

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

PRESENT: Chair Elizabeth Robbins and Commissioners Grace Edwards, Terry Kirkpatrick, Gina Kotek, Brandon Staff, and Anthony Varela.

Absent: Commissioners Malissa Paulsen and Cody Perez.

Staff: Planning Manager Brad Medrud, Housing and Land Use Planner Erica Smith-Erickson, and Sustainability Coordinator Alyssa Jones Wood.

ELECTION OF CHAIR AND VICE CHAIR: Chair Robbins invited nominations for Chair.

MOTION: **Commissioner Varela moved, seconded by Commissioner Staff, to nominate Elizabeth Robbins to serve as 2025 Chair.**

VOTE OF AFFIRMATION: **By a unanimous vote of affirmation, Commissioner Robbins was elected to serve as 2025 Chair.**

Chair Robbins invited nominations for Vice Chair.

Commissioner Varela nominated Brandon Staff to serve as 2025 Vice Chair.

VOTE OF AFFIRMATION: **By a unanimous vote of affirmation, Commissioner Staff was elected to serve as 2025 Vice Chair.**

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

APPROVAL OF MINUTES:
JUNE 11, 2024:

MOTION: **Commissioner Varela moved, seconded by Commissioner Staff, to approve the June 11, 2024 minutes as published. A voice vote approved the motion unanimously.**

COMMISSIONER'S REPORTS: Commissioner Varela advised of his plans to resign from the Commission at the end of the year. He is appreciative of the time he was able to serve. He is exploring several other options next year and will continue to be engaged within the community.

MANAGER'S REPORT: Manager Medrud reported on the recent addition of Associate Planner Dana Bowers. Ms. Bowers previously worked at Thurston County responsible for regional planning efforts and will join the City on December 2, 2024.

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PUBLIC COMMENT: There were no public comments.

PUBLIC HEARING:

DEVELOPMENT CODE ADMINISTRATION Chair Robbins outlined the format for the public hearing and public testimony.

(ORDINANCE NO. O2024-005): Chair Robbins opened the public hearing at 7:12 p.m.

Manager Medrud provided background on the proposed changes to Development Code Administration.

In May 2023, Governor Inslee signed Senate Bill 5290 modifying the Washington State Land Use Permit Act to increase time limits and predictability of local project development application reviews. The act provides regulatory requirements for all project reviews under the Growth Management Act for applicable cities and counties to standardize rules across the state. The effective date of the new law is January 1, 2025 requiring the City to adopt an ordinance replacing existing provisions to meet new state requirements by the end of the year.

The public hearing is an opportunity for the community to provide comments on the proposed ordinance. The scope of the ordinance is to modify Title 14 Development Code Administration, as well as modifying other provisions in the Tumwater Municipal Code.

A new provision included in the ordinance is the introduction of three types of land use permit applications. Currently, Title 14 lacks any provisions addressing different types of applications. Type I applications are land use permits that do not require environmental review, such as property with no critical areas that would trigger a State Environmental Policy Act (SEPA) review, such as a tree permit or short plat. Type II permits are similar to Type I except environmental review is required. Both types of permits are administratively approved by the Director of Community Development who serves as the final authority in terms of issuing a decision. An appeal process is embedded in the ordinance for all permit types. Type III permits are land use permits that require a hearing before the hearing examiner. The hearing examiner issues the final decision, which is appealable to Thurston County Superior Court.

The City's review process is initiated through a preapplication process of either a feasibility review (optional) or a preapplication meeting with the Development Review Committee. The intent of the process is to identify with the applicant all potential permits the project may be

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required to obtain and all submittal requirements. The step is important because it assists in expediting the permit review process for a project. The second part of the process is the submittal of the application. The type of application determines the required materials for submittal to assist staff in issuing a determination that the application is complete. The next step is application review and dependent on the type of application, a notice of application is issued.

Rules are established to ensure application materials are transmitted to affected jurisdictions or agencies with time limits for comments. SEPA review is also part of the application review process. Following completion of application review, a decision is issued. The permit decision process depends on the type of project. The last step of the process is the permit appeal process.

The new structure of Title 14 replaces the existing structure of Title 14. The proposal is intended to be more intuitive. The most important change is the definition of project permit. SB 5290 amended the definitions in the RCW to eliminate building permits from the list of definitions, which is important as the new requirements for land use-related permits are defined as any action that requires approval from Title 18, Title 17, and Title 16. Title 15 includes provisions applicable to buildings and construction guided by another set of RCW requirements for building permits with a separate process. Previously, Title 14 included building permits and other types of permits that were imbedded in other sections of the code. The proposal limits Title 14 provisions moving forward.

Another important change in the new law is the number of days the City can review particular types of applications. Additionally, a monetary penalty is applied if the City fails to meet timelines of either a 10% or 20% refund to the applicant. The definition of time limits was revised to reflect the clock beginning the day of application submittal to the date a decision is issued.

Other revisions include consolidation of public noticing requirements into one section. The proposal outlines situations that might alter a proposal substantially. All permit application expirations are consolidated in one section of the code, as well as adding language addressing land use code interpretations. Currently, the City employs a process that is not codified; however, in most jurisdictions director decisions or other administrative actions are standard processes.

Manager Medrud reviewed the four application types:

- Type I applications do not require SEPA review. Examples include boundary line adjustments, critical area requests for

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determination of applicability, final plats, home occupation permits, land clearing permits, lot consolidations, plat time extensions, preliminary short plats, preliminary SEPA threshold determinations (if Environmental Impact Statement (EIS) required), reasonable use exemptions, shoreline exemptions, sign permits, temporary use permits, tree permits, and variances (administrative).

- Type II are Type I permits requiring SEPA environmental review.
- Type III permits require a hearing examiner decision. Examples are binding site plans (phased), conditional use permits, planned unit developments, plat alternations with hearing, plat vacations, preliminary plats, replats, shoreline conditional use permits, shoreline substantial development permits, shoreline variances, site-specific rezones not requiring a comprehensive plan amendment, and variances (zoning).
- Type IV permits are development code amendments, comprehensive plan map and text amendments, development agreements, rezones requiring comprehensive plan amendments, and shoreline master program amendments.

Manager Medrud reviewed Table 14.04.020(A) Decision and Appeal Authority describing the final decision and appeal authorities for each land use permit application type. He reviewed public noticing requirements based on the type of permit.

Table 14.04.030 Land Use Permit Application Review Times for each permit type include:

- Type I - 65 days
 - Final Plat: 30 days (TMC 17.24.050)
- Type II - 100 days
- Type III – 170 days

Preliminary Plat: 90 days (RCW 58.17.140)

Manager Medrud reviewed the application review process, which reflects many changes based on new state law. One change is for SEPA and Land Use reviews to occur concurrently. Should an applicant require multiple permits to construct a project, all applications are combined under one review with the timeline at the higher level. A section was added for that provision.

Additional revisions not involving Title 14 include the City's hearing examiner code. Some changes are proposed for the type of cases the hearing examiner would consider. Another change is to the City's multifamily tax exemption section. Under state law, a contract is approved as part of the multifamily tax exemption either by the City

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Council or administratively. Currently, a multifamily tax exemption is approved by the Community Development Director except for the contract which is approved by the City Council. New state law enables the Community Development Director to approve the contract, which is included in the proposed ordinance. The proposed change does not preclude the Council's ability to continue discussions on the overall multifamily exemption program scheduled to expire at the end of 2026 in the City.

Within the buildings and construction section, a major change is requiring a SEPA determination and land use approvals before applying for a complete building permit application. Provisions are included enabling the Director to waive requirement to allow for the submittal concurrently. A new section was included on how to determine completeness of a project. Within the zoning section, the proposal both updates and adds a new chapter on site plan review. A new section to Chapter 18.60 on text amendments and rezones addresses the approval process of the Commission.

Staff recommends the Commission forward a recommendation to the City Council approving the ordinance with pending changes. Staff received one letter from the public, which was emailed to the Commission earlier in the day. The issues addressed in the comment letter require more review by the City Council and staff. Staff recommends approval of the ordinance pending the outcome of that review by the Council.

With there being no public comments, Chair Robbins closed the public hearing at 7:36 p.m.

MOTION:

Commissioner Staff moved, seconded by Commissioner Varela, to recommend the City Council approve Ordinance No. O2024-005 pending further review of the comment letter dated November 11, 2024 from Chris Carlson. A voice vote approved the motion unanimously.

**2025 COMPREHENSIVE
PLAN PERIODIC UPDATE
– CLIMATE ELEMENT:**

Sustainability Coordinator Jones Wood presented draft goals for the Climate Element of the Comprehensive Plan. Following finalization of the goals, the document will be released for public review. The draft document includes all goals, policies, and implementation actions.

The draft adheres to the requirements in House Bill 1181 requiring the City to adopt a climate change element that includes both climate mitigation and climate resilience sub-elements, as well as consideration of environmental justice throughout the element.

Community engagement to date includes establishment of a Climate

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Policy Advisory Team comprised of members of affected communities, key stakeholders, residents, and interested parties. The team meets frequently and provides feedback. An open house was hosted at ASHHO with approximately 60 individuals attending. An online open house was hosted from August 15, 2024 to October 31, 2024 offering the same information as the in-person open house.

Other outreach has included information presented to the Thurston Climate Mitigation Collaborative Community Workgroup, meetings with Thurston Climate Action Team's (TCAT) community organizer, hosting informational tables at the Thurston County Food Bank to encourage participation in the online open house, sharing information with the South Sound Asian and Pacific Islanders Coalition, and updating the City's website and social media posts on ways to participate in the update process for the Comprehensive Plan.

Coordinator Jones Wood cited an example of a goal, policy, and action:

Goal: Increase preparedness for acute climate impacts and improve population and system resilience to climate hazards.

Policy: Develop resources to mitigate the risks posed by extreme heat.

Action: Explore the feasibility of implementing and maintaining a program to distribute cooling units and install heat pumps, prioritizing households with residents (e.g., low-income seniors) most vulnerable to extreme temperature events.

The Climate Element includes four overarching goals:

- Ensure environmental justice by providing all residents an equitable opportunity to learn about climate impacts, influence policy decisions, and take actions to enhance community resilience.
- Increase the City's capacity to implement climate action priorities.
- Address the fact that changing weather and climate patterns driven by human-generated emissions will impact every aspect of life in Tumwater, and plan for impacts such as increased heat, wildfire, and flooding while working to reduce local emissions.
- Create a vibrant city that fosters entrepreneurship, active transportation, sense of place, and provides a safe environment for our coming climate challenges.

Coordinator Jones Wood invited feedback and suggestions on the overarching goals. No comments were offered by Commissioners.

Coordinator Jones Wood reported the state requires the Resilience Sub-

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Element to include at least one goal for each of the 10 sectors:

- Agriculture & Food Systems
- Buildings & Energy
- Cultural Resources
- Economic Development
- Emergency Management
- Health & Well-being
- Ecosystems
- Transportation
- Waste Management
- Water Resources
- Zoning & Development

The Resilience Sub-Element combines sectors into categories with assigned goals:

- Buildings & Energy, Health & Well-being, Emergency Management, & Cultural Resource:
 - Ensure that buildings and energy infrastructure, including generation and transmission, can accommodate renewable energy opportunities, keep the community safe, and can withstand and recover from extreme weather and natural hazards worsened by climate change.
 - Increase preparedness for acute climate impacts and improve population and system resilience to climate hazards.
 - Preserve, protect, and sustain cultural sites and resources in alignment with the values and needs of Tribes, traditional stewards, and frontline communities.

Commissioner Varela asked about efforts between the City and Puget Sound Energy (PSE) to discuss options or plans for reducing the number of power outages caused by wind and severe weather storms. Manager Medrud replied that any development of a certain size is required to underground utilities to help reduce and eliminate power outages. City Operations staff are coordinating frequently with PSE staff for vegetation management in right-of-ways. Coordinator Jones Wood reported on ongoing conversations with PSE staff for solar-plus storage feasibility assessments for City Hall and the Tumwater Library. A solar-plus storage feasibility assessment will be initiated for both fire stations for back-up power. Back-up power at the library is important because the library serves as the City's only heating and cooling shelter. The main fire station also serves as the City's Emergency Operations Center and battery back-up storage would reduce the need to run fossil-fueled generators.

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Manager Medrud added that staff is also meeting with PSE to discuss options for expediting the review process for repairs to some of its infrastructure that has been damaged over time.

Chair Robbins asked about any outreach to tribes for the Resilience Sub-Element with respect to requests or concerns. Coordinator Jones Wood advised that a tribal consultation process was undertaken for the Comprehensive Plan update. A response was received from the Nisqually Indian Tribe. The Mayor is working with the Tribal Chair to coordinate meetings. Additionally, a Squaxin Island Tribe member is a member of the Thurston Climate Mitigation Collaborative Community Workgroup.

Manager Medrud said the tribes also receive notices of development reviews and notice of applications. The City typically receives comments from the Squaxin Island Tribe and the Nisqually Indian Tribe on cultural resources. The Climate Resilience Sub-Element goals align with recognizing and protecting cultural resources.

- Ecosystems, Zoning & Development, Economic Development, and Transportation:
 - With climate, growth, and environmental changes in mind, identify and elevate the protection of key habitats, ecosystem services, and wildlife corridors.
 - Ensure that zoning and development decisions support compact urban development and system-wide resilience, including a resilient local economy.
 - Ensure that the local transportation system, including infrastructure, routes, and non-motorized travel modes, fosters connectivity and can withstand and recover quickly from climate impacts.
- Water Resources, Waste Management & Agriculture, & Food Systems:
 - Protect water quality and availability.
 - Expand local food justice in ways that address climate impacts and increase access to nourishing, affordable, culturally appropriate, and climate-friendly foods while encouraging waste reduction in all building and business types (including deconstruction).

Coordinator Jones Wood noted that language was recommended for inclusion in the Resilience Sub-Element goal that speaks to rights for water for residents; however, it was not included because the City is legally required to serve all customers.

Coordinator Jones Wood advised that the Thurston Climate Mitigation

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Plan includes 72 actions accepted by the City Council in 2021 to guide efforts for reducing greenhouse gas emissions and vehicle miles traveled. Many of the actions will be revised to include more emissions reductions than in the current plan to achieve net-zero established by the state by 2050. Not all 72 actions will be included in the sub-element; however, many actions will be updated to reflect current requirements.

Chair Robbins inquired as to whether the extent of any gaps has been identified. Coordinator Jones Wood said the current requirement is to reduce greenhouse gas emissions by 85% by 2050 to achieve net-zero and compensate the difference through payment of offsets. However, the planet's atmosphere would not experience a reduction through offsets. The goal pertains to the boundaries of Tumwater except it does not account for consumption as the state does not utilize a consumption-based emissions inventor; however, agriculture, manure management, tree cover loss, forestland conversions, and other actions are included that affect emissions within the City's boundaries.

Coordinator Jones Wood reviewed preliminary draft goals for the Greenhouse Gas Reduction Sub-Element.

The Commission will be briefed on actions, policies, and more specific details on implementation of higher-level goals. Staff review continues on the draft versions followed by posting on the City's website for public comments.

NEXT MEETING DATE: The next meeting is scheduled on November 26, 2024.

ADJOURNMENT: **Commissioner Staff moved, seconded by Commissioner Varela, to adjourn the meeting at 8:04 p.m. A voice vote approved the motion unanimously.**

Prepared by Valerie L. Gow, Recording Secretary/President
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