

Janet Sanders

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

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

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

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

Please forward to the Olympia Planning Commission.

Respectfully,

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

March 8, 2014

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

FROM: Judy Bardin, Member
Olympia Planning Commission

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

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

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

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

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

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

Janet Sanders

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

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

Leonard,
Comment letter re: Zoning Text Amendment.

Thank you,
Michael

Michael Cade / Executive Director / Thurston EDC

Serving Thurston County since 1982

Thurston Economic Development Council
665 Woodland Square Loop SE, Ste 201 – Lacey, WA 98503
Office: 360-754-6320 Cell: 360-480-8781 -- mcade@thurstonedc.com
www.thurstonedc.com

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Economic
Development
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Rob Rice Homes

John Setterstrom
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City of Lacey

Dr. Timothy Stokes
South Puget Sound
Community College

Karen Valenzuela
Commissioner,
Thurston County

Kirk Veis
Owens Davies, P S

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

March 10, 2014

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

Dear Mr. Bauer,

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

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

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

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

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

Sincerely,

Michael Cade
Executive Director

Janet Sanders

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

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

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

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

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

Janet Sanders

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To: Janet Sanders; Nancy Lenzi
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Attachments: File 14-0210 Comments of B Shirley 3-9-2014.pdf; Comments on File 14-0210 - Bardin.pdf

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

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

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

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

March 8, 2014

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

FROM: Judy Bardin, Member
Olympia Planning Commission

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

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March 9, 2014

TO: Olympia Planning Commission

FROM: Bob Shirley

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

III. OPC Compromised. Who Knew What? When?

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

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

IV. Recommendations.

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

I recommend more be done:

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

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

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

Janet Sanders

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

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

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

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

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

Janet Sanders

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

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

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

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

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

Concerned citizen and former Lacey planning commission member and chair.

Dennis Craig

Janet Sanders

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

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

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

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

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

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

Best wishes,
Thad Curtz

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

March 10, 2014 9:56 AM

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

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

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

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

Best wishes,
Thad Curtz

Janet Sanders

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

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

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

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

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

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

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

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

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

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

joe@jbford.com

Nancy Lenzi

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

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

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

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

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

Thank you.
Walter R. Jorgensen

Walt:

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

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

Thank you.
Dick Geist

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

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

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

Specifically, I concur with Bob Shirley that:

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

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

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

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

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

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

Neighbors,

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

Walt

Walter R. Jorgensen
waltjorgensen@comcast.net

--

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

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

To post to this group, send email to south-capitol-neighborhood@googlegroups.com.

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

For more options, visit

Janet Sanders

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

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

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

Amy Cleveland

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

Dear madam clerk:

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

Henry Govert

Janet Sanders

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

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

Leonard,


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

Thanks,

Ryan Haddock
Vice President

KIDDER MATHEWS

1550 Irving Street SW Suite 200 Olympia, WA 98512
T 360.596.9151 | **F** 360.705.9860 | **C** 360.480.6680
rhaddock@kiddermathews.com | kiddermathews.com


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

Please consider the environment before printing this email.

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

RE: PO/RM Text Amendment

To Whom it May Concern;

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

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

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

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

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

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

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

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

Sincerely,

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

Janet Sanders

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

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

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

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

From: Monica Hoover

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

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

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

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

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

Janet Sanders

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

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

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

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

Amy --

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

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

Bob Jacobs
352-1346

720 Governor Stevens Ave. SE
Olympia 98501

jacobsoly@aol.com<<mailto:jacobsoly@aol.com>>

Janet Sanders

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

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

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

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

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

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

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

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

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

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

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

--

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

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

Gaylord Nelson

Nancy Lenzi

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

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

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

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

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

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

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

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

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

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

Gaylord Nelson

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

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

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

Leonard Bauer/Deputy Director

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

Emails are public records, potentially eligible for release.



Janet Sanders

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

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

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

March 10, 2014

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

Dear Chairperson Brown:

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

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

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

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

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

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

Sincerely,

Dan Leahy
1415 6th Avenue SW
Olympia, Washington 98502

cc: SW Neighborhood Association
NW Neighborhood Association

Janet Sanders

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

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

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

Hi Leonard and Amy,

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

Thanks

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

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

Tom Morrill and Keith Stahley

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

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

Karen Messmer

Karen Messmer
(360) 357-8364

Janet Sanders

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

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

March 9, 2014

City of Olympia:

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

Thank you.

Bob Shirley

March 9, 2014

TO: Olympia Planning Commission

FROM: Bob Shirley

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

III. OPC Compromised. Who Knew What? When?

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

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

IV. Recommendations.

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

I recommend more be done:

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

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

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

March 8, 2014

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

FROM: Judy Bardin, Member
Olympia Planning Commission

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

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

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

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

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

Janet Sanders

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

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

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

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

Planning Commission -

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

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

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

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

The Planning Commission should suspend all action on this rezone.

Karen Messmer
(360) 357-8364

Nancy Lenzi

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

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

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

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

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

Jim Morris
360.570.8515 office
360.570.8513 fax

Janet Sanders

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

Follow Up Flag: Follow up
Flag Status: Flagged

Thank you for your additional comment on this proposal.

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

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

Leonard,

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

Thank you,
Jim Morris

City of Olympia
City Hall
601 4th Avenue East
Olympia, Washington 98501

To Whom it May Concern:

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

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

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

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

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

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

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

Enclosed you will find the following attachments for your review:

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

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

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

Sincerely,

Jim Morris

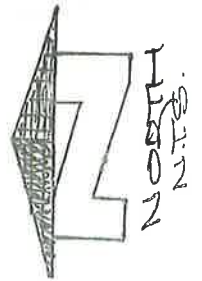
ATTACHMENT - B



ATTACHMENT B
EXISTING AND PROPOSED
RESIDENTIAL AREAS



ATTACHMENT - A



Janet Sanders

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

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

Mr. Bauer-

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

If you have any questions, please let me know.

Thank you for your time.

Evan Parker
First Vice President, Partner
KIDDER MATHEWS
1550 Irving Street SW, Suite 200, Olympia, WA 98512
T 360.705.0174 | F 360.705.9860 | C 360.556.0107
eparker@kiddermathews.com | kiddermathews.com

.....

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Please consider the environment before printing this email.

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

RE: PO/RM Text Amendment

Dear Mr. Bauer;

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

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

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

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

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

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

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

Thank you again.

Best Regards,

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

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

Janet Sanders

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

Importance: High

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

Leonard-

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

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

Thank you very much.

Evan Parker

First Vice President, Partner

KIDDER MATHEWS

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

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

eparker@kiddermathews.com | kiddermathews.com



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Please consider the environment before printing this email.

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

RE: PO/RM Text Amendment

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

Thank you again.

Best Regards,

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

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

Janet Sanders

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

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

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

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

Sent from Windows Mail

Janet Sanders

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

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

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

Please see my message below.

Thank you,

Carl See

Sent from my iPhone

Begin forwarded message:

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

Hello,

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

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

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

Thank you,

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

Sent from my iPhone

Begin forwarded message:

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

Neighbors,

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

Walt

Walter R. Jorgensen
waltjorgensen@comcast.net

March 8, 2014

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

FROM: Judy Bardin, Member
Olympia Planning Commission

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

1. My comments are filed in this matter because I am concerned about the integrity of the Olympia Planning Commission (OPC) and concerned for the public perception of the OPC with respect to whether the OPC is dedicated only to the public interest.
2. The proposed changes to the PO/RM zoning code are supported by the comments of Mr. Jim Morris and because Mr. Morris hosted at least five members of the OPC and a senior member of the planning staff at his office in the weeks leading up to File 14-0210 appearing on the OPC agenda of March 3, 2014, it is important that the public know what a majority of OPC members and Mr. Morris have been doing out of the public view.
3. Kim Andresen is Vice Chair of the OPC and an employee of or consultant to local developer, Jim Morris. Olympia City Planning staff was aware that Andresen worked to arrange unrecorded discussions among, on the one hand, Morris and several other developers and persons with a financial interest in development, and on the other hand, eight of nine OPC members.
4. On Friday, January 31, 2014, four members of the OPC met in the office of Jim Morris, 1520 Irving St. Suite A, to discuss development issues of concern to him and several other developers and financially interested persons who attended the meeting. The OPC members who attended, at a minimum, are Max Brown, Chair; Kim Andresen, Vice Chair; Jerry Parker, immediate past Chair; and Roger Horn, Finance Sub-committee Chair. Leonard Bauer, Deputy Director for CP&D, also attended.
5. At subsequent OPC meetings between January 31 and March 3, no report of the meeting was made by Andresen or any other attending OPC member, or by Bauer, notwithstanding a regular part of every OPC meeting is the final agenda item when commissioners report on meetings and similar events or items that should be shared with the entire OPC. Because no report was made, I was unaware until February 5 that four OPC members had met with developers.
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- of the first meeting pending the following day (January 31) to be held in private in Morris' office.
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17. I am concerned about the integrity of the OPC process and the perception of the public that the OPC acts only in the public interest.
18. From the foregoing, I infer that Andresen and Buckler and perhaps Bauer worked to arrange for eight out of nine OPC members to meet in a private location with no record made of their discussion between financially interested developers and others about OPC business that is of public interest. A total of at least five Commissioners (a majority) attended. The topics for both meetings were the same, so only the separation in time—but not the topic—prevented this from being one meeting with eight OPC members, and the public excluded.
19. I do not know if File 14-0210 was discussed once, twice, or not at all. But I do know that it is the first item to come before the OPC for action (a hearing) since the March 3 meeting and I know from Morris' own email that Morris, the host of the unrecorded meetings, supports the proposed zoning changes. I know that planning staff placed this item on the OPC agenda.
20. Based on the foregoing, I do not think the OPC should take any action on File 14-0210 because the integrity of the OPC will not withstand favorable action. I recommend the vote scheduled for March 17 on file 14-0210 be tabled indefinitely.

March 9, 2014

TO: Olympia Planning Commission

FROM: Bob Shirley

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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III. OPC Compromised. Who Knew What? When?

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

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

IV. Recommendations.

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

I recommend more be done:

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

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

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

Janet Sanders

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

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

March 9, 2014

City of Olympia:

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

Thank you.

Bob Shirley

March 9, 2014

TO: Olympia Planning Commission

FROM: Bob Shirley

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March 8, 2014

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Leonard Bauer, Deputy Director
of Community Planning & Development (CP&D)

FROM: Judy Bardin, Member
Olympia Planning Commission

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

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

Ladies & Gentlemen,

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

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

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

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

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

Respectfully,
Jane Stavish
Resident of Olympia UGA

Janet Sanders

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

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

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

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

Yours,
Nancy Sullivan

Nancy Lenzi

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

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

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

Dear Mr. Bauer

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

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

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

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

Thank You

Yours Sincerely,
David Sweet
For CV#1

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Inspirational Downloads and "Get Over It Faster".

GET OVER IT
FASTER



Janet Sanders

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

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

Hello Planning Commissioners, City Staff, and Councilmembers,

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

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

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

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

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

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

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

Thank you,

Janine Unsoeld
PO Box 7418
Olympia, WA 98507

Janet Sanders

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

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

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

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

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

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

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

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

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

Bethany Weidner
1415 6th Ave SW