



October 25, 2022

Thurston County Planning Commission
Olympia Planning Commission
C/O Leah Davis, Associated Planner
Thurston County CPED
2000 Lakeridge Drive SW
Olympia, Washington 98502

RE: Glenmore Village Rezone Request & Potential for Code Amendment Alternative

Dear Commissioners:

Our firm has been retained by Tom Schrader to assist with the Glenmore Village rezone request and potential alternatives.

PURPOSE OF THE REZONE REQUEST

The primary purpose of the rezone application is to eliminate the requirement for a grocery store within the Community Oriented Shopping Center (COSC) zone because multiple grocery stores already exist within 5 miles of this location which cumulative capture the entire trade area. In other words, there is not sufficient consumer demand (current or future) to support another grocery store.

RECAP OF CITY OF OLYMPIA COMMENTS

In the lead up to your last joint meeting, the City of Olympia submitted a letter dated July 25, 2022, expressing concern about how the rezone could affect the existing master plan approval. The city further indicated they'd support a code text amendment that would eliminate or reduce the grocery store requirement for the COSC zone.

CODE TEXT AMENDMENT ALTERNATIVE TO A REZONE

Since the last meeting, the county and city staffs have met and come up with a proposed code text amendment for your consideration as an alternative to the rezone.

Our client agrees a code text amendment would be an acceptable way to address its desire to eliminate the requirement for a grocery store. However, our client would like the Commissioners to consider the attached package of code amendments which reflects the city-county proposal plus additional, minor amendments that are necessary to allow a public school to replace the commercial/retail requirement as a requirement (see attached strikethrough-underline).

TIMING OF THE AMENDMENT

Our client encourages the Planning Commissioners to make a recommendation on the code text amendment to avoid it having to start over in a separate process that will take an undetermined amount of time. The code text amendment would eliminate the requirement for a grocery store and allow our client to apply for an amendment to the approved master plan.

Our client believes that the Planning Commissioners have the authority to consider recommending this code text amendment at any time since the code (located in Title 23) is necessary to successfully implement the Olympia Joint Plan. Further:

- The Olympia Joint Plan Update is part of the current Comprehensive Plan Docket for 2022-23 approved by the Board of Commissioners. Additionally, the County Board of Commissioners have included on the 2022-23 Development Code Docket, an “Update [to] the Olympia UGA Zoning Ordinance for Consistency with the City Zoning Ordinance Title 23.” The Planning Commission is tasked with completing both processes and the code and joint plan are integrally related.
- It does not appear that environmental review (SEPA) has been completed for either the Joint Plan Update or the forthcoming update to Title 23. As such, environmental review does not limit the alternatives to be considered. Even if environmental review were to have begun, a text code alternative to a rezone would not substantively change the potential impacts considered. Based on whether the process is currently, a full range of alternatives can be considered by the Planning Commissioners at this time consistent with RCW 36.70A.035.
- The Washington State Supreme Court has given counties and cities the legislative discretion to consider a range of decisions and alternatives as part of their annual GMA-based comprehensive plan and zoning amendment review. Finding in *Phoenix Development v. City of Woodinville*, 171 Wn.2d 810 (2011) that “the GMA does not prescribe a single approach to growth management.”

CONCLUSION

Our client respectfully encourages the Planning Commissioner to consider and recommend the code text amendment alternative, including the additional amendments requested by our client.

Should you have any questions, please do not hesitate to contact me at any time at david@toyerstrategic.com or 425-344-1523.



DAVID K. TOYER
PRESIDENT

23.05.020 Purposes.

- A. Urban Village (UV) and Neighborhood Village (NV) Districts. The purposes of the urban village and neighborhood village districts are as follows:
1. To enable development of integrated, mixed use communities, containing a variety of housing types arranged around a village center, which provide a pleasant living, shopping, and working environment; a sense of community; and a balance of compatible retail, office, residential, recreational, and public uses (Note: Urban villages and neighborhood villages are very similar, except for the size and service area of their commercial component. Urban villages contain a larger and more diverse commercial component intended to serve multiple neighborhoods while the commercial uses in neighborhood villages are scaled to serve the immediate neighborhood);
 2. To enable a land use pattern which will reduce dependence on auto use, especially drive-alone vehicle use during morning and evening commute hours;
 3. To enable the design of new development in a manner which will ensure the safe and efficient movement of goods and people;
 4. To require direct, convenient pedestrian, bicycle, and vehicular access between residences in the development and the village center, in order to facilitate pedestrian and bicycle travel and reduce the number and length of automobile trips;
 5. To require sufficient housing density to enable cost-effective extension of utilities, services, and streets; frequent transit service; and to help sustain neighborhood businesses;
 6. To enable many of the community's residents to live within one-fourth mile of a grocery store and transit stop;
 7. To ensure that the villages are arranged, scaled, and designed to be compatible with surrounding land uses and provide sensitive transitions between significantly different land uses (e.g., commercial and residential uses);
 8. To ensure that buildings and other development components are arranged, designed, and oriented to facilitate pedestrian access;
 9. To allow innovative site and building designs while providing for harmony and continuity throughout the development (e.g., coordinated architectural styles, street trees, lighting, signage, and benches);
 10. To ensure adequate light, air, and privacy and readily accessible open space for each dwelling, in order to maintain public health, safety and welfare;
 11. To provide for appropriately located community open spaces for informal social activity, recreation, and aesthetic enhancement of the development.
- B. Neighborhood Center (NC) District. The purposes of the neighborhood center district are as follows:
1. To enable development of neighborhood centers (e.g., containing neighborhood oriented businesses and a small park) in established neighborhoods in order to create neighborhood focal points and activity centers, accommodate routine shopping needs, and provide a sense of neighborhood identity;
 2. To enable a land use pattern which will reduce dependence on auto use, especially drive-alone vehicle use during morning and evening commute hours;
 3. To enable many of the community's residents to live within one-fourth mile of a grocery store and transit stop;
 4. To enable the design of new development in a manner which will ensure the safe and efficient movement of goods and people;
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5. To provide for convenient pedestrian and vehicular access between the center and the surrounding neighborhood;
 6. To ensure that neighborhood centers are compatible with adjoining uses and do not undermine the economic viability of existing or designated neighborhood centers, village centers, or other neighborhood businesses;
 7. To ensure that buildings and other site features are arranged, designed, and oriented to facilitate pedestrian access and access for transit.

C. Community Oriented Shopping Center (COSC) District.

(Note: Community oriented shopping centers are similar to urban villages in that they may have a substantial commercial component which serves multiple neighborhoods. However, they are located on smaller sites which do not allow full-scale village development.)

The purposes of the community oriented shopping center district are as follows:

1. To enable development of ~~mixed commercial and residential projects on sites~~ a mix of uses along arterial streets which are conveniently ~~located to serve~~ link the surrounding neighborhood ~~(e.g., within a one and one-half mile radius) with frequently needed consumer goods and services retail and public services (e.g. schools);~~
2. To enable a land use pattern which will reduce dependence on auto use, especially drive-alone vehicle use during morning and evening commute hours;
3. To provide for development of integrated, mixed use communities rather than strip commercial development that is isolated from the surrounding neighborhood;
4. To enable many of the community's residents to live within one-fourth mile of a grocery store ~~and~~ transit stop;
5. To enable the design of new development in a manner which will ensure the safe and efficient movement of goods and people;
6. To link ~~the nearby~~ commercial center areas with residential areas in and around the project, thereby enabling people to walk or bicycle to work, school, shopping, and recreation areas;
7. To ensure that buildings and other site features are arranged, designed, and oriented to facilitate pedestrian access;
8. To ensure that the development is arranged, scaled, and designed to be compatible with surrounding land uses and to provide sensitive transitions between significantly different land uses (e.g., commercial and residential uses);
9. To ensure adequate light, air, and privacy and readily accessible open space for each dwelling, in order to maintain public health, safety and welfare.

23.05.040 Permitted, special, required, and prohibited uses.

- A. Permitted, Special and Required Uses. Table 5.01 identifies the land uses and activities which are permitted outright (P), subject to a special use permit (S), or required (R) in the urban village, neighborhood village, neighborhood center, and community oriented shopping center districts. The applicable requirements for these uses and activities are identified by a number referencing the list of regulations under Section 23.05.050, General standards, Section 23.05.060 Use standards, or other sections of this title. Numbers listed under the heading "Applicable Regulations" apply to the corresponding land use in all of the districts. Regulations that pertain only to a specific use in a specific district are identified by a number in the space corresponding to that use and district.

- B. Prohibited and Unspecified Uses. Land uses which are not listed in Table 5.01 as permitted, special, or required uses are prohibited, unless they are authorized by the director consistent with Section 23.02.080, Interpretations. In no event, however, shall the following uses be permitted:
1. Automobile-oriented uses which primarily cater to customers in their vehicles or rarely provide consumer goods or services to pedestrians. This includes drive-in and drive-through businesses (except drive-through banks as provided in Section 23.05.060A in this chapter), motor vehicle sales, and car washes;
 2. Adult oriented businesses (see Section 23.02.180, Definitions);
 3. Mobile homes. Mobile homes are prohibited except for emergency housing and contractor's offices consistent with Section 23.04.060(29) (see Section 23.02.180, Definitions);
 4. Habitation of recreational vehicles/trailer houses (see Section 23.02.180, Definitions);
 5. Sale of firearms;
 6. Pawnshops;
 7. Uses which customarily create noise, vibration, smoke, dust, glare, or toxic or noxious emissions exceeding those typically generated by allowed uses.

(Ord. 11867 § 4 (part), 1998; Ord. 11501 § 15, 1997; Ord. 11274 § 3 (part), 1996)

Table 5.01
Permitted, Special and Required Uses

District	Neighborhood Center	Neighborhood Village	Urban Village	Community Oriented Shopping Center	Applicable Regulations
District-Wide Regulations					23.05.050
Residential Uses					
Accessory dwelling units	P	P	P	P	23.04.060(1)
Apartments	S	R	R	R	23.05.050E
Boarding homes	S	P	P	P	
Cottage housing		P	P	P	23.04.060(8)
Duplexes		P	P	P	
Group homes with six or fewer clients		P	P	P	23.04.060(11), 23.04.060(23)
Group homes with seven or more clients		S	S	S	23.04.060(11), 23.04.060(23)
Manufactured homes		P	P	P	23.04.060(15)
Nursing/convalescent homes		P	P	P	23.04.060(19)
Retirement homes		P	P	P	

Residences above commercial uses	P	P	P	P	
Single-family residences	P	R	R	R	
Townhouses	P	P	P	P	23.64
Offices					
Banks	P	P	P	P	23.05.060A
Offices—Business	P	P	P	P	
Offices—Government	P	P	P	P	
Offices—Medical	P	P	P	P	
Veterinary offices and clinics	S	S	S	S	
Retail Trade					
Apparel and accessory stores	P	P	P	P	
Building materials, garden supplies, and farm supplies	P	P	P	P	
Food stores	R	R	P	P	
General merchandise stores	P	P	P	P	
Grocery stores	P	P	R	R -P	23.05.060C

Table 5.01 (Cont.)

District	Neighborhood Center	Neighborhood Village	Urban Village	Community Oriented Shopping Center	Applicable Regulations
District-Wide Regulations					23.05.050
Pharmacies and medical supply stores	P	P	P	P	
Restaurants, without drive-in or drive-through service	P	P	P	P	
Specialty stores	P	P	P	P	
Services					

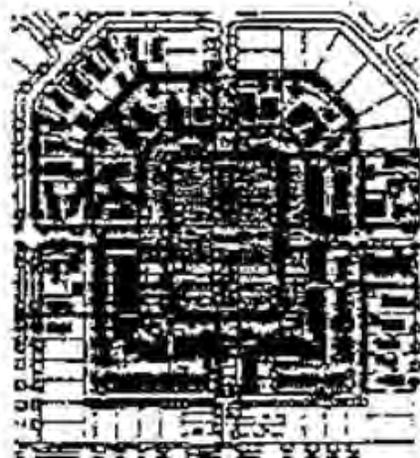
Health fitness centers and dance studios	P	P	P	P	
Laundry and laundry pick-up agency	P	P	P	P	
Personal services	P	P	P	P	
Printing, commercial			P	P	
Recycling facility—Type I	P	P	P	P	
Servicing of personal apparel and equipment	P	P	P	P	
Accessory Uses					
Accessory structures	P	P	P	P	23.04.060(2)
Satellite dishes and antennas	P	P	P	P	23.04.060(27)
Recreational Uses					
Community gardens	P	P	P	P	
Community parks and playgrounds	P/S	P/S	P/S	P/S	23.04.060(20)
Neighborhood parks/village green	R	R	R	R	23.04.060(20) 23.05.080N
Open space—Public	P	P	P	P	23.04.060(20)
Trails—public	P	P	P	P	23.04.060(20)
Temporary Uses					
Christmas tree sales	P	P	P	P	23.06.060V
Contractor office	P	P	P	P	23.04.060(29)
Emergency housing	P	P	P	P	23.04.060(29)

Table 5.01 (Cont.)

District	Neighborhood Center	Neighborhood Village	Urban Village	Community Oriented Shopping Center	Applicable Regulations
District-Wide Regulations					23.05.050
Fireworks, as determined by fire department (see "Temporary stands")			P	P	

Food/retail stands (see "Temporary stands")			P	P	
Garage/yard sales	P	P	P	P	23.04.060(29)
Merchandise displays (exterior of building)			P	P	23.06.060V
Mobile sidewalk sales			P	P	23.06.060V
Model homes	P	P	P	P	23.04.060(29)
Outdoor art and craft shows	P	P	P	P	23.04.060(29)
Parking lot sales			P	P	23.06.060V
Residences rented for social event, six times or less per year	P	P	P	P	23.04.060(29)
Residences rented for social event, seven times or more per year	S	S	S	S	23.04.060(29)
Rummage or other outdoor sales	P	P	P	P	23.04.060(29)
Temporary stands			P	P	23.06.060V
Other Uses					
Agricultural uses	P	P	P	P	23.14.080
Animals/pets	P	P	P	P	23.04.060(3)
Child day care centers	P	P	R	P	23.05.060B 23.04.060(4)
Community clubhouses	P	P	P	P	
Crisis intervention	S	S	S	S	23.04.060(9)
Home occupations (including adult day care, bed and breakfast houses, elder care homes, and family child care homes)	P	P	P	P	23.04.060(12)
Hospice care	S	S	S	S	23.04.060(13)

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- a. Any use which was legally constructed prior to the effective date of the Olympia UGA Zoning Ordinance, but which is not a permitted or special use under this chapter, is allowed to continue under the zoning requirements in effect for that use prior to the effective date of the Olympia UGA Zoning Ordinance (e.g., as a permitted use, special use, limited use, nonconforming use, or any other such zoning status, as may be applicable).
 - b. Any such zoning requirements applicable to such use (e.g., conditions attached to a special use permit), which were in effect prior to the effective date of the Olympia UGA Zoning Ordinance shall remain in effect for such use until such time as it is discontinued.
- B. Project Size.
- 1. Villages. Urban villages and neighborhood villages shall be no less than forty acres and no more than two hundred acres in size, provided that at least ninety percent of all residences shall be within one-fourth of a mile of the perimeter of the village center. The perimeter of the village center means the boundary of the center identified on an approved master plan, consistent with Section 23.05.050D2, Location.
 - 2. Neighborhood Centers. Neighborhood center developments shall be no less than two acres and no more than ten acres in size.
 - 3. Community Oriented Shopping Centers. Community oriented shopping center developments shall be no less than seventeen acres and no more than forty acres in size.
- C. Village Center.
- 1. Required Center. Each village and each neighborhood center shall contain a village center with a village green or park (see Section 23.05.080N, Private and Common Open Space), a sheltered transit stop and, as market conditions permit, businesses, services, and civic uses listed in Table 5.01. (See also Section 23.05.050D2, Location, and Chapter 23.05A, Urban Village, Neighborhood Village, Neighborhood Center, and Community Oriented Shopping Center Design Guidelines.



Neighborhood Village Center

Figure 5-1

- 2. Mixed Use. At least ten percent of the gross floor area of village centers in villages and community oriented shopping centers shall be occupied by residential units contained in mixed residential/commercial buildings. Exceptions to this requirement shall be granted if the applicant demonstrates that compliance is not economically feasible (based upon an independent market study accepted by the county).

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3. Buildings Fronting on a Village or Center Green. At least sixty percent of the total ground floor street frontage of the nonresidential buildings fronting on a village or center green or park shall be occupied by retail uses or professional or personal services. (Also see Section 23.05.080M1 Height—Buildings Fronting on Village/Center Greens.)
 4. Transit Stop. The sheltered transit stop required in Section 23.05.050C1, Required Center, shall be located and designed in accordance with specifications provided by the county and approved by Intercity Transit.
 5. Location.
 - a. Separation.
 - i. Neighborhood village centers and neighborhood centers shall be separated from one another and from urban villages and community oriented shopping centers by at least one half mile.
 - ii. Urban village centers and community oriented shopping centers shall be separated from one another by at least one mile.
 - iii. The hearing examiner may allow closer spacing if the applicant demonstrates that the trade areas for the centers are distinct (e.g., segregated by physical barriers) or contain sufficient population (based on existing or planned density) to enable the affected centers to be economically viable.
 - b. Relationship to Major Streets.
 - i. Centers in established neighborhoods and neighborhood villages shall be located along collector streets to make them readily accessible for mass transit and motorists and to enable them to be a neighborhood focal point.
 - ii. Urban villages and community oriented shopping centers shall be located on sites abutting an arterial street. Such sites must have potential for accommodating moderate density residential development (e.g., seven to thirteen or fourteen units per acre for COSC or UV districts respectively) and commercial uses scaled to serve households within a one and one-half mile radius with frequently needed consumer goods and services.

6. The requirements for commercial and retail uses do not apply within the community oriented shopping center zone when a public facility or public school is provided.