



# Meeting Agenda

## City Council

City Hall  
601 4th Avenue E  
Olympia, WA 98501

Information: 360.753.8244

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**Tuesday, January 10, 2017**

**7:00 PM**

**Room 207**

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**1. ROLL CALL**

**1.A ANNOUNCEMENTS**

**1.B APPROVAL OF AGENDA**

**2. SPECIAL RECOGNITION - None**

**3. PUBLIC COMMUNICATION**

*(Estimated Time: 0-30 Minutes) (Sign-up Sheets are provided in the Foyer.)*

*During this portion of the meeting, citizens may address the City Council regarding items related to City business, including items on the Agenda. In order for the City Council to maintain impartiality and the appearance of fairness in upcoming matters and to comply with Public Disclosure Law for political campaigns, speakers will not be permitted to make public comments before the Council in these three areas: (1) on agenda items for which the City Council either held a Public Hearing in the last 45 days, or will hold a Public Hearing within 45 days, or (2) where the public testimony may implicate a matter on which the City Council will be required to act in a quasi-judicial capacity, or (3) where the speaker promotes or opposes a candidate for public office or a ballot measure.*

*Individual comments are limited to three (3) minutes or less. In order to hear as many people as possible during the 30-minutes set aside for Public Communication, the City Council will refrain from commenting on individual remarks until all public comment has been taken. The City Council will allow for additional public comment to be taken at the end of the meeting for those who signed up at the beginning of the meeting and did not get an opportunity to speak during the allotted 30-minutes.*

**COUNCIL RESPONSE TO PUBLIC COMMUNICATION (Optional)**

**4. CONSENT CALENDAR**

*(Items of a Routine Nature)*

**4.A** [17-0035](#) Approval of January 3, 2017 City Council Meeting Minutes

**Attachments:** [Minutes](#)

**4.B** [17-0036](#) Approval of Draft City Council Retreat Agenda

**4. SECOND READINGS**

**4.C** [16-1119](#) Approval of Ordinance approving a Street Vacation Petition for a Portion of Hillside Drive SE

**Attachments:** [Ordinance](#)  
[Petition and Exhibits A-E](#)  
[Review with Staff Comment](#)  
[Vicinity Map](#)

**4.D**     [16-1271](#)     Quasi-Judicial Decision on Ordinance on Cushing Street Rezone

**Attachments:** [Ordinance](#)  
[Hearing Examiner Recommendation](#)  
[Rezone Decision Criteria](#)  
[Audio of Public Hearing - October 10, 2016](#)

**4. FIRST READINGS - None**

**5. PUBLIC HEARING - None**

**6. OTHER BUSINESS**

**6.A**     [17-0017](#)     Approval of a Resolution Declaring Select McAllister Springs Properties as Surplus

**Attachments:** [Resolution Declaring McAllister Springs Surplus](#)  
[Map of McAllister Springs properties](#)  
[Photo of McAllister Springs](#)

**7. CONTINUED PUBLIC COMMUNICATION**

*(If needed for those who signed up earlier and did not get an opportunity to speak during the allotted 30 minutes)*

**8. REPORTS AND REFERRALS**

**8.A COUNCIL INTERGOVERNMENTAL/COMMITTEE REPORTS AND REFERRALS**

**8.B CITY MANAGER'S REPORT AND REFERRALS**

**9. ADJOURNMENT**

*The City of Olympia is committed to the non-discriminatory treatment of all persons in employment and the delivery of services and resources. If you require accommodation for your attendance at the City Council meeting, please contact the Council's Executive Assistant at 360.753.8244 at least 48 hours in advance of the meeting. For hearing impaired, please contact us by dialing the Washington State Relay Service at 7-1-1 or 1.800.833.6384.*



City Hall  
601 4th Avenue E.  
Olympia, WA 98501  
360-753-8244

## City Council

### Approval of January 3, 2017 City Council Meeting Minutes

**Agenda Date:** 1/10/2017  
**Agenda Item Number:** 4.A  
**File Number:** 17-0035

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**Type:** minutes   **Version:** 1   **Status:** Consent Calendar

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**Title**

Approval of January 3, 2017 City Council Meeting Minutes



# Meeting Minutes - Draft

## City Council

City Hall  
601 4th Avenue E  
Olympia, WA 98501

Information: 360.753.8244

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**Tuesday, January 3, 2017**

**7:00 PM**

**Room 207**

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### 1. ROLL CALL

**Present:** 7 - Mayor Cheryl Selby, Mayor Pro Tem Nathaniel Jones, Councilmember Jessica Bateman, Councilmember Jim Cooper, Councilmember Clark Gilman, Councilmember Julie Hankins and Councilmember Jeannine Roe

### 1.A ANNOUNCEMENTS

Mayor Selby announced the City Council met in Executive Session earlier in the evening.

### 1.B APPROVAL OF AGENDA

Mayor Selby asked to amend the order of the agenda; item 6.C will now be presented before item 6.B.

**The agenda was approved as amended.**

### 2. SPECIAL RECOGNITION

#### 2.A [17-0027](#) Special Recognition: Introduction of the City of Olympia's Poet Laureate

Mayor Selby introduced Olympia's Poet Laureate Amy Solomon-Minarchi and gave background on the Poet Laureate Program. Ms. Solomon-Minarchi read a poem titled Credo Unplugged, penned for the first City Council meeting of 2017.

Mayor Selby outlined upcoming events and activities Ms. Solomon-Minarchi will carry out during her 2-year tenure as Poet Laureate. Councilmembers thanked Ms. Solomon-Minarchi for the poem.

**The recognition was received.**

### 3. PUBLIC COMMUNICATION

The following people spoke: Gurinder Sodhi, Brandon Goodman, Vanessa Stovall, Jim Reeves, Rona Matlow, Derrick Rutter, Walker Stevens, Janine Linsley, Kris Goddard and CC Coates.

### COUNCIL RESPONSE TO PUBLIC COMMUNICATION (Optional)

**4. CONSENT CALENDAR**

- 4.A [17-0005](#) Approval of December 14, 2016 City Council Meeting Minutes

**The minutes were approved.**

- 4.B [17-0021](#) Approval of Regional Legislative Agenda

**The Regional Legislative Agenda was approved.**

- 4.C [17-0001](#) Approval of a Sanitary Sewer Pump Station Easement from Providence Health & Services

**The contract was approved.**

- 4.D [17-0002](#) Approval of the Contract Between the City of Olympia and LeMay for Recycle Transload and Hauling Services

**The contract was approved.**

- 4.E [17-0008](#) Approval of Amendment to the City Manager's Employment Contract

**The contract was approved.**

**4. SECOND READINGS**

- 4.F [16-1209](#) Approval of Ordinance Amending Wastewater Regulations for Septic Systems

**The ordinance was approved on second reading.**

- 4.G [16-1356](#) Approval of Zoning Code Amendments Related to Accessory Drive-Through Lanes in the Briggs Village commercial area

**The ordinance was approved on second reading.**

**Approval of the Consent Agenda**

**Councilmember Hankins moved, seconded by Mayor Pro Tem Jones, to adopt the Consent Calendar. The motion carried by the following vote:**

**Aye:** 7 - Mayor Selby, Mayor Pro Tem Jones, Councilmember Bateman, Councilmember Cooper, Councilmember Gilman, Councilmember Hankins and Councilmember Roe

**4. FIRST READINGS - None****5. PUBLIC HEARING - None**

## 6. OTHER BUSINESS

### 6.A [16-1119](#) Approval of Ordinance approving a Street Vacation Petition for a Portion of Hillside Drive SE

City Surveyor Ladd Cluff gave an overview of the Street Vacation Petition from SPS Lands, LLC to vacate an unopened portion of Hillside Drive SE in order to meet development requirements for a hotel. SPS Lands LLC, in lieu of payment, proposes to grant the City an easement and build a pedestrian pathway through the hotel site that will connect to Phase 4 of The Olympia Woodland Trail.

This item was previously on the agenda on December 6, where Councilmembers asked for further information.

Programming and Planning Supervisor Laura Keehan gave background on the Olympia Woodland Trail and how the easement will assist in connecting parts of the trail.

Councilmembers asked clarifying questions.

**The ordinance was approved on first reading and moved to second reading.**

### 6.B [17-0013](#) Downtown Public Restroom Update

City Manager Steve Hall gave an overview of the downtown restroom issue. Downtown Liaison Mark Rentfrow discussed locations for additional downtown restrooms; located at the Salvation Army and Fertile Grounds.

Councilmembers asked clarifying questions and discussed issues and concerns.

Councilmember Cooper asked for the restroom on Sylvester Street to be opened. Parks, Arts and Recreation Director Paul Simmons gave some background on the opening of brick and mortar restrooms the City owns. The Council also discussed the opening of the restroom at Percival West and extending hours at the Harbor House restroom. It was noted the Harbor House is not open overnight due to the proximity of a playground.

The Council agreed for staff to review Crime Prevention Through Environmental Design (CPTED) procedures to make the restroom at Percival West safer and more useable. Once this occurs, the City will pilot opening and extending to 24 hours over time. In two to three weeks, Mr. Simmons will report on a plan to pilot opening the Percival West restroom. Mayor Pro Tem Jones noted if the pilot location does not work, the Council will continue to find what works for the public.

City Engineer Fran Eide presented information regarding timeline and costs for a permanent restroom at the Artesian Commons. City Manager Steve Hall discussed funding options.

Councilmembers asked clarifying questions.

Mayor Selby and Mayor Pro Tem Jones expressed concerns about moving forward with the permanent restroom. Councilmember Hankins would like to explore options regarding locations other than Artesian Commons.

Mayor Pro Tem Jones asked for a referral for restrooms to continue as a discussion at the General Government Committee.

**Councilmember Roe moved, seconded by Councilmember Bateman, to move forward with placing two additional porta potties (at the Salvation Army and Fertile Grounds), to capture data to help support future decisions regarding downtown restrooms and for the Finance Committee to address funding options. The motion carried by the following vote:**

**Aye:** 7 - Mayor Selby, Mayor Pro Tem Jones, Councilmember Bateman, Councilmember Cooper, Councilmember Gilman, Councilmember Hankins and Councilmember Roe

**Councilmember Gilman moved, seconded by Councilmember Bateman, to move forward with a Portland Loo at the Artesian Commons using unspent sewer utility funds to make up for a gap in funding. The motion carried by the following vote:**

**Aye:** 4 - Councilmember Bateman, Councilmember Cooper, Councilmember Gilman and Councilmember Roe

**Nay:** 3 - Mayor Selby, Mayor Pro Tem Jones and Councilmember Hankins

**6.C**     [16-1271](#)     Quasi-Judicial Decision on Ordinance on Cushing Street Rezone

Mayor Selby discussed the agenda item; noting it is a rezone request submitted to the City of Olympia by Alicia Elliott, requesting a change of the land-use zoning of three parcels along Cushing Street NW, located just south of Harrison Avenue from R6-12 to HDC-3.

A public hearing regarding the proposal was held by the Olympia Hearing Examiner on October 10, 2016. Accordingly, the record before the City Council on this matter is closed and the Council's decision is to be based solely upon the record of the Hearing Examiner's public hearing.

The subject property includes two historic homes located on Cushing Street NW, a short distance south of Harrison Avenue and just east of the Harrison/Division Street intersection. All adjoining properties to the west and south are commercial properties abutting either Division Street or Harrison Avenue. All adjoining properties to the east and south are low-density residential properties.

The properties' current zoning of R6-12 is intended primarily for residential use but it also allows for a small amount of commercial use. The Applicant seeks to rezone the property to High Density Corridor 3 in order to convert the use of these historic

buildings into a small restaurant and five-room lodging house. There was no public opposition to the requested rezoning at the public hearing on October 10, 2016.

Pursuant to the Olympia Development code, such rezones of the Land Use categories are subject to an open-record public hearing to be held by the Olympia Hearing Examiner. The Examiner conducted a public hearing upon this rezone request on October 10, 2016, and evidence and all testimony was taken under oath.

The Olympia Hearing Examiner evaluated the rezone proposal and issued a recommendation of which the City Council is to review and either: Adopt the Examiner's recommendation; Adopt a modified version of the Examiner's recommendation; Reject the Examiner's recommendation; or Defer the decision to a later date.

Olympia Municipal Code Section 18.59.050 provides that the Council shall only approve a rezone after considering the following five (5) criteria and finding that the proposal complies with at least the first three:

A. The rezone is consistent with either the Comprehensive Plan including the Plan's Future Land Use map as described in OMC 18.59.055 or with a concurrently approved amendment to the Plan.

B. The rezone will maintain the public health, safety, or welfare.

C. The rezone is consistent with other development regulations that implement the Comprehensive Plan.

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

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

The Mayor individually asked each Councilmember a series of questions, going down the dais beginning with Councilmember Hankins, to determine if there are any appearance of fairness issues.

1. Do you have any property or financial interests that would be affected by denying or approving the requested rezone? All Councilmembers responded individually with an answer of, "no."

2. Have you had any off-the-record, referred to as "ex parte" communications, concerning the requested rezone with any proponents or opponents while this matter was before the Council? All Councilmembers responded individually with an answer of, "no."

3. Is there any reason why you cannot consider the requested rezone application in a fair and impartial manner? All Councilmembers responded individually with an answer of, "no."



Mayor Selby asked if any Councilmember wants to address anything raised by any Councilmember's responses to the questions and responses given. Councilmembers had no items to address.

The Mayor asked if anyone in the audience wished to raise a challenge based on the Washington Appearance of Fairness law. No hands in the audience were raised and no challenge was presented.

Senior Planner Linda Bentley gave a background analysis of the rezone and gave a summary of the Hearing Examiner recommendation.

Councilmembers asked clarifying questions

**Councilmember Hankins moved, seconded by Councilmember Cooper, to approve on first reading and move to second reading the adoption of an ordinance to amend the City of Olympia zoning map to rezone three parcels along Cushing Street NW, located just south of Harrison Avenue from R6-12 to HDC-3. The motion carried by the following vote:**

**Aye:** 7 - Mayor Selby, Mayor Pro Tem Jones, Councilmember Bateman, Councilmember Cooper, Councilmember Gilman, Councilmember Hankins and Councilmember Roe

## **7. CONTINUED PUBLIC COMMUNICATION**

The following person spoke: Boudicca Walsh.

## **8. REPORTS AND REFERRALS**

### **8.A COUNCIL INTERGOVERNMENTAL/COMMITTEE REPORTS AND REFERRALS**

Councilmembers had not reports.

### **8.B CITY MANAGER'S REPORT AND REFERRALS**

City Manager Steve Hall asked Councilmembers to submit their Committee preferences to Susan Grisham if they had not done so already.

## **9. ADJOURNMENT**

The meeting adjourned at 10:29p.m.



## City Council

### Approval of Draft City Council Retreat Agenda

**Agenda Date:** 1/10/2017  
**Agenda Item Number:** 4.B  
**File Number:** 17-0036

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**Type:** decision **Version:** 1 **Status:** Consent Calendar

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**Title**

Approval of Draft City Council Retreat Agenda

**Recommended Action**

**City Manager Recommendation:**

Move to approve the Draft January 2017 City Council Retreat Agenda

**Report**

**Issue:**

The City Council Retreat will occur on January 13 & 14, 2017. Retreat facilitator, Kendra Dahlen developed a draft agenda to be reviewed and approved by the Council.

**Staff Contact:**

Steve Hall, City Manager 360.753.8244

**Presenter(s):**

Steve Hall, City Manager 360.753.8244

**Background and Analysis:**

The Council meets annually to discuss its committee assignments, calendars, and upcoming goals.

**Neighborhood/Community Interests (if known):**

N/A

**Options:**

Approve the draft agenda as is.  
Suggest changes to the draft agenda.

**Financial Impact:**

N/A

**Attachments:**

Draft agenda will be provided once finalized.



# AGENDA

## 2017 OLYMPIA CITY COUNCIL RETREAT

January 13 - 14, 2017

LOTT Board Room  
500 Adams St NE,  
Olympia, WA 98501



Friday, January 13

12:00 p.m. - 5:00 p.m.

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12:00 p.m. - 12:30 p.m. [Working Lunch]	<b>WELCOME ~ RETREAT OVERVIEW ~ GOALS</b> <ul style="list-style-type: none"><li>• Themes from Councilmember Interviews</li><li>• Retreat Agenda Review</li><li>• Favorite Experience of 2016</li><li>• Preparation for 2017</li></ul>	Kendra Dahlen, Facilitator, Athena Group,
12:30 p.m. - 1:00 p.m. [continue through lunch]	<b>YEAR IN REVIEW</b> <ul style="list-style-type: none"><li>• Discussion of key projects and accomplishments</li></ul>	Steve Hall, City Manager; Councilmembers
1:00 p.m. - 1:45 p.m.	<b>THE JOURNEY OF MAJOR CITY INITIATIVES</b> <ul style="list-style-type: none"><li>• Overview of selected city policies and their path to successful results</li></ul>	Keith Stahley, Director, Community Planning and Development; Rich Hoey, Director Public Works; Paul Simmons, Director, Parks Art & Recreation
1:45 p.m. - 2:45 p.m.	<b>Action Plan Update and 2017 Priorities</b>	Leonard Bauer, CP&D Debbie Sullivan, Public Works
2:45 p.m. - 3:00 p.m.	<b>BREAK</b>	
3:00 p.m. - 4:00 p.m.	<b>THE SPECTRUM OF HOUSING ISSUES</b> <ul style="list-style-type: none"><li>• Understanding the issues, roles and timing</li><li>• 2016 actions and accomplishments</li><li>• Making a difference in 2017 and beyond</li></ul>	Steve Hall, City Manager

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4:00 p.m. - 4:45 p.m.

**HOUSING AND PUBLIC SAFETY FUNDING STRATEGIES**

Kendra Dahlen,  
Facilitator

- Framing the conversation
- Issues and desired outcomes

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4:45 p.m. - 5:00 p.m.

**WRAP UP & PREP FOR SATURDAY**

ALL

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**∞ SOCIAL DINNER ∞**

**5:30pm**

Dockside Bistro  
501 Columbia St NW #B

DRAFT

# AGENDA

## 2017 OLYMPIA CITY COUNCIL RETREAT



**Saturday, January 14**

**9:00 a.m. - 2:00 p.m.**

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<b>8:45 a.m. - 9:00 a.m.</b>	<b>ARRIVE, MINGLE, REFRESHMENTS</b>	
<b>9:00 a.m. - 9:45 a.m.</b>	<b>WORKING TOGETHER EFFECTIVELY AND ENJOYABLY</b> <ul style="list-style-type: none"><li>• Break-out groups and discussion</li></ul>	Kendra Dahlen, Facilitator, Athena Group
<b>9:45 a.m. - 10:00 a.m.</b>	<b>BREAK</b>	
<b>10:00 a.m. - 11:30 a.m.</b>	<b>ROLES AND RESPONSIBILITIES</b> <ul style="list-style-type: none"><li>• Role of Council vis a vis<ul style="list-style-type: none"><li>○ City staff</li><li>○ Advisory Boards</li><li>○ Partners and Stakeholders</li><li>○ Community and Public</li></ul></li><li>• Role of Committee Chairs</li><li>• Role of Council Liaisons</li><li>• Role of Mayor and Pro Tem</li><li>• Meeting Management and Challenges</li></ul>	Kendra Dahlen, Facilitator
<b>11:30 a.m. - 12:45 p.m.</b>	<b>WALKING TOUR, LUNCH, COUNCIL CALENDAR</b>	Steve Hall, City Manager
<b>12:45 p.m. - 1:20 p.m.</b>	<b>COUNCIL COMMITTEE ASSIGNMENTS</b> <ul style="list-style-type: none"><li>• Council Committee</li><li>• Inter-jurisdictional liaisons</li><li>• Advisory Board liaisons</li></ul>	Kendra Dahlen, Facilitator,
<b>1:20 p.m. - 1:50 p.m.</b>	<b>Economic Development Highlights</b> <ul style="list-style-type: none"><li>• 2016 Accomplishments</li><li>• Maintaining Momentum</li></ul>	Renee Sunde, Economic Development Director
<b>1:50 p.m. - 2:00 p.m.</b>	<b>Conclusion and Next Steps</b>	Kendra Dahlen - ALL

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## City Council

### Approval of Ordinance approving a Street Vacation Petition for a Portion of Hillside Drive SE

**Agenda Date:** 1/10/2017  
**Agenda Item Number:** 4.C  
**File Number:**16-1119

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**Type:** ordinance **Version:** 3 **Status:** 2d Reading-Consent

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#### **Title**

Approval of Ordinance approving a Street Vacation Petition for a Portion of Hillside Drive SE

#### **Recommended Action**

##### **Committee Recommendation:**

Not referred to a committee.

##### **City Manager Recommendation:**

Approve on second reading an ordinance to vacate a portion of Hillside Drive SE and a portion of Tract A, Henderson Commercial Park.

#### **Report**

##### **Issue:**

Whether the City Council should pass an ordinance vacating a portion of Hillside Drive SE and a portion of Tract A, Henderson Commercial Park.

##### **Staff Contact:**

Ladd F. Cluff, PLS, City Surveyor, Public Works Engineering, 360.753.8389

##### **Presenter(s):**

Ladd F. Cluff, PLS, City Surveyor, Public Works.

##### **Background and Analysis:**

Background and Analysis has not changed from first reading to second reading.

The property owner (SPS Lands, LLC) adjacent to Hillside Drive SE petitioned the City to vacate an unopened portion of Hillside Drive SE (Vacation Parcel "A") as well as a portion of the pedestrian access trail along the Henderson Commercial Park (Vacation Parcel "B").

Vacation Parcel "A" was dedicated in October 1969 to create a turnaround at the north end of Hillside Drive SE. Vacation Parcel "B" was dedicated with the Henderson Commercial Park Binding Site Plan (BSP) in February 2008.

SPS Lands developed Lot 2 with Hilton Garden Inn and plan to develop the remaining two Lots with an additional hotel. The proposed development requires the vacation so they can meet development requirements.

SPS Lands worked with Community Planning and Development and Parks staff to create pedestrian access alternatives that meets the public needs through both hotel sites. SPS Land, in lieu of payment, proposes to grant the City an easement and build a pedestrian pathway through the hotel site that will connect to Phase 4 of The Olympia Woodland Trail. See attached ordinance.

The petition was sent to City staff and Franchise utilities for review and comment. City staff recommends vacating the rights-of-way as proposed and requiring SPS Lands to grant the easement and build the pathway with the development of the second hotel.

**Neighborhood/Community Interests (if known):**

The public hearing will provide an opportunity for Council to hear from the community on the requested vacation.

**Options:**

- 1: Move to approve on first reading and forward to second reading an ordinance to vacate a portion of Hillside Drive SE and a portion of Tract A, Henderson Commercial Park. This option allows the vacation to occur, site development to continue and pedestrian access to be constructed.
- 2: Continue to receive written testimony to a date certain. This option would delay the decision until Council has enough information to make their decision.
- 3: Reject the vacation request. This option would leave the right-of-way as is. The development of the site will require revision, slowing the development process.

**Financial Impact:**

None

**Attachments:**

Ordinance

Petition with Exhibits

OMC Review Criteria with Comments

Vicinity Map



**AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON  
VACATING AS A PUBLIC THOROUGHFARE A PORTION OF  
HILLSIDE DRIVE SE AND A PORTION OF THE PEDESTRIAN ACCESS  
TRAIL KNOWN AS TRACT "A" OF HENDERSON COMMERCIAL  
PARK BINDING SITE PLAN.**

**WHEREAS**, the Olympia City Council adopted Resolution No. M-1852 on November 1, 2016, setting a public hearing date for December 6, 2016, at 7:00 p.m. to allow public comment for or against vacation of the following described public thoroughfare situated in the City of Olympia, Thurston County, State of Washington, to wit:

**PARCEL A**

*That portion of land dedicated to the City of Olympia, as recorded January 4, 1965 under recording number 813551, records of Thurston County, Washington; together with:*

*That portion of Tract 48 and Hillside Drive as shown on the plat of Wildwood Park, recorded in Volume 9 of Plats, Page 39, records of Thurston County, Washington, lying northerly of the south line of Tract 44 of said Plat, and its westerly extension, and lying southerly of the north line of the south 100 feet of said Tract 44 and its westerly extension, and lying easterly of said land dedicated to the City of Olympia, recording number 813551, and lying westerly of the following described line:*

*Commencing at the Southwest corner of said Tract 44; thence westerly along the westerly extension of said south line of Tract 44 North 88°13'59" West 31.74 feet to its intersection with said westerly margin of Hillside Drive and the **POINT OF BEGINNING** of said line; thence leaving said south line North 03°02'40" West 52.92 feet; thence North 27°20'14" East 52.39 feet to the southerly boundary of Lot 1 of Henderson Commercial Park Binding Site Plan, as recorded February 1, 2008 under recording number 3986666, and the **TERMINUS** of said line.*

**PARCEL B**

*That portion of Tract "A" of Henderson Commercial Park Binding Site Plan, as recorded February 1, 2008 under recording number 3986666, records of Thurston County, Washington, lying westerly of the following described line:*

***BEGINNING** at the Northeast corner of Lot 1 of said Binding Site Plan; thence South 63°28'16" East 0.63 feet; thence South 28°36'47" West 68.07 feet; thence South 27°20'14" West 70.82 feet to the westerly boundary of said Tract "A" and the **TERMINUS** of said line.*

*Containing 6,335 square feet or 0.15 acres, more or less.*

**WHEREAS**, the petitioner is requesting that a portion of Hillside Drive SE and a portion of the pedestrian access trail described above be vacated; and

**WHEREAS**, notice of this proposed vacation was posted physically on site, and adjoining neighbors were mailed notice of the hearing; and

**WHEREAS**, a public hearing was held by the City Council of the City of Olympia on said petition on December 6, 2016, at 7:00 p.m. or thereafter in the evening; and

**WHEREAS**, the City has received no comments objecting to the vacation from utility providers with regard to this vacation; and

**WHEREAS**, the Public Works Department has indicated that the property has no known current or foreseeable future use to the City as a right-of-way; and

**WHEREAS**, this vacation is deemed to be in the public interest and serve the public welfare;

**NOW, THEREFORE, THE OLYMPIA CITY COUNCIL ORDAINS AS FOLLOWS:**

**Section 1.** As recommended by the City of Olympia Public Works Department and as requested by the owner of the abutting parcels, the Olympia City Council, pursuant to RCW 35.79.010, hereby vacates as a public thoroughfare the herein above described property.

**Section 2.** The vacation meets the criteria set forth in OMC 12.16.100.

**Section 3.** This Ordinance shall not become effective until the owners of the abutting property grant to the City of Olympia and construct a pedestrian access easement as shown on Exhibit "B-1" in lieu of payment required under OMC 12.16.030, .080, .090 and RCW 35.79.030 for the area so vacated. Failure of the abutting property owners to grant an easement within ninety (90) days of the passage of this Ordinance shall automatically void the petition and this Ordinance without it being brought back before the City Council. The City Clerk/Treasurer shall certify on the face of this Ordinance whether or not the easement is received within the time limit referred to above.

**Section 4.** I, Jane Ragland Kirkemo, City Clerk/Treasurer, hereby certify that an amount equal to one-half of the appraised value of property above vacated was \_\_\_ was not \_\_\_ received within the time referred to above.

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MAYOR

**ATTEST:**

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CITY CLERK

**APPROVED AS TO FORM:**

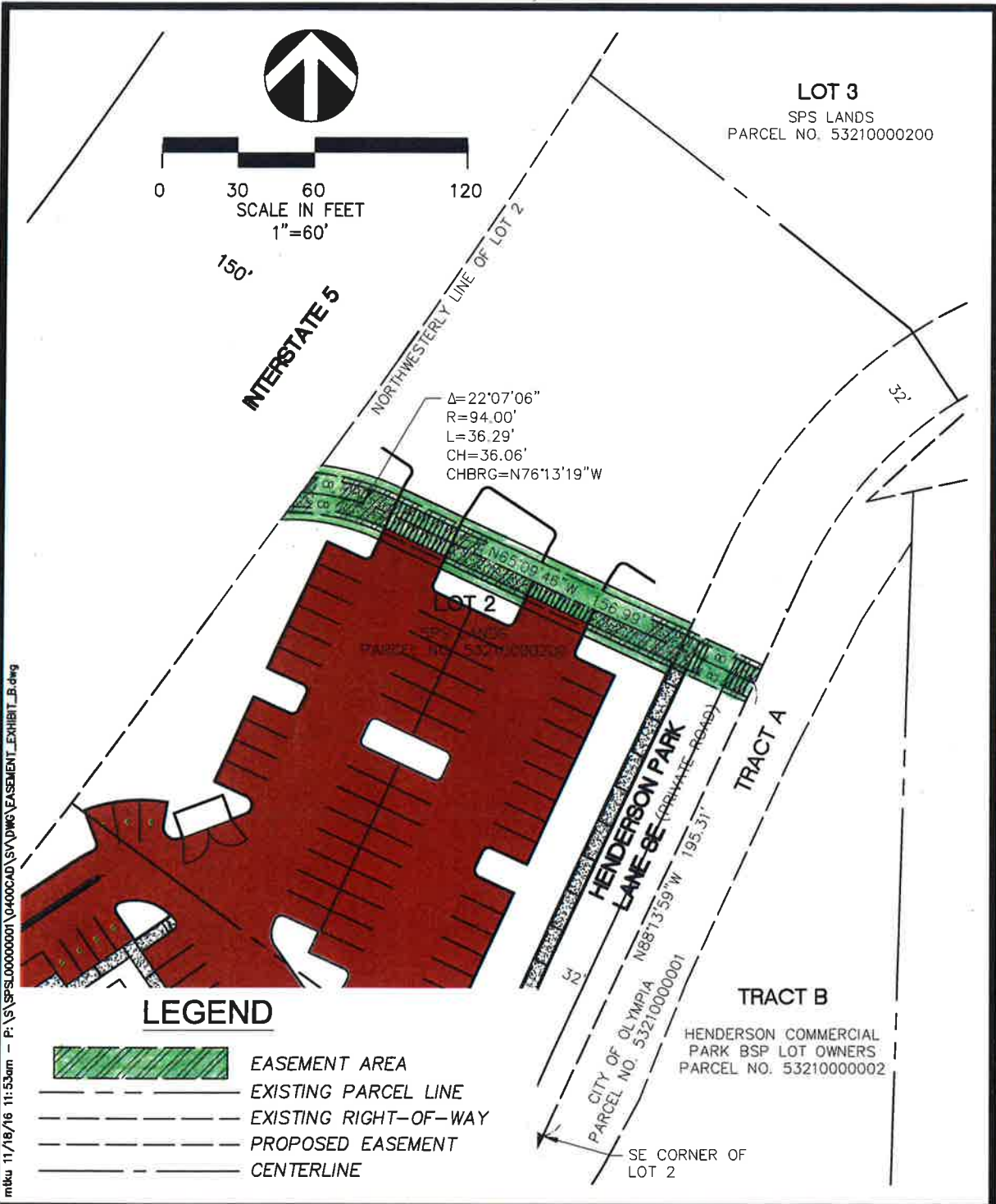
*Dave Niember DCA*

CITY ATTORNEY

**PASSED:**

**APPROVED:**

**PUBLISHED:**



mku 11/19/16 11:53am - P:\SPSL\00000001\0400CAD\SV\DWG\EASEMENT\_EXHIBIT\_B.dwg

**LEGEND**

- EASEMENT AREA
- EXISTING PARCEL LINE
- EXISTING RIGHT-OF-WAY
- PROPOSED EASEMENT
- CENTERLINE

**EXHIBIT "B1"**

EASEMENT AREA: 3,093 SF

OWNER: SPS LANDS  
OLYMPIA, WASHINGTON



**DAVID EVANS  
AND ASSOCIATES INC.**  
 2106 Pacific Avenue Suite 400  
 Tacoma Washington 98402  
 Phone: 253.922.9780



# Petition to Vacate Public Right-of-Way

<b>OFFICIAL USE ONLY</b>			
Applicant: <u>SPS Lands LLC</u>		Address: <u>2301 Henderson Park Ln SE</u>	
Phone:	File#:	Receipt #:	Date:

**HONORABLE MAYOR AND CITY COUNCIL:**

We, the undersigned, do hereby petition the Olympia City Council to vacate the following described public right-of-way:

<b>LEGAL DESCRIPTION OF AFFECTED RIGHT-OF-WAY:</b>
Please see attached Exhibit A for legal description.
Please see attached Exhibit B for detailed vacation site plan.
Please see attached Exhibit C for vicinity site plan.

<b>PURPOSE OF REQUEST AND STATEMENT OF PUBLIC BENEFIT: *</b>
Please see attached Exhibit D.
<i>*See submittal requirements and criteria for approval on the reverse side of this form</i>

<b>PETITIONERS*</b>		
<b>Owner's signature</b>	<b>Owner's Names</b>	<b>Parcel Number</b>
	<u>SPS Lands LLC</u>	<u>53210060100</u>
<i>*Attach additional sheets as necessary</i>		

I verify that each of the above signatures represents a legal and registered owner of the property abutting the above-described right-of-way.

Applicant's Signature

8-23-16  
Date

**EXHIBIT 'A'**

**RIGHT OF WAY VACATION PETITION TO  
THE HONORABLE CITY COUNCIL OF THE CITY OF OLYMPIA**

**Parcels to Be Vacated by Grantee:**

**PARCEL A**

THAT PORTION OF LAND DEDICATED TO THE CITY OF OLYMPIA, AS RECORDED JANUARY 4, 1965 UNDER RECORDING NUMBER 813551, RECORDS OF THURSTON COUNTY, WASHINGTON; TOGETHER WITH:

THAT PORTION OF TRACT 48 AND HILLSIDE DRIVE AS SHOWN ON THE PLAT OF WILDWOOD PARK, RECORDED IN VOLUME 9 OF PLATS, PAGE 39, RECORDS OF THURSTON COUNTY, WASHINGTON, LYING NORTHERLY OF THE SOUTH LINE OF TRACT 44 OF SAID PLAT, AND ITS WESTERLY EXTENSION, AND LYING SOUTHERLY OF THE NORTH LINE OF THE SOUTH 100 FEET OF SAID TRACT 44 AND ITS WESTERLY EXTENSION, AND LYING EASTERLY OF SAID LAND DEDICATED TO THE CITY OF OLYMPIA, RECORDING NUMBER 813551, AND LYING WESTERLY OF THE FOLLOWING DESCRIBED LINE:

COMMENCING AT THE SOUTHWEST CORNER OF SAID TRACT 44; THENCE WESTERLY ALONG THE WESTERLY EXTENSION OF SAID SOUTH LINE OF TRACT 44 NORTH 88°13'59" WEST 31.74 FEET TO ITS INTERSECTION WITH SAID WESTERLY MARGIN OF HILLSIDE DRIVE AND THE POINT OF BEGINNING OF SAID LINE; THENCE LEAVING SAID SOUTH LINE NORTH 03°02'40" WEST 52.92 FEET; THENCE NORTH 27°20'14" EAST 52.39 FEET TO THE SOUTHERLY BOUNDARY OF LOT 1 OF HENDERSON COMMERCIAL PARK BINDING SITE PLAN, AS RECORDED FEBRUARY 1, 2008 UNDER RECORDING NUMBER 3986666, AND THE TERMINUS OF SAID LINE.

**PARCEL B**

THAT PORTION OF TRACT A OF HENDERSON COMMERCIAL PARK BINDING SITE PLAN, AS RECORDED FEBRUARY 1, 2008 UNDER RECORDING NUMBER 3986666, RECORDS OF THURSTON COUNTY, WASHINGTON, LYING WESTERLY OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT THE NORTHEAST CORNER OF LOT 1 OF SAID BINDING SITE PLAN; THENCE SOUTH 63°28'16" EAST 0.63 FEET;  
THENCE SOUTH 28°36'47" WEST 68.07 FEET;

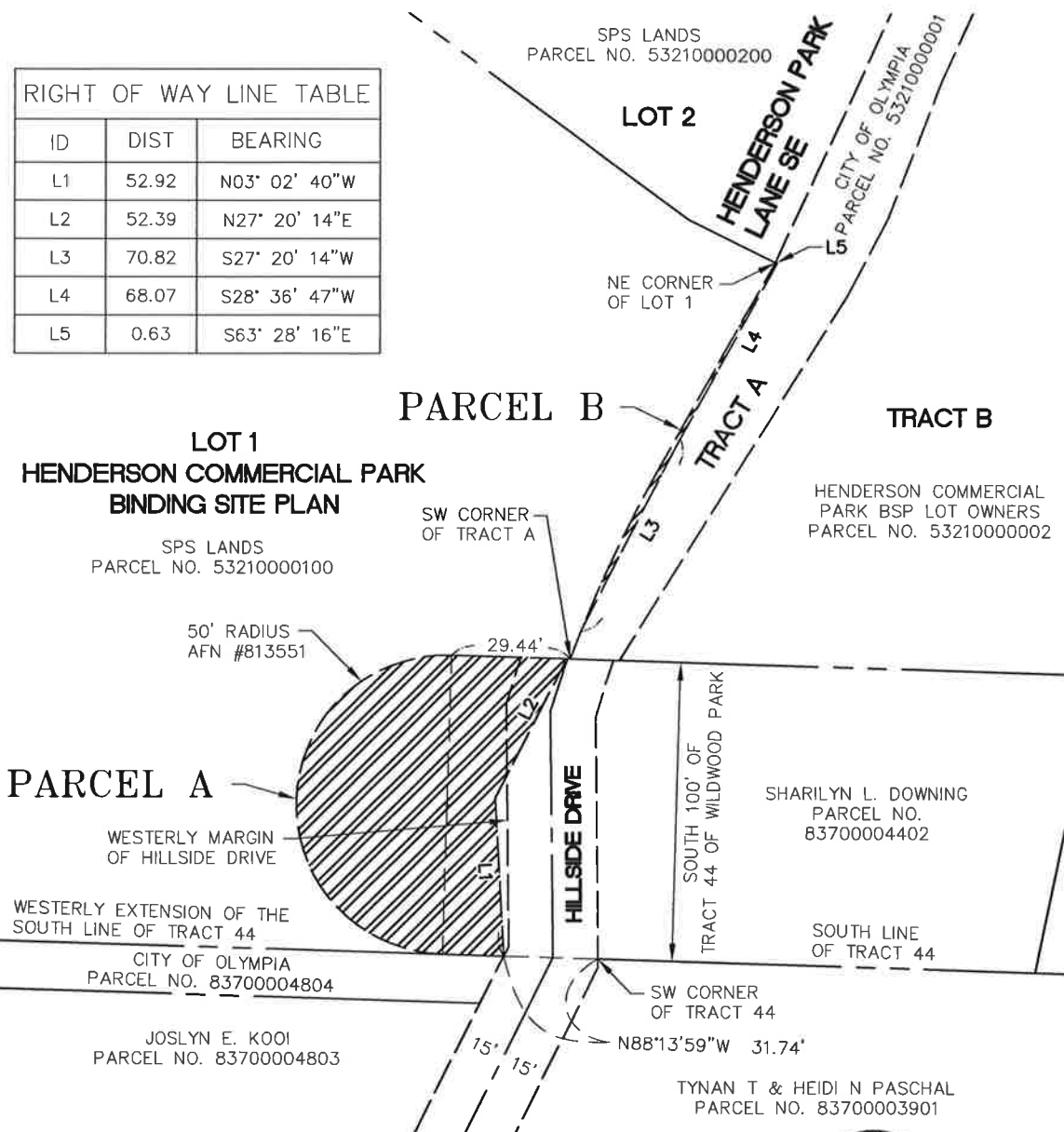
THENCE SOUTH 27°20'14" WEST 70.82 FEET TO THE WESTERLY BOUNDARY  
OF SAID TRACT A AND THE TERMINUS OF SAID LINE.

CONTAINING 6,335 SQUARE FEET OR 0.15 ACRES, MORE OR LESS.



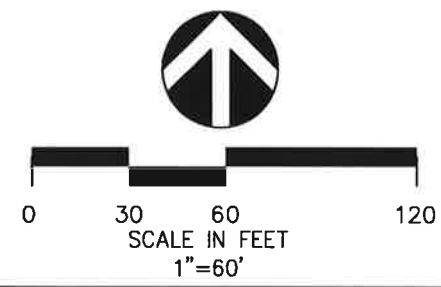
RIGHT OF WAY LINE TABLE		
ID	DIST	BEARING
L1	52.92	N03° 02' 40"W
L2	52.39	N27° 20' 14"E
L3	70.82	S27° 20' 14"W
L4	68.07	S28° 36' 47"W
L5	0.63	S63° 28' 16"E

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**LEGEND**

- PARCELS TO BE VACATED
- EXISTING PARCEL LINE
- EXISTING RIGHT-OF-WAY
- PROPOSED RIGHT-OF-WAY
- EXISTING CENTERLINE



**EXHIBIT B**

PARCEL A AREA: 6,853 SF  
 PARCEL B AREA: 514 SF

OWNER: CITY OF OLYMPIA  
 OLYMPIA, WASHINGTON



**DAVID EVANS AND ASSOCIATES INC.**  
 2106 Pacific Avenue Suite 400  
 Tacoma Washington 98402  
 Phone: 253.922.9780





## **EXHIBIT D**

### **PURPOSE OF REQUEST AND STATEMENT OF PUBLIC BENEFIT**

The request to vacate the described City of Olympia right-of-way and trail tract is to support the development of a new hotel on the adjacent property. The project is a benefit to the public and will provide quality hospitality service to visitors to the City. The following criteria contained in Olympia Municipal Code 12.16.100 are consistent with this request:

- a. The proposed vacation will not be materially detrimental to other properties in the vicinity and will be an asset for the city. Per the binding site plan, a condition was established that required the developer to plan for an extension to the Woodland Trail from the east side of the existing private road to the most SW point of the subject property. During the course of site planning, the City of Olympia Parks Department asked the Owner if they could modify the location of this trail extension to stagger the north property line, between the Hilton hotel and the proposed Marriott hotel. The reason for this request was that the Parks Department didn't think they could obtain permission to cross the railroad tracks and the new location would provide a better south-bound connection to the trail.

This new trail location caused a significant loss of parking stalls for the proposed Marriott project and it was originally thought that this property could be dedicated to the city in exchange for the city right-of-way property currently proposed to be vacated. However, it was determined that the trail property would be handled by an easement, instead of a dedication.

The city property proposed to be vacated looks to be in the shape of a cul-de-sac, something that clearly is not part of the City's long term plans for this area. Instead, the applicant is required to connect Hillside Drive with the private road for Fire Department use only.

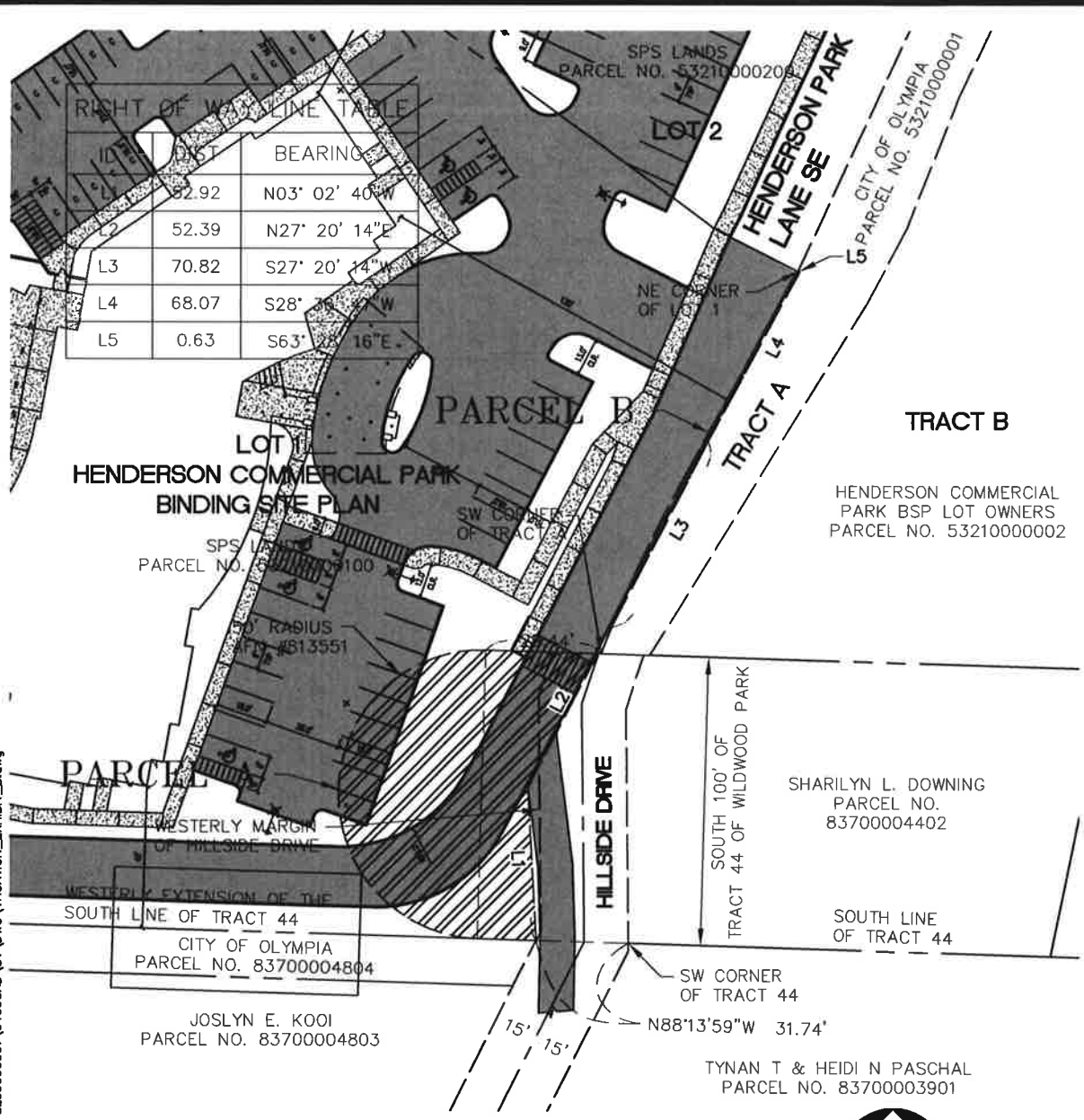
The loss of this cul-de-sac property will not deprive property of reasonable and convenient access, increase traffic safety hazards, or decrease transportation service levels.

- b. Per conversations with the city staff, this cul-de-sac property is not needed for general access, emergency services, utility facilities or other similar public purposes, nor is it needed as part of a long range circulation plan, pedestrian/bicycle pathway or street improvement plan. In essence this cul-de-sac land is being traded for a new pedestrian/bicycle path that is much more functional to the Parks Department.

- c. The subject vacation is consistent with the adopted Olympia Comprehensive Plan and all other related land use and circulation regulations and policies, including but not limited to the Olympia Development Standards and Titles 17 (Subdivisions) and 18 (Zoning) of the Olympia Municipal Code;
- d. The subject vacation would not directly or indirectly result in an adverse impact on historical or cultural resources, the natural environment or otherwise negatively affect an environmentally sensitive area as defined by Chapter 18.76 of the Olympia Municipal Code.

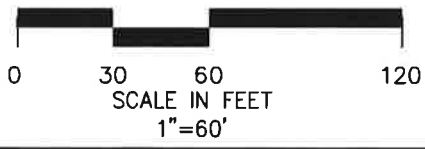
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RIGHT OF WAY LINE TABLE		
LINE	DIST	BEARING
	52.92	N03° 02' 40"W
	52.39	N27° 20' 14"E
L3	70.82	S27° 20' 14"W
L4	68.07	S28° 36' 17"W
L5	0.63	S63° 16"E



**LEGEND**

- PARCELS TO BE VACATED
- EXISTING PARCEL LINE
- EXISTING RIGHT-OF-WAY
- PROPOSED RIGHT-OF-WAY
- EXISTING CENTERLINE



**EXHIBIT E**

PARCEL A AREA: 8,853 SF  
 PARCEL B AREA: 514 SF  
 OWNER: CITY OF OLYMPIA  
 OLYMPIA, WASHINGTON



**DAVID EVANS AND ASSOCIATES INC.**

2106 Pacific Avenue Suite 400  
 Tacoma Washington 98402  
 Phone: 253.922.9780



November 23, 2016  
File: 16-6270 Street Vacation

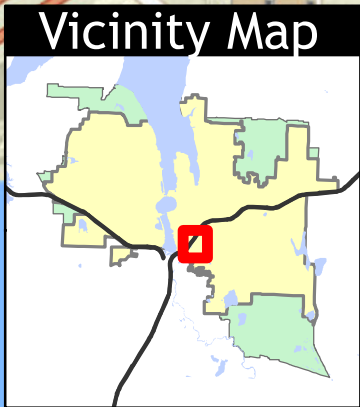
### OMC 12.16.100 REVIEW CRITERIA WITH STAFF COMMENT

- A. The proposed vacation will not be materially detrimental to other properties in the vicinity, nor will it endanger public health, safety or welfare. Typical detriments or endangerments include, but are not limited to: depriving property of reasonable and convenient access; increasing traffic safety hazards; or decreasing transportation service levels.
- *The proposed vacation is not needed for access to adjacent properties. Retention of the remaining right-of-way of Hillside Drive SE provides for future pedestrian access.*
- B. The subject rights-of-way is not needed for general access, emergency services, utility facilities or other similar public purposes, nor is it necessary as part of a long range circulation plan, pedestrian/bicycle pathway plan or street improvement plan. Providing easements, relocating facilities or implementing other similar alternatives equal or superior to the existing or planned facilities may cause the petition to comply with this criteria;
- *The proposed vacation area is not used for general access. Emergency services, utility facilities or other similar public purposes and long range circulation needs will not be negatively impacted. The petitioner is proposing to adequately address pedestrian/bicycle access.*
- C. The subject vacation is consistent with the adopted Olympia Comprehensive Plan and all other related land use and circulation regulations and policies, including but not limited to the Olympia Development Standards and Titles 17 (Subdivisions) and 18 (Zoning) of the Olympia Municipal Code;
- *The proposed vacation is consistent with Council's priorities and goals.*
- D. The subject vacation would not directly or indirectly result in an adverse impact on historical or cultural resources, the natural environment or otherwise negatively affect an environmentally sensitive area as defined by Chapter 18.76 of the Olympia Municipal Code.
- *The proposed vacation does not negatively impact the area.*



# 16-6270 Hillside Drive SE Vacation

## Vicinity Map



0 220 440 Feet 1 inch = 400 feet

Map printed 10/17/2016

For more information, please contact:

Name, Title

Email

(360) Phone.

This map is intended for 8.5x11" portrait printing.

The City of Olympia and its personnel cannot assure the accuracy, completeness, reliability, or suitability of this information for any particular purpose. The parcels, right-of-ways, utilities and structures depicted hereon are based on record information and aerial photos only. It is recommended the recipient and/or user field verify all information prior to use. The use of this data for purposes other than those for which they were created may yield inaccurate or misleading results. The recipient may not assert any proprietary rights to this information. The City of Olympia and its personnel neither accept or assume liability or responsibility, whatsoever, for any activity involving this information with respect to lost profits, lost savings or any other consequential damages.





## City Council

### Quasi-Judicial Decision on Ordinance on Cushing Street Rezone

**Agenda Date:** 1/10/2017  
**Agenda Item Number:** 4.D  
**File Number:** 16-1271

---

**Type:** ordinance **Version:** 2 **Status:** 2d Reading-Consent

---

#### **Title**

Quasi-Judicial Decision on Ordinance on Cushing Street Rezone

#### **Recommended Action**

##### **Committee Recommendation:**

Not referred to a committee. The Hearing Examiner held a public hearing and issued his recommendation (attached).

##### **City Manager Recommendation:**

Approve on second reading the ordinance rezoning the Cushing Street property, as recommended by the Hearing Examiner.

#### **Report**

##### **Issue:**

Whether to approve on first reading and move to second reading the adoption of the attached ordinance amending the City of Olympia zoning map to rezone the Cushing Street property from Residential Six to Twelve Units per Acre (R 6-12) to High Density Corridor 3 (HDC 3).

##### **Staff Contact:**

Linda Bentley, Senior Planner, Community Planning & Development, 360.570.3746

##### **Presenter(s):**

Linda Bentley, Senior Planner, Community Planning & Development

#### **Background and Analysis:**

Background and Analysis has not changed from first to second reading.

The Olympia Hearing Examiner held an open-record public hearing on October 10, 2016. On October 24, 2016, after considering the facts and one public comment in favor of the rezone, the Examiner recommended that the land use zoning of the Cushing Street property be changed from Residential Six to Twelve Units per Acre (R 6-12) to High Density Corridor 3 (HDC 3).

The Hearing Examiner decision (attached) concludes that the change in zoning designation meets all

criteria in OMC 18.59.050 (attached): it is consistent with the Comprehensive Plan, including the Future Land Use map; maintains public health, safety and welfare; is consistent with development regulations; results in compatible adjacent zoning districts; and planned or existing public facilities and services are adequate to support any changes allowed under the HDC 3 zoning.

In accordance with OMC 18.58.020, the proposed rezone was forwarded to the Olympia Planning Commission, which unanimously recommended approval of the rezone. City planning staff also recommended approval to the Hearing Examiner. Public testimony at the Hearing Examiner public hearing was limited to one person in favor of the proposal.

As provided in OMC 18.58.020 regarding site-specific rezones, the City Council must now consider the Hearing Examiner recommendation and make the final decision, based on the criteria in OMC 18.59.050 (attached). No further public comment or evidence is allowed. This is a closed record decision for Council.

The public was notified of and given the opportunity to comment on the State Environmental Policy Act (SEPA) Determination of Non-Significance (DNS) that was issued on September 6, 2016. The comment and appeal deadlines passed without comment.

**Neighborhood/Community Interests (if known):**

There has been no public opposition to the requested zoning.

**Options:**

1. Move to adopt the attached Ordinance amending the official zoning map of Olympia and, in particular, revising the zoning of the Cushing Street property from Residential Six to Twelve Units per Acre (R 6-12) to High Density Corridor 3 (HDC 3).
2. Move to adopt the Ordinance amending the official zoning map of Olympia with modifications.
3. Move to deny the rezone application.
4. Move to defer the decision to a later date.

**Financial Impact:**

No appreciable financial impact to the City stemming from the rezone.

**Attachments:**

Ordinance  
Hearing Examiner Decision  
Rezone Decision Criteria  
Audio of Public Hearing - October 10, 2016



Ordinance No. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, AMENDING THE OFFICIAL CITY OF OLYMPIA ZONING MAP AND, IN PARTICULAR, REVISING THE ZONING OF THREE PARCELS, TAX PARCEL NOS. 85003701300, 95003701500 AND 8500370170, MORE COMMONLY KNOWN AS 123 AND 135 CUSHING STREET NW, OLYMPIA, WASHINGTON, FROM RESIDENTIAL SIX TO TWELVE UNITS PER ACRE (R 6-12) TO HIGH DENSITY CORRIDOR 3 (HDC-3)**

WHEREAS, on March 29, 2016, Alicia Elliott submitted a request to change the zoning of three parcels, Tax Parcel Nos. 85003701300, 85003701500 and 85003701700, more commonly known as 123 and 135 Cushing Street NW (herein the "Cushing Street parcels"); and

WHEREAS, the Olympia Planning Commission (herein the "OPC") reviewed the request on July 11, 2016, and recommended to the Hearing Examiner that the rezone request was consistent with the Olympia Comprehensive Plan; and

WHEREAS, on September 6, 2016, pursuant to the State Environmental Policy Act, the City of Olympia issued a Determination of Non-Significance, which was not appealed; and

WHEREAS, on October 10, 2016, the Olympia Hearing Examiner (herein the "Examiner") held a duly-noticed, open-record public hearing regarding the request; and

WHEREAS, on October 24, 2016, the Examiner recommended that the land use zoning of the Cushing Street parcels be changed from Residential 6 to 12 Units per Acre (R 6-12) to High Density Corridor 3 (HDC-3); and

WHEREAS, the City Council hereby adopts the findings and conclusions as set forth in the Examiner's recommendation; and

WHEREAS, the City Council concludes, pursuant to OMC 18.58.040, that the rezone meets the requirements of OMC 18.59.050 and OMC 18.59.055; and

WHEREAS, this Official City of Olympia Zoning Map amendment meets the goals and requirements of the State of Washington Growth Management Act; and

WHEREAS, Chapters 35A.63 and 36.70A RCW and Article 11, Section 11 of the Washington State Constitution authorize and permit the City to adopt this Ordinance; and

WHEREAS, pursuant to OMC 18.82.240, this Ordinance is supported by the staff report and materials associated with this Ordinance;

**NOW, THEREFORE, THE OLYMPIA CITY COUNCIL ORDAINS AS FOLLOWS:**

**Section 1. Amendment of Official Zoning Map.** The Official City of Olympia Zoning Map is hereby amended by replacing the current Official City of Olympia Zoning Map with the map attached hereto as Exhibit 1, which is incorporated by reference as though fully set forth herein. This amendment changes the zoning of the "Cushing Street parcels" from R 6-12 to HDC-3.

**Section 2. Amendment of Official Maps.**

**A.** The City Manager or his designee is authorized to prepare such maps reflective this Ordinance. The Mayor is authorized but not required to sign an Official City of Olympia Zoning Map reflecting this Ordinance.

**B.** A copy of the Official City of Olympia Zoning Map is and shall be retained on file with the City Clerk.

**Section 3. Findings.** The recitals above are hereby adopted as findings, conclusions and decision in support of this Ordinance.

**Section 4. Severability.** If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the Ordinance or application of the provisions to other persons or circumstances shall remain unaffected.

**Section 5. Ratification.** Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

**Section 6. Effective Date.** This Ordinance shall take effect five (5) days after publication, as provided by law.

---

MAYOR

**ATTEST:**

---

CITY CLERK

**APPROVED AS TO FORM:**

*Darre Nienabe*

---

DEPUTY CITY ATTORNEY

**PASSED:**

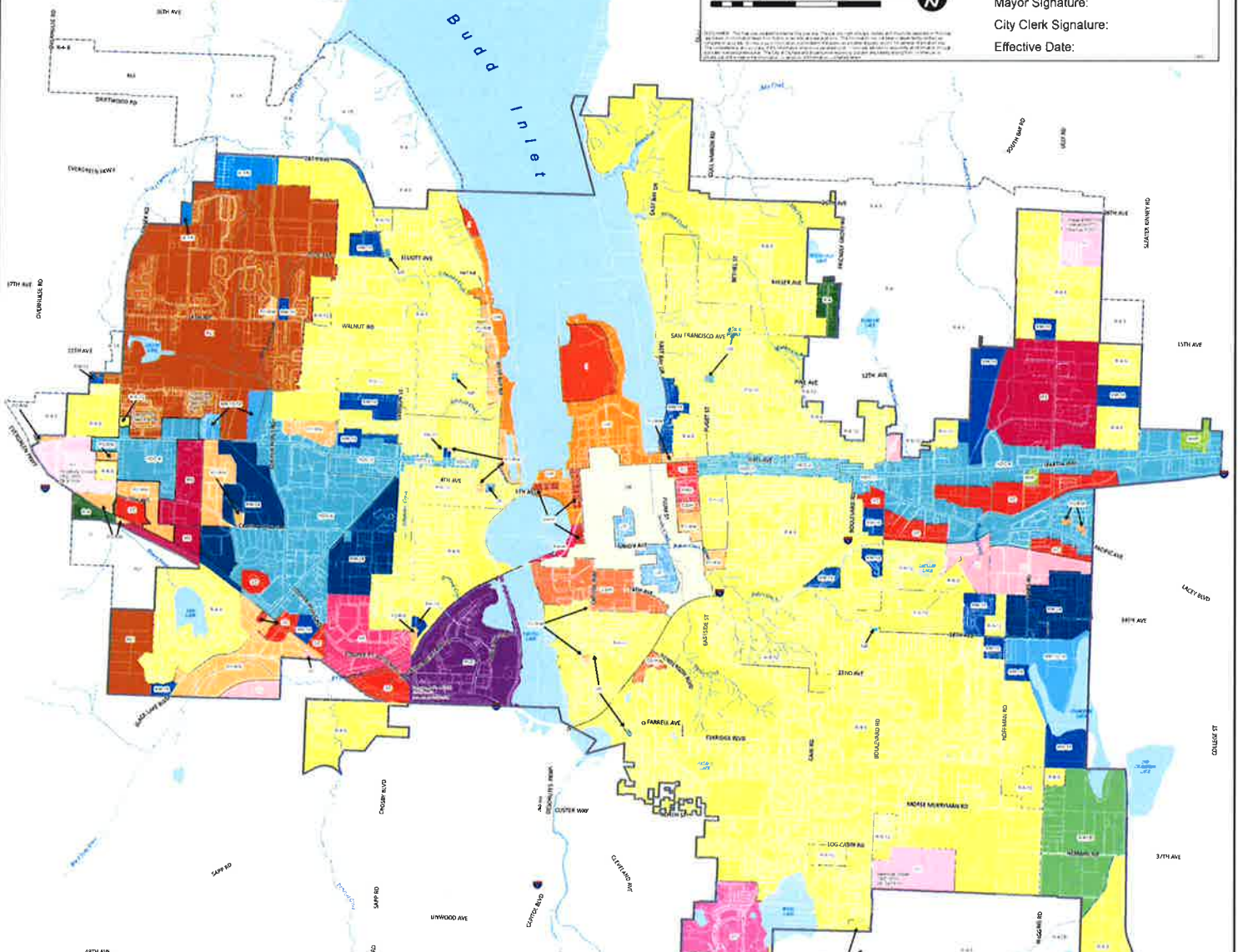
**APPROVED:**

**PUBLISHED:**

# Exhibit 1 - 2016 ZONING MAP



Mayor Signature:  
 City Clerk Signature:  
 Effective Date:



## Zoning Map Legend

- Olympia City Limits
  - Urban Growth Area
- Zone Name**
- |   |  |
|---|--|
| HIGH DENSITY CORRIDOR 1                     | RESIDENTIAL 1 UNIT PER 5 ACRE              |
| HIGH DENSITY CORRIDOR 2                     | MIXED RESIDENTIAL 7-13 UNITS               |
| HIGH DENSITY CORRIDOR 3                     | MIXED RESIDENTIAL 10-18 UNITS              |
| HIGH DENSITY CORRIDOR 4                     | RESIDENTIAL MULTIFAMILY 18 UNITS           |
| AUTO SERVICES                               | RESIDENTIAL MULTIFAMILY 24 UNITS           |
| COMMERCIAL SERVICE HIGH DENSITY             | SINGLE-FAMILY RESIDENTIAL (CHAMBERS BASIN) |
| COMMUNITY ORIENTED SHOPPING CENTER          | SINGLE-FAMILY RESIDENTIAL 4                |
| DOWNTOWN BUSINESS                           | SINGLE-FAMILY RESIDENTIAL 4-6              |
| GENERAL COMMERCIAL                          | TWO FAMILY RESIDENTIAL 6-12                |
| INDUSTRIAL                                  | MANUFACTURED HOUSING PARK                  |
| LIGHT INDUSTRIAL                            | RESIDENTIAL LOW IMPACT                     |
| HIGH RISE MULTIFAMILY                       | RESIDENTIAL MIXED USE                      |
| MEDICAL SERVICE                             | PLANNED UNIT DEVELOPMENT                   |
| PROFESSIONAL OFFICE/RESIDENTIAL MULTIFAMILY | NEIGHBORHOOD VILLAGE                       |
| NEIGHBORHOOD RETAIL                         | URBAN RESIDENTIAL                          |
|   | URBAN VILLAGE                              |
|   | URBAN WATERFRONT                           |
|   | URBAN WATERFRONT HOUSING                   |



**OLYMPIA  
HEARING EXAMINER  
RECOMMENDATION**

Community Planning & Development  
601 4<sup>th</sup> Avenue E. – PO Box 1967  
Olympia WA 98501-1967  
Phone: 360.753.8314  
Fax: 360.753.8087  
[cpdinfo@ci.olympia.wa.us](mailto:cpdinfo@ci.olympia.wa.us)  
[www.olympiawa.gov](http://www.olympiawa.gov)

October 25, 2016

Greetings,

**Subject: Cushing Rezone  
Case# 16-0045**

The enclosed **corrected** recommendation of the Olympia Hearings Examiner, hereby issued on the above date. The Examiner's **corrected** recommendation will be forwarded to the City Council. Review of this **corrected** recommendation by the Council has not yet been scheduled. When initial Council consideration of this **corrected** recommendation has been scheduled, notice will be provided to all parties directly receiving this letter.

Please note that the accompanying **corrected** recommendation is **not** the final decision of the City of Olympia. Accordingly, this **corrected** recommendation is not appealable. The City Council will determine what process to use for considering this **corrected** recommendation.

Please contact the City of Olympia, Community Planning and Development Department, at 601 4<sup>th</sup> Avenue E or at PO Box 1967, Olympia, WA 98507-1967, by phone at 360-753-8314, or by e-mail at [cpdinfo@ci.olympia.wa.us](mailto:cpdinfo@ci.olympia.wa.us) if you have any questions.

Sincerely,

Suki Bell-Sullivan  
Office Specialist III  
Community Planning & Development

1 BEFORE THE CITY OF OLYMPIA HEARINGS EXAMINER

2 IN RE: ) HEARING NO. 16-0045  
3 CUSHING STREET REZONE, ) [CORRECTED]  
4 ) FINDINGS OF FACT,  
5 Applicant. ) CONCLUSIONS OF LAW,  
6 ) DECISION AND RECOMMENDATION  
7 ) TO CITY COUNCIL

8 **APPLICANT:** Alicia Elliott  
9 6326 Cedar Flats Road SW  
10 Olympia, Washington 98512

11 **REPRESENTATIVES:**

12 Jeff Synder  
13 218 1/2 4th Avenue W., Suite E  
14 Olympia, Washington 98501

15 **SUMMARY OF REQUEST:** Rezoning of three parcels along Cushing Street NW, located just  
16 south of Harrison Avenue from R6-12 to HDC-3.

17 **PROJECT LOCATION:**

18 123 and 135 Cushing Street NW, Olympia, Washington, 98502, Parcel Nos. 85003701300,  
19 85003701500 and 85003701700.

20 **SUMMARY OF DECISION:**

21 The Hearing Examiner recommends to the City Council that the Cushing Street properties be  
22 rezoned from Residential 6-12 Units per Acre to High Density Corridor 3.

23 **DESCRIPTION OF SITE**

24 The subject property includes two historic homes located on Cushing Street NW a short  
25 distance south of Harrison Avenue and just east of the Harrison/Division Street intersection. All  
adjoining properties to the west and north are commercial properties abutting either Division  
Street or Harrison Avenue. All adjoining properties to the east and south are low density  
residential properties. The subject properties are, therefore, at the meeting point between  
commercial and residential neighborhoods.

The two existing residences are both found on the City's Historical Register: The  
property at 123 Cushing Street NW is referred to as the "McIntyre House". It was constructed in  
the 1890's and was continuously used by the McIntyre family for the next century. The

*[Corrected] Findings of Fact,  
Conclusions of Law,  
Decision and Recommendation  
to City Council - 1*

**CITY OF OLYMPIA HEARING EXAMINER**  
299 N.W. CENTER ST. / P.O. BOX 939  
CHEHALIS, WASHINGTON 98532  
Phone: 360-748-3386/Fax: 748-9533

1 residence at 135 Cushing Street NW is known as the "Adams House". It was constructed by  
2 John Adams around 1900. Mr. Adams immigrated from Finland and was employed for many  
years by the City of Olympia. In the 1960's this residence was converted into a triplex.

3 The owner of these properties has gone to considerable effort to maintain these historic  
4 properties. The owner has also acquired several adjoining parcels on the west half of the block  
5 abutting Division Street, and has used a portion of these properties to construct a community  
park/gathering center/farmer's market.

6 The property's current zoning of R6-12 is intended primarily for residential use but it also  
7 allows for a small amount of commercial use. The Applicant seeks to rezone the property to  
8 High Density Corridor 3 in order to convert the use of these historic buildings into a small  
restaurant and five-room lodging house.

9 There has been no public opposition to the requested rezoning.

### 10 PUBLIC HEARING

11 Prior to the public hearing I undertook a site examination of the subject properties and the  
12 surrounding blocks.

13 The public hearing commenced at 6:30 p.m. on Monday, October 10, 2016, in the  
14 Council Chambers in City Hall. The City appeared through Michelle Sadlier and Tim Smith of  
15 the Planning Department. The Applicant, Alicia Elliott, appeared in person along with her  
16 representative, Jeff Snyder. Only two other members of the public were present but only one  
17 provided testimony. A verbatim recording was made of the public hearing and all testimony was  
taken under oath. Testimony from the City was received from Ms. Sadlier and Mr. Smith.  
Testimony from the Applicant was received from Mr. Snyder. In advance of the hearing  
Michelle Sadlier prepared a Staff Report (Exhibit 1) which includes several attachments. No  
additional exhibits were received prior to or during the hearing.

18 Ms. Sadlier confirmed that City Staff recommends approval of the change in the site's  
19 zoning to HDC-3. Ms. Sadlier believes that the request satisfies all five requirements of OMC  
20 18.59.050(a) - (e) for rezone approval. More specifically, Ms. Sadlier believes that the change  
21 in zoning will be consistent with the Comprehensive Plan; will maintain public health, safety or  
welfare; is consistent with Development Regulations; will result in compatible adjacent zoning  
districts and that there are adequate planned or existing public facilities and services.

22 Ms. Sadlier recognizes that, although there has been no public opposition to this  
23 requested rezone, there is a question as to its consistency with the City's Comprehensive Plan.  
24 More specifically, the Comprehensive Plan's Future Land Use Map identifies the subject  
25 property as being within an area designated as Low Density Neighborhood. This land use  
designation is inconsistent with a zoning designation of High Density Corridor 3. This problem  
is overcome, however, by the Comprehensive Plan's recognition that zoning designations may

*[Corrected] Findings of Fact,  
Conclusions of Law,  
Decision and Recommendation  
to City Council - 2*

**CITY OF OLYMPIA HEARING EXAMINER  
299 N.W. CENTER ST. / P.O. BOX 939  
CHEHALIS, WASHINGTON 98532  
Phone: 360-748-3386/Fax: 748-9533**

1 deviate from the Future Land Use Map by up to two hundred feet. Within two hundred feet of  
2 the subject property, along both its west and north boundaries, are areas designated as "Urban  
3 Corridor" on the Future Land Use Map. A zoning designation of HDC-3 is consistent with the  
4 land use designation of Urban Corridor. In other words, the City's Comprehensive Plan provides  
5 for some measure of flexibility when determining whether a zoning designation is consistent  
6 with the Plan's intended land use and that, relying on this flexibility, the proposed rezoning is  
7 consistent with the Comprehensive Plan's Future Land Use Map.

8  
9 Apart from this issue of consistency with the Future Land Use Map there is no other  
10 significant issue relating to its approval; the City's Planning Commission has voted unanimously  
11 to recommend the rezone; City Staff recommends its approval; and there has been no public  
12 opposition.

13  
14 Ms. Sadlier adds that it is important to remember that even if the subject properties are  
15 rezoned to HDC-3 the buildings themselves remain protected under the City's Historic  
16 Preservation Ordinance. Thus, while rezoning may provide for a longer list of potential uses for  
17 these buildings it will not dramatically affect their appearance or the surrounding grounds and  
18 outbuildings. As a result of their historic recognition only minimal changes to the buildings and  
19 surrounding spaces will be permitted; the buildings historic character must be retained and  
20 preserved; and any deteriorated historic features must be repaired rather than replaced. Rezoning  
21 thus allows these buildings to be put to greater use but not at the expense of eliminating their  
22 historic character.

23  
24 Ms. Sadlier completed her testimony by reviewing the five requirements for rezoning set  
25 forth in OMC 18.59.050 and explained why the rezoning satisfies each requirement, all as set  
forth more fully in the Staff Report.

Following Ms. Sadlier's testimony Jeff Snyder spoke briefly on behalf of the Applicant.  
Mr. Snyder supported the positions taken by City Staff and added that rezoning will provide the  
necessary incentive to ensure that these historic buildings are well maintained.

Only two members of the public were present and only once asked to testify. Robin  
Healy, who lives nearby on Decatur NW, simply wished to express his strong support for the  
rezone.

Again, the proposed rezoning has the unanimous support of the City Planning  
Commission, City Planning Staff and the public. I therefore recommend approval of the  
rezoning and make the following Findings/Conclusions with respect to the five rezoning criteria  
found in OMC 18.59.050:

1. **OMC 18.59.050(a). The rezone is consistent with the Comprehensive Plan  
including the Future Land Use Map.** As noted above, the Future Land Use Map designates the  
subject property as Low Density Residential. This land use designation is not consistent with a

*[Corrected] Findings of Fact,  
Conclusions of Law,  
Decision and Recommendation  
to City Council - 3*

**CITY OF OLYMPIA HEARING EXAMINER  
299 N.W. CENTER ST. / P.O. BOX 939  
CHEHALIS, WASHINGTON 98532  
Phone: 360-748-3386/Fax: 748-9533**

1 zoning designation of HDC-3. The Comprehensive Plan recognizes, however, that properties  
2 within two hundred feet of another land use designation may be appropriate for that other land  
3 use. The subject property is bordered on both the north and west by areas designated as "Urban  
4 Corridor" in the Future Land Use Map. The site is well within two hundred feet of areas west  
5 and north designated as Urban Corridor. HDC-3 zoning is fully compatible with the Urban  
6 Corridor land use designation. The rezoning is therefore consistent with the Future Land Use  
7 Map.

8 The Staff Report, commencing at page 5, contains Findings relating to the project's  
9 consistency with the Comprehensive Plan. City Staff finds that the proposed rezoning is  
10 consistent with the Comprehensive Plan including: GL1 as well as PL1.2 and PL1.6; GL11  
11 together with PL11.3 and PL11.4; GL13 including PL13.5 and PL13.7; GL3 including PL3.2 and  
12 PL3.6; and GL5 including PL5.5 and PL5.8. The Hearing Examiner has reviewed those  
13 proposed Findings and adopts them as his own Findings of Fact and concludes that the proposed  
14 rezone is consistent with the Comprehensive Plan.

15 **2. OMC 18.50.050(b). The rezone will maintain the public, health, safety or  
16 welfare.** As noted in the Staff Report at pages 7 and 8, a rezoning to HDC-3 is unlikely to result  
17 in any substantial redevelopment of the parcels due to their current historic preservation  
18 designation. Improvements to the properties for commercial uses must be made within the  
19 confines of the historic preservation regulations. As a result there will be greater incentive to  
20 restore and maintain these historic properties.

21 Existing roads and public transportation options, as well as sewer, water, solid waste, and  
22 emergency services have all been deemed adequate by City Staff. I therefore conclude that the  
23 rezone will maintain the public health, safety or welfare.

24 **3. OMC 18.59.050(c). The rezone is consistent with other development  
25 regulations that implement the Comprehensive Plan.** As already noted, any modifications to  
the existing buildings must be in accordance with the Historic Preservation Regulations found in  
Chapter 18.12 OMC. These regulations will ensure the historic integrity of the buildings even  
when converted to commercial uses. I therefore conclude that the rezoning is consistent with  
Development Regulations.

**4. OMC 18.59.050(d). The rezone will result in a district that is compatible  
with adjoining zoning districts.** All properties to the north and west of the site are already  
zoned HDC-3. The rezoning is compatible with these adjoining properties. At the same time any  
future development of the site for commercial use will be required to be compatible with the  
residential properties to the south and east. I therefore conclude that the rezoning will result in  
compatible adjacent zoning districts.


**5. OMC 18.59.050(e). Public facilities and services existing and planned for the  
area are adequate and likely to be available to serve potential development allowed by the  
proposed zone.** As previously noted, currently available facilities and services are adequate for  
the intended use of these properties. Water, sewer, solid waste, fire and other emergency



1 services are already provided to the site. The existing street network and transportation  
2 alternatives adequately serve the site, especially when considering when future uses must  
3 maintain the historic integrity of these properties. I therefore conclude that public facilities and  
4 services existing and planned for the area are adequate and likely to be available to serve  
5 potential development allowed by the proposed zone.

6 The first three of these requirements, OMC 18.50.050(a) through (c) are mandatory  
7 requirements for rezone approval, while compliance with subsections (d) and (e) is optional.  
8 Nonetheless, I conclude that the requested rezone to HDC-3 complies with all five requirements,  
9 (a) through (e).

10 DATED this 24<sup>th</sup> day of October, 2016.

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12 \_\_\_\_\_  
13 Mark C. Scheibmeir  
14 City of Olympia Hearing Examiner  
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## Olympia Municipal Code

### Decision Criteria for Rezone Requests

#### 18.59.050 Decision criteria for rezoning requests

The following criteria will be used to evaluate each rezoning request. A zoning map amendment shall only be approved if the Council concludes that at minimum the proposal complies with subsections A through C. To be considered are whether:

- A. The rezoning is consistent with either the Comprehensive Plan including the Plan's Future Land Use map as described in OMC [18.59.055](#) or with a concurrently approved amendment to the Plan.
- B. The rezoning will maintain the public health, safety, or welfare.
- C. The rezoning is consistent with other development regulations that implement the comprehensive plan.
- D. The rezoning will result in a district that is compatible with adjoining zoning districts; this may include providing a transition zone between potentially incompatible designations.
- E. Public facilities and services existing and planned for the area are adequate and likely to be available to serve potential development allowed by the proposed zone.



## City Council

### Approval of a Resolution Declaring Select McAllister Springs Properties as Surplus

**Agenda Date:** 1/10/2017  
**Agenda Item Number:** 6.A  
**File Number:** 17-0017

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**Type:** resolution **Version:** 1 **Status:** Other Business

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#### **Title**

Approval of a Resolution Declaring Select McAllister Springs Properties as Surplus

#### **Recommended Action**

##### **Committee Recommendation:**

Not referred to a committee.

##### **City Manager Recommendation:**

Move to approve the resolution declaring select McAllister Springs properties as surplus.

#### **Report**

##### **Issue:**

Whether to declare certain McAllister Springs properties as surplus

##### **Staff Contact:**

Rich Hoey, P.E., Public Works Director, 360.753.8495

##### **Presenter(s):**

Rich Hoey, P.E., Public Works Director

#### **Background and Analysis:**

In early 2015, the City moved its drinking water supply from McAllister Springs to the more protected McAllister Wellfield. The City took this action to comply with federal and state statutes and regulations requiring improved safety of public drinking water sources. McAllister Springs (see attached photo) had been the City's main source of drinking water since the late 1940s. Over the past two years, the McAllister Springs facilities have sat idle and are no longer in use. Under Department of Health rules, the Drinking Water Utility may no longer use the springs as a water source.

The development of the McAllister Wellfield has been a cooperative effort with the Nisqually Tribe. In May 2008, the City and Tribe entered into a historic agreement to jointly develop the Wellfield, and to permanently protect McAllister Springs. The agreement called for the City to retain ownership of the McAllister Springs properties, and for the City and Tribe to work together on access and a plan for long-term use for the properties.

The McAllister Springs properties total about 181 acres. The properties include the headwaters of McAllister (Medicine) Creek and are important historically and culturally to the Nisqually Tribe. As shown in the attached map, there are a total of 5 City-owned parcels (parcels A-E) within the McAllister Springs complex.

Since the move to the Wellfield, the majority of the McAllister Springs properties (all but Parcel B) no longer have any direct use for the Drinking Water Utility. Parcel B includes the main water transmission line from the McAllister Wellfield and remains vital for the City's Drinking Water Utility. Parcel B will be retained by the City.

The cost to maintain all of the McAllister Springs properties is high and will increase over time as facilities age and need repair. On-going costs for taxes, insurance, fire protection, and site maintenance are \$25,000 to \$30,000 per year. In addition, known facility repair costs exceed \$145,000, and are increasing. The City also has legal liabilities connected with its ownership of the properties. These costs are currently being borne by the City's utility rate payers, although McAllister Springs is no longer used as the City's drinking water source.

While the original agreement with the Nisqually Tribe in the historic 2008 Memorandum of Agreement called on the City to retain ownership of the property, the Tribe has expressed a willingness to take over ownership of the property along with all maintenance costs. The Tribe has also expressed a willingness to ensure permanent protection of the property, and is willing to provide periodic access to the City for environmental educational purposes.

Staff recommends that Council declare Parcels A, C, D and E surplus due to lack of need of these parcels by the Drinking Water Utility and high on-going costs of maintenance. Staff has not identified any other viable use for the City that would be consistent with the 2008 Memorandum of Agreement with the Nisqually Tribe. Staff recommends Council exclude Parcel B given the Utility's need to access and maintain the McAllister Wellfield water supply pipeline.

If the City Council chooses to surplus the property, staff recommends scheduling a public hearing for January 24, 2017, to consider the disposition of the property following the required statutory notice period of at least ten days.

**Neighborhood/Community Interests (if known):**

The City no longer uses McAllister Springs as a water supply, yet maintenance of the buildings and grounds is currently being borne by the City's water utility rate payers. Over the years, many residents and school groups have toured McAllister Springs for environmental education purposes. There is interest in maintaining access to the property for this type of environmental education.

**Options:**

1. Declare the McAllister Springs Parcels A, C, D and E as surplus. The City Council may then consider future options for the properties that reduce or eliminate cost burden to utility rate payers.
2. Maintain all McAllister Springs properties as a Drinking Water Utility asset. The Drinking Water Utility will continue to bear the costs and liabilities associated with the properties.

**Financial Impact:**

The Drinking Water Utility currently bears the costs of maintaining the McAllister Springs property and facilities.

**Attachments:**

1. Resolution
2. Map of McAllister Springs properties
3. Photo of McAllister Springs

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OLYMPIA,  
WASHINGTON DECLARING CERTAIN REAL PROPERTY AT McALLISTER  
SPRINGS SURPLUS TO THE NEEDS OF THE CITY OF OLYMPIA'S  
DRINKING WATER UTILITY**

**WHEREAS**, the City of Olympia holds fee simple ownership of 181.5 acres of real property in unincorporated Thurston County, known collectively as the McAllister Springs properties (hereinafter "McAllister Springs"), which is held as an asset of the City's Drinking Water Utility; and

**WHEREAS**, McAllister Springs historically served as the City's main public drinking water supply source before Olympia developed and commenced use of the McAllister Wellfield in early 2015; and

**WHEREAS**, McAllister Springs is no longer used or needed as a drinking water source for the City due to federal and state statutes and regulations to improve safety of public drinking water, which led to the City's development and use of the McAllister Wellfield as its main public drinking water supply source; and

**WHEREAS**, the Washington State Department of Health required that McAllister Springs, an unfiltered surface water source, be physically disconnected from the City's drinking water system; and

**WHEREAS**, the Drinking Water Utility successfully transferred all of its McAllister Springs water rights to the McAllister Wellfield and therefore no longer has a legal right for use of water from McAllister Springs; and

**WHEREAS**, on May 14, 2008, the Nisqually Tribe and Olympia entered into a historic Memorandum of Agreement that provides the framework and terms and conditions for cooperative work on the shared issues of water supply and water resources stewardship; and

**WHEREAS**, the Memorandum of Agreement provided for Olympia to retain ownership of the McAllister Springs properties and to negotiate a long-term agreement for conservation status and use by the Nisqually Tribe; and

**WHEREAS**, four out of the five McAllister Springs properties (specifically tax parcel numbers 21819130101 (Parcel A), 21819430100 (Parcel C), 21819430200 (Parcel D), and 21819440200 (Parcel E)), totaling 177.2 acres, are no longer needed by the City's Drinking Water Utility, yet the City's utility rate payers continue to bear the costs of property and facility repair, maintenance and other liabilities associated therewith; and

**WHEREAS**, any disposition of the McAllister Springs properties may occur only after a legislative determination that certain properties at issue are surplus to the needs of the City's Drinking Water Utility, and the City conducts a subsequent public hearing upon proper notice as provided by law as to any disposition of the surplus properties;

**NOW, THEREFORE, THE OLYMPIA CITY COUNCIL DOES HEREBY RESOLVE** that the McAllister Springs properties, specifically tax parcel numbers 21819130101, 21819430100, 21819430200, and 21819440200, are surplus to the needs of the City's Drinking Water Utility.

**PASSED BY THE OLYMPIA CITY COUNCIL** this \_\_\_\_\_ day of \_\_\_\_\_ 2017.

\_\_\_\_\_  
MAYOR

ATTEST:

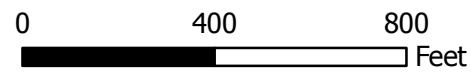
\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM:



\_\_\_\_\_  
CITY ATTORNEY









Map printed 1/3/2017

1 inch = 400 feet

**Legend**

-  Parcels
-  McAllister Springs Properties

-  Pipeline Property
-  36" Water Pipe

The City of Olympia and its personnel cannot assure the accuracy, completeness, reliability, or suitability of this information for any particular purpose. The parcels, right-of-ways, utilities and structures depicted hereon are based on record information and aerial photos only. It is recommended the recipient and or user field verify all information prior to use. The use of this data for purposes other than those for which they were created may yield inaccurate or misleading results. The recipient may not assert any proprietary rights to this information. The City of Olympia and its personnel neither accept or assume liability or responsibility, whatsoever, for any activity involving this information with respect to lost profits, lost savings or any other consequential damages.



