

**TUMWATER PLANNING COMMISSION
MINUTES OF MEETING
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CONVENE: 7:02 p.m.

PRESENT: Chair Elizabeth Robbins and Commissioners Grace Edwards, Terry Kirkpatrick, Meghan Sullivan, Michael Tobias, and Anthony Varela.

Excused: Commissioners Brian Schumacher and Kelly Von Holtz.

Staff: Planning Manager Brad Medrud, Land Use and Housing Planner Erika Smith-Erickson, and Associate Planner Alex Baruch.

Others: Former Mayor Pete Kmet and former Planning Commissioner Jessica Hausman.

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

APPROVAL OF MINUTES:

**TUMWATER
PLANNING
COMMISSION
MINUTES AUGUST 8,
2023:**

MOTION: Commissioner Sullivan moved, seconded by Commissioner Kirkpatrick, to approve the minutes of August 8, 2023, as published. A voice vote approved the motion unanimously.

RECOGNITION OF THE SERVICE OF COMMISSIONER MEGHAN SULLIVAN: Chair Robbins acknowledged with sadness, the departure of Commissioner Sullivan and thanked her for her service. Commissioners and staff individually conveyed their thanks and sentiments to Commissioner Sullivan for her input, leadership, and as a mentor to many members.

Former Mayor Pete Kmet thanked Commissioner Sullivan for agreeing to serve on the Planning Commission. Commissioner Sullivan's work in the community has been outstanding and contributed much to benefit the community. He wished her well in her future endeavors.

Former Planning Commissioner Jessica Hausman expressed appreciation for the opportunity to serve with Commissioner Sullivan. She thanked her for her wisdom, insight, and for questioning issues.

Commissioner Sullivan thanked members for the honor and privilege of serving with each Commissioner over the last seven years and to Chair Robbins for her incredible leadership.

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Chair Robbins recessed the meeting at 7:09 p.m. for a break.

Chair Robbins reconvened the meeting at 7:19 p.m.

**COMMISSIONER'S
REPORTS:**

There were no reports.

**MANAGER'S
REPORT:**

**2023 PLANNING
COMMISSION
MEETING
SCHEDULE:**

Manager Medrud referred to the meeting schedule through the end of the year. The December 12, 2023 meeting is a joint meeting with the City Council. The agenda includes a review of the 2024 Long Range Work Program and the 2025 Comprehensive Plan Periodic Update. The Council is seeking input from Commissioners on issues of importance as part of the Comprehensive Plan update process.

PUBLIC COMMENT:

Ann Campbell said she is interested in the Commission's planning process as she and her family recently relocated to Thurston County at the end of August.

Kristine Rompa reported she works for Puget Sound Energy as a Local Government Affairs Representative and is interested in learning more about the Comprehensive Plan update process with respect to climate.

**FINAL DOCKET FOR
2023 ANNUAL
HOUSEKEEPING
AMENDMENTS:**

Planner Smith-Erickson presented the proposed Final Docket of 2023 Annual Housekeeping Amendments.

During 2022 and 2023, staff reviewed information to determine whether any minor development code housekeeping codes amendments were warranted. The proposed four amendments are intended as minor corrections to the City's development regulations.

On September 5, 2023, the Council approved all items on the preliminary docket of proposed amendments to move forward. The staff report contains a discussion of the proposed amendments and draft language. Planner Smith-Erickson asked Commissioners to review the draft language in preparation for the November 14, 2023 work session. The Planning Commission is scheduled to conduct a public hearing on Ordinance No. 02023-012 on November 28, 2023 followed by a recommendation on the proposed docket to the City Council.

The Final Docket includes the following amendments:

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- **Undergrounding Utilities Requirements** - Clarifies requirement that new and existing electrical power, telephone, cable television, fiber optics and other transmission lines shall be installed underground. Any deviation would be addressed through the process in Tumwater Municipal Code Chapter 17.28 Deviation from Requirements.
- **Town Center Mixed Use Subdistrict First Floor Uses** - The intent of the Town Center Mixed Use subdistrict is to create a pedestrian environment with first floor land uses that generate pedestrian activity. The amendment clarifies uses that are allowed on the first floor of commercial and residential developments along main streets in the Town Center Mixed Use subdistrict.
- **Manufactured Home Parks – Open Space Requirements** - Within the current code, manufactured home parks that are not subject to land division would not be required to provide open space. For new residential developments in which the majority of the dwelling units will be multifamily dwellings or roominghouses, or five or more dwelling units as rowhouses or townhomes, and the land is not being divided, a minimum of fifteen percent of the gross site area shall be set aside for park and open space area.
- **Building Heights Over Sixty-Five Feet for Specific Industrial Uses** - Establish a conditional use permit process for specific industrial uses that exceed 65 feet in the LI Light Industrial and HI Heavy Industrial zone districts. The City's current maximum building height is 65 feet. Planner Smith-Erickson reviewed the criteria the applicant must meet to apply for a conditional use permit for a building height increase.

Manager Medrud noted that the City Attorney is currently reviewing the proposed ordinance.

Commissioner Kirkpatrick commented that there are some areas within the Town Center that do not allow residential uses because of the airport fly zone. He questioned whether a childcare center would be an appropriate use in the Town Center. Manager Medrud responded that some areas in the Town Center allow a mixture of residential uses. Among the various uses that some developers are exploring for the Town Center area, one of the uses is a childcare center.

Commissioner Tobias asked whether the City imposes a maximum building height. Manager Medrud said he believes the maximum building height allowed in the City is 90 feet with a conditional use permit. Staff explored various height allowances of other jurisdictions and found that various heights were allowed; however, in some cities, no maximum height

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restriction was imposed. One criterion within the conditional use permit considers any potential conflicts with airplanes.

Commissioner Tobias asked about the type of structures in either a Light Industrial or a Heavy Industrial zone district that would exceed 65 feet in height. Manager Medrud advised that some structures could include a silo, or something related to a processing operation. The proposal is limited to uses in Light Industrial and Heavy Industrial zone districts.

Commissioner Tobias commented that many of the buildings on the brewery property were purpose-built structures that are difficult to refurbish for another viable use today. He asked about any criteria that might be included that would prevent that type of scenario to avoid construction of industry-specific industrial uses that could be abandoned in the future leaving empty structures that would be difficult to reuse for another purpose. Manager Medrud replied that the purpose of a building for manufacturing or for other uses are not governed by building height criteria. In some cases, those types of structures could be reused.

2025 COMPREHENSIVE PLAN PERIODIC UPDATE – CONSERVATION: Planner Baruch briefed the Commission on the update of the Conservation Element of the Comprehensive Plan. The update includes a review of the Growth Management Act (GMA) Conservation Goals, the current version of the Conservation Element, specific issues for the Conservation Element, incorporating diversity, equity, and inclusion throughout the element, and a review of state guidance materials.

The GMA requires the City to demonstrate that each element in the Comprehensive Plan meets GMA's 15 goals. The two Conservation Goals for conservation include (1) Natural Resource Industries, and (2) Environment.

The City's 2016 Conservation Element addressed natural resource lands such as agricultural, forestry, mineral lands, critical areas (wetlands, aquifer recharge areas, frequently flooded areas, geologically hazardous areas and fish and wildlife habitat conservation areas), and best available science.

The 2025 update of the Conservation Element includes updating all maps using current data, a discussion on how habitat conservation plans are used for the effective management of affected listed species and prairie ecosystems across private and public lands in the City, an update of policies to designate and protect critical areas including wetlands, fish and wildlife habitat protection areas, frequently flooded areas, critical aquifer recharge areas, and geologically hazardous areas using best available science, a review of greenhouse gas emission targets in the Conservation Element to address HB 2311 as part of the Planning Commission's 2022 Comprehensive Plan amendment cycle recommendations (reference

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Climate Element), and adding references to the updated Shoreline Master Program, Thurston Climate Mitigation Plan, and the Urban Forestry Management Plan.

A new requirement is the inclusion of environmental justice as required by new state law (E2SHB 1181).

Planner Baruch reviewed the structure of the current 2016 Conservation Element:

1. Introduction
2. Agricultural Lands
3. Forest Lands
4. Mineral Resource Lands
5. Wetland Areas
6. Critical Aquifer Recharge Areas
7. Frequently Flooded Areas
8. Geologically Hazardous Areas
9. Fish and Wildlife Habitat Conservation Areas
10. Conservation Goals, Policies, and Actions

Next steps include evaluating all sections after completing gap analysis and reviewing the checklist provided by the Department of Commerce. Staff plans to provide an update on the status of the Conservation Element to the General Government Committee. Efforts on the gap analysis are anticipated to continue through November.

Planner Baruch invited questions and comments.

Commissioner Tobias asked about the locations of wetlands within the City. Planner Baruch replied that some wetlands include the area of Trosper Road and Kirsop, the Black Lake drainage ditch, and high groundwater areas in many locations throughout the City. Other wetlands are typically located near streams and the Deschutes River.

Manager Medrud added that one large wetland complex at the north end of Trosper Road is attached to the Black Lake drainage system, an extensive system of wetlands that are interconnected and include habitat for the federally protected Oregon spotted frog.

2025
COMPREHENSIVE
PLAN PERIODIC
UPDATE – CLIMATE:

Manager Medrud reported the Climate Element is a new element created by the State Legislature during the recent legislative session. The Climate Element must be completed by 2025 as part of the 2025 Comprehensive Plan Periodic Update process.

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The briefing will cover the requirements, state guidance, funding provided to the City to assist in completing the new element, and City efforts to date that have prepared the City to draft a new element.

In May 2023, the Governor signed House Bill 1181 adding a new climate change and resiliency goal to the GMA. The Climate Element will focus on supporting reduction in greenhouse gas emissions and resiliency in the face of climate change. The new element will interact and support other elements through specific ties to the Transportation Plan addressing vehicle miles traveled, as well as ties to the Land Use Element because land uses and locations can reduce vehicle trips. The Conversation Element is also closely tied to the Climate Element.

The Climate Element is comprised of three main elements:

- ***A climate mitigation sub-element to address actions to reduce overall greenhouse gas emissions and vehicle miles traveled.*** Climate mitigation addresses greenhouse gas emission reductions that involve actions taken to reduce or eliminate the emissions of greenhouse gases to reduce the rate and extent of climate change damage. Greenhouse gases include carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, sulfur hexafluoride, and any other gas or gases designated by the state. Increasing emissions of carbon dioxide and other greenhouse gases are changing the City's climate in ways that will impact both human and natural systems. To ensure that the City significantly reduces local contributions to climate change, the City adopted the following greenhouse gas emissions reduction targets in 2021 as part of the Thurston Climate Mitigation Plan:
 - 45% reduction below 2015 levels by 2030; and
 - 85% below 2015 levels by 2050

The 2021 Greenhouse Gas Emissions Inventory for Thurston County includes a breakdown of emissions by sector. The City adopted the Thurston Climate Mitigation Plan in 2021. Actions in the plan will be updated and incorporated into the climate mitigation sub-element of the Climate Element. Four pathways were identified by the state to meet the new state requirement for a climate mitigation sub-element:

- Pathway 1 – Select greenhouse gas emissions reduction measures: Develop greenhouse gas emissions reduction goals and policies based directly on measures in Section 5.
- Pathway 2 – Greenhouse gas emissions Estimates: Develop greenhouse gas emissions reduction goals and policies using

Department of Ecology framework and sample measures in Section 5.

- Pathway 3 – Vehicle Miles Traveled (VMT) Study/Evaluation: Develop specific VMT/greenhouse gas emissions reduction goals and policies. Only transportation emission sources are evaluated.
- Pathway 4 – Emission Inventories: Develop greenhouse gas emissions reduction goals and policies based on emission inventory modeling results.

- ***A climate resilience sub-element, which could be the adoption by reference of the updated Thurston Hazard Mitigation Plan.***

RCW 70A.65.010 defines climate resilience as: "...the ongoing process of anticipating, preparing for, and adapting to changes in climate and minimizing negative impacts to our natural systems, infrastructure, and communities. [...] For communities, increasing climate resilience means enhancing their ability to understand, prevent, adapt, and recover from climate impacts to people and infrastructure."

The State Department of Commerce has identified a five-step process to meet the new state requirement for a climate resilience sub-element:

- Step 1: Explore Climate Impacts
- Step 2: Audit Plans & Policies
- Step 3: Assess Vulnerability & Risk
- Step 4: Pursue Pathways (one or a combination of pathways)
- Step 5: Integrate Goals & Policies

The Thurston Hazard Mitigation Plan with the City of Tumwater annex is being updated. The work on the Hazard Mitigation Plan to date has addressed Steps 1 through 3. As the Hazard Mitigation Plan would be in substantial conformance with the state guidance, Step 4 action could include adopting the Plan by reference to satisfy the state climate resilience sub-element requirements.

- ***Consideration of environmental justice to avoid worsening environmental health disparities.***

The new state legislation requires that the Climate Element must prioritize greenhouse gas reductions in overburdened communities and prioritize climate resilience in communities that will disproportionately suffer from compounding environmental impacts. Additionally, HB 1181 requires that the 2025 Comprehensive Plan Periodic Update process ensure that the Land Use Element avoids worsening environmental health disparities and

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that the Transportation Plan ensures multimodal levels achieve environmental justice goals.

HB 1181 requires other transportation and land use changes such as requiring the state to maintain a summary of the per capita vehicle miles traveled for jurisdictions to support the required updates to the Transportation Plan and the new Climate Element, adds multimodal concurrency, and it must accommodate all users “safely, reliably, and efficiently.

Manager Medrud reported the City is submitting an application for a \$500,000 grant from the state to complete most of the work. The grant is not competitive.

Next steps on the new Climate Element include a January 23, 2024 and a June 25, 2024 Planning Commission work session. Other work sessions may be added if required. The Planning Commission is scheduled to convene a work session November 14, 2023 to review the current Economic Development Plan and update of the plan. On November 28, 2023, the Commission’s work session will focus on Lands for Public Purposes and Utilities Elements. A joint work session with the City Council on December 12, 2023 includes a discussion on the 2024 Long Range Planning Work Program.

Chair Robbins asked staff to speak to how the Climate Element will align with other common regional strategies to ensure the City is not isolated. Manager Medrud advised that Coordinator Jones Wood serves as the lead for both climate and urban forestry and is actively involved in the update of the Comprehensive Plan. Update efforts will draw on Coordinator Jones Wood’s expertise and work, as well as her regional coordination with all Thurston County jurisdictions.

Commissioner Kirkpatrick said he reviewed the planning guidance provided by the state within the agenda packet. He asked about the possibility of staff deciphering some of the complicated information to ensure an accurate understanding. Manager Medrud replied that staff plans to interpret the guidance. The current guidance received from the state is a draft. The final version will be finalized before the end of the year, which should provide more clarity.

Commissioner Tobias asked whether greenhouse gases and emissions are considered synonymous, such as whether all emissions are considered greenhouse gases or whether there are particular qualifications (hydrocarbons). Manager Medrud responded that state law has defined greenhouse gases and the particular gases that fall under the category. For the purpose of the update, the City will refer to the state’s definitions.

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Essentially, the description is well defined but could be more complicated in terms of how gases interact with other gases and impact outcomes.

**2025
COMPREHENSIVE
PLAN PERIODIC
UPDATE –
DEVELOPMENT
CODE:**

Manager Medrud reported the review will cover state requirements for development code updates and some proposed local amendments. The City's Development Code specifies different development standards, such as height, setback of building, and landscaping requirements, etc. The required state amendments are categorized into the following areas:

- Affordable Housing
- Clean Energy
- Climate Change
- Critical Areas
- Impact Fees
- Organic Materials Management

Affordable Housing amendments are specific to:

- Accessory Dwelling Units: Expand housing options by easing barriers to the construction and use of accessory dwelling units.
- Condominiums and Small Residential Units: Increase the supply and affordability of small residential units such as condominium units and townhouses.
- Design Review Standards: Apply only clear and objective design review standards to the exterior of new development.
- Manufactured Housing: Update manufactured housing codes to meet state requirements.
- Middle Housing: Increase middle housing in areas traditionally dedicated to single-family detached housing. Increase middle housing in areas traditionally dedicated to single-family detached housing.
- Parking for Affordable and Multifamily Housing Near Transit: Update parking code to reflect recent state legislation.
- Permit Review Process: Merge local permit review processes.
- Religious Sponsored Housing Density Bonus and Temporary Housing: Provide an increased density bonus for affordable housing development (either single-family or multifamily) on property owned or controlled by a religious organization, provided certain conditions are met. Review existing regulations on outdoor encampments, safe parking efforts, indoor overnight shelters, and temporary small houses if on property owned or controlled by a religious organization.
- Residential Density Review: Review the minimum and maximum residential densities in all zone districts that allow residential uses

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to ensure there is adequate capacity for affordable housing for all income groups.

- SEPA Categorical Exemptions: Authorize City adoption of SEPA categorical exemptions for project actions that develop housing within an urban growth area.
- Use of Existing Buildings for Residential Purposes: Use of existing commercial, industrial, or institutional buildings for residential purposes.

Clean Energy amendments are specific to:

- Reducing Light Pollution Associated with Certain Energy Infrastructure: Reduce light pollution associated with wind energy infrastructure.
- Clean Energy Siting: New state clean energy siting standards.

Climate Change amendments: Improve City response to climate change by updates to the development code in support of new Climate Element.

Critical Areas Amendments include:

- Critical Areas Regulations Update: Update critical areas regulations for wetlands, critical aquifer recharge areas, frequently flooded areas, geologically hazardous areas, and fish wildlife conservation areas.
- Floodplain Ordinance Update: Minor update of the City's Floodplain Ordinance to reflect current FEMA and State Department of Ecology standards.

Impact Fee Amendments include:

- Limits impact fees that may be collected for early learning facilities.
- Authorize impact fee revenue to fund improvements to bicycle and pedestrian facilities.

Organic Materials Management amendments include:

- Update essential public facilities code to address compost handling to help meet climate commitment goals by reducing the emissions of methane, a potent greenhouse gas, through the diversion of organic materials from landfills.

City sponsored amendments include:

- Density Bonus Requirements: Update the City's density bonus requirements for permanently affordable housing and the transfer of development rights.
- General amendments to support Comprehensive Plan Periodic Update: Update development code as needed to support the Comprehensive Plan update process.

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- Inpatient Substance Abuse Facilities in Essential Public Facilities: Update essential public facilities code to address expansion of drug and alcohol treatment facilities.

Manager Medrud reviewed next steps:

- November 14, 2023 – Planning Commission work session on Economic Development Plan
- November 28, 2023 – Planning Commission work session on Lands for Public Purposes and Utilities Elements

Manager Medrud invited questions.

Commissioner Varela cited the permit timeline and questioned whether it is possible to assess the availability of staff for intake of permit applications. Manager Medrud advised that the City is not able to refuse acceptance of a permit application. However, during high peak times, staff has explored options of either hiring additional staff or identifying other resources through consultants and others to help support or expand capabilities. The issue of adding staff capacity permanently can often create problems when development activity reduces drastically.

Commissioner Tobias asked about the possibility of commercial uses converted to temporary housing, such as a hotel, eventually transitioning to permanent housing through rezoning in an area zoned for commercial uses. Manager Medrud advised within the City of Tumwater, the General Commercial zone district includes some provisions for residential use, which likely could be expanded. The physical conversion of a hotel space to permanent residential space can be complicated. The Days Inn example was likely converted to serve as transitional housing for homeless individuals as each unit lacks a kitchen. The hotel has a shared common kitchen. If the intent were conversion of the units into permanent units, changes to the City's Building Code would be necessary to accommodate those types of changes.

NEXT MEETING DATE:

The next meeting is scheduled on November 14, 2023.

ADJOURNMENT:

Commissioner Edwards moved, seconded by Commissioner Sullivan, to adjourn the meeting at 8:42 p.m. A voice vote approved the motion unanimously.