



**OLYMPIA
HEARING EXAMINER
RECOMMENDATION**

Community Planning & Development
601 4th Avenue E. – PO Box 1967
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August 11, 2015

Greetings:

**Subject: MEDELA REZONE
File #15-0010**

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

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

Please contact the City of Olympia, Community Planning and Development Department, at 601 4th Avenue East, at PO Box 1967, Olympia, WA 98507-1967, by calling (360) 753-8314, or by e-mailing cpdinfo@ci.olympia.wa.us if you have any questions.

Sincerely,

Todd Stamm
Principal Planner

TS:nl

Enclosure

1 BEFORE THE CITY OF OLYMPIA HEARINGS EXAMINER

2 IN RE:) HEARING NO. 15-0010
3 MEDELA REZONE,)
4) FINDINGS OF FACT,
5) CONCLUSIONS OF LAW,
6) DECISION AND RECOMMENDATION
7) TO CITY COUNCIL

8 **APPLICANT:** Medela Group, LLC
9 250 Courtney Creek Lane
10 Belfair, Washington 98528

11 **REPRESENTATIVES:**

12 Ron Niemi
13 6135 Woodard Bay Road N.E.
14 Olympia, Washington 98506

Lisa Palazzi
J. W. Morrissette & Associates
1700 Cooper Point Road #B2
Olympia, Washington 98502

15 Joseph Rehberger
16 Attorney at Law
17 606 Columbia Street N.W., Suite 212
18 Olympia, Washington 98501

19 **SUMMARY OF REQUEST:**

- 20 1. Rezoning of the "Medela" Property from R4-8 to RM18.
21 2. Rezoning of the "Banomi" Property to RM18.
22 3. Designation of 9th Avenue east of Boulevard Road as a "Neighborhood Collector" street.

23 **PROJECT LOCATION:**

24 The Medela Property is located along the east side of the 700 to 900 blocks of Chambers Street.
25 The Banomi Property lies between the southeast corner of the Medela Property and Interstate 5
and has a physical address of 922 Steele Street S.E.

SUMMARY OF DECISION:

The Hearing Examiner recommends to the City Council:

1. That the Medela Property be rezoned to RM18 conditioned upon the redesignation of 9th Avenue East as a Neighborhood Collector Street.

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- 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.

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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." ¹ [Thurston County has not expressed any
opposition to the pending rezone application.]

26 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.

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¹ A copy of the Commissioners' Decision
is contained within Exhibit 40

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1 6. December, 2014. The Comprehensive Plan for Olympia is updated and the site is
2 designated as "Urban Corridor" on the Future Land Use Map.

3 7. January, 2015. The Applicant applies to the City for a site specific rezone to
4 RM18.

5 8. March, 2015. City Staff proposes an update of the Transportation Maps to the
6 Comprehensive Plan including re-designation of 9th Avenue east of Boulevard Road from
7 "Local Street" to "Neighborhood Collector". This reclassification was tentatively approved by
8 the City in 2014 subject to the County's rezone of the site. The reclassification did not occur
9 when the rezone was denied. Action on the proposed re-designation is likely to occur later this
10 year.

11 9. June 1, 2015. The City Planning Commission discusses the rezone application
12 but recommends that the Hearing Examiner proceed "without a recommendation from the
13 Commission".

14 10. June 21, 2015. City Council approves Ordinance No. 6973 amending OMC
15 18.04.060(N). This regulation, which ensures better transition from RM18 zones to adjoining
16 lower density neighborhoods, is amended to be applicable to sites covering five acres or more
17 (reduced from ten acres). Thus, the requirements of this regulation are now imposed on the
18 Medela site if rezoned to RM18.

19 11. June 27, 2015. By email to City Staff, ²Thomas Banomi, clarifies that he wishes
20 his property to be included in the rezoning to RM18.

PUBLIC HEARING

21 Prior to the public hearing, I undertook a site examination consisting of a one-hour walk
22 through the site and surrounding properties, followed by a twenty-minute drive through the
23 surrounding neighborhood.

24 The public hearing commenced at 6:30 p.m. on Monday, July 20, 2015, in the Council
25 Chambers in City Hall. The hearing adjourned at approximately 11:30 p.m. The City appeared
through Todd Stamm, Principal Planner, and David Smith of Traffic Engineering. Ownership of
the Medela Property appeared through Ron Niemi, and was represented by Joseph Rehberger.
Forest Cemetery appeared through Teresa Goen-Burgman and was represented by Matthew
Edwards. A large number of residents were present and many provided testimony. A verbatim
recording was made of the public hearing and all testimony was taken under oath. In advance of

^2 Exhibit 41

1 the hearing, Staff prepared its Staff Report³ together with attachments A-U⁴. Additional written
2 comment was received prior to the commencement of the hearing⁵ and other additional written
3 comment was presented during the hearing⁶. 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.

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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.⁷ 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

³ Exhibit I

⁴ Re-designated as Exhibits 2-21

⁵ Exhibit 26

⁶ Exhibits 23-25 and 27-39

⁷ Exhibit 5

1 the Medela rezone⁸. 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 included⁹.

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.

⁸ Included in Exhibit 26

⁹ Exhibit 41

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(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.

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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
intersections may be more intensively developed. Opportunities to live, work,
shop and recreate will be located within walking distance of these areas."

11 City Staff concludes that the rezone is consistent with the Goals and Policies of the Plan
12 including the Future Land Use Map. The site is within the area designated as Urban Corridor
and the RM18 zone is consistent with that designation, but pedestrian access to transit service is
13 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
and cultural resources in or near the site which may trigger historic preservation regulations, but
22 this will not prevent a change in zoning. Staff also notes that tree regulations will require
preservation of thirty tree "units" per acre, but again this will not prevent rezoning. All
23 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 Regulations¹⁰. 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

¹⁰ 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.

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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)¹¹.
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

¹¹ 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,
6 and will remain inadequate unless 9th Avenue is redesignated and improved as a
7 Neighborhood Collector street.

8 2. **Applicant's Presentation.** At the completion of Mr. Stamm's presentation, the
9 Applicant made its presentation through the owner's representative, Ron Niemi, the Applicant's
10 environmental expert, Lisa Pallazi¹², and the Applicant's attorney, Joseph Rehberger. The
11 Applicant's information was provided by the testimony of these individuals and by pre-and post-
12 hearing briefing.

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

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

20 • Rezone of the site is consistent with the goal of *Sustainable Thurston County* that
21 by 2035 43% of households will be within 1/4 mile of transit service and 1/2 mile of goods and
22 services¹³.

23 • Rezone to RM18 is consistent with the goals of Thurston Regional Planning
24 Council (TRPC) to support the development of affordable housing in proximity to Urban
25 Corridors¹⁴.

• Rezone furthers the policies outlined in TRPC's Fair Housing Equity Assessment:
"There is already pent up demand for housing amid the region's corridors and
centers. . . . By 2035-2040 about 40% of the demand for new homes will be
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

23 ¹² Ms. Pallazi's Resume' is Exhibit 37

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

¹⁴ 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."¹⁵

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 site¹⁶. [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 ¹⁵ See Briefing

33 ¹⁶ 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
service; funneling urban households within one-half mile of services; reducing land
consumption; and reducing carbon dioxide omissions¹⁷.

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 ¹⁷ 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.

22 2. John Davis is a former developer in the Olympia and Thurston County
23 area and has been actively involved in similar development projects. Mr. Davis has undertaken
24 his own analysis of this site's development and concludes that it will be challenging because: an
25 acre of the site will be set aside for environmental buffers; a sound barrier along Interstate 5 will
probably be necessary; street improvements on Chambers, 9th Avenue and Boulevard will be
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

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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.

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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 Gadbow, Certified Planner and former
18 Mayor and Council Member, have co-authored a letter in support of the rezone¹⁸. 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.

¹⁸ 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.

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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 sites 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)¹⁹; 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.

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

Mr. Brannies argues that a majority of the neighborhood does not support the
rezone and that the neighborhood's concerns have not been integrated into the Staff's
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.

¹⁹ 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
17 problems it may pose to residents in any new development.

18 10 Joe Hanna is the President of Concerned Eastside Neighbors. Mr. Hanna
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

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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 Ms. Goen-Burgman acknowledges that surrounding commercial activities,
21 especially the Fir Grove Business Park, lie in very close proximity to the cemetery
22 boundaries. When asked why she is concerned about appropriate buffers from
23 development on the Medela site when there is little buffering from existing surrounding
24 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

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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
6 residential neighborhood. If so, this result is inconsistent with PL 20.1 and PL
13.1 in the Comprehensive Plan.

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

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.

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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 Examiner²⁰. 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 ²⁰ 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.

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.

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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.

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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
the amount of uncontrolled traffic entering and exiting. In short, it is certainly possible
that other new higher density developments along Pacific will have similar indirect
access by way of collector streets.

6 ● 200-Foot Buffer. Mr. Edwards proposes that, as a condition of rezoning,
7 either a 200-foot "no development" buffer next to the cemetery be imposed or a
8 requirement that no development have a direct view of the cemetery. I agree with Mr.
Stamm that the issue of buffers is not appropriate in a rezone discussion, and they are to
be addressed through Development Regulations.

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

21 Separately, the lower density of MR10-18 will reduce the number of units
22 available to share in what are likely to be significant costs of development. As
23 persuasively explained by Mr. Davis, street improvements, Interstate 5 barriers,
24 environmental buffers, lower density transitional housing and challenging topography
25 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:

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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
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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.

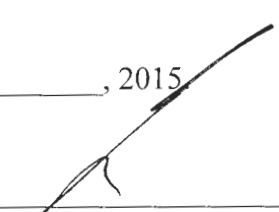
18 Street access must be improved for development to occur. Re-designation of 9th Avenue
19 to "Neighborhood Collector", is necessary in order to allow most of the needed improvements.
20 If 9th Avenue is re-designated and improved it will then be adequate to serve potential
21 development allowed by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

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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

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