

July 10, 2015



Mark C. Scheibmeir  
 City of Olympia Hearing Examiner  
 c/o City of Olympia  
 Community Planning & Development  
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 PO Box 1967  
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Todd Stamm  
 City of Olympia  
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 601 4th Avenue East  
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**RE: Olympia File No. 15-0010 (Medela Group, LLC)  
 Public Hearing – July 20, 2015**

Dear Examiner Scheibmeir: and Mr. Stamm:

This firm represents the applicant, Medela Group, LLC (“Medela”), with respect to the above-referenced proposed rezone. Medela provides this letter in response to correspondence dated June 22, 2015, submitted by Southwick, Inc. Southwick requests that the City require Medela to obtain a formal survey of the property proposed to be rezoned and resubmit its application. Based on this request, Southwick requests the City deny the rezone. Southwick cites no authority in support of its request. Southwick’s request is without merit and is not supported by the Olympia Municipal Code (“OMC”).

The OMC does not require (or even request) that a survey be submitted in support of a rezone proposal. Citywide zoning maps and area zoning districts are, of course, not based on surveyed property boundaries.<sup>1</sup> The City rezone application does not require submission of a survey, and the City has no need for a surveyed depiction in considering rezone proposals. *Cf.* OMC 18.82.140. If, in fact, encroachment or property line issues exist, those issues are not relevant to the question of a rezone. While precise property boundaries may be relevant when site development is proposed, they are not relevant now as part of the City’s consideration of a zoning amendment.

The OMC establishes zoning districts as depicted on the City’s official zoning map, OMC 18.02.160(B), which is not a surveyed land description. The official zoning map is not intended to be a precise depiction of property boundaries. The OMC provides that established land use district boundaries are typically intended to follow lot lines or the centerline of streets and alleys as shown on the zoning map, OMC 18.02.160(C)(1), but also specifically contemplates

<sup>1</sup> A copy of the City’s Official Zoning Map is attached as Attachment A, and is also available online at: <http://olympiawa.gov/city-government/departments/community-planning-and-development/maps-community-planning-and-development> (last visited July 10, 2015).

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discrepancies between official zoning maps and actual property boundaries. *Id.* ("Where the lot line location or street layout on the ground varies from that shown on the zoning map the designations shown on the map shall be applied to carry out the intent and purpose of this title."). Where discrepancies exist, the least restrictive zoning designation applies. *Id.* In any event, the zoning map does not rely on establishment of precise boundaries, but provides a general overlay of zoning districts within the City.

In support of the rezone proposal, Medela included a vicinity map, other maps, and a site plan in support of its application, identifying and depicting the property proposed for rezone, together with the immediate vicinity. Medela further included the specific tax parcel numbers and legal descriptions for the area of land proposed for rezone. The City accepted the rezone application as complete consistent with OMC 18.82.140 and 18.72.120. Medela's application materials clearly identify the proposed parcels for rezone and describe the requested amendments to the City's Official Zoning Map. The City has published notices of the application and hearing, and has previously held a public meeting on the proposal. Southwick's assertion that somehow neither it nor the public is able to discern the nature of the rezone request is not credible.

Thank you for your consideration of this matter.

Sincerely,



Joseph A. Rehberger  
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Email: jrehberger@cascadialaw.com  
Office: Olympia

JR:en

Attachment

cc: Darren Nienaber, Deputy City Attorney  
Matthew Edwards, Owens Davies, P.S.  
Client

# 2013 OFFICIAL ZONING MAP

0 0.25 0.5 0.75 1 Miles

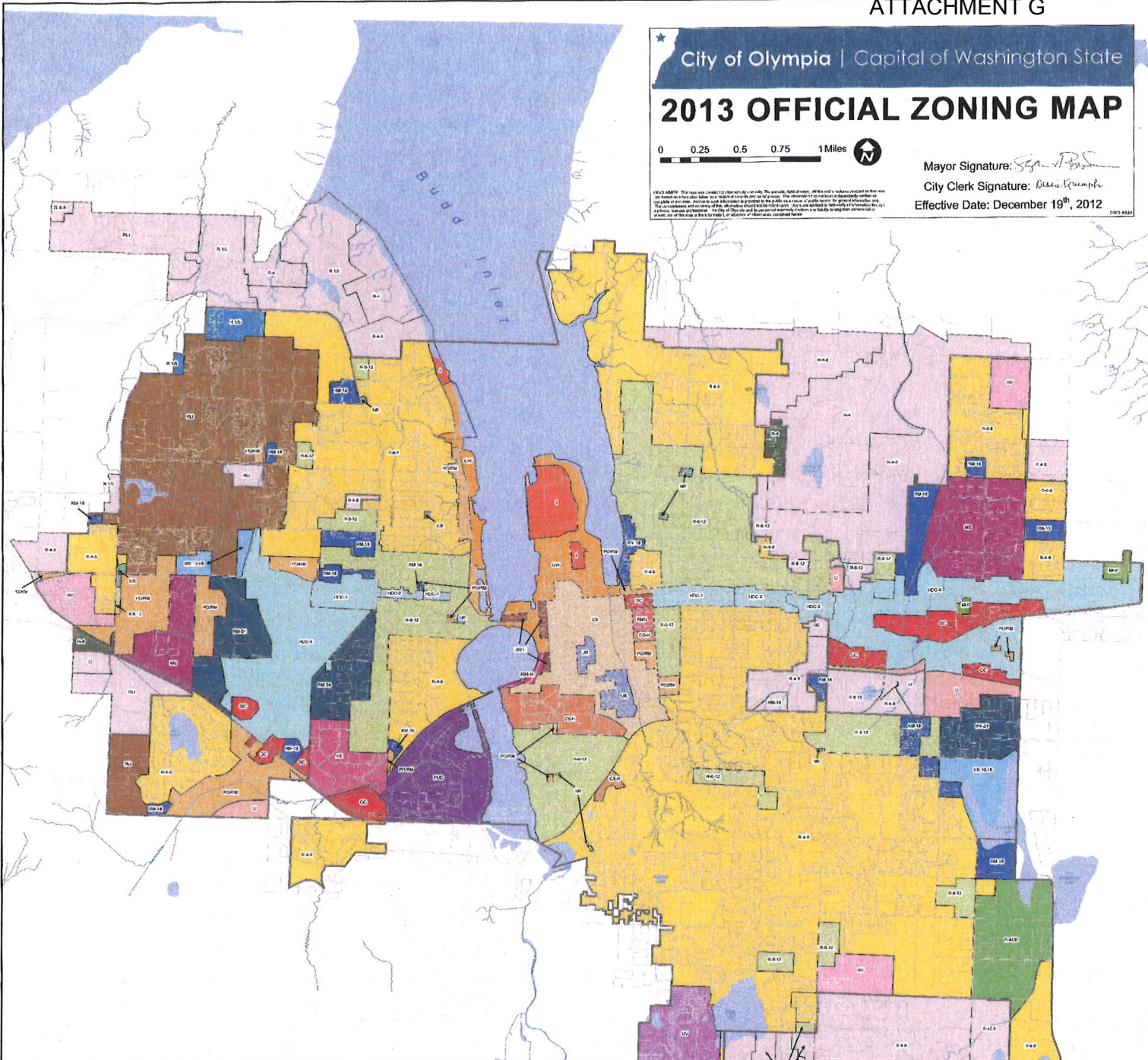


Mayor Signature: *Sean A. Boren*

City Clerk Signature: *Beth Krumpholtz*

Effective Date: December 19<sup>th</sup>, 2012

NOTICE: This map was created for informational purposes only. The purpose of this map, unless otherwise specified, is to show the location of the various zones and to provide a visual representation of the zoning map. This map is not intended to be used as a legal document. The information on this map is subject to change without notice. The City of Olympia and its personnel assume no liability for any errors or omissions on this map or for any damage caused by its use. For more information, contact the City of Olympia Planning Department at 360.472.3000.



## Zoning Map Legend

	Olympia City Limits		RESIDENTIAL 1 UNIT PER 5 ACRE
	Urban Growth Area		MIXED RESIDENTIAL 7-13 UNITS
<b>Zone Name</b>			MIXED RESIDENTIAL 10-18 UNITS
	HIGH DENSITY CORRIDOR 1		RESIDENTIAL MULTIFAMILY 18 UNITS
	HIGH DENSITY CORRIDOR 2		RESIDENTIAL MULTIFAMILY 24 UNITS
	HIGH DENSITY CORRIDOR 3		SINGLE-FAMILY RESIDENTIAL (CHAMBERS BASIN)
	HIGH DENSITY CORRIDOR 4		SINGLE-FAMILY RESIDENTIAL 4
	AUTO SERVICES		SINGLE-FAMILY RESIDENTIAL 4-8
	COMMERCIAL SERVICE HIGH DENSITY		TWO FAMILY RESIDENTIAL 6-12
	COMMUNITY ORIENTED SHOPPING CENTER		MANUFACTURED HOUSING PARK
	DOWNTOWN BUSINESS		RESIDENTIAL LOW IMPACT
	GENERAL COMMERCIAL		RESIDENTIAL MIXED USE
	INDUSTRIAL		PLANNED UNIT DEVELOPMENT
	LIGHT INDUSTRIAL		NEIGHBORHOOD VILLAGE
	HIGH RISE MULTIFAMILY		URBAN RESIDENTIAL
	MEDICAL SERVICE		URBAN VILLAGE
	PROFESSIONAL OFFICE/RESIDENTIAL MULTIFAMILY		URBAN WATERFRONT
	NEIGHBORHOOD RETAIL		URBAN WATERFRONT HOUSING

