

## Nancy Lenzi

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**From:** Leonard Bauer  
**Sent:** Thursday, February 27, 2014 3:44 PM  
**To:** Nancy Lenzi  
**Subject:** FW: Public comment - PORM zone text amendment

Thanks for adding to parties of record and preparing for OPC hearing Monday night.

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**From:** david sweet [<mailto:sweetpoetry@mindspring.com>]  
**Sent:** Thursday, February 27, 2014 1:20 PM  
**To:** Leonard Bauer  
**Cc:** Jim Morris; John Hillier  
**Subject:** PORM zone text amendment

Dear Mr. Bauer

I'm the managing partner for Capital Venture No. One, the owner of tax parcels;  
12817431100, and  
12817431103 in Olympia, Thurston County.

We support the the recommendation and are recapping with a copy of the letter from Jim Morris which echoes our sentiments:

In response to your notice of 2/19/14 concerning the PORM zone text amendment.

As an affected owner of a parcel in the proposed text amendment area, we support the recommendation. Over the past few years, the City of Olympia has been faced with several challenges, concerning the City's growth, economic future, vitality and safety downtown all the while striving to meet the needs of our community. The City of Olympia engaged the services of the consulting firm, EcoNorthwest, to address many of these issues and present logical, in-depth analysis that may assist the City. My understanding is the work by the consultants has brought forward some ideas, solutions and next steps to provide some guidance in achieving some real time changes. It would appear that this text amendment may be one of those opportunities to address one of the codes in place that has been unintentionally creating a barrier to development. As the City moves forward towards a vision of more walkability, livability and sense of community, this change could promote a more diverse development, meeting more of the vision companioned by the community. There have been several new residential, senior living, single family and multi-family developments completed over the last few months which will need to be balanced with a mix of other uses to create success and vitality. This is a step in the right direction, to revise an outdated code and removing a barrier to which to development in that area can move forward as provided in the consultant's report.

Thank You

Yours Sincerely,  
David Sweet  
For CV#1

Go to [www.sweetpoetry.com](http://www.sweetpoetry.com)  
Click on "Free" or " Books and Writings"  
for Poetry. "Honoring Veterans", Hope,  
Inspirational Downloads and "Get Over It Faster".

## Nancy Lenzi

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**From:** Leonard Bauer  
**Sent:** Thursday, February 27, 2014 3:45 PM  
**To:** Nancy Lenzi  
**Subject:** FW: Public comment - PORM Zone Text Amendment

Thanks for adding to parties of record and preparing for OPC hearing Monday night.

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**From:** Jim Morris [<mailto:Jim@mphholdings.com>]  
**Sent:** Thursday, February 27, 2014 11:33 AM  
**To:** Leonard Bauer  
**Subject:** PORM Zone Text Amendment

In response to your notice of 2/19/14 concerning the PORM zone text amendment.

As an affected owner of a parcel in the proposed text amendment area, we support the recommendation. Over the past few years, the City of Olympia has been faced with several challenges, concerning the City's growth, economic future, vitality and safety downtown all the while striving to meet the needs of our community. The City of Olympia engaged the services of the consulting firm, EcoNorthwest, to address many of these issues and present logical, in-depth analysis that may assist the City. My understanding is the work by the consultants has brought forward some ideas, solutions and next steps to provide some guidance in achieving some real time changes. It would appear that this text amendment may be one of those opportunities to address one of the codes in place that has been unintentionally creating a barrier to development. As the City moves forward towards a vision of more walkability, livability and sense of community, this change could promote a more diverse development, meeting more of the vision companioned by the community. There have been several new residential, senior living, single family and multi-family developments completed over the last few months which will need to be balanced with a mix of other uses to create success and vitality. This is a step in the right direction, to revise an outdated code and removing a barrier to which to development in that area can move forward as provided in the consultant's report.

**Jim Morris**  
**360.570.8515 office**  
**360.570.8513 fax**

## Janet Sanders

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**From:** Leonard Bauer  
**Sent:** Friday, March 07, 2014 11:22 AM  
**To:** Jim Morris  
**Cc:** Nancy Lenzi; Janet Sanders; Amy Buckler  
**Subject:** RE: Text Amendment

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Thank you for your additional comment on this proposal.

Nance, please include this in the official public comment record for the PPO/RM zone text amendment project (file #14-022), and include copies in the OPC packet for 3/17 meeting. Thanks.

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**From:** Jim Morris [<mailto:Jim@mphholdings.com>]  
**Sent:** Friday, March 07, 2014 10:10 AM  
**To:** Leonard Bauer  
**Subject:** Text Amendment

Leonard,

Please accept the attached letter as a follow up to my earlier comments regarding the proposed text amendment currently before the Planning Commission.

Thank you,  
Jim Morris

City of Olympia  
City Hall  
601 4<sup>th</sup> Avenue East  
Olympia, Washington 98501

To Whom it May Concern:

This letter is in response to your Public Hearing on Zoning Text Amendment- Professional Office/Residential Multifamily (PO/RM) Zoning District. As an owner of an affected parcel in the proposed text amendment area, we support the recommendation.

The existing OMC 18.06.060 (Commercial district's use standards) restricts a parcel in the PO/RM zone (and specific , to only a one time use of up to 10,000 square feet of commercial/retail use, requiring the remaining portion of the parcel to infill with PO/RM uses. This requirement leaves parcels of over 1 acre at a disadvantage to maximize the uses and balance the density with sensible development providing the area residents with the opportunity of retail services within walking distance.

I have previously provided written comment for this Public Hearing, but upon further review of the text amendment and staff report, I would like to submit additional information as a part of my rationale of support.

Over the past several years, the City of Olympia has been faced with many challenges concerning the City's economic future, vitality, and safety downtown all while struggling to meet the current needs of its community. To this end, the City of Olympia engaged the services of the consulting firm ECONorthwest to address many of these issues, presenting a logical, in-depth analysis and recommendations to assist the City in its future goals. The published work by the consultants has brought forward several recommendations for next steps, with the goal of achieving some real time opportunities. This area was identified as an Opportunity Area identified in this report, and one of the recommendations made in Section 3- 'Launching an ongoing development strategy' of the report states, "Take advantage of opportunities when they present themselves, which may mean that the City would... move forward with actions in existing opportunity areas ahead of schedule." This text amendment could serve as an opportunity to address one of the codes in place that has been unintentionally creating a barrier to development, as it would address the need for some flexibility in Zoning Use. However, the remaining Land Use and Development Standards would remain in place to ensure adequate oversight and community input as currently required. As the City moves towards a future vision of more walkability, livability and general sense of community, especially in its specific neighborhoods, this text change could promote more diverse development, meeting the vision championed by the community.

There have been several new residential, senior living, single family and multi-family developments in the area, adding hundreds of new dwellings and subsequent residents completed over the last several months, and several more developments are in process with several hundred more units planned for completion in the next several months. These residences will need to be equalized with a mix of

commercial and retail services to ensure success and vitality within the area and give this up-and-coming neighborhood an identity of its own. The following is a list, referenced from the City of Olympia's website "Private Construction Projects";

- A. Affinity of Olympia Apartments/ 4701 7<sup>th</sup> Ave. SW/Age Restricted /170 units.
- B. Copper Trail/ Multifamily/701 Alta Street NW/260 units.
- C. Cyrene/Single Family/2600 Block of 14<sup>th</sup> Ave. NW/100 units.
- D. Evergreen Hills Plat/Single Family/1500 Block of Kaiser Rd. NW/150 units.
- E. Evergreen Landing/Multifamily/1421 Evergreen Park Dr. SW/36 units.
- F. Hearthstone Apartments/Multifamily/800 Alta St. SW/100 units.
- G. Olympia Vista/Multifamily Senior Living/1000 Yauger Way SW/ 100 units.
- H. Woodbury Crossing Phase 2/Single Family/1900 Block Harrison Ave. NW/ 64 units.

Enclosed you will find the following attachments for your review:

- 1. Attachment A – Geodata Aerial Map of the parcel layout and roads in the surrounding area.
- 2. Attachment B – Geodata Map with existing and proposed residential areas.

The proposed text amendment is a step in the right direction, revising an outdated code and removing a barrier to development that would help to allow a mix of appropriate uses in this area.

Please consider and approve this text amendment as proposed so that we may continue working towards a vibrant, livable City of Olympia, together.

Sincerely,

Jim Morris

ATTACHMENT - B



ATTACHMENT B  
EXISTING AND PROPOSED  
RESIDENTIAL AREAS



## Janet Sanders

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**From:** Leonard Bauer  
**Sent:** Tuesday, March 11, 2014 3:01 PM  
**To:** Janet Sanders; Nancy Lenzi  
**Subject:** FW: Public Comment in File 14-0210 - Harrison-Kaiser Zoning Changes  
**Attachments:** File 14-0210 Comments of B Shirley 3-9-2014.pdf; Comments on File 14-0210 - Bardin.pdf

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**From:** Robert Shirley [<mailto:robertshirleyattorney@hotmail.com>]  
**Sent:** Sunday, March 09, 2014 9:11 AM  
**To:** cpdinfo; Amy Buckler; City Clerk - Request; Leonard Bauer  
**Subject:** Public Comment in File 14-0210 - Harrison-Kaiser Zoning Changes

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March 9, 2014

City of Olympia:

Attached are my comments in File 14-0210, Harrison-Kaiser Zoning Changes. Also attached and incorporated as my comments too are comments on File 13-0210 made by Judy Bardin. My comments rely, in part, on the Bardin comments.

Thank you.

Bob Shirley



March 9, 2014

TO: Olympia Planning Commission

FROM: Bob Shirley

RE: **File 14-0210 Public Comment: Proposed Code Amendment to Kaiser-Harrison Zoning Map and the Single-Meeting-on-One-Set-of-Topics-Split-Into-Two-Parts Attended by a Majority of OPC Members**

I have read the comments of Olympia Planning Commission member Judy Bardin and there is additional information that should be added to make the picture more complete.

**I. James A. Morris is the Registered Agent for M-Five Family Limited Partnership that Owns What Appears to be the Only Parcel Large Enough To Gain the Maximum Benefit from the Proposed Zoning Change.**

Planner Bauer informed the OPC at the OPC's March 3 meeting that only "a couple parcels" would benefit by having the opportunity to increase the maximum square footage for buildings to 50,000, up from 5,000 per parcel under the current zoning. I found only one parcel that will qualify to build a 50,000 square foot building.

M-Five Family Limited Partnership lists James A. Morris as its Registered Agent. M-Five Family LP owns parcels 12817420900 and 12817431400. The ownership detail from the Thurston County Assessor's A+ parcel look-up tool on the web includes information about purchases by James Morris prior to transfer of ownership to M-Five Family LP. Developer Morris appears to have an ownership interest in two parcels in the area affected by the change of zoning proposed in File 14-0210.

The first parcel (12817420900) is 21.04 acres with a situs address of 4419 Harrison Ave. NW # A, Olympia. The Assessor's use code is 91, undeveloped land.

The second parcel (12817431400) is 3.56 acres with a situs address of 3620 SW 7Th Ave., Olympia. The Assessor's use code is 91, undeveloped land.

The parcels are all but contiguous. The south side of the larger parcel is separated from the north side of the smaller parcel by what appears to be an approximately 15-20-foot wide alley or road easement (connected to Kaiser Rd. SW to the west of the two parcels).

Under the current zoning, the 21.04 acre parcel qualifies for one 10,000 square foot building. Under the proposed change, permitting 5,000 square feet per acre (rather than per parcel), with a maximum of 50,000 square feet for any one building, the larger M-Five Family LP parcel would qualify for one 50,000 square foot building. Moreover, if the larger M-Five Family LP parcel were split into two parcels through a boundary line adjustment, it could yield two parcels larger than 10 acres, each of which would qualify for a 50,000 square foot building.

The next-largest size parcel in the zone appears to be a parcel (12817420100) that is 7.17 acres and owned by Michael C. and Christine M. Murphy. The situs address is 4201 Harrison Ave. NW, Olympia. The Assessor's use code is 65, service-professional; there is a 1,640 square foot rambler on the parcel, assessed at \$30,900. Under the proposed change, that parcel could go from one 10,000 square foot building on the parcel, to 5,000 square feet for each acre, or slightly more than 35,000 square feet.

This means the next largest building to one or two building that Morris could build at 50,000 square feet would be 15,000 square feet smaller—it would not compete with a Morris building the way every 10,000 square foot building per parcel could compete with a Morris building limited to 10,000 square feet under the current zoning.

It was unclear to me which parcels would qualify for the maximum increase in square footage until I reviewed the Thurston County cadastral map. Bauer may have learned from Morris, or his employee Andreson, which parcels could benefit from the zoning change; or Bauer may have used the cadastral map to determine which parcels would be large enough to benefit. If neither Morris nor Andreson told Bauer that Morris had an ownership interest in the qualifying parcels, Bauer could have learned about the Morris financial interest by looking up ownership information on the website of the Secretary of State.<sup>1</sup> In any event, neither Andreson nor Bauer told OPC members on March 3, either during the public hearing on the proposed zoning change or during the forced-disclosure of the single-meeting-on-one-set-of-topics-split-into-two-parts that their host, that Morris, appears to be the biggest beneficiary of the proposed zoning change and apparently the only owner that could build to the maximum 50,000 square feet.<sup>2</sup>

## **II. The Purposefully Unrecorded, Not Public, Single-Meeting-on-One-Set-of-Topics-Split-Into-Two-Parts.**

Andreson's acknowledgment of the single-meeting-on-one-set-of-topics-split-into-two-parts came *only* after she was prompted to reveal there had been a meeting. According to Bardin's statement, Andreson told Bardin the topics for each day (January 31 and March 3) were the same. Andreson had an opportunity on March 3 at the OPC meeting to put on the record the topics discussed at the single-meeting-on-one-set-of-topics-split-into-two-parts, but she did not. It is reasonable to assume that Bardin's understanding that the

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<sup>1</sup> All of this web research took under 15 minutes, and I am not a planner accustomed to the websites; it likely would have taken a planner about 5 minutes.

<sup>2</sup> Approximately 40 parcels will be affected by the proposed zoning change. Morris, in his February 27 email indicating support for the proposed changes stated he is "an owner of a parcel" in the zone, but he did not state that he owns a parcel that is 10 acres or larger. Andreson on March 3 recused herself on File 14-0210 and stated the reason was that she has "a professional relationship with some of the affected property owners," but she did not reveal to her OPC colleagues that her employer has an ownership interest in an affected parcel and is likely the biggest beneficiary of the proposed change.

topics for each day were identical, gained from a conversation with Andreson on February 5, is correct.

Buckler stated at the March 3 OPC meeting, after the cat was out of the bag, that all OPC members were invited to attend the single-meeting-on-one-set-of-topics-split-into-two-parts.

At the end of the March 3 OPC meeting once Andreson and others were forced to acknowledge the purposefully unrecorded, single-meeting-on-one-set-of-topics-split-into-two-parts, still no OPC members who attended stated what was discussed except in the very most vague terms. Andreson said repeatedly the meeting was private and did not state the topics of discussion at the single-meeting-on-one-set-of-topics-split-into-two-parts. Indeed it was private; that is, not open to the public and the meeting only acknowledged when Andreson was called to account.

### **III. OPC Compromised. Who Knew What? When?**

It may be that no OPC member was told by Morris, Andreson, or Bauer that parcels owned by Morris would receive the maximum benefit from the zoning change proposed by planning staff. It may be that zoning changes were not discussed at all at the single-meeting-on-one-set-of-topics-split-into-two-parts. However, only people who participated in a meeting designed to go unrecorded, and then split into two with a wink at the quorum rule, can say what was discussed. Will the public accept their word on this? Will the public ever accept their word on any future matter?

A reasonable person could conclude that OPC members were hoodwinked into meeting with Morris in private by not being informed of the relationship of their meeting host to the proposed zoning changes on their agenda. But an equally reasonable person could conclude that a majority of OPC members are connivers who wink at the rules. Moreover, that reasonable person could conclude things did not end at just conniving; a reasonable person could conclude OPC members knew they were being hosted by someone with a great deal to be gained by OPC approval of the proposed zoning changes. Either way, Andreson's actions—arranging unrecorded exchanges between a majority of OPC members and developers; not reporting the exchange until forced to do so on March 3, and then being unwilling to describe what was discussed—have compromised the OPC. City planning staff apparently supported her actions so that means those staff are compromised too.

### **IV. Recommendations.**

Bardin recommends the thing to do in this situation is to table indefinitely File 14-0210. That would be a good start.

I recommend more be done:

First, I recommend Andreson do the right thing and resign from the OPC.

Second, I recommend the OPC ask the City Attorney to determine what Andreson, Bauer, and Buckler knew and when they knew it. Perhaps there is nothing more here than a desire to please one OPC member (Andreson) at the expense of letting up to eight other OPC members look like connivers. Or perhaps Bauer and Buckler approve of winking at the quorum rule as a way of preventing the public from observing the actions of a majority of the OPC. Whatever the case, the public should know why Bauer and Buckler participated with Andreson in creating a purposefully unrecorded, single-meeting-on-one-set-of-topics-split-into-two-parts to allow a future claim that the quorum rule was not broken.

Third, I recommend the OPC determine who it needs to work as staff to the OPC so that in the future OPC members will not be lead into acting like connivers and looking like suckers.

March 8, 2014

TO: Olympia Planning Commission  
Leonard Bauer, Deputy Director  
of Community Planning & Development (CP&D)

FROM: Judy Bardin, Member  
Olympia Planning Commission

RE: File 14-0210 – Proposed Code Amendment to Kaiser-Harrison Zoning Map –  
Comments for the Public Record as Permitted by Decision of the Olympia  
Planning Commission to Hold Open the Record Until March 10, 2014

1. My comments are filed in this matter because I am concerned about the integrity of the Olympia Planning Commission (OPC) and concerned for the public perception of the OPC with respect to whether the OPC is dedicated only to the public interest.
2. The proposed changes to the PO/RM zoning code are supported by the comments of Mr. Jim Morris and because Mr. Morris hosted at least five members of the OPC and a senior member of the planning staff at his office in the weeks leading up to File 14-0210 appearing on the OPC agenda of March 3, 2014, it is important that the public know what a majority of OPC members and Mr. Morris have been doing out of the public view.
3. Kim Andresen is Vice Chair of the OPC and an employee of or consultant to local developer, Jim Morris. Olympia City Planning staff was aware that Andresen worked to arrange unrecorded discussions among, on the one hand, Morris and several other developers and persons with a financial interest in development, and on the other hand, eight of nine OPC members.
4. On Friday, January 31, 2014, four members of the OPC met in the office of Jim Morris, 1520 Irving St. Suite A, to discuss development issues of concern to him and several other developers and financially interested persons who attended the meeting. The OPC members who attended, at a minimum, are Max Brown, Chair; Kim Andresen, Vice Chair; Jerry Parker, immediate past Chair; and Roger Horn, Finance Sub-committee Chair. Leonard Bauer, Deputy Director for CP&D, also attended.
5. At subsequent OPC meetings between January 31 and March 3, no report of the meeting was made by Andresen or any other attending OPC member, or by Bauer, notwithstanding a regular part of every OPC meeting is the final agenda item when commissioners report on meetings and similar events or items that should be shared with the entire OPC. Because no report was made, I was unaware until February 5 that four OPC members had met with developers.
6. On January 30, Andresen approached me briefly at the Thurston Regional Planning Council (TRPC) Urban Corridors Meeting and asked if I would be interested in meeting to hear speakers talk about development topics. Andresen did not inform me

of the first meeting pending the following day (January 31) to be held in private in Morris' office.

7. On February 4, Andresen called me at work. It was a somewhat confused conversation on a busy workday for me. I was under the impression the call was about an official OPC or City meeting. However, in the course of the call it became clear to me that was not the case. Andresen explained that the meeting she was planning would be an opportunity to meet in a setting that would not be recorded.
8. In a telephone conversation in the evening of February 5, I learned from Andresen that OPC members Brown, Parker, and Horn had joined her on January 31 and met with Morris, some developers, architects, and others from development-related firms.
9. Andresen told me the topics for March 3 would be the same as the topics had been on January 31. Andresen stated the developers were reluctant to go to a public forum and be recorded.
10. Andresen told me the Planning Commission invitees for the March 3 Morris meeting were Missy Watts, Jessica Bateman, Darrell Hoppe, and me. Andresen said she would not be there in order to keep the number of OPC members below a quorum. That may also explain why OPC member Carole Richmond was not initially invited.
11. On February 28, I emailed Andresen: "I have decided not to attend the Monday [March 3] meeting. After thinking it over, I just don't feel comfortable attending a meeting with so many other Planning Commissioners, organized so the public is not invited. Others may not share my concerns, but that is the way I feel."
12. I learned after February 28 that two developers, Jim Morris and David Sweet, submitted comments on the proposed zoning code amendments scheduled for a public hearing at the OPC's evening meeting on March 3. Each commented favorably about the proposed zoning changes by email on February 27, 2014 to Deputy Director Bauer.
13. At the OPC meeting on March 3, Leonard Bauer informed the OPC that the proposed zoning code amendments favored by Mr. Morris and Mr. Sweet would allow only a couple parcels in this area where you could put a 50,000 square foot building.
14. At the end of the OPC meeting on March 3, it was time for the usual reports by OPC members. No one mentioned the January 31 meeting or the meeting that took place earlier in the day at the office of Mr. Morris. After a pause in which no one spoke up, I prompted Andresen with, "I wonder if Commissioner Andresen could fill us in on the meeting at Morris' office today [March 3]." She responded by noting that it was a private meeting that didn't really have anything to do with the business at hand. I then asked if we could hear who was at the meeting. Chair Brown asked Vice Chair Andresen if she was OK with that and she responded with, "Can we ask staff if this is pertinent to the meeting?"

15. I then asked if anyone else could report on the January 31 meeting. In February, Andresen told me the topics for the two days would be the same. The statements made at the OPC meeting March 3 confirmed that.
16. Also on the topic of the meetings during this reporting period, and after my prompting, Planner Buckler stated that all OPC members had been invited to the meetings. Buckler mentioned discussion with the OPC Leadership Team, but not that the meeting would be planned so that the public would not know about it and that there would be no recording. (The composition of the Leadership Team is the OPC Chair, the OPC Vice Chair and the OPC Finance Sub-committee Chair.) It was also reported by Chair Brown that Leonard Bauer had attended the first meeting (January 31) in Morris' office. This led me to understand that Olympia Planning staff were aware of these activities. After the close of the OPC meeting, Commissioner Carole Richmond indicated she had attended the meeting at Morris' that day (March 3).
17. I am concerned about the integrity of the OPC process and the perception of the public that the OPC acts only in the public interest.
18. From the foregoing, I infer that Andresen and Buckler and perhaps Bauer worked to arrange for eight out of nine OPC members to meet in a private location with no record made of their discussion between financially interested developers and others about OPC business that is of public interest. A total of at least five Commissioners (a majority) attended. The topics for both meetings were the same, so only the separation in time—but not the topic—prevented this from being one meeting with eight OPC members, and the public excluded.
19. I do not know if File 14-0210 was discussed once, twice, or not at all. But I do know that it is the first item to come before the OPC for action (a hearing) since the March 3 meeting and I know from Morris' own email that Morris, the host of the unrecorded meetings, supports the proposed zoning changes. I know that planning staff placed this item on the OPC agenda.
20. Based on the foregoing, I do not think the OPC should take any action on File 14-0210 because the integrity of the OPC will not withstand favorable action. I recommend the vote scheduled for March 17 on file 14-0210 be tabled indefinitely.

## **Nancy Lenzi**

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**From:** Sharilyn Catone <sharilyncatone@yahoo.com>  
**Sent:** Monday, March 10, 2014 5:18 PM  
**To:** Amy Buckler  
**Subject:** Host of Unrecorded Meetings Appears to be Biggest Beneficiary of Proposed Zoning Changes  
**Attachments:** File 14-0210 Comments of B Shirley 3-9-2014.pdf; Comments on File 14-0210 - Bardin.pdf

I agree with the comments and concerns and the recommendations. Sal Munoz. Cooper Crest HOA



March 8, 2014

TO: Olympia Planning Commission  
Leonard Bauer, Deputy Director  
of Community Planning & Development (CP&D)

FROM: Judy Bardin, Member  
Olympia Planning Commission

RE: File 14-0210 – Proposed Code Amendment to Kaiser-Harrison Zoning Map –  
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16. Also on the topic of the meetings during this reporting period, and after my prompting, Planner Buckler stated that all OPC members had been invited to the meetings. Buckler mentioned discussion with the OPC Leadership Team, but not that the meeting would be planned so that the public would not know about it and that there would be no recording. (The composition of the Leadership Team is the OPC Chair, the OPC Vice Chair and the OPC Finance Sub-committee Chair.) It was also reported by Chair Brown that Leonard Bauer had attended the first meeting (January 31) in Morris' office. This led me to understand that Olympia Planning staff were aware of these activities. After the close of the OPC meeting, Commissioner Carole Richmond indicated she had attended the meeting at Morris' that day (March 3).
17. I am concerned about the integrity of the OPC process and the perception of the public that the OPC acts only in the public interest.
18. From the foregoing, I infer that Andresen and Buckler and perhaps Bauer worked to arrange for eight out of nine OPC members to meet in a private location with no record made of their discussion between financially interested developers and others about OPC business that is of public interest. A total of at least five Commissioners (a majority) attended. The topics for both meetings were the same, so only the separation in time—but not the topic—prevented this from being one meeting with eight OPC members, and the public excluded.
19. I do not know if File 14-0210 was discussed once, twice, or not at all. But I do know that it is the first item to come before the OPC for action (a hearing) since the March 3 meeting and I know from Morris' own email that Morris, the host of the unrecorded meetings, supports the proposed zoning changes. I know that planning staff placed this item on the OPC agenda.
20. Based on the foregoing, I do not think the OPC should take any action on File 14-0210 because the integrity of the OPC will not withstand favorable action. I recommend the vote scheduled for March 17 on file 14-0210 be tabled indefinitely.

March 9, 2014

TO: Olympia Planning Commission

FROM: Bob Shirley

RE: **File 14-0210 Public Comment: Proposed Code Amendment to Kaiser-Harrison Zoning Map and the Single-Meeting-on-One-Set-of-Topics-Split-Into-Two-Parts Attended by a Majority of OPC Members**

I have read the comments of Olympia Planning Commission member Judy Bardin and there is additional information that should be added to make the picture more complete.

**I. James A. Morris is the Registered Agent for M-Five Family Limited Partnership that Owns What Appears to be the Only Parcel Large Enough To Gain the Maximum Benefit from the Proposed Zoning Change.**

Planner Bauer informed the OPC at the OPC's March 3 meeting that only "a couple parcels" would benefit by having the opportunity to increase the maximum square footage for buildings to 50,000, up from 5,000 per parcel under the current zoning. I found only one parcel that will qualify to build a 50,000 square foot building.

M-Five Family Limited Partnership lists James A. Morris as its Registered Agent. M-Five Family LP owns parcels 12817420900 and 12817431400. The ownership detail from the Thurston County Assessor's A+ parcel look-up tool on the web includes information about purchases by James Morris prior to transfer of ownership to M-Five Family LP. Developer Morris appears to have an ownership interest in two parcels in the area affected by the change of zoning proposed in File 14-0210.

The first parcel (12817420900) is 21.04 acres with a situs address of 4419 Harrison Ave. NW # A, Olympia. The Assessor's use code is 91, undeveloped land.

The second parcel (12817431400) is 3.56 acres with a situs address of 3620 SW 7Th Ave., Olympia. The Assessor's use code is 91, undeveloped land.

The parcels are all but contiguous. The south side of the larger parcel is separated from the north side of the smaller parcel by what appears to be an approximately 15-20-foot wide alley or road easement (connected to Kaiser Rd. SW to the west of the two parcels).

Under the current zoning, the 21.04 acre parcel qualifies for one 10,000 square foot building. Under the proposed change, permitting 5,000 square feet per acre (rather than per parcel), with a maximum of 50,000 square feet for any one building, the larger M-Five Family LP parcel would qualify for one 50,000 square foot building. Moreover, if the larger M-Five Family LP parcel were split into two parcels through a boundary line adjustment, it could yield two parcels larger than 10 acres, each of which would qualify for a 50,000 square foot building.

The next-largest size parcel in the zone appears to be a parcel (12817420100) that is 7.17 acres and owned by Michael C. and Christine M. Murphy. The situs address is 4201 Harrison Ave. NW, Olympia. The Assessor's use code is 65, service-professional; there is a 1,640 square foot rambler on the parcel, assessed at \$30,900. Under the proposed change, that parcel could go from one 10,000 square foot building on the parcel, to 5,000 square feet for each acre, or slightly more than 35,000 square feet.

This means the next largest building to one or two building that Morris could build at 50,000 square feet would be 15,000 square feet smaller—it would not compete with a Morris building the way every 10,000 square foot building per parcel could compete with a Morris building limited to 10,000 square feet under the current zoning.

It was unclear to me which parcels would qualify for the maximum increase in square footage until I reviewed the Thurston County cadastral map. Bauer may have learned from Morris, or his employee Andreson, which parcels could benefit from the zoning change; or Bauer may have used the cadastral map to determine which parcels would be large enough to benefit. If neither Morris nor Andreson told Bauer that Morris had an ownership interest in the qualifying parcels, Bauer could have learned about the Morris financial interest by looking up ownership information on the website of the Secretary of State.<sup>1</sup> In any event, neither Andreson nor Bauer told OPC members on March 3, either during the public hearing on the proposed zoning change or during the forced-disclosure of the single-meeting-on-one-set-of-topics-split-into-two-parts that their host, that Morris, appears to be the biggest beneficiary of the proposed zoning change and apparently the only owner that could build to the maximum 50,000 square feet.<sup>2</sup>

## **II. The Purposefully Unrecorded, Not Public, Single-Meeting-on-One-Set-of-Topics-Split-Into-Two-Parts.**

Andreson's acknowledgment of the single-meeting-on-one-set-of-topics-split-into-two-parts came *only* after she was prompted to reveal there had been a meeting. According to Bardin's statement, Andreson told Bardin the topics for each day (January 31 and March 3) were the same. Andreson had an opportunity on March 3 at the OPC meeting to put on the record the topics discussed at the single-meeting-on-one-set-of-topics-split-into-two-parts, but she did not. It is reasonable to assume that Bardin's understanding that the

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topics for each day were identical, gained from a conversation with Andreson on February 5, is correct.

Buckler stated at the March 3 OPC meeting, after the cat was out of the bag, that all OPC members were invited to attend the single-meeting-on-one-set-of-topics-split-into-two-parts.

At the end of the March 3 OPC meeting once Andreson and others were forced to acknowledge the purposefully unrecorded, single-meeting-on-one-set-of-topics-split-into-two-parts, still no OPC members who attended stated what was discussed except in the very most vague terms. Andreson said repeatedly the meeting was private and did not state the topics of discussion at the single-meeting-on-one-set-of-topics-split-into-two-parts. Indeed it was private; that is, not open to the public and the meeting only acknowledged when Andreson was called to account.

### **III. OPC Compromised. Who Knew What? When?**

It may be that no OPC member was told by Morris, Andreson, or Bauer that parcels owned by Morris would receive the maximum benefit from the zoning change proposed by planning staff. It may be that zoning changes were not discussed at all at the single-meeting-on-one-set-of-topics-split-into-two-parts. However, only people who participated in a meeting designed to go unrecorded, and then split into two with a wink at the quorum rule, can say what was discussed. Will the public accept their word on this? Will the public ever accept their word on any future matter?

A reasonable person could conclude that OPC members were hoodwinked into meeting with Morris in private by not being informed of the relationship of their meeting host to the proposed zoning changes on their agenda. But an equally reasonable person could conclude that a majority of OPC members are connivers who wink at the rules. Moreover, that reasonable person could conclude things did not end at just conniving; a reasonable person could conclude OPC members knew they were being hosted by someone with a great deal to be gained by OPC approval of the proposed zoning changes. Either way, Andreson's actions—arranging unrecorded exchanges between a majority of OPC members and developers; not reporting the exchange until forced to do so on March 3, and then being unwilling to describe what was discussed—have compromised the OPC. City planning staff apparently supported her actions so that means those staff are compromised too.

### **IV. Recommendations.**

Bardin recommends the thing to do in this situation is to table indefinitely File 14-0210. That would be a good start.

I recommend more be done:

First, I recommend Andreson do the right thing and resign from the OPC.

Second, I recommend the OPC ask the City Attorney to determine what Andreson, Bauer, and Buckler knew and when they knew it. Perhaps there is nothing more here than a desire to please one OPC member (Andreson) at the expense of letting up to eight other OPC members look like connivers. Or perhaps Bauer and Buckler approve of winking at the quorum rule as a way of preventing the public from observing the actions of a majority of the OPC. Whatever the case, the public should know why Bauer and Buckler participated with Andreson in creating a purposefully unrecorded, single-meeting-on-one-set-of-topics-split-into-two-parts to allow a future claim that the quorum rule was not broken.

Third, I recommend the OPC determine who it needs to work as staff to the OPC so that in the future OPC members will not be lead into acting like connivers and looking like suckers.

## **Nancy Lenzi**

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**From:** Sharilyn Catone <sharilyncatone@yahoo.com>  
**Sent:** Monday, March 10, 2014 5:18 PM  
**To:** Amy Buckler  
**Subject:** Host of Unrecorded Meetings Appears to be Biggest Beneficiary of Proposed Zoning Changes  
**Attachments:** File 14-0210 Comments of B Shirley 3-9-2014.pdf; Comments on File 14-0210 - Bardin.pdf

I agree with the comments and concerns and the recommendations. Sal Munoz. Cooper Crest HOA



March 8, 2014

TO: Olympia Planning Commission  
Leonard Bauer, Deputy Director  
of Community Planning & Development (CP&D)

FROM: Judy Bardin, Member  
Olympia Planning Commission

RE: File 14-0210 – Proposed Code Amendment to Kaiser-Harrison Zoning Map –  
Comments for the Public Record as Permitted by Decision of the Olympia  
Planning Commission to Hold Open the Record Until March 10, 2014

1. My comments are filed in this matter because I am concerned about the integrity of the Olympia Planning Commission (OPC) and concerned for the public perception of the OPC with respect to whether the OPC is dedicated only to the public interest.
2. The proposed changes to the PO/RM zoning code are supported by the comments of Mr. Jim Morris and because Mr. Morris hosted at least five members of the OPC and a senior member of the planning staff at his office in the weeks leading up to File 14-0210 appearing on the OPC agenda of March 3, 2014, it is important that the public know what a majority of OPC members and Mr. Morris have been doing out of the public view.
3. Kim Andresen is Vice Chair of the OPC and an employee of or consultant to local developer, Jim Morris. Olympia City Planning staff was aware that Andresen worked to arrange unrecorded discussions among, on the one hand, Morris and several other developers and persons with a financial interest in development, and on the other hand, eight of nine OPC members.
4. On Friday, January 31, 2014, four members of the OPC met in the office of Jim Morris, 1520 Irving St. Suite A, to discuss development issues of concern to him and several other developers and financially interested persons who attended the meeting. The OPC members who attended, at a minimum, are Max Brown, Chair; Kim Andresen, Vice Chair; Jerry Parker, immediate past Chair; and Roger Horn, Finance Sub-committee Chair. Leonard Bauer, Deputy Director for CP&D, also attended.
5. At subsequent OPC meetings between January 31 and March 3, no report of the meeting was made by Andresen or any other attending OPC member, or by Bauer, notwithstanding a regular part of every OPC meeting is the final agenda item when commissioners report on meetings and similar events or items that should be shared with the entire OPC. Because no report was made, I was unaware until February 5 that four OPC members had met with developers.
6. On January 30, Andresen approached me briefly at the Thurston Regional Planning Council (TRPC) Urban Corridors Meeting and asked if I would be interested in meeting to hear speakers talk about development topics. Andresen did not inform me

- of the first meeting pending the following day (January 31) to be held in private in Morris' office.
7. On February 4, Andresen called me at work. It was a somewhat confused conversation on a busy workday for me. I was under the impression the call was about an official OPC or City meeting. However, in the course of the call it became clear to me that was not the case. Andresen explained that the meeting she was planning would be an opportunity to meet in a setting that would not be recorded.
  8. In a telephone conversation in the evening of February 5, I learned from Andresen that OPC members Brown, Parker, and Horn had joined her on January 31 and met with Morris, some developers, architects, and others from development-related firms.
  9. Andresen told me the topics for March 3 would be the same as the topics had been on January 31. Andresen stated the developers were reluctant to go to a public forum and be recorded.
  10. Andresen told me the Planning Commission invitees for the March 3 Morris meeting were Missy Watts, Jessica Bateman, Darrell Hoppe, and me. Andresen said she would not be there in order to keep the number of OPC members below a quorum. That may also explain why OPC member Carole Richmond was not initially invited.
  11. On February 28, I emailed Andresen: "I have decided not to attend the Monday [March 3] meeting. After thinking it over, I just don't feel comfortable attending a meeting with so many other Planning Commissioners, organized so the public is not invited. Others may not share my concerns, but that is the way I feel."
  12. I learned after February 28 that two developers, Jim Morris and David Sweet, submitted comments on the proposed zoning code amendments scheduled for a public hearing at the OPC's evening meeting on March 3. Each commented favorably about the proposed zoning changes by email on February 27, 2014 to Deputy Director Bauer.
  13. At the OPC meeting on March 3, Leonard Bauer informed the OPC that the proposed zoning code amendments favored by Mr. Morris and Mr. Sweet would allow only a couple parcels in this area where you could put a 50,000 square foot building.
  14. At the end of the OPC meeting on March 3, it was time for the usual reports by OPC members. No one mentioned the January 31 meeting or the meeting that took place earlier in the day at the office of Mr. Morris. After a pause in which no one spoke up, I prompted Andresen with, "I wonder if Commissioner Andresen could fill us in on the meeting at Morris' office today [March 3]." She responded by noting that it was a private meeting that didn't really have anything to do with the business at hand. I then asked if we could hear who was at the meeting. Chair Brown asked Vice Chair Andresen if she was OK with that and she responded with, "Can we ask staff if this is pertinent to the meeting?"

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March 9, 2014

TO: Olympia Planning Commission

FROM: Bob Shirley

RE: **File 14-0210 Public Comment: Proposed Code Amendment to Kaiser-Harrison Zoning Map and the Single-Meeting-on-One-Set-of-Topics-Split-Into-Two-Parts Attended by a Majority of OPC Members**

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Third, I recommend the OPC determine who it needs to work as staff to the OPC so that in the future OPC members will not be lead into acting like connivers and looking like suckers.

## Nancy Lenzi

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**From:** Carole Richmond <laikodi@comcast.net>  
**Sent:** Monday, March 10, 2014 12:24 PM  
**To:** Janine Unsoeld; Leonard Bauer; Keith Stahley; Councilmembers; Amy Buckler; Steve Hall  
**Subject:** Re: Planning Commission/Zoning Case 14-0210

Hello all,

As I pointed out in my email referenced below, the meetings between development interests and Council members and Planning Commissioners were absolutely NOT about the proposed zoning change (Case File 14-0210) currently pending before the Planning Commission. In the meeting that I attended on Monday, March 3, 2014, this issue was never mentioned or alluded to. The discussion was about general barriers to development and re-development and how some of these might be addressed.

I believe that the issue that gives rise to a concern over "appearance of fairness" is that City officials and advisors attended these meetings in numbers that avoided a quorum, due to what I believe is a misinterpretation of the Open Public Meetings Act (I.e., the Act applies to public meetings only, not to private meetings or gatherings, provided that no "action" as defined in Chapter 42.30 RCW is taken in any private meeting or gathering attended by City officials and advisors).

I would be happy to answer any questions you might have.

Carole Richmond, Member  
Olympia Planning Commission

H: 360-754-0813

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**From:** Janine Unsoeld <[ja9unsoeld@aol.com](mailto:ja9unsoeld@aol.com)>  
**Date:** Monday, March 10, 2014 11:44 AM  
**To:** Leonard Bauer <[lbauer@ci.olympia.wa.us](mailto:lbauer@ci.olympia.wa.us)>, Keith Stahley <[kstahley@ci.olympia.wa.us](mailto:kstahley@ci.olympia.wa.us)>, Olympia City Council <[Councilmembers@ci.olympia.wa.us](mailto:Councilmembers@ci.olympia.wa.us)>, Amy Buckler <[abuckler@ci.olympia.wa.us](mailto:abuckler@ci.olympia.wa.us)>, <[shall@ci.olympia.wa.us](mailto:shall@ci.olympia.wa.us)>  
**Subject:** Planning Commission/Zoning Case 14-0210

Hello Planning Commissioners, City Staff, and Councilmembers,

Yesterday, I received an email containing two attachments: a letter dated March 8 from Judy Bardin, Olympia Planning Commissioner, to Leonard Bauer, and a letter dated March 9 from attorney Bob Shirley to the Olympia Planning Commission. Although neither letter contains a list of cc's, I am assuming you are all aware of the contents of these letters - the meetings held between developer Jim Morris and friends, and members of the Olympia Planning Commission and councilmembers regarding zoning case file 14-0210 (Kaiser-Harrison Zoning Map). If you do not have these letters, please let me know.

Additionally, Olympia Planning Commissioner Carole Richmond said yesterday in an email that she, and Councilmembers Buxbaum and Selby were at the March 3 meeting with developer Jim Morris. She also said she is grateful for Bob Shirley's analysis of the proposed zoning change, as she had "no idea which properties were affected and this particular "effect" was not discussed by staff.



Listening to the audiotape online of the March 3 meeting of the Planning Commission, I am shocked to hear how quickly Chair Max Brown tried to shut down Ms. Bardin's question about the meeting held earlier in the day. It took great effort to get a minimal amount of information dragged out of Ms. Buckler and Brown about the meetings.

On the audiotape, I also learned that Councilmember Jones was at the first meeting with these same developers, and that future meetings were likely to be scheduled with these same developers. It would seem that, eventually, all city councilmembers would have been extended the opportunity to privately attend one of these off the record meetings, again, without any official quorum, just prior to votes by both bodies about this code amendment case. It does not sound like **one** open, official opportunity was ever offered to the commissioners or councilmembers to learn more about these "economic development opportunities" or "barriers to development."

As a citizen of Olympia, and a citizen journalist, a lot of questions need to be answered here. Needless to say, I'd like to hear from staff, councilmembers, and commissioners about this issue. I look forward to hearing from you.

In the meantime, from what I understand, today at 5:00 p.m. is the last day to comment on zoning case file 14-0210. I request that no action be taken on this case by the Planning Commission or the council until all the facts, meetings held, and conversations are known.

Lastly, I do not have the contact information for all Planning Commissioners, and I would appreciate it if this email could be forwarded to them for their information.

Thank you,

Janine Unsoeld  
PO Box 7418  
Olympia, WA 98507  
[www.janineslittlehollywood.blogspot.com](http://www.janineslittlehollywood.blogspot.com)

## Janet Sanders

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**From:** Leonard Bauer  
**Sent:** Tuesday, March 11, 2014 3:01 PM  
**To:** Janet Sanders; Nancy Lenzi  
**Subject:** FW: Comment to File 14-0210 - The Proposed Code Amendment to Kaiser-Harrison Zoning Map  
**Attachments:** Comments on File 14-0210 - Bardin.pdf

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**From:** [judybardin@comcast.net](mailto:judybardin@comcast.net) [mailto:[judybardin@comcast.net](mailto:judybardin@comcast.net)]  
**Sent:** Saturday, March 08, 2014 7:40 PM  
**To:** Leonard Bauer; Amy Buckler; City Clerk - Request; cpdinfo  
**Subject:** Comment to File 14-0210 - The Proposed Code Amendment to Kaiser-Harrison Zoning Map

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Leonard Bauer, Deputy Director  
Amy Buckler, Associate Planner  
Community Planning & Development  
City of Olympia

Attached please find my comments to File 14-0210 - the Proposed Code Amendment to Kaiser-Harrison Zoning Map - Comments for the Public Record as Permitted by Decision of the Olympia Planning Commission to Hold Open the Record Until March 10, 2014.

Please forward to the Olympia Planning Commission.

Respectfully,

Judy Bardin  
1517 Dickinson Ave NW  
Olympia, WA 98502  
360-352-9564

March 8, 2014

TO: Olympia Planning Commission  
Leonard Bauer, Deputy Director  
of Community Planning & Development (CP&D)

FROM: Judy Bardin, Member  
Olympia Planning Commission

RE: File 14-0210 – Proposed Code Amendment to Kaiser-Harrison Zoning Map –  
Comments for the Public Record as Permitted by Decision of the Olympia  
Planning Commission to Hold Open the Record Until March 10, 2014

1. My comments are filed in this matter because I am concerned about the integrity of the Olympia Planning Commission (OPC) and concerned for the public perception of the OPC with respect to whether the OPC is dedicated only to the public interest.
2. The proposed changes to the PO/RM zoning code are supported by the comments of Mr. Jim Morris and because Mr. Morris hosted at least five members of the OPC and a senior member of the planning staff at his office in the weeks leading up to File 14-0210 appearing on the OPC agenda of March 3, 2014, it is important that the public know what a majority of OPC members and Mr. Morris have been doing out of the public view.
3. Kim Andresen is Vice Chair of the OPC and an employee of or consultant to local developer, Jim Morris. Olympia City Planning staff was aware that Andresen worked to arrange unrecorded discussions among, on the one hand, Morris and several other developers and persons with a financial interest in development, and on the other hand, eight of nine OPC members.
4. On Friday, January 31, 2014, four members of the OPC met in the office of Jim Morris, 1520 Irving St. Suite A, to discuss development issues of concern to him and several other developers and financially interested persons who attended the meeting. The OPC members who attended, at a minimum, are Max Brown, Chair; Kim Andresen, Vice Chair; Jerry Parker, immediate past Chair; and Roger Horn, Finance Sub-committee Chair. Leonard Bauer, Deputy Director for CP&D, also attended.
5. At subsequent OPC meetings between January 31 and March 3, no report of the meeting was made by Andresen or any other attending OPC member, or by Bauer, notwithstanding a regular part of every OPC meeting is the final agenda item when commissioners report on meetings and similar events or items that should be shared with the entire OPC. Because no report was made, I was unaware until February 5 that four OPC members had met with developers.
6. On January 30, Andresen approached me briefly at the Thurston Regional Planning Council (TRPC) Urban Corridors Meeting and asked if I would be interested in meeting to hear speakers talk about development topics. Andresen did not inform me

of the first meeting pending the following day (January 31) to be held in private in Morris' office.

7. On February 4, Andresen called me at work. It was a somewhat confused conversation on a busy workday for me. I was under the impression the call was about an official OPC or City meeting. However, in the course of the call it became clear to me that was not the case. Andresen explained that the meeting she was planning would be an opportunity to meet in a setting that would not be recorded.
8. In a telephone conversation in the evening of February 5, I learned from Andresen that OPC members Brown, Parker, and Horn had joined her on January 31 and met with Morris, some developers, architects, and others from development-related firms.
9. Andresen told me the topics for March 3 would be the same as the topics had been on January 31. Andresen stated the developers were reluctant to go to a public forum and be recorded.
10. Andresen told me the Planning Commission invitees for the March 3 Morris meeting were Missy Watts, Jessica Bateman, Darrell Hoppe, and me. Andresen said she would not be there in order to keep the number of OPC members below a quorum. That may also explain why OPC member Carole Richmond was not initially invited.
11. On February 28, I emailed Andresen: "I have decided not to attend the Monday [March 3] meeting. After thinking it over, I just don't feel comfortable attending a meeting with so many other Planning Commissioners, organized so the public is not invited. Others may not share my concerns, but that is the way I feel."
12. I learned after February 28 that two developers, Jim Morris and David Sweet, submitted comments on the proposed zoning code amendments scheduled for a public hearing at the OPC's evening meeting on March 3. Each commented favorably about the proposed zoning changes by email on February 27, 2014 to Deputy Director Bauer.
13. At the OPC meeting on March 3, Leonard Bauer informed the OPC that the proposed zoning code amendments favored by Mr. Morris and Mr. Sweet would allow only a couple parcels in this area where you could put a 50,000 square foot building.
14. At the end of the OPC meeting on March 3, it was time for the usual reports by OPC members. No one mentioned the January 31 meeting or the meeting that took place earlier in the day at the office of Mr. Morris. After a pause in which no one spoke up, I prompted Andresen with, "I wonder if Commissioner Andresen could fill us in on the meeting at Morris' office today [March 3]." She responded by noting that it was a private meeting that didn't really have anything to do with the business at hand. I then asked if we could hear who was at the meeting. Chair Brown asked Vice Chair Andresen if she was OK with that and she responded with, "Can we ask staff if this is pertinent to the meeting?"

15. I then asked if anyone else could report on the January 31 meeting. In February, Andresen told me the topics for the two days would be the same. The statements made at the OPC meeting March 3 confirmed that.
16. Also on the topic of the meetings during this reporting period, and after my prompting, Planner Buckler stated that all OPC members had been invited to the meetings. Buckler mentioned discussion with the OPC Leadership Team, but not that the meeting would be planned so that the public would not know about it and that there would be no recording. (The composition of the Leadership Team is the OPC Chair, the OPC Vice Chair and the OPC Finance Sub-committee Chair.) It was also reported by Chair Brown that Leonard Bauer had attended the first meeting (January 31) in Morris' office. This led me to understand that Olympia Planning staff were aware of these activities. After the close of the OPC meeting, Commissioner Carole Richmond indicated she had attended the meeting at Morris' that day (March 3).

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17. I am concerned about the integrity of the OPC process and the perception of the public that the OPC acts only in the public interest.
18. From the foregoing, I infer that Andresen and Buckler and perhaps Bauer worked to arrange for eight out of nine OPC members to meet in a private location with no record made of their discussion between financially interested developers and others about OPC business that is of public interest. A total of at least five Commissioners (a majority) attended. The topics for both meetings were the same, so only the separation in time—but not the topic—prevented this from being one meeting with eight OPC members, and the public excluded.
19. I do not know if File 14-0210 was discussed once, twice, or not at all. But I do know that it is the first item to come before the OPC for action (a hearing) since the March 3 meeting and I know from Morris' own email that Morris, the host of the unrecorded meetings, supports the proposed zoning changes. I know that planning staff placed this item on the OPC agenda.
20. Based on the foregoing, I do not think the OPC should take any action on File 14-0210 because the integrity of the OPC will not withstand favorable action. I recommend the vote scheduled for March 17 on file 14-0210 be tabled indefinitely.

## Janet Sanders

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**From:** Leonard Bauer  
**Sent:** Tuesday, March 11, 2014 3:18 PM  
**To:** Janet Sanders; Nancy Lenzi  
**Subject:** FW: EDC comment letter  
**Attachments:** 3524\_001.pdf

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**From:** Michael Cade [<mailto:MCade@thurstonedc.com>]  
**Sent:** Monday, March 10, 2014 4:44 PM  
**To:** Leonard Bauer  
**Subject:** EDC comment letter

Leonard,  
Comment letter re: Zoning Text Amendment.

Thank you,  
Michael

**Michael Cade / Executive Director / Thurston EDC**

Serving Thurston County since 1982

*Thurston Economic Development Council*  
665 Woodland Square Loop SE, Ste 201 – Lacey, WA 98503  
Office: 360-754-6320 Cell: 360-480-8781 -- [mcade@thurstonedc.com](mailto:mcade@thurstonedc.com)  
[www.thurstonedc.com](http://www.thurstonedc.com)

**Thurston  
Economic  
Development  
Council**



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**Sue Gunn**  
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**Ron Harding**  
Mayor,  
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**Nicole Hill**  
Councilmember  
City of Tumwater

**Jessica Jensen**  
Jessica Jensen Law PS

**Zach Kosturos**  
Prime Locations Inc

**Wayne Mannie**  
Columbia Bank

**Denise Marroni**  
Providence Health & Services  
Southwest Washington

**Evan Parker**  
Kidder Mathews

**Rob Rice**  
Rob Rice Homes

**John Setterstrom**  
Lucky Eagle Casino

**Perry Shea**  
SCJ Alliance

**Michael Steadman**  
Councilmember,  
City of Lacey

**Dr. Timothy Stokes**  
South Puget Sound  
Community College

**Karen Valenzuela**  
Commissioner,  
Thurston County

**Kirk Veis**  
Owens Davies, P S

**Carrie Whisler,  
BRC Board President**  
Washington State Employees  
Credit Union

March 10, 2014

City of Olympia  
601 4<sup>th</sup> Avenue East  
Olympia, Washington 98501  
DELIVERED VIA EMAIL TO MR. LEONARD BAUER: lbauer@ci.olympia.wa.us

Dear Mr. Bauer,

This letter is in response to your Public Hearing on Zoning Text Amendment- Professional Office/Residential Multifamily (PO/RM) Zoning District. Please know that this comment letter is in support of the recommendation.

As stated in prior correspondence with the City, the EDC's over-arching mission is to work towards a quality community that builds an economy that retains and attracts investment that serves the residents of our region. One of the more significant ways in which a community can affect the quality of the economy of the city is to enact zoning and ordinances that are proactive and conducive to the area's employment and commercial activity. This recommendation is reflective of this mission.

The existing OMC 18.06.060 (Commercial district's use standards) restricts a parcel in the PO/RM zone to only a one time use of up to 10,000 square feet of commercial/retail use, requiring the remaining portion of the parcel to infill with PO/RM uses. This requirement leaves parcels of over 1 acre at a disadvantage to maximize the uses and balance the density with sensible development providing the area residents with the opportunity of retail services within walking distance.

Much of the work and conversations of the past year regarding the concepts of sustainability are forward in the notion that land use and development codes need to be focused on ensuring that urban areas are developable within the confines of the community. An area that is relegated to a market that is non-existent, and will not be manifest over a very long horizon, does not produce a sustainable economy that is neither vibrant and dynamic. The text amendment addresses the notion that the reality of the marketplace needs to be concurrent with zoning and land use. Our review of the market conditions in the region, and more particular in the west Olympia area show a need for an increase in commercially zoned property that is flexible and amenable to the types of uses and services sought by the residents of the area.

The proposed text amendment is a step in the right direction, revising an outdated code and removing a barrier to development that would help to allow a mix of appropriate uses in this area. It is proactive actions such as these that will serve the City of Olympia, and its economic future well.

Sincerely,

Michael Cade  
Executive Director

## Janet Sanders

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**From:** Leonard Bauer  
**Sent:** Tuesday, March 11, 2014 3:18 PM  
**To:** Janet Sanders; Nancy Lenzi  
**Subject:** FW: Host of Unrecorded Meetings Appears to be Biggest Beneficiary of Proposed Zoning Changes  
**Attachments:** File 14-0210 Comments of B Shirley 3-9-2014.pdf; Comments on File 14-0210 - Bardin.pdf

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**From:** cpdinfo  
**Sent:** Tuesday, March 11, 2014 7:56 AM  
**To:** Leonard Bauer; Amy Buckler  
**Subject:** FW: Host of Unrecorded Meetings Appears to be Biggest Beneficiary of Proposed Zoning Changes

FYI – this one came in after 5:00 p.m. yesterday. kk

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**From:** Sharilyn Catone [<mailto:sharilyncatone@yahoo.com>]  
**Sent:** Monday, March 10, 2014 5:16 PM  
**To:** cpdinfo  
**Subject:** Host of Unrecorded Meetings Appears to be Biggest Beneficiary of Proposed Zoning Changes

I agree with the comments and concerns and the recommendations. Sal Munoz. Cooper Crest HOA



## Janet Sanders

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**From:** Leonard Bauer  
**Sent:** Tuesday, March 11, 2014 3:19 PM  
**To:** Janet Sanders; Nancy Lenzi  
**Subject:** FW: Host of Unrecorded Meetings Appears to be Biggest Beneficiary of Proposed Zoning Changes  
**Attachments:** File 14-0210 Comments of B Shirley 3-9-2014.pdf; Comments on File 14-0210 - Bardin.pdf

-----Original Message-----

**From:** Amy Buckler  
**Sent:** Tuesday, March 11, 2014 10:47 AM  
**To:** Leonard Bauer  
**Subject:** FW: Host of Unrecorded Meetings Appears to be Biggest Beneficiary of Proposed Zoning Changes

---

**From:** Sharilyn Catone [sharilyncatone@yahoo.com]  
**Sent:** Monday, March 10, 2014 5:17 PM  
**To:** Amy Buckler  
**Subject:** Host of Unrecorded Meetings Appears to be Biggest Beneficiary of Proposed Zoning Changes

I agree with the comments and concerns and the recommendations. Sal Munoz. Cooper Crest HOA

March 8, 2014

TO: Olympia Planning Commission  
Leonard Bauer, Deputy Director  
of Community Planning & Development (CP&D)

FROM: Judy Bardin, Member  
Olympia Planning Commission

RE: File 14-0210 – Proposed Code Amendment to Kaiser-Harrison Zoning Map –  
Comments for the Public Record as Permitted by Decision of the Olympia  
Planning Commission to Hold Open the Record Until March 10, 2014

1. My comments are filed in this matter because I am concerned about the integrity of the Olympia Planning Commission (OPC) and concerned for the public perception of the OPC with respect to whether the OPC is dedicated only to the public interest.
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- of the first meeting pending the following day (January 31) to be held in private in Morris' office.
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20. Based on the foregoing, I do not think the OPC should take any action on File 14-0210 because the integrity of the OPC will not withstand favorable action. I recommend the vote scheduled for March 17 on file 14-0210 be tabled indefinitely.

March 9, 2014

TO: Olympia Planning Commission

FROM: Bob Shirley

RE: **File 14-0210 Public Comment: Proposed Code Amendment to Kaiser-Harrison Zoning Map and the Single-Meeting-on-One-Set-of-Topics-Split-Into-Two-Parts Attended by a Majority of OPC Members**

I have read the comments of Olympia Planning Commission member Judy Bardin and there is additional information that should be added to make the picture more complete.

**I. James A. Morris is the Registered Agent for M-Five Family Limited Partnership that Owns What Appears to be the Only Parcel Large Enough To Gain the Maximum Benefit from the Proposed Zoning Change.**

Planner Bauer informed the OPC at the OPC's March 3 meeting that only "a couple parcels" would benefit by having the opportunity to increase the maximum square footage for buildings to 50,000, up from 5,000 per parcel under the current zoning. I found only one parcel that will qualify to build a 50,000 square foot building.

M-Five Family Limited Partnership lists James A. Morris as its Registered Agent. M-Five Family LP owns parcels 12817420900 and 12817431400. The ownership detail from the Thurston County Assessor's A+ parcel look-up tool on the web includes information about purchases by James Morris prior to transfer of ownership to M-Five Family LP. Developer Morris appears to have an ownership interest in two parcels in the area affected by the change of zoning proposed in File 14-0210.

The first parcel (12817420900) is 21.04 acres with a situs address of 4419 Harrison Ave. NW # A, Olympia. The Assessor's use code is 91, undeveloped land.

The second parcel (12817431400) is 3.56 acres with a situs address of 3620 SW 7Th Ave., Olympia. The Assessor's use code is 91, undeveloped land.

The parcels are all but contiguous. The south side of the larger parcel is separated from the north side of the smaller parcel by what appears to be an approximately 15-20-foot wide alley or road easement (connected to Kaiser Rd. SW to the west of the two parcels).

Under the current zoning, the 21.04 acre parcel qualifies for one 10,000 square foot building. Under the proposed change, permitting 5,000 square feet per acre (rather than per parcel), with a maximum of 50,000 square feet for any one building, the larger M-Five Family LP parcel would qualify for one 50,000 square foot building. Moreover, if the larger M-Five Family LP parcel were split into two parcels through a boundary line adjustment, it could yield two parcels larger than 10 acres, each of which would qualify for a 50,000 square foot building.

The next-largest size parcel in the zone appears to be a parcel (12817420100) that is 7.17 acres and owned by Michael C. and Christine M. Murphy. The situs address is 4201 Harrison Ave. NW, Olympia. The Assessor's use code is 65, service-professional; there is a 1,640 square foot rambler on the parcel, assessed at \$30,900. Under the proposed change, that parcel could go from one 10,000 square foot building on the parcel, to 5,000 square feet for each acre, or slightly more than 35,000 square feet.

This means the next largest building to one or two building that Morris could build at 50,000 square feet would be 15,000 square feet smaller—it would not compete with a Morris building the way every 10,000 square foot building per parcel could compete with a Morris building limited to 10,000 square feet under the current zoning.

It was unclear to me which parcels would qualify for the maximum increase in square footage until I reviewed the Thurston County cadastral map. Bauer may have learned from Morris, or his employee Andreson, which parcels could benefit from the zoning change; or Bauer may have used the cadastral map to determine which parcels would be large enough to benefit. If neither Morris nor Andreson told Bauer that Morris had an ownership interest in the qualifying parcels, Bauer could have learned about the Morris financial interest by looking up ownership information on the website of the Secretary of State.<sup>1</sup> In any event, neither Andreson nor Bauer told OPC members on March 3, either during the public hearing on the proposed zoning change or during the forced-disclosure of the single-meeting-on-one-set-of-topics-split-into-two-parts that their host, that Morris, appears to be the biggest beneficiary of the proposed zoning change and apparently the only owner that could build to the maximum 50,000 square feet.<sup>2</sup>

## **II. The Purposefully Unrecorded, Not Public, Single-Meeting-on-One-Set-of-Topics-Split-Into-Two-Parts.**

Andreson's acknowledgment of the single-meeting-on-one-set-of-topics-split-into-two-parts came *only* after she was prompted to reveal there had been a meeting. According to Bardin's statement, Andreson told Bardin the topics for each day (January 31 and March 3) were the same. Andreson had an opportunity on March 3 at the OPC meeting to put on the record the topics discussed at the single-meeting-on-one-set-of-topics-split-into-two-parts, but she did not. It is reasonable to assume that Bardin's understanding that the

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<sup>1</sup> All of this web research took under 15 minutes, and I am not a planner accustomed to the websites; it likely would have taken a planner about 5 minutes.

<sup>2</sup> Approximately 40 parcels will be affected by the proposed zoning change. Morris, in his February 27 email indicating support for the proposed changes stated he is "an owner of a parcel" in the zone, but he did not state that he owns a parcel that is 10 acres or larger. Andreson on March 3 recused herself on File 14-0210 and stated the reason was that she has "a professional relationship with some of the affected property owners," but she did not reveal to her OPC colleagues that her employer has an ownership interest in an affected parcel and is likely the biggest beneficiary of the proposed change.

topics for each day were identical, gained from a conversation with Andreson on February 5, is correct.

Buckler stated at the March 3 OPC meeting, after the cat was out of the bag, that all OPC members were invited to attend the single-meeting-on-one-set-of-topics-split-into-two-parts.

At the end of the March 3 OPC meeting once Andreson and others were forced to acknowledge the purposefully unrecorded, single-meeting-on-one-set-of-topics-split-into-two-parts, still no OPC members who attended stated what was discussed except in the very most vague terms. Andreson said repeatedly the meeting was private and did not state the topics of discussion at the single-meeting-on-one-set-of-topics-split-into-two-parts. Indeed it was private; that is, not open to the public and the meeting only acknowledged when Andreson was called to account.

### **III. OPC Compromised. Who Knew What? When?**

It may be that no OPC member was told by Morris, Andreson, or Bauer that parcels owned by Morris would receive the maximum benefit from the zoning change proposed by planning staff. It may be that zoning changes were not discussed at all at the single-meeting-on-one-set-of-topics-split-into-two-parts. However, only people who participated in a meeting designed to go unrecorded, and then split into two with a wink at the quorum rule, can say what was discussed. Will the public accept their word on this? Will the public ever accept their word on any future matter?

A reasonable person could conclude that OPC members were hoodwinked into meeting with Morris in private by not being informed of the relationship of their meeting host to the proposed zoning changes on their agenda. But an equally reasonable person could conclude that a majority of OPC members are connivers who wink at the rules. Moreover, that reasonable person could conclude things did not end at just conniving; a reasonable person could conclude OPC members knew they were being hosted by someone with a great deal to be gained by OPC approval of the proposed zoning changes. Either way, Andreson's actions—arranging unrecorded exchanges between a majority of OPC members and developers; not reporting the exchange until forced to do so on March 3, and then being unwilling to describe what was discussed—have compromised the OPC. City planning staff apparently supported her actions so that means those staff are compromised too.

### **IV. Recommendations.**

Bardin recommends the thing to do in this situation is to table indefinitely File 14-0210. That would be a good start.

I recommend more be done:

First, I recommend Andreson do the right thing and resign from the OPC.

Second, I recommend the OPC ask the City Attorney to determine what Andreson, Bauer, and Buckler knew and when they knew it. Perhaps there is nothing more here than a desire to please one OPC member (Andreson) at the expense of letting up to eight other OPC members look like connivers. Or perhaps Bauer and Buckler approve of winking at the quorum rule as a way of preventing the public from observing the actions of a majority of the OPC. Whatever the case, the public should know why Bauer and Buckler participated with Andreson in creating a purposefully unrecorded, single-meeting-on-one-set-of-topics-split-into-two-parts to allow a future claim that the quorum rule was not broken.

Third, I recommend the OPC determine who it needs to work as staff to the OPC so that in the future OPC members will not be lead into acting like connivers and looking like suckers.



## Janet Sanders

---

**From:** Leonard Bauer  
**Sent:** Tuesday, March 11, 2014 3:19 PM  
**To:** Janet Sanders; Nancy Lenzi  
**Subject:** FW: OPC meetings

---

**From:** City Clerk - Request  
**Sent:** Tuesday, March 11, 2014 8:20 AM  
**To:** Leonard Bauer; Nancy Lenzi  
**Subject:** FW: OPC meetings

---

**From:** [phil\\_cornell@yahoo.com](mailto:phil_cornell@yahoo.com) [mailto:[phil\\_cornell@yahoo.com](mailto:phil_cornell@yahoo.com)]  
**Sent:** Monday, March 10, 2014 10:06 AM  
**To:** City Clerk - Request  
**Subject:** OPC meetings

I am concerned about the recent meetings between OPC members and Mr. Jim Morris on the subject of File 14-0210. These meetings were not public so we have no way of knowing if any decisions were made. The Olympia Planning Commission has a legal obligation to inform the public of all dealings with developers especially when the developer is advocating a change in zoning codes. The meetings between Mr. Morris and the OPC were designed to allow undocumented conversations with city officials about city business. This is a clear violation of the statute (RCW 42.30) on open meetings. Any decisions that came out of these meetings must be made null and void and no further action can come from them.

Philip Cornell  
1502 15th Ave SW  
Olympia, WA 98502  
360-515-1263

## Janet Sanders

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**From:** Leonard Bauer  
**Sent:** Tuesday, March 11, 2014 3:11 PM  
**To:** Janet Sanders; Nancy Lenzi  
**Subject:** FW: OPC File 14-0210: conflict of interest re Morris/Andresen - Shirley letter of March 9

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**From:** City Clerk - Request  
**Sent:** Monday, March 10, 2014 9:48 AM  
**To:** Leonard Bauer; Debbie Krumpols  
**Subject:** FW: OPC File 14-0210: conflict of interest re Morris/Andresen - Shirley letter of March 9

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**From:** Dennis Craig [<mailto:teacharch@comcast.net>]  
**Sent:** Sunday, March 09, 2014 11:21 PM  
**To:** City Clerk - Request  
**Cc:** 'Dan Leahy'  
**Subject:** OPC File 14-0210: conflict of interest re Morris/Andresen - Shirley letter of March 9

It would appear that some members of the OPC are not aware of the legal and moral requirements of public planning organizations, or take them lightly. A planning commission member that works for a developer should be aware that they have a built in conflict of interest in the eyes of the public and other developers.

Even if everyone is on the up and up, it certainly would be hard to convince anyone with these two letters of fact. The City Manager better clean this up and fast, and if the planning staff knew about this, what is going on with them?

Concerned citizen and former Lacey planning commission member and chair.

Dennis Craig

## Janet Sanders

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**From:** Leonard Bauer  
**Sent:** Tuesday, March 11, 2014 3:19 PM  
**To:** Janet Sanders; Nancy Lenzi  
**Subject:** FW: Comments to OPC on File 14-0210

-----Original Message-----

**From:** Amy Buckler  
**Sent:** Tuesday, March 11, 2014 10:50 AM  
**To:** Leonard Bauer  
**Subject:** FW: Comments to OPC on File 14-0210

---

**From:** Thad Curtz [curtzt@nuprometheus.com]  
**Sent:** Monday, March 10, 2014 10:10 AM  
**To:** Amy Buckler  
**Subject:** Comments to OPC on File 14-0210

I've read Ms. Bardin and Mr. Shirley's comments on the process employed by CP&D and the Planning Commission to date in considering this proposal. From those, it appears as if it has been handled in what seems to me an pretty unsuitable way. I do not think it should go forward to a vote by the Commission without a full public discussion of what happened, and why, and without whatever can be done at this point to get rid of the shadow that these events seem to cast on the process.

The reasons for my concerns are expressed in some more detail in the note to Council and the City Manager I'm attaching as part of this comment on the file.

Best wishes,  
Thad Curtz

\*\*\*

Thad Curtz  
**To:** Councilmembers  
**Cc:** Steve Hall  
OPC Meeting with Jim Morris et al

March 10, 2014 9:56 AM

I assume that by now you're well aware of the issues raised in the attached comments. Obviously, this is only one side of the story.

However, it certainly doesn't look good so far... what seems to have happened may be within the letter of the law, but it seems to me to have been a blatant violation of its intent. Obviously, Mr. Morris and other developers are welcome to try to persuade the Planning Commission that zoning changes they'd like made to improve the potential profits from their personal property are compatible with the Comprehensive Plan, the City's goals about density and smart growth, and the public good.

Unfortunately, if that's what they had to say, it's hard to see why they didn't want to say it on the record, so the rest of us could think about their pitch and see whether or not we agreed with them.

I hope you will do what you can at this point to see that there's a full public exploration of the matter, that everybody's account of what they did and why gets taken into consideration, and that steps get taken to avoid the sort of inquiry and explanations that seem necessary here in the future.

Best wishes,  
Thad Curtz

## Janet Sanders

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**From:** Leonard Bauer  
**Sent:** Tuesday, March 11, 2014 3:10 PM  
**To:** Janet Sanders; Nancy Lenzi  
**Subject:** FW: Rezoning application, File # 14-210

-----Original Message-----

From: Joe Ford [<mailto:joe@jbford.com>]  
Sent: Monday, March 10, 2014 11:22 AM  
To: cpdinfo; Amy Buckler; City Clerk - Request; Leonard Bauer  
Subject: Rezoning application, File # 14-210

Work on this rezone (File # 14-210) should be suspended because the public process has been compromised.

A majority of Olympia Planning Commission members met in secret meetings with City staff and the developer who has a pecuniary interest in this rezone. If the meetings were NOT about the rezone, they still were ill-timed.

Some of the private participants in these meetings are potential beneficiaries of the rezone that was in process at the same time as the meetings were held.

The private meetings that were held should have been made into a work session or workshop setting that was held in public--then no one would need to wonder about what was said.

Planning Commission action on this rezone should be suspended because of lack of public process and lack of public confidence when non-publicized meetings are held.

Joseph Ford & Mary Wilkinson  
1903 Eskridge Blvd SE  
Olympia, WA 98501

360-352-7295 (home)  
360-352-4434 (work)

[joe@jbford.com](mailto:joe@jbford.com)

## Janet Sanders

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**From:** Leonard Bauer  
**Sent:** Tuesday, March 11, 2014 3:11 PM  
**To:** Janet Sanders; Nancy Lenzi  
**Subject:** FW: OPC

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**From:** City Clerk - Request  
**Sent:** Monday, March 10, 2014 9:48 AM  
**To:** Leonard Bauer; Debbie Krumpols  
**Subject:** FW: OPC

We are not sure who needs to receive these messages re: the Planning Commission, so we are forwarding to both of you.

Amy Cleveland

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**From:** Henry Govert [<mailto:goverhl@comcast.net>]  
**Sent:** Monday, March 10, 2014 9:12 AM  
**To:** City Clerk - Request  
**Subject:** OPC

Dear madam clerk:

I don't even know what case #14-0210 is about. What I do know is that the antics of some OPC members smacks of the same kind of behind-the-scenes modus operandi that I witnessed growing up in the Chicago area, leading to total cynicism about municipal government: "You can't fight city hall." This is the type of cynical municipal governance I was expecting to escape by moving to Olympia, and which I have generally found to be the norm. I am totally shocked and saddened to hear about these possibly illegal shenanigans, and I hope you and other city officials will condemn these tactics in a most public way.

Henry Govert

## Janet Sanders

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**From:** Leonard Bauer  
**Sent:** Tuesday, March 11, 2014 3:07 PM  
**To:** Janet Sanders; Nancy Lenzi  
**Subject:** FW: Text Amendment - Public Comment  
**Attachments:** Text Amendment Letter.pdf

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**From:** Ryan Haddock [<mailto:rhaddock@kiddermathews.com>]  
**Sent:** Monday, March 10, 2014 11:03 AM  
**To:** Leonard Bauer  
**Subject:** Text Amendment - Public Comment

Leonard,


Please find attached a letter for public comments in regards to the proposed text amendment language for the PO/RM zones. Feel free to email or call if you have further questions.

Thanks,

**Ryan Haddock**  
Vice President

**KIDDER MATHEWS**

1550 Irving Street SW Suite 200 Olympia, WA 98512  
**T** 360.596.9151 | **F** 360.705.9860 | **C** 360.480.6680  
[rhaddock@kiddermathews.com](mailto:rhaddock@kiddermathews.com) | [kiddermathews.com](http://kiddermathews.com)

  
[download vcard](#) | [view profile](#)

Please consider the environment before printing this email.

City of Olympia, Washington  
PO Box 1967  
Olympia, WA 98507-1967

RE: PO/RM Text Amendment

To Whom it May Concern;

As a commercial real estate broker with Kidder Mathews in Olympia, I have had the opportunity to work with many developers over the last few years including several who sought land within the City of Olympia. I am writing in support of the text amendment that is being considered for a variety of reasons as outlined below.

Within the Thurston County market there is currently 900,000+ square feet of vacant office space – with further layoffs scheduled by the State of WA, we do not anticipate any major changes and actually see a diminishing absorption rate possible.

The amended text amendment provides two benefits based on this data;

1. The flexibility necessary for a property owner to develop their property not only as the original zoning intended but for a broader range of commercial uses.
2. The ability for the City to grow naturally based upon needs instead of based on an outdated conceptual plan that has changed due to market fluctuation and technology.

It is imperative for me as a broker to be able to understand land use restrictions and I have often found myself telling developers we cannot go to that site or to tenants that their use isn't allowed due to the zoning. By allowing some of these tenants into specific areas you are promoting growth within the City of Olympia boundaries instead of pushing them into unincorporated areas. We have found that most tenants and developers in the marketplace today have done so much research as it relates to demographics they can pinpoint within a 1 block radius where they need to be located not only to serve the residential uses but also the regional population base that travels on the main arterials.

With the recent residential growth near Yauger Road and the lack of new commercial developments further east on Harrison this will allow the City of Olympia to attract tenants and developers who otherwise may have dismissed the area altogether. Although West Olympia does have many retail options it does lack new development with any cohesive theme often sought by the developers of today who are looking for mixed use projects. This text amendment would allow such a project and could ultimately be considered a better opportunity for tenants and developers due to the synergy it would allow within this zone.

As a part of my job description, I meet with national real estate executives/directors for national retail stores and propose sites to them on a regular basis. If the PO/RM zone is not modified the area near Yauger Road as identified in the amendment may not see growth for 10+ years based on absorption of office and multifamily products currently scheduled. The timing on speculative building leasing is currently 2-3 years and in the case of office may be as much as 5-7 years in Thurston County.

If there are any further questions or details needed regarding the projects listed above, I am more than happy to provide more information.



Sincerely,

Ryan Haddock  
Associate Vice President  
105 8<sup>th</sup> Avenue, Suite 102  
Olympia, WA  
rhaddock@kiddermathews.com  
P: 360.596.9151  
C: 360.480.6680  
F: 360.705.9860

## Janet Sanders

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**From:** Leonard Bauer  
**Sent:** Tuesday, March 11, 2014 3:18 PM  
**To:** Janet Sanders; Nancy Lenzi  
**Subject:** FW: File 14-0210 Public Comments

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**From:** cpdinfo  
**Sent:** Tuesday, March 11, 2014 7:56 AM  
**To:** Amy Buckler; Leonard Bauer  
**Subject:** FW: File 14-0210 Public Comments

**From:** Monica Hoover [<mailto:mmhoove@gmail.com>]  
**Sent:** Monday, March 10, 2014 5:00 PM  
**To:** cpdinfo  
**Subject:** File 14-0210 Public Comments

Date: March 9, 2014  
To: Olympia Planning Commission  
Leonard Bauer, Deputy Director of  
Community Planning and Development.

From: Monica Hoover

Re: File 14-0210 Public Comments– Proposed Code Amendment to Kaiser-Harrison Zoning Map and a private meeting on the same topic split up to avoid a quorum.

I have read the comments by Olympia Planning Commission (OPC) member Judy Bardin and the comments submitted by Bob Shirley, and listened to the final minutes of the March 3, 2014 OPC meeting. I agree with the comments of Bob Shirley and Judy Bardin. What has occurred raises many questions about transparency and the intentional design of this “private” meeting to avoid a quorum.

According to the Secretary of State’s website, James A. Morris is the registered agent of M-Five Family Limited Partnership. According to Mr. Shirley, M-Five Family Limited Partnership would benefit from a decision in favor of the proposed zoning changes before the OPC. According to Ms. Bardin, the Vice-Chair of the OPC, Kim Andreson, is an employee or contractor of James A. Morris. Ms. Andreson arranged these meetings between the OPC members and Mr. Morris. These meetings are off the record, not recorded, and split up to avoid a quorum.

What is the public to think? From the description of the meeting by OPC Chair Brown in the recording from the March 3, 2014 meeting, there is no reason the discussions held could not be held in a public meeting. Is it standard practice of the OPC and the City of Olympia to invite all members of a commission or council but to split meetings up to avoid a quorum and thereby avoid public knowledge of the meeting?

Given the circumstances outlined in the comments of Ms. Bardin and Mr. Shirley, File 14-0210 should be indefinitely tabled. In addition, the activities of Ms. Andreson and/or the staff in this matter raise questions and need further assessment.

## Janet Sanders

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**From:** Leonard Bauer  
**Sent:** Tuesday, March 11, 2014 3:19 PM  
**To:** Janet Sanders; Nancy Lenzi  
**Subject:** FW: Public Comment in File 14-0210 - Harrison-Kaiser Zoning Changes

-----Original Message-----

**From:** Amy Buckler  
**Sent:** Tuesday, March 11, 2014 10:52 AM  
**To:** Leonard Bauer  
**Subject:** FW: Public Comment in File 14-0210 - Harrison-Kaiser Zoning Changes

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**From:** [jacobsoly@aol.com](mailto:jacobsoly@aol.com) [[jacobsoly@aol.com](mailto:jacobsoly@aol.com)]  
**Sent:** Sunday, March 09, 2014 4:13 PM  
**To:** cpdinfo; Amy Buckler  
**Subject:** Public Comment in File 14-0210 - Harrison-Kaiser Zoning Changes

Amy --

Please accept this email as my official comment on the Harrison-Kaiser Rezone proposal.

I share the concerns expressed by Judy Bardin and Bob Shirley, submitted in the past few days, regarding this proposal.

Bob Jacobs  
352-1346

720 Governor Stevens Ave. SE  
Olympia 98501

[jacobsoly@aol.com](mailto:jacobsoly@aol.com)<<mailto:jacobsoly@aol.com>>

## Janet Sanders

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**From:** Leonard Bauer  
**Sent:** Tuesday, March 11, 2014 3:03 PM  
**To:** Janet Sanders; Nancy Lenzi  
**Subject:** FW: Comment on File # 140210 Planning Commission hearing on Kaiser Rezone request

-----Original Message-----

**From:** cpdinfo  
**Sent:** Monday, March 10, 2014 8:39 AM  
**To:** Amy Buckler; Leonard Bauer  
**Subject:** FW: Comment on File # 140210 Planning Commission hearing on Kaiser Rezone request

-----Original Message-----

**From:** Jim Lazar [<mailto:jim@jimlazar.com>]  
**Sent:** Sunday, March 09, 2014 12:41 PM  
**To:** cpdinfo  
**Subject:** Comment on File # 140210 Planning Commission hearing on Kaiser Rezone request

I understand that unpublished and unrecorded meetings were held between some members of the Planning Commission, some members of City staff, and the Applicant.

Once this has been submitted as a rezone, it should be entirely managed as public business by the Planning Commission.

I recommend that any Commissioners who have participated in these secret meetings immediately disqualify themselves from consideration of the matter before the Commission.

I recommend that any Staff who have participated in these secret meetings be immediately reassigned to NOT assist or advise the Planning Commission with this matter.

The Planning Commission must uphold the highest standards of public ethics, and it appears that some members did not understand their duties under the applicable laws and legal principles, including the Open Public Meetings Act (OPMA) and the Appearance of Fairness Doctrine.

All members and staff who have had any off-record contact with any of the affected property owners should both disclose those contacts publicly, and should recuse themselves and remove themselves from the room during any discussion of the Kaiser Rezone request.

--

Jim Lazar, Consulting Economist  
1063 Capitol Way S. #202  
Olympia, WA 98501  
360 786 1822 [jim@jimlazar.com](mailto:jim@jimlazar.com)

## Janet Sanders

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**From:** Leonard Bauer  
**Sent:** Tuesday, March 11, 2014 3:17 PM  
**To:** Janet Sanders; Nancy Lenzi  
**Subject:** FW: OPC File 14-0210 Public Comment

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**From:** City Clerk - Request  
**Sent:** Monday, March 10, 2014 3:48 PM  
**To:** Leonard Bauer; Debbie Krumpols  
**Subject:** FW: OPC File 14-0210 Public Comment

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**From:** Dan Leahy [<mailto:danleahy43@yahoo.com>]  
**Sent:** Monday, March 10, 2014 3:37 PM  
**To:** City Clerk - Request  
**Subject:** OPC File 14-0210 Public Comment

March 10, 2014

Max Brown  
Chair, Olympia Planning Commission  
Olympia, Washington RE: File 14-0210 Public Comment c/o City Clerk.

Dear Chairperson Brown:

I agree with Commissioner Bardin that this situation should be tabled indefinitely; however, an indefinite table of the rezone does not address the problem of the legitimacy of the OPC itself.

Attorney Robert Shirley suggests that your Vice Chair Kim Andresen, organizer of the private meetings which circumvented the open meetings act, should resign. I agree here too.

But this still wouldn't solve the legitimacy issue either, would it?

You, as Chair, not only participated in the meetings, but appeared to be silencing Commission Bardin's effort to bring these meetings into the open when she made a simple request that they be reported on in public session.

Frankly, I think restoration of public trust in the OPC requires that you resign too. You are the Chair. You are responsible for your team's action. You are the head of your Leadership Team and you all participated in these private, off the record meetings on a matter that was coming before the OPC.

Until you do resign, many of us who spend a good deal of time working with the city to maintain and improve our neighborhoods will believe the OPC is compromised.

Sincerely,

Dan Leahy  
1415 6<sup>th</sup> Avenue SW  
Olympia, Washington 98502

cc: SW Neighborhood Association  
NW Neighborhood Association

## Janet Sanders

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**From:** Leonard Bauer  
**Sent:** Tuesday, March 11, 2014 3:01 PM  
**To:** Janet Sanders; Nancy Lenzi  
**Subject:** FW: Olympia Planning Commission members and staff - participation in outside meetings  
**Attachments:** File 14-0210 Comments of B Shirley 3-9-2014.pdf; Comments on File 14-0210 - Bardin.pdf

-----Original Message-----

**From:** Keith Stahley  
**Sent:** Sunday, March 09, 2014 7:49 PM  
**To:** Leonard Bauer; Amy Buckler  
**Subject:** FW: Olympia Planning Commission members and staff - participation in outside meetings

Hi Leonard and Amy,

Let's discuss how we respond to this when you get in on Monday.

Thanks

-----Original Message-----

**From:** Karen Messmer [<mailto:karen@karenmessmer.com>]  
**Sent:** Sunday, March 09, 2014 1:06 PM  
**To:** Tom Morrill; Keith Stahley  
**Subject:** Olympia Planning Commission members and staff - participation in outside meetings

Tom Morrill and Keith Stahley

I find the situation described in these two attachments to be troubling.

I certainly do not know all of the facts of this situation, but it does not look good. Appearance is important to a trusting relationship with city government. I would also suggest that there are members of the staff and planning commission who could use some guidance on the ethics of arranging meetings such as these, especially while a rezone is in process.

Karen Messmer

Karen Messmer  
(360) 357-8364



## Janet Sanders

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**From:** Leonard Bauer  
**Sent:** Tuesday, March 11, 2014 3:01 PM  
**To:** Janet Sanders; Nancy Lenzi  
**Subject:** FW: Public Comment in File 14-0210 - Harrison-Kaiser Zoning Changes  
**Attachments:** File 14-0210 Comments of B Shirley 3-9-2014.pdf; Comments on File 14-0210 - Bardin.pdf

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**From:** Robert Shirley [<mailto:robertshirleyattorney@hotmail.com>]  
**Sent:** Sunday, March 09, 2014 9:11 AM  
**To:** cpdinfo; Amy Buckler; City Clerk - Request; Leonard Bauer  
**Subject:** Public Comment in File 14-0210 - Harrison-Kaiser Zoning Changes

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March 9, 2014

City of Olympia:

Attached are my comments in File 14-0210, Harrison-Kaiser Zoning Changes. Also attached and incorporated as my comments too are comments on File 13-0210 made by Judy Bardin. My comments rely, in part, on the Bardin comments.

Thank you.

Bob Shirley

March 9, 2014

TO: Olympia Planning Commission

FROM: Bob Shirley

RE: **File 14-0210 Public Comment: Proposed Code Amendment to Kaiser-Harrison Zoning Map and the Single-Meeting-on-One-Set-of-Topics-Split-Into-Two-Parts Attended by a Majority of OPC Members**

I have read the comments of Olympia Planning Commission member Judy Bardin and there is additional information that should be added to make the picture more complete.

**I. James A. Morris is the Registered Agent for M-Five Family Limited Partnership that Owns What Appears to be the Only Parcel Large Enough To Gain the Maximum Benefit from the Proposed Zoning Change.**

Planner Bauer informed the OPC at the OPC's March 3 meeting that only "a couple parcels" would benefit by having the opportunity to increase the maximum square footage for buildings to 50,000, up from 5,000 per parcel under the current zoning. I found only one parcel that will qualify to build a 50,000 square foot building.

M-Five Family Limited Partnership lists James A. Morris as its Registered Agent. M-Five Family LP owns parcels 12817420900 and 12817431400. The ownership detail from the Thurston County Assessor's A+ parcel look-up tool on the web includes information about purchases by James Morris prior to transfer of ownership to M-Five Family LP. Developer Morris appears to have an ownership interest in two parcels in the area affected by the change of zoning proposed in File 14-0210.

The first parcel (12817420900) is 21.04 acres with a situs address of 4419 Harrison Ave. NW # A, Olympia. The Assessor's use code is 91, undeveloped land.

The second parcel (12817431400) is 3.56 acres with a situs address of 3620 SW 7Th Ave., Olympia. The Assessor's use code is 91, undeveloped land.

The parcels are all but contiguous. The south side of the larger parcel is separated from the north side of the smaller parcel by what appears to be an approximately 15-20-foot wide alley or road easement (connected to Kaiser Rd. SW to the west of the two parcels).

Under the current zoning, the 21.04 acre parcel qualifies for one 10,000 square foot building. Under the proposed change, permitting 5,000 square feet per acre (rather than per parcel), with a maximum of 50,000 square feet for any one building, the larger M-Five Family LP parcel would qualify for one 50,000 square foot building. Moreover, if the larger M-Five Family LP parcel were split into two parcels through a boundary line adjustment, it could yield two parcels larger than 10 acres, each of which would qualify for a 50,000 square foot building.

The next-largest size parcel in the zone appears to be a parcel (12817420100) that is 7.17 acres and owned by Michael C. and Christine M. Murphy. The situs address is 4201 Harrison Ave. NW, Olympia. The Assessor's use code is 65, service-professional; there is a 1,640 square foot rambler on the parcel, assessed at \$30,900. Under the proposed change, that parcel could go from one 10,000 square foot building on the parcel, to 5,000 square feet for each acre, or slightly more than 35,000 square feet.

This means the next largest building to one or two building that Morris could build at 50,000 square feet would be 15,000 square feet smaller—it would not compete with a Morris building the way every 10,000 square foot building per parcel could compete with a Morris building limited to 10,000 square feet under the current zoning.

It was unclear to me which parcels would qualify for the maximum increase in square footage until I reviewed the Thurston County cadastral map. Bauer may have learned from Morris, or his employee Andreson, which parcels could benefit from the zoning change; or Bauer may have used the cadastral map to determine which parcels would be large enough to benefit. If neither Morris nor Andreson told Bauer that Morris had an ownership interest in the qualifying parcels, Bauer could have learned about the Morris financial interest by looking up ownership information on the website of the Secretary of State.<sup>1</sup> In any event, neither Andreson nor Bauer told OPC members on March 3, either during the public hearing on the proposed zoning change or during the forced-disclosure of the single-meeting-on-one-set-of-topics-split-into-two-parts that their host, that Morris, appears to be the biggest beneficiary of the proposed zoning change and apparently the only owner that could build to the maximum 50,000 square feet.<sup>2</sup>

## **II. The Purposefully Unrecorded, Not Public, Single-Meeting-on-One-Set-of-Topics-Split-Into-Two-Parts.**

Andreson's acknowledgment of the single-meeting-on-one-set-of-topics-split-into-two-parts came *only* after she was prompted to reveal there had been a meeting. According to Bardin's statement, Andreson told Bardin the topics for each day (January 31 and March 3) were the same. Andreson had an opportunity on March 3 at the OPC meeting to put on the record the topics discussed at the single-meeting-on-one-set-of-topics-split-into-two-parts, but she did not. It is reasonable to assume that Bardin's understanding that the

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<sup>1</sup> All of this web research took under 15 minutes, and I am not a planner accustomed to the websites; it likely would have taken a planner about 5 minutes.

<sup>2</sup> Approximately 40 parcels will be affected by the proposed zoning change. Morris, in his February 27 email indicating support for the proposed changes stated he is "an owner of a parcel" in the zone, but he did not state that he owns a parcel that is 10 acres or larger. Andreson on March 3 recused herself on File 14-0210 and stated the reason was that she has "a professional relationship with some of the affected property owners," but she did not reveal to her OPC colleagues that her employer has an ownership interest in an affected parcel and is likely the biggest beneficiary of the proposed change.

topics for each day were identical, gained from a conversation with Andreson on February 5, is correct.

Buckler stated at the March 3 OPC meeting, after the cat was out of the bag, that all OPC members were invited to attend the single-meeting-on-one-set-of-topics-split-into-two-parts.

At the end of the March 3 OPC meeting once Andreson and others were forced to acknowledge the purposefully unrecorded, single-meeting-on-one-set-of-topics-split-into-two-parts, still no OPC members who attended stated what was discussed except in the very most vague terms. Andreson said repeatedly the meeting was private and did not state the topics of discussion at the single-meeting-on-one-set-of-topics-split-into-two-parts. Indeed it was private; that is, not open to the public and the meeting only acknowledged when Andreson was called to account.

### **III. OPC Compromised. Who Knew What? When?**

It may be that no OPC member was told by Morris, Andreson, or Bauer that parcels owned by Morris would receive the maximum benefit from the zoning change proposed by planning staff. It may be that zoning changes were not discussed at all at the single-meeting-on-one-set-of-topics-split-into-two-parts. However, only people who participated in a meeting designed to go unrecorded, and then split into two with a wink at the quorum rule, can say what was discussed. Will the public accept their word on this? Will the public ever accept their word on any future matter?

A reasonable person could conclude that OPC members were hoodwinked into meeting with Morris in private by not being informed of the relationship of their meeting host to the proposed zoning changes on their agenda. But an equally reasonable person could conclude that a majority of OPC members are connivers who wink at the rules. Moreover, that reasonable person could conclude things did not end at just conniving; a reasonable person could conclude OPC members knew they were being hosted by someone with a great deal to be gained by OPC approval of the proposed zoning changes. Either way, Andreson's actions—arranging unrecorded exchanges between a majority of OPC members and developers; not reporting the exchange until forced to do so on March 3, and then being unwilling to describe what was discussed—have compromised the OPC. City planning staff apparently supported her actions so that means those staff are compromised too.

### **IV. Recommendations.**

Bardin recommends the thing to do in this situation is to table indefinitely File 14-0210. That would be a good start.

I recommend more be done:

First, I recommend Andreson do the right thing and resign from the OPC.

Second, I recommend the OPC ask the City Attorney to determine what Andreson, Bauer, and Buckler knew and when they knew it. Perhaps there is nothing more here than a desire to please one OPC member (Andreson) at the expense of letting up to eight other OPC members look like connivers. Or perhaps Bauer and Buckler approve of winking at the quorum rule as a way of preventing the public from observing the actions of a majority of the OPC. Whatever the case, the public should know why Bauer and Buckler participated with Andreson in creating a purposefully unrecorded, single-meeting-on-one-set-of-topics-split-into-two-parts to allow a future claim that the quorum rule was not broken.

Third, I recommend the OPC determine who it needs to work as staff to the OPC so that in the future OPC members will not be lead into acting like connivers and looking like suckers.

March 8, 2014

TO: Olympia Planning Commission  
Leonard Bauer, Deputy Director  
of Community Planning & Development (CP&D)

FROM: Judy Bardin, Member  
Olympia Planning Commission

RE: File 14-0210 – Proposed Code Amendment to Kaiser-Harrison Zoning Map –  
Comments for the Public Record as Permitted by Decision of the Olympia  
Planning Commission to Hold Open the Record Until March 10, 2014

1. My comments are filed in this matter because I am concerned about the integrity of the Olympia Planning Commission (OPC) and concerned for the public perception of the OPC with respect to whether the OPC is dedicated only to the public interest.
2. The proposed changes to the PO/RM zoning code are supported by the comments of Mr. Jim Morris and because Mr. Morris hosted at least five members of the OPC and a senior member of the planning staff at his office in the weeks leading up to File 14-0210 appearing on the OPC agenda of March 3, 2014, it is important that the public know what a majority of OPC members and Mr. Morris have been doing out of the public view.
3. Kim Andresen is Vice Chair of the OPC and an employee of or consultant to local developer, Jim Morris. Olympia City Planning staff was aware that Andresen worked to arrange unrecorded discussions among, on the one hand, Morris and several other developers and persons with a financial interest in development, and on the other hand, eight of nine OPC members.
4. On Friday, January 31, 2014, four members of the OPC met in the office of Jim Morris, 1520 Irving St. Suite A, to discuss development issues of concern to him and several other developers and financially interested persons who attended the meeting. The OPC members who attended, at a minimum, are Max Brown, Chair; Kim Andresen, Vice Chair; Jerry Parker, immediate past Chair; and Roger Horn, Finance Sub-committee Chair. Leonard Bauer, Deputy Director for CP&D, also attended.
5. At subsequent OPC meetings between January 31 and March 3, no report of the meeting was made by Andresen or any other attending OPC member, or by Bauer, notwithstanding a regular part of every OPC meeting is the final agenda item when commissioners report on meetings and similar events or items that should be shared with the entire OPC. Because no report was made, I was unaware until February 5 that four OPC members had met with developers.
6. On January 30, Andresen approached me briefly at the Thurston Regional Planning Council (TRPC) Urban Corridors Meeting and asked if I would be interested in meeting to hear speakers talk about development topics. Andresen did not inform me

of the first meeting pending the following day (January 31) to be held in private in Morris' office.

7. On February 4, Andresen called me at work. It was a somewhat confused conversation on a busy workday for me. I was under the impression the call was about an official OPC or City meeting. However, in the course of the call it became clear to me that was not the case. Andresen explained that the meeting she was planning would be an opportunity to meet in a setting that would not be recorded.
8. In a telephone conversation in the evening of February 5, I learned from Andresen that OPC members Brown, Parker, and Horn had joined her on January 31 and met with Morris, some developers, architects, and others from development-related firms.
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10. Andresen told me the Planning Commission invitees for the March 3 Morris meeting were Missy Watts, Jessica Bateman, Darrell Hoppe, and me. Andresen said she would not be there in order to keep the number of OPC members below a quorum. That may also explain why OPC member Carole Richmond was not initially invited.
11. On February 28, I emailed Andresen: "I have decided not to attend the Monday [March 3] meeting. After thinking it over, I just don't feel comfortable attending a meeting with so many other Planning Commissioners, organized so the public is not invited. Others may not share my concerns, but that is the way I feel."
12. I learned after February 28 that two developers, Jim Morris and David Sweet, submitted comments on the proposed zoning code amendments scheduled for a public hearing at the OPC's evening meeting on March 3. Each commented favorably about the proposed zoning changes by email on February 27, 2014 to Deputy Director Bauer.
13. At the OPC meeting on March 3, Leonard Bauer informed the OPC that the proposed zoning code amendments favored by Mr. Morris and Mr. Sweet would allow only a couple parcels in this area where you could put a 50,000 square foot building.
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15. I then asked if anyone else could report on the January 31 meeting. In February, Andresen told me the topics for the two days would be the same. The statements made at the OPC meeting March 3 confirmed that.
16. Also on the topic of the meetings during this reporting period, and after my prompting, Planner Buckler stated that all OPC members had been invited to the meetings. Buckler mentioned discussion with the OPC Leadership Team, but not that the meeting would be planned so that the public would not know about it and that there would be no recording. (The composition of the Leadership Team is the OPC Chair, the OPC Vice Chair and the OPC Finance Sub-committee Chair.) It was also reported by Chair Brown that Leonard Bauer had attended the first meeting (January 31) in Morris' office. This led me to understand that Olympia Planning staff were aware of these activities. After the close of the OPC meeting, Commissioner Carole Richmond indicated she had attended the meeting at Morris' that day (March 3).
17. I am concerned about the integrity of the OPC process and the perception of the public that the OPC acts only in the public interest.
18. From the foregoing, I infer that Andresen and Buckler and perhaps Bauer worked to arrange for eight out of nine OPC members to meet in a private location with no record made of their discussion between financially interested developers and others about OPC business that is of public interest. A total of at least five Commissioners (a majority) attended. The topics for both meetings were the same, so only the separation in time—but not the topic—prevented this from being one meeting with eight OPC members, and the public excluded.
19. I do not know if File 14-0210 was discussed once, twice, or not at all. But I do know that it is the first item to come before the OPC for action (a hearing) since the March 3 meeting and I know from Morris' own email that Morris, the host of the unrecorded meetings, supports the proposed zoning changes. I know that planning staff placed this item on the OPC agenda.
20. Based on the foregoing, I do not think the OPC should take any action on File 14-0210 because the integrity of the OPC will not withstand favorable action. I recommend the vote scheduled for March 17 on file 14-0210 be tabled indefinitely.



## Janet Sanders

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**From:** Leonard Bauer  
**Sent:** Tuesday, March 11, 2014 3:20 PM  
**To:** Janet Sanders; Nancy Lenzi  
**Subject:** FW: Attention Planning Commission - File 14-0210 Public Comment: Proposed Code Amendment to Kaiser-,Harrison Zoning Map  
**Attachments:** File 14-0210 Comments of B Shirley 3-9-2014.pdf; Comments on File 14-0210 - Bardin.pdf

-----Original Message-----

**From:** Amy Buckler  
**Sent:** Tuesday, March 11, 2014 10:53 AM  
**To:** Leonard Bauer  
**Subject:** FW: Attention Planning Commission - File 14-0210 Public Comment: Proposed Code Amendment to Kaiser-,Harrison Zoning Map

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**From:** Karen Messmer [karen@karenmessmer.com]  
**Sent:** Sunday, March 09, 2014 1:46 PM  
**To:** cpdinfo  
**Cc:** Amy Buckler  
**Subject:** Attention Planning Commission - File 14-0210 Public Comment: Proposed Code Amendment to Kaiser-,Harrison Zoning Map

Planning Commission -

I am troubled by the details described in these two attachments.

Appearance is important to the trust in city government. At best, this situation does not look good, and that is enough to foster distrust.

The prospect that a series of private meetings was arranged - essentially to avoid a quorum - seems odd to me. Why not have the whole meeting in public and consider this part of the Planning Commission business?

On a procedural note - the vice chair should not have been in the room when this rezone item was on your agenda. They should have recused themselves at the beginning of the agenda item and left the room during any presentation and discussion.

The Planning Commission should suspend all action on this rezone.

Karen Messmer  
(360) 357-8364

## Janet Sanders

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**From:** Leonard Bauer  
**Sent:** Tuesday, March 11, 2014 3:10 PM  
**To:** Janet Sanders; Nancy Lenzi  
**Subject:** FW: PO/RM Text Amendment Letter  
**Attachments:** PORM Text Amendment Letter. Mr. Bauer 031014.pdf

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**From:** Evan Parker [<mailto:eparker@kiddermathews.com>]  
**Sent:** Monday, March 10, 2014 11:28 AM  
**To:** Leonard Bauer  
**Subject:** PO/RM Text Amendment Letter

Mr. Bauer-

Please find attached a letter recommending the language put forward for the PO/RM text amendment. I would appreciate it if you could make sure the Planning Commission receives a copy as well.

If you have any questions, please let me know.

Thank you for your time.

**Evan Parker**  
First Vice President, Partner  
**KIDDER MATHEWS**  
1550 Irving Street SW, Suite 200, Olympia, WA 98512  
T 360.705.0174 | F 360.705.9860 | C 360.556.0107  
[eparker@kiddermathews.com](mailto:eparker@kiddermathews.com) | [kiddermathews.com](http://kiddermathews.com)

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Please consider the environment before printing this email.

City of Olympia, Washington  
PO Box 1967  
Olympia, WA 98507-1967

RE: PO/RM Text Amendment

Dear Mr. Bauer;

My name is Evan Parker and I have been an active commercial real estate Broker for Kidder Mathews in Olympia for the past decade. I am currently serving as both a board member and an Executive Committee member of the Thurston Economic Development Counsel. I am an active member of the West Olympia Business Association and have been asked by Mayor Buxbaum to participate on the Citizens Advisory Committee.

The purpose of this letter is to support the recommendation for the Text Amendment of the Professional Office/Residential Multifamily (PO/RM) Zoning District. I believe this text amendment is a step in the right direction.

As a real estate professional in our community, I believe we are excellent indicators as to the strength of local commercial development and economic vitality. We work directly with local, regional and national Tenants, investors, business owners, and developers. In doing so, we are spokespersons for the community and are expected to be experts on zoning codes, use restrictions, demographics, rental rates, cost of living, and the local workforce to name a few.

The recent report produced by the City's consultant, ECO Northwest, addresses many current issues and singles out a number of current opportunities. The FACT behind what drives fiscally responsible development is often overlooked by the community. It is not the property owner, the city council, or civic groups. The main driver behind development, both new and re-purposed, projects is the Tenant(s). Without this instrumental partner, a vacant building, or well-located piece of property is just an idea. If the City of Olympia does not have property to meet market demand due to zoning constraints, the Tenant will simply find another market that does. (See Lacey)

I am of the opinion that Olympia has developed a reputation in the regional/national commercial real estate community as having an "unfriendly" environment for development. The process cost of doing business and the overall negative, adversarial attitude have created barriers that are not allowing Olympia to become the vibrant community we all desire. I am confident that with "some" culture change, we can find a platform to promote development, new business, and outside investment, while ensuring adequate oversight and community input.

As State Government consolidates, they leave behind vacant buildings and LOCAL ownership groups in its wake. The City of Olympia needs to be creative with its development practices and embrace these new opportunities. Amending the PO/RM zoning code is an excellent start, the planning commission and city council should be commended for recognizing the need and willingness for discussion.

I appreciate the opportunity to weigh in on this topic. I have been a resident of the Olympia area for over four decades. The success of our community is important. I have interest, passion and the willingness to be part of the solution. I have included my cell phone number below. If you or any of your constituents have an interest in further conversation, I will make the time to meet with you.

Thank you again.

Best Regards,

A handwritten signature in black ink, appearing to read 'Evan Parker'.

Evan Parker  
Kidder Mathews  
First Vice President  
eparker@kiddermathews.com  
360 556-0107 Cell

## Janet Sanders

---

**From:** Leonard Bauer  
**Sent:** Tuesday, March 11, 2014 3:17 PM  
**To:** Janet Sanders; Nancy Lenzi  
**Subject:** FW: Text Amendment Document  
**Attachments:** Text Amendment Letter.pdf

**Importance:** High

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**From:** Evan Parker [<mailto:eparker@kiddermathews.com>]  
**Sent:** Monday, March 10, 2014 4:29 PM  
**To:** Leonard Bauer  
**Subject:** Text Amendment Document  
**Importance:** High

Leonard-

I sent you a letter regarding the PO/RM text amendment earlier today. If possible, I'd like to replace the first version with this version. I added a comma in the 5th paragraph and changed my phone number. (cell to office)

If you have already sent the other version along, please disregard this email.

Thank you very much.

**Evan Parker**

First Vice President, Partner

**KIDDER MATHEWS**

1550 Irving Street SW, Suite 200, Olympia, WA 98512

**T** 360.705.0174 | **F** 360.705.9860 | **C** 360.556.0107

[eparker@kiddermathews.com](mailto:eparker@kiddermathews.com) | [kiddermathews.com](http://kiddermathews.com)



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Please consider the environment before printing this email.

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Thank you again.

Best Regards,

A handwritten signature in black ink, appearing to read 'E. Parker'.

Evan Parker  
Kidder Mathews  
First Vice President  
eparker@kiddermathews.com  
360 705 0174 Office

## Janet Sanders

---

**From:** Leonard Bauer  
**Sent:** Tuesday, March 11, 2014 3:02 PM  
**To:** Janet Sanders; Nancy Lenzi  
**Subject:** FW: File 14-0210 Harrison-Kaiser Zoning Changes

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**From:** Paul Parker [<mailto:parkerp55@gmail.com>]  
**Sent:** Sunday, March 09, 2014 9:44 PM  
**To:** cpdinfo; Amy Buckler; City Clerk - Request; Leonard Bauer  
**Subject:** File 14-0210 Harrison-Kaiser Zoning Changes

I agree with the comments and recommendation filed by Bob Shirley. Something is truly amiss here -- at the very least a violation of appearance of fairness, but probably more is rotten than that procedural nicety.

Paul Parker, J.D.  
510 Puget NE  
Olympia, WA 98506

Sent from Windows Mail



## Janet Sanders

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**From:** Leonard Bauer  
**Sent:** Tuesday, March 11, 2014 3:17 PM  
**To:** Janet Sanders; Nancy Lenzi  
**Subject:** FW: Host of Unrecorded Meetings Appears to be Biggest Beneficiary of Proposed Zoning Changes  
**Attachments:** Comments on File 14-0210 - Bardin.pdf; ATT00001.htm; File 14-0210 Comments of B Shirley 3-9-2014.pdf; ATT00002.htm

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**From:** City Clerk - Request  
**Sent:** Monday, March 10, 2014 3:48 PM  
**To:** Leonard Bauer; Debbie Krumpols  
**Subject:** FW: Host of Unrecorded Meetings Appears to be Biggest Beneficiary of Proposed Zoning Changes

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**From:** Carl See [<mailto:seecarl@hotmail.com>]  
**Sent:** Monday, March 10, 2014 3:11 PM  
**To:** cpdinfo; City Clerk - Request  
**Subject:** Fwd: Host of Unrecorded Meetings Appears to be Biggest Beneficiary of Proposed Zoning Changes

Please see my message below.

Thank you,

Carl See

Sent from my iPhone

Begin forwarded message:

**From:** Carl See <[seecarl@hotmail.com](mailto:seecarl@hotmail.com)>  
**Date:** March 10, 2014 at 8:06:38 AM PDT  
**To:** Leonard Bauer <[lbauer@ci.olympia.wa.us](mailto:lbauer@ci.olympia.wa.us)>, Amy Buckler <[abuckler@ci.olympia.wa.us](mailto:abuckler@ci.olympia.wa.us)>  
**Subject:** Fwd: Host of Unrecorded Meetings Appears to be Biggest Beneficiary of Proposed Zoning Changes

Hello,

As presented, the letter from Commissioner Bardin raises significant concerns about the OPC public process, and staff guidance. Serious questions about the willingness of at least OPC Vice-Chair Andresen to apparently circumvent the public meetings law leads me to ask that the zoning proposal in question is tabled until the meetings are openly addressed.

I also ask that staff seek counsel from the city attorney on whether this constituted a violation of at least the spirit of the public meetings law, and whether this should have been seen as a conflict

of interest by Vice-Chair Andresen. If so, I believe Vice-Chair Andresen must at least be removed from OPC leadership.

Thank you,

Carl See  
3141 Hoadly St, SE  
Olympia, WA 98501  
206-979-1375

Sent from my iPhone

Begin forwarded message:

**From:** "[waltjorgensen@comcast.net](mailto:waltjorgensen@comcast.net)" <[waltjorgensen@comcast.net](mailto:waltjorgensen@comcast.net)>  
**Date:** March 10, 2014 at 2:35:05 AM PDT  
**To:** Walter Jorgensen <[waltjorgensen@comcast.net](mailto:waltjorgensen@comcast.net)>  
**Subject: Host of Unrecorded Meetings Appears to be Biggest Beneficiary of Proposed Zoning Changes**

Neighbors,

I encourage you to comment, even if your comment is only to say "Me too" to the comments attached. The deadline is 5:00pm today (Mon, 3-10-14).

Walt

Walter R. Jorgensen  
[waltjorgensen@comcast.net](mailto:waltjorgensen@comcast.net)

March 8, 2014

TO: Olympia Planning Commission  
Leonard Bauer, Deputy Director  
of Community Planning & Development (CP&D)

FROM: Judy Bardin, Member  
Olympia Planning Commission

RE: File 14-0210 – Proposed Code Amendment to Kaiser-Harrison Zoning Map –  
Comments for the Public Record as Permitted by Decision of the Olympia  
Planning Commission to Hold Open the Record Until March 10, 2014

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20. Based on the foregoing, I do not think the OPC should take any action on File 14-0210 because the integrity of the OPC will not withstand favorable action. I recommend the vote scheduled for March 17 on file 14-0210 be tabled indefinitely.

March 9, 2014

TO: Olympia Planning Commission

FROM: Bob Shirley

RE: **File 14-0210 Public Comment: Proposed Code Amendment to Kaiser-Harrison Zoning Map and the Single-Meeting-on-One-Set-of-Topics-Split-Into-Two-Parts Attended by a Majority of OPC Members**

I have read the comments of Olympia Planning Commission member Judy Bardin and there is additional information that should be added to make the picture more complete.

**I. James A. Morris is the Registered Agent for M-Five Family Limited Partnership that Owns What Appears to be the Only Parcel Large Enough To Gain the Maximum Benefit from the Proposed Zoning Change.**

Planner Bauer informed the OPC at the OPC's March 3 meeting that only "a couple parcels" would benefit by having the opportunity to increase the maximum square footage for buildings to 50,000, up from 5,000 per parcel under the current zoning. I found only one parcel that will qualify to build a 50,000 square foot building.

M-Five Family Limited Partnership lists James A. Morris as its Registered Agent. M-Five Family LP owns parcels 12817420900 and 12817431400. The ownership detail from the Thurston County Assessor's A+ parcel look-up tool on the web includes information about purchases by James Morris prior to transfer of ownership to M-Five Family LP. Developer Morris appears to have an ownership interest in two parcels in the area affected by the change of zoning proposed in File 14-0210.

The first parcel (12817420900) is 21.04 acres with a situs address of 4419 Harrison Ave. NW # A, Olympia. The Assessor's use code is 91, undeveloped land.

The second parcel (12817431400) is 3.56 acres with a situs address of 3620 SW 7Th Ave., Olympia. The Assessor's use code is 91, undeveloped land.

The parcels are all but contiguous. The south side of the larger parcel is separated from the north side of the smaller parcel by what appears to be an approximately 15-20-foot wide alley or road easement (connected to Kaiser Rd. SW to the west of the two parcels).

Under the current zoning, the 21.04 acre parcel qualifies for one 10,000 square foot building. Under the proposed change, permitting 5,000 square feet per acre (rather than per parcel), with a maximum of 50,000 square feet for any one building, the larger M-Five Family LP parcel would qualify for one 50,000 square foot building. Moreover, if the larger M-Five Family LP parcel were split into two parcels through a boundary line adjustment, it could yield two parcels larger than 10 acres, each of which would qualify for a 50,000 square foot building.

The next-largest size parcel in the zone appears to be a parcel (12817420100) that is 7.17 acres and owned by Michael C. and Christine M. Murphy. The situs address is 4201 Harrison Ave. NW, Olympia. The Assessor's use code is 65, service-professional; there is a 1,640 square foot rambler on the parcel, assessed at \$30,900. Under the proposed change, that parcel could go from one 10,000 square foot building on the parcel, to 5,000 square feet for each acre, or slightly more than 35,000 square feet.

This means the next largest building to one or two building that Morris could build at 50,000 square feet would be 15,000 square feet smaller—it would not compete with a Morris building the way every 10,000 square foot building per parcel could compete with a Morris building limited to 10,000 square feet under the current zoning.

It was unclear to me which parcels would qualify for the maximum increase in square footage until I reviewed the Thurston County cadastral map. Bauer may have learned from Morris, or his employee Andreson, which parcels could benefit from the zoning change; or Bauer may have used the cadastral map to determine which parcels would be large enough to benefit. If neither Morris nor Andreson told Bauer that Morris had an ownership interest in the qualifying parcels, Bauer could have learned about the Morris financial interest by looking up ownership information on the website of the Secretary of State.<sup>1</sup> In any event, neither Andreson nor Bauer told OPC members on March 3, either during the public hearing on the proposed zoning change or during the forced-disclosure of the single-meeting-on-one-set-of-topics-split-into-two-parts that their host, that Morris, appears to be the biggest beneficiary of the proposed zoning change and apparently the only owner that could build to the maximum 50,000 square feet.<sup>2</sup>

## **II. The Purposefully Unrecorded, Not Public, Single-Meeting-on-One-Set-of-Topics-Split-Into-Two-Parts.**

Andreson's acknowledgment of the single-meeting-on-one-set-of-topics-split-into-two-parts came *only* after she was prompted to reveal there had been a meeting. According to Bardin's statement, Andreson told Bardin the topics for each day (January 31 and March 3) were the same. Andreson had an opportunity on March 3 at the OPC meeting to put on the record the topics discussed at the single-meeting-on-one-set-of-topics-split-into-two-parts, but she did not. It is reasonable to assume that Bardin's understanding that the

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<sup>1</sup> All of this web research took under 15 minutes, and I am not a planner accustomed to the websites; it likely would have taken a planner about 5 minutes.

<sup>2</sup> Approximately 40 parcels will be affected by the proposed zoning change. Morris, in his February 27 email indicating support for the proposed changes stated he is "an owner of a parcel" in the zone, but he did not state that he owns a parcel that is 10 acres or larger. Andreson on March 3 recused herself on File 14-0210 and stated the reason was that she has "a professional relationship with some of the affected property owners," but she did not reveal to her OPC colleagues that her employer has an ownership interest in an affected parcel and is likely the biggest beneficiary of the proposed change.

topics for each day were identical, gained from a conversation with Andreson on February 5, is correct.

Buckler stated at the March 3 OPC meeting, after the cat was out of the bag, that all OPC members were invited to attend the single-meeting-on-one-set-of-topics-split-into-two-parts.

At the end of the March 3 OPC meeting once Andreson and others were forced to acknowledge the purposefully unrecorded, single-meeting-on-one-set-of-topics-split-into-two-parts, still no OPC members who attended stated what was discussed except in the very most vague terms. Andreson said repeatedly the meeting was private and did not state the topics of discussion at the single-meeting-on-one-set-of-topics-split-into-two-parts. Indeed it was private; that is, not open to the public and the meeting only acknowledged when Andreson was called to account.

### **III. OPC Compromised. Who Knew What? When?**

It may be that no OPC member was told by Morris, Andreson, or Bauer that parcels owned by Morris would receive the maximum benefit from the zoning change proposed by planning staff. It may be that zoning changes were not discussed at all at the single-meeting-on-one-set-of-topics-split-into-two-parts. However, only people who participated in a meeting designed to go unrecorded, and then split into two with a wink at the quorum rule, can say what was discussed. Will the public accept their word on this? Will the public ever accept their word on any future matter?

A reasonable person could conclude that OPC members were hoodwinked into meeting with Morris in private by not being informed of the relationship of their meeting host to the proposed zoning changes on their agenda. But an equally reasonable person could conclude that a majority of OPC members are connivers who wink at the rules. Moreover, that reasonable person could conclude things did not end at just conniving; a reasonable person could conclude OPC members knew they were being hosted by someone with a great deal to be gained by OPC approval of the proposed zoning changes. Either way, Andreson's actions—arranging unrecorded exchanges between a majority of OPC members and developers; not reporting the exchange until forced to do so on March 3, and then being unwilling to describe what was discussed—have compromised the OPC. City planning staff apparently supported her actions so that means those staff are compromised too.

### **IV. Recommendations.**

Bardin recommends the thing to do in this situation is to table indefinitely File 14-0210. That would be a good start.

I recommend more be done:

First, I recommend Andreson do the right thing and resign from the OPC.



Second, I recommend the OPC ask the City Attorney to determine what Andreson, Bauer, and Buckler knew and when they knew it. Perhaps there is nothing more here than a desire to please one OPC member (Andreson) at the expense of letting up to eight other OPC members look like connivers. Or perhaps Bauer and Buckler approve of winking at the quorum rule as a way of preventing the public from observing the actions of a majority of the OPC. Whatever the case, the public should know why Bauer and Buckler participated with Andreson in creating a purposefully unrecorded, single-meeting-on-one-set-of-topics-split-into-two-parts to allow a future claim that the quorum rule was not broken.

Third, I recommend the OPC determine who it needs to work as staff to the OPC so that in the future OPC members will not be lead into acting like connivers and looking like suckers.

## Janet Sanders

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**From:** Leonard Bauer  
**Sent:** Tuesday, March 11, 2014 3:02 PM  
**To:** Janet Sanders; Nancy Lenzi  
**Subject:** FW: Public Comment in File 14-0210 Harrison-Kaiser Zoning Changes

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**From:** [stavful@comcast.net](mailto:stavful@comcast.net) [mailto:[stavful@comcast.net](mailto:stavful@comcast.net)]  
**Sent:** Sunday, March 09, 2014 10:06 PM  
**To:** cpdinfo; Amy Buckler; City Clerk - Request; Leonard Bauer  
**Subject:** Public Comment in File 14-0210 Harrison-Kaiser Zoning Changes

Ladies & Gentlemen,

After listening to the Planning Commission Meeting of March 3, 2014 I have the following comments in regards to the proposed Zoning changes for Harrison-Kaiser Streets in Olympia:

1) Changing the zoning to allow significantly larger commercial buildings on property in the Harrison-kaiser streets area **will encourage sprawl**, the exact opposite of what the Planning commission is tasked with. Buildings this large will simply pull shoppers from established shopping areas near Capital Mall.

2) Since there is nothing to stop property owners from changing boundary lines if zoning changes, existing parcels may be divided up so that in the end, **several properties may qualify for a 50,000 square foot building**. The city does not need more BIG BOX stores. We have many of them through out the west side of Olympia that sit vacant! The shopping trends have changed and big box stores have fallen out of demand. Why else would they all sit empty (Old Navy and Kmart as two examples).

3) The existing zoning was supposed to work as a buffer for housing in the immediate vicinity. **Big box stores are not good buffers**. They can have heavy automobile traffic at all hours. If the existing zoning allows offices, and offices are not in demand right now, then don't change the zoning to encourage the wrong density just because you have decided any building (even the wrong) one is better than no building at all.

In closing, the Olympia Planning Commission is appointed to represent the public, not just the developers!

Respectfully,  
Jane Stavish  
Resident of Olympia UGA

## Janet Sanders

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**From:** Leonard Bauer  
**Sent:** Tuesday, March 11, 2014 3:11 PM  
**To:** Janet Sanders; Nancy Lenzi  
**Subject:** FW: collusion of OPC with developers

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**From:** City Clerk - Request  
**Sent:** Monday, March 10, 2014 9:49 AM  
**To:** Leonard Bauer; Debbie Krumpols  
**Subject:** FW: collusion of OPC with developers

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**From:** Nancy Sullivan [<mailto:synodis@gmail.com>]  
**Sent:** Sunday, March 09, 2014 6:11 PM  
**To:** City Clerk - Request  
**Subject:** collusion of OPC with developers

I am concerned about the integrity of the OPC, since it has recently come to light that they are having secret meetings with developers. While this might technically be legal, it sure is sleazy. How can I pursue this problem as a private citizen?

Yours,  
Nancy Sullivan

## Janet Sanders

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**From:** Leonard Bauer  
**Sent:** Tuesday, March 11, 2014 3:10 PM  
**To:** Janet Sanders; Nancy Lenzi  
**Subject:** FW: Planning Commission/Zoning Case 14-0210

**From:** Janine Unsoeld [<mailto:ja9unsoeld@aol.com>]  
**Sent:** Monday, March 10, 2014 11:37 AM  
**To:** Leonard Bauer; Keith Stahley; Councilmembers; Amy Buckler; [jerome.parker@comcast.net](mailto:jerome.parker@comcast.net); [rogerolywa@yahoo.com](mailto:rogerolywa@yahoo.com); [laikodi@comcast.net](mailto:laikodi@comcast.net); [judybardin@comcast.net](mailto:judybardin@comcast.net); [missy@brennerandwatts.com](mailto:missy@brennerandwatts.com); [brownmk74@gmail.com](mailto:brownmk74@gmail.com); [sierrahiker@gmx.com](mailto:sierrahiker@gmx.com); [klwa-pha@msn.com](mailto:klwa-pha@msn.com)  
**Subject:** Planning Commission/Zoning Case 14-0210

Hello Planning Commissioners, City Staff, and Councilmembers,

Yesterday, I received an email containing two attachments: a letter dated March 8 from Judy Bardin, Olympia Planning Commissioner, to Leonard Bauer, and a letter dated March 9 from attorney Bob Shirley to the Olympia Planning Commission. Although neither letter contains a list of cc's, I am assuming you are all aware of the contents of these letters - the meetings held between developer Jim Morris and friends, and members of the Olympia Planning Commission and councilmembers regarding zoning case file 14-0210 (Kaiser-Harrison Zoning Map). If you do not have these letters, please let me know.

Additionally, Olympia Planning Commissioner Carole Richmond said yesterday in an email that she, and Councilmembers Buxbaum and Selby were at the March 3 meeting with developer Jim Morris. She also said she is grateful for Bob Shirley's analysis of the proposed zoning change, as she had "no idea which properties were affected and this particular "effect" was not discussed by staff.

Listening to the audiotape online of the March 3 meeting of the Planning Commission, I am shocked to hear how quickly Chair Max Brown tried to shut down Ms. Bardin's question about the meeting held earlier in the day. It took great effort to get a minimal amount of information dragged out of Ms. Buckler and Brown about the meetings.

Hearing the audiotape, I also learned that Councilmember Jones was at the first meeting with these same developers, and that future meetings were likely to be scheduled with these same developers. It would seem that, eventually, all city councilmembers would have been extended the opportunity to privately attend one of these off the record meetings, again, without any official quorum, just prior to votes by both bodies about this code amendment case. It does not sound like **one** open, official opportunity was ever offered to the commissioners or councilmembers to learn more about these "economic development opportunities" or "barriers to development."

As a citizen of Olympia, and a citizen journalist, a lot of questions need to be answered here. Needless to say, I'd like to hear from staff, councilmembers, and commissioners about this issue. I look forward to hearing from you.

In the meantime, from what I understand, today at 5:00 p.m. is the last day to comment on zoning case file 14-0210. I request that no action be taken on this case by the Planning Commission or the council until all the facts, meetings held, and conversations are known.

Lastly, I may not have all the correct contact information for all the Olympia Planning Commissioners, and I prefer not to use Jessica Bateman's legislative work email address, so I would appreciate it if this email could be forwarded to them for their information.

Thank you,

Janine Unsoeld  
PO Box 7418  
Olympia, WA 98507

## Janet Sanders

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**From:** Leonard Bauer  
**Sent:** Tuesday, March 11, 2014 3:03 PM  
**To:** Janet Sanders; Nancy Lenzi  
**Subject:** FW: Land use and development

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**From:** cpdinfo  
**Sent:** Monday, March 10, 2014 8:40 AM  
**To:** Leonard Bauer; Amy Buckler  
**Subject:** FW: Land use and development

**From:** Bethany Weidner [<mailto:bethanyweidner@gmail.com>]  
**Sent:** Sunday, March 09, 2014 7:46 PM  
**To:** cpdinfo  
**Subject:** Land use and development

The following comments are addressed to the File 410210 Kaiser Road Rezone request.

I have had a number of interactions in recent times with the City of Olympia Planning and Community Development Department, as well as the Planning Commission. In some of these, the actions of the staff were demonstrated to be unprofessional and slipshod; and also in some aspects, were determined by the court to be illegal. We worked to carefully clarify those lapses that were outside the scrutiny of the court to the attention of the City Manager, the Department Directors and the City Council members. Nothing came of this effort.

According to a member of the Planning Commission, the staff and members of the Commission recently met in private with a party with a material interest in the instant rezone request -- an ethical and legal breach of practice. There was, evidently, an awareness of the fact that such meetings were improper, shown by the fact that the Commission member who organized them separated them into two sessions, in order, apparently, to avoid the convening of a quorum of Commission members... The meetings went ahead, nonetheless, with the participation and knowledge of CP&D staff members who, if acting professionally, would never have permitted nor participated in such meetings.

The fact that members of the CP&D staff and members of the Commission met with a developer to discuss his interest in a rezone pending for a decision by the Commission, coupled with my earlier experience with the City of Olympia indicates that there is a culture of impunity within the City and its staff. There appear to be no consequences for unethical, slipshod and illegal actions.

Will there be consequence in this instance? Will the consultant to the developer be asked to resign from her post? Will the tarnished rezone issue be withdrawn from consideration? Will this initiate a serious review of how the city conducts itself and does business?

I look forward to learning the steps the city will take.

Bethany Weidner  
1415 6th Ave SW

## Nancy Lenzi

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**From:** Leonard Bauer  
**Sent:** Thursday, March 13, 2014 10:05 AM  
**To:** Nancy Lenzi  
**Subject:** FW: Questions raised in comment letters on proposed PO/RM Zoning Text Amendment

Could you also include this in the record for file on PORM zoning text amendment? Thanks

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**From:** Jim Lazar [<mailto:jim@jimlazar.com>]  
**Sent:** Wednesday, March 12, 2014 7:41 PM  
**To:** Leonard Bauer; [judybardin@comcast.net](mailto:judybardin@comcast.net); [sharilyncatone@yahoo.com](mailto:sharilyncatone@yahoo.com); [phil\\_cornell@yahoo.com](mailto:phil_cornell@yahoo.com); [teacharch@comcast.net](mailto:teacharch@comcast.net); [curtzt@nuprometheus.com](mailto:curtzt@nuprometheus.com); [joe@jbford.com](mailto:joe@jbford.com); [goverhl@comcast.net](mailto:goverhl@comcast.net); [rhaddock@kiddermathews.com](mailto:rhaddock@kiddermathews.com); [mmhoove@gmail.com](mailto:mmhoove@gmail.com); [jacobsoly@aol.com](mailto:jacobsoly@aol.com); [waltjorgensen@comcast.net](mailto:waltjorgensen@comcast.net); [danleahy43@yahoo.com](mailto:danleahy43@yahoo.com); [karen@karenmessmer.com](mailto:karen@karenmessmer.com); [salttemecula@comcast.net](mailto:salttemecula@comcast.net); [parkerp55@gmail.com](mailto:parkerp55@gmail.com); [seecarl@hotmail.com](mailto:seecarl@hotmail.com); [robertshirleyattorney@hotmail.com](mailto:robertshirleyattorney@hotmail.com); [stavful@comcast.net](mailto:stavful@comcast.net); [synodis@gmail.com](mailto:synodis@gmail.com); [sweetpoetry@mindspring.com](mailto:sweetpoetry@mindspring.com); [ja9unsoeld@aol.com](mailto:ja9unsoeld@aol.com); [klwa-pha@msn.com](mailto:klwa-pha@msn.com); [commissionermax@gmail.com](mailto:commissionermax@gmail.com); [sierrahiker@gmx.com](mailto:sierrahiker@gmx.com); [rogerolywa@yahoo.com](mailto:rogerolywa@yahoo.com); [jerome.parker@comcast.net](mailto:jerome.parker@comcast.net); [laikodi@comcast.net](mailto:laikodi@comcast.net); [bathanyweidner@gmail.com](mailto:bathanyweidner@gmail.com); [mary.wilkinson1@gmail.com](mailto:mary.wilkinson1@gmail.com); [scmojani@yahoo.com](mailto:scmojani@yahoo.com); [jessicabateman870@gmail.com](mailto:jessicabateman870@gmail.com); [richmond.carole@gmail.com](mailto:richmond.carole@gmail.com)  
**Cc:** Steve Hall; Councilmembers  
**Subject:** Re: Questions raised in comment letters on proposed PO/RM Zoning Text Amendment

It is my understanding that the record in this matter closed Monday at 5 PM.

Mr. Bauer works for the proponent of this amendment. It is utterly inappropriate for he, or any other City staff, to seek to influence the Planning Commission through submission of information after the record has closed.

I urge the Commissioners to immediately delete his email and attachments thereto, and to disregard any comment he has made.

This docket is already severely tainted by misbehavior on the part of the City Staff and certain members of the Planning Commission. This most recent submission is yet another insult to the integrity of the Planning Commission's well-defined process.

Furthermore, it would be inappropriate for any member of the City Staff to address the Planning Commission with respect to this pending matter at the meeting scheduled for next Monday. The Commission members who are not obligated to recuse themselves must either decide this matter on the record, or must reopen the record to allow any person, including Mr. Bauer, to supplement the record.

Jim Lazar, Consulting Economist  
1063 Capitol Way S. #202  
Olympia, WA 98501  
360 786 1822 [jim@jimlazar.com](mailto:jim@jimlazar.com)

"The ultimate test of man's conscience may be his willingness to sacrifice something today for future generations, whose words of thanks will not be heard."

Gaylord Nelson

On 3/12/2014 5:26 PM, Leonard Bauer wrote:

Please find attached a memo that is being provided to the Olympia Planning Commission. It provides additional information regarding questions raised in public comments on the proposed PO/RM Zoning

Text Amendment currently being considered by the Planning Commission. You are receiving this message as someone who provided public comment or was copied on another person's comment.

**Leonard Bauer/Deputy Director**

601 4th Avenue East | PO Box 1967, Olympia WA 98507-1967  
360.753-8206

*Emails are public records, potentially eligible for release.*



## Nancy Lenzi

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**From:** Nancy Lenzi  
**Sent:** Friday, March 14, 2014 8:59 AM  
**To:** Amy Buckler; Leonard Bauer  
**Subject:** FW: Questions raised in comment letters on proposed PO/RM Zoning Text Amendment

I did not read this email until today so it is not included in the OPC meeting packet for 3/17/14. Shall I make hard copies to be given to the Commissioners at Monday's meeting, Amy?

I will create a PDF version of this email and e-file it into the electronic public comments e-folder.

---

**From:** Leonard Bauer  
**Sent:** Thursday, March 13, 2014 10:05 AM  
**To:** Nancy Lenzi  
**Subject:** FW: Questions raised in comment letters on proposed PO/RM Zoning Text Amendment

Could you also include this in the record for file on PORM zoning text amendment? Thanks

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**From:** Jim Lazar [<mailto:jim@jimplazar.com>]  
**Sent:** Wednesday, March 12, 2014 7:41 PM  
**To:** Leonard Bauer; [judybardin@comcast.net](mailto:judybardin@comcast.net); [sharilyncatone@yahoo.com](mailto:sharilyncatone@yahoo.com); [phil\\_cornell@yahoo.com](mailto:phil_cornell@yahoo.com); [teacharch@comcast.net](mailto:teacharch@comcast.net); [curtzt@nuprometheus.com](mailto:curtzt@nuprometheus.com); [joe@jbford.com](mailto:joe@jbford.com); [goverhl@comcast.net](mailto:goverhl@comcast.net); [rhaddock@kiddermathews.com](mailto:rhaddock@kiddermathews.com); [mmhoove@gmail.com](mailto:mmhoove@gmail.com); [jacobsoly@aol.com](mailto:jacobsoly@aol.com); [waltjorgensen@comcast.net](mailto:waltjorgensen@comcast.net); [danleahy43@yahoo.com](mailto:danleahy43@yahoo.com); [karen@karenmessmer.com](mailto:karen@karenmessmer.com); [saltmecula@comcast.net](mailto:saltmecula@comcast.net); [parkerp55@gmail.com](mailto:parkerp55@gmail.com); [seecarl@hotmail.com](mailto:seecarl@hotmail.com); [robertshirleyattorney@hotmail.com](mailto:robertshirleyattorney@hotmail.com); [stavful@comcast.net](mailto:stavful@comcast.net); [synodis@gmail.com](mailto:synodis@gmail.com); [sweetpoetry@mindspring.com](mailto:sweetpoetry@mindspring.com); [ja9unsoeld@aol.com](mailto:ja9unsoeld@aol.com); [klwa-pha@msn.com](mailto:klwa-pha@msn.com); [commissionermax@gmail.com](mailto:commissionermax@gmail.com); [sierrahiker@gmx.com](mailto:sierrahiker@gmx.com); [rogerolywa@yahoo.com](mailto:rogerolywa@yahoo.com); [jerome.parker@comcast.net](mailto:jerome.parker@comcast.net); [laikodi@comcast.net](mailto:laikodi@comcast.net); [bathanyweidner@gmail.com](mailto:bathanyweidner@gmail.com); [mary.wilkinson1@gmail.com](mailto:mary.wilkinson1@gmail.com); [scmojani@yahoo.com](mailto:scmojani@yahoo.com); [jessicabatem870@gmail.com](mailto:jessicabatem870@gmail.com); [richmond.carole@gmail.com](mailto:richmond.carole@gmail.com)  
**Cc:** Steve Hall; Councilmembers  
**Subject:** Re: Questions raised in comment letters on proposed PO/RM Zoning Text Amendment

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obligated to recuse themselves must either decide this matter on the record, or must reopen the record to allow any person, including Mr. Bauer, to supplement the record.

Jim Lazar, Consulting Economist  
1063 Capitol Way S. #202  
Olympia, WA 98501  
360 786 1822 [jim@jimlazar.com](mailto:jim@jimlazar.com)

"The ultimate test of man's conscience may be his willingness to sacrifice something today for future generations, whose words of thanks will not be heard."

Gaylord Nelson

On 3/12/2014 5:26 PM, Leonard Bauer wrote:

Please find attached a memo that is being provided to the Olympia Planning Commission. It provides additional information regarding questions raised in public comments on the proposed PO/RM Zoning Text Amendment currently being considered by the Planning Commission. You are receiving this message as someone who provided public comment or was copied on another person's comment.

**Leonard Bauer/Deputy Director**

601 4th Avenue East | PO Box 1967, Olympia WA 98507-1967  
360.753-8206

*Emails are public records, potentially eligible for release.*



## Nancy Lenzi

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**From:** City Clerk - Request  
**Sent:** Thursday, March 13, 2014 7:37 AM  
**To:** Nancy Lenzi  
**Cc:** Leonard Bauer  
**Subject:** FW: Unrecorded Meetings & Proposed Zoning Changes

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**From:** [talktogeist@reachone.com](mailto:talktogeist@reachone.com) [<mailto:talktogeist@reachone.com>]  
**Sent:** Thursday, March 13, 2014 12:58 AM  
**To:** cpdinfo; City Clerk - Request; Amy Buckler; Leonard Bauer  
**Subject:** Unrecorded Meetings & Proposed Zoning Changes

See below, my comments on the above referenced subject:  
Dick Geist

Dick, May I suggest you share your comments with the following? Walt  
I should have given you the following addresses to facilitate your response. If you *do* forward your comments simply send to all four.

“Community Planning & Development” <[cpdinfo@ci.olympia.wa.us](mailto:cpdinfo@ci.olympia.wa.us)>  
“City Clerk” <[cityclerk@ci.olympia.wa.us](mailto:cityclerk@ci.olympia.wa.us)>  
“Amy Buckler, Associate Planner, CP&D” <[abuckler@ci.olympia.wa.us](mailto:abuckler@ci.olympia.wa.us)>  
“Leonard Bauer, Deputy Director, CP&D” <[lbauer@ci.olympia.wa.us](mailto:lbauer@ci.olympia.wa.us)>

Thank you.  
Walter R. Jorgensen

Walt:

I appreciate being sent this information. Also, I appreciate Bob Shirley, for his integrity for standing up and letting us know what has been going on behind closed doors.

Please forward my comments (below) to the appropriate Olympia body, and also include a statement regarding Mr. Shirley’s integrity in standing up for the public's interest in this matter.

Thank you.  
Dick Geist

I concur with the recommendations made by Bob Shirley in the attachment identified as:

March 9, 2014  
TO: Olympia Planning Commission  
FROM: Bob Shirley  
RE: **File 14-0210 Public Comment: Proposed Code Amendment to Kaiser-Harrison Zoning Map and the Single-Meeting-on-One-Set-of-Topics-**

## Split-Into-Two-Parts Attended by a Majority of OPC Members

Specifically, I concur with Bob Shirley that:

First, Andreson do the right thing and resign from the OPC.

Second, the OPC ask the City Attorney to determine what Andreson, Bauer, and Buckler knew and when they knew it. Whatever the case, the public should know why Bauer and Buckler participated with Andreson in creating a purposefully unrecorded, single-meeting-on one-set-of-topics-split-into-two-parts to allow a future claim that the quorum rule was not broken.

Third, the OPC determine who it needs to work as staff to the OPC so that in the future OPC members will not be lead into acting like connivers and looking like suckers.

I find this whole thing very disconcerting; that OPC would conduct itself in such a manner as to participate in a set of meetings designed to avoid the quorum rule. Clearly, the public can no longer have confidence in the OPC that they will function in the best interest of the public.

Richard W. Geist  
1617 Water St SW  
Olympia, WA 98591-2232

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**From:** [waltjorgensen@comcast.net](mailto:waltjorgensen@comcast.net)  
**Sent:** Monday, March 10, 2014 2:35 AM  
**To:** [Walter Jorgensen](#)

Neighbors,

I encourage you to comment, even if your comment is only to say "Me too" to the comments attached. The deadline is 5:00pm today (Mon, 3-10-14).

Walt

Walter R. Jorgensen  
[waltjorgensen@comcast.net](mailto:waltjorgensen@comcast.net)

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You received this message because you are subscribed to the Google Groups "South Capitol Neighborhood Association" group.

To unsubscribe from this group and stop receiving emails from it, send an email to [south-capitol-neighborhood+unsubscribe@googlegroups.com](mailto:south-capitol-neighborhood+unsubscribe@googlegroups.com).

To post to this group, send email to [south-capitol-neighborhood@googlegroups.com](mailto:south-capitol-neighborhood@googlegroups.com).

Visit this group at <http://groups.google.com/group/south-capitol-neighborhood>.

For more options, visit

## Nancy Lenzi

---

**From:** Janine Unsoeld <ja9unsoeld@aol.com>  
**Sent:** Friday, March 14, 2014 10:07 AM  
**To:** Leonard Bauer; Amy Buckler; Keith Stahley; Steve Hall; Councilmembers  
**Subject:** OPC article published/questions

Hello Everyone,

Thank you, Leonard, for your letter received March 12. I included parts of it in an article I published about the OPC situation on my blog last night at [www.janineslittlehollywood.blogspot.com](http://www.janineslittlehollywood.blogspot.com).

Judy Bardin made a couple small clarifications to my article this morning which I posted in the comment section under the article. She makes good points, so I still have questions about who is speaking and who was at the second meeting with Morris.

Kim Andresen appears to not have excused herself during the first meeting - so the first meeting would have been Andresen, Parker, Horn, Brown. The second meeting was Richmond, and someone else. Leonard, are you including Andresen? Just because Carole said in an email that Kim recused herself, it is not known if and when she did this, so you are right to include her, especially since she set up the meetings.

I would like to ask city attorney Tom Morrill to respond to his interpretation of the Open Public Meetings Act in this case. Leonard's letter does not address this aspect of the situation at all, which really goes to the heart of public, and my, concern.

Also, Leonard's letter comes in after the public comment deadline of Monday, March 10, 5:00 p.m. to include testimony about File 14-0210. It is so detailed, and includes so many public and private parties to this case, some of whom aren't even identified, that, in my opinion, it absolutely should have been included in the official record and staff and commissioner reports after each meeting.

I cannot attend the March 17 Planning Commission meeting due to work but, again, I strongly urge that a vote, or further deliberation of this case be tabled, and possibly reopened at another time in the future.

Again, I would appreciate it if you could please forward my questions and comments to Planning Commissioners for their consideration.

Thank you,

Janine Unsoeld  
P.O. Box 7418  
Olympia, WA 98507

## Nancy Lenzi

---

**From:** Amy Buckler  
**Sent:** Monday, March 17, 2014 10:09 AM  
**To:** commissionermax@gmail.com; klwa-pha@msn.com; Roger Horn; Carole Richmond (laikodi@comcast.net); missy@brennerandwatts.com; Jessica Bateman (jessicabateman870@gmail.com); judybardin@comcast.net; 'jerome parker'; sierra.hiker@gmx.com  
**Subject:** FW: Questions raised in comment letters on proposed PO/RM Zoning Text Amendment  
**Attachments:** Bardin Ltr to Chair Brown 3-15-2014.pdf

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**From:** Leonard Bauer  
**Sent:** Monday, March 17, 2014 8:04 AM  
**To:** Keith Stahley; Darren Nienaber; Amy Buckler  
**Subject:** FW: Questions raised in comment letters on proposed PO/RM Zoning Text Amendment

fyi

---

**From:** [judybardin@comcast.net](mailto:judybardin@comcast.net) [<mailto:judybardin@comcast.net>]  
**Sent:** Saturday, March 15, 2014 8:24 PM  
**To:** [commissionermax@gmail.com](mailto:commissionermax@gmail.com)  
**Cc:** Steve Hall; Councilmembers; [Mcade@thurstonedc.com](mailto:Mcade@thurstonedc.com); [sharilyncatone@yahoo.com](mailto:sharilyncatone@yahoo.com); phil cornell; [teacharch@comcast.net](mailto:teacharch@comcast.net); [curtzt@nuprometheus.com](mailto:curtzt@nuprometheus.com); [joe@jbford.com](mailto:joe@jbford.com); [goverhl@comcast.net](mailto:goverhl@comcast.net); [rhaddock@kiddermathews.com](mailto:rhaddock@kiddermathews.com); [mmhoove@gmail.com](mailto:mmhoove@gmail.com); [jacobsoly@aol.com](mailto:jacobsoly@aol.com); [waltjorgensen@comcast.net](mailto:waltjorgensen@comcast.net); [jim@jimlazar.com](mailto:jim@jimlazar.com); [danleahy43@yahoo.com](mailto:danleahy43@yahoo.com); [karen@karenmessmer.com](mailto:karen@karenmessmer.com); [Jim@mphholdings.com](mailto:Jim@mphholdings.com); [salttemecula@comcast.net](mailto:salttemecula@comcast.net); [eparker@kiddermathews.com](mailto:eparker@kiddermathews.com); [parkerp55@gmail.com](mailto:parkerp55@gmail.com); [seecarl@hotmail.com](mailto:seecarl@hotmail.com); [robertshirleyattorney@hotmail.com](mailto:robertshirleyattorney@hotmail.com); [stavful@comcast.net](mailto:stavful@comcast.net); [synodis@gmail.com](mailto:synodis@gmail.com); [sweetpoetry@mindspring.com](mailto:sweetpoetry@mindspring.com); [ja9unsoeld@aol.com](mailto:ja9unsoeld@aol.com); [bathanyweidner@gmail.com](mailto:bathanyweidner@gmail.com); mary wilkinson1; [scmojani@yahoo.com](mailto:scmojani@yahoo.com); Leonard Bauer  
**Subject:** Re: Questions raised in comment letters on proposed PO/RM Zoning Text Amendment

Dear Chairman Brown:

Please see my attached letter.

Judy

Judy Bardin  
1517 Dickinson Ave NW  
Olympia, WA 98502  
360-352-9564

---

**From:** "Leonard Bauer" <[lbauer@ci.olympia.wa.us](mailto:lbauer@ci.olympia.wa.us)>  
**To:** [judybardin@comcast.net](mailto:judybardin@comcast.net), [Mcade@thurstonedc.com](mailto:Mcade@thurstonedc.com), [sharilyncatone@yahoo.com](mailto:sharilyncatone@yahoo.com), "phil cornell" <[phil\\_cornell@yahoo.com](mailto:phil_cornell@yahoo.com)>, [teacharch@comcast.net](mailto:teacharch@comcast.net), [curtzt@nuprometheus.com](mailto:curtzt@nuprometheus.com), [joe@jbford.com](mailto:joe@jbford.com), [goverhl@comcast.net](mailto:goverhl@comcast.net), [rhaddock@kiddermathews.com](mailto:rhaddock@kiddermathews.com), [mmhoove@gmail.com](mailto:mmhoove@gmail.com), [jacobsoly@aol.com](mailto:jacobsoly@aol.com), [waltjorgensen@comcast.net](mailto:waltjorgensen@comcast.net), [jim@jimlazar.com](mailto:jim@jimlazar.com), [danleahy43@yahoo.com](mailto:danleahy43@yahoo.com), [karen@karenmessmer.com](mailto:karen@karenmessmer.com), [Jim@mphholdings.com](mailto:Jim@mphholdings.com), [salttemecula@comcast.net](mailto:salttemecula@comcast.net), [eparker@kiddermathews.com](mailto:eparker@kiddermathews.com), [parkerp55@gmail.com](mailto:parkerp55@gmail.com), [seecarl@hotmail.com](mailto:seecarl@hotmail.com), [robertshirleyattorney@hotmail.com](mailto:robertshirleyattorney@hotmail.com), [stavful@comcast.net](mailto:stavful@comcast.net), [synodis@gmail.com](mailto:synodis@gmail.com), [sweetpoetry@mindspring.com](mailto:sweetpoetry@mindspring.com), [ja9unsoeld@aol.com](mailto:ja9unsoeld@aol.com), [klwa-pha@msn.com](mailto:klwa-pha@msn.com), [commissionermax@gmail.com](mailto:commissionermax@gmail.com), [sierrahiker@gmx.com](mailto:sierrahiker@gmx.com), [rogerolywa@yahoo.com](mailto:rogerolywa@yahoo.com), "jerome parker" <[jerome.parker@comcast.net](mailto:jerome.parker@comcast.net)>,

[missy@brennerandwatts.com](mailto:missy@brennerandwatts.com), [laikodi@comcast.net](mailto:laikodi@comcast.net), [bathanyweidner@gmail.com](mailto:bathanyweidner@gmail.com), "mary wilkinson1" <[mary.wilkinson1@gmail.com](mailto:mary.wilkinson1@gmail.com)>, [scmojani@yahoo.com](mailto:scmojani@yahoo.com), [jessicabateman870@gmail.com](mailto:jessicabateman870@gmail.com), "richmond carole" <[richmond.carole@gmail.com](mailto:richmond.carole@gmail.com)>

**Cc:** "Steve Hall" <[shall@ci.olympia.wa.us](mailto:shall@ci.olympia.wa.us)>, "Councilmembers" <[Councilmembers@ci.olympia.wa.us](mailto:Councilmembers@ci.olympia.wa.us)>

**Sent:** Wednesday, March 12, 2014 5:26:17 PM

**Subject:** Questions raised in comment letters on proposed PO/RM Zoning Text Amendment

Please find attached a memo that is being provided to the Olympia Planning Commission. It provides additional information regarding questions raised in public comments on the proposed PO/RM Zoning Text Amendment currently being considered by the Planning Commission. You are receiving this message as someone who provided public comment or was copied on another person's comment.

**Leonard Bauer/Deputy Director**

601 4th Avenue East | PO Box 1967, Olympia WA 98507-1967  
360.753-8206

*Emails are public records, potentially eligible for release.*



March 15, 2014

Dear Chairman Brown:

I think the addition of an agenda item to hear from the Assistant City Attorney misses the issue before the Olympia Planning Commission (OPC)—compromising the public’s trust in the OPC—and is therefore unnecessary.

The problem the OPC faces is that we have compromised the trust of the public, not that the law may have been broken. OPC could pay a penalty and recover from law breaking if that happened; OPC cannot restore public trust unless we do more—much more—than say, “we are not law-breakers.” Many who are paying attention will perceive the appearance of the Assistant City Attorney for the diversion that it is; it is a diversion from the issue of the OPC’s compromising the public trust.

Rather than hear the Assistant City Attorney tell us that the law has not been broken, we should hear from the public about their concerns about public trust. The public trust is the important topic, and unlike whether past events were legal or not, OPC can do something about public trust.

We should also hear from the public before we hear from Bauer and Buckler, although I do not think we should hear from Bauer or Buckler at all. At the end of our meeting on March 3, Buckler stated that all OPC members had been invited to go to the meeting at Mr. Morris’s office. She said nothing more, and the only logical explanation for Buckler’s knowledge that all OPC members were invited is that Buckler had prior knowledge of the plan to invite all OPC members to Morris’s office on a serial basis to hear about a common set of issues.

Bauer weighed in earlier this week; on March 12 he attempted to address the topic of legitimacy so there is no reason to have his comments repeated because we have them in writing. Buckler has not weighed in since the March 3 meeting; if she were to do so, she would have to address her knowledge about the organizing effort to have all OPC members be invited to Morris’s office on a serial basis to hear about a common set of issues.

The events happened on Bauer’s and Buckler’s watch as the CP&D officials with responsibility. They failed the OPC. More importantly, they failed the public. Given their circumstances, Bauer and Buckler cannot say anything that will help remedy the compromised trust of the public; the opposite may be true.

Members of the public have called for Kim Andreson to resign. I think the task for all OPC members is to ask themselves if they want to conduct the public’s work in front of the public.

The reason given for the private audience with developers is that those developers are reluctant to present their issues to the public and have their issues (and perhaps the

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We also know that our colleague Kim Andreson provided minimal information. At the OPC meeting on March 3, Andreson had to be forced to acknowledge that OPC members were hosted by Morris, with whom she has a relationship that is at least "professional" and I think, based on Andreson's statements to me that she consults one day a week for Morris, a financial relationship. Andreson never actually revealed the content discussed with OPC members at Morris's office.

I have served on city advisory boards for four years. I have never seen an attempt to create hidden meetings for all members of an advisory group. Many who have been on city committees over that last 30 years have told me that inviting developers, and other groups of interested persons, to come to a regular meeting of an advisory committee is commonplace, often an annual event at a minimum. That CP&D permitted Andreson and itself to be associated with a hidden meeting was completely unnecessary because there is a right way and a wrong way to meet with interested persons.

The facts, and the behavior of some who participated, demonstrate they are responsible for helping to compromise the public's trust. If OPC members want to defend meetings kept secret from the public, even defend them a little, then I suggest it may be time for some OPC members to consider another service endeavor, but not a *public* service endeavor.

I therefore request the invitation to the Assistant City Attorney be rescinded; and that the public be given the first opportunity to address the new agenda item. I will renew this request before my colleagues at the very beginning of the meeting Monday night.

Sincerely,

Judy Bardin  
Planning Commissioner



March 15, 2014

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The facts, and the behavior of some who participated, demonstrate they are responsible for helping to compromise the public's trust. If OPC members want to defend meetings kept secret from the public, even defend them a little, then I suggest it may be time for some OPC members to consider another service endeavor, but not a *public* service endeavor.

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Sincerely,

Judy Bardin  
Planning Commissioner

## Nancy Lenzi

---

**From:** Max Brown <brownmh74@gmail.com>  
**Sent:** Sunday, March 16, 2014 1:39 PM  
**To:** Leonard Bauer; Amy Buckler  
**Subject:** Fwd: Monday OPC Meeting at 6:30 pm: Bardin's latest letter

FYI as this was sent to all OPC members.

Thanks,  
Max

—  
Sent from [Mailbox](#) for iPhone

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

**From:** **Dan Leahy** <[danleahy43@yahoo.com](mailto:danleahy43@yahoo.com)>  
**Date:** Sun, Mar 16, 2014 at 12:36 PM  
**Subject:** Monday OPC Meeting at 6:30 pm: Bardin's latest letter  
**To:** "[Judy Bardin](mailto:judybardin@comcast.net)" <[judybardin@comcast.net](mailto:judybardin@comcast.net)>  
**Cc:** "[richmond.carole@gmail.com](mailto:richmond.carole@gmail.com)" <[richmond.carole@gmail.com](mailto:richmond.carole@gmail.com)>, "[sierra.hiker@gmx.com](mailto:sierra.hiker@gmx.com)" <[sierra.hiker@gmx.com](mailto:sierra.hiker@gmx.com)>, "[Jerry Parker](mailto:jerry.parker@comcast.net)" <[jerome.parker@comcast.net](mailto:jerome.parker@comcast.net)>, "[jessicabateman870@gmail.com](mailto:jessicabateman870@gmail.com)" <[jessicabateman870@gmail.com](mailto:jessicabateman870@gmail.com)>, "[klwa-pha@msn.com](mailto:klwa-pha@msn.com)" <[klwa-pha@msn.com](mailto:klwa-pha@msn.com)>, "[brownmh74@gmail.com](mailto:brownmh74@gmail.com)" <[brownmh74@gmail.com](mailto:brownmh74@gmail.com)>, "[missy@brennerandwatts.com](mailto:missy@brennerandwatts.com)" <[missy@brennerandwatts.com](mailto:missy@brennerandwatts.com)>, "[Roger Horn](mailto:rogerhorn@rogerolywa.com)" <[rogerolywa@yahoo.com](mailto:rogerolywa@yahoo.com)>

Thank you Commissioner Bardin for responding to the City's continued misbehavior.

I support your call for a public OPC, rather than a private one.

I'll send your letter to my Westside neighbors who are following this scandal closely.

I will also continue my call for OPC Chairman Max Brown to resign.

Dan

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Judy Bardin  
Planning Commissioner

**Amy Buckler**

---

**Subject:** FW: Monday OPC Meeting at 6:30 pm: Bardin's letter

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

From: **Dan Leahy** <danleahy43@yahoo.com>

Date: Sun, Mar 16, 2014 at 12:36 PM

Subject: Monday OPC Meeting at 6:30 pm: Bardin's latest letter

To: "Judy Bardin" <judybardin@comcast.net>

Cc: "richmond.carole@gmail.com" <richmond.carole@gmail.com>, "sierra.hiker@gmx.com" <sierra.hiker@gmx.com>, "Jerry Parker" <jerome.parker@comcast.net>, "jessicabateman870@gmail.com" <jessicabateman870@gmail.com>, "klwa-pha@msn.com" <klwa-pha@msn.com>, "brownmh74@gmail.com" <brownmh74@gmail.com>, "missy@brennerandwatts.com" <missy@brennerandwatts.com>, "Roger Horn" <rogerolywa@yahoo.com>

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Planning Commissioner

## Nancy Lenzi

---

**From:** Amy Buckler  
**Sent:** Monday, March 17, 2014 10:09 AM  
**To:** commissionermax@gmail.com; klwa-pha@msn.com; Roger Horn; Carole Richmond (laikodi@comcast.net); missy@brennerandwatts.com; Jessica Bateman (jessicabateman870@gmail.com); judybardin@comcast.net; 'jerome parker'; sierra.hiker@gmx.com  
**Subject:** FW: Olympian coverage of brouhaha

---

**From:** Carole Richmond [<mailto:laikodi@comcast.net>]  
**Sent:** Monday, March 17, 2014 10:06 AM  
**To:** Amy Buckler  
**Subject:** Olympian coverage of brouhaha

Hi Amy,

If you haven't already seen and acted upon this, please circulate to council, commissioners, planning staff, and legal department.

<http://www.theolympian.com/2014/03/17/3038362/planning-commissioners-meetings.html>

Thanks very much,

Carole



# Olympia planning commissioners' meetings criticized

## Olympia panel member Bardin says 2 meetings with development interests should have been open to the public

By ANDY HOBBS

Staff writer March 17, 2014

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A member of the Olympia Planning Commission said two recent off-the-record meetings should have been open to the public.

The nine-member commission advises the City Council about growth and development in Olympia. Two commissioners had requested informational meetings for Jan. 31 and March 3 with members of the development community.

Commissioner Judy Bardin raised an objection to the meetings because one of the participants was developer M-Five Family Limited Partnership, which has an interest in a proposed zoning amendment that is under consideration by the planning commission.

The amendment, which targets the Kaiser Road-Harrison Avenue intersection on Olympia's west side, would increase the maximum size of commercial buildings in that area to 50,000 square feet.

In a letter Thursday to the commission, city planner Leonard Bauer said the proposed amendment was not discussed at the two meetings. No quorum of commissioners existed at either meeting.

Bardin said the private meetings have compromised the planning commission's integrity. She said she was invited to the March 3 meeting but did not attend because the public was excluded. In her letter to the commission, Bardin recommends tabling the proposed zoning amendment indefinitely.

"The commissioners need to examine whether they want to do the public's business in the public's eye," she told The Olympian. "I just had concerns about the planning commission being able to make a good decision on this."

Planning commissioner Max Brown, who attended part of the Jan. 31 meeting, was surprised by the complaint. He said the meeting began with a warning to not discuss the commission's current projects and issues. The developer was interested in learning about the planning process, he said.

"It was really just a candid conversation about the culture of planning and the culture of development," Brown said. "People were comfortable with doing this, and didn't think it was a problem. I thought it was a good conversation."

Olympia resident Bob Shirley also filed a letter to the planning commission about the two meetings. He said the commission is one of the state's best and has long been a model of transparency. The commission cannot afford to risk negative perceptions about the way it conducts business, he said, because of the long-term effect of its decisions.

"Planning commission members are public servants. You should serve the public in view of the public," he told The Olympian. "When you're talking about zoning and planning, the consequences can last 50 years or more."

The commission will discuss this issue during its next meeting at 6:30 p.m. Monday at City Hall, Room 207.



*Provided by Carole Richmond  
at 3/17/14 OPE meeting*

## Research Request

Flannary Collins <fcollins@mrsc.org>  
To: "richmond.carole@gmail.com" <richmond.carole@gmail.com>

Mon, Mar 17, 2014 at 11:46 AM

Carole:

Less than a quorum of Planning Commissioners can meet with developers on legislative matters without violating the Open Public Meeting Act ("OPMA"). The things to be careful of are that: (1) the legislative subject matter of the meeting does not turn into a quasi-judicial issue in the future; and (2) after the meeting with the developers, the four commissioners do not communicate with the other members of the commission on the subject matter of the meeting *outside* of a public meeting (i.e., a serial meeting). Other than being mindful of those two issues, it is not illegal for less than a quorum of commissioners to have a private meeting with developers on a legislative issue.

The OPMA is in chapter 42.30 RCW and it requires that meetings of a governing body (defined to include planning commissions) be open and public. A "meeting" is one in which action is taken ("action" is defined as the transaction of official business). And, as described in MRSC's OPMA publication, a quorum is required for the OPMA mandates to apply:

"Since a governing body can transact business when a quorum (majority) of its members are present, it is conducting a meeting subject to the requirements of the Open Public Meetings Act whenever a majority of its members meet together and deal in any way with city, county or special purpose district business, as the case may be."

I hope this provides you with enough information. Please let me know if you need additional assistance.

Thank you for contacting MRSC. Help us improve our services by taking our five-question survey [here](#).

**Flannary P. Collins**

Legal Consultant

206.436.3797/800.933.6772 | MRSC.org | Local Government Success

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**Carole Richmond** <richmond.carole@gmail.com>  
To: Flannary Collins <fcollins@mrsc.org>

Mon, Mar 17, 2014 at 11:54 AM

Thank you, Flannary! This is exactly what I needed. Great work and I appreciate the quick turnaround!

Carole Richmond, Member  
Olympia Planning Commission

[Quoted text hidden]

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**Flannary Collins** <fcollins@mrsc.org>  
To: "richmond.carole@gmail.com" <richmond.carole@gmail.com>

Mon, Mar 17, 2014 at 12:04 PM

Carole:

I also should have mentioned that the Appearance of Fairness doctrine, which is requires that that meetings be procedurally fair and be conducted by impartial decision-makers, only applies to quasi-judicial issues. So, while the public may raise this as an issue, it is not a consideration in legislative matters. (So, it would have been a problem for any planning commissioner to meet with a developer who had a quasi-judicial matter pending before the commission. But, meeting with developers to get their insight on a Comp Plan policy/goal to help the commission flesh out the policy is certainly not quasi-judicial.)

Maybe one way to approach it is to detail the difference between legislative issues and quasi-judicial issues:

- Quasi-judicial actions are defined to include: "...actions of the legislative body, planning commission...which determine the legal rights, duties, or privileges of specific parties in a hearing or other contested case proceeding." RCW 42.36.010. They are proceedings that have a greater impact on specific individuals rather than the entire community and involve policy application rather than policy setting.

- Legislative issues, in contrast, are policy making. According to MRSC's publication on the Appearance of Fairness, policy-making is:

"clearly the work of legislative bodies and doesn't resemble the ordinary business of the courts. The doctrine *does not* apply to local legislative, policy-making actions of the type that adopt, amend or revise comprehensive, community or neighborhood plans or other land use planning documents..."

**From:** Flannary Collins  
**Sent:** Monday, March 17, 2014 11:47 AM

## Nancy Lenzi

---

**From:** Thera Black <blackvt@trpc.org>  
**Sent:** Monday, March 31, 2014 8:46 AM  
**To:** Amy Buckler  
**Cc:** Leonard Bauer  
**Subject:** FW: Trying to Understand Community Development - TRPC Task Force Work

Hi, Amy – I sent the following to Matthew Green on Thursday in response to an inquiry from him. Given the nature of the issue that he’s reporting on and its relevance to the work of you and your planning commission I thought I’d send this your way in case you think it might be of interest to your Commissioners. Especially for those who are newer to the Commission this might shed some light on why we’re talking with developers about community development. Those discussions generated quite a bit of good information.

Thera

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**From:** Thera Black  
**Sent:** Thursday, March 27, 2014 2:35 PM  
**To:** 'olympiapowerandlight@gmail.com'  
**Subject:** Trying to Understand Community Development - TRPC Task Force Work

Hi, Matthew – Thanks for clarifying what you’re looking for. I’m going to start with this email and then if you have specific questions please let me know and I can follow-up with you on those specifics.

It sounded like you were just interested in the dates and who participated but I hope you’ll also take a look at what came out of those meetings. It is fundamental to the corridor work underway by Lacey, Olympia, Tumwater, and us to create a few truly urban, transit-oriented places in this region to augment our predominately suburban, auto-oriented community pattern.

The two occasions TRPC has had so far to convene panels from the development community were first, during the Vision Reality Task Force work and then later, through Urban Corridors Task Force work. Both times the intent was to understand how the world works on “the other side of the counter” so that we can better evaluate the effectiveness of our local government processes in achieving the built form described in our adopted plans.

Here is a link to the Vision Reality Task Force

report: <http://www.trpc.org/regionalplanning/landuse/Documents/UCTF/UnderstandingPublicVisionandMarketplace.pdf>

This was the real start of our concentrated effort to document and understand disconnects between what is called for in our plans and what is actually occurring, and more recently, to address those disconnects. It was and continues to be a policy maker initiative, identified in the 2004 regional transportation plan as something on which TRPC should focus its regional transportation efforts. The link above includes the Executive Summary and the main report, as well as the appendix, all in one pdf file. It describes the two-phased approach used by the Task Force – first, is there really a vision-reality disconnect and if so, document it. Second, if there is a disconnect, what is contributing to it? The VRTF explicitly did not include recommendations at that time.

In order to understand the disconnects identified in Phase 1, the Task Force convened two private sector panel discussions during Phase 2 – both were held at Lacey City Hall. A summary of the perspectives shared in those panels is included in the main report. If you want specific details of the discussion, you can find a very thorough account in Appendix B. There you can also see who participated in the panel discussions, both from the private sector and from the public sector. Each meeting is reported separately.

We revisited in 2009 the indicators created by the Vision Reality Task Force, which caused the Transportation Policy Board to recommend to TRPC that a new task force be convened. The Urban Corridors Task Force was more focused in its work, looking exclusively at the metro area and transit corridors. Like the VRTF before them, they delved into a lot of details at the local government level but also wanted to tap the private sector perspective to better understand market forces and ways that public agencies can harness them more strategically. We contracted with BERK for commercial market analysis of the corridors and with New Home Trends for residential market analysis. We also invited a small group of people from the local development community to share their thoughts as part of a panel discussion in August 2011. You'll find a detailed recap of that meeting here: <http://www.trpc.org/regionalplanning/landuse/Pages/UCTFMembershipandMeetings.aspx> Click on the August 30, 2011 meeting (agenda, presentation materials, and recap are all available). Again, you can see who all participated on the panel and who attended the meeting, as well as what was on the minds of the attendees.

You can find a copy of the final UCTF report here, along with other information:

[http://www.trpc.org/regionalplanning/landuse/Documents/UCTF/Final\\_Report\\_July\\_2012\\_web.pdf](http://www.trpc.org/regionalplanning/landuse/Documents/UCTF/Final_Report_July_2012_web.pdf) Unlike the VRTF, the Urban Corridors Task Force was tasked by TRPC with developing recommendations that address barriers to the kind of private sector investments that our plans call for. The four corridor communities – Lacey, Olympia, Tumwater, and Thurston County – signed a joint resolution in December 2012 supporting the recommendations and committing to pursue them. These recommendations in turn shaped the HUD Challenge Grant we applied for and received to jump start some of those recommendations. That is the source of funding for Tumwater's Brewery District process, Lacey's Woodland District process, and Olympia's Martin Way Corridor process. While we got funding from a different source for Tumwater's Capitol Boulevard work, it was also a direct follow-up to UCTF recommendations. You can find links to all those processes and their various products here: [http://www.trpc.org/regionalplanning/landuse/Pages/ucc\\_current\\_activities.aspx](http://www.trpc.org/regionalplanning/landuse/Pages/ucc_current_activities.aspx) . I should also note that the concept of urban corridors and the notion that we have to think strategically if we are serious about creating some truly urban, walkable, people-oriented places as a lifestyle alternative to existing suburban options is fundamental to the whole Sustainable Thurston process.

Through each of the corridor district planning activities local agencies also engaged the private sector – in meetings with property owners and one-on-one, as part of stakeholder committees and advisory committees, and via market analysis and EDC interviews. Those are described in various ways in each district planning process using the above link.

One thing I hope comes through as you look at this information is that the term "developer" actually describes many players in the community development process. Listening to public discourse it would seem that people who build things are autonomous entities but in reality we're really talking about a whole community of those involved in finance, real estate, appraisals, builders, contractors and trades, etc. This has been an insightful understanding to me and many others in the public sector. A "developer" is only a developer if all the rest of the picture is intact – without the finance, real estate, etc it is just a person with an idea about something to build which would describe most of us at some point. I'm hopeful you can add more depth of understanding to this than is currently evident in our local discussion.

The other thing you'll notice as you look through the materials is that our focus has been on the local development community – local finance, local real estate, local entrepreneurs. We have not reached out to the DR Horton or Quadrants of the world. I'm sure that much of the complexity we find within our local development community is also evident in the big state and national development corporations but I suspect they are more vertically integrated with more of the mechanisms controlled within one corporation. For example, DR Horton does not need to negotiate terms of financing and the calculated risk assessment of a project with Heritage Bank – they do their own financing, their own realty, they even have their own contractors and suppliers in some parts of the country. In our community that values its local businesses I think it's important to acknowledge this difference. These are our local businesses and our neighbors.

I'm hopeful that someday the conversation in this community will evolve from the prevailing story line that developers are the problem to one where developers are our partners in realizing the visions embraced by the community. They are the ones who will put their financial self-worth on the line to build what our plans call for, or not. That requires us to

wade into some geeky and market-oriented stuff that doesn't lend itself to annual neighborhood meetings and powerpoint presentations. It's an unfamiliar world to most of us, but one that is integral to our community and its plans for its future. The public sector is good at engaging people in the visioning process and is well-equipped to pursue the regulatory process, but we are fairly ignorant of what it takes for the private sector to turn the policies and pictures in those plans that people are excited about into something real. Vision that includes no real-world mechanisms to achieve it is perhaps not really a vision in the end.

I'll close this ramble with a quote I included on the agenda of the August 2011 UCTF forum: "Developers tread a delicate path. They are agents of change, operating between the regulations – and desires – of local jurisdictions and the demands of the marketplace, and they must satisfy both. That isn't always easy, and it's rarely popular." [Witold Rybczynski, "Last Harvest"] The more I look at the private sector side of our community vision equation – how it is that we will get from "here" to "there" as described in our vision – the more I appreciate the challenges we have before us. I hope you can help in moving this conversation forward. OP&L fills an important communications role in our community.

By the way, if you would like a hard copy of the VRTF and UCTF reports – the appendix of VRTF in particular is thick – let me know. Happy to print copies off for you.

Thanks for your interest, Matthew – Let me know if there's something in particular you want to follow-up on.

Best,

Thera  
741.2545 (direct)

Thera Black  
Thurston Regional Planning Council  
2424 Heritage Court SW, Ste A  
Olympia, WA 98502  
360.956.7575 ext 2545  
[www.trpc.org](http://www.trpc.org)

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## Nancy Lenzi

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**From:** cpdinfo  
**Sent:** Monday, March 31, 2014 9:06 AM  
**To:** Amy Buckler; Leonard Bauer  
**Subject:** FW: Public Comment on PO/RM Zoning Change Within the Larger Kaiser-Harrison Opportunity Site - File No. 14-0210 and 14-0266  
**Attachments:** Comments on Kaiser-Harrison PO-RM 3-30-14.docx

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**From:** Robert Shirley [<mailto:robertshirleyattorney@hotmail.com>]  
**Sent:** Sunday, March 30, 2014 11:56 AM  
**To:** cpdinfo  
**Cc:** [commissionermax@gmail.com](mailto:commissionermax@gmail.com); [klwa-pha@msn.com](mailto:klwa-pha@msn.com); [rogerolywa@yahoo.com](mailto:rogerolywa@yahoo.com); [laikodi@comcast.net](mailto:laikodi@comcast.net); [missy@brennerandwatts.com](mailto:missy@brennerandwatts.com); [jessicabateman870@gmail.com](mailto:jessicabateman870@gmail.com); [judybardin@comcast.net](mailto:judybardin@comcast.net); [jerome.parker@comcast.net](mailto:jerome.parker@comcast.net); [sierra.hiker@gmx.com](mailto:sierra.hiker@gmx.com)  
**Subject:** Public Comment on PO/RM Zoning Change Within the Larger Kaiser-Harrison Opportunity Site - File No. 14-0210 and 14-0266

All -

Attached are comments on the PO/RM Zoning Change Within the Larger Kaiser-Harrison Opportunity Site - File No. 14-0210 and 14-0266.

Thank you.

Bob Shirley



March 30, 2014

From: Bob Shirley  
To: Olympia Planning Commission (OPC)  
Re: PO/RM Zoning Change Within the Larger Kaiser-Harrison Opportunity Site - File No. 14-0210 and 14-0266

On the morning of January 31, 2014, Leonard Bauer, in an email to Amy Buckler sent shortly before Bauer left to meet with OPC members at the office of Jim Morris, stated “that our work program identifies Kaiser/Harrison for a ‘focus area’ plan in 2016...” Immediately prior to that statement, the email contains Bauer’s conclusions with respect to the PO/RM zoned section<sup>1</sup> within the larger Kaiser-Harrison Opportunity Site, that the “current code is overly restrictive on retail uses and inequitable (same small square footage limit regardless of lot size).” Bauer did not inform Buckler in that email that he had been working with “Jim” since at least October 7, 2013 to have the OPC approve a zoning change so that Morris could build a grocery store or another very large retail building.

An October 7, 2013 email from Bauer to Jim Morris, and related emails exchanged between Keith Stahley, Steve Friddle, Bauer, and Morris, demonstrate CP&D regularly consulted with Morris from October through December regarding changes to the PO/RM zoned section within the larger Kaiser-Harrison Opportunity Site. Throughout the fall, Morris was invited to review CP&D’s draft changes to OMC 18.06 and to make suggestions for changes. The focus of the communications is Morris’s holdings in the PO/RM zoned section within the larger Kaiser-Harrison Opportunity Site, not the interests of other landholders in the PO/RM zoned section within the larger Kaiser-Harrison Opportunity Site, or PO/RMs in general. Morris, it appears from emails, was the only PO/RM property owner consulted by CP&D; certainly the only one consulted extensively.

There is no indication the OPC was informed of this effort by CP&D on Morris’s behalf when the OPC was asked in November 2013 to approve a work plan for 2014. As a majority of OPC members held discussions with Morris in Morris’s office between the January 31, 2014 and March 3, 2014, Bauer placed the proposed zoning change on the OPC agenda for March 3. As best I found from my search efforts, Bauer made no public statement to the OPC informing the OPC that CP&D had been in regular communication throughout the fall with Morris about his plans for his large parcel in the PO/RM zoned section within the larger Kaiser-Harrison Opportunity Site.

In fact, Bauer told the OPC something very different on March 3; Bauer told the OPC the PO/RM zoning change “actually originates from a study that was commissioned by the city...” and that the purpose of the zoning text amendment was “to address this issue that has been brought up in the ECONorthwest study...” *NB: The ECONorthwest study does not call for a*

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<sup>1</sup> PO/RM stands for “professional office/residential multifamily,” and permits many uses, including retail and services, in addition to office and multifamily housing, but not high-volume, traffic intensive uses such as 50,000 to 100,000 square foot retail stores.

*change in the zone prior to a planning activity. The study's short-term recommendation for the Kaiser-Harrison area is that the city "address zoning issues by implementing a master plan, community renewal or subarea plan..."*

It is obvious from events and statements in January through March that OPC member Andresen almost certainly knew of her employer Morris's interest in the PO/RM changes proposed by Bauer. Like Bauer, Andresen made no public statement indicating exactly how the proposed changes would benefit Morris; her statement of recusal for File No. 14-0210 was general and included none of the details gleaned from email communications and events. *NB: The subject line for some emails concerning the PO/RM revision is "West Cap" which refers to an office park project of Mr. Morris.*

From the foregoing, it is reasonable to conclude that OPC members were not informed exactly why the PO/RM changes were proposed or why the changes were proposed in early 2014 rather than as part of focus-area planning for the Kaiser-Harrison Opportunity Site scheduled by CP&D for 2016. Bauer and Andresen did not share relevant knowledge with the OPC. Were the public interest or OPC's interest in independent planning served?

A conclusion that CP&D was focused on Morris's circumstances is also reasonable, as is the conclusion that this focus determined the nature and timing of the proposed regulatory action in the Kaiser-Harrison Opportunity Site. I suggest OPC members bear this information in mind when the OPC confronts both the sequencing and the substance that CP&D is asking the OPC to approve.

Additionally, the OPC may want to think about how often Bauer and CP&D keep information from the OPC, and the detrimental effect any lack of candor has on OPC's ability to fulfill its *independent* planning function and to maintain public trust.

## Nancy Lenzi

---

**From:** jerome parker <jerome.parker@comcast.net>  
**Sent:** Tuesday, March 25, 2014 10:13 AM  
**To:** Amy Buckler  
**Subject:** Background to Meetings

Amy -

Please distribute to OPC

Thank you.

Jerry Parker

---

Colleagues -

As we know only too well, two documents making unfounded assumptions and accusations based upon these unfounded assumptions regarding meetings of several Planning Commission members, three City Council members, and our Deputy Director have been widely circulated in the community. The consequence has been dozens and dozens of citizen comments that repeat or are based upon the unfounded and inaccurate statements in these two documents.

A concise response providing a factual account of these meetings by the Deputy Director appears to have had a beneficial but limited impact. Realizing the potential impact of these unfounded assumptions and accusations upon the future work of the Planning Commission, I take this opportunity to provide additional background regarding these meetings. It is my intent to not only correct and expand the record but, more importantly, to provide a solid basis for important work before the Commission.

As has been made clear in the response of the Deputy Director, these meetings had absolutely nothing to do with any issue currently before the Planning Commission. Rather, they were intended to identify obstacles to development in the downtown envisioned in the current Comprehensive Plan and in the Update to this Plan recommended by the Planning Commission. I was one of the Planning Commission members who proposed meeting with the development community to discuss these obstacles. My reasons follow.

At the first meeting of the Citizen Advisory Committee on the possible use of the Community Renewal Act to promote development in selected sites in Olympia with special emphasis on the downtown, a local broker on the Committee reported that in meeting with potential investors, he is frequently told to show them properties in Thurston County but to not show any property in the Olympia downtown.

This same issue was reported in the final Community Renewal Area Feasibility Study of EcoNorthwest for the City,  
*"Community conversations about development in Olympia in general have been contentious."* This perception was cited as one possible obstacle to "adoption and implementation" of renewal efforts in Olympia.

For this reason alone, I feel it is important to determine what impact the experience of opposition to development has had on the absence of any significant development in the downtown.

The second reason goes more directly to questions of fact. In conversations with developers, I have been told that the location and nature of any development in the downtown will be influenced by two major geological factors that directly influence costs: the high water table that makes underground parking infeasible; the potential for liquefaction in the major portions of the downtown built upon fill material that makes construction more expensive than at alternative sites.

The current Comprehensive Plan and the recommended Update to it envision major retail and residential development in the downtown. Before specific plans are made regarding the location and building heights of such envisioned development, it is important to have a better understanding of the economic realities governing such development. I assumed and continue to assume that developers have an important role in providing such cost information that must be part of the planning process.

Specifically, I continue to hope that we can begin to obtain factual information on the following questions:

- 1. What is the subsurface water level in Olympia (north of 5th Avenue) and how does that affect the costs of construction in this area of downtown?*
- 2. How does fill material in major portions of the downtown and the related concern for liquefaction and toxic materials affect the cost of construction in the downtown?*
- 3. How do the costs of construction in the downtown of Olympia as a result of the high water table and the fill compare with the costs of development in other Puget Sound cities?*
- 4. Does the cost of construction in downtown Olympia affect minimum economically feasible heights for new construction in Olympia? If so, how?*
- 5. What are the current market rates for retail, commercial, residential, and mixed use space in downtown Olympia and how do these rates compare to market rates for comparable construction categories in other Puget Sound cities?*

These two factors help explain my motives in proposing meetings with developers.

Given the response to the meetings noted above, the need for an alternative means of soliciting information from the development community on obstacles to development is obvious. One possible alternative would be for the City to contract a neutral third part to conduct confidential interviews with local developers.

Regardless of the considerable public controversy regarding this matter, I remain convinced that the development community has a critical role to play in the planning process and that information on obstacles to development in the downtown is imperative to implementation of the visions in the Comprehensive Plan.

Jerry Parker

## Lori Doron

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**From:** Leonard Bauer  
**Sent:** Wednesday, April 02, 2014 3:40 PM  
**To:** Amy Buckler  
**Cc:** Lori Doron  
**Subject:** FW: Public Comment - Kaiser-Harrison PO/RM

This arrived today. It was sent to OPC members already, but is regarding PORM topic so should also be included in Attachment 3 of the PORM agenda item for OPC as public comment on this topic.

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**From:** cpdinfo  
**Sent:** Wednesday, April 02, 2014 3:24 PM  
**To:** Leonard Bauer; Keith Stahley; Steve Friddle  
**Subject:** FW: Public Comment - Kaiser-Harrison PO/RM

FYI... addressed to cpdinfo...

**PAM FANT**  
**PERMIT SPECIALIST/SUPERVISOR**  
[pfant@ci.olympia.wa.us](mailto:pfant@ci.olympia.wa.us)  
**360 753 8288**

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**From:** Robert Shirley [<mailto:robertshirleyattorney@hotmail.com>]  
**Sent:** Wednesday, April 02, 2014 3:14 PM  
**To:** cpdinfo  
**Cc:** ([commissionermax@gmail.com](mailto:commissionermax@gmail.com)); ([klwa-pha@msn.com](mailto:klwa-pha@msn.com)); ([rogerolywa@yahoo.com](mailto:rogerolywa@yahoo.com)); ([laikodi@comcast.net](mailto:laikodi@comcast.net)); ([missy@brennerandwatts.com](mailto:missy@brennerandwatts.com)); ([jessicabateman870@gmail.com](mailto:jessicabateman870@gmail.com)); ([judybardin@comcast.net](mailto:judybardin@comcast.net)); ([jerome.parker@comcast.net](mailto:jerome.parker@comcast.net)); ([sierra.hiker@gmx.com](mailto:sierra.hiker@gmx.com))  
**Subject:** Public Comment - Kaiser-Harrison PO/RM

All -

The media has asked for the emails referenced in my 3/30/14 comments. You too may be interested in them. The emails are pasted below.

Bob Shirley

From: Leonard Bauer [<mailto:lbauer@ci.olympia.wa.us>]

*Sent: Monday, October 07, 2013 1:47 PM*

To: Jim Morris

Subject: Thursday meeting at Olympia city hall

Jim,

I got your voice mail. I will be attending the Thursday meeting at 1:00 here at city hall, so can meet you then. If you'd like to talk before then, please just let me know.

-----

From: Jim Morris [<mailto:Jim@mphholdings.com>]

*Sent: Tuesday, October 08, 2013 9:04 AM*

To: Leonard Bauer

Subject: RE: Thursday meeting at Olympia city hall

Good morning

I have our meeting scheduled for 2:00 pm??. If that right maybe we could meet at 1:30 before the other meeting if that works for you. Jim M

-----

From: Leonard Bauer [<mailto:lbauer@ci.olympia.wa.us>]

*Sent: Tuesday, October 08, 2013 9:24 AM*

To: Jim Morris

Cc: Keith Stahley

Subject: RE: Thursday meeting at Olympia city hall

Sorry about my confusion! You're right, its scheduled for 2:00 Thursday here at city hall. I am open at 1:30 if you want to come by early. Just ask for me at the permit counter on 2nd floor. See you then!

-----  
**From:** Jim Morris <[Jim@mphholdings.com](mailto:Jim@mphholdings.com)>

**To:** Leonard Bauer

**Subject:** RE: Thursday meeting at Olympia city hall

**Date:** 10/8/2013 1:34:51 PM

**Attachment N1:** [image001.png](#)

Thanks see you then Jim M

-----  
From: Keith Stahley

Sent: Monday, October 14, 2013 2:58 PM

To: Leonard Bauer; Steve Friddle

Subject: PORM Revisions

Here are the two sections that I am aware that would need to be amended for Mr. Morris to pursue a 10,000 to 50,000 square foot food store on his West Cap site. Anything else?

Given the size of the parcel in question it may be advisable to consider making it proportional such as 2,500 square feet per acre or something like that.

Professional Office/residential Multifamily District (PO/RM).

This district is intended to:

a. Provide a transitional area, buffering residential areas from more intensive commercial uses. Development within this district should be compatible with residential uses and generate low vehicular traffic characteristic of less intrusive uses.

b. Provide for a compatible mix of office, moderate- to high-density residential, and small-scale commercial uses, in order to provide opportunities for people to live, work, and recreate in a pedestrian-oriented area.

18.06.060 (H). Food Stores. Professional Office/Residential Multifamily

District (PO/RM), and High Density Corridor-1 (HDC-1) Requirements: Food stores are allowed up to a maximum size of five thousand (5,000) square feet of gross floor area. EXCEPTION: In the PO/RM area west of Yauger Road adjacent to Harrison/Mud Bay Road, maximum gross floor area shall be ten thousand (10,000) square feet.

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From: Keith Stahley

Sent: Thursday, October 17, 2013 1:55 PM

To: Leonard Bauer; Steve Friddle

Subject: RE: PORM Revisions

A quick check of the comp plan before **today's meeting with Jim:**

Professional Office/Multifamily. This designation accommodates a wide range of offices, services, limited retail uses specifically authorized by the applicable zoning district and moderate-to-high density multifamily housing in structures as large as four stories. (Ord. #5757, 12116197)

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**From:** Leonard Bauer <[lbauer@ci.olympia.wa.us](mailto:lbauer@ci.olympia.wa.us)>

**To:** Keith Stahley; Steve Friddle

**Subject:** RE: PORM Revisions

**Date:** 10/17/2013 2:20:15 PM

**Attachment N1:** [image001.gif](#)

Agreed. Seems like the main section of code we'd need to look at amending is:

18.06.060

H. Food Stores. Professional Office/Residential Multifamily District (PO/RM), and High Density Corridor-1 (HDC-1) Requirements: Food stores are allowed up to a maximum size of five thousand (5,000) square feet of gross floor area. EXCEPTION: In the PO/RM area west of Yauger Road adjacent to Harrison/Mud Bay Road, maximum gross floor area shall be ten thousand (10,000) square feet.

...and maybe this one:

18.06.020.B

9. Professional Office/residential Multifamily District (PO/RM).

This district is intended to:

a. Provide a transitional area, buffering residential areas from more intensive commercial uses. Development within this district should be compatible with residential uses and generate low vehicular traffic

characteristic of less intrusive uses.

b. Provide for a compatible mix of office, moderate- to high-density residential, and small-scale commercial uses, in order to provide opportunities for people to live, work, and recreate in a pedestrian-oriented area.

I don't see anything problematic with this language particularly if we link it to the size of the parcel.

-----

From: Steve Friddle

Sent: Wednesday, October 23, 2013 12:01 PM

To: Leonard Bauer

Subject: Vesting

I returned Jim's call and confirmed that vesting before a change in zoning would require a complete Land Use Application:

- General Application (Cover Sheet)
- Land Use Supplement
- SEPA Checklist
- Concept Design Review
- Pay the fees associated with above.

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From: Keith Stahley

Sent: Tuesday, November 26, 2013 2:49 PM

To: Leonard Bauer; Steve Friddle

**Subject: West Cap**

Hey Guys,

What's the status of this one? My notes from the meeting are pretty

inconclusive. Jim asked for 100,000 square feet and we said we'd look at it. I remember expressing some concerns about the Comp Plan language or the intent language that uses words like small scale in defining the commercial component of the PORM. I think that would need to be addressed as well as the total square footage increase from 10,000 per project to something like 5,000 square feet per acre. Do we need to meet to discuss?

Jim phoned and was looking for an answer or at least a next step. Should I schedule another meeting with him for next week?

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**From:** Leonard Bauer <[lbauer@ci.olympia.wa.us](mailto:lbauer@ci.olympia.wa.us)>

**To:** Keith Stahley; Steve Friddle

**Subject:** RE: West Cap

**Date:** 11/26/2013 3:23:16 PM

**Attachment N1:** [image002.gif](#)

I also got a voice mail from Jim looking for status. My thought is the three of us could meet to draft an amendment to both the intent language and the s.f. per acre. **The bigger question to me is when/how will we fit into the CPD work program and the Council agenda?**Our next draft work program to discuss with LUEC Dec. 5 will show "next step" projects on each of the five opportunity areas in Eco NW study for the CRA project - including this text amendment in 2014. If they are OK with that, are we ready to move forward after the first of the year? Or does Steve H. prefer to have the discussion of work program priorities at Council retreat?

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From: Keith Stahley

Sent: Tuesday, November 26, 2013 4:04 PM

To: HYPERLINK "<mailto:jim@mphholdings.com>" [jim@mphholdings.com](mailto:jim@mphholdings.com); [Shelby Hentges](mailto:Shelby Hentges) ([HYPERLINKmailto:Shelby@mphholdings.com](mailto:Shelby@mphholdings.com)"Shelby@mphholdings.com)

Cc: Leonard Bauer

**Subject: West Cap**

Hi Jim,

I got your voice mail and tracked Leonard and Steve down. I'll set something up for late next week. You may want to attend the LUEC Meeting on the 5th. We'll be talking about the work plan and we're including the text amendment on it for 2014.

-----  
From: Leonard Bauer

Sent: Tuesday, November 26, 2013 4:35 PM

To: Keith Stahley; Steve Friddle

**Subject: RE: West Cap**

I can take a shot at drafting some zone text amendment language for you to take a look at before the Dec. 6 meeting.

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**From:** Leonard Bauer <[lbauer@ci.olympia.wa.us](mailto:lbauer@ci.olympia.wa.us)>

**To:** Keith Stahley; Steve Friddle

**Subject:** RE: PORM Revisions

**Date:** 12/4/2013 12:06:31 PM

**Attachment N1:** [image002.gif](#)

Here's a first cut at drafting zoning code amendment, for our 1:00 meeting today.

Professional Office/residential Multifamily District (PO/RM).

This district is intended to:

a. Provide a transitional area, buffering from residential areas from more intensive to a mix of residential, office and commercial uses. Development within this district should be compatible with residential uses and generate low to moderate vehicular traffic characteristic of less intrusive uses.

b. Provide for a compatible mix of office, moderate- to high-density

residential, and small to medium-scale commercial uses, in order to provide opportunities for people to live, work, and recreate in a pedestrian-oriented area.

18.06.060 (H). Food Stores. Professional Office/Residential Multifamily

District (PO/RM), and High Density Corridor-1 (HDC-1) Requirements: Food stores are allowed up to a maximum size of five thousand (5,000) square feet of gross floor area. EXCEPTION: In the PO/RM area west of Yaeger Road adjacent to Harrison/Mud Bay Road, maximum gross floor area shall be ten thousand (10,000) five thousand (5,000) square feet per acre, provided that no commercial use shall be larger than 50,000 square feet.

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**From:** Leonard Bauer <[lbauer@ci.olympia.wa.us](mailto:lbauer@ci.olympia.wa.us)>

**To:** [jim@mphholdings.com](mailto:jim@mphholdings.com); Shelby Hentges

**Subject:** Friday meeting on West Cap

**Date:** 12/4/2013 5:29:33 PM

**Attachment N1:** [image001.png](#)

**Attachment N2:** [PORM zoning text proposal - draft.docx](#)

We've drafted some language as a possible PO/RM zone text amendment that we can all discuss on Friday. See you then.

Leonard Bauer/  

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**From:** Leonard Bauer <[lbauer@ci.olympia.wa.us](mailto:lbauer@ci.olympia.wa.us)>

**To:** Keith Stahley; Steve Friddle

**Subject:** RE: PORM Revisions - updated

**Date:** 12/9/2013 1:22:44 PM

**Attachment N1:** [image001.gif](#)

**Attachment N2:** [image002.gif](#)

Per our discussion last week, here's a second draft of potential changes to PO/RM zoning text. Note at the very end of the list below there are two additional uses that were not brought up at the meeting for which there is specific text related to area west of Yauger Road: Equipment Rental Services and Drinking Establishments. The text for these two does differ in that it contains language about uses legally established prior to July 2001 being conforming uses. I took this as a sign the intent is not to consider expansions or larger single buildings with these uses, and so am not suggesting revising the text for them. Your thoughts?

18.06.020

B. The purpose of each commercial district is as follows:

9. Professional Office/residential Multifamily District (PO/RM).

This district is intended to:

a. Provide a transitional area, buffering from residential areas from more intensive to a mix of residential, office and commercial uses. Development

within this district should be compatible with neighboring residential uses and generate low to moderate vehicular traffic characteristic of less intrusive uses.

b. Provide for a compatible mix of office, moderate- to high-density

residential, and small to medium-scale commercial uses, in order to provide opportunities for people to live, work, and recreate in a pedestrian-oriented area.

18.06.040 TABLES: Permitted and Conditional

H. Food Stores. Professional Office/Residential Multifamily District (PO/RM), and High Density Corridor-1 (HDC-1) Requirements: Food stores are allowed up to a maximum size of five thousand (5,000) square feet of gross floor area. EXCEPTION: In the PO/RM area west of Yauger Road adjacent to Harrison/Mud Bay Road, maximum gross floor area shall be ten thousand (10,000) five thousand (5,000) square feet per acre, provided that no single commercial use shall be larger than 50,000 square feet.

J. General Merchandise Stores. Professional Office/Residential Multifamily District (PO/RM), and High Density Corridor-1 (HDC-1) Requirements: General Merchandise stores shall have a maximum size of five thousand (5,000) square feet of gross floor area.

EXCEPTION: In the PO/RM area west of Yauger Road adjacent to Harrison/Mud Bay Road, maximum gross floor area shall be ten thousand (10,000) five thousand (5,000) square feet per acre, provided that no single commercial use shall be larger than 50,000 square feet.

L. Health Fitness Centers and Dance Studios. Professional Office/Residential Multifamily (PO/RM), High Density Corridor-1 (HDC-1), and High Density Corridor-2 (HDC-2) District Requirements: These uses shall have a maximum size of five thousand (5,000) square feet of gross floor area. EXCEPTION: In the PO/RM area west of Yauger Road adjacent to Harrison/Mud Bay Road, maximum gross floor area shall be ten thousand (10,000) five thousand (5,000) square feet per acre, provided that no single commercial use shall be larger than 50,000 square feet.

Y. Specialty Stores.\*

1. High Density Corridor-3 (HDC-3) District Requirements. No drive-through facilities are allowed for retail uses, such as a pick-up window for photo processing.

2. Medical Services (MS) District Requirements. Retail developments such as florists, gift shops and the like may be allowed as a conditional use where it can be demonstrated that the medical community or the consumers of medical services are clearly and primarily benefitted by the convenience of such retail facilities.

3. Neighborhood Retail (NR) District Requirements. Specialty stores are limited to those selling such items as gifts, antiques, variety goods, light hardware, hobby supplies, garden supplies, reading materials and other small items used primarily in a private home.

4. Professional Office/Residential Multifamily District (PO/RM), and High Density Corridor-1 (HDC-1) Requirements. Specialty stores shall have a maximum gross floor area of five thousand (5,000) square feet. EXCEPTION: In the PO/RM area west of Yauger Road adjacent to Harrison/Mud Bay Road, maximum gross floor area shall be ten thousand (10,000) five thousand (5,000) square feet per acre, provided that no single commercial use shall be larger than 50,000 square feet.

\*Specialty Stores. Stores selling antiques, sporting goods and bicycles, marine supplies, glassware and chinaware, books, videos (including rentals), music, cards and stationery, jewelry, toys, hobby supplies, cameras, gifts and souvenirs, sewing supplies, flowers, tobacco products, newspapers and ...

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**From:** Leonard Bauer <[lbauer@ci.olympia.wa.us](mailto:lbauer@ci.olympia.wa.us)>

**To:** [jim@mphholdings.com](mailto:jim@mphholdings.com); Shelby Hentges

**Subject:** FW: PORM Revisions - updated

**Date:** 1/2/2014 1:37:06 PM

**Attachment N1:** image001.gif

**Attachment N2:** image002.gif

Per our discussion at our last meeting, here's an updated draft of potential changes to PO/RM zoning text. Please let me know if you have any additional comments.

As I mentioned to Jim today on the phone, our proposed CPD work program will be reviewed by city council at their retreat Jan. 10-11. It includes this proposed text amendment in the first quarter of 2014, so if council approves the work program, we'll be ready to start the process of the text amendment as soon as we can get it on the planning commission's agenda.

18.06.020

B. The purpose of each commercial district is as follows:

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[goes on to list 18.06.040 TABLES: Permitted and Conditional Uses]

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**From:** Leonard Bauer <[lbauer@ci.olympia.wa.us](mailto:lbauer@ci.olympia.wa.us)>

**To:** Amy Buckler

**Subject:** RE: What is PO/RM issue?

**Date:** 1/31/2014 10:43:58 AM

Basically, current code is overly restrictive on retail uses and inequitable (same small square footage limit regardless of lot size). This change would only affect provisions specific to Kaiser-Harrison area, which is mostly undeveloped. Without changes, very difficult to get mix of uses because office market is non-existent, so would end up with m-f only. Our goal for this zone is mix of uses - this would better provide for that in the current zoning.

Note also that our work program identifies Kaiser/Harrison for a "focus area" plan in 2016, so this change helps ensure the area doesn't develop as strictly m-f residential in the meantime.

## APPLICATION FOR SECRET MEETING

It is the policy of the Olympia Planning Commission to grant secret meetings when circumstances require that the public not be permitted to disrupt communications between the Commission and those who are afraid to have the public hear what they have to say.

**Not everyone qualifies for a secret meeting.** Please fill out this application and we will, in secret, let you know if you qualify for a secret meeting. Please send this application to OPC Chair Max Brown, unless he has already resigned: [brownmh74@gmail.com](mailto:brownmh74@gmail.com) or OPC, 601 4<sup>th</sup> Avenue E. Olympia. 98501.

### Justify Need for Secrecy

1. Are you afraid that members of the public who are knowledgeable about planning and zoning would destroy your arguments if those arguments were made in public? Yes \_\_\_ No
2. Do you want to "incentivize growth" (in Big Box stores) and understand that you, as "the developer," are the expert and the City is your handmaiden? Yes \_\_\_ No

If you answered **yes** to the questions above, you qualify for a secret meeting with the OPC.

### Meeting Particulars:

There are nine commissioners. For secret meetings, we never schedule a majority of OPC members in the same secret meeting so we won't violate the Open Public Meeting Act. You must choose one of these options:

A: Three meetings each with three OPC members? Yes \_\_\_ No

B: Two meetings with four OPC members each. (I employ the ninth OPC member so no need for that member to attend). Yes \_\_\_ No

If you do not employ an OPC member who can be designated to organize your secret meetings, would you like to employ an OPC member? Yes \_\_\_ No

### Avoiding Embarrassment

If a member of the public learns about the secret meetings, do you want the OPC to deny the existence of secret meetings by claiming, "They were private meetings!" Yes \_\_\_ No

If denial does not work, would you like the OPC to invite the City Attorney to an OPC meeting to declare the Open Public Meeting Law was not broken? Yes  No

### Rejecting Secret Meetings

I want the OPC Members to formally reject secret meetings or resign.  Yes \_\_\_ No

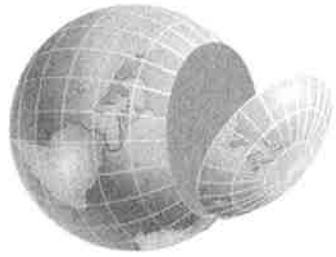
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# Global Inquiries

Worldwide Investigations

Burke Flanagan, *Principal*

We'll contact you.



740004 999 993  
01744 PIA WWA  
19 MAR 2014 PM 4 L



Max Brown  
OPC  
601 4th Ave. E.  
Olympia, WA.  
98501

98501 1 1201



## APPLICATION FOR SECRET MEETING



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### Rejecting Secret Meetings

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Max Brown, Chair

Olympic Planning Commission  
601 4<sup>th</sup> Ave. East

Olympia WA 98501