

TUMWATER PLANNING COMMISSION

MINUTES OF HYBRID MEETING

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CONVENE: 7:04 p.m.

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

Excused: Commissioners Nathan Peters and Brian Schumacher.

Staff: Planning Manager Brad Medrud.

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

APPROVAL OF MINUTES: TUMWATER PLANNING COMMISSION MEETING MINUTES JULY 12, 2022 AND JULY 26, 2022:

MOTION: Commissioner Kirkpatrick moved, seconded by Commissioner Tobias, to approve the July 12 and 26, 2022 minutes as published. A voice vote approved the motion unanimously.

COMMISSIONER REPORTS: Commissioner Edwards advised of her unavailability to attend the August 23, 2022 meeting as she is traveling outside the country.

Commissioner Sullivan reported on the recent removal of the totem pole at the Tumwater Old Town Center.

MANAGER'S REPORT: Manager Medrud reported on actions to update the native vegetation and tree protection ordinance with a kick-off meeting conducted with the City's consultant last week. The consultant is preparing a public engagement plan with the first joint meeting of the Commission and the Tree Board scheduled in October. The consultant is also leading the update process for the street tree plan. Staff has scheduled interviews with three consultants for the update of the landscaping ordinance.

In early September, Manager Medrud said he plans to contact each member to schedule individual interviews with him and Chair Robbins.

PUBLIC COMMENT: There were no public comments.

PUBLIC HEARING:

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ORDINANCE NO.
O2022-013, 2022
DEVELOPMENT
CODE
HOUSEKEEPING
AMENDMENTS:

Manager Medrud reported during 2020 and 2021, staff gathered information on proposed minor Tumwater Municipal Code (TMC) housekeeping amendments to be considered collectively in 2022. The proposed amendments are intended as minor corrections to the City's development regulations. TMC 18.60.025(A) establishes a process for development code housekeeping amendments that is similar to the one the City follows for annual Comprehensive Plan amendments. On June 21, 2022, the City Council approved all items on the preliminary docket of proposed amendments to move forward a part of the final docket.

Other housekeeping amendments that do not fall under the TMC 18.60.025(A) process will be considered following the public hearing on Ordinance No. O2022-015.

The staff report includes a summary of each amendment, code sections affected, and proposed amendment language.

Manager Medrud reviewed the proposed change(s) for each amendment:

- A. Accessory Dwelling Unit Entrances:** Amendment to TMC 18.42.010(D)(3) would change a requirement to an option.
- B. Adult Family Homes/Residential Care Facilities:** Amendments would address consistency of adult family home and residential care facilities as permitted and conditional uses.
- C. Bicycle Storage:** Clarifies bicycle storage requirements.
- D. Capitol Boulevard Community – Multifamily Parking Requirements:** Adjusts the 1.0 parking space per dwelling unit limit for multifamily dwellings to relieve off-street parking impacts on adjacent neighborhoods.
- E. Car Washes:** Adds “carwash” as an amendment to Title 17 Zoning definitions, instead of a specifically listed use.
- F. Duplexes:** Amends the permitted uses in the Residential/Sensitive Resource, Single-Family Low Residential Density, and Single-Family Medium Residential Density zone districts.
- G. Impound Yards:** Adds “impound yards” use, which is not currently permitted in any zone districts in the City.
- H. Mixed Use Overlay:** Clarifies that MUO requires commercial uses along primary roadways rather than 20% of every building.
- I. Nonconforming Signs:** Addresses a conflict in the nonconforming signs requirements in TMC 18.44 *Signs*.
- J. Optometry Clinics:** Addresses “optometry clinics,” which do not fit in the existing “medical clinic” or “professional services” uses. Creates a new “optometry clinics” use with a new definition in TMC 18.04.150. Adds as a permitted use to the NC, CS, MU, CBC, GC, TC, LI, HC, BD, and ARI zone districts.
- K. Personal and Professional Services:** For consistency and

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understanding, splits “personal and professional services” into “personal services” and “professional services” and removes “personal and professional and services and sales” from the TMC 18.07.020 Table Commercial zone districts permitted and conditional uses – Summary Tables of Uses.

- L. Public Building Signs:** Adds exemptions for the size and number of signs for public buildings and churches located in residential zone districts.
- M. Residential Mechanical Equipment in Setbacks:** Allows “residential mechanical equipment” in the RSR, SFL, and SFM zone districts rear setbacks.
- N. Residential Storage Sheds – Gravel Access:** Adds an exemption for storage sheds smaller than five hundred square feet in the Green Belt (GB), Open Space (OS), Residential/Sensitive Resource (RSR), Single-Family Low Density Residential (SFL), or Single-Family Medium Density Residential (SFM) zone districts from driveway surface requirements.
- O. Subdivision Dedication Code Language Update:** Updates the subdivision dedication code language in TMC 17.24.030(D)(2) to change “men” to “persons.”

Chair Robbins said she is struggling with the proposed amendment for changes to the multifamily parking requirements in the Capitol Boulevard Community zone district. It is important for appropriate areas in the City to promote more dense development and one way of encouraging density is by addressing parking requirements, but she continues to have some reservations with the proposal in terms of whether parking is the appropriate avenue for incentivizing the kind of development the City desires.

Chair Robbins explained the public hearing format and opened the public hearing at 8:17 p.m.

Chair Robbins asked whether staff followed up on current information of impound yards located in adjacent cities. Manager Medrud said the Thurston County Assessor’s Office does not identify those types of specific uses. Staff has been contacted by two individuals inquiring about locating an impound yard in the City.

Commissioner Varela referred to the proposed amendment on *Personal and Professional Services* and asked about the possibility of those businesses that display products, such as glasses displayed on a wall counting that area as part of the square footage or whether floor area is the factor for computing square footage. Manager Medrud explained that the measurement is total gross square footage of the area; however, clarifying language could be included that explains gross square footage of an area.

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Commissioner Tobias referred to the amendment on *Residential Storage Sheds – Gravel Access* and cited the possibility of many modern sheds often resembling tiny homes. He asked whether the City's code distinguishes a second accessory dwelling unit if a person resides in the smaller unit with water and electricity available. Manager Medrud advised that the code includes specific requirements for structures used for human habitation. A legally occupied residential structure must conform to numerous regulations versus a shed or an accessory dwelling unit in terms of the building code.

Manager Medrud reported that following the public hearing, staff recommends the Commission forward a recommendation to the City Council for consideration by the General Government Committee and the City Council.

Manager Medrud referred to an email forwarded earlier by Commissioner Kirkpatrick expressing a preference for allowing optometry, ophthalmology, and optician uses in all similar zone districts. Based on a review of the code, staff recommends the Commission review and consider adding the three uses based on the following information. Currently, the code allows medical clinics and personal services in Neighborhood Commercial, Mixed Use, Capitol Boulevard Community, General Commercial, Brewery District subdistricts, and some Town Center subdistricts. Staff proposes adding optometry clinics to those areas. The code also currently allows personal services in the Valley Subdistrict of the Brewery District, Community Services Subdistrict, Historic Commercial District, and the Civic Subdistrict of the Town Center zone district. Staff proposes allowing optometry clinics; however, those districts do not currently allow medical clinics. Medical clinics and hospitals are allowed as a conditional use in Multifamily Medium and Multifamily High zone districts but not personal services or optometry clinics. Staff does not propose any changes to those zone districts. Staff recommends further discussion for allowing medical clinics in Light Industrial zone districts and the Airport Related Industry zone district.

Commissioner Kirkpatrick recommended allowing all three uses in the same zones as they provide similar types of services. One example is an ophthalmologist who also sells glasses. He has been seen by an optometrist that also sold glasses. He supported the suggestion by staff.

Commissioner Varela said he understands that uses are restricted in the Airport Related Industry zone district because of airport runway restrictions. Based on discussions for expanding airports in the state to include consideration for expanding the Olympia Airport, he inquired about the possibility or the logic of expanding different types of

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businesses in the zone similar to businesses located at SeaTac Airport.

Manager Medrud identified the airport overlay or safety zone within the landing and take-off zones of the runways. The overlay has explicit requirements for limiting certain types of uses. The larger Airport Related Industry zone includes the New Market campus. The intent of the Airport Related Industry zone district is to attract uses that generate revenue to fund the operation of the airport.

**PUBLIC
TESTIMONY:**

Glenn Wells, Glenn C. Wells Architect, 3423 29th Avenue, Olympia, said he supports the proposed text amendment to the Mixed Use Overlay. He cited a future building fronting Tyee Drive containing commercial uses on the first floor with residential uses in upper stories. From a logistics perspective, a mixed use building with residential in the upper stories is required to include a residential lobby, elevator, stairs, and mechanical equipment. Those components are not considered a commercial use. He suggested the language should reflect that the front building is 100% commercial except for what is required for a residential lobby, elevator, stairs, and mechanical equipment. He also referred to the proposed parking requirements for the Capitol Boulevard Community zone district. The existing code requires the applicant to have no more than one parking stall per unit. From a development standpoint, a developer will consider what the code requires and what the market demands. Unless the use is located within a downtown urban area, the market would suggest more parking than one stall per unit especially if the units include multiple bedrooms. Those units will require more parking and if not provided on the site, tenants will seek locations for parking. The goal is to provide a balance of parking to meet needs. The code allows 1.5 parking stalls for one and two-bedroom units, 2 parking stalls for three-bedroom units, and 1 parking stall for a studio unit. One parking stall for 10 units for guests is acceptable; however the text amendment is specific in that parking cannot exceed the stated amounts but less parking could be provided. From a private sector business perspective, flexibility in the code is preferable as the market experiences changes and the private sector needs to have the ability to respond to changing markets.

Chair Robbins closed the public hearing at 8:47 p.m.

Manager Medrud reported staff supports the proposed change to clarify language for accommodating space for a residential lobby, stairs, elevator, and mechanical equipment, as well as language concerning the definition of a public building and changes to signs for schools, public buildings, and churches.

MOTION:

Commissioner Tobias moved, seconded by Commissioner Sullivan, to recommend approval of Ordinance No. O2022-013 as amended by

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staff to the City Council. Motion carried unanimously.

PUBLIC HEARING:

**ORDINANCE NO.
O2022-015, OTHER
HOUSEKEEPING
AMENDMENTS:**

Chair Robbins opened the public hearing at 7:51 p.m.

Manager Medrud reported the other housekeeping amendments do not follow the TMC 18.60.025(A) process, but are considered concurrently with the final docket of development code amendments in Ordinance No. O2022-013. The staff report includes a summary of each amendment, affected code sections, and proposed amendment language.

Two of the three amendments include Hearing Examiner Staff Reports – Schedule and Traffic Study Requirements. One amendment is a proposed change for consideration.

The hearing examiner has asked that the date when staff reports have to be available be changed from the current five working days prior to the public hearing to seven days. The change would amend TMC 2.58.110 *Distribution of information*.

The second amendment would update criteria for when a traffic impact analysis is required. Traffic studies would be required for any development generating 50 or more vehicle trips during peak hours on adjacent streets or intersections regardless of peak direction. Additionally, any development generating 10 or more vehicle or truck trips on any Interstate 5 interchanges must provide trip distribution diagrams from a qualified transportation professional regardless if a full traffic study is required.

At its last worksession, the Commission recommended removing proposed amendments on sidewalks; however, a strong recommendation accommodated the recommendation that the City undertake a public engagement process and voluntary support program prior to considering and codifying any amendments. Staff recommends not including the amendments pertaining to sidewalks within the ordinance but include a recommendation to the City Council to consider a public engagement process.

Commissioner Tobias asked whether traffic studies consider the number of traffic collisions and other safety issues. Manager Medrud affirmed traffic studies include information on recent accidents, particularly at interchanges and within particular movements.

With there being no public testimony, Chair Robbins closed the public hearing at 7:58 p.m.

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MOTION: Commissioner Kirkpatrick moved, seconded by Commissioner Sullivan, to recommend approval to the City Council of Ordinance No. O2022-015, Other Housekeeping Amendments to include the recommendation to consider a public engagement process on sidewalk maintenance prior to considering potential amendments. Motion carried unanimously.

BRIEFING:

ORDINANCE NO. O2022-003, FINAL DOCKET FOR 2022 COMPREHENSIVE PLAN AMENDMENTS: Manager Medrud reported the briefing is on the final docket process for the 2022 Comprehensive Plan Map & Text Amendments and Associated Rezones. The City Council considered the Commission's prior preliminary docket recommendation and finalized all the proposed amendments.

The 2022 proposed amendments include:

1. One private map amendment and associated rezone
2. Three City sponsored text amendments
3. One City sponsored map amendment and associated rezone

The proposed Private Map Amendment and associated rezone is the *Wells Littlerock Comprehensive Plan Land Use Map Amendment and Corresponding Rezone*. The proponent is Glenn Wells and the owner is Marvin L. Beagles. The three adjacent parcels totaling 2.76 acres are located to the south of 7223 Littlerock Road SW and are undeveloped. The current Comprehensive Plan map designation and zone district for all three parcels is Single Family Medium Density Residential (SFM). The applicant proposes a Comprehensive Plan map designation and zone district change to Multi-Family Medium Density Residential (MFM). Manager Medrud identified the location of the parcels on an aerial map and surrounding zone districts and existing uses. The City issued public notification of the proposal and received one response asking to be added to the mailing list for the project from the owner of the parcel located across from the parcels.

Manager Medrud invited comments and questions.

Commissioner Kirkpatrick inquired as to the status of property located south of the parcels. Manager Medrud said the property is zoned single-family residential and that an application was recently approved for construction of a subdivision of single-family homes.

Chair Robbins asked about the range of density under Multi-Family Medium Density Residential. Manager Medrud said the range is a minimum of 9 dwelling units per acre with the maximum of 15 dwelling units; however, to receive approval for 15 units, a transfer of

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development rights process is required. It is likely the maximum number of dwelling units would be 14 units per acre.

Chair Robbins asked whether the zoning would allow multiple stories or only a single story structure. Manager Medrud advised that the developer could construct a multi-story structure.

Commissioner Varela asked whether vehicle footprints for parking are factored and whether it would limit the ability to build to maximum density. Manager Medrud advised of different parking options, such as structured parking within the structure. Density is based on available land after deducting all other development requirements for roadways, stormwater, and parking requirements.

Chair Robbins asked whether the City is aware of any environmental issues associated with the parcels, such as water issues or wildlife corridors, etc. Manager Medrud said no critical areas or wetlands were identified on the maps. Similar to other parcels in the southern area of the City, the parcels contain gopher soils.

Commissioner Tobias asked about the density of the apartment complex at the corner of Tumwater Boulevard and Littlerock Road. Manager Medrud identified the development as the Sequoia Village located at the corner of the Tumwater Boulevard and Littlerock Road. He estimated the number of units at approximately 50 with another 10 to 12 units proposed to be constructed on the site.

Chair Robbins asked about the location of services, such as schools, medical, or grocery stores. Manager Medrud said Black Hills High School is located to the south of the property. Bush Middle School is located on the eastern side of Interstate 5 and is not considered to be within walking distance to the parcels. The nearest cluster of commercial uses is located to the north on Israel and Littlerock Road in addition to an auto repair business, a veterinary hospital, and a vacant gas station/grocery store. The site is not served by Intercity Transit. Intercity Transit has indicated that more residential density is required before it can extend bus service. The surrounding area includes some development proposals of both multi-family and single-family developments. The area has experienced some new development activity.

Chair Robbins inquired about any transportation impacts. Manager Medrud advised that the proposal does not represent a significant change in dwelling units but that the proposal would likely trigger a requirement for a traffic study.

Manager Medrud addressed questions about potential annexation of

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some of the areas to the southeast of the parcels. Manager Medrud advised that no annexation of the area has been proposed. Some of the areas are located in the City as well as in the county. At this time, the City has not received any proposals for lot combinations or redevelopment of the area other than a proposal further south where the City extended water and sewer with the owners indicating a future interest in annexing to the City.

Manager Medrud reviewed the text amendments:

1. Neighborhood Character – The intent is to review Comprehensive Plan Housing and Land Use Elements to determine if there are amendments needed to address “neighborhood character” in the context of goals, policies, and actions and text within the Housing and Land Use Elements of the Comprehensive Plan. *Commissioner Kirkpatrick asked whether the City has an overlay identifying the location of homeowner associations with covenants as they define the character of neighborhoods. Manager Medrud said the City has developed a mailing list but he is unsure whether the City has created a GIS layer. Some of the areas are easily identified because many are recent developments while other areas will require more research. Commissioner Sullivan added that the City had discussed identifying neighborhood and homeowner associations in the City. She is unsure whether the information is complete or accessible. Chair Robbins inquired as to whether the City has developed language that promotes neighborhood associations or community. Manager Medrud said he would follow up with staff. He added that the full update of the Comprehensive Plan is scheduled and staff is scoping the extent of the update. He suggested it might be an opportunity to address the concept of “neighborhood” as part of the major update. He asked Commissioners to consider any other information staff can research to prepare for the next discussion.*
2. Thurston Climate Mitigation Plan – Updating greenhouse gas emission (GHG) targets in the Conservation Element to address HB 2311. Staff recommends not pursuing any amendments during this update cycle because any changes should be pursued through the regional process as the mitigation plan is based on a regional effort and all goals by each jurisdiction should be similar. Another reason relates to translation that speaks to the Thurston Climate Mitigation Plan, which is based on data from 2015 for greenhouse gas emissions. State law is based on 1990 data. The problem is with the difference in timing of data between the county and the state. As part of the major Comprehensive Plan update process, the City will be integrating climate mitigation concepts and policies. The Thurston Climate

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Mitigation Plan covers a 30-year horizon with amendments to the plan allowed through a formal process. *Commissioner Kirkpatrick asked whether the City has imposed restrictions on the use of energy sources producing greenhouse gas emissions for new development. Manager Medrud said the City is making progress but has not implemented any proposed changes to the building code because it is dependent upon the State Building Code Council offering proposals.*

3. Essential Public Facilities Amendments – The proposal is reviewing the Comprehensive Plan Land Use Element and to determine if there are amendments needed to address essential public facilities, including but not limited to: intensive inpatient facilities; long-term residential drug treatment facilities; and recovery house facilities. Manager Medrud cited a situation of an existing use that is considering an expansion of the use but because it is considered an existing non-conforming use, expansion is prohibited. Staff considered options but recommends a larger public process given the type of use prior to recommending a specific proposal.
4. Dennis/Linderson Triangle – The proponent is City of Tumwater for a Comprehensive Plan map designation and zone district amendment for a 5.73-acre parcel located at 6501 Linderson Way SW located at the western corners of Linderson Way SW and Dennis Street SW. The amendment would change the current Comprehensive Plan map designation and zone district of Single Family Medium Density Residential (SFM) to Multifamily High Density Residential (MFH). Manager Medrud described the basis for the proposed amendment. Staff contacted neighboring properties and no objections were received by the City.

Staff recommends a review of the final docket at the Commission's August 23, 2022 with options for several worksessions and a public hearing scheduled on September 27, 2022.

ADJOURNMENT: **Commissioner Tobias moved, seconded by Commissioner Edwards, to adjourn the meeting at 8:44 p.m. Motion carried unanimously.**