

Missing Middle: Its Flawed Creation and Missing Element, the Public

The Planning Department and the proponents of the Missing Middle (MM) have touted the quality and quantity of the public process used to present the proposal to the public. In actuality, the has not been inclusive and there have been a number or road blocks to any meaningful public participation.

The MM process seemed to have come out of thin air. It is not mentioned in the Comprehensive Plan and did not stem from any apparent Council directive. Even Council's Ad Hoc Committee on Housing Affordability did not address the MM. Housing affordability was initially one of the echoed reasons for the MM but that loosely stated goal was quickly abandoned. Additionally, the proposal ignores over twenty Comprehensive Plan policies that directly conflict with the plan, even specifically disallowing some of its provisions.

In reality, the concept for the Missing Middle came out of California and is the creation of architect Daniel Parolek and his firm Opticos Design. His template is being imported into Olympia in a one size fits all approach, with an enormous plan that includes ten different housing types with 43 different provisions.

No neighborhood groups were notified, let alone included, in the plan's creation process. Normal public notification methods were omitted until almost the end of 2017, and numerous superficial presentations in 2018 allowed no public input, dealt in generalities, and avoided any concrete way of fleshing out details. The plan is poorly researched and presented. Initial maps of the MM impacted areas were very small and difficult to read. Some of the revisions buried in the draft Olympia Municipal Code changes have still not been openly disclosed to the public.

City documents, actions, and timelines show that the initial intent was to usher the proposal through very quickly before the public could become aware and conversant with the implications, let alone mount and any meaningful opposition. The proposal, by design, is so broad and complex that it is almost impossible for neighborhoods to begin to understand it let alone comprehend its ramifications.

Evidence points to the MM being designed behind the scenes by a small group of self-selected community members with an agenda colluding with City Planning Staff. The proposal was concealed as much as is legal from those who would be impacted the most.

These are the most extensive changes to the City's land use policy to have occurred in the last quarter century, since the 1994 Comprehensive Plan. One has to ask why such vast revisions are needed and who has the most to gain financially?

Timeline and Supporting Evidence for the above Assertions:

- Staff first introduced the MM at a June 29, 2016 meeting of Olympians for People Oriented Places (OPOP) named “Big Ideas/Tiny Houses”. OPOP is an organization that advocates for increased density and creating a more urban environment, both commendable objectives. Leonard Bauer, the Deputy Director for Community Planning and Development gave a Power Point presentation on the MM at the OPOP meeting. After the meeting, Leonard asked for the sign-up sheet from the meeting so that he could add people to the interested parties list for an upcoming project called Missing Middle Housing. Therefore the general planning effort for the MM was presented to a selected community, six months before it was presented to the Planning Commission or Council’s Land Use and Environment Committee, and long before it was introduced to the general public.
- Leonard emailed Troy Nichols of the Olympia Master Builders on 6/3/16 and invited him to the aforementioned OPOP meeting. He encouraged Troy to invite other builders that were interested in small infill housing types to attend. Leonard also told Troy that the City would be embarking on an examination of codes, fees, and infill housing of all types and that he looks forward to a close partnership with the building community to help identify barriers and disincentives to that type of infill housing. That they will be starting the project in the fall and he would like to have a couple conversations with Troy to help him scope the project.
- The MM next pops up strangely enough in a Downtown Strategy related document dated 11/22/16 “*Tool Box- Potential Tools to Implement Olympia Downtown Strategy*”. The MM is listed as a way to increase density in the neighborhoods. The document acknowledges that there does not appear to be a demand for greater densities in the downtown, however rezoning undeveloped parcels in existing neighborhoods would likely result in neighborhood opposition. It concludes that the City should move forward with the MM and evaluate opportunities to ***increase density in areas where neighborhood opposition may be low*** and services and infrastructure are in place to support higher density. We have to be curious why neighborhood opposition might be lower in some areas than others. Is it because they welcome the changes that the MM would bring? Could it be that they’re not as plugged into the political landscape as others and not realize what might happen to their neighborhood?
- A MM Project Schedule and Outreach plan was presented to the Olympia Planning Commission (OPC) on 1/9/17. About twenty five people, largely OPOP members attended the meeting to lend support (*probably having gotten notice from the earlier*

created distribution list). One of the meeting attachments described a projected rapid MM implementation schedule for 2017 as follows: public outreach occurring June – September, creation of draft implementing policies and ordinances in August-September, and public review and adoption mid-September to mid-November.

- A work plan for the Land Use and Environment Committee was presented to the Committee on 1/19/17. The plan contained 29 items, with one line item that mentioned the MM. On 2/16/17 the draft charter for the MM Work Group was presented to the committee.
- Two Missing Middle open houses were held in conjunction with Land Use and Environment Committee meetings on May 18th and 30th, 2017. These were meetings intended to introduce the MM to the public. Attendance was poor at the meetings since the meetings were not widely advertised. Therefore the greater public did not know about the meetings.
- The Missing Middle Work Group got together for eight meetings from March 2017 – October 2017. The Work Group acted as a sounding board to the planning staff by providing “feedback.” No motions, votes, or decisions were made by the work group. The planning staff developed the MM recommendations not the Work Group. In fact, the Work Group was given only one week (10/19/17 – 10/26/17) to review this extensive complex proposal and to provide comment. There was no indication that any of the Work Group members’ comments or suggestions were considered or incorporated into these recommendations.
- The Work Group’s meetings were not readily accessible to the public. One member of Olympians for Smart Development and Livable Neighborhoods, found out about the meetings by chance when they attended an OPC meeting where the MM was first introduced. The meetings were not noticed on the City Calendar for four months (March – June 2017) and only posted after a community member repeatedly contacted Kellie Braseth, the City’s Strategic Communications Director. Additionally, people who eventually *did* find out about the work group’s meetings, then did not receive meeting materials in a timely fashion. For example, staff’s final recommendations were only submitted to the Work Group and not the distribution list for the meetings. Kellie Braseth in a 6/29/17 email response further underscored the limited role of the Work Group noting that meeting notification to the public was not required: *“The Work Group is not a Council committee, is not a group that was created by Council, has absolutely NO decision-making authority. The group was put together by City Staff. Because the Work Group is not a governing body, doesn't act on behalf of a governing body, does not report to a governing body and has no decision-making authority, it is not subject to the Open Public Meetings Act that requires the formal and extensive level of meeting notification expected of City Council, Council Committees and City Advisory Boards.”* Do

you sense an attitude of “We’re not telling you because we don’t have to.”

- The MM was released to the public in November 2017. Although the MM had a webpage and people who were signed up for City email messages may have been alerted to the proposal, the general public was not. No mailing was done to alert the public to this enormous proposal that would impact their neighborhoods. Staff have stated that a notice appeared on a utility bill, but they were not able to produce any retained copies of the notice. Retained hard copies of City utility bills by utility customers confirm that no written notice was sent via utility bills.
- On 11/14/17 an open house was held. At the same time a web-based survey called a “*nonscientific survey*” was started but it was only available for two weeks 11/15/17 – 11/30/17. A fraction of Olympia’s population responded to the survey. It is likely that the survey results were severely skewed towards a positive response to the MM since only those in the know answered the survey. An independent survey done by the Coalition of Neighborhood Associations (CNA) at the end of January 2018 asked about the MM. A majority of 63% felt that they did not know enough to have an educated opinion about the proposal. Overall, people involved with the CNA represent people who are very involved with City issues and their neighborhoods. If those members did not know about the MM, then what about the rest of Olympia?
- Initial maps of the areas affected by the MM were initially very tiny and hard to read. Members of the public had to request that the maps be enlarged and divided into different segments of the city to make them at all comprehensible.
- Two public work sessions on the MM were held 12/11/17 and 12/13/17. A number of people attended the meetings, but again the general public was not aware.
- The specific recommendations of the MM proposal were first presented to the CNA in November 2017. The CNA at their monthly meetings learned the specific details of the proposal and expressed a number of concerns. The City’s MM website was sorely lacking in information about the MM at the time of the 11/18 survey and only improved in response to CNA questions in 2018. No credible analysis of neighborhoods’ or schools’ infrastructure readiness for MM, affected residents’ feelings about MM, affordability or impacts of MM housing types, equity issues or actual benefits of MM were made. Some housing types like ADU conversions and duplex conversions weren’t even addressed. No effort to characterize the demographics or needs of incoming residents was made.
- The Eastside Neighborhood Associations involved in subarea planning efforts with the City were never informed about the Missing Middle, even though they were meeting with City staff regularly. The MM, of course, ignores and per-empts any subarea plans by authorizing development not anticipated by the neighborhoods. It effectively stopped

subarea planning efforts by this neighborhood.

- Planning staff held seven different meetings with various neighborhood associations. This form of outreach is helpful, but most Olympians are not involved with their local neighborhood association. They remained uninformed about the MM. Also, most of staff's MM presentations on the MM are biased in that they framed very positively and don't present any downsides of the proposal.
- The Planning Commission held a MM open house on 2/26/18 and a MM Public Hearing on the 3/19/18. The public hearing lasted till 10 pm. Large numbers of people who had signed up to testify left due to the late hour. The Planning Commission opted not to schedule a second date for a hearing, despite the many people who did not get to testify. The Planning Commission initially discussed holding an additional hearing after reaching their final MM recommendations, but later decided not to. Additionally, they decided to silence the public by disallowing any mention of the MM during regular public comment at subsequent meetings. The Council also opted out of holding their own hearing. Staff's original intent was to have the MM go to Council in March 2018.
- Two members of the Planning Commission, including the Chair, are OPOP members, and another is a former employee of the Olympia Master Builders. This questions the impartiality of the commission. OPOP members have a right to submit input, but should they be helping to craft a formal recommendation? Do we really want developers promulgating land use policy for the City?
- Responding to environmental concerns related to the MM, in December 2017 Leonard Bauer promised that an Environmental Impact Statement would be issued. This promise was not carried through and in February 2018 a Determination of Non-Significance (DNS) for the State Environmental Policy Act (SEPA) was issued. An appeal was filed of the DNS determination in March 2018. The appeal was denied by the Hearing Examiner on based on standing. He decided: the appellants concerns were "speculative"; and the MM would not result in housing exceeding the unit density in Low-Density Neighborhoods. Actually there are six provisions in the MM that allow for increased density above prescribed limits in these neighborhoods. The Hearing Examiner provided incorrect information to the appellants when he directed that an appeal of his decision should be made to Superior Court instead of the Growth Management Hearing Board. The appeal of a DNS decision was in itself an unfair process and a "Catch 22". Filing an appeal costs \$1000 payable to the City. An appeal of a DNS decisions must be made within three weeks of its being issued, in our case requiring us to file before the proposal was scheduled to be reviewed by the Planning Commission and Council.
- Low Impact Development (LID) standards are protective environmental regulations designed to decrease stormwater runoff. One month after the SEPA appeal was denied,

City staff introduced revisions to the Low Impact Development (LID) Standards that made it more difficult for water to seep into the ground. These standards, in conjunction with the MM changes in lot sizes, increase the amount hard surface allowed by about 36% for many housing types. They also reduce the amount of green space available (they replace green space with hard surfaces). While the SEPA was pending the attorney representing the City in the appeal stated that the MM would *not change* environmental regulations. Yet almost immediately after the SEPA appeal decision is rendered, LID revisions are being proposed. LID standards were instituted in December 2016. The ink is barely dry on these standards and they are being revised. A number of MM provisions decrease lot sizes. It is highly likely that these LID revisions were needed to accommodate the MM for such things as placing driveways and decks into smaller lots. The City is being less than forthright about the reasons for these policies and the timing of their being revised relative to the MM litigation.

- Evidence suggests that the MM proposal was developed by planning staff along with local density advocates long before the public was apprised.
 - Community members began to find out about the MM in the first half of 2018. They expressed concerns about the proposal and complained that they were just now learning about it. They were repeatedly told by OPOP members and supporters of the proposal that the MM proposal had been around for two years and that they had just not been paying attention. This was a puzzlement because the proposal had only been released a few months earlier. Even counting the MM Work Group, that had met largely behind the scenes, the proposal had only been discussed for a year, and then by a select few.
 - The Olympian conducted an Interview with four parties for an article on the MM at the beginning of the summer of 2018. There were two OPOP members, one member from Olympians for Smart Development and Livable Neighborhoods and one member of the MM Work Group. At that interview, an OPOP member reportedly emphasized that there was no room for compromise on the proposal, that the proposal had been “negotiated out” and a number of people wanted even more than what had been agreed on.
 - On August 21, 2018 during public comments to Council another OPOP member echoed what was previously stated at the Olympian interview *“I do think it is a modest proposal. It is the result of a compromise. I both personally and professionally would like to see you go much further, but I understand the limits.”*

Summary

Previous recent large planning efforts such as the Comprehensive Plan and the Downtown Strategy have been conducted with sizable extensive public processes. The MM makes major revisions to land uses in all Low-Density Neighborhoods, about $\frac{3}{4}$ of the City’s area. The neighborhoods were left out of this process. Any input they have had has been constrained. The MM proposal has been driven by Planning Staff and a select group of individuals. The proposal has no clear goals or objectives. One goal that has been only loosely mentioned in passing is affordable housing, and while it is almost an imperative in today’s economy, staff has finally conceded that the MM does not affect affordable housing and it has been dropped as a policy driver. Review by the Planning Commission yielded few revisions or suggestions to the proposal. The Commissions letter to Council provides no insights into their deliberations or the rationale for their decisions. Our recently released alternative proposal was developed so that Council could review and evaluate other options.

The MM proposal is now in the hands of Council. We urge you to carefully review it in its entirety. Don’t rush the process. Send items that need further work to the Land Use and Environment Committee or back to the Planning Commission. The proposal is very large. Consider breaking it into sizable segments; for example start with MM nuanced adjustments to the five housing types already allowed in Low-Density Neighborhoods.

Look at consistency with the Comprehensive Plan. Include additional research where needed. Involve neighborhoods and look for innovative out of the box options. Lastly, consider starting over with a well-designed, research-based proposal that clearly states goals and that reflects the community's vision.