

TUMWATER GENERAL GOVERNMENT COMMITTEE

MINUTES OF VIRTUAL MEETING

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CONVENE: 2:00 p.m.

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

Staff: City Administrator John Doan, City Attorney Karen Kirkpatrick, Planning Manager Brad Medrud, and Communications Manager Ann Cook.

ORDINANCE NO. O2022-003, FINAL DOCKET FOR 2022 COMPREHENSIVE PLAN AMENDMENTS: Manager Medrud reported the proposed Final Docket for 2022 Comprehensive Plan Amendments include a private map amendment and associated rezone, three City sponsored text amendments, and one City sponsored map amendment and associated rezone.

The proposed private map amendment and associated rezone is the Wells Littlerock Comprehensive Plan Land Use Map Amendment and Corresponding Rezone comprised of three adjacent vacant parcels located to the south of 7223 Littlerock Road SW. The amendment would change the current Comprehensive Plan map designation and zone district of Single Family Medium Density Residential to Multi-Family Medium Density Residential. Manager Medrud displayed a 2019 aerial photo of the properties. The Planning Commission recommended approval of the proposed amendment.

The first proposed text amendment is to review the Comprehensive Plan Housing and Land Use Elements to determine if there are amendments needed to address “neighborhood character.” The Planning Commission recommended no amendments and deferring the review as part of the larger 2022-25 review and update of the Comprehensive Plan.

Councilmember Cathey asked about the intent of the description of “neighborhood character.” Manager Medrud said the Commission identified a number of instances in the Comprehensive Plan where terminology often focuses on protecting and preserving existing neighborhoods above the requirements of the Comprehensive Plan and other City plans promoting affordable housing, etc. Some language speaks to “residential stability” and other similar terms that can often be interpreted to reflect a desire for no new changes to an existing neighborhood’s character today. The proposed review is from the perspective of considering language that incorporates other elements of need rather than language that tends to restrict existing conditions permanently.

Councilmember Cathey commented that her concern surrounds City goals on climate change, tree canopy, and the environmental stability of Tumwater that are often interpreted as causing some damage to neighborhoods in the City. Manager Medrud said the review of

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“neighborhood character” and similar language in the Comprehensive Plan would not negatively affect the City’s efforts as identified in the Climate Mitigation Plan or the Urban Forestry Management Plan. The community evolves over time in different forms and shapes. Obviously, there are some elements that should be preserved throughout the City to ensure the type and level of development in some residential areas are appropriate to ensure against development of excessive density not intended for particular areas of the City. The Council’s action on affordable housing text amendments envisions some level of gradual change, which speaks to the purpose of reviewing the language through that lens.

Manager Medrud reported the second text amendment is a review of Comprehensive Plan Conservation and Land Use Elements to determine if there are amendments needed to address any updates to greenhouse gas emissions targets. The Planning Commission reviewed and recommended no amendments to address the requirements of HB 2311 in 2022 and deferring the review as part of the larger 2022-25 review and update of the Comprehensive Plan that addresses climate change because the targets established by the state versus the targets adopted as part of the Thurston Climate Mitigation Plan are different. It is important that any adjustment to City targets adopted in 2021 match the Thurston Climate Mitigation Plan adopted through a regional effort.

Chair Althausen cited his previous communication last spring with staff to create an element within the Comprehensive Plan for climate change and sustainability. Proposed legislation last year in House Bill 1099 included requirements for municipalities to establish a stand-alone element on climate change and conservation within comprehensive plans. He asked whether that effort could be considered during the larger review of the Comprehensive Plan.

Manager Medrud provided information on the status of the update from 2022 through 2025 of the Comprehensive Plan. The Legislature had considered a number of changes to requirements for comprehensive plans. The City will need to address many elements as part of the housing element related to affordable housing. There was also consideration for a climate mitigation element within comprehensive plans. However, the Legislature did not pass legislation. The City has the option to consider adding an element; however, funding resources are not available. Instead, staff is developing a work program for the update to include meeting with City departments, as well as briefings to the Planning Commission. The proposal would incorporate climate mitigation throughout the Comprehensive Plan rather than developing a separate element. It is important not to isolate climate mitigation within its own element as the City has established the direction based on the Climate Mitigation Plan, which should be incorporated within all

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discussions on land use, housing, transportation, and parks, etc., to ensure all connections are identified. A similar process will be undertaken for the Comprehensive Plan update to address equity issues to ensure all plan elements are reflective of equity rather than confining equity to only one element.

The Council is scheduled to review the proposed 2023 work program in December during a joint worksession with the Planning Commission.

The proposed Essential Public Facilities Amendments requires a review of the Comprehensive Plan Land Use Element to determine if there are amendments needed to address essential public facilities, including but not limited to: intensive inpatient facilities; long-term residential drug treatment facilities; and recovery house facilities. The proposal was prompted by an existing use in the City seeking to expand. There are some issues associated with underlying zoning and how essential public facilities are addressed in that particular situation. The Planning Commission reviewed and recommended no amendments to address essential public facilities in 2022 and deferring the review as part of the larger 2022-25 review and update of the Comprehensive Plan. It was recognized that addressing the options would require a more extensive public engagement process. Staff resources limits that review this year, which is why the review has been deferred to the larger and extensive review of the Comprehensive Plan.

Councilmember Dahlhoff asked whether the delay in the review would affect the proposed project as she often receives negative feedback from constituents about bureaucratic delays caused by City development processes. Manager Medrud said the larger concern was adopting a change without proper outreach that results in a change that might only benefit one party. He noted that the issues rolled forward as part of the larger Comprehensive Plan update would be part of the larger discussion for the work program in December. Because of the number of issues identified for inclusion in the larger update process, those issues have not been prioritized at this point. The update will enable a review of all issues concurrently. At the end of the update process, staff will propose multiple amendments to the Comprehensive Plan to address all issues.

Councilmember Cathey conveyed concerns about continually delaying issues, such as what occurred with tree protection. She offered that at the December meeting, some suggestions might be offered about possibility moving issues forward in the work program to address sooner rather than later.

Chair Althausen cited legislation adopted in 2021 adding a type of juvenile rehabilitation facility identified as “community facilities.” Those facilities were defined as essential public facilities in the

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legislation. Manager Medrud affirmed staff utilizes a checklist provided by the Department of Commerce on all recent legislation, as well as a checklist from the Department of Ecology for environmental changes. The checklist encompasses both required updates in comprehensive plans and development regulations.

The last City sponsored map amendment and associated rezone is for property located at 6501 Linderson Way SW at the western corners of Linderson Way SW and Dennis Street SW Parcel Numbers for a portion of vacant property currently zoned Single Family Medium Density Residential to Multifamily High Density Residential. The proposal is applicable to a piece of vacant land located at the end of Dennis Street. Previously, the subject area was affected by the construction of Interstate 5 when right-of-way was relocated affecting the subject property. The subject property has been landscaped as part of recently completed multi-family development project. The owner was notified of the proposed action by the City. The owner has not responded to those contacts.

Following a public hearing on the proposed amendments, the Planning Commission recommended the City Council approve the two proposed Comprehensive Plan map amendments and corresponding rezones by Ordinance No. O2022-003 and defer the three text amendments to the larger 10-year update of the Comprehensive Plan. Staff recommends the committee consider forwarding a recommendation for consideration to the City Council during its November 15, 2022 meeting.

Chair Althausler inquired as to whether staff received any public comments on the proposed Wells Littlerock Comprehensive Plan Land Use Map Amendment and Corresponding Rezone. Manager Medrud advised that only one comment was received from a neighbor across the street from the subject property, who owns a commercial property. The owner requested updates on any actions by the City. Staff notified and added the owner's name to the City's mailing list pertaining to any actions affecting the property.

Councilmember Dahlhoff shared that three of her neighbors have commented on the City's growth and population and how the City is addressing infrastructure needs. The proximity of the subject property with surrounding residential density speaks to the lack of sidewalks on many of county roads in that area of the City. She has received comments conveying concerns about the increase of density so quickly and the inability for roads and infrastructure to keep pace. Manager Medrud explained that all projects submitted to the City must meet the City's standards and level of service for transportation, as well as providing adequate water, sewer, and parks. All improvements, including improvements to Littlerock Road include sidewalks and

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transportation improvements as dictated by the requirements generated by the proposed development.

Councilmember Dahlhoff said the issue speaks to rural areas of the City lacking street infrastructure, yet density continues to increase in those areas resulting in gaps in sidewalks and other street standards. Manager Medrud replied that issues associated with existing sidewalks that are not necessarily in the immediate adjacency to a project are a continuing issue facing the City. Staff has discussed with the Transportation Manager other similar issues as part of the Transportation Plan review during the update of the Comprehensive Plan. Staff is reviewing the possibility of conducting a sidewalk connectivity study to assist in identifying gaps in the sidewalk system.

Councilmember Dahlhoff recommended staff consider overlapping sidewalk study maps with maps developed by Director Smith identifying areas for future conversion to City water and sewer.

Councilmember Cathey inquired about the proposed development plans for the parcels. Manager Medrud advised that the City has not received any development proposals for the subject parcels at this time. The type of development is dictated by zoning and other City regulations.

MOTION:

Chair Althauser moved, seconded by Councilmember Dahlhoff, to recommend the City Council approve Ordinance No. O2022-003, Final Docket for 2022 Comprehensive Plan Amendments as presented by staff and include them on the November 15, 2022 City Council consent calendar for the Council’s consideration. Motion carried unanimously.

**ORDINANCE O2022-010 -
TUMWATER HOUSING
ACTION PLAN –
UNFAIR HOUSING
PRACTICES:**

Manager Medrud provided some history on the two proposed ordinances. Following the Council’s adoption of a resolution in 2018, staff embarked on a review of measures to support renters accessing housing and remaining housed. In 2021, the City Council adopted the Housing Action Plan, which included tenant protection actions. Since then, staff integrated both actions and presented the proposal to the General Government Committee in January and February 2022. The City Council subsequently prioritized a list of actions at a March 2022 meeting to include the two ordinances to address tenant protections.

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**ORDINANCE O2022-012 -
TUMWATER HOUSING
ACTION PLAN –
RENTAL HOUSING
CODE:**

During the development of the two ordinances, staff reviewed current tenant protections contained in Tumwater Municipal Code (TMC) Chapter 5.70 on fair housing practices in Tumwater, state requirements under the Residential Landmark Tenant Act, changes the Legislature has made to the Residential Landlord Tenant Act since 2018, and a review of actions by other jurisdictions of similar size and makeup to address tenant protections.

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Ordinance Nos. O2022-010 Unfair Housing Practices contains minor amendments to TMC 5.70 Unfair Housing Practices, while Ordinance No. O2022-012 Rental Housing Code adds a new chapter entitled Chapter 5.75 Rental Housing Code.

Following discussion during a Council worksession on March 22, 2022, staff was directed to prepare three priority items for further consideration:

- 1) Two ordinances to address tenant protections in Title 5 Business Taxes, Licenses and Regulations
- 2) An ordinance to establish a rental registration program in Title 5 Business Taxes, Licenses and Regulations to communicate with tenants and landlords about rental regulations and to consider using the program in the future for regular inspections of rental units
- 3) A scope for a contract with the Dispute Resolution Center for tenant and landlord conflict resolution services.

Manager Medrud reviewed a series of measures and addressed questions from the committee:

1. Measure 2: Require landlords to distribute certain housing related information, including rights and responsibilities to tenants. A new section, Chapter 5.70, requires landlords to distribute summaries of state and local fair housing laws and resources, and requires the City to create a City website for housing-related information.
2. Measure 3: Require deposits as well as recurring and one-time fees are included in written agreements. New section Chapter 5.70 requires written rental agreements include recurring fees that are not deposited and clearly specify recurring and non-refundable fees. A penalty has been included if the provision is not followed.
3. Measure 4: Make landlord failure to comply a renter defense to eviction and the landlord subject to liability and penalties. *The committee commented on the need to improve clarity of the intent.*
4. Measure 5: Prohibit waiving of city requirements. The rental agreement cannot waive any right, benefit, or entitlement created by the Chapter. The rental agreement is considered voided with no lawful affect or force if the landlord does so.
5. Measure 7: Require notification a set number of days prior to eviction due and of no-cause eviction. Except under certain circumstances, state law requires a 60-day notification to tenants. *Chair Althausser commented that 60 days is likely a challenging timeframe for people to locate a new housing unit that is*

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affordable and available. Councilmembers Cathey and Dahlhoff supported including a 90-day notification requirement. Discussion ensued on various scenarios, and reasons and justifications when the requirement would not apply. Chair Althauser noted the provision is applicable for termination of a month-to-month agreement and is different than a landlord eviction of a tenant for other reasons, such as non-payment.

6. Measure 8: Require notification a set number of days prior to any rent increase. Proposed language is based on City of Olympia language:
 1. A landlord is required to provide a minimum of one hundred and twenty (120) days prior written notice whenever the periodic or monthly housing costs to be charged a tenant will increase by more than five (5) percent of the rent over the periodic or monthly rental rate charged the same tenant for the same housing unit, unless the fixed lease agreement includes agreed-upon rent increases during the term of the tenancy or agreement.
 2. A landlord is required to provide a minimum of one hundred and eighty (180) days prior written notice whenever the periodic or monthly housing costs to be charged a tenant will increase by more than ten (10) percent of the rent over the periodic or monthly rental rate charged the same tenant for the same housing unit, unless the fixed lease agreement includes agreed-upon rent increases during the term of the tenancy or agreement.
 3. Pursuant to RCW 59.18.140, if the rental agreement governs a subsidized tenancy where the amount of rent is based on the income of the tenant or circumstances specific to the subsidized household, a landlord shall provide a minimum of thirty (30) days prior written notice of an increase in the amount of rent to each affected tenant.
 4. Any notice of a rent increase required by this section must be served in accordance with RCW 59.12.040. *Chair Althauser commented on the importance of adopting similar protections as the City of Olympia as many neighborhoods share different city boundaries.*

Manager Medrud advised that the next step is a Council worksession on November 22, 2022 for both ordinances with the ordinances scheduled for consideration at the Council meeting on December 6, 2022.

MOTION:

Councilmember Dahlhoff moved, seconded by Councilmember Cathey, to move Ordinance No. O2022-010 Unfair Housing Practices with the proposed change to 90 days (as discussed) to the Council worksession on November 22, 2022 with a recommendation

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for approval from the General Government Committee. Motion carried unanimously.

MOTION:

Chair Althauser moved, seconded by Councilmember Cathey, to move Ordinance No. O2022-012 Tumwater Action Plan and Rental Housing Code to the Council worksession on November 22, 2022 with a recommendation for approval from the General Government Committee. Motion carried unanimously.

ORDINANCE NO. O2022-023, SUSPENDING ANNUAL COMPREHENSIVE PLAN AMENDMENTS:

Manager Medrud reported the proposed ordinance suspends the acceptance of private applications for the annual Comprehensive Plan Amendment process. Typically, applications are for map amendments. Staff is requesting the suspension of the annual amendment process to enable staff to focus on the 10-year update process for the Comprehensive Plan. Private applications typically due on the first Monday in December, which would be suspended in 2023 and 2024; however, staff proposes some annual amendments for next year because of the Capital Facilities Plan two-year update cycle. All local jurisdictions are adhering to the same major update schedule. The City of Olympia suspended its annual amendment process as well.

MOTION:

Councilmember Cathey moved, seconded by Councilmember Dahlhoff, to recommend the City Council consider and approve Ordinance No. O2022-023 at its October 18, 2022 meeting. Motion carried unanimously.

CITY LOGO:

City Administrator Doan prefaced the briefing by explaining that the City's logo has existed for many years and during the course of work on equity issues and evaluating the history and story of the City along with unsolicited feedback from numerous new employees questioning how the current logo aligns with the City's beliefs, mission, and vision, staff initiated some preliminary conversations on updating the logo. Those discussions have benefitted from Manager Cook's experience working on logos and branding for other organizations.

Manager Cook described the principles of branding as an experience of the sum of all sensations, thoughts, feelings, and reactions individuals have in response to a brand. It is the lasting impression that remains after someone encounters or engages with a brand in any environment.

Manager Cook shared examples of other logos and asked for feedback on the committee's perception of each logo. Placemaking is a process of differentiating the City from other cities and emphasizing the City's assets, icons, and its historic past. She shared the new logo of the Olympia Tumwater Foundation reflecting a similar shift in design that is occurring with many other logos.

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The committee offered input on City icons and what the City is known for:

- Green spaces
- Water
- Salmon
- Tumwater Falls
- River

Because many of the icons are reflective of other cities, Manager Cook emphasized the importance of ensuring the logo differentiates Tumwater from other cities and logos. Options includes eliminating all icons and taking a time-out to develop a logo type, exploring some examples/concepts and considering the brewtower as the architectural motif representing the City's heritage, future, Tumwater Craft, and the Craft District, or considering different colors and shapes that are not definitive.

Manager Cook shared a logo concept incorporating trees, the brewtower, and the river. Members offered feedback on concept:

- Logo should exclude the brewtower because it is not reflective of what the City is today in terms of community, families, and nature.
- Reduce size and placement of brewtower and enhance the river.
- Logo should be reflective of the prominence of the river as the river serves as the instigator of many historic uses in the City. The brewtower is important as it symbolizes some of the future the City is pursuing through placemaking, Craft District, and other economic development efforts.
- Councilmember Cathey noted the other logo examples do not feature buildings but focus on the setting.

Manager Cook requested feedback on a concept to be presented to the Council to initiate a discussion. Councilmember Dahlhoff suggested removing one of the buildings, reducing the size of the remaining building, and enhancing the size of the river. Councilmember Cathey said the brewtower should be less prominent with water and trees included. Chair Althauser supported recommendations offered by Councilmember Dahlhoff.

Manager Cook displayed and described the City of Olympia's modern logo featuring the Capitol Dome.

Other suggestions for the draft concept included the architectural icon, the river, trees, and colors.

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ADJOURNMENT: **With there being no further business, Chair Althausser adjourned the meeting at 3:53 p.m.**

Prepared by Valerie L. Gow, Recording Secretary/President
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