

# City of Olympia Hearing Examiner

299 N.W. CENTER STREET  
P.O. BOX 939  
CHEHALIS, WASHINGTON 98532  
PHONE: (360) 748-3386  
FAX: (360) 748-9533

August 6, 2015

## VIA EMAIL

Mr. Todd Stamm, Principal Planner  
Community Planning & Development  
601 4th Avenue East  
Olympia, Washington 98501

Mr. Matthew B. Edwards  
Owens, Davies, P.S.  
1115 W. Bay Drive N.W., Suite 302  
Olympia, Washington 98502

Mr. Joseph A. Rehberger  
Cascadia Law Group, PLLC  
606 Columbia Street N.W., Suite 212  
Olympia, Washington 98501

Re: Medela Rezone  
Hearing No. 15-0010

Dear Sirs:

Enclosed please find my decision recommending rezoning of the Medela property to RM18. Please note that I have deviated from my standard format by not including separate sets of findings/conclusions at the end of my decision. I have instead incorporated both findings and conclusions into my analysis, hoping that this format might prove more useful/readable to the City Council.

If my format proves unhelpful, or if the City simply prefers separate findings/conclusions, please let me know and I will promptly prepare them.

If any of you have any questions or comments, please let me know.

Very truly yours,

Mark C. Scheibmeir  
City of Olympia Hearing Examiner

MCS:klf  
Encl.

cc: Ms. Suki Bell, City of Olympia, w/encl.



- 1 2. That if 9th Avenue East is not re-designated as Neighborhood Collector, the Medela  
2 Property be rezoned to MR10-18.
- 3 3. That the Banomi Property be rezoned in the same manner as the Medela Property.
- 4 4. That the City Council consider additional Development Regulations for development  
5 occurring adjacent to cemeteries.

### DESCRIPTION OF SITE

6 The Medela Property, owned by the Medela Group, LLC, consists of 14 tax parcels  
7 located on approximately 9 acres on the east side of the 700 - 900 blocks of Chambers Street.  
8 The Banomi Property, owned by Thomas Banomi, is located southeast of the Medela Property  
9 and immediately north of Interstate 5. It is a smaller residential lot with a street address of 922  
10 Steele Street S.E., Tax Parcel No. 09480047000. The two properties are bordered by Interstate 5  
11 to the south, Puget Sound Energy ("PSE") to the east, Thurston County Emergency Coordination  
12 Center to the northeast, Forest Memorial Gardens Funeral Home and Cemetery ("Forest  
13 Cemetery") to the north, and the single-family residential area along Chambers Street to the  
14 west, and continuing west beyond Boulevard Road (the "Eastside Neighborhood"). Further north  
15 of Forest Cemetery is Pacific Avenue and its eclectic mix of commercial uses.

16 The Medela and Banomi Properties are currently zoned R4-8, or Low Density  
17 Residential. The PSE property is zoned General Commercial (GC) as is Forest Cemetery. Other  
18 nearby properties along Pacific Avenue are zoned High Density Corridor (HDC). The residential  
19 block west of the site and the remaining Eastside Neighborhood are zoned R4-8.

20 There are currently 9 homes scattered widely across the Medela site, averaging one  
21 residence per acre. The homes are small and older. Some are well maintained, others less so,  
22 and two are uninhabitable. The internal road system is not well maintained. If not for the  
23 continuous sound of freeway traffic the site would seem like a sleepy rural crossroads  
24 community.

25 The site has a somewhat complex, uneven topography. It consists of two or three low  
north-south ridges separated by gullies. The site elevation generally descends toward the  
southeast corner to Indian Creek with the south end lower than the north. Indian Creek and its  
associated wetlands run roughly along the east boundary of the site.

The Medela site has no direct access to Pacific Avenue. Access to Boulevard Road is via  
either 7th or 9th Avenue. Neither connecting street is well developed for increased traffic and  
7th Avenue has only a 30-foot right-of-way making improvement unlikely. Both are currently  
designated as "local streets". Staff recommends that 9th Avenue be re-designated as a  
"Neighborhood Collector" street as a condition of rezoning to RM18.

1 It is important to briefly discuss Forest Cemetery located immediately north of the site.  
2 Forest Cemetery was established in 1857, making it the first official cemetery in the region. It  
3 contains the remains of notable Native Americans and many of Olympia's early settlers,  
4 including Japanese and Chinese immigrants, and it is the cemetery preferred by Cham Muslim  
5 families. The cemetery is surrounded by Pacific Avenue to the north, the massive County  
6 communication towers to the east, the industrial buildings of PSE to the southeast, and a  
7 complex of commercial buildings (Fir Grove) and gas station immediately to its northwest.  
8 Despite the closeness of these other land uses, and the noise from Pacific Avenue and Interstate  
9 5, it maintains a serene and dignified quality. Forest Cemetery was annexed into the City at the  
10 same time as the Medela and Banomi Properties. It is the only cemetery within the City Limits  
11 of Olympia.

### 8 APPLICATION TIMETABLE

9 1. November, 2009. Medela petitions to Thurston County to amend the 1994 Joint  
10 City/County Comprehensive Plan and rezone the site from single-family 4-8 to RM18.

11 2. October, 2012. Thurston County Planning and Olympia Planning Staff  
12 recommend approval of the rezone along with the reclassification of 9th Avenue to  
13 Neighborhood Collector. The Planning Staff also considers rezoning to MR7-13 or MR10-18  
14 but finds that RM18 is more appropriate.

15 Contemporaneously, the Olympia Planning Commission votes to support the rezone (the  
16 Thurston County Planning Commission does not make a recommendation).

17 3. January, 2014. The Olympia City Council votes 4 to 2 (one abstention) in support  
18 of recommending the rezone to the Thurston County Commissioners.

19 4. May, 2014. The Thurston County Commissioners deny the requested rezone.  
20 Although the Commission notes that there are concerns regarding "traffic, pending annexation,  
21 neighborhood safety and character, flooding and loss of wildlife habit" the Commission does not  
22 adopt any of these reasons for its denial. Rather, the only reasons given for the denial are  
23 procedural, not substantive: The Commission finds that (1) "piecemeal re-designation is not a  
24 sound planning practice and that the property should be considered for possible redesignation in  
25 conjunction with surrounding areas, and (2) the site is currently being annexed and any land use  
amendment should be left for the City of Olympia." <sup>1</sup> [Thurston County has not expressed any  
opposition to the pending rezone application.]

5. June, 2014. The site is annexed into the City as part of a larger annexation of  
approximately two hundred acres, including Forest Cemetery, the Banomi Property, and other  
properties north and south of the site.

---

<sup>1</sup> A copy of the Commissioners' Decision  
is contained within Exhibit 40



1 the hearing, Staff prepared its Staff Report<sup>3</sup> together with attachments A-U<sup>4</sup>. Additional written  
2 comment was received prior to the commencement of the hearing<sup>5</sup> and other additional written  
3 comment was presented during the hearing<sup>6</sup>. A full list of the exhibits presented before, during  
4 and after the hearing is attached. In addition, written briefing was received from legal counsel  
5 for the Applicant and Forest Cemetery.

6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

1. **City Staff Presentation.** The following are the key points of the Staff's  
comments as contained in the Staff Report and the testimony of Mr. Stamm and Mr. Smith:

Burden of Proof. Mr. Stamm commenced his presentation by reminding everyone  
that it is the Applicant's burden to prove that the rezoning is appropriate.

Timing of Hearing. There is an issue as to whether the hearing on this application  
is premature. There are two agreements between Thurston County, Olympia and other  
cities which provide that existing zoning will be "honored" for up to one year after  
annexation.<sup>7</sup> Opponents argue that the application should not have been received, and its  
review begun, until one year after annexation, or June 20, 2015. Staff disagrees and  
responds that any final action by City Council will not occur until well after one year  
from annexation. Staff adds that Thurston County is well aware of the rezone request and  
has not objected to the City's timing.

Rezone Boundary. Forest Cemetery questions the exact location of its common  
boundary with the site and suggests that the rezone cannot be considered until this  
boundary dispute is resolved. Staff disagrees. It notes that boundary discrepancies are  
not uncommon and do not have to be resolved for rezoning to be considered. If  
approved, the boundary of the rezoning will be the Applicant's boundary whatever that is.

Banomi Parcel. The Banomi parcel is a smaller residential parcel southeast of  
the Medela Property. If not rezoned along with the Medela Property it will be a small  
island of R4-8 zone surrounded by more intensive uses. In order that the Banomi Parcel  
might be included in the rezone request City Staff included it in an expanded SEPA  
Review and Hearing Notice. Staff did not offer a recommendation as to whether it  
should be rezoned for the simple reason that Mr. Banomi had not made his wishes  
known. Just prior to the public hearing, however, Mr. Banomi sent a message supporting

---

<sup>3</sup> Exhibit 1

<sup>4</sup> Re-designated as Exhibits 2-21

<sup>5</sup> Exhibit 26

<sup>6</sup> Exhibits 23-25 and 27-39

<sup>7</sup> Exhibit 5

1 the Medela rezone<sup>8</sup>. Unfortunately, Mr. Banomi's message was unclear as to whether he  
2 wished to have his property included as well. This uncertainty was later resolved by a  
3 July 27 email indicating his wish to have his property included<sup>9</sup>.

4 Comprehensive Plan. The City's Comprehensive Plan (the "Plan") was updated in  
5 December 2014. Prior to its update the earlier Plan designated the site as "High Density  
6 Corridor". The Future Land Use Map of the new Plan designates the site as "Urban  
7 Corridor", while the block west of Chambers Street remains designated as "Low Density  
8 Residential". In his Staff Report Mr. Stamm provides a detailed examination of the  
9 "Urban Corridor" designation in the new Plan (pages 9 and 10). Mr. Stamm notes that  
10 the "High Density Corridor" in the former Plan applied uniformly to a strip of land 1/4  
11 mile either side of the main road, whereas the new "Urban Corridor" designation is  
12 sometimes wider (as in the Medela site) and sometimes narrower (as in the exclusion of  
13 the property on the west side of Chambers Street).

14 OMC 18.59.055 restricts the rezoning of property within the Urban Corridor to a  
15 limited number of commercial or high density residential uses: the only approved  
16 residential zones are Mixed Residential 10-18 (MR10-18); Residential Multi-Family 18  
17 Units (RM18); and RM24, but the site may retain its existing zoning district even if that  
18 district is not on the approved list. In other words, the Medela Property may remain R4-8  
19 or it may be rezoned to MR10-18, RM18 or RM24. City Staff and the Applicant (and  
20 Mr. Banomi) recommend rezoning to RM18. MR10-18 remains as an alternative if 9th  
21 Avenue is not designated as a Neighborhood Collector Street. None of the parties  
22 recommend rezoning to RM24.

23 Criteria for Rezoning. The crux of the Staff Report is its analysis of the rezone  
24 request in relation to the City's criteria for rezoning. On March 3, 2015, the City Council  
25 enacted Ordinance No. 6952 establishing new criteria for rezone applications (OMC  
18.59.050). Although this ordinance was enacted subsequent to the requested rezone the  
Applicant does not challenge the new ordinance's application.

Pursuant to OMC 18.59.050, "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 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.

---

<sup>8</sup> Included in Exhibit 26

<sup>9</sup> Exhibit 41

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

(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) 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.

Again, a requested rezone must comply with (A) - (C). It is not mandatory that it comply with (D) and (E).

The following is the Staff's review of each of these criteria:

(A) The rezone is consistent with the Comprehensive Plan including the Future Land Use Map.

As noted in the Staff Report, Land Use and Urban Design Goal 13 (GL13) is devoted to Urban Corridors. The Plan contains a page-long discussion of the City's vision for Urban Corridors (quoted in its entirety at page 9 of the Staff Report). Among other things, Urban Corridors are to include a mix of high density uses where people can walk, shop, work, and live, thus helping to avoid sprawl. Redevelopment in these corridors shall focus on areas with the greatest potential for intensive, mixed use development, and with: apartments and townhouses within or near commercial uses; excellent, frequent transit service; and housing density sufficient to support frequent transit service. There will be a gradual increase in density and scale that supports and remains in context with adjacent neighborhoods, with the intensity of land use decreasing as the distance from the main road increases.

GL 13 is followed by seven related Policies, PL 13.1 through 13.7. These policies include:

PL 13.1 Establish Urban Corridors as shown on the future land use map . . . with residential density to support frequent transit service, encourage pedestrian traffic . . . and provide a large customer base . . . .

PL 13.3 Transform Urban Corridors into areas with excellent transit service . . . and a compatible mix of residential uses close to commercial uses.

PL 13.4 Establish minimum housing densities . . . to support frequent transit service and sustain area business.



1 PL 13.5 Ensure appropriate transitional land uses from high density along  
2 the corridors to adjacent areas; redevelopment should enhance both the corridor and  
adjacent residential neighborhoods.

3 PL 13.7 The portion of Pacific Avenue from Lilly Road to 4th Avenue will  
4 transition away from cars being the primary transportation mode to a more walkable  
5 environment, where bicycling and transit are also encouraged. Redevelopment will  
create more density and new buildings that gradually create a street edge . . . .

6 Finally, in the Appendix to the Plan there is an additional definition of "Urban Corridor"  
7 for use with the Future Land Use Map:

8 "This designation applies to certain areas in the vicinity of major arterial streets.  
9 Generally more intense commercial uses and larger structures should be located  
10 near the street edge with less intensive uses and smaller structures farther away  
from the street to transition to adjacent designations. Particular 'nodes' or  
11 intersections may be more intensively developed. Opportunities to live, work,  
shop and recreate will be located within walking distance of these areas."

12 City Staff concludes that the rezone is consistent with the Goals and Policies of the Plan  
including the Future Land Use Map. The site is within the area designated as Urban Corridor  
13 and the RM18 zone is consistent with that designation, but pedestrian access to transit service is  
indirect and should be improved prior to development.

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

15 Staff remains concerned that the nearness of Interstate 5 to the site raises issues of safety,  
16 noise and air pollution. It notes that separation barriers are likely to be required, including noise  
walls. Staff also notes that protection must be given to Indian Creek, its wetlands and its buffers.  
17 But these concerns do not prohibit rezoning and will be addressed at the time of actual  
development. Staff therefore concludes that the rezone will maintain the public health, safety or  
18 welfare.

19 (C) The rezone is consistent with other Development Regulations that implement the  
20 Comprehensive Plan.

21 It is not entirely clear what other Development Regulations may implement the  
Comprehensive Plan. City Staff identifies several: It notes that there may be historic structures  
22 and cultural resources in or near the site which may trigger historic preservation regulations, but  
this will not prevent a change in zoning. Staff also notes that tree regulations will require  
23 preservation of thirty tree "units" per acre, but again this will not prevent rezoning. All  
development will be subject to the City's Design Criteria, and all critical areas will need to be  
24 recognized, but neither of these regulations will interfere with rezoning.

1 Staff concludes that the rezone is consistent with other Development Regulations that  
2 implement the Plan. Staff adds that critical areas and other regulations are sufficient to minimize  
impacts of development consistent with RM18 zoning.

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

6 As earlier noted, the site's designation as Urban Corridor on the Future Land Use Map  
7 limits it to the following residential zoning districts: R4-8 (its existing zoning district); RM18;  
8 or RM10-18. Staff explains that it is important to examine the potential development of the site  
9 according to each of these zoning district's Development Regulations<sup>10</sup>. The purposes of each of  
10 these zones is explained in OMC 18.04.020(B):

11 R4-8 is to "accommodate single-family houses and townhouses at densities  
12 ranging from a minimum of 4 units per acre to a maximum of 8 units per acre; to allow  
13 sufficient residential density to facility effective mass transit service; and to help maintain  
14 the character of established neighborhoods."

15 MR10-18 is to "accommodate a compatible mixture of single-family and multi-  
16 family dwellings in integrated neighborhoods close to major and/or shopping areas (at  
17 densities averaging between 10 and 18 units per acre); to provide a variety of housing  
18 types and styles; to provide for development with a density and configuration that  
19 facilitates effective and efficient mass transit service; to provide opportunities for people  
20 to live close to work and shopping in order to reduce the number and length of  
21 automobile trips; and to enable provision of affordable housing."

22 RM18 is to "accommodate predominately multi-family housing at an average  
23 maximum density of 18 units per acre, along or near (e.g., 1/4 mile) arterial or major  
24 collector streets where such development can be arranged and designed to be compatible  
25 with adjoining uses; to provide for development with a density and configuration that  
facilitates effective and efficient mass transit service; and to enable provision of  
affordable housing."

Both the RM18 and MR10-18 zones have provisions to improve compatibility with  
adjoining single-family areas. In the RM18 zone:

- No more than 70% of total housing units on sites of 5 or more acres shall  
be of a single-dwelling type.
- Detached single family houses or duplexes shall be located along the  
perimeter, that is, to the depth of one lot of multi-family projects over 5 acres in size

<sup>10</sup> The regulations are included in OMC 18.040.020.  
Exhibit 16 offers a more complete list of  
regulations

1 which are directly across the street and visible from existing detached single-family  
2 houses.

3 ● Building heights are limited to 35 feet (the same as in the R4-8 zoning  
4 district).

5 ● Square footage and lot widths shall be not less than 85% of the adjoining  
6 lower density district and rear yard setbacks shall not be less than the required setbacks in  
7 the adjoining lower density district.

8 ● There is a minimum reservation of 30% open space which must be  
9 devoted to native vegetation, landscaping and/or outdoor recreational facilities.

10 In the MR10-18 district:

11 ● The same requirement as RM18 exists for transitioning from adjoining  
12 single-family areas.

13 ● 35% to 70% of the units must be single-family dwellings (that is,  
14 apartments can amount to 25% to 65% of units) but no more than 55% of units can be in  
15 buildings with 5 or more units.

16 ● The maximum building height in MR10-18 is increased to 45 feet.

17 Staff concludes that the rezone to MR18 will result in a zoning district that is compatible  
18 with adjoining zoning districts including the R4-8 Residential District to the west. Measures to  
19 ensure appropriate transition to the adjacent single-family neighborhoods along Chambers are  
20 included in the development code. Staff adds, however, that special measures may be required to  
21 ensure compatibility with Forest Cemetery including design and/or activity restrictions.

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

24 Staff makes the following observations with respect to public facilities and services:

25 Fire. Fire stations are located roughly one mile east, west and south of the site.  
Fire protection and emergency services are adequate provided that 9th Avenue is  
improved.

Water, Sewer and Stormwater. The site is already served by City water and  
sewer. Water mains have the capacity to serve multi-family development. The sewer  
main is located nearby and also has adequate capacity to serve any development. No  
stormwater utility exists nearby and so stormwater would be detained and treated onsite.

Solid Waste. Solid waste services are currently provided to the site. There are no  
capacity issues.

**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  
2        Park. Lion's Park is approximately one-quarter mile from the site. The City's  
3 goal is to have parks within one mile of all residences. Traffic to the park would have to  
4 cross Boulevard Road at an uncontrolled intersection. This may require improvements at  
5 the 9th Avenue/Boulevard Road intersection.

6        Schools. Olympia School District has not expressed any concern with the rezone.  
7 A developer of the site may be required to provide safe walking routes to elementary and  
8 middle schools. The site is presently served by Madison Elementary and Reeves Middle  
9 School. Reeves is well over one mile away and students would be bused to it. A  
10 pedestrian crosswalk at 9th and Boulevard may be required.

11        Transit. Bus stops are located on both Pacific and Boulevard. Improved access to  
12 the Pacific bus stops might be possible, going northeasterly to Pacific or East to Devoe, if  
13 neighbors are cooperative, but the cemetery and Fir Grove Commercial Development, as  
14 well as other businesses, are concerned about pedestrians walking through their  
15 properties.

16        Streets. Access to the site is perhaps the most significant issue relating to the  
17 proposed rezone. The only means of access is by way of 7th and 9th Avenues off of  
18 Boulevard Road. There is no access to Pacific Avenue.

19        7th and 9th Avenues currently have road widths of about 20 feet. 7th Avenue has  
20 a right of way of only 30 feet making any further improvement unlikely. 9th Avenue has  
21 a right of way of 60 feet and is capable of being improved to accommodate greater  
22 traffic.

23        7th and 9th Avenues are classified as "local streets". This designation limits their  
24 improvement and their allowed capacity to 500 daily motor trips, or ADT. As local  
25 streets they will not accommodate RM18 development, but they could arguably support  
MR10-18 development at a less than maximum buildout.

      Staff recommends that 9th Avenue be redesignated as a "Neighborhood  
Collector" street. This will allow 9th Avenue to be fully improved, allowing two  
improved lanes of travel and a parking lane (but, unfortunately, no bike lanes)<sup>11</sup>.  
Redesignation to Neighborhood Collector, followed by the needed improvements, will  
allow up to 3000 ADT or enough for full development of the site as RM18.

      Staff recommends that traffic on 7th Avenue be limited to no more than 10% of  
the site's traffic through the use of various control measures.

      Staff's recommended approval of the rezone to RM18 conditioned upon re-  
designation of 9th Avenue to Neighborhood Collector. Re-designation will be decided

---

<sup>11</sup> Exhibit 19

1 by the City Council later this year. If 9th Avenue is not redesignated as Neighborhood  
2 Collector then Staff recommends rezoning of the site to MR10-18.

3 Staff finds that all public facilities and services except streets, existing and  
4 planned for the area, are adequate and likely able to serve potential development of the  
5 site as RM18. 7th and 9th Avenue are currently not adequate for RM18 development,  
and will remain inadequate unless 9th Avenue is redesignated and improved as a  
Neighborhood Collector street.

6 2. **Applicant's Presentation.** At the completion of Mr. Stamm's presentation, the  
7 Applicant made its presentation through the owner's representative, Ron Niemi, the Applicant's  
8 environmental expert, Lisa Pallazi<sup>12</sup>, and the Applicant's attorney, Joseph Rehberger. The  
Applicant's information was provided by the testimony of these individuals and by pre-and post-  
hearing briefing.

9 The Applicant supports the recommendations of City Staff and its presentation largely  
10 parallels that of Staff's. The Applicant wishes to add to the Staff's presentation the following  
information:

11 • From the portion of the site located at 9th Avenue and Chambers it is: 1/4 mile  
12 from Pacific Avenue, or a 5 to 7 minute walk; just over 1/2 mile to the nearest grocery store;  
13 there are 3 Intercity Transit stops within 1/4 mile; it is 1/4 mile to the Woodland Trail and 1/4  
mile to Lion's Park; and it is less than 2 miles to the downtown core.

14 • Rezone of the site is consistent with the goal of *Sustainable Thurston County* that  
15 by 2035 43% of households will be within 1/4 mile of transit service and 1/2 mile of goods and  
services<sup>13</sup>.

16 • Rezone to RM18 is consistent with the goals of Thurston Regional Planning  
17 Council (TRPC) to support the development of affordable housing in proximity to Urban  
Corridors<sup>14</sup>.

18 • Rezone furthers the policies outlined in TRPC's Fair Housing Equity Assessment:  
19 "There is already pent up demand for housing amid the region's corridors and  
20 centers. . . . By 2035-2040 about 40% of the demand for new homes will be  
21 multi-family units. As demand for housing increase amid city centers and along  
corridors, municipal policy makers, nonprofit leaders and private developers  
should collaborate to ensure that there is an adequate supply of affordable and

22  
23 <sup>12</sup> Ms. Pallazi's Resume' is Exhibit 37

24 <sup>13</sup> TRPC Creating Places - Preserving Spaces.  
25 Attachment 15 and 16 to Exhibit 27

<sup>14</sup> Attachment 17 to Exhibit 27. TRPC Fair Housing  
Assessment of Thurston County at Page 7

1 accessible housing near transit routes, basic services, parks, schools and other  
2 opportunities."<sup>15</sup>

3 Ms. Pallazi also offered some updated information on various environmental issues:

4 1. The necessary buffers for the wetlands associated with Indian Creek have not  
5 been mapped but are reasonably certain to impose buffers across approximately one acre of the  
6 site<sup>16</sup>. [City Staff concurs]

7 2. Mapping of Pocket Gophers soils is ongoing, but there are no Pocket Gophers  
8 onsite or nearby, and their future presence is not expected. [Staff again concurs]

9 The Applicant adds the following analysis to the five criteria for rezoning OMC  
10 18.59.050:

11 (A) The rezone proposal is consistent with the Comprehensive Plan.

12 It is undisputed that the site lies within the area designated as "Urban Corridor" within  
13 the Future Land Use Map. This designation "applies to certain areas in the vicinity of major  
14 arterial streets" and "opportunities to live, work, shop and recreate will be located within walking  
15 distance of these areas". To encourage housing within these Urban Corridors new development  
16 is intended to provide for residential density of a minimum of 15 units per acre, subject to  
17 variation based on the site. The proposed RM18 designation is consistent with the Urban  
18 Corridor designation and would provide, on average, 8 to 18 units per acre.

19 The Applicant argues that the rezone is also consistent with the Comprehensive Plan's  
20 Goals and Policies, including all of the Policies (PL 13.1 through 13.7) related to Urban  
21 Corridors. In addition, it is consistent with the other land use Goals including Goal 1, 11, 13 and  
22 14 and the Policies found in PL 1.1, PL 11.1, PL 14.1, and PL 14.2.

23 The Applicant adds that the stated purposes of the RM18 zone (increased density; mix of  
24 dwelling types, compatibility of less intense adjoining districts; appropriate setbacks and  
25 thoughtful and measured transition) directly align with the Plan's Goals and Policies for Urban  
26 Corridors.

27 (B) The rezone proposal will maintain the public health, safety or welfare.

28 The Applicant argues that the rezone will channel urban growth and densities into areas  
29 intended to accommodate them. This reduces reliance upon automobiles, increases opportunities  
30 for pedestrian and bicycle traffic, places housing near transit and near urban corridors in the

31 \_\_\_\_\_  
32 <sup>15</sup> See Briefing

33 <sup>16</sup> Exhibit 36

1 for pedestrian and bicycle traffic, places housing near transit and near urban corridors in the  
2 downtown. It channels growth into the City's urban core where it will be best served by  
appropriate municipal level services and utilities.

3 The Applicant adds that the rezone aligns with the work by the City and the TRPC and  
4 implements the goals and policies of the *Sustainable Thurston* Project and its target that, by  
5 2035, 72% of all new and existing households will be within 1/2 mile (comparable to a 20-  
6 minute walk) of an urban center, corridor or neighborhood center with access to goods and  
7 services to meet some of their daily needs. The Applicant argues that the rezone will further  
8 *Sustainable Thurston's* goals of: funneling housing into areas designated Urban Growth;  
reducing vehicle miles traveled; funneling residential population within a quarter mile of transit  
9 service; funneling urban households within one-half mile of services; reducing land  
consumption; and reducing carbon dioxide omissions<sup>17</sup>.

9 (C) The rezone proposal is consistent with other Development Regulations.

10 The Applicant asserts that the rezone is consistent with all City Development Regulations  
11 including OMC Chapter 18.59, Chapter 18.04 (Residential Districts), Chapter 18.06  
(Commercial Districts), Chapter 18.100 (Design Review) and Chapter 18.170 (Multi-Family  
12 Residential) and is consistent with SEPA.

13 (D) The rezone proposal will result in a district that is compatible with adjoining  
zoning districts.

14 The Applicant points out that, on all but one side, the site is abutted by more intensive  
15 zones. On the one side abutted by a less intense zone (the R4-8 zone along Chambers) City code  
provides for appropriate transitioning to reduce impacts.

16 The Applicant adds that the General Commercial Zones found east and north of the site  
17 allow for much greater intensity of commercial and residential use and for building heights up to  
60 feet. Similarly, the adjoining HDC zone also allows more intense commercial and residential  
18 development with buildings 60 to 70 feet in height. And, while the Residential District to the  
west is a less intense R4-8 zone, the zoning and Development Regulations applicable to RM18  
19 provide for measured transition to ensure compatibility. More specifically, the RM18 zone  
limits building heights to 35 feet (identical to the R4-8 zone); requires detached single-family  
20 houses or duplexes in areas adjoining existing single-family homes; requires square footage and  
lot widths to be no less than 85% percent of the adjoining lower density district, and rear yard  
21 setbacks of no less than the required setbacks in the adjoining district; and requires minimum  
reservation of 30% for open space. The RM18 zone also mandates appropriate adequate  
22 screening through either landscape enhancement or other improved measures to ensure site  
compatibility. Taken together these Development Regulations for RM18 ensure compatibility  
23 with all adjoining districts including the cemetery to the north and the residential neighborhood  
24 to the west.

25 <sup>17</sup> Applicant's Brief

1  
2 (E) Public facilities and services existing and planned for the area are adequate.

3 The Applicant reminds everyone that this request is for a nonproject rezone only and that  
4 there are no specific projects proposed at this time. Specific impacts of future development will  
5 be considered at the time a specific project is proposed, including any impacts to public facilities  
6 and services. Nonetheless, the Applicant argues that public facilities and services existing and  
7 planned for the area are adequate and are likely to be available to serve potential development.  
8 Sewer, water and power are in place; the property is within walking distance of Lion's Park and  
9 ORLA, it connects readily to regional bicycle paths and City bicycle corridors as well as  
10 established transit routes. The Applicant adds that City Staff has acknowledged that necessary  
11 street upgrades, as part of any actual project proposal, can be accommodated within existing  
12 rights of way or within the project site itself as part of project development. More complete  
13 traffic requirements will be determined as part of project development.

9 3. Public Participation.

10 After conclusion of the presentation by the Applicant, the hearing was opened for public  
11 comment. Comments were wide ranging and extensive, both for and against the rezone, and  
12 continued for several hours. Additional written comment was received prior to and during the  
13 hearing. For purposes of clarity, public comments have been grouped into those testifying in  
14 support of the rezone and those testifying in opposition. This summary is not exhaustive of all  
15 who have provided comment but is believed to be a fair representation of all comments.

14 A. Those testifying in favor of the rezone.

15 1. Janae Huber describes herself as an advocate for walkable neighborhoods  
16 and transit corridors and supports the goals of *Sustainable Thurston*. Ms. Huber believes that the  
17 new Comprehensive Plan envisions a more compact City with infill playing an important role.  
18 She believes that more intensive development of this site will offer public health benefits  
19 including ready access to public transit and walking distance to the food co-op or Ralphs  
20 Grocery. Ms. Huber also believes that the site will provide opportunities for both affordable and  
21 diverse housing in close proximity to the urban corridor and downtown.

20 2. John Davis is a former developer in the Olympia and Thurston County  
21 area and has been actively involved in similar development projects. Mr. Davis has undertaken  
22 his own analysis of this site's development and concludes that it will be challenging because: an  
23 acre of the site will be set aside for environmental buffers; a sound barrier along Interstate 5 will  
24 probably be necessary; street improvements on Chambers, 9th Avenue and Boulevard will be  
25 extensive and expensive and the site's topography will make development unusually challenging.  
Development Regulations will also require lower density transitional housing along Chambers  
Street and probably near the cemetery. These challenges mean that development will be  
unusually expensive and unattractive to a developer unless higher density can be achieved. Mr.  
Davis believes that to retain the R4-8 zoning, or even to adjust to MR10-18, is to doom the site  
to a lack of development. Mr. Davis believes that RM18 zoning will provide the site with



1 sufficient density of development to attract developers while also achieving the goals of the  
2 Comprehensive Plan for more intensive and affordable development along urban corridors.

3 3. Teresa Black is a senior transportation planner for the TRPC and was the  
4 lead staff in development of the Urban Corridor concept. Ms. Black strongly supports the rezone  
5 as she believes that it is consistent with the City's new Comprehensive Plan as well as with all of  
6 the planning undertaken by TRPC. Among other things, development on the site will provide  
7 affordable housing with lower overall household costs and better transit options. It will also  
8 increase the residential density along the Pacific corridor which, in turn, will encourage even  
9 better transit options in the future. Ms. Black believes that RM18 zoning is the best choice for  
10 this site and that this zoning is consistent with the Goals and Policies of the Urban Corridor  
11 concept as set forth in the City's new Comprehensive Plan. It is also consistent with the Goals  
12 and Policies of *Sustainable Thurston*.

13 4. South Puget Sound Habitat for Humanity, through its Executive Director,  
14 Kurt Andino, strongly supports the rezone for three reasons:

15 (a) Lower income families currently cannot afford to live in the City's  
16 center due to the high cost of rent or the high cost of purchasing a home.  
17 Nonetheless, jobs, good schools, healthcare, mass transit, community services and  
18 major social centers all exist within this core, and low income families are called  
19 upon to fill many of the jobs required of these services. The Medela Property  
20 poses an opportunity for the development of low income housing in an area which  
21 enjoys all of these urban benefits;

22 (b) The site offers improved efficiencies due to existing infrastructure  
23 and existing mass transit. Its development aligns with the Goals and Policies of  
24 the Comprehensive Plan and there are community partners interested in the site's  
25 development for more and better affordable housing; and

(c) In Thurston County there are over 30,000 "cost burdened"  
households forced to allocate an inordinate amount of their income toward basic  
housing needs. The Medela Property provides an opportunity to assist these  
families, resulting in better health outcomes, more successful educational  
endeavors and overall neighborhood and community stability.

5. Forrest Peaker, who resides in the Southeast Neighborhood, recognizes  
that this site's more intensive development will impact the adjoining Eastside Neighborhood but  
still recommends its rezone to RM18. Mr. Peaker explained the current efforts by the City to  
improve bicycle corridors, including the pilot project underway to improve bicycle travel from  
the downtown to Lion's Park. Mr. Peaker believes that the development of this site may allow  
for further extension of bike paths in the direction of the co-op. Mr. Peaker adds that even if the  
property is not directly connected to the Pacific Avenue corridor it is very close and its residents  
will have easy access to all necessary services.

1           6.       Doug Deforest is a longtime manager of a homebuilding enterprise and  
2 serves as the business representative on the TRPC. Mr. Deforest has been a citizen volunteer for  
3 the past ten years on a variety of efforts to improve Olympia's urban corridors. He was a  
4 member of the Urban Corridor Task Force which, among other things, recommended infilling  
5 with more intensive residential development to meet the area's long term planning needs. This  
6 task force led to the Urban Corridor concept as found in the new Comprehensive Plan. Mr.  
7 Deforest also chaired the housing panel for the *Sustainable Thurston* program. Again, this led to  
8 the goal of infilling the urban core with more intensive residential development in order to meet  
9 the various goals and policies of *Sustainable Thurston*. Mr. Deforest was also the chair of the  
10 Fair Housing Subcommittee for Thurston Thrives which addressed ways in which "cost  
11 burdened" families might be assisted. Once again, these efforts led to goals and policies  
12 encouraging higher density infill to provide cost burdened families with affordable housing in  
13 areas enjoying the full panoply of urban services. Mr. Deforest believes that the requested  
14 rezone is inconsistent with the Goals and Policies of all of these programs, and with the  
15 Comprehensive Plan.

16           7.       Mike McCormick, a fellow of American Institute of Certified Planners;  
17 Kathy McCormick, Senior Planner for TRPC; and Holly Gadbaw, Certified Planner and former  
18 Mayor and Council Member, have co-authored a letter in support of the rezone<sup>18</sup>. They begin by  
19 noting that the City's new Comprehensive Plan is consistent with the recommendations set forth  
20 in *Sustainable Thurston*. Three years of work on that project resulted in goals for focusing  
21 density within city centers and transit corridors - goals that were then incorporated into the City's  
22 new Comprehensive Plan. This type of new growth is important to: create vibrant cities and  
23 neighborhoods; preserve farms and forest land; create a robust economy, protect water quality,  
24 reduce waste, ensure residents can meet their daily needs, ensure the region's water supply, move  
25 toward a carbon neutral community, maintain air quality standards, and promote sustainability.  
Unless higher residential densities are achieved the City's current urban growth boundary will  
not hold beyond 2035, and farm and forest land will be sacrificed and low density, suburban  
growth will be encouraged. If so, the region will spend another \$1.6 Billion in new  
infrastructure for low density development.

The authors note that the City's new Plan has many Goals and Policies that  
promote higher densities along urban corridors to enable better transit use, a mix of housing  
types for more affordable housing and housing choices, and housing near existing utilities and  
services. The Medela rezone is consistent with these Goals and Policies as well as the Plan's  
Future Land Use Map. More specifically, the authors argue that the rezoning is consistent with  
the Goals found within the Plan's Land Use Section to: encourage development in urban areas  
where public services are already present; phase urban development and facility extension  
outward from the downtown area; establish land use patterns that ensure residential density  
sufficient to accommodate 20 years of population growth, and focus higher residential densities  
downtown, along urban corridors, and near neighborhood centers. The rezone is also consistent  
with Policies PL 1.1, 1.2 and 1.3, PL 13.1-13.5, and PL 16.1 and 16.2.

---

<sup>18</sup> Exhibit 22

1 The authors also believe that the rezoning is consistent with the City's  
2 Transportation Policies including PT 14.1, PT 14.2, and PT 17.2.

3 8. The Thurston County Chamber, through its President, David Chaffert,  
4 supports the requested rezone to RM18. The Chamber believes that well thought out higher  
5 density development is critical to achieving community goals of density, adequate supply of  
6 affordable housing, accessibility to basic services, parks and schools. The Chamber also believes  
7 that the rezone is consistent with:

8 (a) The City's new Comprehensive Plan and its goals of affordable  
9 housing, higher densities, vibrant neighborhood centers, and urban corridors.

10 (b) The goals of *Sustainable Thurston*, Urban Corridors and the GMA.

11 (c) The public health benefits of adequate housing or services as  
12 identified by Thurston Thrives!

13 In addition:

14 (a) The site is served by public transportation with routes connecting  
15 to the downtown, the transit centers and Lacey.

16 (b) The rezone will allow development of a mix of affordable housing  
17 choices and will channel new development into the urban core.

18 (c) The rezone supports the City's goal of concentrating housing into  
19 specific areas.

20 9. The Olympia Master Builders ("OMB") supports the rezone for reasons  
21 similar to those noted by the Thurston Chamber.

22 10. Chris Van Dalen, education coordinator for the Northwest Eco Building  
23 Guild, believes that the Medela rezone is the type of project needed to achieve the new  
24 Comprehensive Plan's goals for a sustainable and compact city. Mr. Van Dalen has been an  
25 ongoing member of the Thurston Thrives Housing Action Team. Higher density housing,  
especially along urban transit corridors, will enable active transportation options including  
walking, biking and transit use - all consistent with the Comprehensive Plan. The site will also  
support a mix of housing types for more affordable and equitable distribution, and promote  
housing and existing utilities and services.

There are an additional ten to twelve letters in support of the rezone. These letters either  
simply express support without any explanation or mirror the reasoning voiced by other  
witnesses.

1           B.     Those testifying in opposition to the rezone.

2           1.     Traci Griggs Barr notes that the current R4-8 zoning, which allows up to  
3           eight units per acre, is more than sufficient to allow reasonable development of the site  
4           without imposing upon neighbors and the adjoining cemetery. Ms. Barr also is  
5           concerned that the impacts on critical areas have not been fully determined and adequate  
6           safeguards have not yet been put in place.

7           2.     Dallen Bounds resides at the corner of 9th Avenue and Boulevard. Mr.  
8           Bounds explains that 7th and 9th Avenues and Chambers Street, were never designed for  
9           heavy traffic and that fire trucks will not use 7th Avenue. Meanwhile, traffic along  
10          Boulevard is heavy and its intersection with 9th Avenue has no traffic controls. This  
11          leads to traffic turning onto 9th at unsafe speeds. Even with current traffic volumes, both  
12          9th Avenue and Boulevard are unsafe. Adding hundreds of cars to these streets will only  
13          worsen the problem.

14          3.     Ken Ruben lives near Lion's Park. Mr. Ruben is concerned that very little  
15          attention has been given to the impacts of this proposal on Boulevard Road. He feels that  
16          Boulevard is already overused and that the proposed rezoning will only worsen the  
17          problem. The intersection with Pacific Avenue is of particular concern. Already, traffic  
18          waiting to turn left off of Pacific onto Boulevard is extending well past the end of the left  
19          turn lane. This problem will only worsen with the introduction of hundreds more  
20          vehicles. Mr. Ruben is concerned that if the property is rezoned, the City will be forced  
21          to make street improvements at taxpayer expense even though the problem results from  
22          this development.

23          4.     Paul Ingman, a local architect, begins by noting that the new  
24          Comprehensive Plan makes continuous reference to the need for development in urban  
25          corridors to be "walkable". In his written comments, Mr. Ingman cites to PL 14.2, PL  
26          1.6, PL 1.9, PL 11.7, PL 12.8, PL 13.1, PT 12.3, PT 5.3, PT 12.1, PT 15.2, PT 15.3, PT  
27          21.1, PT 21.2, PT 12.3, PT 12.5, PT 21.6, PT 21.7, and PT 12.1. In Mr. Ingman's oral  
28          testimony he also refers to PL 11.1, PL 11.9, PT 2.1, and PT 4.3. At the same time, the  
29          new Comprehensive Plan requires that the use of cars be reduced (PL 11.1, PL 11.4, PL  
30          13.1, PT 12.3, PT 13.4, PT 4.4, PT 12.1, and PT 25.11)

31          Mr. Ingman believes that the proposed rezoning is in conflict with all of these  
32          policies for the reason that the site is not "walkable" and that it will instead rely heavily  
33          upon the use of vehicles. Mr. Ingman observes that from the center of the Medela site it  
34          is more than a quarter mile to all important facilities and services. If the project is to  
35          comply with the Comprehensive Plan's Goals and Policies it must be far less than a  
36          quarter mile to these services, as is made clear by the stated purpose of the RM18 zone.  
37          Mr. Ingman concludes that this site's lack of walkability, and likely reliance on cars, will  
38          make it another source of urban sprawl.

1           5. Kathleen Blanchett supports the new Comprehensive Plan and encourages  
2 its protection of communities that encourage walking, bicycling and transit. Ms.  
3 Blanchett would support the rezone if she felt that it helped bring about any of these  
4 goals.

5           Noting that the Comprehensive Plan encourages intensive development to be  
6 located "near" the main road, and also noting that the definition for the RM18 zone also  
7 requires that development be "near" (e.g., 1/4 mile) "of the main road", Ms. Blanchett has  
8 physically measured the distance from the center of the Medela site (2421 8th Avenue)  
9 to: the nearest edge of Lion's Park (1,415 feet)<sup>19</sup>; to Ralph's Thriftway at the crosswalk  
10 on 4th Avenue (3,754 feet) (almost three quarters of a mile); to the corner of Pacific  
11 Avenue and Boulevard Road (2,126 feet) (close to one-half a mile). Ms. Blanchett  
12 concludes that the Medela site is not "near" any of these places or services.

13           Ms. Blanchett then analyzes the project in relation to the Comprehensive Plan.  
14 She believes that the site is not "walkable" and would create a "cul-de-sac community".  
15 She adds that its development will be isolated and "car centric". It will not be conducive  
16 to mass transit, trails or walking. She notes that the Eastside Neighborhood is a  
17 wonderful example of all that is good in Olympia neighborhoods and that its best  
18 qualities will be impaired by this new development. Traffic around and through the  
19 Eastside Neighborhood is already problematic and will only get worse with additional  
20 development. Because of these problems Ms. Blanchett concludes that the proposed  
21 rezoning does not conform with Land Use Policies PL 1.2, 1.3, 1.6; 3.1, 3.2, 3.4, 3.5, 3.6,  
22 4.2, 6.2, 6.9, 6.12, 11.1, or 11.7, nor with the Goals and Policies of Urban Corridors, PL  
23 13.1, 13, 2, 13.3, 13.4, 13.5, and 13.6. In addition, Ms. Blanchett believes that the rezone  
24 is inconsistent with the Goals and Policies of neighborhoods, PL 20.1, 20.5, and 22.2, and  
25 with the concept of "Villages and Other Planned Developments", PI 24.6 and 24.10. Ms.  
Blanchett further believes that the concept is inconsistent with the Goals of the  
Transportation Element, PT 4.15, PT 5.1, PT 5.2, PT 6.2, PT 8.2, PT 9.2, PT 12.1, PR  
3.1, and PR 4.4.

18           6. Brian Brannies is the Vice President of the Eastside Neighborhood  
19 Association. Mr. Brannies is concerned about the limited public participation in this  
20 process. He is also concerned that the City has not yet adopted subarea plans for this  
21 portion of the City. Mr. Brannies believes that the City should attend to the subarea  
22 planning needs before addressing this proposed rezoning.

23           Mr. Brannies argues that a majority of the neighborhood does not support the  
24 rezone and that the neighborhood's concerns have not been integrated into the Staff's  
25 review. He notes that the neighborhood west of Boulevard does not have sidewalks and  
the City has no current plans to improve this area, and that transportation overall is poor  
in this portion of town. The Boulevard/Pacific Avenue intersection is the third-most  
involved in accidents in the City and it is unsafe for both pedestrians and cyclists.

---

<sup>19</sup> 1/4 mile = 1,320 feet

1  
2 Mr. Brannies concludes that, should the City Council consider rezoning, should it  
choose MR10-18 instead of RM18.

3 7. Carla Baker is concerned about the impacts of the rezoning upon Forest  
4 Cemetery. She notes that the cemetery is buffered from the surrounding businesses by  
5 large trees and other barriers, but that similar buffers will not exist between the cemetery  
and any development on the Medela Property. She is troubled by the prospect of  
6 residents looking down from their balconies onto funeral proceedings.

7 Ms. Baker adds that traffic along Boulevard has grown increasingly worse over  
8 the years to the point where she has generally stopped using it. The Medela rezone will  
9 only make this problem worse. Ms. Baker also believes that crime has increased in the  
neighborhood and that, again, will further increase if the Medela Property is allowed  
intensive development.

10 8. Jim Keogh is an active, long term member of the Eastside Neighborhood  
11 Association. Mr. Keogh generally supports additional density within the City but is  
concerned about the Medela Property. In particular, Mr. Keogh is concerned about the  
12 Pacific/Boulevard intersection and the closely related intersections at Martin Way,  
Pacific, 4th and State. Mr. Keogh feels that any development on the Medela site will  
13 funnel traffic to the Boulevard/Pacific intersection. Much of this new traffic will attempt  
to avoid the problems at this intersection by diverting onto the residential streets in the  
14 Eastside Neighborhood, thereby increasing the risk to its residents. Mr. Keogh believes  
that the solution is for the City to first identify alternate traffic routes and then have the  
15 developer fund the needed traffic improvements.

16 9. Jane Stavish is concerned about the impacts of Interstate 5 and the health  
problems it may pose to residents in any new development.

17 10 Joe Hanna is the President of Concerned Eastside Neighbors. Mr. Hanna  
18 presents a list of concerns:

19 ● He was assured by Staff that no action would be taken on the  
20 rezone application until one year from its annexation. Mr. Hanna objects to any type of  
action being taken on this application before the one year moratorium elapsed.

21 ● He avoids using the Pacific Avenue/Boulevard Road intersection if  
22 at all possible. The problems at this intersection are well known and are increasingly  
leading to motorists using the Eastside Neighborhood streets as a better alternative.

23 ● He does not believe that rezoning will lead to "walkable"  
24 development. It is unreasonable to think that anyone would walk to Ralph's Grocery  
Store from this location.  
25

1                   ●       He agrees with Mr. Brannies that further work should have been  
2 done on the subarea planning before considering this rezone request.

3                   ●       He has many concerns regarding the impacts on Forest Cemetery.  
4 He notes that this is a "Centennial" cemetery and deserves the utmost respect. He adds  
5 that there is reason to believe that unmarked burial sites are located south of the cemetery  
6 boundaries. He adds that Muslim burials involve exposed corpses, and the thought of  
services being observed by nearby residents is deeply troubling to these families. He is  
upset by the prospect of residents sitting on their upper story balconies enjoying  
barbeque, drinks and laughs while a burial is taking place a few feet away.

7                   ●       He does not believe that the site is "near" an Urban Corridor and  
8 does not meet the Goals and Polices of the Comprehensive Plan or the purposes of the  
RM 18 zone.

9                   ●       Returning to traffic issues, he says that the Pacific/Boulevard  
10 intersection is a choke point and there is nothing in the City's 20-year transportation plan  
11 to remedy its problems. In addition, the opening of ORLA has added another 500 trips  
per day and the resurrected Trillium Project further out on Boulevard will only add to  
traffic woes.

12                   ●       Even if improved, 9th Avenue will not have bicycle lanes.

13                   ●       He agrees with Ms. Blanchett that any proposed development will  
14 be, in effect, a "cul-de-sac community" and inconsistent with the goals and policies of  
15 more intensive residential development along urban corridors.

16           11.       Teresa Goen-Burgman has been the funeral director at Forest Cemetery  
17 for the past 21 years. She has submitted a considerable amount of information related to  
18 the history of the cemetery. This information suggests that the boundaries of the  
19 cemetery were not well defined in early years, nor were early residents necessarily  
inclined to conduct burials within the cemetery's boundaries. It is therefore possible that  
there may be unmarked graves outside the current boundaries of Forest Cemetery and one  
of the most likely areas is south of the cemetery. Ms. Goen-Burgman is concerned that  
little provision is being made for the protection of these potential gravesites.

20  
21           Ms. Goen-Burgman acknowledges that surrounding commercial activities,  
22 especially the Fir Grove Business Park, lie in very close proximity to the cemetery  
23 boundaries. When asked why she is concerned about appropriate buffers from  
24 development on the Medela site when there is little buffering from existing surrounding  
commercial activities, Ms. Goen-Burgman explains that trees and cemetery buildings  
effectively screen the cemetery from these adjoining commercial activities and, more  
importantly, that the nature of their use does not bring their employees or customers into

1 view of the cemetery and its burial ceremonies. In contrast, RM18 zoning on the Medela  
2 site will push development up to the cemetery's south boundary and into close contact  
3 with several active portions of the cemetery, including an area dedicated to infant burials  
4 as well as that portion used by the Cham Muslim community. She believes that the  
families of the deceased will be greatly offended if their burial ceremonies are being  
watched from the upper balconies of nearby residences.

5 Ms. Goen-Burgman also take issue with the Applicant's focus on the fact that the  
6 cemetery is zoned General Commercial. She explains that its zoning is immaterial as,  
7 under State law, it will always be a cemetery no matter what it is zoned. Any reference  
by the Applicant to more intensive activities within the GC zone are irrelevant as the  
cemetery will never be used for any of these more intense activities.

8 12. Matthew Edwards is the attorney for Forest Cemetery and has provided  
9 written and oral argument in opposition to the rezone. Mr. Edwards begins with a  
10 reminder that there is no legal presumption of validity favoring a rezone and that it is the  
11 Applicant's burden to demonstrate that the proposed rezone advances the Policies of the  
Comprehensive Plan, and of demonstrating that the rezone advances the public health,  
safety, morals, or general welfare.

12 Mr. Edwards argues that there are three primary reasons why the rezone should be  
13 denied:

14 (1) The proposed rezone is not consistent with, and will not further the  
policies in the Comprehensive Plan or the Urban Corridor along Pacific Avenue;

15 (2) Nearby streets cannot be improved sufficiently to provide levels of  
16 service sufficient to handle necessary traffic; and

17 (3) The proposed rezoning is inconsistent with the zoning of  
18 surrounding properties.

19 The following is a more complete examination of each of Mr. Edwards'  
arguments:

20 (a) The rezone is not consistent with the Comprehensive Plan. OMC  
21 18.59.050(A) requires the rezone to be consistent with the Comprehensive Plan.  
22 The Plan's Policies relating to Urban Corridors (PL 13.1 through 13.6) are to  
23 "attract urban corridors of mixed uses established near specified streets". Mr.  
24 Edwards notes that the Medela site is "literally at the location furthest from the  
25 downtown and Pacific/Lilly gateways designated in the Plan" and would therefore  
result in development that is discontinuous, inconsistent and not balanced. He  
also notes that the property is at a substantial distance from Pacific Avenue and



1 has no direct access to it. And, PL 13.5 expresses a goal of transitioning land use  
2 from high intensity along arterial streets to lower intensity further away from it,  
but RM18 zoning on the Medela site will be inconsistent with this Policy.

3 Mr. Edwards asserts that the consequence of more intensive development  
4 on the Medela site is to funnel traffic and activity to Boulevard Road - which is  
not an Urban Corridor - and away from Pacific Avenue. Instead of encouraging  
5 development along the Urban Corridor this will shove activity into a low density  
residential neighborhood. If so, this result is inconsistent with PL 20.1 and PL  
6 13.1 in the Comprehensive Plan.

7 Finally, Mr. Edwards asserts that the result would be an area of more  
intense development effectively disconnected from the Pacific Avenue Urban  
8 Corridor, resulting in an island of development and, in essence, a form of urban  
sprawl disfavored by the Comprehensive Plan.

9  
10 (b) The local streets are inadequate to serve the development. OMC  
11 18.59.050(E) requires that public facilities and services existing and planned for  
the area are adequate and are likely to be available to serve potential development  
12 allowed by the proposed zone. Mr. Edwards notes what the City Staff has already  
noted, that as "local streets" neither 7th Avenue nor 9th Avenue are adequate to  
13 serve more intensive development. And even if 9th Avenue is redesignated as a  
Neighborhood Collector it lacks sufficient width to add bicycle lanes, nor is there  
14 any plan to improve 9th Avenue westward to Lion's Park. Mr. Edwards  
asserts that improving 9th Avenue as a Neighborhood Collector would be in  
15 conflict with the Comprehensive Plan's designation of this area as Low Density  
Residential and, further, would be inconsistent with the Plan's goal of maintaining  
16 the character, aesthetic quality and livability of the Eastside Neighborhood.

17 (c) The proposed rezoning is incompatible with adjoining districts.  
18 OMC 18.59.050(D) requires that the rezone will result in a district that is  
compatible with adjoining zoning districts. Mr. Edwards believes that the  
19 proposed rezone is wholly incompatible with the Low Density Residential district  
to the west, especially as it will send its pedestrians and traffic into that  
20 neighborhood.

21 In addition, Mr. Edwards believes that the proposal is inconsistent with  
Forest Cemetery. Although the cemetery is zoned General Commercial, the fact  
22 is that it will always be permanently dedicated to use as a cemetery and that, by  
law, the cemetery cannot be asked to facilitate development on the Medela site by  
23 allowing foot traffic or other use of the facility. RCW 68.24.120. Mr. Edwards  
concurrs with the fears of Teresa Goen-Burgman that the City's Development  
24 Regulations are not sufficiently protective to prevent intense multi-story  
residential development immediately along the boundaries of the cemetery,  
25 allowing residents to peer down upon solemn burial ceremonies.

1 Mr. Edwards concludes his arguments with the suggestion that if the  
2 property is rezoned to RM18 that there be a 200-foot wide "no development"  
3 buffer along its boundary with the cemetery or, in the alternative, that no  
4 construction occur on the site that would promote the direct view of the cemetery.

5 There were an additional 10-12 letters in opposition which either simply  
6 are expressing opposition without any explanation or mirror other comments.

7 4. **City's Response.** At the conclusion of the public testimony Mr. Stamm and  
8 David Smith of City Staff responded to some of the public comments. Staff noted that, contrary  
9 to Mr. Hanna's claim, improvements to the Boulevard and Pacific Avenue intersection are  
10 envisioned in the 20-year plan (but are not currently found in the 6-year transportation plan).  
11 Mr. Smith also explained that reclassification of 9th Avenue to Neighborhood Collector status  
12 will not automatically result in its improvement. Rather, if reclassification is approved it will  
13 likely be up to the developer to make the improvements as part of site development. When site  
14 development is proposed a Traffic Impact Analysis will be undertaken and the developer will be  
15 expected to mitigate all traffic impacts. This will require improvements to 9th Avenue as well as  
16 Chambers Street, and may require improvements to Boulevard (for example, a left turn lane) and  
17 possible improvements to the Boulevard/Pacific Avenue intersection.

18 Mr. Stamm also responded to Mr. Edwards suggestion of a 200-foot barrier along the  
19 cemetery. Mr. Stamm explained that this is not appropriate as part of rezoning and should be  
20 addressed through Development Regulations.

21 At the conclusion of all testimony I asked City Staff if it would be possible for them to  
22 prepare a more complete analysis of potential development of the site as R4-8, MR10-18 and  
23 RM18. The City agreed. In order to allow this to occur, and to allow additional public comment,  
24 the public hearing was continued until 5:00 p.m. on Friday, July 24, 2015, for the submission of  
25 additional comment.

26 5. **Supplemental Materials.** On Friday, July 24, 2015, a collection of supplemental  
27 materials tendered to the City Staff were then presented to the Hearing Examiner<sup>20</sup>. These  
28 materials included some additional written comment from Paul Ingman, Teresa Goen-Burgman  
29 and the Applicant's attorney, Mr. Rehberger (these comments are incorporated into their earlier  
30 presentations).

31 In addition, Mr. Stamm prepared a very useful analysis of how this site might be  
32 developed if it remains zoned as R4-8; if it is rezoned to MR10-18; and if it is rezoned to RM18:

33 If the property remains zoned as R4-8, it is estimated that the site could readily  
34 accommodate between 30 and 45 detached homes, with maximum capacity at about 60  
35 residential units. This higher number would be achieved by building 5 pairs of townhomes in the  
36 land usually required for 6 detached homes, resulting in 20 detached homes and 40 townhomes.

37 <sup>20</sup> Collectively Exhibit 40

1  
2 If rezoned to MR10-18 it is estimated that 13 standard single-family homes would be  
3 constructed along Chambers Street with the remaining acreage dedicated to 11 pairs of  
4 townhomes, 30 units in 10 tri-plexes, and 24 apartment units in buildings with 4 or fewer units.  
5 This would result in a total of 89 units.

6  
7 If rezoned to RM18 there might again be 13 single-family homes along Chambers Street  
8 plus 24 units in tri-plexes or townhomes, and 78 units in large apartment buildings, for a total of  
9 115 units.

10  
11 These are, again, Staff estimates only and require a number of assumptions as to how  
12 actual development would occur.

13  
14 Also included in the supplemental materials is a July 24 memo from Dennis Bloom,  
15 Planning Manager for Intercity Transit. Mr. Bloom felt it necessary to respond to public  
16 comment regarding the availability of mass transit. Mr. Bloom explains that there are currently 5  
17 local routes in close proximity, all of them providing service seven days a week. These routes  
18 operate between Olympia and Lacey and provide both neighborhood routing (Route 60 and 64)  
19 and high frequency service along major arterials (Route 60, 62A, 62B, and 66). All of these  
20 routes serve both residential and commercial areas, and Route 60 adds service to the region's  
21 major medical facilities along Lilley Road. These routes also provide connections to other local  
22 and regional bus service at downtown Olympia and Lacey transit hubs, and Route 64 also  
23 provides service to Centennial Station (Amtrak) in Lacey.

24  
25 Mr. Bloom adds that most of these stops are within 1/4 to 1/2 mile of the property, which  
is well within the generally accepted distance for walking to and from transit stops.

Mr. Bloom adds that Intercity Transit supports increased density in the City to greater  
than 6-8 units per acre along and near the street corridors of Boulevard Road, Pacific Avenue,  
and Martin Way. The City is relying upon public transit to help reduce motor vehicle trips and  
improve transportation options, but this will require improved system efficiency, including  
greater residential density.

### **ANALYSIS WITH FINDINGS OF FACT AND CONCLUSIONS OF LAW**

I conclude that the Applicant has met its burden of proving that the rezone advances the  
Policies set forth in the Comprehensive Plan; that it has demonstrated that the rezone advances  
the public health, safety, morals or general welfare; and, more specifically, that it satisfies all 5  
criteria imposed by OMC 18.59.050. I therefore concur with the City Staff's recommendation  
that the Medela site be rezoned to RM18 conditioned, however, upon the re-designation of 9th  
Avenue west of Boulevard Road as a "Neighborhood Collector". If 9th Avenue is not re-  
designated then I recommend that the Medela site be rezoned to MR10-18. I further recommend  
that the Banomi Property be rezoned in the same manner as the Medela site.

**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 I separately recommend to the City Council that it work with Planning Staff to review the  
2 City's Development Regulations and their application to properties adjoining cemeteries.

3 A useful way to examine the proposed rezone is to note the various issues raised by  
4 opponents, and to respond to those issues:

5 ● Timing of the Application. Mr. Hanna and others argue that the City's  
6 agreements with Thurston County preclude it from even accepting the rezoning  
7 application until one year has elapsed from the site's annexation. I concur with City Staff  
8 that there is nothing within these agreements that prevents an application from being  
9 tendered and review begun within the initial year following annexation. Also, the  
10 County has been well aware of this annexation process and has not voiced an objection.  
11 As more than a year has elapsed since annexation, any action by City Council is now  
12 timely.

13 ● Uncertain Boundary with the Cemetery. Mr. Edwards argues that the  
14 exact location of the boundary between the Medela site and the cemetery is uncertain,  
15 and that this uncertainty precludes further consideration of the rezone. City Staff  
16 responds that such uncertainties are not uncommon and their resolution is not needed for  
17 rezoning. Rather, the rezone, if approved, applies only to the property owned by the  
18 Applicant. I agree.

19 ● "1/4 Mile" Issue. OMC 18.04.020(B) identifies the purpose of the RM18  
20 zone as "to accommodate a predominantly multi-family housing . . . along or near (e.g.  
21 1/4 mile) arterial or major collector streets . . ." Mr. Ingman argues, and Ms. Blanchett  
22 concurs, that the RM18 zone can be approved only if the site is located within 1/4 mile of  
23 Pacific Avenue. I disagree. The reference to 1/4 mile distance is aspirational, not  
24 mandatory. Further, the method of measurement is unclear - what if the property line  
25 was only 50 feet from Pacific Avenue but, because of the vastness of the site, the center  
of the site was more than a quarter mile away? Therefore, while Ms. Blanchett's actual  
measurements are helpful they are not controlling.

● "Walkability" Issue. Closely tied to the issue of the 1/4 mile distance is  
the issue of "walkability". Mr. Ingman claims that Development Regulations define  
walkability as 1/4 mile, and that if any distances exceed that measurement then the  
project no longer satisfies the many references in the Comprehensive Plan to easy  
walking distance. As explained above, the City's regulations do not contain a 1/4 mile  
maximum distance for walking or other purposes. The City does, however, have a stated  
goal that all residences shall be within one mile of parks. Intercity Transit considers  
transit stops within 1/2 mile as a satisfactory walking distance. When walking the site, I  
found it to be within easy walking distance of Pacific Avenue, Lion's Park, the Woodland  
Trail and transit stops. I disagree with Mr. Ingman's assertion that the site is not  
"walkable" and, as a result, I disagree with his conclusion that the rezoning is in conflict  
with all provisions of the Comprehensive Plan referencing walking distance.

1           ●        Subarea Planning. Mr. Brannies argues, and Mr. Hanna concurs, that this  
2 rezoning application should not be considered until the City has undertaken subarea  
3 planning for the Eastside Neighborhood. I respectfully disagree. While subarea planning  
4 would be a good thing it is not essential for consideration of this application and, further,  
5 subarea planning for the Eastside Neighborhood may be years away. By extension of Mr.  
6 Brannies argument, it could be asserted that no further development should take place  
7 anywhere in the City until all subarea planning has been completed. This suggestion is  
8 unduly burdensome.

9           ●        Interstate 5 Impacts. Ms. Stavish and others have expressed concerns that  
10 development of the Medela site will expose its new residents to significant noise and air  
11 pollution from the adjoining Interstate 5. City Staff acknowledges this problem. Without  
12 question the noise from Interstate 5 is ever present on this site and concerns regarding air  
13 pollution are legitimate. But these problems exist no matter what zoning designation is  
14 imposed. While RM18 zoning would increase the number of residents potentially  
15 affected by these impacts, it arguably also increases the likelihood of imposing  
16 substantial mitigation measures as part of development. If barriers are required, they will  
17 not only benefit the site but will also benefit the cemetery and area residents.

18           ●        Traffic and Street Worries. Many neighbors have noted the poor condition  
19 of 7th and 9th Avenues and of increasing traffic woes along Boulevard Road and its  
20 intersection with Pacific Avenue. Higher density development of the Medela site will  
21 certainly increase all traffic counts in the area, but it will also provide for significant  
22 improvements to Chambers Street and 9th Avenue and, depending upon actual traffic  
23 impacts, likely provide additional improvements along Boulevard. Necessary  
24 improvements to Chambers and 9th Avenue will transform unsafe, substandard roads into  
25 wider, safer avenues of travel for cars and pedestrians. It would, of course, be preferred  
that 9th Avenue also be improved to accommodate bicycle lanes, but this one limitation  
should not prove fatal to the development.

          ●        Impacts to the Eastside Neighborhood. Mr. Edwards argues that by  
routing the site's traffic from 9th Avenue onto Boulevard it is unduly burdening the  
Eastside Neighborhood that surrounds these streets, and that this burden is inconsistent  
with the Goals and Policies of the Comprehensive Plan relating to the protection of  
existing neighborhoods. I respectfully disagree. The routing of traffic to Boulevard  
Road, which already serves as a collector for not only the Eastside Neighborhood traffic  
but other neighborhoods as well, is neither inappropriate nor an undue burden on the  
neighborhood itself. Except for additional traffic along Boulevard, and except for  
additional park users, bus riders, etc., the Eastside Neighborhood is not directly affected  
by the rezone.

          ●        Impacts to Forest Cemetery. Ms. Goen-Burgman and other supporters of  
the cemetery are concerned that there may be unmarked graves on the Medela site.

1 While this is an understandable concern, it is not necessarily a zoning issue, that is, this  
2 problem exists no matter what the site is zoned. The solution appears to be in the form of  
careful site examination when the development is proposed.

3 Ms. Goen-Burgman and others are also concerned about compatibility between  
4 the cemetery and RM18 zoning and the prospect of multi-story balconies looking onto  
5 funeral services. It must be remembered, though, that the site's current R4-8 zoning  
6 would allow the owner to apply tomorrow to construct a row of multi-story townhomes  
7 along the common boundary with the cemetery. In other words, this is not a  
8 compatibility issue with RM18 zoning, it is a compatibility issue with any residential  
development. Rezoning the site to RM18 does not change or worsen this problem. The  
9 solution may be in the form of additional development regulations addressing the  
10 development (or redevelopment) of all properties adjoining the cemetery.

11 • Lack of Direct Access to Pacific. Mr. Edwards makes a thoughtful,  
12 nuanced argument that the lack of any direct access to Pacific Avenue, and the resulting  
13 funneling of traffic to Boulevard Road, is in conflict with both the Goals and Policies of  
14 the Comprehensive Plan and the purposes of RM18 zoning. Mr. Edwards explains that  
15 the whole purpose of the Urban Corridor concept is to move people, goods and services  
16 to the Corridor, thereby increasing efficiencies and effective planning. In addition, the  
17 RM18 requirement that it be "near" the arterial similarly suggests the need for some form  
18 of direct access. The Medela site does not have direct access to Pacific and instead will  
19 send all of its traffic to Boulevard Road. Mr. Edwards notes that Boulevard is not an  
20 Urban Corridor and, therefore, the funneling of traffic to it is arguably inconsistent with  
21 the Comprehensive Plan. Mr. Edwards concludes that the City Council, when enacting  
22 the new Plan, did not envision RM18 development lacking direct access to the Urban  
23 Corridor.

24 I disagree with Mr. Edwards' analysis for several reasons. Firstly, it must be  
25 remembered that it was only a year ago that the City Council recommended to the County  
Commissioners that the Medela site be rezoned to RM18. Then, only a few months later,  
the Council completed its work on its new Comprehensive Plan and its Future Land Use  
Map which expressly included the Medela Property as Urban Corridor. Mr. Edwards'  
suggestion as to what the Council intended with the new Comprehensive Plan is  
inconsistent with this chronology of recent events. Contrary to Mr. Edwards' arguments,  
it is clear that the City envisioned the Medela site as RM18 when it prepared its new  
Comprehensive Plan.

Separately, I disagree with Mr. Edwards' argument that this project will push  
development to Boulevard Road and away from Pacific Avenue. Instead, it will simply  
use Boulevard as a useful collector of traffic (just as it collects other nearby traffic) and  
send it to Pacific Avenue. This will not encourage development along Boulevard (it is  
not zoned for development) but should encourage further development along Pacific.

1 And, I do not consider a lack of direct access to Pacific to be a bad thing except for the  
2 difficulties it imposes upon pedestrians. As more intensive development occurs along  
3 Pacific Avenue and other Urban Corridors there will be an increasing need to funnel this  
4 development's traffic onto collector streets before reaching any arterial. If not, these  
5 arterials will either be burdened by many more traffic lights or by significant increases in  
6 the amount of uncontrolled traffic entering and exiting. In short, it is certainly possible  
7 that other new higher density developments along Pacific will have similar indirect  
8 access by way of collector streets.

9 • **200-Foot Buffer.** Mr. Edwards proposes that, as a condition of rezoning,  
10 either a 200-foot "no development" buffer next to the cemetery be imposed or a  
11 requirement that no development have a direct view of the cemetery. I agree with Mr.  
12 Stamm that the issue of buffers is not appropriate in a rezone discussion, and they are to  
13 be addressed through Development Regulations.

14 • **RM18 Zoning Versus MR10-18.** Several opponents to rezoning have  
15 suggested that, should the Council conclude that rezoning is warranted, that it rezone to  
16 MR10-18 instead of RM18. On its face this suggestion appears to be a reasonable, safe  
17 alternative that might reduce the project's impacts. I respectfully disagree. As has been  
18 carefully explained by the Applicant, MR10-18 zoning does not offer any greater  
19 protections than RM18 when transitioning to adjoining uses - they both have identical  
20 provisions for transitioning to adjoining single-family neighborhoods; both have similar  
21 requirements for housing mixes; and both have similar setback and other development  
22 requirements. But the MR10-18 zone would allow taller buildings with more stories  
23 immediately adjacent to the cemetery. Rather than decreasing conflicts between these  
24 uses, MR10-18 zoning could increase the risk of real conflict - it could allow for the  
25 nearby upper story balconies that deeply worry the cemetery's supporters.

Separately, the lower density of MR10-18 will reduce the number of units  
available to share in what are likely to be significant costs of development. As  
persuasively explained by Mr. Davis, street improvements, Interstate 5 barriers,  
environmental buffers, lower density transitional housing and challenging topography  
will make this site more expensive to develop than average. If fewer units are allowed  
then the cost per unit will rise. At best this will make the units less affordable to lower  
income families. At worst it may discourage any development. To fulfill the Policies of  
the Comprehensive Plan this site must add needed density which, in turn, may encourage  
improved mass transit and other public services.

Based upon the above Analysis, I make the following Findings/Conclusions with respect  
to the 5 rezoning criteria found in OMC 18.59.050:

1 OMC 18.59.050(A). The rezone is consistent with the Comprehensive Plan including the  
2 Future Land Use Map.

3 It is undisputed that the site is designated as "Urban Corridor" on the Future Land Use  
4 Map. I conclude that the rezone is consistent with the new Comprehensive Plan and the  
5 designation as Urban Corridor on the Future Land Use Map.

6 More specifically, I conclude that the rezone complies with Land Use Goal 13 and the  
7 related Policies for Urban Corridors, particularly PL 13.1, 13.3, 13.4, and 13.5.

8 I also conclude that the rezone complies with other Goals and Policies of the Plan  
9 including, among other things, Land Use Goals 1, 11 and 14 and Policies PL 1.1, 1.2, 1.3, 14.2,  
10 16.1, 16.2, 16.4, 16.11, and 16.12. In addition, I conclude that the rezone complies with  
11 Transportation Policies PT 13.1, 14.1, 17.2, and 18.1.

12 OMC 18.59.050(B). The rezone will maintain the public health, safety or welfare.

13 I agree with Staff that the site's close proximity to Interstate 5 warrants careful  
14 consideration of its impact on any proposed development, but this can be addressed in the  
15 development process. Similarly, protection of Indian Creek and its wetlands, as well as any  
16 other critical areas, will be addressed in development. Traffic impacts will also be determined  
17 and mitigated. Concerns regarding historic preservation and the possibility of unmarked graves  
18 will also be addressed.

19 Meanwhile, rezoning to RM18 will channel urban growth and development into areas  
20 intended for them, reducing reliance upon vehicles, increasing pedestrian and bike traffic,  
21 encouraging the use of mass transit and channeling growth into the City core.

22 Development is also consistent with *Sustainable Thurston* and its goals to improve  
23 regional health and welfare by locating new housing within close proximity to Urban Corridors,  
24 mass transit and goods and services.

25 Development is also consistent with the Goals and Policies of TRPC to support  
development of affordable housing.

For all of these reasons I conclude that the rezone will maintain the public health, safety  
or welfare.

OMC 18.59.050(C). The rezone is consistent with other development regulations that  
implement the Comprehensive Plan.

The rezone is consistent with other development regulations including Chapter 18.04,  
18.06, 18.100, and 18.170 of the Olympia Municipal Code. It is also consistent with those  
regulations relating to historical preservation, critical areas and SEPA. I conclude that the rezone  
is consistent with other development regulations that implement the Comprehensive Plan.

**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 OMC 18.59.050(D). The rezone will result in a district that is compatible with adjoining  
2 zoning districts . . . .

3 The RM18 zoning district (and the MR10-18 zone) provide measures to improve  
4 compatibility with the adjoining R4-8 zone and provide a proper transition. Development  
5 regulations for RM18 zoning provide for a mix of housing types, detached single-family houses  
6 in areas adjoining existing single-family neighborhoods, height limitations identical to the R4-8  
7 district, compatible lot size and width and compatible setbacks.

8 This rezoning criteria requires compatibility with adjoining districts, not adjoining uses.  
9 Nevertheless, it is appropriate that careful consideration be given during development to  
10 improving compatibility with Forest Cemetery.

11 Although compliance with this subsection is not mandatory I conclude that the rezone  
12 will result in a district that is compatible with the adjoining district, and provides for a transition  
13 zone between potentially incompatible designations.

14 OMC 18.59.050(E). Public facilities and services existing and planned for the area are  
15 adequate and likely to be available to serve potential development allowed by the proposed zone.

16 Fire protection and emergency services, water and wastewater utilities, solid waste,  
17 regional parks, schools and mass transit are all existing and available to the site.

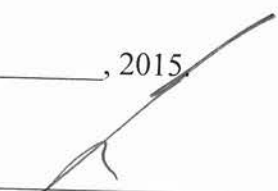
18 Street access must be improved for development to occur. Re-designation of 9th Avenue  
19 to "Neighborhood Collector", is necessary in order to allow most of the needed improvements.  
20 If 9th Avenue is re-designated and improved it will then be adequate to serve potential  
21 development allowed by the proposed zone.

22 Although compliance with this subsection is not mandatory, I conclude that all public  
23 facilities, with the exception of streets, are adequate and likely to be available to serve potential  
24 development allowed by the proposed zone. Rezoning to RM18 should not occur, however,  
25 unless 9th Avenue east of Boulevard Road is re-designated as a Neighborhood Collector street.

### **ADDITIONAL RECOMMENDATIONS**

26 The City's Development Regulations provide various measures to help transition from  
27 high density to low density residential areas, but do not have any specific measures to transition  
28 from residential and commercial uses to cemeteries. This is not surprising as there were no  
29 cemeteries located within the City until the recent annexation of Forest Cemetery. In light of its  
30 annexation, and the concerns expressed during this hearing, I would recommend to the City  
31 Council that is confer with Planning Staff to determine if any additional Development  
32 Regulations are advisable.

DATED this 6 day of AUGUST, 2015

  
\_\_\_\_\_  
Mark C. Scheibmeir  
City of Olympia Hearing Examiner

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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

**EXHIBIT LIST**

Meeting Agenda

1. Staff Report (includes Municipal Code excerpts)
- 2A. Medela Application
- 3B. Map of Rezone
- 4C. Vicinity Map
- 5D. Memorandum of Understanding
- 6E. Hanna Statement to Council
- 7F. Edwards Letter
- 8G. Rehberger Letter
- 9H. Placeholder for Screenshot/Screenshot (2 Parts)
- 10I. N. Rezone Boundary Photo
- 11J. SEPA DNS/Hearing Notice
- 12K. Area Photos/Hearing Notice (2 Parts)
- 13L. Future Land Use Map (excerpt)
- 14M. Land Use Goal 13/Related Policies
- 15N. Future Land Use Map
- 16O. Zoning Table (excerpts)
- 17P. Department of Archeology Letter
- 18Q. Sadlier Email
- 19R. Local Access/Neighborhood Collectors
- 20S. Smith Memo
- 21T. Miscellaneous Public Questions
- 22U. Index/Public Comments
23. Cascadia Law Group Letter (July 8, 2015)
24. Cascadia Law Group Letter (July 10, 2015)
25. Briefing from Edwards
26. Additional Written Comments Presented at Commencement of the Hearing
27. Cascadia Law Group - Binder Packet
28. Google Maps (excerpt)
29. Gopher Soils Map
30. Flood Zone Mapping
31. City Council Minutes (discussion related to 9th Avenue)
32. Transportation 2030 Map
33. Bike Route Map
34. Intercity Transit System Map
35. Olympia Park & Trails Map
36. SJC Wetland Review
37. Ms. Palazzi's Resume'
38. Papers from Ms. Blanchett
39. Forest Funeral Home/Cemetery
40. Supplemental Packet of Materials Following the Hearing
41. Email from Banomi