

TUMWATER PLANNING COMMISSION
MINUTES OF MEETING
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CONVENE: 7:00 p.m.

PRESENT: Chair Elizabeth Robbins and Commissioners Grace Edwards, Brandon Staff, Michael Tobias, and Anthony Varela.

Excused: Commissioner Terry Kirkpatrick.

Staff: Planning Manager Brad Medrud.

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

COMMISSIONER'S REPORTS: There were no reports.

MANAGER'S REPORT: Manager Medrud referred to the updated meeting schedule and topic list. The amount of time for the 2025 Comprehensive Plan Periodic Update has been extended through the end of 2025 based on the possibility that the Legislature will extend the update process by six months.

Staff testified during a legislative public hearing on the Wildland Urban-Interface Code on Friday, February 9, 2024. Dependent upon the timing of the Washington Building Code Council's review of the hearing results on the proposed changes, staff will determine when the update process will be reinitiated for all urban forestry amendments and add them to the meeting calendar. The amendments have been on hold pending resolution of the code at the state level.

PUBLIC COMMENT: There were no public comments.

PUBLIC HEARING:

ORDINANCE NO. O2023-017, TMC 18.38 FP FLOODPLAIN OVERLAY: Chair Robbins reviewed the purpose and format of the public hearing on proposed changes to Ordinance No. O2023-017, TMC 18.38 FP Floodplain Overlay.

Chair Robbins opened the public hearing at 7:08 p.m.

Manager Medrud advised that staff did not receive any public comments on the proposed ordinance.

Manager Medrud reported the process is occurring across the state for the Federal Emergency Management Agency's (FEMA) National Flood Insurance Program. To ensure property owners located in floodplains or floodways have access to federally backed flood insurance, the City is required to update its floodplain management regulations to comply with FEMA standards. The update must be completed before new maps

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become effective.

In May 2023, staff participated in a FEMA floodplain community assistance visit with Department of Ecology staff to review the City's floodplain ordinance. The community assistance visit determined the ordinance was in good standing but required some minor updates to reflect current federal standards.

In November 2023, FEMA notified the City of final flood determinations for Thurston County and incorporated areas. The FEMA flood hazard determination for the City is considered final. The Flood Insurance Study Report and the Flood Insurance Rate Maps covering the City become effective on May 8, 2024. The City utilizes both documents for regulatory purposes to identify properties that are located inside or outside of a floodplain. Prior to May 2024, the City is required to amend its existing floodplain regulations for consistency with the model ordinance for floodplain management, the Endangered Species Act, and the National Flood Insurance Program.

The staff report includes summaries of the 15 proposed amendments, the code sections affected, and proposed amendment language. Three new sections were added for detached accessory structures, storage, materials, equipment, and penalties.

Manager Medrud reviewed the proposed changes to Tumwater Municipal Code (TMC). Definitions was updated to clarify and add eight definitions to enhance correct interpretation of floodplain regulations. Language was added to reflect most current versions of the Flood Insurance Study (FIS) and Flood Insurance Rate Maps (FIRMs). The acronym of "BFE" for Base Flood Elevation significance or non-significance during a SEPA review was added. Language was clarified on how special flood hazard areas are identified using BFE and Flood Insurance Rate Maps, as well as the process and instances where the base flood and floodway data were not provided or available in the Flood Insurance Study and Flood Insurance Rate Maps.

The section on floodplain development permits was revised to improve clarity, remove passive language, and include a new requirement for a permit in special flood hazard areas (SFHAs). Acronyms were updated for consistency with the definitions section and five new subsections were added to provide additional detail on the application materials applicants must include within their applications.

Recording keeping was changed to reflect updated acronyms, elimination of passive language, addition of a process for floodplain administrator to ensure proposed construction would be safe from flooding when elevation data are not available, and an addition of a list of information the floodplain administrator shall obtain and make available to the public.

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Changes to development and subdivisions clarified that short subdivisions, short plats, and binding site plans are subject to the floodplain ordinance, updated language to acronyms, and subdivisions or developments with over 50 lots or five acres must provide base flood elevation data with the application.

Changes to the section on flood protection standards include:

- In areas where the base flood elevation (BFE) data has been determined or obtained (A zones), all new development must be elevated at least one-foot above BFE.
- Materials used shall be resistant to flood damage.
- Construction methods that minimize flood damage.
- All structures, including manufactured homes and substantial improvements, shall be anchored properly.
- New construction and substantial improvement of any residential structure in an Unnumbered A zone and BFE is not available shall be raised two feet above highest adjacent grade.
- An attached garage constructed with the floor slab below the BFE must be designed to allow for the automatic entry and exit of floodwaters.

The nonresidential construction section was reformatted. The proposed changes create clear standards for non-residential development. Within the AE and A1-30 zones or other A zoned areas, new construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall have the lowest floor, including basement, elevated one foot or more above the BFE. Information was added for unnumbered A zone when the BFE is not available, the lowest floor must be at least two feet above the highest adjacent grade.

Changes to manufactured homes add clarifying requirements for anchoring of manufactured homes that minimize flood damage and other anchoring requirements throughout TMC 18.38 that are applicable.

Detached accessory structures is a new section on standards for allowing structures to be built below the BFE used solely for parking of vehicles or limited storage. Different flood zones have different requirements for detached structures, such as size, elevation, materials, and items stored, and anchoring.

Storage of materials and equipment is a new section prohibiting storage or processing of materials that could be injurious to human, animal, or plant life if released due to damage from flooding in special flood hazard areas. Storage of other material or equipment may be allowed if not subject to damage by floods and if firmly anchored to prevent

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flotation, or if readily removable from the area within the time available after flood warning.

Changes to floodway standards include:

- Clarifies encroachments, including fill, new construction, substantial improvements, and other development is prohibited unless a certification by a registered professional engineer demonstrating development would not result in any increase in flood levels during the occurrence of the base flood discharge.
- Clarifies that repairs, reconstruction, or improvements to a residential structure, which do not increase the ground floor area, may be allowed subject to outlined requirements.
- TMC 18.38.360(A)(1) is satisfied, or construction is allowed pursuant to TMC 18.38.360(A)(2), all new construction and substantial improvements in the floodway shall comply with all applicable flood hazard reduction provisions of TMC 18.38.

The Commission previously discussed the new proposed section on penalties for noncompliance. That particular section of the ordinance has been revised since the Commission's review on January 23, 2024. Section A reflects a change with the proposal to strike all language addressing specific monetary fines and the potential of jail time up to 90 days for any violations of the provisions. The language was removed and replaced with existing regulations in Title 1 for both criminal and civil procedures, which are sufficient to outline the penalty process if violations occur that are not resolved.

The Notice of Intent process has been completed through the State Department of Commerce. The SEPA Determination of Non-Significance received no public comments.

In response to a question during the work session regarding FEMA notification of the draft maps, FEMA is required to publish two notices in the newspaper of record for the communities affected by map changes. FEMA published notifications in *The Olympian* newspaper. The process includes a 90-day appeal period. No appeals were submitted during the 90-day period.

Draft FEMA maps are available online as well as the Thurston County Lakes Flood Map update and the Preliminary Hazard Map Update comparison.

Staff requests the Commission forward a recommendation of approval of the ordinance to the City Council following the conclusion of the public hearing. The Council is scheduled to consider the ordinance in March 2024.

With no public testimony, Chair Robbins closed the public hearing at

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7:21 p.m.

MOTION: Councilmember Tobias moved, seconded by Commissioner Edwards, to recommend approval of Ordinance No. O2023-017, Tumwater Floodplain Overlay, TMC 18.38 to the City Council. A voice vote approved the motion unanimously.

**JOINT MEETING
APPROACHES:**

Manager Medrud reported on the completion of the Request for Proposals (RFP) process for the middle housing development code amendments. Staff selected a firm to assist the City with the amendments. An approved contract is scheduled for consideration by the end of February. The consultant will assist staff and the Commission address housing-related issues within the development code, as well as new requirements to expand different types of residential uses to existing single-family zones. A draft of the amendments is anticipated to be completed by the end of 2024.

Interlocal agreements for the land capacity analysis are nearing approval that are required for the update of the Land Use and Housing Elements. Staff completed the process for allocating housing across all economic groups for the City. The process will examine whether existing zones and property are sufficient to provide the required housing. Thurston Regional Planning Council is leading the process. Following receipt of the information, reviews will be initiated for specific changes to land use and housing.

In terms of the housing discussion, staff is working with the City of Lacey, Thurston County, and the City of Olympia on selection of a consultant to assist with the completion of a displacement study as a required element of the Housing Element update. New requirements require jurisdictions to address racially disparate impacts as a component of the update. The displacement study will support the work, as it will identify risks of particular neighborhoods through gentrification or allowing for increased density housing and ways to mitigate impacts. Four firms submitted proposals. Staff is currently reviewing the proposals with interviews scheduled within a week.

The joint meeting approaches discussion is prompted by the joint meeting with the City Council in December 2023 to review the 2024 work program. Ongoing conversations between members addressed actions that could improve the relationship between the Council and the Commission and some options to consider.

Manager Medrud referred to the meeting schedule and noted a series of joint meetings with the Council for both work sessions and tours within the community. The first joint meeting is scheduled in April as a joint

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tour of Tumwater and adjoining neighborhoods for a discussion on housing. In June/July, the focus of the joint work sessions is on the development code, climate, and economic development. A joint tour is scheduled in August focused on transportation.

Manager Medrud invited feedback from members on the proposed schedule and ways to improve working together both with staff and the City Council.

Commissioner Varela asked about the availability of any tools or software programs to collaborate with the City Council. Manager Medrud said staff followed up with Communications staff because of specific requirements for accessibility and public information. At this time, the City lacks a process for sharing files between meetings or between the Commission and the City Council because of the possibility of triggering a quorum, which requires sufficient public notification. Instead, the focus is on communications within the meetings and as part of the agenda packets prepared by staff with staff serving as the conduit for processing comments and ideas for ongoing joint meeting discussions.

Chair Robbins inquired as to whether the consultant contracts could include assistance in structuring joint sessions with the City Council or other advisory bodies. Manager Medrud said it likely the work on middle housing and climate would be conducive for assistance by the consultant as there is a significant component included for public outreach. No proposals have been received to date for the Transportation RFP. The RFP process is still open. He envisions a component included in the transportation consultant contract. He added that the process relies on staff resources with support from Communications staff. Margo Hoffman recently joined the City as the City's Community Engagement Specialist. She serves as a resource for contacting and working with individuals. The City has expanded efforts by Communications staff as part of the update process.

Chair Robbins recommended defining a focus for each joint session to ensure meeting efficiency.

Commissioner Edwards offered that publishing meeting goals or desired outcomes would be helpful to guide the joint discussion.

Manager Medrud advised that the March meetings include discussions on the structure of the housing tour with the Council.

Manager Medrud reported the Council is updating the Strategic Priorities following its initial retreat and another retreat scheduled in the

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next several days. Staff envisions existing strategic priorities to be improved with no major change in themes.

The amendments to the Comprehensive Plan in 2023 as well as the housekeeping amendments were reviewed and approved by the Council with only one change to the development code adding language regarding shadows created by structure height above the standard height limits. The Council wanted to ensure the code was sufficient to require the applicant to demonstrate the proposed structure would not impact neighboring properties.

**NEXT MEETING
DATE:**

The next meeting is scheduled on February 27, 2024.

ADJOURNMENT:

Commissioner Varela moved, seconded by Commissioner Edwards, to adjourn the meeting at 7:41 p.m. A voice vote approved the motion unanimously.

Prepared by Valerie L. Gow, Recording Secretary/President
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