



City of Olympia

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Meeting Minutes - Final Planning Commission

Monday, November 19, 2012

6:30 PM

Council Chambers

Regular Meeting

1. CALL TO ORDER

1.A ROLL CALL

Present: 9 - Vice Chair Judy Bardin, Commissioner Roger Horn, Commissioner Paul Ingman, Commissioner Agnieszka Kiswa, Commissioner Larry Leveen, Chair Jerome Parker, Commissioner James Reddick, Commissioner Rob Richards, and Commissioner Amy Tousley

2. APPROVAL OF AGENDA

Two changes were made to the agenda: 1. Have a discussion under #6 to discuss timeline for various issues. 2. Have a discussion under #7 - Reports, to discuss a new item called Letter of Clarification to the City Council.

Commissioner Reddick moved, seconded by Vice Chair Bardin, to approve the agenda as amended. The motion passed unanimously.

3. APPROVAL OF MINUTES

[12-0751](#)

Approval of May 7, 2012 Planning Commission Meeting Minutes

Attachments: [1. Draft minutes](#)

Commissioner Horn moved, seconded by Commissioner Reddick, to approve the minutes as proposed. The motion passed unanimously.

[12-0744](#)

Approval of October 1, 2012 Planning Commission Meeting Minutes

Attachments: [1. Draft minutes](#)

Commissioner Reddick moved, seconded by Commissioner Parker, to approve the minutes as proposed. The motion passed unanimously.

[12-0745](#)

Approval of October 8, 2012 Planning Commission Meeting Minutes

Attachments: [1. Draft minutes](#)

Commissioner Horn moved, seconded by Commissioner Reddick, to

approve the minutes as amended. The motion passed unanimously.

[12-0746](#)

Approval of October 15, 2012 Planning Commission Meeting Minutes

Attachments: [1. Draft minutes](#)

Commissioner Horn moved, seconded by Commissioner Reddick, to approve the minutes as proposed. The motion passed unanimously.

4. PUBLIC COMMENT

Mr. Jim Lazar, Olympia. Mr Lazar outlined an alternative process for reaching a recommendation on item #6 - Trillium. He believes it was prejudicial to allow staff to discuss their recommendation on Trillium without allowing other members of the public an opportunity to do the same.

5. ANNOUNCEMENTS

Associate Planner Amy Buckler announced that the Parks Heights (aka Kaiser Heights) subdivision application, a proposal for an 80 acre subdivision above Ken Lake, has expired.

Chair Tousley announced that the City Council has directed voting by phone should be allowed by advisory boards during an interim period, until further discussed by the General Government Committee in 2013. This practice should be used only when necessary.

Associate Planner Stacey Ray reminded the Commissioners that they had previously set a deadline of November 16 to discuss the trends and highlights issues they would like to discuss during final deliberations. The Commission should decide tonight whether this has been postponed to a future date.

6. BUSINESS ITEMS

[12-0742](#)

Recommendation Letter on Proposed Trillium Comprehensive Plan Amendment and Rezone (Case #11-0152, 12-0001)

Attachments: [1.Draft Recommendation to Amend Comp Plan and Zoning. R4-8 Option](#)
[2. Draft Recommendation to Amend Comp Plan and Zoning. Split Designatio](#)
[3.Draft Recommendation to Not Amend Comp Plan and Zoning](#)

Chair Tousley announced this is a quasi-judicial process and asked if any Commissioners had contact with anyone outside a public meeting pertaining to this proposal.

Commissioner Parker declared that after the Planning Commission's previous deliberation meeting on Trillium, believing the Commission was done with its process on the matter, he accepted a ride home from Lou Guethlein who had testified on the project, and they discussed the matter. Commissioner Parker did not feel he could make a fair recommendation based on this prior contact and he recused himself.

Chair Tousley asked if any member of the public had any issues of fairness to raise . None indicated so.

Mr. Nienaber clarified that staff is only present to help the Commission with its recommendation. Staff should not discuss their recommendation, but may answer questions to aid in the Commission's recommendation. The City Council wants the recommendation based on legal criteria outlined in the Olympia Municipal Code to be made tonight so that it can be presented to them on Tuesday, November 20.

Chair Tousley provided an overview the Commission's previous deliberation on Trillium.

Mr. Nienaber clarified the record is closed so no new public comments can be received. The Commission has discretion to make other recommendations than the examples outlined in the staff report; however, the recommendation should be based on the record.

Commissioner Tousley reviewed the recommendation examples included in the staff report. She asked Commissioners Kizza and Richards for their thoughts as they were absent October 22. Commissioner Kizza declared she was present at the August 20 public hearing, and listened to the tape for the October 22 deliberation meeting, and feels prepared. Richards declared the same.

Chair Tousley asked for any thoughts about the split zone.

Associate Planner David Niemens stated that using the ridgeline as the dividing line, there are approximately 50 acres on the west and 30 acres on the east. However, staff drew a split line that reflects 40-40 northeast to southwest in order to provide a more mappable and legally describable line.

Commission Discussion:

- During 9 months of the year there is a very high ground level, and one of the commentors proposed a zoning of 1 unit per 5 acres (R 1/5) but that proposal was not in the staff report. If the ground cannot absorb water 9 months out of the year, don't understand why R1/5 is not within the staff recommendation. Request for further discussion.
- The City can control stormwater in terms of flooding even though the amount of stormwater would double. The Commission also heard from the County that flooding cannot be controlled. They also heard the Ditch District does not have adequate funding and resources to maintain the ditch, and it is not maintained well. There seems to be unresolved issues between the City and County. There are also new rulings from TMDL that any increase in stormwater might cause increased pollution to Puget Sound.
- The R 1/5 zoning was not part of the original proposal or what came out of the Commission's discussion on October 22.
- There was a proposal R4 for 50 acres and R6-12 for 30 acres. Information was also provided by Jim Lazar regarding higher density (RM 24) in one area.

Commissioner Ingman moved, seconded by Commissioner Reddick, to adopt a split zoning for the area. He clarified he would accept the staff's line of division (40-40.)

- Commissioner Ingman spoke to his motion. He recalls that on October 22, the Commissioners agreed the easterly half would be in R4, but couldn't agree on the west side. There was a question of whether the west side should be zoned to 8 or 12

units per acre. If the Commission could pass his motion, then they could discuss what particular zones.

- Commissioner Bardin does not support the motion due to unresolved issues and lack of information.

- The motion initially passed 5-2 with Commissioners Ingman, Tousley, Reddick, Horn and Kiswa voting aye. Richards and Bardin voted nay. The motion was recalled because two Commissioners did not understand the motion.

- Mr. Nienaber clarified a revote is okay.

There was a revote. The motion passed 6-1 with Commissioners Ingman, Tousley, Reddick, Bardin, Horn and Kiswa voting aye. Commissioner Richards voted nay.

Commission discussion regarding the easterly half:

- Commissioner Bardin has concerns about flooding and stormwater. She would support R 1/5 on the easterly half and R4 on the western half. She is concerned about unresolved issues and lack of information.

- Commissioners Horn, Reddick and Tousley are comfortable with R4 on the easterly side.

- Commissioner Richards outlined his concerns, including: stormwater, flooding, no school capacity, no transit. He doesn't support any development here.

- Commissioner Kiswa is against any development on this side.

- Staff confirmed the R4-CB zoning was created for Chambers Basin after a study. The major difference is it has much stricter limits on amount of impervious surface that can be developed on the site.

Commissioner Ingman moved, seconded by Commissioner Reddick, that the Commission recommend R4-CB on the easterly half. In speaking to his motion, Commissioner Ingman stated this would reduce impervious surface and address some stormwater concerns of the community.

Commission Discussion about R4-CB:

- We are talking about a sloped surface, not a flat surface. Would R4-CB be effective here?

- Staff clarified R4-CB is designed specifically for flat topography and high groundwater associated with Chamber Valley. Not to say it couldn't be used elsewhere. Lot sizes are larger than R4-8, with infrastructure designed to disperse water as quickly as possible. Water is not sent to a pond. This zoning district does not collect water; it disperses it. Areas with high ground water don't support ponds as they would just fill up with groundwater. Building footprint is in middle of the lot. Full dispersion of stormwater is from roofs, streets. Street design - one side has curb, planter strip. The other side has grass where water is dispersed, hopefully with amended soils.

- R4 is more typical development at a maximum of 4 units per acre. It has ponds, although maximum dispersion techniques are required no matter what the zone. Any time a development project comes in, there is a soil analysis and over-winter

groundwater monitoring. Amount of dispersion is based on the soil type, downspouts are always required, soils are amended. How much can you infiltrate, and how much remains. Remainder is sent to a stormwater pond.

- R4-CB might still be an advantage on this site, as in theory it would increase the amount of infiltration (dispersal). However, if the slope is too much, there would be problems because water would flow over the site rather than being managed by pipes and gutters. R4-CB is designed for flat areas. Staff's understanding is that portions of Trillium are flat, but portions are sloped.

- Mr. Niemens read from the schools section of Supplemental Environmental Impact Statement on the Trillium project. He briefed the Commission on several zones compared in the SEIS, and compared them.

The Commission voted on the motion, and the motion passed 4-3. Commissioners Horn, Reddick, Ingman and Bardin voted aye. Commissioners Tousley, Richards and Kizza voted nay.

Commission Discussion on the westerly half:

- Mr. Niemens clarified the western side has better than average stormwater conditions than most of Olympia. It is sloped away from Chambers Valley and Ditch.

- Commissioner Horn thinks low density on east side, and higher on west is reasonable. It is consistent with Growth Management Act (GMA) goals to get density where possible. The site borders Bentrige, an approved Neighborhood Village.

Commissioner Ingman moved, seconded by Commissioner Kizza, that the western portion of the property be zoned R4-8.

Commission Discussion:

- Commissioner Ingman is not sure of the argument about GMA goals. He sees this area as auto dependant and he is concerned about bringing density to the area.

- Bentrige will have a neighborhood center, and this property will be on the east side of Bentrige and should be walkable to their neighborhood center. The truth is we won't have transit going to every corner of the City.

- Commissioner Tousley maintains her position that this area is suited to a higher density development and her recommendation is that this area be zoned R6-12.

- Commissioner Reddick supports R6-12 zoning if they go back to 30-60 split.

The motion did not pass. Three Commissioners (Ingman, Reddick, Kizza) voted aye. Four Commissioners (Tousley, Bardin, Horn and Richards) voted nay.

Mr. Niemens clarified it is possible to have the ridge be the dividing line, but it would be easier to legally describe and map if the split was 40-40.

Commissioner Reddick made a motion, seconded by Commissioner Horn, to split the zoning to 50 acres on the east and 30 acres on the west, with R4-CB on the east and R6-12 on the west side. Horn, Reddick, Tousley in favor. Ingman, Richards, Bardin and Kizza voted nay.

Commissioner Bardin moved, seconded by Commissioner Ingman, that the

westerly portion be zoned R4. The motion did not pass. Commissioners Kiswa, Bardin and Ingman voted in favor. Commissioners Tousley, Reddick, Horn and Richards voted nay.

- Commissioner Bardin favors a protective zoning for this area, and City/County/Ditch District issues not resolved, and there are stormwater pollution issues.

- Commissioner Kiswa supports low density for environmental reasons.

- Mr. Nienaber asked the Commission to bear in mind this is a proposed rezone. Status quo is a much higher density . A party can argue that failure to take an action is a vote for the status quo. If OPC can't come to a majority, he recommends the best next option is to poll individual Commissioners about their preferred preference for the west side.

- There was a discussion about the actual number of units involved in split zone, depending on where the dividing line is. Votes may be reconsidered based on the actual impact.

Commissioner Ingman moved, seconded by Commissioner Reddick, to reconsider a motion that the western portion of the property be zoned R4-8 with the 40-40 split.

The motion passed 5-2. Commissioners Tousley, Ingman, Reddick, Horn and Kiswa voted aye, and Commissioners Bardin and Richards voted nay.

The Commissioner drafted their recommendation letter to the City Council. Mr. Nienaber clarified that reviewing the proposed findings with regard to the applicable criteria does not mean support for the recommendation. The Commission made a few edits to their recommendation letter.

The Commission accepted the final letter, which will be signed by Chair Tousley and submitted to the City Council on November 20.

The Commission took a five minute break. The meeting resumed at 8:40 p.m.

[12-0718](#)

Final Deliberations Process

Attachments: [1. CPU Recommendation. Final Deliberation Process](#)
 [2. July Draft Substantive Change List](#)

Commissioner Richards introduced a discussion on the Commission's final deliberations process for the Comprehensive Plan Update. The Comprehensive Plan Update Subcommittee (CPU) has proposed a decision-making process in the meeting packet. Commissioner Richards confirmed the Council extended the Commission's review period through March of 2013. No discussion topics are planned yet for the meeting dates listed in the attachment. Commissioner Richards expressed that establishing priorities is necessary due to the limited amount of time. He also expressed Commissioners need to bring forward clearly articulated proposals that can be deliberated on readily.

A straw vote was taken to see who might be interested in prioritizing Trends & Highlights issues over the Substantive changes. Two Commissioners raised their hands (which Commissioners is not reflected on the tape.)

Commissioner Richards moved to a discussion on the Consent Agenda

format/concept. For the Substantive Change list, it will take 3 votes to pull an item off the list for discussion during Final Deliberations.

The Commission decided that to pass vote to reconsider a prior vote, a super-majority of 2/3 of members present will be required. Commissioner Richards clarified this was a way to make reconsideration a little more stringent.

Commissioner Richards moved, seconded by Commissioner Parker, to accept the proposed process. The motion carried by the following vote:

Aye: 7 - Vice Chair Bardin, Commissioner Horn, Commissioner Leveen, Chair Parker, Commissioner Reddick, Commissioner Richards and Commissioner Tousley

Nay: 1 - Commissioner Ingman

Abstained: 1 - Commissioner Kisza

12-0720

Final Deliberations: Visions and Values

Attachments: [1. July Draft of the Comprehensive Plan](#)
[2. Comprehensive Plan Vision and Values. February 2011](#)
[3. 1994 Comprehensive Plan Vision Statement](#)

There was not time for this item.

This work session was postponed until December 3.

Timeline for Deliberations

Commissioner Parker asked for confirmation on the timeline for a briefing from the Washington Department of Commerce on the Growth Management Act, a briefing from staff on the 7-11 issue, when the April Draft Comment Response Document will be complete, and when the updated population numbers for sub-areas will be delivered. Staff indicated the Commerce briefing will likely occur on December 3; the 7-11 briefing will likely occur on December 17; the comment response document and population numbers will be delivered in early January.

Planning Manager Todd Stamm noted population and housing numbers are available, but employment numbers will not be available until later in 2013. The population allocation for Olympia has been finalized by Thurston Regional Planning Council and it will be reflected in the Final Environmental Impact Statement.

7. REPORTS

Commissioner Richards confirmed the CPU will work on a proposal to bring forward to the full Commission regarding what their meeting schedule will be through March 31.

Commissioner Horn asked and Mr. Stamm responded that staff has not heard any response back from City Council regarding the Commission's recommendation letter on the Long-Range Financial Strategy.

Chair Tousley asked for a nominating committee to nominate potential Chairs for 2013. The Commission will vote on new officers on December 17.

There was a discussion about officer terms, and open liaison seats due to outgoing members.

Commissioner Parker has heard a lot of anxiety from the public regarding the work the Commission did on the Shoreline Master Program (SMP.) There is a lot of surprise that the work is not receiving the attention that went into it. He suggested the Commission needs a little clarification regarding what is expected of the Commission for their review of the Comprehensive Plan Update. He passed out a draft letter for the Land Use & Environment Committee (LUEC), which will be addressed on December 3. Chair Tousley suggested herself or another Commission representative convey the letter to LUEC at their December 6 meeting.

Commissioner Ingman reported Mithun will be 60% done with their work on November 30.

8. OTHER TOPICS

[12-0743](#)

Response to Commissioner's Information Requests, Part 2

Attachments: [1. Information Request List](#)
[2. Information Request Responses, Part 2](#)

Commissioner Parker asked for clarification about when certain items will come forward, as he feels the Commission cannot begin deliberating until this information is provided: - Commerce Briefing: Staff response, probably December 3rd - 7-11 Briefing: Waiting on another decision, so probably in December - Comment Response Document: Currently aiming for January - Residential units and population distribution for neighborhoods: Beginning of January Commissioner Horn said it's more important for him to have a comment response document for the public that expresses what OPC recommended vs. staff's response on the April draft. Planner Buckler sent out the new population allocations last week. The Commission will bring their topic list on December 3rd. If possible, send it in advance and staff can add topics the night of if needed.

The report was received.

9. ADJOURNMENT

Accommodations

The City of Olympia is committed to the non-discriminatory treatment of all persons in employment and the delivery of services and resources. If you require accommodation for your attendance at the City Advisory Committee meeting, please contact Community Planning and Development at 360-753-8314 at least 48 hours in advance of the meeting. For hearing impaired, please contact us by dialing the Washington State Relay Service at 7-1-1 or 1.800.833.6384.