



Planning Commission

Medela Rezone -- Recommendation

Agenda Date: 6/1/2015
Agenda Item Number: 6.A
File Number: 15-0542

Type: recommendation **Version:** 1 **Status:** Filed

Title

Medela Rezone -- Recommendation

Staff Recommended Action

Move to recommend that the City staff forward the Planning Commission's recommendation of October 22, 2012 to the Hearing Examiner for consideration. (Option 1 below)

Report

Issue:

On January 14, 2015, the Medela Group, LLC, submitted a request (file 15-0010) to change the land use zoning of about nine acres south of Pacific Avenue and east of Boulevard Road from Single-Family Residential 4 to 8 units per acre (R4-8) to Multi-Family Residential 18 units per acre (RM-18). See attached map. This proposal will be the subject of a public hearing to be held by the Olympia Hearing Examiner before making a recommendation to the City Council. As described below, the City's development code provides that the Planning Commission may also make a recommendation.

Staff Contact:

Todd Stamm, Principal Planner, Community Planning and Development Department, 360.753.8597

Presenter:

Todd Stamm, Principal Planner

Background and Analysis:

History of the Proposal

On January 14, 2015, the Medela Group, LLC, submitted a request to 'rezone' nine acres from single-family to multi-family zoning as shown on the attached map. This is a separate but similar proposal to one that was submitted to Thurston County on November 12, 2009 to amend both the Comprehensive Plan Future Land Use Map and land use zoning map for basically the same property. That proposal was denied by the Board of County Commissioners in May of 2014. On June 20, 2014, the site was annexed into the City of Olympia along with surrounding properties as part of the '1-5/Boulevard Road' "island" annexation. In December of 2014 the City of Olympia's updated Comprehensive Plan was adopted, including - in part - designation of this site as part of the "Urban

Corridor.” The application now under review was received by the City the following month.

Procedural Background

Until the updated Comprehensive Plan was adopted in December, most recent requests for zoning map amendments were accompanied by requests to amend the Plan. The Medela rezone application is the first to be considered under new Plan provisions that provide for a variety of zones within many of the Land Use categories of the Plan. It will be evaluated for consistency with all aspects of the Plan and the other rezone criteria that were recommended by the Commission and recently adopted by the City Council.

The process for reviewing proposed site-specific zoning map amendments (rezones) such as this is established primarily by state law and by Chapters 18.58, 18.59 and 18.82 of the Olympia Municipal Code. The local code provides for a staff review including an environmental review (SEPA) followed by the Hearing Examiner holding an ‘open-record’ public hearing before making a recommendation to the City Council. The Council makes the City’s final decision regarding such applications. The Examiner’s hearing has not yet been scheduled, but it may be in late June or early July.

The code also provides that the staff “shall forward rezone, i.e., zoning map amendment, requests to the Planning Commission for review and recommendation ...” (OMC 18.59.050) However, the State Local Project Review Act provides that the City may hold only one “open-record hearing” when reviewing a rezone proposal that is not associated with a Plan amendment. Accordingly, although the Commission may make a recommendation to the Examiner - which in turn would be part of the record forwarded to the Council - the Commission is prohibited from holding a hearing to solicit comments from the applicant or public.

Further, such rezone application reviews are termed ‘quasi-judicial’ proceedings by Washington courts. In brief, this means that reviewing bodies may not communicate with interested parties outside of public meetings, must provide due notice of any hearing, and are generally held to high standards of fairness.

In this context, the Medela rezone review is further complicated by the prior Plan amendment and rezone application review conducted by the City and County, including the Olympia Planning Commission, between 2009 and 2014. Although technically a separate proceeding, that proposal was very similar to the one at hand. In that case, on October 22, 2012, the Commission recommended that the proposal be approved and that related portion of Ninth Avenue be reclassified as a “neighborhood collector.” (See OPC minutes and staff reports of that date and preceding for more information.)

In addition, a 1988 Memorandum of Understanding among Lacey, Tumwater, Olympia and Thurston County provides -- in part -- that a joint planning process shall be followed for “... rezones affecting an area covered by a Joint Plan for up to one year after annexation.” Whether this or similar provisions in the Memorandum are applicable to the pending application, and if so what affect they have, will be one of the issues presented to the Hearing Examiner.

Substance of the Proposal

This nine-acre parcel now includes nine single-family homes and a portion of an adjacent wetland

associated with Indian Creek. Access to the site is limited to two local streets, Seventh and Ninth Avenues, extending for a block from Boulevard Road through a single-family-zoned neighborhood - designated as a "Low Density Neighborhood" in the City's Plan.

Upon development Olympia's R4-8 zoning allows up to 7 homes per acre (plus bonuses) and requires a minimum of 5 homes per acre unless exceptions are granted. The development code describes the purposes of this zone, "To accommodate single-family houses and townhouses at densities ranging from a minimum of four (4) units per acre to a maximum of eight (8) units per acre; to allow sufficient residential density to facilitate effective mass transit service; and to help maintain the character of established neighborhoods."

The proposed RM-18 zone would allow other forms of housing, including apartments, at densities of up to 18 units per acre. Unless exceptions are granted, the minimum development density is 8 units per acre. The purpose of this zone is described as, "To accommodate predominantly multifamily housing, at an average maximum density of eighteen (18) units per acre, along or near (e.g., one-fourth (¼) mile) arterial or major collector streets where such development can be arranged and designed to be compatible 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." The zone includes 'transitional' provisions such as requiring duplexes or detached housing adjacent to existing single-family homes.

According to Olympia Municipal Code 18.59.050 adopted this year to guide rezone reviews, both the current R4-8 zoning and the proposed RM-18 zoning can be found to be consistent with the Comprehensive Plan's Urban Corridor designation. This and the other rezone criteria of the code will be considered by the Examiner in evaluating the proposal.

Staff Recommendation

Although the Commission may choose to inquire into the merits of this particular rezone application, given the history of this proposal the staff believes it would be difficult to conduct such an inquiry in a manner that would be perceived as fair by all interested parties. Therefore, the staff recommends that the Commission decline to again delve into the surrounding issues and instead recommend that the Commission's prior action be brought to the Examiner's attention (option 1) - or, alternatively, that the Commission now decline to make any recommendation (option 5).

Neighborhood/Community Interests):

The former version of this proposal reviewed by both the City and the County, which included a State Environmental Policy Act appeal, was of intense public interest - much of it in the form of opposition. Similar interest is expected to this proposal. About two dozen parties attended a staff-hosted public information meeting in April and numerous written comments have already been received. Notice of the Commission's consideration of this issue was provided to those parties.

Options:

1. Recommend that the Commission's recommendation of October 22, 2012 be forwarded to the Hearing Examiner for consideration.
2. Recommend that the proposal be approved as presented.

3. Recommend an alternative to the proposal.
4. Recommend that the proposal be denied.
5. Recommend that the Hearing Examiner proceed without a recommendation from the Commission.
6. Table the item and request additional more detailed information from City staff.

Financial Impact:

No direct impacts on City finances. Change in zoning may affect property values in the area and upon development would result in different demands for public services.