

**From:** [David Nemens](#)  
**To:** [Nancy Lenzi](#)  
**Subject:** FW: Add'l Submittal Re: Trillium Rezone #11-0152  
**Date:** Wednesday, August 22, 2012 4:47:33 PM  
**Attachments:** [2nd Suppl Trillium Rezone final.pdf](#)

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

From: Amy Buckler  
Sent: Wednesday, August 22, 2012 4:23 PM  
To: David Nemens  
Subject: FW: Add'l Submittal Re: Trillium Rezone #11-0152

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

From: Pat Allen [<mailto:AllenP@co.thurston.wa.us>]  
Sent: Wednesday, August 22, 2012 4:23 PM  
To: Amy Buckler  
Cc: Jim Bachmeier; Cliff Moore  
Subject: Add'l Submittal Re: Trillium Rezone #11-0152

Amy:

Attached is a short supplement to my oral testimony on the Trillium Rezone. I received feedback after my testimony that there may have been some misunderstanding on Thurston County's position.

Please forward to the Planning Commission consistent with the record remaining open until Friday at 4pm.

Thanks,

T. Pat Allen, P.E.  
Senior Civil Engineer-SW Manual  
Thurston County Dept. of Resource Stewardship - Water Resources  
(360) 867-2078  
[Allenp@co.thurston.wa.us](mailto:Allenp@co.thurston.wa.us)



COUNTY COMMISSIONERS

Cathy Wolfe  
District One

Sandra Romero  
District Two

Karen Valenzuela  
District Three

**DEPARTMENT OF RESOURCE STEWARDSHIP  
WATER RESOURCES DIVISION**

*Creating Solutions for Our Future*

Cliff Moore  
Director

**TRILLIUM COMPREHENSIVE PLAN AMENDMENT & REZONE  
CITY OF OLYMPIA FILE #11-0152**

**TO:** City of Olympia Planning Commission

**FROM:** Pat Allen, P.E., Sr. Civil Engineer,  
Thurston County Water Resources Division

**DATE:** August 22, 2012

**SUBJECT:** **Clarification of Oral Testimony by Thurston County to Planning Commission on August 20, 2012.**

Dear Commissioner's:

It has come to my attention that during my oral testimony to the Planning Commission on August 20, 2012 regarding the Trillium property rezone that my testimony could have been misinterpreted.

Thurston County's position is as stated in the conclusion of our written supplemental information provided to the Planning Commission on August 20<sup>th</sup>:

Until such time as that work [Chambers Basin Plan Update] can be completed the County supports site specific rezone of properties that result in reduced impervious surface, increased retention of native vegetation and trees, and stormwater practices that reduce stormwater volume and peak flow rates. Thurston County also supports a comprehensive evaluation of the proposed zoning within [the] entire Chambers Basin area as part of the current Comprehensive Plan Update process. This might include a determination that the Chambers Basin is a sensitive watershed that warrants a lower allowed density and/or low impact development zoning throughout.

Thank you for your consideration of our comments and I hope this clarifies our position on the rezone request for the Trillium property.

**From:** [John Cusick](#)  
**To:** [David Nemens](#)  
**Subject:** Following Up on Our Phone Conversation  
**Date:** Wednesday, July 25, 2012 11:30:40 AM

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Hi David,

Following up on our conversation earlier today, the specific residential zoning that would seem to be worthy of consideration for new development within the Chambers Basin is "Residential Low Impact" codified in OMC 18.04.020 (B) (2):

Residential Low Impact (RLI). To accommodate some residential development within sensitive drainage basis at densities averaging from two (2) to four (4) units per acre, provided that the development configuration avoids stormwater and aquatic habitat impacts.

The well-documented and longstanding stormwater issues in the Chambers Basin and its subsequent downstream drainage into the Deschutes River and Puget Sound would seem to warrant some analysis of this zoning option.

Thanks again for getting back to me. Please let me know if there's any further information I may provide.

John Cusick

**From:** [John Cusick](#)  
**To:** [David Nemens](#)  
**Subject:** Fwd: Trillium Rezone - Draft SEIS  
**Date:** Wednesday, August 08, 2012 6:21:09 PM

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David -- please ignore my request -- I just now noticed page 2, which answers my question.

John

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

**Subject:** Trillium Rezone - Draft SEIS  
**Date:** Wed, 08 Aug 2012 18:16:08 -0700  
**From:** John Cusick <[john@cnssecure.com](mailto:john@cnssecure.com)>  
**To:** David Nemens <[dnemens@ci.olympia.wa.us](mailto:dnemens@ci.olympia.wa.us)>

Hi David,

Although our Wilderness Property Owner's Association has yet to receive official notice (I assume it's coming), Lou was kind enough to forward the following earlier today. Is it possible to obtain a copy of the Draft SEIS?

Thanks.

John Cusick

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NOTICE OF OLYMPIA PLANNING COMMISSION PUBLIC HEARING  
Trillium Comprehensive Plan Amendment & Rezone Request and  
NOTICE OF AVAILABILITY  
of Draft Supplemental Environmental Impact Statement for the 2012  
Comprehensive Plan Amendment Docket  
PLANNING COMMISSION PUBLIC HEARING

The Olympia Planning Commission will hold a public hearing on the Trillium Comprehensive Plan Amendment & Rezone request on Monday August 20, 2012, 6:30 p.m. in the Olympia City Council Chambers, 601- 4<sup>th</sup> Avenue E., Olympia, WA 98501. The purpose of the hearing is for the Olympia Planning Commission to receive public comments prior to making a recommendation to the City Council on the following Comprehensive Plan Amendment and Rezone Request:

Case name: Trillium Comprehensive Plan Amendment & Rezone (File#11-0152)

Applicant: SSHI, LLC (doing business as DR Horton), 12931 NE 126<sup>th</sup> Place, Kirkland, WA 98034

Request: Change the Comprehensive Plan designation of an 80-acre property from

the existing Neighborhood Village (NV) to a proposed Residential 6-12 (R 6-12) or alternatively, Residential 4-8 (R 4-8); and make the corresponding change to the City's zoning map.

Location: 3355 Morse-Merryman Road (south side of Morse-Merryman Road, east of LBA Park)

Staff contact: David Nemens, Associate Planner  
(360) 753-8062, e-mail: [dnemens@ci.olympia.wa.us](mailto:dnemens@ci.olympia.wa.us).

You are invited to attend and give testimony regarding the above request. Written comments may be submitted prior to the close of the hearing by email to [dnemens@ci.olympia.wa.us](mailto:dnemens@ci.olympia.wa.us), by postal mail to Community Planning and Development Department, PO Box 1967, Olympia, WA 98507, or delivered to City Hall, 601 4<sup>th</sup> Avenue East, Olympia, WA 98501.

If you need special accommodations, please call (360) 753-8314 at least 48 hours in advance and ask for the ADA Coordinator.

Page 2 of 2

## DRAFT SUPPLEMENTAL ENVIRONMENTAL IMPACT STATEMENT FOR THE 2012 COMPREHENSIVE PLAN AMENDMENT DOCKET

The City of Olympia is conducting environmental review on the annual Comprehensive Plan Amendment docket, which consists of the following three requests:

1. Proposed updates to the Parks, Arts, and Recreation Chapter of the Comprehensive Plan to ensure the chapter is consistent with the 2010 Parks, Arts & Recreation Plan. This update will allow for the adoption of a new park impact fee rate.

2. The Capital Facilities Plan (CFP) is updated on an annual basis, and is a plan for how the City schedules, locates, and anticipates costs and revenue sources for capital improvement projects citywide. The 2013-2018 CFP is available to review online at [www.olympiawa.gov](http://www.olympiawa.gov).

3. A request by SSHI, LLC (doing business as DR Horton) to change the Comprehensive Plan Future Land Use Map designation of an 80-acre property located at 3355 Morse-Merryman Road (south side of Morse-Merryman Road, east of LBA Park), from Neighborhood Village (NV) to Residential 6-12 (R 6-12) or alternatively, Residential 4 – 8 (R 4-8); and to make the corresponding change to the City's zoning map.

A Draft Supplemental Environmental Impact Statement (SEIS) analyzing the environmental impacts of these requests will be available on August 15, 2012.

Copies of the Draft SEIS may be viewed at the Olympia Library or at the Community Planning and Development Department offices in Olympia City Hall. (Please note that the Olympia Planning Commission held a public hearing on requests #1 and #2 above on Monday, August 6, 2012. The Planning Commission public hearing on request #3 is scheduled for Monday, August 20, 2012.)

Comments on the Draft SEIS may be submitted by email to Cari Hornbein, [chornbein@ci.olympia.wa.us](mailto:chornbein@ci.olympia.wa.us), by postal mail to SEPA Official, Community Planning and Development Department, PO Box 1967, Olympia, WA 98507, or delivered to City Hall, 601 4th Avenue East, Olympia, WA 98501. Comments will be accepted until 5:00 p.m., Friday, September 14, 2012.  
COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT

**From:** [David Nemens](#)  
**To:** [Nancy Lenzi](#)  
**Cc:** [Steve Friddle](#)  
**Subject:** FW: Trillium CPA/Rezone Comment Letter - BCE #12381  
**Date:** Friday, August 24, 2012 3:46:30 PM  
**Attachments:** [cf\\_20120824154511.pdf](#)  
**Importance:** High

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Just came in; I haven't read it yet.

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**From:** Chris Ferko [mailto:[cferko@barghausen.com](mailto:cferko@barghausen.com)]  
**Sent:** Friday, August 24, 2012 3:45 PM  
**To:** David Nemens  
**Cc:** Tia B Heim; Duana Kolouskova (Kolouskova@jmmlaw.com); File; Scanning  
**Subject:** Trillium CPA/Rezone Comment Letter - BCE #12381  
**Importance:** High

David,

Enclosed please find our comment letter regarding the Trillium CPA/Rezone application. A hard copy will be delivered to the City by end of day.

Thank you.

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Chris S. Ferko, AICP  
Senior Planner

Barghausen Consulting Engineers, Inc.  
(425) 251-6222 – office  
(425) 656-7442 – direct  
[cferko@barghausen.com](mailto:cferko@barghausen.com)



August 24, 2012  
HAND DELIVERY

David Nemens  
City of Olympia  
Community Development Department  
601 – 4th Avenue East, 2nd Floor  
Olympia, WA 98501

RE: 2012 Comprehensive Plan Amendment – Trillium Parcel  
3355 Morse Merryman Road, Olympia, Washington  
Assessor's Parcel No. 11830420000  
Our Job No. 12381

Dear David:

On behalf of D.R. Horton, please accept the following comments regarding the Comprehensive Plan Amendment and Rezone request for the Trillium property. D.R. Horton has requested a rezone of the Trillium property to a similar but slightly less dense zoning designation based on the fact that the City Council's denial of the Trillium Master Plan indicated that there was no way to design a master plan for the Trillium property that was approvable under the City's interpretation of their Code and Comprehensive Plan. Without a master plan approval, D.R. Horton cannot make any use of their Trillium property under the current zoning designation.

At the public hearing, the members of the public urged the Planning Commission to disregard the applicant's request and rezone the property to a significantly less dense zone, and many urged the Planning Commission to rezone the property in a manner that would prohibit any development of the property whatsoever. There is simply no basis to support any of these requests from the neighboring property owners. These comments are provided to supplement the application and to respond to public testimony given at the August 20, 2012, public hearing.

1. **Transportation:** Development of the Trillium property at the proposed density would contribute to substantial transportation improvements in the area. The improvements would increase capacity, improve circulation, mitigate project impacts, and add new multimodal options not currently in existence. The improvements would be constructed by the developer, or by the City using traffic impact fees (Trillium's estimated traffic impact fee totaled \$1.3 million). The potential improvements include:
  - a. Roundabout at the intersection of Morse Merriman Road and Boulevard Road
  - b. Roundabout at the intersection of Morse Merriman Road and Wiggins Road
  - c. Extension of Log Cabin Road from Bentrige to Trillium's east property line
  - d. Extension of Hoffman Road south of the Morse Merriman Road intersection
  - e. Turn lane addition at the intersection of Morse Merriman Road and Hoffman Road
  - f. New curb, gutter, landscape strip, and sidewalks on Morse Merriman Road



g. New bike trails and walkways through the development

h. New safe pedestrian crossing on Morse Merriman Road

Development of the property at a lower density would reduce the scale of road improvements constructed by the developer. The developer would also pay less in impact fees. Thus, existing deficiencies addressed by a higher density project would not be mitigated until another project or funding mechanism materializes.

If the land were to remain vacant, the existing transportation deficiencies would not be addressed until the City has enough funds to construct the improvements. The timeline could be indefinite if the City assigns higher priority to other projects. The City would also not benefit from new construction or impact fees collected from the project.

Transportation concerns are not an appropriate basis to support a substantial down-zone of the Trillium property.

2. **Schools:** The school district is responsible for setting its own policies regarding capacity and student school assignment. Ongoing change in demographics and economic conditions means that ultimately, the evaluation of school district requirements should and will be made at the time of project review and not via the rezone process. The school district routinely evaluates and modifies policies regarding capacity, impact fees, and facilities. These policies are used to evaluate development proposals at the time they are submitted, and to establish appropriate mitigation measures at that time.

With regard to the Trillium proposal, the Olympia Hearing Examiner found on April 28, 2011, that the school district has adequate capacity for Trillium's future growth and that students would not be housed in portables. The Examiner's findings are based on direct testimony provided by the Olympia School District in late March 2011.

Concerns about school district policies or capacity are not an appropriate basis to support a substantial down-zone of the Trillium property.

3. **Stormwater:** It is unnecessary to reduce the zoning classification of this property to low density when compliance with the City's Stormwater Manual is already mandatory. The property cannot be developed unless it meets the standards of the Manual regardless of zoning classification. The Manual requires detention and treatment of stormwater with a release rate below or equal to the existing condition.

In the context of the previously proposed Trillium Master Plan, the City staff found the stormwater design for the Trillium project was consistent with the Stormwater Manual. The design demonstrates that stormwater management is achievable for higher density development on the property. The City removed the Trillium property from the Chambers Basin moratorium based on the same understanding.

The proposed R6-12 and R4-8 zones have a lower density standard than the Neighborhood Village zone, and therefore would also be able to provide stormwater management consistent with the Manual.

David Nemens  
City of Olympia  
Community Development Department

- 3 -

August 24, 2012

Stormwater concerns are not an appropriate basis to support a substantial down-zone of the Trillium property.

Thank you for your consideration of these comments. Should you have any questions please contact me at (425) 656-7442 or at [cferko@barghausen.com](mailto:cferko@barghausen.com). Thank you.

Respectfully,



Chris S. Ferko, AICP  
Senior Planner

CSF/dm

12381c.018.doc

enc: As Noted

cc: Tia Heim, D.R. Horton (w/enc)

Duana Koloušková, Johns Monroe Mitsunaga Koloušková, PLLC (w/enc)

Jason G. Hubbell, Barghausen Consulting Engineers, Inc.

**From:** [David Nemens](#)  
**To:** [Nancy Lenzi](#)  
**Subject:** FW: Testimony for Trillium Development  
**Date:** Monday, August 27, 2012 8:14:00 AM  
**Attachments:** [Testimony for City Oly.pdf](#)  
[ATT00001.htm](#)

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**From:** Regina Figueroa [mailto:[regina\\_d@me.com](mailto:regina_d@me.com)]  
**Sent:** Friday, August 24, 2012 4:44 PM  
**To:** David Nemens  
**Subject:** Testimony for Trillium Development

Hi,

Enclosed please find my testimony re:

Trillium Comprehensive Plan Amendment & Rezone (File#11-0152)

Thank you,

Regina Figueroa-Diaz

August 24, 2012

Regina Figueroa-Diaz  
3218 Hoffman Rd SE  
Olympia, WA 98501

Dear Commissioners,

I attended the hearing on Monday, the 20<sup>th</sup> of August, but did not offer oral testimony. I appreciate the opportunity to address you via this written submission. My position is that the maximum zoning this land can possibly sustain is low impact development zoning such as RLI or R4-CB. Below is my reasoning for that assertion:

**1. The land's physical capability to support development is limited**

**This property is not just any 80-acre parcel that can be developed in a traditional manner. It is, in fact, a forest that lies within an environmentally sensitive basin and already offers numerous benefits including: water infiltration, evapotranspiration, biofiltration and pollutant decomposition. Stormwater management is a key physical limiting factor for this plot of land.**

The requested medium-high density traditional zoning still allows for large impervious surfaces which rely on stormwater storage and infiltration. Infiltration is not possible for a large portion of the site, as described by DR Horton's engineering consultant in the Stormwater Site Plan for the Trillium Master Plan:

"Due to small lot sizes, roof infiltration within most lots is problematic. In addition, substantial amounts of earthwork are required on-site to prepare the site for road construction and home building. The earth moving equipment is likely to compact existing soils and make them unsuitable for infiltration." "In some areas, large amounts of fill (in excess of 3 ft) will be required to achieve lot pads and will render the lots not suitable for infiltration."

Thus, the developer and the City are counting on a pipe on Wiggins Road to be located under the current ditch to convey the flow to Chambers Ditch. But Chambers Ditch is already prone to flooding, and the potential to result in significant adverse environmental impacts is high.

Under the City of Olympia's Best Management Practice in the current Stormwater Manual T5.20, preferably 65% or more of a site should be protected "for the purposes of retaining or enhancing existing forest cover and preserving wetlands and stream corridors." That description perfectly matches the situation of the Trillium plot, and to assure it is implemented the site must be zoned either R4-CB or RLI.

The benefits to the community would be: storm water retention, lower pollutant loads, conservation of a significant portion of the forest, and a degree of habitat conservation.

*Why re-examine the stormwater issue in light of the moratorium decision of 2008?*

The moratorium study did not address comprehensive basin issues. Multi-jurisdictional basin planning has not occurred since 1995. The Chamber/Ward/Hewitt Comprehensive Drainage Basin Plan was prepared by Thurston County Storm and Surface Water Program on July, 1995. Much has changed since then.

The moratorium did not adequately address the increased flooding risk to properties downstream of the proposed pipe connection to the Chambers Ditch from the Trillium site and other upland contributing areas. The moratorium did not include an analysis of how low density and low impact development zoning in the upland contributing area, in particular restrictions on total impervious surfaces and significant conservation of the forest and native vegetation, would mitigate the stormwater dilemma. The pipe solution proposed hoped to address only the on-site and immediately adjacent valley floor flooding issues to the east of Wiggins Rd.

During the 2008 moratorium, the record shows that the only option analyzed for the upland contributing area was an engineered pipe solution. Though the moratorium report mentions other options, no supporting evidence is available that any of the other options were actually considered and analyzed. On the contrary, the intent of extending the moratorium, was clearly different for areas east and west of Wiggins Rd. as Mr. Stamm explained in the attached e-mail:

*“For the area west of Wiggins Road, most of which is land that slopes toward the lowlands to the east of Wiggins Road. We think the problems **of flooding of Wiggins Road and possibly of runoff reaching areas to the east** can be addressed by installing a new stormwater line under the ditch on the Westside of Wiggins Road. We propose that this line be installed or funded by developers of property west of Wiggins Road and have asked the Council for up to six more months to identify how to ensure that developers are required to do so.” [emphasis added]*

*“Thus for both areas we are recommending that on April 3 the council extend the moratorium— but for different reasons—in the area to the east [of Wiggins Rd] we would still be studying the drainage problem, in the area to the west we would be working with legal counsel.”*

Such a position is not surprising, given that the focus of the moratorium was preventing flooding on the valley floor east side of Wiggins road. The idea was the pipe solution would prevent the Trillium site from impacting the valley floor on the east side of Wiggins. But, what would happen to the downstream area south of where the pipe waters would flow into the Chambers Ditch, outside City limits? It was not addressed. The City received many comments regarding this huge deficiency. Nonetheless, the City rezoned *only* the valley floor east of Wiggins to a lower density, a low impact development zone termed R4-CB that limits the total impervious surfaces and promotes dispersion of stormwater.

**2. The character of surrounding neighborhoods will be impacted negatively under either the R-4-8 or R 6-12 scenarios**

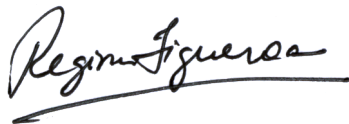
The Bentrige site, located adjacent to the Trillium site, is the highest zoning around (NV), and it hasn't been built yet. (It is important to note that the drainage for Bentrige will not be conveyed to the Chambers Ditch. ) So, the impact of that development on our area's schools, roads, open spaces and parks, particularly LBA Park has not yet materialized. Even so, the area is already experiencing the pressures of the following:

- Excessive traffic with no transit service. My neighborhood will be further transformed from a peaceful, relatively quiet one into a busy, noisy one.
- Lack of adequate open and green spaces (LBA Park is often overcrowded on weekends and during the baseball season);
- Schools are at capacity.

Other than that yet to be built NV, the rest of my immediate neighborhood is composed of low density (R-4 or lower). Frankly, higher density could not materialize due to drainage problems. In fact, I was just speaking to our next door neighbors (3230 Hoffman Rd) this week about the drainage the bank required them to install in order to be able to purchase their house.

In closing, I'd like to point out that Olympia is a city conscious of the well being of its people and of the natural environment. The proposed zoning is outside the norm for this particular location. Please recommend to the City Council a low impact development zoning such as RLI or R4-CB.

Yours truly,

A handwritten signature in black ink that reads "Regina Figueroa". The signature is written in a cursive style and is underlined with a single horizontal stroke.

Regina Figueroa-Diaz

3/23/07

**Todd Stamm**

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To: housek@msn.com  
Subject: Chambers moratorium

Mr. House,

A short answer to your phone message. The City staff believes that responses to flooding and drainage problems south of Chambers Lake east and west of Wiggins Road are distinctly different. East of Wiggins Road we are recommending that the City Council provide six more months to study the situation to identify proposed appropriate zoning changes and/or stormwater facility improvements that are needed.

For the area west of Wiggins Road, most of which is land that slopes toward the lowlands east of Wiggins Road. We think the problems of flooding of Wiggins Road and possibly of run-off reaching areas to the east can be addressed by installing a new stormwater line under the ditch on the westside of Wiggins Road. We propose that this line be installed or funded by developers of property west of Wiggins Road and have asked Council for up to six more months to identify how to ensure that developers are required to do so.

Thus for both areas we are recommending that on April 3 the Council extend the moratorium - but for different reasons - in the area to the east we would still be studying the drainage problem, in the area to the west we would be working with legal counsel. A staff report on this topic will be available on the City Council portion of the City website next Friday. Should you have any questions or comments please feel free to contact me at your convenience.

*Todd Stamm*  
Planning Manager  
Olympia Community Planning and Development Department  
837 Seventh Ave. SE; Box 1967  
(360) 753-8597; Fax 753-8087  
tstamm@ci.olympia.wa.us

*Note: This message and any reply may be subject to public disclosure.*

**From:** [Cristiana Figueroa-Kaminsky](#)  
**To:** [David Nemens](#)  
**Subject:** Rezone- parcel in Chambers Basin  
**Date:** Tuesday, August 07, 2012 10:48:21 AM

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David,

I am following up on our brief phone conversation today. Below are my questions:

1. Will RLI zoning be included in your analysis?
2. What will the structure of the planning commission hearing be? Will they impose time limits on speakers?
3. Will the City Council have a separate hearing?
4. Have any portions of the Trillium record been submitted into this record? Please provide a list of the exhibits currently on this record.

I am including my phone number below in case you would like to phone me. However, e-mail is perhaps the best way to get a hold of me.

Regards,

-Cristiana Figueroa

438-6524



**From:** [David Nemens](#)  
**To:** "[Cristiana Figueroa-Kaminsky](#)"  
**Cc:** [Steve Friddle](#); [Cari Hornbein](#)  
**Subject:** RE: Rezone- parcel in Chambers Basin  
**Date:** Wednesday, August 08, 2012 11:52:00 AM

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Cristiana –

We think that the inclusion of R-4 in the Draft SEIS will provide an appropriate comparison to the requested zones (R 6-12 and/or R 4-8) and the existing Neighborhood Village (NV) zone in terms of allowed uses, densities, and development standards. Inclusion of R-4 in the Draft SEIS analysis will allow the Planning Commission and Council to compare the impacts of the requested R 6-12 and R 4-8 zones with the impacts of a lower density zone.

I hope this answers your question.

-- David

**David Nemens**  
Associate Planner  
Community Planning & Development  
601 4th Ave E  
P.O. Box 1967  
Olympia, WA 98507-1967  
Office: (360) 753-8062

**This email is subject to public disclosure**

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**From:** Cristiana Figueroa-Kaminsky [mailto:[cristianamfk@gmail.com](mailto:cristianamfk@gmail.com)]  
**Sent:** Tuesday, August 07, 2012 11:00 PM  
**To:** David Nemens  
**Subject:** Re: Rezone- parcel in Chambers Basin

Thanks very much for your response, David. What is the reasoning behind not including RLI?

On Tue, Aug 7, 2012 at 5:20 PM, David Nemens <[dnemens@ci.olympia.wa.us](mailto:dnemens@ci.olympia.wa.us)> wrote:  
Cristiana –

We are waiting to hear back from the Planning Commission chair to address your Question #2, regarding the issue of time limits for speakers.

I can answer your other questions now.

We are including the following comprehensive plan designations and zoning districts in our analysis: Neighborhood Village (NV, the current designation and zoning); Residential 6-12 and Residential 4-8 (R 6-12 and R 4-8, the applicant's requested designation and zoning); and

Residential 4 (R-4, a lower-density single family district).

Our City Code states that the Planning Commission shall hold a public hearing on the comprehensive plan amendment docket, and that the City Council may hold a hearing. The Council will make the decision whether to hold its own hearing.

Currently, the record for the Trillium comprehensive plan amendment and rezone request consists of the application materials submitted by the applicant earlier this year in applying for the amendment and rezone: an application form and supplement form, a SEPA checklist, copies of the City's current comprehensive plan future land use map and zoning map; and a list and labels of adjacent property owners to be provided notification of the hearing. (Note that the City is supplementing this list with the names and addresses of parties of record from the earlier Trillium proceedings.)

I will get back to you when we hear back from the Planning Commission chair.

Thanks!

-- David

**David Nemens**

Associate Planner  
Community Planning & Development  
601 4th Ave E  
P.O. Box 1967  
Olympia, WA 98507-1967

Office: [\(360\) 753-8062](tel:3607538062)

This email is subject to public disclosure

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**From:** Cristiana Figueroa-Kaminsky [mailto:[cristianamfk@gmail.com](mailto:cristianamfk@gmail.com)]

**Sent:** Tuesday, August 07, 2012 10:48 AM

**To:** David Nemens

**Subject:** Rezone- parcel in Chambers Basin

David,

I am following up on our brief phone conversation today. Below are my questions:

1. Will RLI zoning be included in your analysis?
2. What will the structure of the planning commission hearing be? Will they impose time limits on speakers?
3. Will the City Council have a separate hearing?
4. Have any portions of the Trillium record been submitted into this record? Please provide a list of the exhibits currently on this record.

I am including my phone number below in case you would like to phone me. However, e-mail is perhaps the best way to get a hold of me.

Regards,

-Cristiana Figueroa

438-6524

**From:** [David Nemens](#)  
**To:** "[Cristiana Figueroa-Kaminsky](#)"  
**Subject:** RE: Rezone- parcel in Chambers Basin  
**Date:** Monday, August 13, 2012 11:30:00 AM

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Cristiana,

Yes, the R 4 district also has impervious surface limits. The information below is excerpted from a larger table in the City's Uniform Development Code (Title 18 OMC).

DISTRICT	R4	R 4-8	R 6-12	Neighborhood Village
MAXIMUM BUILDING COVERAGE	35% 60% = townhouses	45% = .25 acre or less 40% = .26 acres or more 60% = townhouses	55% = .25 acre or less 40% = .26 acres or more 70% = townhouses	50 %
MAXIMUM IMPERVIOUS SURFACE COVERAGE	45% 70% = Townhouses	55%=.25 acre or less 50% = .26 acre or more 70% = Townhouses	65%=.25 acre or less 50% = .26 acres or more 70% = Townhouses	70%

I hope this helps.

-- David

**David Nemens**  
Associate Planner  
Community Planning & Development  
601 4th Ave E  
P.O. Box 1967  
Olympia, WA 98507-1967  
Office: (360) 753-8062

This email is subject to public disclosure

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**From:** Cristiana Figueroa-Kaminsky [mailto:[cristianamfk@gmail.com](mailto:cristianamfk@gmail.com)]  
**Sent:** Monday, August 13, 2012 9:18 AM  
**To:** David Nemens  
**Subject:** Re: Rezone- parcel in Chambers Basin

David,

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I hope this answers your question.

-- David

**David Nemens**

Associate Planner  
Community Planning & Development  
601 4th Ave E  
P.O. Box 1967  
Olympia, WA 98507-1967

Office: [\(360\) 753-8062](tel:3607538062)

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**From:** Cristiana Figueroa-Kaminsky [mailto:[cristianamfk@gmail.com](mailto:cristianamfk@gmail.com)]

**Sent:** Tuesday, August 07, 2012 11:00 PM

**To:** David Nemens

**Subject:** Re: Rezone- parcel in Chambers Basin

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Regards,

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438-6524

**From:** [Cristiana Figueroa-Kaminsky](#)  
**To:** [David Nemens](#)  
**Subject:** Re: Rezone- parcel in Chambers Basin  
**Date:** Tuesday, August 14, 2012 9:34:34 AM

---

Indeed, it helps. Thanks very much for the table, David. I notice that the R-4 goes in the right direction in terms of maximum impervious coverage towards alleviating the storm water problem. However, it falls far short of the benefits that could be derived from low impact zoning.

For instance, 45% impervious coverage in R-4 is still quite high for an upland area that contributes to the Chambers Basin valley floor that already floods periodically. R4-CB, for instance, limits building coverage to 6%-18%. Table 18.04.080 doesn't have the figure for the maximum building coverage or impervious surface coverage for RLI in terms of percentage.

Have the City's engineering and hydrology staff had an opportunity to comment on which zoning would be most beneficial towards alleviating flooding not just in the immediate downstream valley floor, but further downstream where the proposed pipe would meet Chambers Ditch?

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MAXIMUM IMPERVIOUS SURFACE COVERAGE	45%  70% = Townhouses	55% = .25 acre or less  50% = .26 acre or more  70% = Townhouses	65% = .25 acre or less  50% = .26 acres or more  70% = Townhouses	70%

I hope this helps.



-- David

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**From:** Cristiana Figueroa-Kaminsky [mailto:[cristianamfk@gmail.com](mailto:cristianamfk@gmail.com)]  
**Sent:** Monday, August 13, 2012 9:18 AM  
**To:** David Nemens

**Subject:** Re: Rezone- parcel in Chambers Basin

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I will get back to you when we hear back from the Planning Commission chair.

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Regards,

-Cristiana Figueroa

438-6524



**From:** [David Nemens](#)  
**To:** ["Cristiana Figueroa-Kaminsky"](#)  
**Cc:** [Steve Friddle](#)  
**Subject:** RE: Rezone- Trillium parcel in Chambers Basin  
**Date:** Wednesday, August 15, 2012 8:31:00 AM

---

Cristiana –

Thanks again for your comments.

The City's engineering and hydrology staff have provided site-specific comments on the Master Plan proposal. We will be soliciting further comments from them on the comprehensive plan amendment and rezone request before the PC deliberates.

-- David

**David Nemens**  
Associate Planner  
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438-6524

**From:** [Cristiana Figueroa-Kaminsky](#)  
**To:** [David Nemens](#)  
**Subject:** Re: SEIS availability  
**Date:** Thursday, August 16, 2012 9:00:20 PM

---

Thanks, David. Nancy kindly sent me the document.

Would you please provide me with the spreadsheet that was used to create Table 5, Estimated number of dwelling units per zoning designation?

Also, I noticed that a potential mitigation measure listed is:

"Mitigation measures for the land use, housing, and neighborhood character impacts noted above could include the adoption of a zoning text amendment to remove the transit service requirement in the NV zone."

Wouldn't such approach go against our current and proposed comprehensive plan?

Lastly, I noticed that there is no staff recommendation. When will the staff recommendation be made?

Thanks, again, for your assistance.

-Cristiana

On Thu, Aug 16, 2012 at 10:44 AM, David Nemens <[dnemens@ci.olympia.wa.us](mailto:dnemens@ci.olympia.wa.us)> wrote:

Good Morning Cristiana,

We had computer problems yesterday and as a result the DSEIS was not issued as planned. We intend to issue it today. We will bring a copy of the document to the Olympia library by the end of the day.

We certainly can send you an electronic copy.

-- David

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**From:** Cristiana Figueroa-Kaminsky [mailto:[cristianamfk@gmail.com](mailto:cristianamfk@gmail.com)]

**Sent:** Thursday, August 16, 2012 6:38 AM

**To:** David Nemens

**Subject:** SEIS availability

Good Morning, David,

The SEIS was not available yesterday afternoon at the Olympia Library. Do you have an electronic copy of it available? If so, please send it to me.

Thanks.

-Cristiana

**From:** [Cristiana Figueroa-Kaminsky](#)  
**To:** [David Nemens](#)  
**Subject:** Re: SEIS availability  
**Date:** Saturday, August 18, 2012 7:04:44 AM

---

Thanks, David, for your thorough response.

On Fri, Aug 17, 2012 at 12:36 PM, David Nemens <[dnemens@ci.olympia.wa.us](mailto:dnemens@ci.olympia.wa.us)> wrote:

Hi Cristiana –

We did not create a spreadsheet to create Table 4: Estimated Number of Dwelling Units, or Table 5: Estimated Trip Generation, so there is nothing to send to you. (By the way, I think some of the tables were renumbered after you received a copy of the document via email; the complete document, along with other materials for the Planning Commission packet, can be found at <http://olympia.legistar.com/MeetingDetail.aspx?ID=206511&GUID=2855C3BB-6B59-41D7-8888-61E6DFFB80E9&Options=info|&Search=> )

Table 4: Estimated Number of Dwelling Units was largely based on information from the Thurston Regional Planning Council's Buildable Lands Report (2007, revised 2008). Here is a link to that document:

<http://trpc.org/regionalplanning/landuse/Documents/Buildable%20Lands/BuildableLandsReportforThurstonCounty2007.pdf>

Other assumptions used to create that table were listed as footnotes.

If you think that the Final SEIS should include additional spreadsheets or tables, please include that comment with any other comments you may have on the Draft SEIS, and send these comments to Cari Hornbein, the City's SEPA Official, at [chornbei@ci.olympia.wa.us](mailto:chornbei@ci.olympia.wa.us) prior to 5 PM on Monday September 17.

The policy issue you raise is a good one; I imagine that it will be discussed by the Planning Commission during their deliberations.

We will include a staff recommendation in the Staff Report we prepare for the Planning Commission's deliberations on the Trillium comprehensive plan amendment and rezone request. That meet is tentatively scheduled for September 10, 2012.

-- David

**David Nemens**

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**From:** [gusnlou@aol.com](mailto:gusnlou@aol.com)  
**To:** [David Nemens](mailto:David.Nemens)  
**Subject:** Re: July 30th Neighborhood Meeting Questions - BCE #12381  
**Date:** Friday, July 27, 2012 4:29:37 PM

---

This is the message I received from Chris Ferko.

Lou,

I spoke with DR Horton and they will try to send a representative to the meeting. Thanks.

---

Chris S. Ferko, AICP  
Senior Planner

Barghausen Consulting Engineers, Inc.  
(425) 251-6222 – office  
(425) 656-7442 – direct  
[cferko@barghausen.com](mailto:cferko@barghausen.com)

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

From: David Nemens <[dnemens@ci.olympia.wa.us](mailto:dnemens@ci.olympia.wa.us)>  
To: 'gusnlou@aol.com' <[gusnlou@aol.com](mailto:gusnlou@aol.com)>  
Sent: Fri, Jul 27, 2012 1:37 pm  
Subject: RE: July 30th Neighborhood Meeting Questions - BCE #12381

Thanks, Lou.

I listened to your voice message, but it appears that you already found my email address. Please let me know if you still need to speak with me about anything else. Thanks!

-- David

**David Nemens**  
Associate Planner  
Community Planning & Development  
601 4th Ave E  
P.O. Box 1967  
Olympia, WA 98507-1967

Office: (360) 753-8062

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---

**From:** [gusnlou@aol.com](mailto:gusnlou@aol.com) [<mailto:gusnlou@aol.com>]  
**Sent:** Friday, July 27, 2012 12:53 PM  
**To:** David Nemens  
**Subject:** Fwd: July 30th Neighborhood Meeting Questions - BCE #12381



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

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

To: cferko <[cferko@barghausen.com](mailto:cferko@barghausen.com)>

Sent: Fri, Jul 27, 2012 12:42 pm

Subject: Re: July 30th Neighborhood Meeting Questions - BCE #12381

Hi Chris

At the request of the city, we are having this meeting, so that we can have an open discussion on the rezoning of the Trillium property. If you have something to contribute to this discussion we would welcome your attending. It will be at 7PM at the Grace Community Church at the corner of Wiggins Rd and Yelm Hiway.

We have no formal format. Just letting people listen and talk.

Please let us know if you will be attending.

Thank You

Lou Guethlein

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

From: Chris Ferko <[cferko@barghausen.com](mailto:cferko@barghausen.com)>

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

Sent: Wed, Jul 25, 2012 2:48 pm

Subject: July 30th Neighborhood Meeting Questions - BCE #12381

Gus and Lou,

As you may know, I am a consultant for DR Horton on the Trillium CPA/Rezone application. A couple of days ago I sent the email below to David Nemens at the City of Olympia asking a couple questions about your neighborhood meeting next Monday. We are curious if the invitation is open to the public or just to selected attendees? If it's open to the public, what format will the meeting have?

Thanks very much.

---

Chris S. Ferko, AICP  
Senior Planner

Barghausen Consulting Engineers, Inc.  
(425) 251-6222 – office  
(425) 656-7442 – direct  
[cferko@barghausen.com](mailto:cferko@barghausen.com)

---

**From:** Chris Ferko  
**Sent:** Monday, July 23, 2012 3:42 PM  
**To:** David Nemens  
**Cc:** File  
**Subject:** Trillium - neighborhood meeting questions - BCE #12381

David,

Thanks for our discussion over the last couple of days regarding the Trillium application. You indicated that Lou Guethlein will be holding a neighborhood meeting on July 30<sup>th</sup>, and that you will attend from the City. We haven't received notice of the meeting, and therefore do not know if it is open to the public or just to selected attendees. Could you please forward this email to Lou Guethlein as our request to find out? We would also be interested in learning the format of the meeting if this information is available.

Thank you.

---

Chris S. Ferko, AICP  
Senior Planner

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## David Nemens

---

**From:** hjsbach [hjsbach@aol.com]  
**Sent:** Wednesday, August 15, 2012 11:56 AM  
**To:** David Nemens  
**Subject:** Trillium

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

Has he (Horton) dedicated land for school use? I'll bet not. Trillium is a nightmare.

**From:** [hjsbach](#)  
**To:** [David Nemens](#)  
**Subject:** Trillium  
**Date:** Wednesday, August 15, 2012 11:55:48 AM

---

Has he (Horton) dedicated land for school use? I'll bet not. Trillium is a nightmare.

**From:** [Chris Ferko](#)  
**To:** [David Nemens](#)  
**Cc:** [Duana Kolouskova \(Kolouskova@jmmlaw.com\)](#); [Tia B Heim](#); [File](#); [Scanning](#); [Steve Friddle](#)  
**Subject:** FW: Letter requesting recusal of Comm'r Leveen with respect to DR Horton comp plan amendment request - BCE #12381  
**Date:** Friday, August 17, 2012 10:13:39 AM  
**Attachments:** [Ltr-Planning Commission\\_001.pdf](#)

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David,

Please see below/enclosed regarding Monday's public hearing. Thank you.

---

Chris S. Ferko, AICP  
Senior Planner

Barghausen Consulting Engineers, Inc.  
(425) 251-6222 - office  
(425) 656-7442 - direct  
cferko@barghausen.com

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

From: Duana Kolouskova [<mailto:Kolouskova@jmmlaw.com>]  
Sent: Friday, August 17, 2012 8:37 AM  
To: 'abuckler@ci.olympia.wa.us'; 'cpdinfo@ci.olympia.wa.us'; Darren Nienaber  
Cc: Chris Ferko; Tia B Heim; Robert Shirley (robertshirleyattorney@hotmail.com)  
Subject: Letter requesting recusal of Comm'r Leveen with respect to DR Horton comp plan amendment request

Good morning -

Please find attached hereto correspondence respectfully requesting that Commissioner Leveen recuse himself from the Planning Commission's review of DR Horton's comprehensive plan amendment request.

Mr. Shirley, I've provided you with a courtesy copy of this correspondence as legal counsel for OSSC.

Thank you for your consideration.

Duana Koloušková  
Johns Monroe Mitsunaga Koloušková, PLLC  
Bellefield Office Park - Alderwood Building  
1601 114th Avenue S.E., Suite 110  
Bellevue, WA 98004  
(425) 467-9966 (direct)  
(425) 451-2818 (fax)  
[www.jmmklanduselaw.com](http://www.jmmklanduselaw.com)



Johns Monroe  
Mitsunaga Koloušková  
PLLC

Robert D. Johns • Michael P. Monroe • Darrell S. Mitsunaga • Duana T. Koloušková

Olympia Planning Commission  
Attn: Mr. Rob Richards  
Comprehensive Plan Update Chair  
P.O. Box 1967  
Olympia, WA 98507-1967

August 16, 2012

VIA EMAIL  
[abuckler@ci.olympia.wa.us](mailto:abuckler@ci.olympia.wa.us)  
[epdinfo@ci.olympia.wa.us](mailto:epdinfo@ci.olympia.wa.us)  
AND U.S. MAIL

Re: Request For Recusal of Mr. Larry Leveen with respect to Trillium Comprehensive Plan Docket Request

Dear Honorable Commissioners:

We are the attorneys for DR Horton with respect to its Comprehensive Plan amendment request related to property commonly known as Trillium. We understand the Planning Commission will begin its review of this request and hold a public hearing on August 20, 2012.

We are writing you to respectfully request that Mr. Larry Leveen recuse himself from the Planning Commission's consideration of DR Horton's comprehensive plan amendment request. Mr. Leveen previously disclosed that he is a member of the Olympia Safe Streets Campaign ("OSSC") Board of Directors.

OSSC is an intervenor in pending litigation between DR Horton and the City of Olympia, the subject matter of which is the Trillium property and the City's denial of a proposed Master Plan under the current Neighborhood Village designation and zoning. OSSC also actively participated before the City during its staff, Hearing Examiner and City Council review and decision-making process on the Master Plan. OSSC took an active advocacy role regarding development of the property and OSSC's advocacy interests related thereto, particularly bicycle and pedestrian connectivity considerations.

The basis for our concern and for our request is that Mr. Leveen's involvement in any review, applications or other proceedings related to this application would violate our client's rights to procedural due process, to be free from conflicts of interest and the Appearance of Fairness Doctrine, as codified in RCW Chapter 42.36. Simply put, by sitting on the Board of Directors for OSSC which is actively involved in the pending litigation, Mr. Leveen has evidenced an actual, advocacy interest related to the Trillium property and DR Horton's development. Under the Appearance of Fairness Doctrine, the issue is not whether Mr.

Olympia Planning Commission  
Attn: Mr. Rob Richards  
August 16, 2012  
Page 2

Leveen is actually biased. The issue instead is whether, by his associations, statements, actions, or ex-parte contacts, it would appear to a reasonable person that he cannot review and decide this matter fairly and without bias.

The appropriate remedy requires more than Mr. Leveen merely refraining from voting on any Trillium-related matter. It would not be proper for Mr. Leveen to participate in any way in any review related to the Trillium amendment request, including being present in the room during hearings and advising or consulting with the other members of the Commission or City staff. *Buell v. City of Bremerton*, 80 Wn.2d 518 (1972); *Hayden v. City of Port Townsend*, 28 Wn.App. 192 (1981); *See also*, 17 Wash. Practice, *Real Estate: Property Law*, Section 4.14, Appearance of Fairness Doctrine (Wm. Stoebuck).

DR Horton does not broker any animosity whatsoever towards Mr. Leveen. DR Horton also highly respects OSSC's work and advocacy. However, we do not make this request lightly. The law requires that he discontinue any role as a Commissioner or quasi-judicial official on any matters related to the Trillium property so as to allow for impartial review and maintain a lawful appearance of fairness.

Accordingly, we respectfully request that Mr. Leveen recuse himself from further participation in the Planning Commission review and recommendation regarding the Trillium Comprehensive Plan amendment request. Please include this request in all relevant City files. Furthermore, pursuant to RCW 42.36.060, please ensure that a full and complete disclosure is made on the record by Mr. Leveen of any written and/or oral ex-parte communications he has had to date concerning DR Horton, the Trillium property and this comprehensive plan amendment request.

Sincerely,



Duana T. Koloušková

Direct Tel: (425) 467-9966

Email: kolouskova@jmmlaw.com

cc: Mr. Darren Nienaber  
Mr. Robert Shirley, legal counsel for OSSC  
Client

**From:** [Cari Hornbein](#)  
**To:** [David Nemens](#)  
**Subject:** FW: deadlines  
**Date:** Monday, August 20, 2012 11:49:11 AM

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Sending your way for follow-up....

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

From: Jim Lazar [<mailto:jim@jimlazar.com>]  
Sent: Monday, August 20, 2012 10:18 AM  
To: Cari Hornbein  
Subject: deadlines

What is the deadline for written comment on the Trillium rezone?

What is the deadline for written comment on the SDEIS addressing the Trillium rezone?

--

Jim Lazar, Consulting Economist  
1063 Capitol Way S. #202  
Olympia, WA 98501  
360 786 1822 jim@jimlazar.com



**From:** [David Nemens](#)  
**To:** [Nancy Lenzi](#)  
**Subject:** FW: Attention Planning Commission  
**Date:** Monday, August 27, 2012 8:16:57 AM  
**Attachments:** [Lazar Trillium Comment to Planning Commission 08242012.pdf](#)

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

From: Amy Buckler  
Sent: Monday, August 27, 2012 7:55 AM  
To: David Nemens  
Subject: FW: Attention Planning Commission

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

From: Jim Lazar [<mailto:jim@jimlazar.com>]  
Sent: Friday, August 24, 2012 3:54 PM  
To: Amy Buckler; cpdinfo  
Subject: Attention Planning Commission

My comments on the Trillium rezone are attached.

--

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

August 18, 2012

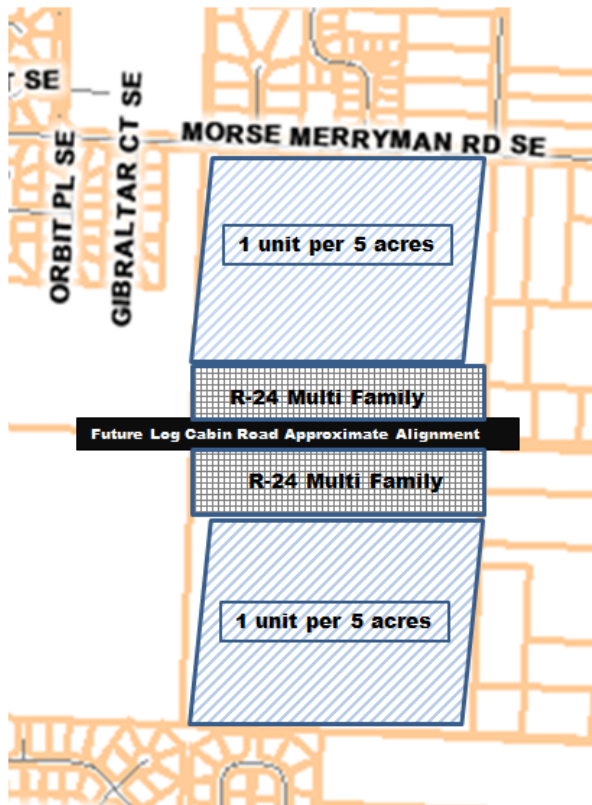
Olympia Planning Commission  
Box 1967  
Olympia, WA 98507

RE: Comment on Proposed Trillium Rezone

I was a participant in the Trillium Master Plan Application as part of an organization, but am submitting this comment as an individual, not as a part of any group.

My participation gave me a deep understanding of the challenges associated with developing this particular parcel. I think that the Planning Commission should move this proposed rezone into a two-step process, so that the environmental and development issues can be adequately considered.

I recommend that the Commission defer a decision on Trillium at this time, and spend adequate time studying a variety of alternatives. One that I think should be considered is to zone the portions of the parcel immediately adjacent to the Log Cabin Road alignment for high-density housing (R-24), and the areas north and south of that as one unit per five acres (rural), with the expectation that they would remain largely undeveloped so that storm water issues do not become a threat to adjacent properties. The map below generally shows this concept:



### ***Example Trillium Zoning***

High-density residential along Log Cabin Road to achieve housing unit goal; rural density on other areas to reduce storm water impact.

## The Problem

The challenge here is that full build-out of this property would create stormwater challenges of severe proportions. These have not been fully defined or resolved. There was extensive testimony on this, from experts, from the County, and from citizens before the Hearing Examiner during 2010. The Hearing Examiner never ruled on the storm water issues for this property, because that was a part of the process that comes after the Master Plan Application, which was denied by the City Council.

During the Master Plan Application, the developer asserted that it was impossible to design the property to comply with the city's connectivity standards (a road or bike/ped connection consistent with the street spacing criteria, meaning every 250-350 feet) and still have adequate stormwater management systems in place. Instead they wanted to design in huge "moats" around the perimeter, that would not have any road, bike, or pedestrian connections across them. Even with these huge moats, both adjacent neighbors and the representatives from Thurston County testified that there would be significant off-site stormwater impacts that were unacceptable.

It is recognized that to prevent significant damage to nearby streams, the "right" level of development is the 65-10-0 standard in the Department of Ecology Stormwater Manual for Western Washington, meaning 65% retention of forest cover, 10% impervious surface, and 0% off-site runoff. The existing Neighborhood Village zoning does not comply with this, and the proposed low-density single-family residential zoning does not comply with this.

If the developer was telling the truth that it was not possible to install all required streets and bicycle/pedestrian connections and provide adequate stormwater systems, then **no conventional zone – R 4-8, R 6-12 – will work any better than the current Neighborhood Village zoning.**

## A Workable Alternative

Given that constraint, I believe that the best use of this parcel would be to:

- a) Proceed with Log Cabin Road, for ultimate connection through to Lacey;
- b) Zone for multi-family or condominium housing along Log Cabin Road; and
- c) Leave the balance of the property in a less-developed state.

The densely developed area along Log Cabin Road could be R-24 (multifamily), with structured parking. The remainder could be a more rural zoning designation, such as one unit per five acres. In this manner, the development on this site could conform to the well-recognized 65/10/0 stormwater low-impact development standard for the overall parcel, but still achieve the goal of approximately 500 dwelling units. The total number of dwelling units might be the same as the current zoning, but in a very different configuration. That multi-family development would be compatible with future extension of transit service along Log Cabin Road through to Lacey (perhaps a re-routing of the current Intercity Transit #68 or #94 routes).

This is a complex option, that requires analysis beyond what is reasonable in the current comprehensive plan amendment cycle. There may be other options equally worthy of consideration.

To ensure that the best decision is made, more options need to be on the table, and all of them need to be examined in the accompanying EIS. The recently released Draft Supplemental EIS is woefully inadequate to guide the Planning Commission in consideration of this parcel. It does not measure the off-site impacts of stormwater from each of the possible alternative zones for this property.

My suggestion is that the Planning Commission use this hearing as a scoping process, then direct Staff to prepare a location-specific EIS looking at each option in detail with respect to stormwater impacts. Others have suggested that the Residential Low Impact zone be applied. I think it is also relevant to consider a mix of R-24 and one-unit per five-acre zone, typical of rural zoning. And, as I have suggested, consolidating all of the development along Log Cabin Road, with little or no development at all on the remainder of the property is a relevant option.

All options that come before the Planning Commission that have promise should be examined in this location-specific EIS. An outside consultant with expertise in stormwater and low-impact development should be retained to assist the development of that EIS. Then and only then, the Planning Commission should determine the appropriate zoning for the property. I do not believe it is possible to complete this in the current cycle, and I don't believe the Planning Commission should attempt to do so.

The Applicant's proposal is not acceptable. If it was impossible to build this parcel to the Neighborhood Village zoning requirements and provide both required connectivity and adequate stormwater systems, then it is equally impossible to develop it to the R 4-8 or R 6-12 standards. Accepting the Applicant's proposal is simply not a reasonable option.

The Planning Commission should direct preparation of a location-specific EIS, evaluating the stormwater impacts of a variety of alternative, assuming full compliance with the City's stormwater and connectivity standards in each alternative.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Lazar". The signature is written in a cursive, flowing style.

Jim Lazar  
1907 Lakehurst Dr. SE  
Olympia, WA 98501

**From:** [Amy Buckler](#)  
**To:** [David Nemens](#); [Darren Nienaber](#)  
**Subject:** FW: I will not be at tonight's OPC meeting  
**Date:** Monday, August 20, 2012 2:20:18 PM

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fyi

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**From:** Larry Leveen [mailto:larryleveen@comcast.net]  
**Sent:** Monday, August 20, 2012 1:49 PM  
**To:** Amy Buckler  
**Cc:** Steve Friddle; Amy Buckler  
**Subject:** I will not be at tonight's OPC meeting

I will not be attending tonight's meeting, and furthermore I will recuse myself from any deliberations regarding the Trillium rezone request.

---

Larry Leveen

OlyBikes  
124 State Avenue NE  
Olympia, WA 98502  
360-753-7525  
[www.olybikes.com](http://www.olybikes.com)

## David Nemens

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**From:** Amy Buckler  
**Sent:** Wednesday, August 08, 2012 3:57 PM  
**To:** David Nemens  
**Cc:** Mary Nolan  
**Subject:** FW: Former Trillium Development rezoning request: 8/20/2012 Agenda

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

FYI ... (Mary, thanks for forwarding this comment. Any more comments may be copied to David Nemens also, the project lead on the Trillium Rezone)

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**From:** CityCouncil  
**Sent:** Wednesday, August 08, 2012 2:29 PM  
**To:** 'Shipley Emails'  
**Cc:** Councilmembers; Steve Hall; Keith Stahley; Amy Buckler  
**Subject:** RE: Former Trillium Development rezoning request: 8/20/2012 Agenda

Thank you for your comments. I will forward them on to all Councilmembers and appropriate staff. This item is scheduled to come before Planning Commission on August 20. The Planning Commission's recommendation will be forwarded to the full Council at a future date.

*Mary Nolan*

*Executive Secretary*  
**CITY OF OLYMPIA**  
**PO Box 1967**  
**Olympia, WA 98507**  
**(360) 753-8244**

Please note that all correspondence is subject to public review.

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**From:** Shipley Emails [<mailto:IITTI@COMCAST.NET>]  
**Sent:** Tuesday, August 07, 2012 3:20 PM  
**To:** CityCouncil  
**Subject:** Former Trillium Development rezoning request: 8/20/2012 Agenda

From Ed & Charlyn Shipley, 4533 Claridge Drive S.E. Olympia 98501/Wilderness Homeowners/Chambers Basin: We cannot attend the meeting and want to make a comment.

We oppose the 13/8 density request. It does not comply with Thurston County Storm Water Management for the Area and will directly affect our neighborhood by flooding from storm water run off by the 80 acres in the proposed rezoning request.

The development will start in 2015 and will need to comply with new state "'Rain Garden low-impact development' practices. The maximum density the acreage can handle is 4 unites per acre.

Also, there must be a plan to address the large populations of deer, opossums, coyotes, raccoons, a bear, and a cougar that will inundate our neighborhoods when they start clearing the 80 acre habitat. Our pets and children will be in danger. What will you do to insure our safety?

Thank you for your consideration.

**From:** [John R. Van Eenwyk](#)  
**To:** [David Nemens](#)  
**Cc:** [VanEenwyk, Juliet](#); [wpoa](#)  
**Subject:** trillium  
**Date:** Friday, August 17, 2012 7:56:03 AM

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With regard to Trillium Comprehensive Plan Amendment & Rezone (File#11-0152), we are concerned about the following:

- 1) no plan is in place to mitigate the flooding that impervious surfaces in the Trillium development will cause in surrounding neighborhoods
- 2) no plan is in place to mitigate overcrowding in local schools
- 3) no plan is in place to provide public transportation to the new development
- 4) no plan is in place to preserve current trails between the Newcastle and Wilderness housing projects and LBA park. These trails have been in use for decades and will now be destroyed, forcing families, children, and the elderly to cross streets, walk in roads, and negotiate curbs.
- 5) The land in question contains wetlands and wildlife. No plans are in place to preserve or mitigate damage to these sensitive environmental areas.

In short, D. R. Horton's plans for Trillium development will impose severe hardships on surrounding communities, restrict access to a public park, and destroy the ecology of the area. We who have lived here and paid taxes for multiple years deserve at least some consideration of these concerns. So far, the city has admirably performed that task. We encourage the city to continue to do so.

The Rev. Dr. John R. Van Eenwyk  
Dr. Juliet Van Eenwyk  
4440 Frontier Dr SE  
Olympia, WA 98501  
360-493-1592



**From:** [Cari Hornbein](#)  
**To:** [Nancy Lenzi](#)  
**Subject:** FW: Comments to Planning Commission of 8/20/12 re: Trillium  
**Date:** Monday, September 17, 2012 8:55:40 AM  
**Attachments:** [Trillium Forest Plants and Animals.docx](#)

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Nance –

This comment came in over the weekend. Can you please “file”?

Thanks,

Cari

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**From:** Robert Wadsworth [mailto:[rwadsrk@gmail.com](mailto:rwadsrk@gmail.com)]  
**Sent:** Sunday, September 16, 2012 3:44 PM  
**To:** Cari Hornbein  
**Subject:** Comments to Planning Commission of 8/20/12 re: Trillium

Cari Hornbein:

Please find attached my presentation to the Olympia Planning Commission meeting of August 20 regarding the Trillium rezone. I distributed paper copies to the commissioners at the meeting but understand I must send you a copy as well.

Thanks for considering these comments

Bob Wadsworth  
5704 Brenner Road

## Trillium Forest, a Bird Refuge

Trillium Forest is a refuge to birds and other wildlife in the middle of an urban environment. With the continued march of forestland clearing, such refuges are disappearing and wildlife wind up with nowhere else to go. It's little wonder that songbird populations are declining.

Birds and other animals we see in our neighborhoods need more than street trees and ornamental yard plants to carry out their lifecycle. They often require a larger patch of solid forest to overwinter, breed and forage. Research has shown that many birds are more successful in larger forest patches than in small ones. It is not sufficient to assume that if there are no endangered species that there is no wildlife impact from forest removal.

Development of Brentridge and Trillium could remove nearly half the acreage of the remaining solid patches of forest in the Chambers basin. The City of Olympia needs to recognize the impact of this loss to the quality of life of our wildlife as well as to our citizens.

This forest provides habitat for a number of birds we wouldn't otherwise see in urban areas, yet it is only a couple of blocks from many homes. Neighbors can see these birds as they come and go from the forest. I've seen families of hawks, owls and ravens with young birds in this forest. These are birds more commonly seen in rural areas. The spectacular western tanager, two species of hummingbird, black headed grosbeak, and pileated woodpecker with their bright colors and striking songs are all here.

Each season brings a different assortment of birds. I've identified 54 bird species that use this forest at least part of the year. In the spring and summer, a number of species arrive from California, Mexico and Central America to nest here. Other species that have overwintered here move north or into the mountains to breed. In the fall, the parent and young migrants are fat and ready for the long flight back. Birds that migrated north in the spring return either to stay here or to refuel and continue on their way south. This forest is a fueling stop for birds as they fly through on their way north or south. It is also a refuge for those who will overwinter.

The secret of this forest is that it has an abundant assortment of food and shelter for birds. The Trillium forest is relatively young. There are a few trees of 24 inch diameter but most are 12-16 or smaller. There is a well-

developed understory of small trees, shrubs and herbaceous plants. These plants supply berries, foliage and seeds used by insects, birds and other wildlife. The insects in turn are food for a great number of birds.

As you walk through the forest, you'll come across small birds such as chickadees, kinglets, warblers or bushtits hopping from branch to branch picking off small insects. Flycatchers and swallows catch bugs on the wing. You'll hear towhees shuffling through dry leaves on the ground searching for grubs or small worms. You might see cedar waxwings with their crest and silky plumage picking Indian plum berries or cherries. You might hear woodpeckers digging tree trunks for tree-boring insects; or hummingbirds zooming as they display for their mate or zip between flowers.

A forest is much more than street trees and landscaped yards, especially when the trees and plants are non-native and which were never part of the habitat in which these birds evolved. Every time we lose a forest from our urban areas, we lose contact with these magnificent bird species. If this forest disappears, there is one less place for our birds to breed, overwinter or to stop over and replenish themselves for the long migration. This forest is worth more to the community than another bunch of houses.

Below is a list of trees, plants and birds of the D.R. Horton property.

Overstory trees: Douglas-fir, big leaf maple, red alder, western red cedar.

Small trees and shrubs: filbert, Indian plum, cherry, serviceberry, dogwood, ocean spray, Oregon grape, salal, honeysuckle, elderberry, snowberry, red flowering currant, several rose species, several kinds of blackberries.

Herbaceous layer: bleeding heart, inside-out flower, false lily of the valley, trillium, Indian pipe, sword and bracken fern, and many others.

Bird species (54 identified):

Winter visitors: varied thrush, golden crowned and ruby crowned kinglets, pine siskin

Summer visitors and nesters: black headed grosbeak, flycatchers (2 spp), cedar waxwings, warblers – Wilson, black throated gray, orange crowned and yellow rumped, warbling vireo, cooper's hawk, band-tailed pigeon,

swallows, swifts, rufous hummingbird, western tanager, Swainson's thrush, brown headed cowbird, warbling vireo, chipping sparrow

Year round residents: spotted towhee, brown creeper, robin, woodpeckers (downy, hairy, pileated, red breasted sapsucker), flicker, Anna's hummingbird, winter (pacific) and be wick's wrens, evening grosbeak, Steller's jay, black capped and chestnut backed chickadee, red breasted nuthatch, Hutton's vireo, song sparrow, white crowned sparrow, dark eyed junco, – purple and house finches, goldfinch, red tailed hawk, barred and great horned owl, Bushtit, killdeer, crow, raven.

Robert Wadsworth  
5407 Brenner Rd NW  
Olympia, 98502

## David Nemens

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**From:** jlzahn@comcast.net  
**Sent:** Wednesday, August 15, 2012 9:41 PM  
**To:** David Nemens  
**Subject:** Attn: Update- Planning Commission Hearing for Trillium Rezone and EIS

**Please use this copy of Zahn testimony, earlier transmittal got cut off**

### James L. Zahn

3323 Yelm Highway S.E.  
Olympia, Washington 98501

August 15, 2012

To: Olympia Planning Commission and governing agencies (hearing for Trillium rezone request on Aug. 20, 2012)

Attn: David Nemens, Associate Planner in charge

Gentlemen:

The longstanding issue of drainage from development in Chambers Basin has led to stymied development activity. Concern: Is it possible to develop the whole basin according to the zoning ordinances in place without impacting the environment and property downstream? The resounding answer by all responsible engineering professionals is **no**. The '94-'95 Chambers Basin Plan shows graphically and technically that, at build-out, the environment downstream (along Chambers Ditch) will be severely changed due to flooding. It has been proven over and over that the capacity of the ditch is incapable of handling both increased flows and metered flows. The 100 year old ditch was dug to claim wet-land basin ackerage for agricultural purposes. Prior to the ditch, the federal government geographic and mapping surveys of 1889 show quite conclusively that their was no drainage outlet to Chambers Lake except for the immediate surrounding wet lands. These surrounding wetlands were turned into farms upon being drained by digging the ditch. More recently they are being developed into residential neighborhoods. This history begs the question; Can development of this area meet the regulation that requires storm water runoff not exceed predevelopment flows? Again, the resounding answer is **no**, because there was no predevelopment runoff! Now there is a large seasonal flow!

Eventhough runoff is not supposed to increase per regulation, we know for a fact that every little mud hole, every little pipe, every driveway, every downspout, every road improvement, every retention pond has violated the regulation. The cities themselves have violated their own regulations by slowing flows down yet engineer pipes and drains that still carry greater and greater volumes, ala Phones Rd. and Wiggins Rd. stormwater systems. Planners have attempted to get around the negative impacts by yet more regulations. They attempted to place down stream drainage property into "Shoreline Management Area" whereby newly inundated property would be regulated out of the hands and control of its owners. This ploy failed on the basis of the definition of the waterway. Chambers Ditch cannot be considered a "waters of the state" because it is an intermittent flow not meeting the defined 20 cubic feet per second average. Owners and engineers have documented the adverse affects of increased flooding downstream. Planners on the other hand have

opted for a strategy of flooding to provide a regional stormwater preserve and ignoring the environmental changes that would take place. So, what would happen with increased flows? Already the ditch is over capacity. Flooding is overtaking farm land and forest land on Zahn Place. Trees are dying and losses of viable and productive ground is rapidly occurring. Many small animals would disappear. Question: Is it Zahn's responsibility to provide for stormwater runoff and retention for new development upstream?

A large meeting in 2008 took place at Zahn's place to find a solution to the drainage problem. The meeting was chaired by Cynthia Stuart from Thurston County. Engineers and planners and directors from each of the City of Olympia and Thurston County were present as well as the State Department of Fish and Wild Life. A walk-through and discussion resulted in Ms. Stuart declaring three alternatives to the increasing problem: 1) Buy the affected property from Zahn, 2) Provide that Zahn legally improve the ditch capacity, 3) Do nothing.

The city engineers clearly opted for # 1) buying Zahn property, without concluding who, what, when, how much and all other details.

Fish and Wild Life produced a JARPA application without any suggestions how to accomplish the many thousands of dollars costs and compliance with all the required studies. In the past they declared that it would likely be denied.

County storm water engineers have consistently claimed no responsibility for private property improvements and declared the cost to be extremely expensive. They acknowledge culvert crossing capacities, their responsibility, have been breached by ever increasing flows.

From Zahn's ownership point of view, a long history of complaints have been registered with all agencies involved; that development upstream is benefiting from dumping their excess drain water into an under-size Private drainage facility at Zahn's loss and continued expense.

Having received no further response, leadership or direction a #3) option (do nothing) has been the direction. Some developments in the basin have been denied due in part to the lack of drainage capacity.

Down-zoning or rezoning the upstream Trillium development doesn't answer the environmental impact on this drainage downstream. The larger amount of stormwater, only a part of the Basin increase, will kill Zahn's forest and berry fields and turn them into an unmanageable everglades-like swamp. It would not be a desirable amenity to the remaining developable property.

Olympia planning department has constantly ignored downstream environment outside city limits. Olympia is responsible for it's growth area yet they continue to deny oversight on their increased runoff. This issue must be addressed for each and collectively all upstream developments such as Trillium.