

**TUMWATER GENERAL GOVERNMENT COMMITTEE
MINUTES OF VIRTUAL MEETING
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CONVENE: 2:00 p.m.

PRESENT: Chair Michael Althaus and Councilmembers Joan Cathey and Leatta Dahlhoff.

Staff: City Attorney Karen Kirkpatrick and Planning Manager Brad Medrud.

**APPROVAL OF
MINUTES: JUNE 8, 2022
AND JULY 13, 2022:**

MOTION: Councilmember Cathey moved, seconded by Councilmember Dahlhoff, to approve the General Government Committee meeting minutes of June 8, 2022 and July 13, 2022 as published. A voice vote approved the motion unanimously.

**ORDINANCE NO. O2022 013, 2022
DEVELOPMENT
CODE HOUSEKEEPING
AMENDMENTS:** Manager Medrud reported during 2020 and 2021, staff gathered information on proposed minor Tumwater Municipal Code (TMC) housekeeping amendments to be considered collectively in 2022. The proposed amendments are intended as minor corrections to the City's development regulations. The Planning Commission reviewed the proposed amendments and issued a recommendation for the committee's consideration. TMC 18.60.025(A) establishes a process for development code housekeeping amendments that is similar to the one the City follows for annual Comprehensive Plan amendments.

The staff report includes a summary of the 15 amendments, code sections affected, and proposed amendment language. Staff is seeking a recommendation to forward the ordinance either to a Council worksession or to a regular Council meeting for the Council's consideration.

Councilmember Cathey asked whether the Planning Commission considered some suggestions offered by the committee during its preliminary review of the proposed amendments. Manager Medrud affirmed the Planning Commission considered the suggestions and included additional suggestions for several of the proposed amendments.

Manager Medrud reviewed the proposed change(s) for each amendment:

- A. Accessory Dwelling Unit Entrances:** Amendment to TMC 18.42.010(D)(3) would change a requirement to an option.
- B. Adult Family Homes/Residential Care Facilities:** Amendments would address consistency of adult family home and residential care facilities as permitted and conditional uses. The proposed amendment to TMC 18.53.020 would allow adult

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family homes as a permitted use in the following zoning districts: GB, OS, RSR, SFL, SFM, MFM, MFH, MHP, CBC, BD, NC, MU, GC, CS, HC, and TC. The proposed amendment to TMC 18.53.030 would allow residential care facilities as a permitted use in the following zoning districts: GB, OS, RSR, SFL, SFM, MFM, MFH, MHP, CBC, BD, NC, MU, GC, CS, HC, and TC.

- C. Bicycle Storage:** Clarifies bicycle storage requirements.
- D. Capitol Boulevard Community – Multifamily Parking Requirements:** Adjusts the 1.0 parking space per dwelling unit limit based on the number of bedrooms of multifamily dwelling units to relieve off-street parking impacts to adjacent neighborhoods.
- E. Car Washes:** Adds “carwash” as an amendment to Title 17 Zoning definitions, instead of a specifically listed use.
- F. Duplexes:** Amends the permitted uses in the Residential/Sensitive Resource, Single-Family Low Residential Density, and Single-Family Medium Residential Density zone districts. Councilmember Althausen had previously offered some clarifying language to ensure that duplexes would be allowed on individual lots that are currently in existence as well as in a new subdivision with limits on the percentage of lots housing a duplex.
- G. Impound Yards:** Adds “impound yards” as a new use, which is not currently permitted in any zone districts in the City. The proposal adds the use as a conditional use to LI, HI, and ARI zone districts and adds minimal conditions through the conditional use process in TMC 18.56.180. Several inquiries have been received by staff conveying interest in locating the use in the City.

Councilmember Cathey questioned the intent of “minimal conditions through the conditional use process.” Manager Medrud explained that the process for a conditional use is different from a permitted use by considering and evaluating potential additional impacts above the current process for permitted uses. The conditional use requires a hearing examiner public hearing to evaluate the proposed use against specific criteria. Councilmember Cathey said her concern surrounding the language is the use of “minimal” because it could be subject to misinterpretation. Manager Medrud said the option of including “minimal” could be revised by indicating that additional conditions through the conditional use process are beyond the basic conditions that are required. Additionally, “minimal” is not included in the proposed amendments or in the ordinance.

- H. Mixed Use Overlay (MUO):** Clarifies that MUO requires commercial uses along primary roadways rather than 20% 20%

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of every building. Each parcel in the mixed-use overlay shall contain residential and commercial uses. The entire gross floor area of the first floor of building(s) facing existing or new public right-of-way frontage shall be dedicated to commercial uses with the exception of required building features serving the residential uses on the upper floors, such as a residential lobby, stairways, mechanical equipment, and elevators. A minimum of twenty percent of each building shall be residential. No less than eight thousand five hundred square feet of gross floor area of a building and no more than fifty thousand square feet of gross floor area of a building shall be dedicated to commercial uses.

- I. Nonconforming Signs:** Addresses a conflict in the nonconforming signs requirements in TMC 18.44 *Signs*.
- J. Optometry Clinics:** Addresses “optometry clinics,” which do not fit in the existing “medical clinic” or “professional services” uses. Creates a new “optometry clinics” use with a new definition in TMC 18.04.150. Adds as a permitted use to the NC, CS, MU, CBC, GC, TC, LI, HC, BD, and ARI zone districts.
- K. Personal and Professional Services:** For consistency and clarity, splits “personal and professional services” into “personal services” and “professional services” and removes “personal and professional and services and sales” from the TMC 18.07.020 Table Commercial zone districts permitted and conditional uses – Summary Tables of Uses. “Personal service” means a business which is neither the practice of a profession, nor dealing primarily with the sale of products as stock-in-trade on the premises. Product sales shall not occupy more than twenty-five percent of the gross floor area of the business. Such businesses include, but are not limited to, barber and beauty shops, tailoring, shoe repairing, photographic studios, tanning parlors, and pet grooming and obedience training.

Councilmember Dahlhoff questioned the purpose of prescribing the gross floor area allowed for uses, such as beauty salon as it could be perceived as a limiting option that might inadvertently exclude entrepreneurial businesses. Manager Medrud said it is likely the gross floor area of 25% could be an arbitrary figure; however, the intent is to ensure the floor space within the business is devoted primarily to the provision of the services listed as the primary use. As an example, a salon would be occupying the majority of the space with some space available for selling commercial salon products. Councilmember Dahlhoff explained that her concern is that the language is too prescriptive and could limit businesses from locating in the City. Councilmember Cathey noted that salon services can range from several types of services relative to the human body and

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suggested affording some flexibility for some professional businesses.

Councilmember Althausen noted that personal and professional services are essentially allowed in all zoning districts while retail sales uses are not allowed in all zoning districts. He asked whether the intent of the proposal is to promote some retail sales in conjunction with personal or professional services in Neighborhood Commercial zone districts as commercial retail is not allowed in that zone district. Manager Medrud offered to provide additional information on the source of the issue for additional discussion. The intent of the proposal was to ensure personal or professional services would not be focused primarily as a retail use but that the retail aspect of the use would be auxiliary to the primary personal or professional service. Councilmember Althausen recommended consideration of adding language that allows retail uses in Neighborhood Commercial zone districts.

- L. Residential Mechanical Equipment in Setbacks:** Proposal allows “residential mechanical equipment” in the RSR, SFL, and SFM zone districts rear setbacks.
- M. Public Building Signs:** Adds exemptions for the size and number of signs for public buildings and churches located in residential zone districts.

Councilmember Dahlhoff questioned the flexibility of the code to enable large signs for uses, such as churches that support City and community functions as well as serving as a church in the community. Manager Medrud said the issue is complicated, as it would likely entail examining some sort of wayfinding overlay provisions in the City. The challenge is adopting provisions in the code that would be applicable to all uses specific to the provision rather than addressing individual situations. Councilmember Dahlhoff cited the example of the church located off Israel Road that often supports community and City events. The issue is allowing a sign that can be viewed from the freeway. The church has forwarded some sign schematics to the City depicting examples of some larger signs for the church. She agreed to forward an email to staff from the church regarding the sign request.

Councilmember Althausen said the Commission’s proposal included the addition of churches allowing a church one sign up to 15 feet in height measuring no more than 55 square feet within a residential zone. He is unsure whether he is supportive of the proposal because schools and public buildings have some modicum of public accountability for signs. Larger signs for

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those uses can be justified because signs can generate public announcements while a 55 square-foot sign for a church with no public accountability or oversight mechanism is concerning. Discussion ensued on the City's permitting process for signs acknowledging that the City cannot control the content of a sign. An application for a proposed sign would be evaluated for the size and location and if the proposal adheres to the proposed amendment, the sign would be permitted. The proposed change enables larger signs for churches. Churches are currently limited to a height of six feet and smaller in proportion if located within a residential zone. The proposal was generated from the Planning Commission's discussion about community uses. Councilmember Althaus said he would prefer to remove churches from the proposal with consideration for increasing square footage of signs. Discussion ensued regarding the expansion of uses in churches today, especially churches located in residential areas. Many churches are used as a community center, a respite center, a food bank distribution point, and sites of community gardens. Councilmembers Dahlhoff and Cathey preferred to retain churches within the proposed amendment. Councilmember Dahlhoff recommended staff provide some visual representations of different sizes of signs.

- N. Residential Storage Sheds – Gravel Access:** Adds an exemption for storage sheds smaller than five hundred square feet in the Green Belt (GB), Open Space (OS), Residential/Sensitive Resource (RSR), Single-Family Low Density Residential (SFL), or Single-Family Medium Density Residential (SFM) zone districts from driveway surface requirements.

Manager Medrud confirmed the committee's request to defer the amendments to a Council worksession to review the personal and professional services retail square footage limitation, consideration of expanding retail uses within the Neighborhood Commercial zone district, and review the size and height for the proposed sign amendments.

Subdivision Dedication Code Language Update: Updates the subdivision dedication code language in TMC 17.24.030(D)(2) to change "men" to "persons."

MOTION:

Councilmember Cathey moved, seconded by Councilmember Dahlhoff, to recommend approval of the 13 proposed amendments as reviewed for the Council's consideration with the two identified amendments deferred for additional Council review and discussion. A voice vote approved the motion unanimously.

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ORDINANCE NO.
O2022-015, OTHER
HOUSEKEEPING
AMENDMENTS:

Manager Medrud reported the other housekeeping amendments do not follow the TMC 18.60.025(A) process, but are considered concurrently with the final docket of development code amendments in Ordinance No. O2022-013. The Planning Commission reviewed the proposed amendments, held a public hearing, and forwarded a recommendation to the General Government Committee.

Two of the three amendments include Hearing Examiner Staff Reports– Schedule and Traffic Study Requirements. One amendment is a proposed change for consideration.

The hearing examiner has asked that the date when staff reports have to be available be changed from the current five working days prior to the public hearing to seven days. The change would amend TMC 2.58.110 *Distribution of information*.

The second amendment would update criteria for when a traffic impact analysis is required. Traffic studies would be required for any development generating 50 or more vehicle trips during peak hours on adjacent streets or intersections regardless of peak direction. Additionally, any development generating 10 or more vehicle or truck trips on any Interstate 5 interchanges must provide trip distribution diagrams from a qualified transportation professional regardless if a full traffic study is required.

Additionally, the Commission included another recommendation arising from discussions on the sidewalk amendments. The issue was responsibility of temporary sidewalk obstructions. The Commission considered a proposal but elected not to include it in the ordinance. The City's Transportation Manager briefed the Commission on all issues and addressed the Commission's questions. The Commission recommended that the Council consider a public engagement and a voluntary support program to address any community issues prior to considering any amendments to Title 12 on sidewalks.

Staff recommends not including the amendments pertaining to sidewalks within the ordinance and include a recommendation to the City Council to consider a public engagement process.

Chair Althausen questioned whether the current code requires property owners to remove snow or other obstructions on a sidewalk adjacent to the property. Manager Medrud explained that prior to some amendments in 2011, the code included explicit provisions requiring property owners to address sidewalk obstructions. At some point, those provisions were removed from the code resulting in some uncertainties with respect to sidewalk maintenance of vegetation and obstructions.

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City Attorney Kirkpatrick noted that under current law, abutting property owners are responsible for sidewalk conditions. In those situations where snow removal becomes an issue and continued for a period, the matter would be a code enforcement action; however, she is not aware of any situation that involved code enforcement action for the condition of a sidewalk. The City has also established a small fund to assist some neighborhoods with street tree issues because of root conflicts with sidewalks. The City has the resources to provide assistance in those types of situations.

Manager Medrud responded to a question on when traffic studies are required. The proposal changes the language when a traffic study is required. Currently, a traffic study is required if the development generates 50 or more vehicle trips in the peak direction during the peak hour on adjacent streets or interchanges. The proposal eliminates language addressing “peak direction” because traffic is generated in all directions in today’s environment. A traffic study is required for all zoning districts based on the traffic the new development would generate.

MOTION: Councilmember Dahlhoff moved, seconded by Councilmember Cathey, to recommend the Planning Commission’s recommendation on Ordinance No. O2022-015, Other Housekeeping Amendments and consider a public engagement process for sidewalk amendments to the Council for review during a worksession. A voice vote approved the motion unanimously.

ADJOURNMENT: With there being no further business, Chair Althausser adjourned the meeting at 3:12 p.m.