

**TUMWATER PLANNING COMMISSION**  
**MINUTES OF HYBRID MEETING**  
**October 8, 2024 Page 1**

**CONVENE:** 7:00 p.m.

**PRESENT:** Chair Elizabeth Robbins and Commissioners Terry Kirkpatrick, Gina Kotek, Malissa Paulsen, Brandon Staff, Michael Tobias, and Anthony Varela.

Absent: Commissioners Grace Edwards and Cody Perez.

Staff: Planning Manager Brad Medrud and Housing and Land Use Planner Erica Smith-Erickson.

Others: Rob LaFontaine, Emily Bergkamp, Nick Demerice, and Senior Planner Matt Kenney with Intercity Transit.

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

**COMMISSIONER'S REPORTS:** Commissioner Tobias reported that his term on the Commission expires in November, and he does not plan to reapply because of a recent change in job and a possible move to Lacey. He thanked the Commission and staff for their efforts and for their support to the community.

**MANAGER'S REPORT:** Manager Medrud reported on changes to the schedule on the update of the Comprehensive Plan. An updated schedule will be forwarded to the Commission. The first meeting in December is scheduled as a joint work session with the Council to review the work plan for 2025 and housing, land use, and development code updates.

With no pending agenda topics and the Christmas holiday, Manager Medrud recommended cancelling the December 24, 2024 Commission meeting. The Commission acknowledged the recommendation.

**PUBLIC COMMENT:** There were no public comments.

**TRANSIT 101:** Rob LaFontaine, Planning Deputy Director, Intercity Transit, introduced General Manager Emily Bergkamp, Development Director Peter Stackpole, Chief Communications Officer Nick Demerice, and Senior Planner Matt Kenney. Mr. LaFontaine briefed members on Transit 101 covering the agency's service area, source of tax revenue, modes of service, infrastructure, and equity efforts.

Current services provided by Intercity Transit include fixed route service, commuter service to Pierce County, Dial-A-Lift (door-to-door ADA Paratransit) to qualified customers living within the service boundary and with  $\frac{3}{4}$  mile of a fixed route, and Vanpool service. Under study is On-Demand (micro transit) service. Bus Rapid Transit (BRT) is currently offered as a pilot program operating along the Martin Way

**TUMWATER PLANNING COMMISSION**  
**MINUTES OF HYBRID MEETING**  
**October 8, 2024 Page 2**

corridor. Intercity Transit does not provide rail service. Sound Transit and Washington State Department of Transportation (WSDOT) are the two predominant rail providers within the county.

Intercity Transit is governed by a Public Transportation Benefit Area (PTBA) as a special taxing district and a municipal corporation as part of the region's local government structure. PTBAs were authorized by state legislation. Intercity Transit levies a 1.2% local sales tax within the PTBA boundary.

Initially, Intercity Transit offered service countywide. In 2002, the boundary was reduced following the approval of Initiative 695, which reduced transit revenues. The boundaries were reduced to the urban areas and the urban growth areas of the cities of Lacey, Olympia, and Tumwater with an extension of service provided to the City of Yelm.

Intercity Transit has 961 active bus stops across the service area. The public's investment in transit is significant and should be considered permanent. Changes in service resulting in abandonment of stops are unusual and often inadvisable. Demographic estimates from sources of specific data identified approximately 610 residents living within the proximity of bus stops at Linwood Avenue and G Street. Decisions to change bus stop location or remove frequency of service are impactful. Intercity Transit is purposeful in its decisions to add and remove transit service.

The Intercity Transit Authority recently updated the agency's Title VI Program. The document is transmitted to the federal government declaring the agency's compliance with the U.S. Civil Rights Act of 1964. The 2020 census was significant as the urban area of the county surpassed 200,000 in resident population. The number is a meaningful threshold for transit as it added more stringent requirements for equity analyses. All major service changes are required to identify any adverse impact resulting in significant disparity to populations that are a racial minority or low-income. Disparity is present if the proportion of adversely affected population impacts more minority or low-income residents by 3% or more or the proportion of benefitting population favors fewer minority or low-income residents by 3% or less. The analyses are approved through a public process coordinated by the agency.

Tumwater has 113 active bus stops within the City. The agency has been active in pursuing bus stop enhancements. Over 150 bus stops are scheduled for improvements in 2025 with 17 of the stops located in the City of Tumwater. Bus stop improvements include expanding the bus stop footprint to accommodate both front door and rear door activity. Not all bus stops include a shelter as many stops lack the ridership, or a

**TUMWATER PLANNING COMMISSION**  
**MINUTES OF HYBRID MEETING**  
**October 8, 2024 Page 3**

shelter is unnecessary dependent upon the location. Mr. LaFontaine reviewed a checklist utilized to identify improvements to existing bus stops.

Mr. LaFontaine addressed questions surrounding the decision to eliminate bus fares. The assessment of fares resulted in a net revenue gain; however, the amount was nominal. Ms. Bergkamp added that fares contributed approximately 2% of the agency's revenues. Another element of the decision was attributed to the antiquated fare boxes as the equipment lacked readers for other transit systems. The cost to replace the system with a technologically advanced system outweighed financial benefits. A new system would also cost approximately \$1 million to \$2 million to maintain each year, which contributed to the decision to eliminate fares during a pilot demonstration project scheduled to end in January 2028.

Chair Robbins asked whether the removal of the fare contributed to an increase in ridership. Ms. Bergkamp commented on the issues created by the COVID pandemic. During the first two months of zero fares in 2020, the agency experienced a 20% increase in ridership in January 2020 followed by a 40% increase in February. Today, the ridership level is similar to 2019 ridership levels. One of the main issues of lost ridership is the loss of state government employees who typically worked on the campus and in Olympia who no longer use transit.

Mr. LaFontaine reported on the agency's November 2018 ballot measure for a sales tax increase of 4/10ths of one percent within the PTBA. The ballot measure passed. The measure enabled the agency to preserve the level of service at that time and expand service within the PTBA. Following the ballot measure, the agency adopted a short- and long-range plan to extend the span of service (hours of operation), improve frequency, expand to new areas, improve capital facilities, enhance corridor service (BRT), expand late night service, enhance commuter service between Thurston County and locations to the north, and engage in discussions on moving to zero fare. Many actions were pending implementation when the nation experienced a pandemic causing an unprecedented historic change for the agency to focus on reducing service and the public's use of the service. It was never the mission of the agency to discourage riders from using transit. That journey over the course of four years prompted efforts beginning in June 2020 to begin restoring service. The September 2024 service schedule is indicative of full restoration of service following the pandemic reductions.

The state requires transit agencies to develop and submit annually an update to the agency's six-year plan. The plan includes planned operating changes. In 2025, the agency is planning for a 10% to 15%

**TUMWATER PLANNING COMMISSION**  
**MINUTES OF HYBRID MEETING**  
**October 8, 2024 Page 4**

increase in annual service hours, returning service to the State Capitol Campus, improve span and frequency in accordance with the long-range plan, evolve the BRT demonstration project (*The One*) into an anchored corridor line consistent with Thurston Regional Planning Council's (TRPC) Corridor Study work and the City of Olympia's Capital Mall Triangle Study, restructure the fixed route network, introduce new service segments, and pending a state grant, initiate commuter service with access to Joint Base Lewis McChord through a connection with Pierce Transit for bus service on base.

Potential new service segments in Tumwater include Henderson Boulevard, Old Highway 99 between Tumwater Boulevard and River Road, Tyee Drive and 73<sup>rd</sup> Avenue, Old Highway 99 and 93<sup>rd</sup> Avenue, Capitol Boulevard Craft District, and the E Street connector.

Density plays an important role in extending service. Transit supportive land use is in areas of high density residential, business districts, medical districts, shopping centers, high schools, universities, colleges, and employers of significance. Intercity Transit relies on many of the zoning districts in each jurisdiction to help guide the agency's allocation of transit service. The agency supportive infrastructure supports integration with bike and pedestrian amenities and avoids local access roadways or neighborhoods to the extent possible. The agency pursues directness and reliability in service routing and avoids circuitous deviations and large one-way loops.

Mr. LaFontaine addressed the lack of transit service to Black Hills High School. Using a map, he identified the attendance boundaries of the high school, as well as Tumwater High School. Many families are interested in transit service serving the high schools to enable students to have the ability to travel to and from school. Intercity Transit bus stops are distant from Black Hills School because of operational constraints and not because of the lack of awareness of the need. The operational complications affecting Black Hills High School include no practical location to terminate southbound service and return north on Littlerock Road. Some suggestions for service included terminating service within high school roadways. However, the use of school roadways encumber significant limitations including congestion, pedestrians, uncontrolled traffic blockages, and complications with respondents adhering to protective orders (individuals not allowed on school ground per state law). Another suggestion was termination of service in some of the adjacent subdivisions. However, neighborhoods and local access roadways are also risky for many of the same reasons as schools. Residents are often intolerant of fixed route transit operating within their neighborhood.

Transit service beyond 77<sup>th</sup> Way is not justified at this time. Any

**TUMWATER PLANNING COMMISSION**  
**MINUTES OF HYBRID MEETING**  
**October 8, 2024 Page 5**

decision for service would be at a very high operational cost and would force consideration of other service dilution in the system to accommodate for the addition of a route serving Littlerock Road.

Chair Robbins remarked about the possibility of Tumwater offsetting or assisting in funding the service through a partnership. Mr. LaFontaine said such a partnership would not be unprecedented.

Ms. Bergkamp advised of the agency's relationship with The Evergreen State College to provide a safe option for students to travel within the area by executing a contract with the college providing some funds to offset the cost of transit service for students and faculty. It is an option that could be considered for Tumwater as well.

Discussion ensued on potential existing route service extending to Black Hills School for limited service in the morning and early afternoon. Mr. LaFontaine commented on some school activity scheduling requirements and conflicts that would entail some difficulty in scheduling afternoon service.

Mr. LaFontaine reviewed operational variances of bus stop design and placements, street tree and vegetation blocking signage, pedestrian access facilities, and sites where Dial-A-Lift service is difficult to access. Areas have been examined to determine if there is service inoperability because of some type of complication. Many factors contributing to operational challenges include frequency of bus turns, uncontrolled intersections, intersection geometry, roundabouts, private roads, and on-street parking. Operability is the most significant influence on fixed route design. Bus stop design and locations are based on equity, density, eligibility, and operability. Transit service is the result of the harmony of considerations of both quantitative and qualification factors.

Commissioner Kirkpatrick commented on the time the Commission has expended on ways to encourage the development of more affordable housing in Tumwater. Those discussions included ways to reduce parking to encourage transit usage. Both those efforts have become difficult because of the lack of transit opportunities.

Mr. LaFontaine advised that the agency's long-range plan is aspirational in the sense of span of service operating later in the evening to support the majority of mobility needs within the community, as well as providing frequency of service. The agency does not have the ability to offer a robust volume of service other major metropolitan areas offer. At this time, that volume of service is not within the agency's capacity to attain.

**TUMWATER PLANNING COMMISSION**  
**MINUTES OF HYBRID MEETING**  
**October 8, 2024 Page 6**

It was noted that the Department of Commerce efforts on transit redevelopment focuses on encouraging and incentivizing the development of affordable housing along corridors that have existing transit service within the communities to help bolster populations around those areas and help focus on equity and those that need the service.

Commissioner Kirkpatrick noted that the City of Tumwater has only two main transit routes and that most of the corridor will need to be developed. The focus has been on placement of multifamily housing, which is the only type of housing that is affordable at this time. That development will likely be in areas where no transit service is available, which speaks to the need for a conversation between the development community of affordable housing and the agencies providing transportation. It is difficult to attract developers to construct low-income housing for residents who lack cars when no public transportation exists.

Manager Medrud said the City must plan for over 6,000 new housing units that are affordable for households with incomes of 80% or less of the area median income over the next 20 years. The concern is justified, as the City's corridors are narrow because of topography and other reasons.

Ms. Bergkamp stressed the importance of the agency participating earlier in conversations with the City.

The Commission discussed the difficulties associated in both time and frequency of transit service in Tumwater connecting to destinations in Lacey or Olympia. Mr. LaFontaine replied that the agency plans to restructure the fixed route network for a variety of reasons to include more cross-city connections.

Discussion ensued by the Commission and Intercity Transit staff on the possibilities associated with on-demand service in terms of the cost-effectiveness of the service and the lack of other transit agencies successfully offering the service.

**DEVELOPMENT CODE  
ADMINISTRATION:**

Manager Medrud reviewed highlights of the proposed changes to the Development Code in preparation of reviewing the ordinance at the next meeting. Senate Bill 5290 changed the way municipalities review development applications as established in RCW 36.70 B outlining the steps and the timelines associated with each step. When changes in state law occur, the City is required to update its processes and code to meet the new regulations. The City has not updated Title 14 Development Administration Chapter for many years. Consequently, the update includes changes to other provisions in addition to new changes in state

**TUMWATER PLANNING COMMISSION**  
**MINUTES OF HYBRID MEETING**  
**October 8, 2024 Page 7**

law.

Manager Medrud outlined the current development review process comprised of five steps:

1. Preapplication Process
  - A. Feasibility Review (optional)
  - B. Preliminary Preapplication Conference
  - C. Final Preapplication Conference
2. Application Submittal
  - A. Determine Application Type (I-IV) (New step)
  - B. Determine the Procedural Application Materials Required
  - C. Application Submittal
  - D. Determination of Completeness (Types II-III) starts the official clock for City review (some issues may arise during the review of application completeness that stops the clock)
3. Application Review
  - A. Notice of Application (Types II – III). Under state law, the City can issue a notice of application for projects requiring SEPA review or for projects requiring a hearing examiner decision.
  - B. Distribution of Application for Review
  - C. SEPA Review (Types II-III). Most projects do not require SEPA review as the City's codes cover all SEPA requirements that were established in 1971. However, SEPA review incorporates an automatic public notice process.
    - Review and Approval Times for internal and external agency reviews: Type I – 65 Days, Type II – 100 Days, and Type III – 170 Days
  - D. Recommendation for Decision
4. Application Decision
  - A. Administrative Decision (Types I-II)
  - B. Hearing (Type III)
  - C. Decision Notice (Type I)
  - D. Notice of Decision (Types II-III)
5. Application Appeal
  - A. SEPA Recommendation or Appeal
  - B. Land Use Permit Decision Appeal to Hearing Examiner (Type I-II) or Superior Court (Type III)

Manager Medrud said staff proposes to rewrite Title 14. The first section of the draft includes general provisions that apply throughout the code. Chapters 14.04, 14.06, and other chapters define the development review process. Chapter 14.04 includes provisions for Land Use Permits and associated types and requirements. Chapter 14.06 addresses

**TUMWATER PLANNING COMMISSION**  
**MINUTES OF HYBRID MEETING**  
**October 8, 2024 Page 8**

the preapplication process and submittal process. The determination of completeness process is within Chapter 14.08. The review of applications is within Chapter 14.10 and the decision and review process outlined in Chapter 14.12.

Manager Medrud described the importance of the Comprehensive Plan, as it is incorporated within the determination. The Comprehensive Plan serves as a backstop to the City's development regulations serving as an essential part of a permit review process if there are gaps within the development regulations.

City development definitions for the most part are from RCWs. One important change in the recent legislation within the definition section of TMC 36.70 B indicates that a project permit definition is defined as a land use, an environmental permit, or a license required from the local government. However, recent legislation removed building permits. The legislation is important as it represents a sea change in how jurisdictions process development applications. Title 14 no longer needs to address issues with building code review in terms of length of process and coordination. Title 15 on buildings and construction is based on another section of the RCW leading to less confusion. However, recent legislation narrows the scope of Title 14 to actions rendered under Title 16 (Environment Code, SEPA, trees, land clearing, and critical areas, etc. Title 17 covers a new process for land divisions for subdivision of short plats, larger preliminary plats, binding site plans, or changes to a boundary line. Title 18 covers all zoning requirements.

Commissioner Kirkpatrick referred to language that speaks to the City Council determining the amount of permit fees to cover costs incurred by the City for development review and processing. Manager Medrud responded that permit application fees at this time do not cover the City's costs. Any adjustment that would cover City costs 100% would likely eliminate development activity in the City to include affordable housing development the City wants to expand. The City must be reasonable when establishing fees.

Planner Smith-Erickson added that another reason for revising Title 14 is to ensure that permit types are identified during a preapplication meeting to ensure the applicant understands submittal requirements and required documents to submit a complete application to enable a timely review of the application by staff. The City is also implementing a new permitting system.

Manager Medrud added that another new state requirement is a reporting requirement. The City must submit an annual report on all permitting and actual timelines. The City's current computer system does not enable reporting, which may require another system to satisfy the new



**TUMWATER PLANNING COMMISSION**  
**MINUTES OF HYBRID MEETING**  
**October 8, 2024 Page 9**

state reporting requirement.

Chair Robbins inquired as to whether the City's fee schedule is included within Title 14. Manager Medrud replied that the City Council adopts a resolution approving a fee schedule of all fees charged by the City for all City services and programs.

Commissioner Kirkpatrick commented on the lack of opportunities for the public to comment on development proposals. Manager Medrud shared that he recently engaged in conversations with other jurisdictional staff surrounding public outreach and noticing concerns. Additionally, the Commission's work highlights public outreach in terms of reviewing and recommending changes to the Development Code and the Comprehensive Plan as those regulations guide permit review. During updates of regulations, community input is important.

Chair Robbins suggested the possibility of providing additional information at the next meeting to help emphasize the shift in public noticing requirements.

Manager Medrud reported that another new section pertains to substantially different proposals to account for situations after an application is submitted and the scope changes to such a degree that it is not the same project. The project could have more impacts, different impacts, or other project changes. The section establishes a process for administering those types of project applications. The section identifies what constitutes a new application or deviation from the original application.

Other changes include a section on land use expirations. Once a permit is issued a timeline is initiated for specific actions. For example, an applicant receives a preliminary plat approval for the division of land for a period of five years. Conditional Use Permits have an 18-month timeline to complete a project.

Manager Medrud reviewed the four application types:

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

**TUMWATER PLANNING COMMISSION**  
**MINUTES OF HYBRID MEETING**  
**October 8, 2024 Page 10**

review.

- Type III permits require a hearing examiner decision. Examples include 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.

Chair Robbins asked about the type assigned to planned actions. Manager Medrud advised that planned actions require a SEPA process with review and approval by the City Council. Planned actions are covered within Title 14 as a separate project type.

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 effective in 1996 was the consolidation of 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 covering 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 considers. 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 approved either by the City Council or administratively. Currently, a multifamily tax exemption is approved by the Community Development Director except

**TUMWATER PLANNING COMMISSION**  
**MINUTES OF HYBRID MEETING**  
**October 8, 2024 Page 11**

for the contract which is approved by the City Council.

Staff has initiated SEPA review of the proposed ordinance. The Commission will receive the ordinance at the next meeting with an updated staff report. Manager Medrud encouraged Commissioners to submit questions. The intent is to schedule a public hearing for the first meeting in November to adhere to the adoption timeline because new state requirements are effective January 1, 2025.

Chair Robbins requested additional information on the extent of public outreach for the proposed changes. Manager Medrud advised of the difficulty of pursuing public outreach because of the constrained timeline for the changes, which may necessitate some adjustments after adoption of the ordinance.

**NEXT MEETING DATE:** The next meeting is scheduled on October 22, 2024.

**ADJOURNMENT:** **Commissioner Tobias moved, seconded by Commissioner Staff, to adjourn the meeting at 9:01 p.m. A voice vote approved the motion unanimously.**

Prepared by Valerie L. Gow, Recording Secretary/President  
Puget Sound Meeting Services @ psmsoly@earthlink.net