

# **TUMWATER PLANNING COMMISSION**

## **MINUTES OF HYBRID MEETING**

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**CONVENE:** 7:02 p.m.

**PRESENT:** Chair Elizabeth Robbins and Commissioners Grace Edwards, Terry Kirkpatrick, Nathan Peters, Meghan Sullivan, and Michael Tobias.

Excused: Commissioners Brian Schumacher and Anthony Varela.

Staff: Planning Manager Brad Medrud.

**CHANGES TO AGENDA:** There were no changes to the agenda.

**COMMISSIONER REPORTS:** Commissioner Tobias read a statement into the record for consideration by the Planning Commission, Tree Board, and the public at large. "On a recent walk through Fort Steilacoom Park, he noticed a descriptive plaque next to a group of trees describing the presence of London Plane trees, a relative of the American sycamore, a large deciduous tree growing up to 60 to 90 feet with broad maple-like leaves. He looked into this as it noted that the London Plane is very tolerant of atmospheric pollution and root compaction and for this reason it is a popular urban roadside tree. It was planted extensively in Victorian times to weather pollution in London and is now extensively cultivated in temperate latitudes as an ornamental and parkland tree and is commonly planted in cities throughout temperate regions of the world. However, it is has been noted that the short stiff hairs shed by the tree can be an irritant if breathed in and the large leaves can create a disposal problem and can sometimes take a year or more to break down. In reviewing the list of approved street trees for the City of Tumwater on the website, he did not notice the London Plane or the American sycamore on the official list of approved street trees. Given our review of the Street Tree Plan for the City of Tumwater and the Urban Forestry Management Plan, he thought it might be worth bringing up to the Commission as well as to the Tree Board if the London Plane or similar trees might be considered suitable for our temperate climate. Please let me know if there has ever been consideration of this before or if you have further information. Thank you for your time."

*Commissioner Peters joined the meeting at 7:08 p.m.*

**MANAGER'S REPORT:** Manager Medrud reported on the recent hiring of a consultant to assist staff review and the tree preservation ordinance for potential amendments. Staff plans to meet with the consultant next month to review the public schedule and public engagement plan. The Commission's meeting schedule includes anticipated dates for joint meetings with the Tree Board in September and October. For additional information, he encouraged the Commission to review the City of Lacey's process involving a stakeholder group, the Planning Commission, and the City Council. The Lacey Council followed a different direction than the stakeholders and the Planning Commission. Tumwater staff believe after reviewing the process with Lacey staff that the

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City's process should include more checkpoints with the Council as the process moves forward to avoid undertaking an extensive process that is not ultimately supported by the Council.

Staff is also soliciting proposals for the Street Tree Plan update. Several firms have indicated they plan to submit proposals.

Manager Medrud offered to follow up on the comments pertaining to the London Plane tree. The Tree Board developed the list of approved street trees as part of the Urban Forestry Management Plan. He offered to follow up with more information after reviewing the information with the Tree Board.

Another project in progress is the Washington State of Department of Transportation (WSDOT) Rights-of-Way Initiative to address homeless encampments. The issue has consumed staff resources due to the immediacy of the issue.

#### **PUBLIC COMMENT:**

There were no public comments.

#### **PUBLIC HEARING:**

#### **ORDINANCE NO. O2022-006, PLANNED UNIT DEVELOPMENT:**

Chair Robbins described the public hearing format for the benefit of the public.

Chair Robbins opened the public hearing at 7:13 p.m.

Manager Medrud reported the City's planned unit development regulations were last substantially updated in 2000. In other jurisdictions, planned unit developments provide a quantifiable public benefit in exchange for flexibility in addressing existing regulations. Currently, planned unit developments in the City provide a benefit to developers by giving flexibility in addressing existing regulations, but have not provided a quantifiable benefit to the public. The proposed amendments provide developers flexibility in addressing existing regulations in exchange for requiring quantifiable public benefits. He cited similar but different regulations for planned unit developments in the City of Lacey and the City of Olympia. During the review, he determined that there is no planned unit development ordinance equivalent with either the City of Lacey or the City of Olympia.

Currently, the regulations do not clearly address the requirements for private streets as part of planned unit developments. The amendments would:

- Provide more specificity in regards to when and how private streets are allowed
- Amend the definition of a private street in Tumwater Municipal Code

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(TMC) Title 17 to be consistent with the Tumwater Development Guide and amend the sections of the Tumwater Development Guide that address private streets as needed

- Amend the definition of Private Street in TMC 17.04.385 to read, “Private Street” means a privately owned and maintained vehicular access serving property, which is provided for by an access tract, easement, or other legal means.

Other amendments to the Tumwater Development Guide include:

- Amend permitted uses:
  - a. Add “planned unit developments” as a permitted use in the Manufactured Home Park (MHP) zone district
  - b. Add “planned unit developments not including residential uses” as a permitted use in the Airport Related Industry (ARI) zone district
  - c. Remove single-family detached dwellings as part of a planned unit development as a permitted use from the Multifamily Family Medium (MFM) zone district
  - d. Remove single-family detached dwellings and duplexes as part of a planned unit development overlay as a permitted use from the Multifamily Family High (MFH) zone district
- Change the name of the chapter to remove “overlay”
- Update the intent section to establish a clear list of tangible benefits to be provided by a planned unit development to the public in exchange for flexibility in addressing zoning regulations.
- The size of the project affects the number of tangible benefits required:
  - Projects providing 20 or more dwelling units or industrial, commercial, or institutional projects 20 acres or more in size shall provide at least 2.0 points from the list of tangible benefits
  - Projects providing less than 20 dwelling units or industrial, commercial, or institutional projects less than 20 acres in size shall provide at least 1.0 point from the list of tangible benefits

On May 10, 2022, the Planning Commission asked staff for local developer input on the quantifiable public benefits and code modifications. Staff contacted five local developers on May 16, 2022 with one developer responding. Staff incorporated some suggested changes in the ordinance.

Manager Medrud described the points assigned to a series of tangible benefits provided to the public, such as:

- Provide superior useable parks and open space
- Provide significant public facilities or other public amenities that could not be required by the City for development of the subject property without a planned unit development

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- Going significantly beyond the minimum requirements for critical area protections to preserve, enhance, or rehabilitate critical areas and buffers
- Dedication of a site containing a historic landmark
- Incorporation of energy systems that produce energy from nondepletable energy sources that would result in at least fifty percent of the energy needs for the development being achieved
- For residential developments, building passive homes, which meet the Passive Home Institute US (PHIUS) standard resulting in fifty percent or more of the total dwelling units qualifying as passive homes
- Going significantly beyond the minimum required energy efficiency requirements for at least fifty percent or more of the energy needs of the development
- The provision of at least twenty percent of the total dwelling units as permanently affordable housing
- Any other public facility, feature, item, project, or amenity proposed by the applicant that the City agrees meets the intent of this section

Manager Medrud reviewed a list of potential tangible benefits the City of Lacey requires for a planned unit developments to receive a density bonus. The developer is required to provide four of the five tangible benefits. The City of Olympia does not have quantifiable benefits except a certain percentage of the site must be open space.

In addition to the quantifiable benefits as proposed, the ordinance also identifies areas of the City where planned unit developments would be allowed. Essentially, PUDs would be permitted in all zone districts except Greenbelt (GB), Open Space (OS), Residential/Sensitive Resource (RSR) due to the extreme sensitivity of the areas to environmental disturbance, and Historic Commercial (HC). The proposal amends the current code language about the effect of planned unit development approval on existing zone district regulations and establishing a minimum size for a planned unit of one acre.

The proposal updates TMC 18.36.040 for items required in an application:

- a. A description of how the planned unit development meets the requirements of TMC 18.36.010
- b. A description of how the planned unit development relates to the surrounding area
- c. If there is more than one underlying zone district then the application must include:
  - 1) A map showing the existing zone district locations, sizes, and densities within the planned unit development.
  - 2) A map showing the proposed locations of the zone districts within the planned unit development - the planned unit

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development cannot modify the sizes or densities of Comprehensive Plan land use designations or zone districts without an amendment approved through TMC 18.60 *Text Amendments and Rezones*.

- d. How the planned unit development is accessed and how internal circulation will be addressed
- e. The location and size of critical areas and their buffers on or within 300 feet of the project site
- f. The location and size of open space, parks, and landscaped areas and how they serve the development
- g. Identify the location of stormwater facilities
- h. SEPA environmental review
- i. Covenants for ongoing maintenance of common areas and stormwater facilities
- j. If phased, a map of proposed phasing, a description of the proposed phasing timeline, and the general type and location of the development in each phase
- k. How the application relates to adjacent properties under similar ownership
- l. How the application allows for future development or redevelopment of neighboring properties

Other proposed code modifications would create a new section explaining how an application cannot modify requirements in TMC Title 16 *Environment* and creation of a new section explaining that the creation of new lots shall follow the requirements in TMC Title 17 Land Division.

Manager Medrud reviewed a list of code modifications that would be allowed:

Code Modifications Allowed	Description
Environment	The provisions in TMC Title 16 may not be modified, except modification consistent with TMC 18.36.01(B)(3)
Zone Districts	<p>The type and size of the underlying zone districts designated by the zoning map shall not be modified.</p> <p>Some individual development standards of the underlying zone districts may be modified.</p>
Planned unit developments with multiple underlying zone districts	A planned unit developments with multiple underlying zone districts A planned unit development may move the location of underlying zone districts as part of the planned unit development process, but the type and

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	<p>size of each of the underlying zone districts shall remain the same and follow the requirements of TMC 18.36.040(C).</p> <p>Some individual development standards of the underlying zone districts may be modified.</p>
Setbacks	<p>Setbacks established by the underlying zone districts shall prevail on the perimeter boundary lines of a planned unit development.</p> <p>May modify internal setbacks within the planned unit development.</p>
Lot sizes	<p>Lot sizes as specified by the underlying zone districts may be modified by up to twenty-five percent, either larger or smaller, provided the densities of the underlying zone district are met.</p>
Land coverage	<p>Maximum land coverage as established by the underlying zone districts may be exceeded by no more than twenty-five percent.</p>
Structure height	<p>Structure height requirements as established by the underlying zone districts may be modified up to twenty-five percent.</p>
Yards	<p>Yards as specified by the underlying zone districts may be reduced by up to twenty-five percent, provided the land coverage requirements of the underlying zone district are met.</p>
Parks and open space area	<p>In addition to the park and open space dedication requirements of TMC 17.12.210 or TMC 18.42.130, as applicable, provide additional park and open space areas consistent with TMC 18.36.010.</p>

Manager Medrud reviewed code modifications not allowed:

<b>Code Modifications Not Allowed</b>	<b>Description</b>
Densities	<p>Densities established by the underlying zone districts shall not be altered. <i>Manager Medrud explained</i></p>

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	<i>that densities, unlike setbacks and heights, are factored within the Tumwater Comprehensive Plan for specific zone districts and land use designations.</i>
Uses	Limited to the permitted, accessory, or conditional uses established by the underlying zone districts. If a proposed use requires a conditional use permit, a separate conditional use permit shall be obtained consistent with the process in TMC 18.56 Conditional Use Permits.
Setbacks	Setbacks established by the underlying zone districts shall prevail on the perimeter boundary lines of a planned unit development. May modify internal setbacks within the planned unit development.
Parking	Parking requirements shall not be modified.
Landscaping	Landscaping requirements shall not be modified.
Citywide Design Guidelines	Citywide Design Guidelines shall not be modified.
Tumwater Development Guide	Requirements of the Tumwater Development Guide shall not be modified, except as noted in TMC 18.36.080.
Signage	Signage requirements shall not be modified.
Stormwater	Stormwater requirements shall not be modified.
Provisions of this chapter	The requirements of TMC 18.36 shall not be modified.
Procedural requirements	Procedural requirements in TMC shall not be modified.

Manager Medrud reported public streets are required in a planned unit development, except private streets are allowed when serving 4 or fewer residential dwelling units, unless all of the dwelling units are low income, then private streets may serve up to 9 detached single-family dwellings or up to 25 attached single family or multifamily dwelling units. When serving up to 4 businesses on separate parcels, or up to 4 businesses situated on 1 parcel The private street must meet the minimum design standards and requirements for private streets in the Tumwater Development Guide.

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Phasing is allowed for applications with more than 100 dwelling units or commercial or industrial planned unit developments covering more than 20 acres. Phased approval is limited to 2 but not more than 4 phases. Applications shall show the number of phases, the area each phase encompasses, and the sequence for development of the various phases, as well as how transportation, access, traffic, stormwater, parks and open space, critical areas, and utilities will be addressed for all phases of the development.

The proposal updates the hearing examiner approval process and criteria used to approve or deny an application: based on substantial conformance to the Tumwater Comprehensive Plan, conformance to the Tumwater Municipal Code and Tumwater Development Guide, quantifiable public benefits required by TMC 18.36.010, public health, safety, and general welfare requirements, adequacy of the size of the project to accommodate the contemplated developments, adequate access to the project site for all users of the project including the public, if applicable, appropriate access for public safety such as fire protection and police services, and adequate mitigation measures for impacts associated with the physical characteristics of the site such as groundwater, stormwater, floodplains, critical areas, steep slopes, and critical habitat.

The proposal moves and updates the appeal process section and creates new sections for final planned unit development approval; minor modifications; major modifications; how applications vest; how long a preliminary approval is valid; and updates the section on bonding.

Manager Medrud reported staff recommends approval of the proposed amendments as contained in Ordinance No. O2022-006. No changes have occurred since the Commission's last worksession. Next steps include the public hearing to receive public testimony followed by deliberation and forwarding a recommendation to the City Council.

Chair Robbins cited the provision which speaks to *substantial conformance* to the adopted Comprehensive Plan, which is important to convey as it ensures the City is implementing the visions within the Comprehensive Plan. She also envisions that the ordinance will serve as a conduit for more conversations with developers for encouraging creativity in the implementation of more innovative solutions for creating a place envisioned for the City.

Chair Robbins asked whether the provisions for parks and open space offer flexibility in terms of allowing community gardens or other public spaces beyond a park or recreational area. Manager Medrud affirmed the provisions offer flexibility as well as the City also relies on the Parks, Open Space, and Recreation Element of the Comprehensive Plan to guide park and open space



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development, especially in areas that are not served currently by either a neighborhood or community-level parks.

Chair Robbins asked about the range of options or responses if a developer fails to fulfill the requirements of a preliminary plat approval. Manager Medrud explained that the developer has a period of five years to complete the project. If the developer fails to apply for extensions, the proposal would no longer be viable. However, if a developer initiated construction and failed to complete the project, it complicates the issue, especially for the City. The City experienced a similar situation approximately 15 years ago when a developer abandoned unfinished projects throughout the community.

Manager Medrud shared comments he received from Commissioner Varela concerning the process for converting a private street to a public street or changing a public street to a private street, extending utilities outside of the City, and when payment of funds would be allowed in exchange for not installing improvements. Manager Medrud explained that in some circumstances where a private street has been created and the City determines a need to acquire the street, the City would be required to purchase the street from the underlying property owners. The City has imposed some requirements for acquisition of property requiring the property to be improved to meet City standards. Converting a public street to a private street entails a vacation process whereby the entity submits a vacation application that is subject to approval by the City Council. The vacation process includes an assessment of the value of the property. In terms of the extension of facilities or fee in lieu, the code includes provisions for circumstances that are rare. The determining factor is the distance of the development from existing City water or sewer lines, the type of development, and whether the cost of extending the utilities would be too prohibitive for the proposed development.

Chair Robbins closed the public hearing at 7:51 p.m. There was no public testimony.

Commissioner Peters acknowledged Manager Medrud's efforts for contacting the development community and for reviewing similar provisions by neighboring jurisdictions.

#### **MOTION:**

**Commissioner Edwards moved, seconded by Commissioner Peters, recommend approval of Ordinance No. O2022-006 to the City Council. A voice vote approved the motion unanimously.**

#### **NEXT MEETING DATE:**

The next meeting is scheduled on Tuesday, July 12, 2022. Manager Medrud reported the agenda includes Ordinance No. O2022-013, Final Docket for 2022 Annual Housekeeping Amendments, Ordinance No. O2022-015, Other Housekeeping Amendments, and an introduction on the City's development review process.

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#### **PLANNING COMMISSION MEETING DISCUSSION:**

Manager Medrud advised that effective July 1, 2022, the City is lifting all COVID restrictions with City Hall reopening five days a week. He asked for input on whether Commissioners would like to continue conducting hybrid meetings or begin meeting at the City.

Chair Robbins agreed with Commissioner Edwards that the hybrid option affords more public accessibility and outreach. Commissioner Sullivan conveyed her support for continuing the hybrid option as it is more accessible for her as a single parent of a small child. Commissioner Tobias expressed support for retaining the hybrid option to enable participation when traveling. Commissioner Kirkpatrick acknowledged that providing the hybrid entails additional staffing resources and expense to the City; however, the hybrid option promotes diversity and inclusion. Commissioner Edwards echoed similar comments.

Manager Medrud encouraged the Commission to consider the Commission's meeting schedule and future topics and offer any suggestions on how information should be presented.

Commissioner Kirkpatrick inquired about the status of the Commission's review of the development review process. Manager Medrud said the July 12, 2022 agenda includes an initial discussion on the development review process.

Manager Medrud reported on the intent of Chair Robbins and him to meet with Commissioners individually to discuss process improvements.

Manager Medrud advised that pending the submission of another candidate application for the vacancy on the Commission, the Mayor will be scheduling interviews.

**ADJOURNMENT:** **Commissioner Peters moved, seconded by Commissioner Kirkpatrick, to adjourn the meeting at 8:05 p.m. A voice vote approved the motion unanimously.**