



City of Olympia

City Hall
601 4th Avenue E
Olympia, WA 98501

Contact: Amy Buckler
360.570.5847

Meeting Agenda Planning Commission

Monday, March 17, 2014

6:30 PM

Room 207

1. CALL TO ORDER

1.A ROLL CALL

2. APPROVAL OF AGENDA

3. DISCUSSION

14-0270 Discussion Regarding Issues Raised about Public Process

Attachments: 1. Memo: Issues Raised about Public Process

4. PUBLIC COMMENT

Sign-in sheets are provided at the meeting. During this time, citizens may address the Commission regarding items related to City business, including items on the agenda, except agenda items for which the Commission either held a public hearing in the last 45 days or will hold a public hearing within the next 45 days.

5. ANNOUNCEMENTS

6. INFORMATION REQUESTS

Opportunity for Commissioners to ask staff about City or Planning Commission business.

7. BUSINESS ITEMS

14-0266 Recommendation for Zoning Text Amendment - Professional Office/Residential Multifamily (PO/RM) Zoning District

Attachments: Proposed Text Amendment
PORM Zoning Map 3.17
Public Comments

Estimated time: 1 hour

14-0262 Discussion about the OPC Recommendation on Topics Related to Urban Neighborhoods/Corridors

Attachments: 1. Recommended Future Land Use Map
2. Background: Recommended Options from Dec 16 2013
3. Summary of OPC's Urban Neighborhoods/Corridor Recommendation

Estimated time: 30 minutes

8. APPROVAL OF MINUTES

Estimated time for items 8-10: 10 minutes

14-0260 Approval of February 24, 2014 Planning Commission Meeting Minutes

Attachments: 1. Draft Minutes

14-0261 Approval of March 3, 2014 Planning Commission Meeting Minutes

Attachments: 1. Draft Minutes

9. REPORTS

- Leadership Team
- Finance Subcommittee
- Liaison Assignments

Estimated time: 5 minutes

10. ADJOURNMENT

Approximately 9:30 p.m.

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 the Advisory Committee staff liaison (contact number in the upper right corner of the agenda) 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.



DATE: March 13, 2014

TO: Olympia Planning Commission

FROM: Leonard Bauer, Deputy Director, Community Planning and Development

SUBJECT: Meetings Regarding Perspectives on Development Consistent with Olympia Comprehensive Plan

The public comments included in the March 17, 2014, staff report on a proposed Professional Office/Residential Multifamily (PO/RM) Zone Text Amendment raised questions about a perceived relationship between it and two meetings that were attended by some Planning Commissioners on January 31 and March 3, 2014. This memorandum summarizes information about these meetings. I attended the January 31 meeting, and have spoken to several attendees of the March 3 meeting. The following summary is my understanding of the facts related to these two meetings.

The meetings occurred on January 31 and March 3, 2014, between some members of the Olympia Planning Commission, City Councilmembers, and professionals in the development community. The meetings were originally requested by two members of the Planning Commission, who had discussed the need to gain a better understanding of the perspectives of realtors, developers, and financiers of development. They specifically discussed the need to understand apparent challenges of developing areas of the City of Olympia that are planned to accommodate significant percentages of new growth projected in the City's Comprehensive Plan – such as downtown and designated urban corridors. One Commissioner organized the meetings with local realtors, developers, and representatives of finance institutions. City staff were not involved in organizing the meetings. I attended the January 31 meeting at the invitation of the Commissioner organizing them. Invitations to each meeting were also made to at least some City Councilmembers. Meetings were held in a roundtable format, with no formal agenda.

At the beginning of each meeting, it was clearly stated and agreed that there could be no discussion of any issues that could become the subject of review by either the Planning Commission or City Council, including no discussion of any specific permit or specific site. At no time during either meeting was there any discussion of any potential zoning code or map changes – including no discussion of the PO/RM zone text amendment that is currently under review by the Planning Commission.

The January 31 meeting was attended by four Planning Commissioners, one City Councilmember, a commercial real estate broker, an architect, three property owner/developers, and me. General areas of discussion raised at this meeting from the perspective of the private sector were:

- The cost of construction in downtown Olympia is high, making redevelopment very difficult
- Impact fee costs are high and timing of the payment may be difficult to finance
- Lending practices for construction can make it difficult to re-develop and achieve the Comprehensive Plan's goal of infill

- The City's permitting process has improved but can be unpredictable, especially when appealed, making it difficult to identify total cost of development
- The multifamily housing tax credit program authorized by RCW 84.14 could be a helpful tool to assist redevelopment
- Requirements for constructing street and infrastructure improvements adjacent to development greatly increase its cost
- Out-of-town developers' perceptions of developing in Olympia are generally that the City is a very difficult place to develop property

The March 3 meeting was attended by two Planning Commissioners, two City Councilmembers, an architect, a commercial real estate broker, a bank officer, and three property owner/developers. Five of these attendees had also attended the January 31 meeting; five had not. General areas of discussion raised at this meeting from the perspective of the private sector were:

- Increased homelessness has had negative effects on potential development in downtown Olympia
- There is a perceived lack of a unified vision by the City for development in Olympia
- The cost of construction in downtown Olympia is high, making redevelopment very difficult
- There are now greater restrictions on lending for construction
- The length of time required to complete a development proposal has increased significantly in recent years

As stated above, there was no discussion at these two meetings about the PO/RM zone text amendment that is currently being reviewed by the Planning Commission, which had previously been approved by the City Council as part of the Community Planning and Development Department's work program.

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

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

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

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

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

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

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

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

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

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

Gaylord Nelson

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

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

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

Leonard Bauer/Deputy Director

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

Emails are public records, potentially eligible for release.



March 15, 2014

Dear Chairman Brown:

I think the addition of an agenda item to hear from the Assistant City Attorney misses the issue before the Olympia Planning Commission (OPC)—compromising the public’s trust in the OPC—and is therefore unnecessary.

The problem the OPC faces is that we have compromised the trust of the public, not that the law may have been broken. OPC could pay a penalty and recover from law breaking if that happened; OPC cannot restore public trust unless we do more—much more—than say, “we are not law-breakers.” Many who are paying attention will perceive the appearance of the Assistant City Attorney for the diversion that it is; it is a diversion from the issue of the OPC’s compromising the public trust.

Rather than hear the Assistant City Attorney tell us that the law has not been broken, we should hear from the public about their concerns about public trust. The public trust is the important topic, and unlike whether past events were legal or not, OPC can do something about public trust.

We should also hear from the public before we hear from Bauer and Buckler, although I do not think we should hear from Bauer or Buckler at all. At the end of our meeting on March 3, Buckler stated that all OPC members had been invited to go to the meeting at Mr. Morris’s office. She said nothing more, and the only logical explanation for Buckler’s knowledge that all OPC members were invited is that Buckler had prior knowledge of the plan to invite all OPC members to Morris’s office on a serial basis to hear about a common set of issues.

Bauer weighed in earlier this week; on March 12 he attempted to address the topic of legitimacy so there is no reason to have his comments repeated because we have them in writing. Buckler has not weighed in since the March 3 meeting; if she were to do so, she would have to address her knowledge about the organizing effort to have all OPC members be invited to Morris’s office on a serial basis to hear about a common set of issues.

The events happened on Bauer’s and Buckler’s watch as the CP&D officials with responsibility. They failed the OPC. More importantly, they failed the public. Given their circumstances, Bauer and Buckler cannot say anything that will help remedy the compromised trust of the public; the opposite may be true.

Members of the public have called for Kim Andreson to resign. I think the task for all OPC members is to ask themselves if they want to conduct the public’s work in front of the public.

The reason given for the private audience with developers is that those developers are reluctant to present their issues to the public and have their issues (and perhaps the

public's response) be recorded. In other words, the OPC determined that a small group of financially-interested developers who do not want to air their views in public should be given a private audience with the OPC. So the OPC compromised the public's trust in the OPC in order to please people who are wary their statements might not withstand public scrutiny.

We also know that our colleague Kim Andreson provided minimal information. At the OPC meeting on March 3, Andreson had to be forced to acknowledge that OPC members were hosted by Morris, with whom she has a relationship that is at least "professional" and I think, based on Andreson's statements to me that she consults one day a week for Morris, a financial relationship. Andreson never actually revealed the content discussed with OPC members at Morris's office.

I have served on city advisory boards for four years. I have never seen an attempt to create hidden meetings for all members of an advisory group. Many who have been on city committees over that last 30 years have told me that inviting developers, and other groups of interested persons, to come to a regular meeting of an advisory committee is commonplace, often an annual event at a minimum. That CP&D permitted Andreson and itself to be associated with a hidden meeting was completely unnecessary because there is a right way and a wrong way to meet with interested persons.

The facts, and the behavior of some who participated, demonstrate they are responsible for helping to compromise the public's trust. If OPC members want to defend meetings kept secret from the public, even defend them a little, then I suggest it may be time for some OPC members to consider another service endeavor, but not a *public* service endeavor.

I therefore request the invitation to the Assistant City Attorney be rescinded; and that the public be given the first opportunity to address the new agenda item. I will renew this request before my colleagues at the very beginning of the meeting Monday night.

Sincerely,

Judy Bardin
Planning Commissioner

Amy Buckler

Subject: FW: Monday OPC Meeting at 6:30 pm: Bardin's letter

----- Forwarded message -----

From: **Dan Leahy** <danleahy43@yahoo.com>

Date: Sun, Mar 16, 2014 at 12:36 PM

Subject: Monday OPC Meeting at 6:30 pm: Bardin's latest letter

To: "Judy Bardin" <judybardin@comcast.net>

Cc: "richmond.carole@gmail.com" <richmond.carole@gmail.com>, "sierra.hiker@gmx.com" <sierra.hiker@gmx.com>, "Jerry Parker" <jerome.parker@comcast.net>, "jessicabateman870@gmail.com" <jessicabateman870@gmail.com>, "klwa-pha@msn.com" <klwa-pha@msn.com>, "brownmh74@gmail.com" <brownmh74@gmail.com>, "missy@brennerandwatts.com" <missy@brennerandwatts.com>, "Roger Horn" <rogerolywa@yahoo.com>

Thank you Commissioner Bardin for responding to the City's continued misbehavior.

I support your call for a public OPC, rather than a private one.

I'll send your letter to my Westside neighbors who are following this scandal closely.

I will also continue my call for OPC Chairman Max Brown to resign.

Dan

March 15, 2014

Dear Chairman Brown:

I think the addition of an agenda item to hear from the Assistant City Attorney misses the issue before the Olympia Planning Commission (OPC)—compromising the public's trust in the OPC—and is therefore unnecessary.

The problem the OPC faces is that we have compromised the trust of the public, not that the law may have been broken. OPC could pay a penalty and recover from law breaking if that happened; OPC cannot restore public trust unless we do more—much more—than say, "we are not law-breakers." Many who are paying attention will perceive the appearance of the Assistant City Attorney for the diversion that it is; it is a diversion from the issue of the OPC's compromising the public trust.

Rather than hear the Assistant City Attorney tell us that the law has not been broken, we should hear from the public about their concerns about public trust. The public trust is the important topic, and unlike whether past events were legal or not, OPC can do something about public trust.

We should also hear from the public before we hear from Bauer and Buckler, although I do not think we should hear from Bauer or Buckler at all. At the end of our meeting on March 3, Buckler stated that all OPC members had been invited to go to the meeting at Mr. Morris's office. She said nothing more, and the only logical explanation for

public be given the first opportunity to address the new agenda item. I will renew this request before my colleagues at the very beginning of the meeting Monday night.

Sincerely,
Judy Bardin
Planning Commissioner