

TUMWATER PLANNING COMMISSION

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CONVENE: 7:01 p.m.

PRESENT: Chair Elizabeth Robbins and Commissioners Doty Catlin, Grace Edwards, Terry Kirkpatrick, Nam Duc Nguyen, Nathan Peters, Meghan Sullivan, and Michael Tobias.

Staff: Planning Manager Brad Medrud and Senior Planner David Ginther.

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

APPROVAL OF MINUTES - DECEMBER 14, 2021, JANUARY 11, 2022, AND JANUARY 25, 2022 The following correction was requested to the minutes of January 11, 2022:

- On page 1, under *Commissioners' Reports*, revise the second sentence to reflect, "Mayor Sullivan met with members from the Squaxin Island Tribe. The totem pole will be gifted to the family of the carver, a former City employee."

Commissioners Catlin and Nguyen joined the meeting.

MOTION: Commissioner Peters moved, seconded by Commissioner Edwards, to approve the minutes of December 14, 2021 and January 25, 2022 as published and the minutes of January 11, 2022, as amended. Motion carried unanimously.

COMMISSIONER REPORTS: There were no reports.

MANAGER'S REPORT: Manager Medrud reported the City Council is considering an interlocal agreement for Phase 4 of the Thurston Climate Mitigation Plan. The agreement is scheduled for consideration by the City Council on February 15, 2022. The interlocal agreement is the governing document for the next three years and includes the work program through April 2023.

The City is processing a series of unincorporated island annexations. The process was initiated last year with Thurston County under a new state law enabling the City and Thurston County to work together and conduct a joint public hearing to approve an interlocal agreement as part of the process for annexing county islands. The joint public hearing was held in January and the Commissioners and the City Council approved the interlocal agreement in January. The next step is the Boundary Review Board process to consider each of the 12 annexations to determine whether an additional public hearing would be required. Following the completion of that process, the Council will consider

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adoption of an ordinance to approve the annexation of 11 islands followed by consideration of another ordinance for the larger Trosper Lake annexation.

Chair Robbins asked whether the properties would retain existing zoning after annexation to the City. Manager Medrud explained that under state law existing zoning stays intact for a number of years. Additionally, the Thurston County–Tumwater Joint Plan acknowledges current zoning of the properties.

Commissioner Sullivan inquired about the status of the City providing computers/tablets for Commissioners. Manager Medrud advised that the City purchased tablets for the Commission in early 2020; however, with the advent of the pandemic, the Council began meeting remotely and required additional tablets to participate in virtual meetings while having the ability to access agendas/reports during the meeting. Staff is working with the City Administrator to identify a funding source to purchase tablets this year. If not possible during 2022, the tablets will be included in the 2023 budget.

PUBLIC COMMENT: There were no public comments.

ORDINANCE NO. O2022-004, BINDING SITE PLANS:

Planner Ginther reported state law authorizes binding site plans as an alternative method for land division. The provision is typically utilized by mobile home parks, condominiums, and industrial and commercial uses. The process is not used for residential subdivisions.

A binding site plan is essentially a comprehensive site plan containing details of the development and is binding to the property, such as circumstances where there are shared amenities, such as stormwater, parking, or access, etc. The City’s existing code governing the use of binding site plans is minimal and was added to the code following the adoption of the Growth Management Act and the first zoning code. The provision is unclear as to how binding site plans correlate to other sections in Title 17 governing land use divisions and approvals, as well as vesting provisions in the code.

Planner Ginther reviewed proposed changes addressing binding site plans:

1. TMC Chapter 15.44 Vesting of Development Rights - Added “binding site plan” to sections that specify the type of land division that is vested to clarify how and when binding site plan applications are vested.
2. 17.08.010 Binding site plan - Clarified that binding site plans can be utilized for manufactured home parks. The code already states condominiums and commercial/industrial developments

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are allowed to utilize binding site plans. State law allows manufactured home parks to use this method of land division as well. Added references to the land division processes addressed in the other portions of TMC Title 17 Land Division.

3. In Section 17.14.040 Review Criteria, added several review criteria specific to binding site plans that deal with the following:
 - Building envelopes and land uses
 - Parking lot plans
 - Access, roads and utilities
 - Previously approved uses
 - Open space tracts, critical areas and buffers, and utility easements
 - Uses allowed in the underlying zone district
 - Adjacent properties and future development
4. 17.14.050 Administrative Consideration - Required findings for approval were added that are specific to binding site plans and include the following:
 - Consistency with the Comprehensive Plan, Tumwater Development Guide, Tumwater Municipal Code, and state laws
 - A statement that uses approved for the property and the conditions under which they are allowed are binding to the property
 - A statement that a binding site plan may not create new nonconforming uses or structures or increase the nonconformity of existing nonconforming uses or structures
 - A reference to the criteria in TMC 17.14.040 was added
5. 17.14.080 Duration of approval - "Binding site plan" was added to the section to clarify that it applies to binding site plans. Like other land divisions, such as plats, short plats, etc., the initial period of approval is for five years with up to three additional one-year extensions allowed.
6. 17.14.090 Phasing of development - Phasing of a residential binding site plan is allowed if it contains 10 or more residential dwellings. This is consistent with the SEPA exemption threshold that Tumwater adopted for short plats. Commercial or industrial binding site plans over 20 acres in size are allowed to phase development.

Planner Ginther invited questions and comments to address at the next meeting. He asked the Commission to schedule a worksession on February 22, 2022 followed by a public hearing on March 8, 2022. In April, the proposed changes will be reviewed by the General Government Committee and the City Council during a worksession with

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the Council's consideration following in May.

Chair Robbins asked how a binding site plan fits within the overall planning process for a development proposal. Planner Ginther explained that since a binding site plan is a land division, the applicant submits all documents and applications to the City's permit staff for review and possible scheduling of a hearing examiner public hearing if required.

Chair Robbins referred to a mechanism that enables multiple properties within a specific location to undertake one planning and SEPA process. As long as the conditions are adhered to as specified, development can occur without the necessity of securing permits. She asked whether a binding site plan is connected to that form of development. Manager Medrud replied that it can be somewhat related as there are several options, such as a development agreement similar to the one the City and the Port of Olympia are attempting to develop for the development of Port properties in exchange for specific actions, such as vesting. Another form is a planned action which includes both the environmental review and some level of determination for building sizes and parking requirements. A binding site plan and the subdivision process occur later in the development process while having similar functions, such as a SEPA review or transportation or stormwater issues as part of the whole plat or binding site plan. When the developer secures building permits, the developer accounts for percentages of required parking or stormwater facilities, etc.

Chair Robbins asked for additional clarification regarding information in the staff report that speaks to an Environmental Checklist for a non-project action prepared under the State Environmental Policy Act in February 2022, and a Determination of Non-Significance to be issued in February 2022. Planner Ginther described the process for an ordinance. During reviews by the Commission, staff initiates the SEPA process on a proposed ordinance. The ordinance is reviewed by the state and the City Attorney. Typically, the state does not forward comments. The City Attorney also reviews the ordinance for any recommended changes and together with any comments from the state and the City Attorney, the Commission receives the comments for review. The ordinance also is reviewed by the General Government Committee and the City Council during a worksession. Following adoption of the ordinance, the ordinance is forwarded to the state for record-keeping purposes. Manager Medrud added that the environmental review process is completed prior to the public hearing at the Planning Commission to ensure any public comments generated are part of the record.

Commissioner Tobias asked about those circumstances where a binding site plan is approved and the developer experiences funding issues or a

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change of ownership occurs and the development does not move forward. He asked whether the initial site plan is binding for any future development on the site. Planner Ginther explained that once a developer submits a complete application, the developer receives preliminary approval to begin construction. However, if the developer does not fulfill the requirements specified in the site plan within five years, the developer is eligible to apply for a one-year extension up to a total of eight years to complete the improvements. If the developer fails to complete the required improvements within the eight-year period, the site plan become invalid and is no longer binding to the property.

Chair Robbins acknowledged the next step of referring the ordinance to the Commission's February 22, 2022 meeting for a worksession.

PLANNING COMMISSION TRAINING PROGRAM DISCUSSION:

Manager Medrud reported the conversation is a continuation of a discussion by the Commission in 2019 during finalization of amendments to the Commission's Rules and Procedures. In early 2020, the Commission discussed a potential training program for both new and ongoing educational programming. During the pandemic, the discussions were deferred with some discussions beginning in early 2021 with some suggestions offered by Commissioner Peters. Following that period, the City experienced staffing resource issues and the discussions on training were deferred again.

Today, the proposal is to review staff suggestions and receive input from the Commission on the materials for a follow-up session to review and discuss a draft training outline during the Commission's meeting on February 22, 2022. Additionally, the 2022 Work Program includes development of an equity toolbox. Based on additional work required by staff on the equity toolbox, the Commission's presentation on the toolbox has been delayed.

Commissioner Sullivan thanked staff for the update on the process for the equity toolbox. She agreed the toolbox is relevant to the City Council and other advisory boards and commissions. She is hopeful that within the toolbox, a component is included unique to the Commission because of the overlay of zoning and historical redlining and other policies that were forms of structural or systemic racism that continue today to disenfranchise people of color.

Manager Medrud agreed the issues are part of planning efforts that will pertain to a range of planning tools from zoning, housing, and in the allocation of public funds that are relevant to the Commission's future discussions.

Manager Medrud reviewed a list of attachments provided in the agenda packet:

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- *Amended Planning Commission rules of Procedure*
- *Land Use Planning and the Art of Planning Commission Maintenance* – Joe Tovar, a long-time planner in the state has served in many roles locally and at the state level. His audience for his article is staff supporting a planning commission, which serves as a reminder of what makes a good commission work.
- *Jurassic Parliament – Essential Guidelines for Planning Commissions*. The Jurassic Parliament in Seattle developed the guidelines. The guidelines are a short summary of important things to consider as a commission.
- *Planning Short Course – Legal and Practical Objectives of Planning from A Short Course on Local Planning Resource Guide*. The Department of Commerce sponsors Planning Short Course, which is a summary of the legal basis for planning in the state. The sessions are offered online.
- *Planning Short Course – New Planning Commissioner FAQs from A Short Course on Local Planning* – The course is an introduction to planning and includes a list of things a new commissioner should know.
- *MRSC – Parliamentary Procedure – A Brief Guide to Robert's Rules* – Offers an overview of important aspect of Robert's Rules of Order that govern meetings.
- *New Councilmember Orientation Presentation 2019 Version* – The lengthy presentation provides an orientation for new councilmembers. The range of topics is also pertinent to planning commissioners.

Commissioner Peters offered a suggestion of including a list of common planning terms. He thanked Manager Medrud for providing the resources.

Chair Robbins added that many self-study opportunities exist, such as the Department of Commerce website and the MRSC website, which offers a session by a group of practitioners and lawyers answering questions.

Manager Medrud explained that Municipal Research and Service Center (MRSC) is funded by the state and is staffed with knowledgeable employees familiar with all aspects of municipal government.

Chair Robbins noted that she has also suggested inviting the Department of Commerce to provide the Commission or other local commissions with training on the Short Course. Manager Medrud noted that prior to COVID-19, the Department of Commerce hosted a course in the City of Winlock in Lewis County. He was invited as a panelist to discuss long

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range planning. The class attracted 60 participants from across the Lewis County region.

Manager Medrud reviewed some general training topics of benefit to Commissioners:

1. Legal basis for planning and the role of the Planning Commission. Most states have adopted a planning and enabling act outlining the boundary of a planning commission's role:
 - Washington State Law
 - Tumwater Municipal Code
 - Planning Commission Rules of Procedure
 - Open Government Training
 - Other legal training
2. Meeting management – Fundamentals of Commission's ongoing planning work and engaging meaningful public participation
3. Specific long range planning topics such as the Comprehensive Plan, Housing Issues, and Equity Toolbox
4. Opportunities of internal training and coordination could include:
 - a. Annual meetings with the City Council to coordinate long range work programs and address specific long range topics
 - b. Meetings with other City boards or commissions to coordinate specific long range topics
 - c. Field trips to support review of specific long range topics
 - d. Retreats to discuss special Planning Commission topics
 - e. Annual individual Planning Commission discussions with staff

Commissioner Tobias recommended providing an historical timeline of annual recurring Commission actions to benefit new and existing Commissioners.

Commissioner Peters said he is approached with questions from community members quite frequently about the City. He often cannot provide an answer. He suggested the Commission could forward topics to staff to follow-up with a report to the Commission. Some of the questions were on the status of the old brewery and the permitting process. Manager Medrud encouraged Commissioners to contact him or Planner Ginther with any questions. Additionally, the City has numerous resources for receiving information.

Commissioner Sullivan referred to the City's Community Survey. She recommended that in those instances, the Commission could serve as ambassadors for the City to support surveying or other department

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goals. Similar to the recommendation by Commissioner Tobias, a high-level summary of different forms of planning frequencies, such as the comprehensive review of the Comprehensive Plan and the Capital Facilities Plan could be color-coded either based on a Council priority or planning schedule.

Commissioner Kirkpatrick commented that over the years he has learned a tremendous amount about the City by attending the Tumwater University sessions. The sessions provide an overview of the City's operations and current issues. The Commission could be better informed by learning about the maintenance and operations of the City and the operations of the permitting department. Manager Medrud agreed Tumwater University has been very valuable to attend. As an employee he has found the sessions to be informative. He offered to follow up on the status of the next session of Tumwater University.

Chair Robbins suggested affording access to Commissioners to attend the Short Course prior to the City's update of the Comprehensive Plan. She recommended that during updates on regional efforts involving the City, it would be important to include references to different regional resources, such as the Thurston Regional Planning Council and other regional entities that are an important part of the process.

5. Opportunities for external training could include:
 - a. Washington State Department of Commerce Short Course for Planners
 - b. American Planning Association (APA) – Washington Chapter and South Sound and Planning Association of Washington (PAW) annual conferences and trainings
 - c. Municipal Research and Service Center (MRSC) trainings
 - d. Other trainings on special topic – one example is the Tumwater *on Tap* newsletter providing access to Citywide information.

Manager Medrud added that related to the development of a training program for the Commission is the importance of developing ways to recognize the work completed by volunteers comprising the Planning Commission. He suggested including recognition of the Commission as a topic within the training discussion.

Manager Medrud reported he would provide a package of materials for new commissioners for the Commission's review. He encouraged members to review the materials provided in the agenda packet.

Manager Medrud reviewed other sources of information of benefit to the Commission:

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- City of Tumwater website – <http://www.ci.tumwater.wa.us/> contains links to:
 - Tumwater Municipal Code (TMC). The Planning Commission typically focuses on regulations in TMC Titles 16 – Environment, 17 – Land Division, and 18 – Zoning.
 - Tumwater Development Guide is the City's development engineering standards for constructing road and utilities.
 - Citywide Design Guidelines.
 - Planning Commission meeting minutes and agendas.
 - Long-range planning documents:
 - Comprehensive Plan, Shoreline Master Program, Subarea Plans and other Citywide plans
- MRSC Website contains a range of information on what a city in the state of Washington has to address, including planning specific topics such as growth management, zoning, comprehensive planning, housing, development, environmental protection, and the legal basis for planning. It is a good source for finding out what other jurisdictions in the state are doing to address planning issues and it includes links to other websites, Comprehensive Plans, and Municipal Codes.
- MRSC Planning Commission Page provides information related to planning commission resources.
- MRSC Legal Resources (RCW, WAC, and Court Decisions) provides links to state regulations and court decisions.
- Thurston County GeoData Center – provides general map data and links to assessor property data, etc.
- Department of Commerce Growth Management Related Documents and Resources has links to a number of useful guides including A Short Course on Local Planning Resource Guide.

Manager Medrud invited feedback on information that could be included on the department's pages.

Manager Medrud reviewed the roles of City government:

- City Council – Policy makers for the City
- Planning Commission – Research and fact-finding advisors to the City Council on policies and regulations
- Planning Commission Chair – Facilitator
- Planning Commission Vice Chair – Fills in for Chair
- Long Range Planning Manager/Staff – Policy administrators of the plans and codes adopted by the City Council
- Individual Commissioners – Listen to neighbors and the public, discuss issues, make recommendations to the City Council

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Manager Medrud reported the City has added an Economic Development Coordinator position this year responsible for enacting actions within the City's Economic Development Plan updated in 2019 encompassing redevelopment of the brewery, supporting existing businesses, and expanding businesses in the Warehouse District, etc. The position will be responsible for implementing the Habitat Conservation Plan.

Manager Medrud reviewed the top 10 ways for Commissioners to avoid trouble:

1. Not getting involved in the permit review process
2. Not communicating with rezone/plan amendment applicants outside of the public process
3. Not missing too many meetings
4. Not being prepared for meetings
5. Not accepting gifts
6. Not disclosing a conflict of interest
7. Considering only the loudest voice(s)
8. Making issues political
9. Jeopardizing relationship with fellow Commissioners
10. Jeopardizing relationship with staff

Manager Medrud invited suggestions for additional informational needs or any questions related to training resources or topics.

Commissioner Peters suggested contacting local cities for information on continuing education programs they may be offering.

NEXT MEETING:

The next meeting is on February 22, 2022. The agenda includes a worksession on the binding site plans and a discussion on training. Following adoption of changes to binding site plans, the Commission is scheduled to begin the review of the chapter on Planned Unit Development (PUD), which is an overlay of a development project. A PUD is essentially an exchange for flexibility in regulations; the developer provides additional benefits for the City.

ADJOURNMENT:

Commissioner Sullivan moved, seconded by Commissioner Tobias, to adjourn the meeting at 8:20 p.m. Motion carried unanimously.