

Amy Buckler

From: Carl See <seecarl@hotmail.com>
Sent: Monday, May 19, 2014 2:53 PM
To: Amy Buckler
Subject: [BULK] Comments to OPC on rezone criteria

Importance: Low

Olympia Planning Commission,

I write in support of the proposed rezoning criteria, and related issue of the flexible land use map, with some reservations.

The flexible land use map proposal gives me some pause, as it removes a layer of public review (comp plan amendment requirement). That said, as I understand that a public process will remain in place for the zoning changes it would enable, and the re-zone criteria appear to protect from truly misplaced developments. Together, the criteria and flexible land use map may serve as a spark for the gentle densification I support away from areas targeted for more intensive growth.

Even in support, I do think this proposal presents some challenges. The new re-zoning criteria represent a significant change to the zoning process, and may well prove to be lacking in one way or another. This may occur as details are worked out for implementation, or as rezoning proposals go forward. The OPC should anticipate that, and request an update after implementation for consideration of possible revisions, with public input invited.

Some additional thoughts that I think the OPC should stress to staff and Council in approval of these criteria:

1. Implementing a flexible land use map also makes it more important that the city improve information about current land use in each area, such as information about existing density and visualization techniques. It also requires I also requires improved communication about land use and zoning to the public, and how those tie into transportation and growth. The county has done rather nicely with that, but I think the city has done that poorly during the comp plan process, creating some unnecessary conflict.
2. Finally, the flexible land use map may add to the burden upon subarea planning, which will be a challenge if the city, CNA and other potential partners can't establish a strong process with necessary resources.

Best,

Carl See
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Olympia, WA 98501
206-979-1375

Sent from my iPhone

Amy Buckler

From: Jeffrey Jaksich <eastbay4@comcast.net>
Sent: Tuesday, June 03, 2014 10:54 PM
To: 'Jeffrey Jaksich'; Todd Stamm
Cc: Jerome Parker; laikodi@comcast.net
Subject: RE: Rezone Criteria - public comment period ends June 12, 2014

Additional suggested comments for amending the Olympia zoning code information by making them identical to the land use map geo-coded information layers for use on Olympia's ARC-INFO GIS.

These rezone amendment comments need to optimize public involvement and input by allowing it to occur once a year using web friendly GIS applications and geo-coded graphic layers.

Jeff Jaksich

From: Jeffrey Jaksich [mailto:eastbay4@comcast.net]
Sent: Tuesday, June 03, 2014 10:42 PM
To: 'Todd Stamm'
Cc: Jerome Parker; laikodi@comcast.net
Subject: RE: Rezone Criteria - public comment period ends June 12, 2014

Olympia Planning Commission, Todd, et al,

Substance of Proposal to Amend Rezone Criteria Comments

Regarding the substance of the Rezone Amendment Criteria proposal, my concerns and comment revolve around the fact that Todd's proposed amendments to the Rezone Criteria make it more difficult for the public to follow the proposed rezone process. The proposed amending language makes it easier and quicker for the Olympia City staff to modify the City of Olympia's zoning in a reactive and less comprehensive holistic manner. The zoning changes under the proposed language can occur a number of ways present problems to the open transparency required of Washington State laws with regard to planning, zoning, public involvement, and public disclosure. These changes will make the process for changing Olympia zoning less transparent and a lot easier for Olympia staff to manipulate with adequate citizen involvement, review, and public input. The proposed process can be much improved by making it simpler and using Geographic Information System (GIS) technology and numerous layers of geo-coded information essential for the public to review, comment, and help shape new zoning and /or rezoning in Olympia. The GIS technology and geo-coded information layers will allow the public to assist the Olympia Planning Commission, Olympia City Council and appropriate Olympia staff to meet their legal responsibilities in an open, public, efficient, effective, and cost-beneficial manner.

My proposed enhancements to Todd's draft zoning process changes is not to make the changes proposed by Todd. I recommend that we retain the current rezoning processes and procedures, except add better use existing GIS technology, Geo-coded information layers, and imaging technology in support of greater public involvement, review,, and public input toward better implementing Olympia's long-term community visions reflected in the current Olympia Comprehensive Plan as made operational through the current strategic goals and supportive policies by adding related performance measures linked to implementing ordinances, including the Olympia zoning ordinances. Todd's proposed rezoning processes and procedures defeat more public involvement and input in rezoning and shift more say to delegated Olympia staff to the detriment of making the vision in the current Olympia Comprehensive Plan reality by linking Olympia Comprehensive Plan's vision, strategic goals, and supporting policies through the use of performance measures linked to the specifics of zoning and other implementing ordinances. These performance measure linkages were mandated by the Olympia City Council a few years ago and have not been carried out by the Olympia City Manager

and his delegated City staff. The proposed changes allow Todd and other delegated City staff too much discretion in their proposed amendments to the existing rezoning amending processes and procedures as well as lack with required Olympia Comprehensive Plan strategic goals, supporting policies, and linked performance standards that connect Olympia implementing ordinances performance, like specific zoning, in measurable ways that use effective metrics needed to implement the approved Olympia Comprehensive Plan vision reflected in related strategic goals and supporting policies by linking them through the use of linked common performance measures linked between the strategic goals and supporting policies with the zoning ordinances. One of the best ways to link Olympia Comprehensive Plan vision reflected in related strategic goals and supporting policies is the use of geo-coded information layers that use GIS technology and/or Mithune software to compare and contrast linked performance measures in creating the measurable outcomes and/or realities created by rezones, etc. The proposed changes give delegated Olympia planning and other staff too much discretion and allows them “*more room to ‘shake and bake’*” Olympia’s rezoning in a manner with less public involvement and input.

From the attached document-

A. The rezone changes needs to be consistent with the applicable Olympia Comprehensive Plan strategic goals, supporting policies, and common performance measures. Proposed changes, including the Plan’s Future Land Use map as described in subsection (J) below must also be consistent and supportive of achieving the appropriate Comprehensive Plan performance measures and the combined total performance metrics for the related implementing ordinances, like the proposed rezone with a proposed and previously or concurrently approved amendment to the Plan. and

My comment: Why would you not want to assure more certainty that a proposed rezone and its relevant performance measures are consistent with the appropriate strategic goals, supporting policies and the related performance measures in the Olympia Comp Plan and/or developing Olympia Comprehensive Plan Action Plan with its linked Performance Measures in the proposed rezone.

B. The rezone will maintain the public health, safety, or welfare and promote a public interest. and

My comment: What constitutes a *public interest*? Could this be as far-reaching as promoting a CRA eminent domain project? There are some serious concerns about the CRA process being misused and violations to existing State Planning law and when inappropriately apply a violation to Article 15 of the current Washington State “Populist” Constitution.

E. The rezone will not be materially, i.e., *logically and significantly*, detrimental to uses or property in the immediate vicinity of the subject property.

My comment: What do *logically and significantly* add to the mix here? The bar for testing for a rezone being detrimental is being raised by alluding to a pair of pretty squashy measures. Wasn't materially squashy enough? The City Council mandated and approve performance measures in the Olympia Comprehensive Plan and/or the developing Olympia Comprehensive Action must be fully linked performance measures.

G. *Conditions*, which may include the Comprehensive Plan, have substantially changed since the current zoning was adopted.

My comment: What *conditions*? Market conditions? We have had two on-point recent examples where major changes in “Market Conditions” were allowed to dramatically compromise the plan with regard to the long approved and planned “Briggs Village”. The Briggs Village planned development was successfully gutted of much of its commercial element, the part that was supposed to have given residents local services. The Morris amendment was derailed. It would have completely transformed the environs of Harrison and Kaiser, allowing commercial building 5-10 times larger than currently allowed. This would have obviated the desired walkability of the area and potentially created problems for other existing PORM zoned areas of Olympia Washington.

H. The rezone will enable *reasonable* use of private property.

My comment: Not sure how this would be applied, but it almost sounds like a pre-emptive avoidance of a taking.

2) Each Neighborhood Retail or Neighborhood Center district, if any, shall be no further than **four** blocks (approximately 1000 feet) from Neighborhood Center locations indicated on the Future Land Use Map.

My comment: **Four** blocks seems like a lot for the intent of this kind of neighborhood oriented service concentration. This language is problematic for many existing uses and could result in the destruction of current fully functional close in residential neighborhoods and other parts of Olympia that are working well and adding to our quality of life.

3) Districts on the zoning map shall correspond to categories of the Future Land Use Map in accordance with the following table and be consistent with the purposes of each designation. Only those districts listed below are deemed to be consistent with the corresponding Future Land Use map designation, provided that zoning districts in locations enacted prior to January 1, 2014, may remain.

Urban Corridor

High-Density Corridor - 1

High-Density Corridor - 2

High-Density Corridor - 3 (only within area designated High Density Neighborhood Overlay)

High-Density Corridor - 4

General Commercial

Manufactured Housing Park

Mixed Residential 10 to 18 Units per Acre

Residential Multifamily 18 Units per Acre

Residential Multifamily 24 Units per Acre

My comment: Note that the **Urban Corridor** does not allow single-family residential (like the existing use) with the most constraining density set at 18 units per acre! That would seem a prescription for replacing single-family homes with small to medium apartment buildings. This is a clear threat to historic Bigelow neighborhood, etc. that are function as is and close to the Downtown Core. The PORM zoning along the skinny current corridors along State and 4th between Plum/East Bay Drive and Ralph's are intended to protect the historic Bigelow Neighborhood from excessive Downtown encroachment and further destruction of Olympia's quality of life in the historic Bigelow Neighborhood and City staff efforts to expand higher urban densities three or more blocks into close in Olympia residential neighborhoods. These are bogus staff efforts, which clearly hurt Olympia quality of life along 4th and State avenues from Plum/East Bay drive to Ralph's store in order to foolishly attempt Downtown expansion into close in neighborhoods to the Olympia Downtown Core that was limited on the East by Plum and Water Street on the West. Several attempts by misguided City staff that have facilitated Downtown Olympia core decline into vacant lots, empty stores, and massive Downtown areas frequented by heroin addicted people and other dangerous homeless, like drug dealers and level 3 sex offenders. These changes have scared many Olympia residents from frequenting Downtown Olympia.

I is also important to have well-defined operational definitions as these words create real actions and, as Todd noted, courts may be invited to decide. Performance measures linking Olympia Comprehensive Plan strategic goals, supporting policies, and related performance standards.

"It's been noted that developers appreciate predictability. This is an attribute valued by home owners as well. I think the read danger lurking here is the ability to make zoning changes outside the annual Comp Plan amendment process.", according to Walt Jorgensen.

Jeffrey J. Jaksich

Cell: 584-5536

OMC 18.59.050 Decision criteria for rezone requests

The Department shall forward rezone, i.e., zoning map amendment, requests to the Planning Commission for review and recommendation and to the City Council for consideration for review and action. The following criteria will be used to evaluate the each rezone request. A zoning map amendment shall only be approved if the Council concludes that at minimum the proposal complies with subsections A through C. To be considered are whether: [Note, some of the criteria below are in a different order than current code.]

A. The rezone is consistent with either the Comprehensive Plan, including the Plan’s Future Land Use map and identical zoning codes based on identical spatial relationships as described in subsection (J) below, or with a proposed and previously or concurrently approved amendment to the Plan, its strategic goals, supporting policies, and related performance standards. and

B. The rezone will maintain the public health, safety, or welfare and promote a public interest. and

C. The proposed rezone is not only consistent with the Comprehensive Plan strategic goals, supporting policies, and related performance standard as well as the related sub-strategic goals, their related supporting policies, and their related sub-performance standard measure information needed to implement the related development regulation, zoning, other appropriate implementing ordinance and/or other related development regulation and/or any other related implementing ordinances that are needed to fully implement the comprehensive plan and add up to all the appropriate comprehensive plan strategic goals, supporting policies, and appropriate geo-coded performance standard metrics.

D. The rezone is warranted in order to achieve consistency with the Comprehensive Plan geo-coded strategic goals, supporting policies, and related performance measures related geo-coded information layers needed to plan, develop, manage and/or evaluate the rezone consistent with the Olympia Comprehensive Plan strategic goals, supporting policies, and related geo-coded performance standard information and measure (metric) in order to accommodate only those needed land use map changes and those identical supporting zoning code and geo-coded information needed to implement the geo-coded land use maps and the similar geo-coded implementing zoning code information layers (proposed zoning classification) consistent with the Olympia Comprehensive Plan strategic goals, supporting policies, and related geo-coded performance standard and supporting geo-coded information layers needed for reasonable development of the subject property. and

E. The rezone will not be materially, i.e., logically and significantly, detrimental to uses or property in the immediate vicinity of the subject property.

F. The rezone will result in a district that is compatible with adjoining zoning districts; this may include providing a transition zone between potentially incompatible designations.

G. Conditions, which may include the Comprehensive Plan, have substantially changed since the current zoning was adopted.

H. The rezone will enable reasonable use of private property.

I. Public facilities and services existing and planned for the area are adequate and likely to be available to serve potential development allowed by the proposed zone.

J. To ensure consistency between an identical zoning map and the Future Land Use map with regard to all geo-coded information layers in every way so that both maps function in an identical and interchangeable manner on the City of Olympia’s latest version of the ARC-INFO Geographic Information System (GIS), Mithume software, etc. needed for all aspects of Olympia planning, development, management, program and budget evaluation, value-added analysis, etc.:

1) The Future Land Use map needs to be specific with regard to the edges of Land Use designations and the zoning map boundaries and not vary more than 2 feet from the land use designation shown on the Future Land Map.

2) Each Neighborhood Retail or Neighborhood Center district, if any, shall be no further than four blocks (approximately 1000 feet) from Neighborhood Center locations indicated on the Future Land Use Map.

3) Districts on the zoning map shall exactly correspond to categories of the Future Land Use Map in accordance with the following table and be consistent with the purposes of each designation. Only those districts listed below are deemed to be consistent with the corresponding Future Land Use map designation, provided that zoning districts in locations enacted prior to January 1, 2014, may remain

FUTURE LAND USE MAP DESIGNATION

ZONING DISTRICT(S)

Low Density Neighborhoods

- Residential--1 Unit per 5 Acres
- Residential Low Impact
- Residential - 4 Units per Acre
- Residential -- 4 to 8 Units per Acre
- Residential - 6 to12 Units per Acre (only when adjacent to similar or higher density zoning district)

Medium Density Neighborhoods

- Residential Multifamily-- 18 Units per Acre
- Residential Multifamily-- 24 Units per Acre

Mixed Residential

- Mixed Residential 7-13 Units per Acre
- Mixed Residential 10-18 Units per Acre

| | |
|--|---|
| Neighborhood Centers | Neighborhood Retail |
| Residential Mixed Use | Neighborhood Center District |
| | Residential Mixed Use |
| | Urban Residential |
| Planned Developments | Urban Waterfront - Housing |
| | Residential Mixed Use |
| | Residential Multifamily - High Rise |
| | Community Services - High Density |
| | Planned Unit Developments |
| | Neighborhood Village District Community-Oriented Shopping Center |
| | Urban Village District |
| Professional Office & Multi-family Housing | Professional Office / Residential Multi-family used in a manner that separates residential neighborhoods from other land uses |
| Urban Corridor | High-Density Corridor - 1 should first and foremost protect all aspects of close in historic neighborhoods and/or close-in established residential neighborhoods close-in to the Downtown Neighborhood core |
| | High-Density Corridor - 2 |
| | High-Density Corridor - 3 (only within area designated High Density Neighborhood Overlay) |
| | High-Density Corridor - 4 |
| | General Commercial |
| | Manufactured Housing Park |
| | Mixed Residential 10 to 18 Units per Acre |
| | Residential Multifamily 18 Units per Acre |
| | Residential Multifamily 24 Units per Acre |
| Urban Waterfront | Urban Waterfront |
| Central Business District | Downtown Business |
| General Commerce | General Commercial |
| Auto Services | Auto Services |
| Medical Services | Medical Services |
| Light Industry | Light Industrial (Commercial) |
| Industry | Industrial |

From: Todd Stamm [<mailto:tstamm@ci.olympia.wa.us>]
Sent: Friday, May 30, 2014 8:36 AM
To: Carl See; waltjorgensen@comcast.net; jacobsoly@aol.com; eastbay4@comcast.net
Subject: Rezone Criteria - public comment period

Gentlemen,

This email is a quick reminder to you as interested parties, that the Planning Commission extended the period for submitting written comments on the 'rezone criteria' proposal to **5 p.m., Thursday, June 12, 2014**. If you or other interested parties want to take advantage of this extension, you may submit comments to the Commission care of me at tstamm@ci.olympia.wa.us, by mailing to Olympia Community Planning, Box 1967, Olympia, WA. 98507, or by dropping them off at City Hall. Note that to ensure consideration comments must be received before the deadline.

Thanks for your interest, and let me know if you have any questions,

Todd Stamm

Principal Planner
Olympia Community Planning and Development Department
601 Fourth Avenue East; Box 1967
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June 10, 2014

Olympia Planning Commission
City of Olympia
P.O. Box 1967
Olympia, WA 98507-1967

Dear Planning Commission,

Olympia Master Builders (OMB) is a not-for-profit trade association committed to providing affordable housing for all segments of society. OMB and its members strongly believe that its mission is best achieved in an economic environment that protects and operates on free market principles. The proposed rezone requirement that a rezone must “promote a public interest” runs counter to those principles, and is the latest in an accumulating list of reasons why development in Olympia has become risky and rare.

OMB understands that property owners generally have no legal right to a rezone, but to add a vague and subjective requirement to the equation—one that also could potentially hold for ransom the use of private property to extract some sort of public benefit from its owner—is another example of why Olympia has not seen the kind of development contemplated by the pending Comprehensive Plan Update. Instead of reducing the regulatory burden that Olympia’s builders and developers face in order to spur and support infill development, the City continues to make it harder for developers to create the types of projects it says it wants.

If Olympia is to see the revitalization it so desires, we should allow innovation, creativity, and optimum market responsiveness, and not subject property owners to added regulations, reviews, and subjective and unpredictable standards. For these reasons, OMB urges you to reject from the new rezone criteria the requirement that a rezone must promote a public interest.

Sincerely,

Adam Frank
Government Affairs Director

Amy Buckler

From: Stuart drebick <adroitci@comcast.net>
Sent: Thursday, June 12, 2014 1:05 PM
To: Todd Stamm
Cc: cpdinfo
Subject: comments on rezone criteria
Attachments: rezone.pdf

See attached letter.

Thanks,
Stuart

ADROIT

CONTRACTORS INC.
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ADROIT

CONTRACTORS, INC.

GENERAL CONTRACTING
COMMERCIAL – RETAIL - INDUSTRIAL

June 12, 2014

Olympia Planning Commission

Comments on Rezone criteria changes

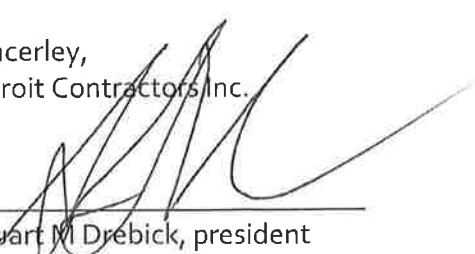
Again you are making changes that will make development more difficult in Olympia. In particular requiring a rezone to "promote a public interest" is way too subjective. What is "public Interest" ?

This is a further taking of private property rights.

The development community wants and needs certainty and clear rules for development to occur. Adding an undefined and subjective criteria does not provide certainty in any way.

The subjective standard, "promote a public interest," undermines the rule of law. With no clear definition of what constitutes a public interest, those seeking rezones will be subject to the ideological makeup of the Planning Commission. Which I do not think wants development to occur. Or rather they may want it, but only if it fits within the small vision they have, not based on market realities. If the plan does not match with market realities, nothing will be built. Which is one of the main reason so little has been developed downtown.

Sincerley,
Adroit Contractors Inc.



Stuart M Drebeck, president

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