large building on the property that at one time had been approved for a county jail. It is currently used for warehousing and storage. The county is currently engaged in a renovation project for that particular building with the intent to continue its use for serving county purposes with county employees located on the premise next door to the camp. The County believes it will be good neighbors and compatible neighbors and that the activities will be of benefit to the area and the community at large.

**John Perancy, 117 North Tacoma Avenue, Suite 201, Tacoma**, said he is the owner of property adjacent to the Camp Quixote site on the east side. He was a little shocked about what the Thurston County Manager just said that the property has not had any legitimate offers. He has attempted to buy that property on numerous occasions both through his attorneys and through real estate representatives. So the Manager is either unaware or it doesn't fit his agenda. He directed his comments to the practical side of the issue and said that under any definition of common sense, putting a residential use in an industrial park where the kind of activities that occur within that park just doesn't cut it. It appears to him that people with probably good intentions are not taking a very practical approach to this. So far, he understands that Thurston County, the City, and the state have committed \$2.5 million to this project. That's \$90,000 per hut that doesn't have a bathroom where these people will trot out in the middle of the night to a common bathroom. For \$70,000 a unit they could buy almost any apartment building here in Thurston County and actually provide real services to these people and not kind of pretend service. He said this is what he believes it's all about, that there is no legitimate service that is going to be provided to these people living in glorified dog kennels. They are 100 square feet with no bathroom or kitchen facilities. \$90,000 for 800 square foot does not make any sense at all. He urged the Commission to toss the amendment out. The Growth Management Board said the homeless encampment is completely inconsistent with the zoning. He urged the Commission to use their common sense and don't allow this to proceed any further.

**Tony Cairone, 3265 Mottman Road**, said his property is located across the street from the proposed site. Forty-five years ago, Mr. Fry's father started Mottman Industrial Park, which has lasted for 45 years and has

made a lot of money for our county and our cities. It has provided a lot of jobs for people who did not have jobs and businesses to locate in our vicinity. He doesn't understand how the county and the City can say that this has no impact on an industrial park. He questioned whether they are sniffing that glue or what they are doing, but it sure as hell doesn't make sense when they say it has no adverse impact on Mottman Industrial Park. He would like the Commission to reconsider its decision of a year ago to allow this thing to continue. At that time, we were given four days notice of the Planning Commission meeting and were unable to prepare for it properly. Unfortunately, the same thing happened this time, but this time, we were given five days to prepare for this meeting. Fortunately, we had something in our hands that we could attend and speak too. He asked the Commission to use what was given to the community, as it's about common sense regarding this location. The owners are not against PANZA because everyone needs a place to live, but not in Mottman Industrial Park! The county has refused to sell the property several times. The county manager who said there haven't been any buyers is so ridiculous. He doesn't know where he is obtaining his information because he tried to buy the property.

**Barnett Kalikow, an attorney representing PANZA**, said there's been something of a misunderstanding about the nature of the amendment before the Commission. It's not about the existence or nonexistence of Camp Quixote. In fact, what the Growth Board did was speak in terms of solely whether or not the regulations, as they were written, were in conflict with policies in the comprehensive plan. The regulation as written, does not mention Camp Quixote, and in fact, the Board has acknowledged as did the Hearing Examiner that whether or not the regulation is or can be made compatible with the comprehensive plan will not affect the ability, at this point, of siting Camp Quixote in that location. Now, there may be disagreement on that point. However, we believe we are on fairly firm ground on the point of Camp Quixote and the specific application that was made and vested under existing regulation and code section and that has been reviewed by the Hearing Examiner under a conditional use permit. It is perhaps missing the point and missing the mark to concentrate the deliberations that are before the Commission on the existence or non-existence of the Quixote Village in the spot where it has applied for and received a conditional use permit to proceed. That does not mean that the Commission does not have to bring the development regulations into compliance with the comprehensive plan. That is necessary. He believes the proposal to amend the comprehensive plan however and wherever it may take the Commission must go forward and the Commission must deliberate and decide whether that's the appropriate way of fulfilling the order of the Growth Management Hearings Board. However, that is a separate issue as to whether or not there can be a conditional use permit as a planned site for Quixote Village.

The arguments, many of which are testimonies from neighboring landowners, were made to the Hearing Examiner, Mr. Wick Dufford. He evaluated those comments, the testimony of the Camp Quixote advocates, and the testimony of the City's staff and experts. After that evaluation, he imposed conditions so that in his opinion there would not be significant conflict between the uses. Those included traffic impact and conditions on that. It included a range of other suggested conditions so that the uses would be compatible. A lot of what the Commission has heard has been about how inappropriate it is to put so-called residential uses in an industrial zone. The comprehensive plan and development regulations already allow a number of similar kinds of residential uses in the light industrial commercial zone, such as transitional housing for offenders, a prison, an existing daycare center, and there are a number of non-industrial uses and uses that do not support industry that are already permitted there. This is the kind of use that did not exist when the comprehensive plan was developed, as no one considered a use of a permanent homeless encampment or where to put it. The City has decided to place it in a nonresidential area because it was determined that it would be incompatible. There has been much testimony about how this will negatively affect the surrounding uses. However, since this is not on the inventory of industrial uses now, there haven't been any specifics shared about what negative effects this proposal will have on surrounding uses. There has been a lot of testimony about how bad the industrial uses will be impacted by this so-called residential use. People have been living in the woods, under bridges, and most recently in parking lots and churches downtown next to a bus station. He asked for Ms. Jill Severn with PANZA to speak about what led up to and where people from Camp Quixote lived. However, this is not supposed to be permanent housing for the people who are there. It is supposed to be transitional housing for people rather than a permanent home. There are some who will probably stay because of their circumstances for a period of time; however, that has not been the experience of Camp Quixote. There are no masses of people living and staying there forever. There is a great deal of turnover as people find permanent housing. He asked the Commission to consider that as well.

**Jill Severn, President, PANZA, 607 Central Street NE**, thanked the Commission for the time devoted to Quixote Village. She clarified some misunderstandings. First, there will be no children at Quixote Village. The units do not cost \$90,000 each. Each unit will have a toilet and a sink. The location is not in the middle of an industrial zone but rather on the northern edge of the park. Most importantly, the argument against locating Quixote Village in this area is because it doesn't belong there. However, that is the central dilemma of being homeless, as the homeless do not belong anywhere. That is exactly the dilemma we are trying to solve. The conditional use process has been very adequate to address all the concerns about not how the village will affect the neighborhood but how the neighborhood will affect the village. We have been told that our folks will be run over on the road, they will be miserable because of the noise, and now we are told that they will be bitten by dogs and affected by air pollution. We are not frightened by this and we don't foresee any of those bad outcomes. The conditional use process has been thorough in its capacity to address all the issues. PANZA wants to be good neighbors and looks forward to making that a reality and respecting the rights of industrial neighbors to continue making money and creating jobs for the community.

**Don Krupp** referred to the concern about the offers for purchasing the property and clarified his remarks pertinent to the issue for the record. At the time that the County made the offer to PANZA and the Quixote Village, the County had the Mottman property for sale on several occasions. The property received no interest in buyers. His previous remarks were accurate. It was based on that particular set of circumstances that motivated the County to be willing to make that property available for PANZA and for use as Quixote Village because there had been no substantive interest in inquiring the property. After the County made the commitment to make the property available to PANZA and for use as Quixote Village, Thurston County did receive a letter on March 30, 2011 from Mr. Robert Casey. At that time, Mr. Casey had indicated that Mr. Peranzi had requested that Mr. Casey contact the County regarding the possible purchase of the property from the County. The County was approached after the County had committed to PANZA to make the property available for Quixote Village. He said he wants to ensure that the issue is clear and accurate in terms of how that set of circumstances existed.

**Mr. Peranzi** requested time to rebut the testimony of Mr. Krupp because he is not telling the whole story.

Chair Tousley advised that the Commission would discuss whether to extend the comment period until close of business on June 8. She invited Mr. Peranzi and others to submit written comments. She asked Mr. Krupp to submit the letter of March 30, 2011, as referenced during his testimony.

Commissioner Leveen asked legal counsel to describe the limits and bounds of conditions that a Hearing Examiner may place on a proposed use, as well as information on conditions that might clarify or limit a resident's ability to make nuisance complaints in order to give some existing industrial landowners some assurance about their uses.

Deputy Attorney Darren Nienaber requested an opportunity to review the codes and then follow up with a response.

Chair Tousley asked whether it's important for the Commission to have a copy of the Hearing Examiner's decision. Deputy Attorney Nienaber deferred that decision to the Planning Commission if it feels it would be helpful. He can coordinate with staff to provide the conditional use permit process outlined in the code as well.

Chair Tousley noted that the Commission is acting in a legislative mode rather than a quasi-judicial role for this matter.

Commissioner Parker asked whether it's possible to include a hold harmless provision, and do those types of provisions have any standing. Deputy Attorney Nienaber affirmed that he could research the request.

Commissioner Reddick asked whether the Juvenile Detention Facility is located in the Mottman Industrial Park. Mr. Krupp said the facility, Family Court, and the Accountability Restitution Center are all located within the City of Tumwater within the Mottman Industrial Park.

Deputy Nienaber recommended the Commission extend the period for submission of written public testimony.

Chair Tousley closed the oral public comment portion of the proposed comprehensive plan amendment at 7:33 p.m.

**Commissioner Horn moved, seconded by Commissioner Leveen, to extend the written comment period until Friday, June 8 at 5:00 p.m.**

Commissioner Richards questioned the purpose of extending the period for written comments. Chair Tousley said it has often been the protocol to extend the written comment period. She extended an offer to several speakers to submit written comments to the record.

**Motion carried unanimously.**

Chair Tousley reported the Commission will consider the proposed amendment on Monday, June 18 for deliberation and recommendation to the Olympia City Council.

**Deliberations: OPC Public Process**

Planner Buckler referred to the public process during the comprehensive plan update process. The staff report includes some options, including an option submitted by Commissioner Ingman. The Planning Commission is required to conduct a public hearing before issuing a recommendation to the City Council. She reviewed the Commission's objectives for the public process:

- Involving stakeholder, special interests, and subject matter experts such as developers, business community, neighborhood associations, youth, and other groups the Commission has identified.
- Like public hearings to be fair, open, and accessible to a broad range of public.
- Provide multiple ways for people to comment.
- Provide an opportunity for interactive dialogue enabling an iterative discussion.
- Achieve a meaningful, transparent, and diverse public process.
- Build on prior outreach and feedback.
- Educate the public about the purpose and value of the comprehensive plan.
- Use time and resources efficiently – be strategic.
- Use public comments to derive priorities for review moving forward.

Planner Buckler reminded the Commission of the resource and time constraints for the process and requested feedback on the options.

Chair Tousley encouraged the Commission to develop a decision on the framework of the public process. Planner Buckler added that it's important to develop the framework to assist staff in planning the logistics. The City Council anticipates receiving information on the framework for the Commission's public process at its June 19 meeting.

Planner Buckler summarized the options and noted that the hearing record will be closed prior to making any decisions or recommendations; the record won't remain open continuously. Staff needs time to distribute public notices for hearings or focus meetings. The options include:

- Host an informational open house prior to the formal hearing to answer questions.
- Host informal panels prior to formal public hearings.
- Hold public hearing and continue multiple topic-specific public hearings during several meetings. Alternatively, the Commission could open the record every other meeting but not on a specific topic. However, that option might be too confusing especially when the Commission may have rendered previous decisions. There is always the option of holding a second public hearing in the fall.



Commissioner Horn offered that the options don't offer the Commission a similar opportunity pursued in the SMP process of affording the Commission an opportunity to make preliminary recommendations prior to formalizing final decisions. Planner Buckler said it may be possible and is similar to Commissioner Ingman's recommendation. She cautioned that it's important the Commission not commit to a decision prior to the close of the public record. Manager Stamm said the challenge is when the Commission is seeking input on new ideas; staff will need clear direction on the new ideas for the public hearing notice. Commissioner Horn replied that any informal decisions rendered up to that point would be a public record.

Commissioner Ingman spoke to his proposal. Some of the concerns about closing the public record and publicizing the deliberation topics are addressed in the proposal. Much of the language is from notes the Commission received from the Council. He agreed with respect to utilizing the model that staff used in contacting the community with a proposal for community response to incorporate within the Commission's deliberation. Much of the language in the proposal is plagiarized from City legal staff. The major difference between the staff options is a holistic process of enabling a public response to the staff report and incorporating those comments prior to the Commission's deliberation. It dovetails into Commissioner Horn's suggestion where some deliberation occurs to address some specific issues. Because the SMP process took so long, the public was basically shut out of the process. The goal is achieving a reiterative process where the public can speak to specific topics as the Commission deliberates. He looks to the Leadership Team to define those meeting formats. One proposal is affording a three-minute opportunity to speak on a specific topic. At some mid-point, the public would have another opportunity to intervene for another three minutes with response afforded to the Commission. Following that, the Commission would draft a proposal. The Commission would close the public hearing and then deliberate on the final recommendation. The only time consideration concerns the public document during the Commission's initial deliberation that is transmitted to the public.

Commissioner Leveen requested clarification of the proposal. He asked whether the final City staff proposal is the July draft. Planner Buckler affirmed it's the July draft. Commissioner Leveen asked whether the proposal for a workshop pertains to one or several workshops. Commissioner Ingman said it depends on what the Commission believes is necessary to review the July draft. Commissioner Leveen referred to the proposed initial deliberation phase and questioned the extent of the initial review. Commissioner Ingman said the performance measure is tied to the work plan. When the Leadership Team develops the work plan, there likely will be certain issues the Commission will address either on a chapter basis or on specific topics. As the Commission initially addresses some concerns, it might include vetting by the Commission to the point where the Commission wants public feedback. Commissioner Leveen asked about any concerns with constraining Commission agendas by topic because of challenges encountered during the SMP process. Commissioner Ingman said he would hope that the work plan addresses that issue and ties it to some kind of schedule. Commissioner Leveen asked whether the provision of continuous updates to the Commission's deliberations results might become a moving target with numerous revisions. Some clarity might be warranted for that specific proposal. Commissioner Ingman said the provision doesn't necessarily represent that the Commission's positions are changing but rather that the public has the opportunity to participate early and continuously throughout the process.

Commissioner Reddick asked whether the initial deliberation phase doesn't include an actual vote but attaining a consensus on the status of a particular topic. Commissioner Ingman affirmed that would be the process. There is some precedent for that process during the SMP process where the Commission initially agreed followed by a subsequent final vote.

Commissioner Kiswa supported Commissioner Ingman's proposal because it's consistent with City legal staff advice against developing any preconceived recommendations.

Chair Tousley asked Commissioner Ingman to speak to the staff options in comparison to his proposal. Commissioner Ingman referred to #2 and some of his concerns not represented in the staff proposal. It ties back to a Councilmember's comment that the Commission should seek out stakeholders. The City Attorney advised that specific stakeholder groups shouldn't be identified but that the meeting is open for everyone to attend. In staff's third option, the recommendation is hosting a public hearing specific to two or three topics. His recommendation is for a more open process especially as the Commission is in the initial phase. All topics

should be available to address at an informal workshop. With respect with option #1 of several public hearings, his concern is with the schedule. An informal workshop at the beginning could easily address the review of the July draft.

Commissioner Richards asked staff about any potential roadblocks with respect to Commissioner Ingman's proposal. Planner Buckler said the proposal has many similarities to the other options. The three main differences are that the Planning Commission would prepare another draft for review, entailing another step. Additionally, the workshops in the beginning are less specified than staff's proposal. Having multiple formal opportunities to comment at each meeting is the third difference. That could result in more time and is not necessarily a fatal flaw for staff, but it's dependent upon the City Council's delivery date. Dependent upon the timeline, it could impact the timeline for the Commission's deliberation. The proposal is similar in that it begins with a public process where the Commission has an opportunity to consider issues and determine some preliminary and easier issues while identifying those issues requiring more deliberation. Both versions offer the opportunity to seek public input. Both proposals include the option of specifying comment periods at certain meetings that can be topic-specific or wide open, while acknowledging the implications of that format. Under that option, it might be more difficult to control topics. The concern is the Commission's time and learning new information and wanting more research or discussion. Ultimately, more public comment occurs later in the process, the Commission will deliberate, and then the Commission will finalize its recommendation for forwarding to the City Council.

Planner Ray commented on the difference in the proposals with Commissioner Ingman's proposal geared to those citizens that are interested in following the evolution of the Commission's process, such as being involved early and continuously, whereas staff's options are attractive to community members who want to attend one meeting and be engaged and involved. It's important to think about what members of the community are seeking.

Commissioner Ingman referred to his proposal and indicated that regardless of the method, the Commission can obtain information from the public through multiple methods.

Commissioner Parker said his major concern pertains to the amazing efforts of staff to engage the public and the amazing indifference at public meetings. It's often that more staff attend than community members, which is concerning. If possible, he suggested a visual presentation at this stage of the process, such as Chapter 4 to help convey images of what the chapters include. One example is density and what it means because there is no visualization of what density might look like. Most people think it means faceless apartment buildings in the Soviet Bloc because there are no other images to view. He asked about the format of the panels and the workshops and suggested the possibility of having staff or invited guests share examples of density and urban designs.

Chair Tousley commented that part of the SMP process included receiving information from local experts or those with a background in a particular field of study. That is an element she would like included within the panel format. Often, some citizens are intimidated speaking but might feel more comfortable in a group of people with similar opinions. She agreed with the comments about the importance of visualization. She expressed support for the panel approach.

Planner Ray acknowledged that there is a lack of visual representation in the plan for various planning concepts. Staff is working with Thurston Regional Planning Council to create some illustrations to convey the planning concepts. In terms of the panels, in lieu of staff recruiting experts, staff would like the Commission to tap into the community and contact individuals who have the ability to provide information in different ways staff is unable to provide.

Commissioner Parker said as an example of visualization, many years ago the City considered the block between 4<sup>th</sup> Avenue and 5<sup>th</sup> between downtown and the Ralph's Thriftway and nothing moved forward likely because there were some concerns by the community. However, the process was clear and didn't include only planner language as there were images of what could be redeveloped in the area.

Chair Tousley shared Commissioner Bardin's email correspondence. Commissioner Bardin supports Commissioner Ingman's proposal option 4 as the first choice and the second choice is Option 3 – public hearing for multiple topics with the alternative of holding multiple public hearings with no specific topics or perhaps some topics could be determined as long as there are multiple hearings. She prefers option 4 or 3 because they enable the public to weigh in and it provides input to the Commission as long as possible as the Commission works through revising the comprehensive plan.

Commissioner Reddick said he supports Commissioner Ingman's process. The Leadership Team can refine and work with staff options to blend the two into a process. Any informal workshops could entail leaving displays in the lobby for the public to view and possibly leaving feedback or pursuing questions of staff.

Commissioner Parker reiterated that visualization should be included as an element in any workshop or panel. He asked about the difference between the informal workshops than the two previous workshops held at the Olympia Center and at Percival Landing. He suggested providing more information on the definition of the workshop and some revised language explaining "75% of the CPU's workload."

Commissioner Leveen said he could support an option that articulates the objectives. He reiterated that while it's okay for the Commission to outreach and invite different and specific community members and groups, it is important that all community members are involved.

Commissioner Kiswa expressed support of Commissioner Ingman's proposal because it would enable the Commission to include elements proposed by Commissioner Horn as outlined in the Finance Subcommittee report. Some elements from the report are very interesting. RCW 36.70A.090 calls for comprehensive plans that include innovative techniques and one of those techniques would help with speeding public involvement and discussion through the visualization suggestion. There are some highly qualified companies offering pro bono service. She offered to provide information to staff on a company that specializes in 3-D presentations and is willing to provide pro bono service.

Commissioner Horn supported a combination of staff's option 1 and Commissioner Ingman's proposal. He supports a two to three-night hearing process with stations in the lobby for public access prior to the hearings. The hearings could include expert review panels that are self-selected by the community rather than the Commission because of concerns about the fairness issue. The Commission could receive testimony during meetings during a specific allocation of time between the workshops/public hearings/extra review panel meetings and the final public hearing, which should occur after the Commission's initial review. The review would be similar to the SMP roundtable approach of each member providing input for reaching general agreement, with the understanding that not all elements will attain consensus. The final opportunity is another public hearing and closure of the public record followed by the Commission determining a final resolution. Commissioner Horn noted the schedule includes five deliberation meetings, which is not sufficient with or without 20 minutes of open mic for the public.

Commissioner Ingman supported the comments of all Commissioners. He agreed with the importance of visualization as it's pivotal and the core of communicating with the public. In terms of the five opportunities to deliberate, the charter speaks about the Council providing the Commission with the resources and the time to complete the work. Based on his review of the CPU, it will not be possible to accomplish everything in five meetings. He suggested the Leadership Team pursue an extension of time. Within his proposal pertaining to items 1 and 3, he looked to the Leadership Team to develop proposals because he's not necessarily tied to workshops or other formats but rather the team should define a method that it believes is best for receiving public participation.

Commissioner Richards agreed with Commissioner Horn and expressed appreciation to Commissioner Ingman for developing the proposal that he describes as a framework. By taking staff's option 1 and blending it within the framework, the Commission would likely have a very good process. Commissioner Ingman's provided clear steps in the process and staff's scenarios didn't have that much specificity as to the timeline.

Chair Tousley said that although she has some concerns, she could support merging staff's option 1 and Commissioner Ingman's proposal. However, she would want to consider staff resources for developing a second draft from the July draft or how the updates to chapters are addressed and potential resource impacts. Commissioners have addressed visualization. It's unknown if a company could assist and whether it's possible to involve the company by July 2. Timing is the major issue in terms of that process. The Leadership Team is scheduled to present the public participation framework to the City Council on June 19. It appears the Commission is attaining a consensus on that process. One recommendation for discussion is moving other work items off the calendar to address the comprehensive plan. That could include the urban agriculture code amendments and other scheduled items. If those items can be moved to 2013, it might address some of the concerns about the lack of time to enable a thoughtful process beyond the five meetings included on the schedule. She is not opposed to incorporating some of the suggestions from Commissioner Ingman and merging it with staff option #1.

Commissioner Parker asked whether the Commission reviews the final framework prior to presentation to the City Council. Chair Tousley said the Commission is meeting on June 18, which is a day before the Council's study session. The CPU Subcommittee could refine the details of merging the two proposals. Her goal is attaining the Commission's faith in the framework that's developed and subsequently presented to the Council.

Commissioner Reddick recommended the Leadership Team and staff should develop the proposed public participation framework and transmit to the Commission by email for any feedback. The process needs to continue to move forward and the process is in place through the Leadership Team and staff.

Chair Tousley said the next meeting of the Leadership Team is June 15, which will focus only on process and not address any substantive or policy issues. She doesn't support email communication regarding the framework with respect to communication between members because of quorum concerns.

Planner Buckler reported staff preparation of the Council's meeting agenda packet includes a copy of the Commission's charter within the staff report, which is due on Friday, June 8. It would also be helpful to receive some clarification on some elements of the framework merger prior to the end of this meeting. In terms of visualization, staff is developing some illustrations. The comprehensive plan is a broad, visionary document and some illustrations can be incorporated similar to the existing plan. Some additional discussion would be helpful on the expectation of visualization. The Commission also has the option of adding more meetings if the Council doesn't extend the comprehensive plan schedule. In terms of merging the proposals, it would be helpful for staff whether the initial public process entails informal workshops or the formal public hearing process as proposed in option 1 with panels, and in terms of providing continued public input options during meetings, staff would like direction on whether that occurs at each meeting or every other meeting and would the opportunities be open or topic-specific. Additionally, she asked whether a written comment period will be open during that time and whether that process includes an initial draft proposal. There is some staff time required from establishment of the process for staff to work with IT for posting the information on the website. Part of the discussion on the charter later in the meeting includes the assumed final delivery date of the Commission's comprehensive plan recommendation.

Commissioner Richards advised that he will offer a motion to formally create a CPU Subcommittee tasked with crafting the public participation process. He suggested scheduling a meeting on June 6 to address staff questions and the merging of the proposals.

Discussion followed on noticing requirements for meetings. Manager Stamm advised that if the Commission's subcommittee is not delegated any authority to make decisions on behalf of the Commission, it is not subject to the Open Public Meetings Act. However, if for instance, as the Commission has discussed, the Commission is delegating such authority, it is subject to the Open Public Meetings Act. Regardless of the Act, the City's rules require a five-day notice of any meetings of the subcommittee or the Commission. The Commission could continue the meeting to another day. However, there is insufficient time to notice another meeting.

The Commission responded to questions from staff. Commissioner Ingman suggested the public hearing should occur near the end of the process when the record is then closed. Commissioner Horn said he doesn't

envision formal public hearings, but rather an opportunity to have a semi-workshop with stations for community members to view the July draft. Panels of the community can chose to attend and discuss particular interests. The final public hearing will be the formal process. However, he would like to provide opportunities for community members to speak and dialogue with the Commission as outlined in option 1. Commissioner Ingman added that he agrees with that process.

Chair Tousley suggested it's important to have some formalization in the beginning because it is how people will establish standing in the comprehensive plan. If the comprehensive plan is part of the Commission's regular agenda and public comments during Public Comment on the agenda are included, it's important to allocate a specific time limit. The written comment period depends on how the process is orchestrated. She is concerned about staff resources and developing another draft. The Commission should advise the Council if it believes the process cannot be completed by the end of the year.

**Commissioner Richards moved, seconded by Commissioner Ingman, to move forward with a hybrid of options 1 and 4 and empower Commissioner Richards to work with Commissioners individually and City staff to refine the details of the hybrid public participation framework proposal.**

*Commissioner Horn suggested a friendly amendment of determining the following to provide Commissioner Richards with some guidance as he moves forward: (1) determination of written record, (2) the format for initial public input at the beginning of the process, and (3) closure of the record with final public hearing. The makers of the motion agreed to the friendly amendment.*

Commissioner Horn reviewed each item within the amendment:

There appears to be general agreement of conducting two to three evening meetings at the beginning of the process to include self-selected panels and opportunities for the Commission to interact with those panels and community members offering comments. *The Commission agreed with the summary of the process.*

In terms of closure of the written record, the Commission would determine during the process when the record is closed for oral and written testimony. *The Commission agreed with the summary of the process.*

The Commission would include public communication opportunities during each Commission deliberation meeting prior to the final public hearing. *The Commission agreed with the summary of the process.*

Planner Buckler asked whether the Commission intends to develop a draft proposal as the subject of the second public hearing or whether the formal public hearing focuses on specific issues in the July draft. Commissioner Horn said he envisions the Commission having some document that represents where the Commission is in the process at the time of the final public hearing. Commissioner Ingman supported the suggestion if the Commission has the time to develop it. Planner Buckler questioned whether the format could include a substantive change list rather than a full draft plan, as it would save time and enable time for deliberations. Commissioner Horn said he doesn't believe another full draft plan was the intent of the suggestion.

Planner Buckler asked about the final delivery date. Commissioner Horn suggested that decision is outside the scope of delegation to Commissioner Richards. Commissioner Reddick added that he would like Commissioner Richards to explore how the lobby could be utilized for displays for the public to provide input.

**Motion carried on the main motion as amended.**

#### **Draft Charter for Comprehensive Plan Update and Leadership Team Update**

Chair Tousley reported the Leadership Team met with staff and Kendra Dahlen on the draft of the charter. She described the basis for the draft charter and invited feedback on the draft.

Commissioner Parker supported the inclusion of "interest groups" rather than "stakeholders" as the use of "stakeholders" is a very dangerous word to use. Chair Tousley noted that it entails Commissioner Leveen's contention that it's important for special outreach rather than special access.

Commissioner Ingman commented that some of his concern is that the majority of the Commission was not involved in developing the draft charter, leading to many questions and insufficient time to address those questions. He questioned the process for proceeding as he would like a discussion because the charter establishes the Commission's framework in moving forward. The public also didn't have an opportunity to provide input on the charter. However, he acknowledged that there is a time issue.

Commissioner Horn asked Ms. Dahlen to provide some context on the purpose of the charter for the benefit of the Commission.

Commissioner Leveen questioned why the document wasn't included in the agenda packet. He reiterated that the Commission should not receive documents during a meeting with the expectation that Commissioners can absorb the information. Not including the documents sets up the Commission for failure as well as not meeting important deadlines.

Kendra Dahlen reported that after the Commission's retreat, she conducted a series of briefings with the Leadership Team and all Councilmembers attending the retreat and Mayor Buxbaum. Mayor Buxbaum and Councilmember Langer discussed the need for a charter for the Planning Commission's work and its review of the comprehensive plan update. That discussion included what the charter might entail and some of the terminology discussed was the lens the Commission would be looking through and the context for making decisions. When she met with other Councilmembers, they spoke to the importance of the public involvement process and working collaboratively and sequentially with the Planning Commission throughout its review, and using the June 19 meeting as an opportunity to talk about what the context might be and what a charter could look like. During development of the charter, Ms. Dahlen said she pulled information from the retreat. Most of the language is from the retreat. The draft charter is high-level incorporating goals and objectives in how the Commission conducts its work. It is not a work plan and doesn't include dates and deadlines. The Leadership Team only had two meetings to develop the charter, which is why the Commission is receiving it so late. The second meeting was on June 1, which speaks to the fast track of the draft process.

Commissioner Ingman affirmed an understanding of the process but stressed that a majority of the Commission has not reviewed the draft charter. He has some major questions pertaining to the charter and offered some suggestions of codifying the document, eliminating bullets, and numbering the sections. He suggested the first bulleted item on page 2 is unclear, lacks clarity, and should be rewritten.

Planner Buckler described the intent of the section, which acknowledges that there are many different goals and policies in the comprehensive plan that evolved over decades. There has been much analysis completed on many elements. It is unlikely unmanageable based on the time the Commission has, to review and analyze everything within the plan. That section speaks to setting some limits and acknowledging that it is an issue that wasn't included in the original scope of the update nor addressed by the public and the Planning Commission, and therefore should not be considered during the Commission's review. The language within that section can be changed.

Commissioner Horn added that he expressed similar concerns during the Leadership Team meeting and that the section doesn't adequately capture the intent. The intent was to address the issue of new ideas that might be raised. The section should be rewritten.

Planner Buckler questioned the source of any new idea if it's not generated by the public.

Commissioner Horn replied that it could be generated by a Commissioner. The Commission could indicate that the plan doesn't address some element about density for instance, and that it's been a general idea that has been raised that the Commission is refining through its deliberation process. The Commission may believe that for an effective plan, the plan should include such information. He acknowledged that he is unaware of any new information that might result in any changes in the plan but doesn't want the Commission to feel constrained in the event new information is presented.

**Olympia Planning Commission Meeting  
Minutes of Meeting  
June 4, 2012 Page 15 of 15**

Commissioner Parker said the language is surprising as it provides the public with a greater role than the Commission because if the public brings up an issue, it can be considered whereas if the Commission raises an issue, it can't be considered. He agreed with the previous comments.

Chair Tousley acknowledged the Commission had no time to review the document. However, the Council has requested the document at its June 19 meeting. If the Commission defers review until June 18, the document will not be included in the Council's agenda packet. She asked for feedback on the best way to refine the draft in time to meet established deadlines. Planner Buckler offered that the Commission could continue its meeting.

Commissioner Ingman asked about deferring delivery of the charter to the Council until a later date. Planner Buckler advised that it likely isn't possible to defer delivery of the document. Chair Tousley added that the Mayor and the Chair of the Land Use Committee have requested the document.

Discussion followed on the timeframe for drafting the charter, delivery to the Commission, and the timeline for providing the Council with the charter.

**Commissioner Parker moved, seconded by Commissioner Ingman, to continue the Commission's meeting to Wednesday, June 6 at 6:30 p.m., to consider the draft charter.**

***Councilmember Reddick offered a friendly amendment to include the review and approval of the Commission's meeting minutes of March 5, 7, 12, 19, 21, 26, and 28. The makers of the motion accepted the friendly amendment.***

***Councilmember Horn offered a friendly amendment for the June 6 meeting agenda to include all remaining agenda topics not addressed during the June 4 meeting. The makers of the motion accepted the friendly amendment.***

**Motion carried. Commissioner Richards and Chair Tousley opposed.**

Commissioner Kiswa advised that she might be late for the meeting as she is traveling back from a meeting out of the area.

Chair Tousley asked members to document their comments for any changes to the draft charter.

**Adjournment**

**With there being no further business, Chair Tousley adjourned the meeting at 9:28 p.m.**

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Amy Tousley, Chair