



**PLANNING COMMISSION
MEETING AGENDA**

Online via Zoom

**Tuesday, January 11, 2022
7:00 PM**

1. Call to Order
2. Roll Call
3. Changes to Agenda
4. Approval of Minutes - November 23, 2021
 - [a.](#) Tumwater Planning Commission Meeting Minutes November 23, 2021
5. Commissioner's Reports
6. Manager's Report
 - [a.](#) Ongoing 2022 Planning Commission Meeting Schedule
7. Public Comment
- [8.](#) Open Public Meetings Act Training
- [9.](#) Preliminary Docket for 2022 Comprehensive Plan Amendments (O2022 – 003)
10. Next Meeting Date - 01/25/2022
11. Adjourn

Remote Meeting Information

To comply with Governor Inslee's Proclamation 20-28, Tumwater Planning Commission meetings will be conducted remotely, not in-person, using a web-based platform. The public will have telephone and online access to all meetings.

WATCH Online

Go to <http://www.zoom.us/join>, and enter the Webinar ID 898 7798 5787 and Passcode 578670.

LISTEN by Telephone

Call (253) 215-8782, listen for the prompts, and enter the Webinar ID 898 7798 5787 and Passcode 578670.

The public is invited to attend the hearing and offer comment. The public may register in advance for this webinar to provide comment:

https://us02web.zoom.us/webinar/register/WN_WQFol-sCQ3ilx5MWQxYPpg

After registering, you will receive a confirmation email containing information about joining the webinar.

The public may also submit comments prior to the meeting by sending an email to: cdd@ci.tumwater.wa.us. Please send the comments by 1:00 p.m. on Tuesday, January 11, 2022. Comments are submitted directly to the Planning Commissioners and will not be read individually into the record of the meeting.

If you have any questions, please contact Planning Manager Brad Medrud at (360) 754-4180 or bmedrud@ci.tumwater.wa.us.

Accommodations

The City of Tumwater takes pride in ensuring that people with disabilities are able to take part in, and benefit from, the range of public programs, services, and activities offered by the City. To request an accommodation or alternate format of communication, please contact the City Clerk by calling (360) 252-5488 or email CityClerk@ci.tumwater.wa.us. For vision or hearing impaired services, please contact the Washington State Relay Services at 7-1-1 or 1-(800)-833-6384. To contact the City's ADA Coordinator directly, call (360) 754-4128 or email ADACoordinator@ci.tumwater.wa.us.

Post Meeting

Audio of the meeting will be recorded and later available by request, please email CityClerk@ci.tumwater.wa.us.

What is the Planning Commission?

The Tumwater Planning Commission is a citizen advisory commission that is appointed by and advisory to the City Council on the preparation and amendment of land use plans and implementing ordinances such as zoning. Actions by the Planning Commission are not final decisions; they are Commission recommendations to the City Council who must ultimately make the final decision. If you have any questions or suggestions on ways the Commission can serve you better, please contact the Community Development Department at (360) 754-4180.

**TUMWATER PLANNING COMMISSION
MINUTES OF VIRTUAL MEETING
November 23, 2021 Page 1**

CONVENE: 7:00 p.m.

PRESENT: Chair Elizabeth Robbins and Commissioners, Joel Hansen, Terry Kirkpatrick, Meghan Sullivan, and Michael Tobias.

Excused: Commissioners Doty Catlin, Nam Duc Nguyen, and Nathan Peters.

Staff: Community Development Director Michael Matlock and Planning Manager Brad Medrud.

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

NEXT MEETING DATE: The next meeting is a joint City Council and Planning Commission meeting on December 14, 2021 at 5:30 p.m. followed by a Commission public hearing on the emergency shelters ordinance at 7 p.m.

COMMISSIONERS' REPORTS: There were no reports.

MANAGER'S REPORT: Manager Medrud reported the City completed interviews for vacancies on the City's advisory boards and commissions on November 18, 2021. Four appointments have been recommended for approval by the City Council to include the appointment of Grace Edwards to the Planning Commission. Ms. Edwards serves as an Analyst at the Department of Health.

The City Council is moving forward with a discussion and a possible public hearing on the proposed development agreement with the Port of Olympia on the Panattoni proposal during a special meeting on November 30, 2021. Staff was able to review the development agreement and forwarded some recommended changes to the City Council.

The City is sponsoring an open house for the proposed island annexations on Wednesday, December 1, 2021 from 5 p.m. to 8 p.m. The format of the open house is virtual with a presentation followed by online breakout rooms with staff available to answer questions from the public. Thurston County staff will also participate in the open house. A Notice of Availability will be published and posted in December during a four-week period to inform residents that the interlocal agreement between the City of Tumwater and Thurston County for the annexation process is available for review. The intent is to schedule a joint public hearing on January 18, 2022 with the City Council and Board of County Commissioners to receive testimony from the public.

**TUMWATER PLANNING COMMISSION
MINUTES OF VIRTUAL MEETING
November 23, 2021 Page 2**

Mayor Kmet's retirement celebration is scheduled on Wednesday, December 15, 2021 at 5:30 pm. at the South Puget Sound Community College Student Union Building Commons. COVID protocols will be followed.

PUBLIC COMMENT: There were no public comments.

**EMERGENCY
SHELTERS AND
HOUSING,
ORDINANCE NO.
O2021-019:**

Manager Medrud reported staff incorporated changes recommended by the Commission at the last meeting prior to the review of the ordinance by City Attorney Kirkpatrick. City Attorney Kirkpatrick supported the proposed changes and included some minor modifications. The ordinance reflects the Commission's discussions and it removes all references to distant requirements from other uses and simplifies the agency/non-profit information required for reporting to the City.

Manager Medrud shared a map of where the uses could be allowed as requested by the Commission. Planner Ginther developed several maps, as well as a map of grocery store locations. Manager Medrud shared a map of emergency shelter locations with red lines designating transit service routes, and green designating zoning districts where emergency shelters would be permitted. The area around and near the airport is owned by the Port of Olympia. It is unlikely the Port of Olympia would approve an emergency shelter based on FAA restrictions. Emergency shelters are allowed in General Commercial, Capitol Boulevard Commercial Corridor, Brewery District, and in some Mixed Use zoning districts.

Commissioner Sullivan asked whether the FAA rules limit or prohibit the use only in the flight path. Manager Medrud said the hotel project (Oyo Hotel) is located at the southeast corner of Tumwater Boulevard and Interstate 5. The area owned by the Port of Olympia in Tumwater requires an exemption from the FAA agreement, which essentially pertains to the prior action of the federal government transferring ownership of the airport, at that time, to the City of Olympia from military to civilian use and placing restrictions on the use of the property. One of the restrictions was residential uses. Two elements of the Port property are the airport proper and the area outside the airport fence known as the New Market Industrial Campus (NMIC). The intent of the NMIC when the FAA transferred the property was to provide income potential to support and sustain airport operations to reduce dependence on federal funding. FAA restrictions are essentially in place to ensure uses that are allowed will generate income. The Oyo Hotel has requested the Port petition the FAA to remove the property from the restriction. The City supports that proposal.

Commissioner Kirkpatrick asked about City-owned property along 79th Avenue planned to house the City's new public works maintenance

TUMWATER PLANNING COMMISSION
MINUTES OF VIRTUAL MEETING
November 23, 2021 Page 3

facility and a neighborhood park. Manager Medrud said the underlying zoning is General Commercial and a potential location for an emergency shelter would need to be designated.

Chair Robbins questioned whether the Port of Olympia is subject to the Growth Management Act (GMA). Manager Medrud advised that ports are not subject to the GMA because ports do not have land use authority.

Manager Medrud reviewed the map on supportive and transitional housing. Red lines designate transit routes, green areas designate where the uses are permitted, and pink areas designate where the uses are not allowed with most located in Light Industrial and Heavy Industrial zoning districts.

Another map reflects the location of grocery stores with convenience stores excluded, as most people do not shop primarily for groceries at convenience stores. Grocery stores are depicted by a star on the map are allowed in all the zones that allow emergency shelters.

Chair Robbins recommended including the Tumwater Farmers Market on the map. She supports enabling access to food and services for emergency shelters and supportive housing.

Manager Medrud reported staff recommends the Commission schedule a public hearing on the ordinance following the joint meeting with the City Council on December 14, 2021 at 7 p.m.

Commissioner Kirkpatrick questioned the necessity of distance requirements between supportive housing facilities. He cited how that limitation would not have allowed the construction of the Drexel House high rise. He advocated for eliminating the distance requirement as efficiencies could be gained by several supportive housing facilities located in close proximity. The Drexel House complex is operated by Catholic Community Services. The complex includes an emergency shelter, permanent supportive housing, veterans housing, and transitional housing. Staff members serving the facilities are located in the ground floor of the shelter facility.

Manager Medrud commented on the importance of retaining the distance requirements as it protects against impacts and ensures the facilities are located broadly across the City rather than concentrated in one area; however, the issue surrounding a shared owner offering multiple types of colocated support facilities is also warranted. He recommended adding language to the section that speaks to not requiring a distance requirement for an owner/operator offering a variety of similar facilities in close proximity.

**TUMWATER PLANNING COMMISSION
MINUTES OF VIRTUAL MEETING
November 23, 2021 Page 4**

Chair Robbins asked about other circumstances that might be appropriate for facilities to be located closer than the distance requirement. Manager Medrud responded that another mechanism to consider is language in the ordinance that speaks to the Community Development Director's ability to modify standards in the subsection if the applicant can demonstrate how the modification would result in a safe supportive housing facility and benefit the community under the specific circumstances of the application.

Commissioner Sullivan supported Commissioner Kirkpatrick's recommendation despite some flexibility in the ordinance for the Community Development Director's ability to modify standards because the City should not impose restrictions given other limitations imposed for emergency housing and supportive housing in conjunction with other existing barriers for delivery of those types of services. Manager Medrud acknowledged the concerns. The purpose of the provisions is to avoid over-burdening one neighborhood while acknowledging that there is a need in the community for people to have access to those services. He cited reasons for retaining the distance requirement. In response, Commissioner Sullivan did not support including a distance requirement.

Commissioner Hansen said he continues to evaluate whether a distance requirement is necessary.

Manager Medrud pointed out that the Commission would have another opportunity at the December 14, 2021 meeting to discuss the issue and recommend any changes at that time.

Commissioner Tobias commented on the language that speaks to "adverse impacts" to avoid impacts to neighborhoods and those in need of housing; however, he is concerned that the language is too vague or general and that it could be misapplied and impede the process for siting supportive housing. Manager Medrud said the Commission's work plan next year includes a proposal to discuss the topic of neighborhood character to address that type of issue. The ordinance affords the Community Development Director some flexibility to render a decision. Adverse impacts language was included to avoid situations that could result in an impact. He welcomed suggested changes while ensuring the ordinance includes some language to enable staff to render decisions.

Commissioner Sullivan offered a suggestion of including several examples, such as, "e.g. not limited to ..." that could speak to adverse public impacts. The proposed language is too broad, which is concerning and perhaps more clarity would be warranted without including "adverse."

**TUMWATER PLANNING COMMISSION
MINUTES OF VIRTUAL MEETING
November 23, 2021 Page 5**

Manager Medrud offered to review the Council's Strategic Plan and discuss the concerns with staff to determine the best language to address the concerns.

Commissioner Tobias clarified that his concerns do not center on the issue of the language in itself, but rather he agrees that the language should be broad to the extent that the Community Development Director has some flexibility because his concern is how the language could be applied by anyone opposed to supportive housing development.

Chair Robbins questioned whether "adverse" could potentially trigger a SEPA review and whether the Director has to demonstrate the reasoning for determining whether the use is adverse and the basis for the decision. Manager Medrud advised that SEPA is a separate issue. SEPA thresholds would be established by the size of the use, e.g. number of units or other impacts. In this instance, the use of "adverse" would not be connected to SEPA. The proposed modification to enable the Community Development Director some latitude would require the applicant to identify something in the proposal that would vary from the requirements. The Director would issue an administrative determination based on that information as part of the approval of the project. After the project is approved, the project could be subject to an appeal to the hearing examiner.

MOTION:

Commissioner Sullivan moved, seconded by Commissioner Kirkpatrick, to schedule a public hearing on Ordinance O2021-019, Emergency Shelters And Housing, on December 14, 2021. Motion carried unanimously.

**2022 LONG RANGE
PLANNING WORK
PROGRAM:**

Manager Medrud described the process and timing for development of the annual work program, as well as available staff resources throughout the year. The work program is categorized into two areas with the first focused on the annual Comprehensive Plan Docket and Development Code amendments and the second for general planning and ongoing activities. Staff calculates the estimated hours required for each work item.

Manager Medrud reviewed the proposed 2022 Long Range Planning Work Program:

COMPREHENSIVE PLAN AMENDMENT DOCKET

1. 2025 Comprehensive Plan Update Process - Starting in fall 2022 through June 2025, the required eight-year update to the City's Comprehensive Plan includes updates to the Conservation, Housing, Land Use, Lands for Public Purposes, and Utilities Elements as well as the Parks, Recreation, and Open Space Plan

TUMWATER PLANNING COMMISSION
MINUTES OF VIRTUAL MEETING
November 23, 2021 Page 6

and Transportation Plan. Work in 2022 will primarily be preparing the scope and schedule for the periodic update with other City departments in the second half of 2022. *Chair Robbins asked about any changes to the Capital Facilities Plan (CFP) as the result of the update. Manager Medrud advised that the City is scheduled to update the CFP in 2023 based on the two-year update cycle. Approval of the 2025 Comprehensive Plan update will provide more information on required projects that could be considered during the CFP update. The Commission reviews the CFP and provides input.*

2. 2022 Comprehensive Plan Amendments - May include at least five public and private amendments through preliminary and final docket process. Amendments include two City proposed amendments: 1) Neighborhood Character, and 2) Comprehensive Plan map amendment to change Single Family Medium Density to Multifamily Medium Density of the triangle west of the Dennis Street SW and Linderson Way SW intersection. Staff anticipates the City receiving two additional applications for property located in west Tumwater and the second for property located at the corner of Littlerock Road and Israel Road.
3. Tumwater/Thurston County Joint Plan Update - Ongoing from 2020 and 2021. Complete the Joint Plan update process through County Board of Commissioners approval and revise all documents and maps as needed. Coordination with County staff and actual schedule will depend on County work plan.

DEVELOPMENT REGULATION AMENDMENT DOCKET

1. Housing Action Plan - Development Code Amendments – Following acceptance of Tumwater Housing Action Plan in 2021, the work program includes proposed updates to development regulations to respond to Plan actions.
2. Housing Action Plan - Rental Housing Amendments (Ordinance No. O2021-023). Part of Resolution No. O2018-016 Homelessness and Housing Affordability response and addressing 2021 Tumwater Housing Action Plan actions.
3. Urban Forestry Management Plan Amendments - Landscaping and Buffering Requirements, Street Tree Regulation Update (Ordinance No. O2021-016), and Tree Preservation Regulation Update. A consultant will assist in processing the updates.

OTHER AMENDMENTS

- a. Binding Site Plan Amendments - Update to binding site plan regulations in Title 17
- b. General Development Code Housekeeping Amendments -

TUMWATER PLANNING COMMISSION
MINUTES OF VIRTUAL MEETING
November 23, 2021 Page 7

Delayed until 2022 by staff reductions in 2021. Minor housekeeping amendments from 2020 and 2021.

- c. Emergency Shelters and Housing (Ordinance No. O2021-019)
- d. Planned Unit Development Chapter Update
- e. Thurston Climate Mitigation Plan - Related Development Code Amendments
- f. Thurston County Code Title 22 - Tumwater Urban Growth Area Zoning

OTHER PLANNING PROJECTS

1. Annexations - Island Annexation Process - Ongoing from 2020 and 2021. After approval of Interlocal Agreement with Thurston County for island annexations scheduled for January 2022, coordinate with consultant and City Attorney to support two annexation ordinances.
2. Equity Toolbox - At request of the City Administrator, staff will work with consultant to prepare equity toolbox. *Chair Robbins suggested included training opportunities for Commissioners on relevant topics and on equity and inclusion. Manager Medrud advised that within the work program section on general management and coordination, hours have been allocated to support the Planning Commission and the Tree Board, which covers both meetings and to ensure the Commissions are aware of training opportunities. The Equity Toolbox would likely include other recommendations for additional training opportunities. Chair Robbins offered that although the explanation might suffice if the Commission believes the inclusion is appropriate, her recommendation is for minimal staff involvement to inform Commissioners about or organize sessions with the Department of Commerce, such as a short course devoted on the Commission and Commissioner questions. Manager Medrud supported scheduling an in-person planning training similar to other training sessions he participated in with other jurisdictions.*
3. GIS Support - Support on unspecified projects, inquiries, and requests.
4. Grant Funding - Delayed until 2022 because of staff reductions. Research grant funding opportunities that support long range planning goals. Senior housing support is one potential grant area.
5. Habitat Conservation Plan (HCP) - Ongoing from 2016. Phase II work. Includes consultant management and coordination with Port and US Fish and Wildlife Service (USFWS), NEPA/SEPA EIS support as state SEPA lead agency. 2022 grant extension with Washington State Department of Fish and Wildlife and USFWS. The City plans to hire a coordinator whose duties would include overseeing the development and implementation

TUMWATER PLANNING COMMISSION
MINUTES OF VIRTUAL MEETING
November 23, 2021 Page 8

- of the HCP.
6. Hazard Mitigation Plan for the Thurston Region - Update the City of Tumwater chapter of the Hazard Mitigation Plan for the Thurston Region. The current plan is due for an update by August 2022. Thurston County Emergency Management and Thurston Regional Planning Council (TRPC) secured a FEMA Pre-Disaster Mitigation grant to update region's plan. The plan update process is expected to launch in November 2021 and take approximately 12 to 15 months to complete.
 7. Housing - Affordability and Homelessness - Ongoing from 2020 and 2021.
 8. Housing Affordability Amendments - Infrastructure - Part of Housing Affordability Fee Work Plan approved May 28, 2019. Work with the Public Works Department on infrastructure investments for infill areas needing upgrades with follow-up by staff to develop potential scenarios with emphasis on areas where housing affordability is most likely to occur.
 9. Long Range Planning Website Updates
 10. Public Inquiries and General City Council and Interdepartmental Support.
 11. Thurston Climate Mitigation Plan - Phase 4 Ongoing from 2020 and 2021. Work with other jurisdictions on Phase 4 of the Thurston Climate Mitigation Plan: addressing equity and implementation of strategies and action with Commerce grant. Expected transition of work to new Sustainability Coordinator position in Water Resources and Sustainability Department at some point.
 12. US Census - Thurston County Jail - As part of the 2021 adjustments to Office of Financial Management's (OFM) Preliminary Population Estimate Review for Tumwater, OFM staff noted that the 2020 Census block where Thurston County Jail is located did not have any general quarters population counted. OFM believes the City has a case to submit to the Count Question Resolution (CQR) program. If successful, the city population would be adjusted upwards through a Corrected Federal Census count, potentially increasing Tumwater's population by 200-400. OFM suspects it was a geocoding error and the Census Bureau may have placed the GQ population at the mailing address rather than the actual location. Correcting this error with the Census Bureau will update the population federal funding is based on, impacting the City's federal funding for the decade.
 13. Urban Forestry Management Plan - Ongoing from 2021. Plan implementation and annual Directors and Tree Board coordination on actions in coordination with the City's Sustainability Coordinator.

**TUMWATER PLANNING COMMISSION
MINUTES OF VIRTUAL MEETING
November 23, 2021 Page 9**

GENERAL MANAGEMENT AND COORDINATION

- General Coordination with Other City Departments
- General Coordination with Other Jurisdictions
- Department Management

Additionally, staff identified a number of other projects; however, time is not available to pursue most of those projects. Some pending projects include the Citywide Design Standards after working with new permitting staff. The list of projects is long and reflects future projects in the near term when resources can support the work.

Chair Robbins said some of the projects might interrelate with other projects allocated resources next year. Projects related to autonomous vehicles and electric car infrastructure could be combined with the Transportation Element of the Comprehensive Plan if staff capacity is available. Manager Medrud noted that the two projects were included on the primary list but were removed. The projects may be considered as part of the ongoing Climate Mitigation Plan follow-up.

Manager Medrud asked Commissioners to review the work program and contact him with any questions or identify items that should be included in the work program.

ADJOURNMENT: Commissioner Sullivan moved, seconded by Commissioner Tobias, to adjourn the meeting at 8:21 p.m. Motion carried unanimously.

Prepared by Puget Sound Meeting Services, psmsoly@earthlink.net

DRAFT TUMWATER PLANNING COMMISSION - 2022 MEETING SCHEDULE

Note: Schedule is tentative and subject to change; Updated 12/16/2021

<u>MEETINGS</u>	<u>AGENDA ITEMS</u>
January 11, 2022	<u>Briefing</u> : Preliminary Docket for 2022 Comprehensive Plan Amendments (O2022 – 003) – Brad <u>Discussion</u> : Open Public Meetings Act Training – Brad
January 25, 2022	<u>Worksession</u> : Preliminary Docket for 2022 Comprehensive Plan Amendments (O2022 – 003) – Brad <u>Worksession</u> : Urban Forestry Amendments –Street Tree Standards Scope Update (O2021-016) – Brad
February 8, 2022	<u>Briefing</u> : Binding Site Plan Amendments (O2022-0XX) – David <u>Discussion</u> : New Planning Commissioner Training Package – Brad
February 22, 2022	<u>Worksession</u> : Binding Site Plan Amendments (O2022-0XX) – David <u>Discussion</u> : Equity Toolbox Scope – Brad
March 8, 2022	<u>Hearing</u> : Binding Site Plan Amendments (O2022-0XX) – David
March 22, 2022	<u>Briefing</u> : Urban Forestry Amendments – Landscaping and Buffering Requirements (O2022-0XX) – Brad
April 12, 2022	<u>Briefing</u> : Planned Unit Development Chapter Update (O2022-0XX) – David <u>Briefing</u> : Urban Forestry Amendments – Tree Preservation Regulation Update – Brad
April 26, 2022	<u>Briefing</u> : 2022 General Development Code Housekeeping Amendments (O2022-0XX) – Brad <u>Worksession</u> : Planned Unit Development Chapter Update (O2022-0XX) – David
May 10, 2022	<u>Worksession</u> : 2022 General Development Code Housekeeping Amendments (O2022-0XX) – Brad <u>Hearing</u> : Planned Unit Development Chapter Update (O2022-0XX) – David
May 24, 2022	<u>Hearing</u> : 2022 General Development Code Housekeeping Amendments (O2022-0XX) – Brad <u>Briefing</u> : Housing Action Plan - Development Code Amendments (O2022-0XX) – David
June 14, 2022	<u>Worksession</u> : Housing Action Plan - Development Code Amendments (O2022-0XX) – David <u>Worksession</u> : Urban Forestry Amendments – Landscaping and Buffering Requirements (O2022-0XX) - Brad
June 28, 2022	<u>Hearing</u> : Housing Action Plan - Development Code Amendments (O2022-0XX) – David
July 12, 2022	<u>Worksession</u> : Urban Forestry Amendments – Landscaping and Buffering Requirements (O2022-0XX) – Brad <u>Worksession</u> : Urban Forestry Amendments – Tree Preservation Regulation Update (O2022-0XX) – Brad
July 26, 2022	<u>Briefing</u> : Final Docket for 2022 Comprehensive Plan Amendments (O2022 – 003) – Brad <u>Hearing</u> : Urban Forestry Amendments – Landscaping and Buffering Requirements (O2022-0XX) – Brad <u>Worksession</u> : Urban Forestry Amendments – Tree Preservation Regulation Update (O2022-0XX) – Brad
August 9, 2022	<u>Worksession</u> : Final Docket for 2022 Comprehensive Plan Amendments (O2022 – 003) – Brad <u>Worksession</u> : Urban Forestry Amendments – Tree Preservation Regulation Update (O2022-0XX) – Brad
August 23, 2022	<u>Worksession</u> : Final Docket for 2022 Comprehensive Plan Amendments (O2022 – 003) – Brad <u>Worksession</u> : Urban Forestry Amendments –Street Tree Standards Update (O2021-016) – Brad
September 13, 2022	<u>Hearing</u> : Final Docket for 2022 Comprehensive Plan Amendments (O2022 – 003) – Brad <u>Worksession</u> : Urban Forestry Amendments –Street Tree Standards Update (O2021-016) – Brad
September 27, 2022	<u>Hearing</u> : Urban Forestry Amendments –Street Tree Standards Update (O2021-016) – Brad

<u>MEETINGS</u>	<u>AGENDA ITEMS</u>
October 11, 2022	<u>Briefing</u> : Thurston Climate Mitigation Plan - Related Development Code Amendments (O2022 – 0XX) – Brad
October 25, 2022	<u>Worksession</u> : Thurston Climate Mitigation Plan - Related Development Code Amendments (O2022 – 0XX) – Brad
November 8, 2022	<u>Hearing</u> : Thurston Climate Mitigation Plan - Related Development Code Amendments (O2022 – 0XX) – Brad
November 22, 2022	
December 13, 2022	
December 27, 2022	[May Cancel Meeting]

January 10, 2023 –

TO: Planning Commission
FROM: Brad Medrud, Planning Manager
DATE: January 11, 2022
SUBJECT: Open Public Meetings Act Training

1) Recommended Action:

Review attached presentation and be prepared to discuss.

2) Background:

For four Planning Commissioners, their Open Public Meetings and Records training expires in January 2022. This training is required every four years or within 90 days of appointment to the Planning Commission.

There are three options available to complete the training:

1. The Attorney General's Office will provide Open Public Meetings and Records training to the City Council and Management Team on January 25, 2022 at 5:30 p.m. At this time, the training/Worksession will be offered via Zoom. You are welcome to attend the January 25, 2022 City Council worksession. If you would like to do this, please let staff know.
2. Review the attached PowerPoint at the January 11, 2022 Planning Commission meeting.
3. Planning Commissioners can review the attached PowerPoint on your own and report back to staff once their training is complete.

The Planning Commissioners indicated that they would like to follow option #2.

3) Alternatives:

None.

4) Attachments:

- A. Open Public Meetings Act Training Presentation

Open Public Meetings Act RCW 42.30



City of Tumwater
November 2018

Washington's Open Public Meetings Act (OPMA) RCW 42.30

- Passed in 1971
- Requires meetings to be open to the public from beginning to end



Purpose

- “The people do not yield their sovereignty to the agencies which serve them.”
- “The people, in delegating authority, do not give public servants the right to decide what is good for the people to know and what is not good for them to know.”
- “The people insist on remaining informed so they may retain control over the instruments they have created.”

~ *RCW 42.30.010*



OPMA Applies To:

Multi-member public state and local agencies, such as boards and commissions, as follows:

- Any state board, commission, committee, department, educational institution, or other state agency which is created by or pursuant to statute, other than courts and the legislature.
- Any county, city, school district, special purpose district, or other municipal corporation or political subdivision of Washington.
- Any subagency of a public agency which is created by or pursuant to statute, ordinance, or other legislative act, including but not limited to planning commissions, library or park boards, commissions, and agencies.
- Any policy group whose membership includes representatives of publicly owned utilities formed by or pursuant to the laws of this state when meeting together as or on behalf of participants who have contracted for the output of generating plants being planned or built by an operating agency.

~ RCW 42.30.020

These are the “public agencies” subject to the OPMA.

Governing Body

- All meetings of the **governing body** of a public agency shall be open and public and all persons shall be permitted to attend any meeting of the governing body of a public agency, except as otherwise provided in RCW 42.30.

~ RCW 42.30.030



What is a Governing Body?

- The **multimember board or other policy or rule-making body**

OR

- Any **committee** of such public agency *when*:
 - the committee acts on behalf of the governing body,
 - conducts hearings, or
 - takes testimony or public comment

~ RCW 42.30.020

What is a Meeting?

- “**Meeting**” means meetings at which the public agency takes “**action**” ~ *RCW 42.30.020*
- “**Action**” means the **transaction of the official business of the public agency** and includes but is not limited to:
 - Public testimony
 - Deliberations
 - Discussions
 - Considerations
 - Reviews
 - Evaluations
 - Final actions

The requirements of the OPMA are triggered whether or not “final” action is taken.

- A “meeting” of a governing body occurs when a majority of its members (quorum) gathers with the collective intent of transacting the governing body’s business.

~ Citizens Alliance for Property Rights Legal Fund v. San Juan County

“Meeting” (Cont.)



- Physical presence not required – a meeting can occur by phone or email.
- An exchange of e-mail could constitute a meeting if, for example, a quorum of the members participate in the e-mail exchange & discuss agency business.
- Simply receiving information without comment is not a meeting.

~ *Wood v. Battle Ground School District; Citizens Alliance for Property Rights Legal Fund v. San Juan County*

- Does not need to be titled “meeting” – OPMA also applies to “retreats,” “workshops,” “study sessions,” etc.
- No meeting occurs if the governing body lacks a quorum.

Final Action

- “**Final action**” is a collective positive or negative decision, or an actual vote, by a majority of the governing body, or by the “committee thereof”
- Must be taken in public, even if deliberations were in closed session.
- Secret ballots are not allowed.

~ RCW 42.30.060, RCW 42.30.020



Travel and Gathering

- A majority of the members of a governing body may travel together or gather for purposes other than a regular meeting or a special meeting, so long as no action is taken.
- Discussion or consideration of official business would be action, triggering the requirements of the OPMA.

~ RCW 42.30.070



“Regular” Meetings



- **“Regular meetings”** are recurring meetings held in accordance with a periodic schedule by ordinance, resolution, bylaws or other rule.
- Agenda notice requirements apply to regular meetings.
- RCW 42.30.077 requires governing bodies to make the agenda of each regular meeting of the governing body available online no later than 24 hours in advance of the published start time of the meeting.

“Special” Meetings

- A “**special meeting**” is a meeting that is not a regular meeting (not a regularly scheduled meeting).
- Called by presiding officer or majority of the members
- Notice - timing: 24 hours before the special meeting, written notice must be:
 - Given to each **member** of the governing body (unless waived)
 - Given to each **local newspaper of general circulation, radio, and TV station** which has a notice request on file
 - Posted on the **agency’s website** [with certain exceptions in RCW 42.30.080(2)(b), for example, if the agency does not have a website]
 - Prominently **displayed at the main entrance** of the agency’s principal location and the meeting site (if not that same location)

~ RCW 42.30.080

“Special” Meetings (Cont.)

- Notice - contents: The special meeting notice must specify:
 - Time
 - Place
 - Business to be transacted (agenda)
 - Final disposition shall not be taken on any other matter at such meeting

~ RCW 42.30.080



Emergency Special Meetings

- Notice is not required when special meeting called to deal with an emergency
 - Emergency involves injury or damage to persons or property or the likelihood of such injury or damage
 - Where time requirements of notice make notice impractical and increase likelihood of such injury or damage

~ RCW 42.30.080(4)



Public Attendance

- A public agency can't place conditions on public to attend meeting subject to OPMA:
 - For proceedings governed by OPMA, cannot require people to register their names or other information, complete a questionnaire, or otherwise fulfill any condition precedent to attendance

~ *RCW 42.30.040*

- Reasonable rules of conduct can be set
- Cameras and tape recorders are permitted unless disruptive
 - ~ *AGO 1998 No. 15*
- No "public comment" period required by OPMA

Interruptions and Disruptions

- The OPMA provides a procedure for dealing with situations where a meeting is being interrupted so the orderly conduct of the meeting is unfeasible, and order cannot be restored by removal of the disruptive persons.
- Meeting room can be cleared and meeting can continue, or meeting can be moved to another location, but final disposition can occur only on matters appearing on the agenda. More details set out in the OPMA.

~ RCW 42.30.050



DISRUPTION

Executive Session



- Part of a regular or special meeting that is closed to the public
- Limited to specific purposes set out in the OPMA
- Purpose of the executive session and the time it will end must be announced by the presiding officer before it begins; time may be extended by further announcement

~ RCW 42.30.110

Executive Sessions

Specified purposes set out in OPMA.

Includes, for example:

- National security
- Real estate
 - Site selection or acquisition of real estate
 - Lease or purchase
 - Public knowledge would likely increase price
 - Sale or lease
 - Public knowledge would likely decrease price
 - Final action selling or leasing public property must be take at open meeting
- Publicly bid contracts
 - Review negotiations on performance
 - Public knowledge would like increase costs
- Evaluate qualifications of applicant for public employment
- Meet with legal counsel regarding enforcement actions, litigation or potential litigation
- Other purposes listed in RCW 42.30.110

~ *RCW 42.30.110*

Penalties for Violating the OPMA

- A court can impose a \$500 civil penalty against each member (personal liability) who knowingly attends a meeting in violation of OPMA; and \$1000 for a subsequent knowing violation.
- Court will award costs and attorney fees to a successful party seeking the remedy
- Action taken at meeting can be declared null and void

~ RCW 42.30.120; RCW 42.30.130; RCW 42.30.060



Minutes – RCW 42.30.035

- Minutes of public meetings must be promptly recorded and open to public inspection
- No format specified in law



OPMA Training

- The “Open Government Trainings Act” requires OPMA training for every member of a governing body within 90 days of taking their oath or assuming their duties. RCW 42.30.205.
- Refresher training occurs no later than every 4 years.
- Training can be taken online, in person, or by other means.



- Training resources, videos, and more information about the Act (a “Q & A”) are available on the Attorney General’s Office Open Government Training Web Page:
<http://www.atg.wa.gov/OpenGovernmentTraining.aspx>

Municipal Research & Services Center – Another Resource

OPMA – AGENCY OBLIGATIONS: A STARTING POINT

PRACTICE TIPS

For Local Government Success



The basic requirement of the Open Public Meetings Act (OPMA) is that meetings of governing bodies be open and public. Use these practice tips to guide your agency's OPMA compliance.* For more information and resources visit www.mrsc.org/opmapra.

Basic Requirements

- All meetings open and public. All meetings of governing bodies of public agencies must be open to the public, except for certain exceptions outlined in the OPMA. RCW 42.30.030.
- Quorum. Generally, a meeting occurs when a quorum (majority) of the governing body is in attendance and action is taken, which includes discussion or deliberation as well as voting. RCW 42.30.020(2) & (3).
- Attendees. All persons must be permitted to attend and attendees cannot be required to register their names or other information as a condition of attendance. Disruptive and disruptive persons may be removed from the meeting.
- No secret ballots. Votes may not be taken by secret ballot.
- Adoption of ordinances. Ordinances, resolutions, rules, regulations, or other official actions must be adopted in open session. If they are not, they are invalid. RCW 42.30.060(1).

Position in Agency

- Member of a governing body
 - City or Town Councilmember or Mayor
 - County Commissioner or County Councilmember
 - Special Purpose District Commissioner/Board Member

Member of a subagency created by ordinance or legislative act

- Planning Commission
- Library Board
- Parks Board
- Civil Service Commission

Member of a committee

- Committees that act on behalf of the governing body, or public comment

Agency staff

Penalties for Noncompliance

- Actions null and void. Any action taken at a meeting which is not in compliance with the OPMA is null and void. RCW 42.30.060(1).
- Personal liability. Potential personal liability of \$100 for any person who violates the OPMA. RCW 42.30.120(1).
- Agency liability. Any person who prevails against an agency in a lawsuit, including attorney fees, incurred in connection with the lawsuit.

OPMA Training Requirements, Effective July 1, 2014

- Every member of a governing body of a public agency must complete OPMA training before assuming office or taking the oath of office.
- In addition, every member of a governing body must complete training before they remain in office.

*DISCLAIMER: These practice tips are meant to provide summary information and are not intended to be regarded as specific legal advice. Consult with your agency's legal counsel about this topic as well.

OPMA – EXECUTIVE SESSIONS

CHECKLIST

For Local Government Success



The Open Public Meetings Act (OPMA) requires specific steps be taken in order to hold an executive session. Use this checklist to guide your agency's compliance with the OPMA related to executive sessions.* For more information and resources visit www.mrsc.org/opmapra.

	Requirement	Completed/ Applicable
Meeting	An executive session can only be held as part of a regular or special meeting.	<input type="checkbox"/>
Purpose	The presiding officer announces in open session the purpose of the executive session.	<input type="checkbox"/>
End Time	The presiding officer announces in open session the time the executive session will end.	<input type="checkbox"/>
Legal Counsel	Legal counsel is present during the executive session, if required. (See topics below and on the next page for discussions that require the presence of legal counsel.)	<input type="checkbox"/>
Confidentiality	At the start of the executive session, participants are reminded that discussions are confidential.	<input type="checkbox"/>
Topics	Related to local governments, the following topics set forth in RCW 42.30.110(1) can be discussed in executive session: <ul style="list-style-type: none"> • Matters affecting national security. RCW 42.30.110(1)(a). 	<input type="checkbox"/>

OPMA – NOTICE REQUIREMENTS

PRACTICE TIPS

For Local Government Success



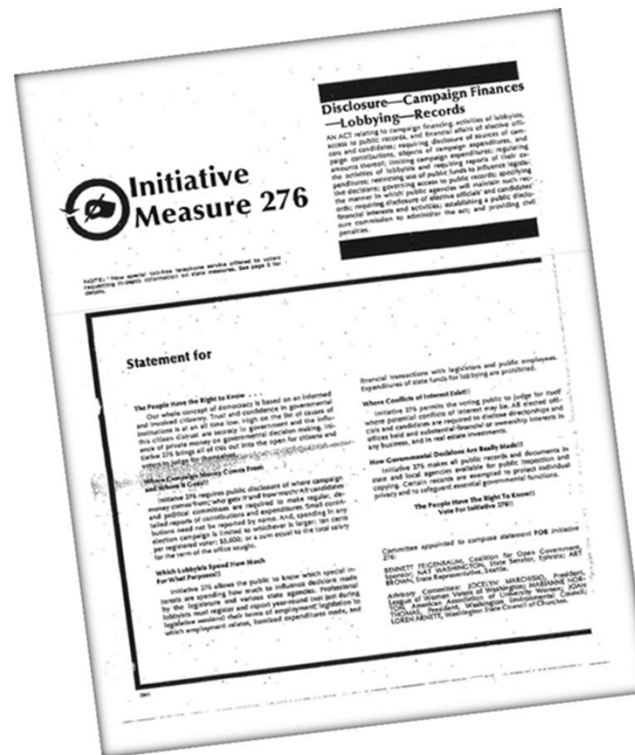
Under the Open Public Meetings Act (OPMA), to ensure that agency deliberations and other actions are conducted and taken openly, agencies are required to provide sufficient public notice of their meetings. Use these practice tips as a starting guide for OPMA notice requirements.* For more information and resources visit www.mrsc.org/opmapra.

	Regular Meetings (RCW 42.30.070)	Special Meetings (RCW 42.30.080)
Definition	Held in accordance with a schedule fixed by ordinance, resolution, bylaws, or other rule.	Anything other than a regular meeting. May be called by the presiding officer or a majority of the members of the governing body.
Notice and Agendas	Effective June 12, 2014, agendas must be made available on the agency's website at least 24 hours in advance of the meeting unless the agency: <ol style="list-style-type: none"> 1. Doesn't have a website; or 2. Employs fewer than 10 full-time equivalent employees. There are no other notice requirements for regular meetings in the OPMA. However, other relevant laws apply to some local governments. For example, cities and towns are required to establish a procedure for notifying the public of the preliminary agenda for the forthcoming council meeting (although not necessarily online) as well as regarding upcoming hearings. RCW 35A.12.160; RCW 35.22.288; RCW 35.23.221; RCW 35.27.300. There are no similar requirements for counties or special purpose districts related to preliminary agendas.	The special meeting notice must specify the date, time, and place of the special meeting, and the business to be transacted. <ul style="list-style-type: none"> • Personal notice. Written notice must be delivered personally, by mail, fax, or e-mail at least 24 hours before the meeting to: <ol style="list-style-type: none"> 1. Each member of the governing body, unless the member submits a written waiver of notice in advance with the clerk, or the member is actually present at the meeting; and 2. Each member of the news media who has on file with the governing body a written request for notice of special meetings. • Website notice. Notice must be posted on the agency's website 24 hours in advance of the meeting, unless the agency: <ol style="list-style-type: none"> 1. Doesn't have a website; or 2. Employs less than 10 full-time equivalent employees; or 3. Doesn't employ personnel whose duty, as defined by a job description or existing contract, is to maintain or update the website. • Notice at agency's principal location. Notice must be prominently displayed at the main entrance of the agency's principal location and the meeting site if the meeting isn't held at the agency's principal location.
Emergencies	In an emergency situation (e.g., fire, flood, earthquake, or other emergency), a meeting may be held at a site other than the regular meeting site, and the notice requirements under the OPMA are suspended during such an emergency.	The notices required for special meetings aren't required if a special meeting is called to deal with an emergency involving injury or damage to persons or property or the likelihood of such injury or damage, when time requirements of such notice would make notice impractical and increase the likelihood of such injury or damage.
Holidays	Regular meetings shall not be held on holidays. If a regular meeting falls on a holiday, the meeting must be held on the next business day.	Although not specifically addressed by the OPMA, we recommend that special meetings not be held on holidays out of consideration for public participation.
Business Transacted	There are no restrictions on the type of business that may be transacted at regular meetings.	Final disposition cannot be taken on any matter not listed in the special meeting notice.

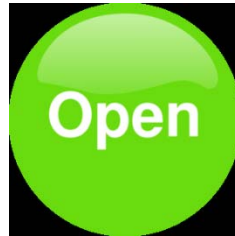
*DISCLAIMER: These practice tips are meant to provide summary information on the notice requirements of the OPMA; these tips are not intended to be regarded as specific legal advice. Consult with your agency's legal counsel about this topic as well.

disclosure would increase the	<input type="checkbox"/>
use of real estate if there's a	<input type="checkbox"/>
2.30.110(1)(c).	<input type="checkbox"/>
st be taken in open session.	<input type="checkbox"/>
42.30.110(1)(d). See back of page.	<input type="checkbox"/>
employee. RCW 42.30.110(1)(f).	<input type="checkbox"/>
session.	<input type="checkbox"/>
2.30.110(1)(g). See back of page.	<input type="checkbox"/>
See back of page.	<input type="checkbox"/>
o elective office.	<input type="checkbox"/>
ck of page.	<input type="checkbox"/>
ck of page.	<input type="checkbox"/>
). See back of page.	<input type="checkbox"/>
unced end time, the presiding	<input type="checkbox"/>
re returning to executive session.	<input type="checkbox"/>
te.	<input type="checkbox"/>

checklist is not intended to be regarded as specific legal advice.
May 2014



Touchstone:



- Public records of government agencies are presumed **open**.
- Records or information in records can be withheld only by law (e.g. exemption in law). Exemptions must be “narrowly construed.”

~ RCW 42.56.030

Public Record

“Public record” means:

- **any writing**
- **containing information**
- **relating to**
- **the conduct of government or**
- **the performance of any governmental or proprietary function**
- **prepared, owned, used, or retained**
- **by any state or local agency**
- **regardless of physical form or characteristics.”**

~ RCW 42.56.010

Writing

- “**Writing**” includes “handwriting, typewriting, printing, photostating, photographing, and **every other means of recording any form of communication** or representation including, but not limited to, letters, words, pictures, sounds, or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion picture, film and video recordings, magnetic or punched cards, discs, drums, diskettes, sound recordings, and other documents including existing data compilations from which information may be obtained or translated.”

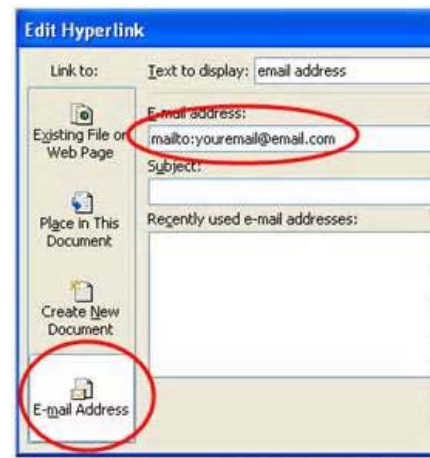
~ RCW 42.56.010

- So, “**public record**” is broadly defined.



Note: Public Records Include...

...records of agency business when they are created or retained by agency employees or officials on **home computers or devices, or in non-agency email accounts or files.**



Post-Nissen v. Pierce County:



- PRA requests for **public records** in a **local elected official's personal residence, on a personal computer, and in a personal email account (2016); and personal Facebook site (2018).**
- Court of Appeals:
 - *West v. Vermillion, Puyallup* (2016): **Public records** must be disclosed. The constitutions do not provide an individual a privacy interest in those public records. State Supreme Court denied review. (*See upcoming slide on "privacy."*)
 - *West v. Puyallup* (2018): Facebook posts on an elected official's personal site are **public records** if they relate to the conduct of government and are prepared within the scope of employment or official capacity.

“Mechanics” of Searching/Producing Public Records Controlled by Employee

- The public employee must **obtain, segregate and produce** to the employer those public records that are responsive to a PRA request from the employee's **personal accounts, files, and devices**.
- Employee may be required to submit affidavit regarding his/her search.
- Also applies to agency's public officials.

~ *Nissen v. Pierce County*

Exemptions

- Records are presumed open.
- If a record, or part of a record, is withheld from the public, the agency must cite to an “**exemption**” in law and give a brief explanation.
- Exemptions are **narrowly construed**.
- The general rule is the agency withholds only the exempt information, and releases the rest.
- Exemptions must be authorized in law --- in PRA or other laws.

~ RCW 42.56.050; RCW 42.56.210 - .510; RCW 42.56.550

professionally redacted [REDACTED] in Word Documents.
 you've ever had to [REDACTED] to purge corporate confidential or personal
 information, you know it's not fun. You either need to [REDACTED]
 [REDACTED] or getting fan
 matic tools.
 I got a better solution: A [REDACTED]
 ur documents a sort-of CIA-like professional appearance.

Privacy

- **There is no general “privacy” exemption in the PRA.**
- If privacy is an express element of another exemption, privacy is invaded only if disclosure about the person would be:
 1. **“Highly offensive to the reasonable person” and**
 2. **“Not of legitimate concern to the public.”**

~ *RCW 42.56.050*

This means that if information does not satisfy both these factors, it cannot be withheld as “private” information under other statutes.



Penalties Outside of PRA

Penalties in Other Laws:

There can be criminal liability for willful destruction or alteration of a public record.

~ *RCW 40.16.010*

For state employees, penalties can be assessed under the State Ethics Law if an employee intentionally conceals a record that must be disclosed under the PRA, unless decision to withhold was in good faith.

~ *RCW 42.52.050*

AGO PRA Model Rules

- **Chapter 44-14 WAC.**
- Adopted under RCW 42.56.570.
- Provide model rule language for agencies to consider in adopting their own PRA rules.
- Provide comments with background and references to PRA statutes and case law.
- A resource for state and local agencies, requesters, the courts, trainers, others interested in the PRA.
- PRA provides that local agencies should consult them when establishing local PRA ordinances. RCW 42.56.570(4).
- Updated in 2018:
 - <http://www.atg.wa.gov/model-rules-public-disclosure>

TO: Planning Commission
FROM: Brad Medrud, Planning Manager
DATE: January 11, 2022
SUBJECT: Preliminary Docket for 2022 Comprehensive Plan Amendments (O2022 – 003)

1) Recommended Action:

Read materials and be prepared to discuss as part of briefing on the topic.

2) Background:

Pursuant to RCW 36.70A.130 and TMC 18.60.025(A)(2), proposed map and text amendments to the City's Comprehensive Plan and corresponding rezones are only considered once per calendar year.

The City's annual 2022 Preliminary Docket of Comprehensive Plan amendments includes two private applications for map amendments filed by the Monday, December 6, 2021 deadline and four City-sponsored Comprehensive Plan text and map amendments.

A Planning Commission worksession on the Preliminary Docket is scheduled for January 25, 2022.

The City Council's General Government Committee will review the Planning Commission's recommendation on the Preliminary Docket in a briefing on February 9, 2022 and the City Council will hold a worksession to discuss the Preliminary Docket on February 22, 2022. The City Council will consider the Preliminary Docket on March 1, 2022.

The Planning Commission is scheduled to start consideration of the Final Docket of Comprehensive Plan amendments in July 2022.

3) Alternatives:

☐ None

4) Attachments:

A. Staff Report

**2022 ANNUAL CITY OF TUMWATER
COMPREHENSIVE PLAN MAP AND TEXT AMENDMENTS AND
CORRESPONDING REZONES**

**PRELIMINARY DOCKET
(ORDINANCE NO. 2022-003)**

STAFF REPORT

PLANNING COMMISSION BRIEFING

Introduction

Pursuant to RCW 36.70A.130 and TMC 18.60.025(A)(2), proposed map and text amendments to the City's Comprehensive Plan and corresponding rezones can only be considered once per calendar year.

The first part of the review process for the 2022 Comprehensive Plan amendments is a review of the preliminary docket to determine which items will move on to the final docket for staff review and consideration by the Planning Commission and City Council later this year.

The preliminary docket includes two private applications for a map amendment filed by the Monday, December 6, 2021 deadline for the 2022 Comprehensive Plan amendments from citizens or property owners, and the remaining four proposed amendments are City-sponsored Comprehensive Plan text and map amendments.

Private Map Amendments

1. Wells Littlerock Comprehensive Plan Land Use Map Amendment (TUM-21-1848) and Corresponding Rezone (TUM-32-1804)
2. Bath Littlerock Israel Comprehensive Plan Land Use Map Amendment (TUM-21-1873) and Corresponding Rezone (TUM-32-1872)

City Sponsored Text and Map Amendments

3. Neighborhood Character – Review Comprehensive Plan Housing and Land Use Elements
4. Thurston Climate Mitigation Plan – Update greenhouse gas emission (GHG) targets in the Conservation Element to address HB 2311
5. Essential Public Facilities Amendments

6. Comprehensive Plan Map Amendment and Corresponding Rezone to Change Triangle West of the Dennis Street SW and Linderson Way SW Intersection

Contents

Introduction	1
A. 2022 PRIVATELY SPONSORED COMPREHENSIVE PLAN MAP AMENDMENTS AND CORRESPONDING REZONES	3
1. Wells Littlerock Comprehensive Plan Land Use Map Amendment (TUM-21-1848) and Corresponding Rezone (TUM-32-1804).....	3
2. Bath Littlerock Israel Comprehensive Plan Land Use Map Amendment (TUM-21-1873) and Corresponding Rezone (TUM-32-1872).....	7
B. 2022 CITY SPONSORED COMPREHENSIVE PLAN MAP AND TEXT AMENDMENTS AND CORRESPONDING REZONES	12
3. Neighborhood Character – Review Comprehensive Plan Housing and Land Use Elements	12
4. Thurston Climate Mitigation Plan – Update greenhouse gas emission (GHG) targets in the Conservation Element to address HB 2311.....	12
5. Essential Public Facilities Amendments	12
6. Comprehensive Plan Map Amendment and Corresponding Rezone to Change Triangle West of the Dennis Street SW and Linderson Way SW Intersection	13
Review and Approval Criteria.....	17
Proposed 2022 Comprehensive Plan Amendment Schedule (Note dates subject to change)	17
Public Notification	18
Staff Conclusions	18
Staff Recommendation.....	19
Staff Contact	19

A. 2022 PRIVATELY SPONSORED COMPREHENSIVE PLAN MAP AMENDMENTS AND CORRESPONDING REZONES

1. Wells Littlerock Comprehensive Plan Land Use Map Amendment (TUM-21-1848) and Corresponding Rezone (TUM-32-1804)

- Proposal**
1. Amend the City-Wide Land Use Map to change the current Comprehensive Plan land use map designation of the property from Single Family Medium Density Residential (SFM) Comprehensive Plan map designation to Multi-Family Medium Density Residential (MFM).
 2. Amend the City-Wide Zoning Map to change the current zone district of the property from Single Family Medium Density Residential (SFM) to Multifamily Medium Density Residential (MFM).

Applicant Glenn Wells

Owner Marvin L. Beagles

Location Three adjacent parcels located to the south of 7223 Littlerock Road SW

Parcel Number Thurston County Assessor Parcel Numbers 1270-44-30901, 1270-44-30902, and 1270-44-30903

Property Size 2.76 acres

Background

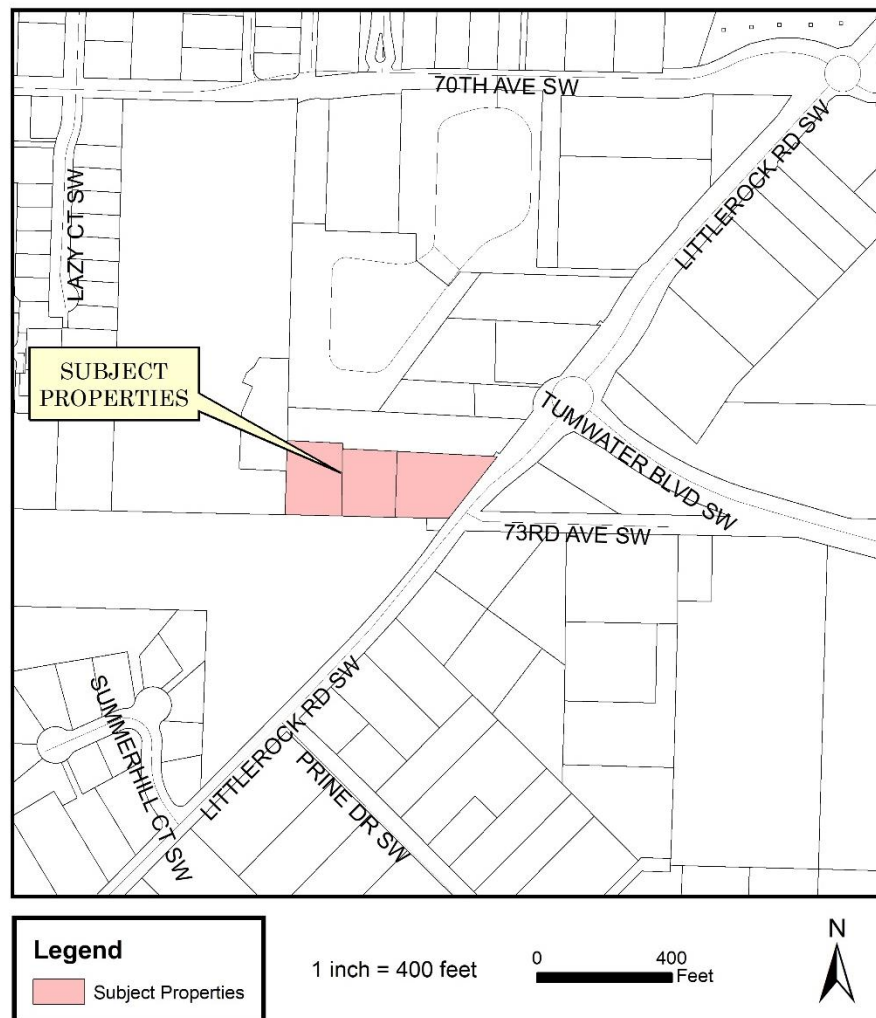
- In accordance with Tumwater Municipal Code 18.60.025(A)(5), applications for 2022 Comprehensive Plan Amendments and associated rezones were due by the first Monday in December (December 6, 2021).
- The City published notice on September 30, 2021 that applications for 2022 Comprehensive Plan Amendments and associated rezones would be due Monday, December 6, 2021.
- The City received the rezone application (TUM-21-1804 (Rezone)) on November 17, 2021.
- Staff sent out a letter of incompleteness for the rezone application (TUM-21-1804 (Rezone)) on December 6, 2021.

- The City received the Comprehensive Plan map amendment application (TUM-21-1848 (CPA)) on December 6, 2021.
- Staff sent out a letter of completeness for the Comprehensive Plan map amendment and rezone applications (TUM-21-1804 (Rezone)/TUM-21-1848 (CPA)) on December 10, 2021.

Maps

Figure 1 (Parcels and Ownership)

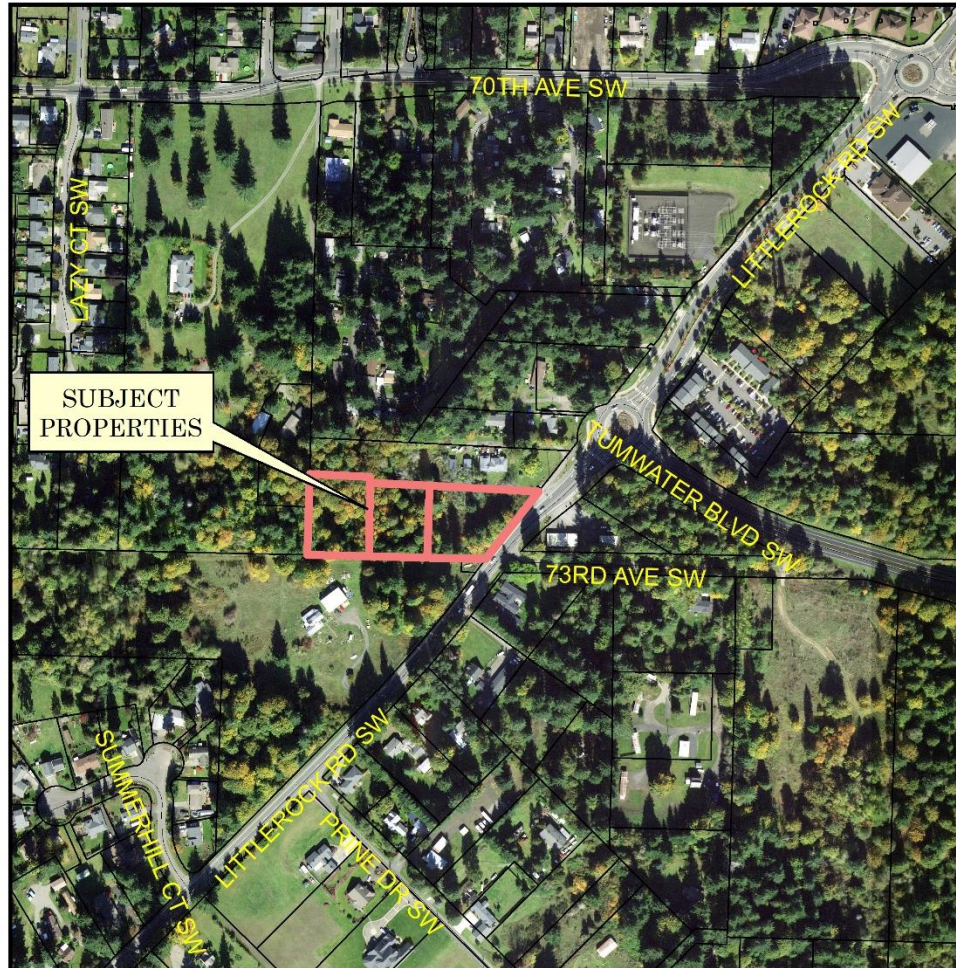
Figure 1 – Wells Littlerock Comprehensive Plan Map Amendment and Associated Rezone
Parcel Map
1270-44-30901, 1270-44-30902, and 1270-44-30903



Map Date: 1-3-2022
MXD: Wells Littlerock Rezone 2022
DISCLAIMER: The City of Tumwater does not warrant, guarantee, or accept any liability for the accuracy, precision, or completeness of any information shown hereon or for any inferences made therefrom.

Figure 2 (2019 Aerial)

Figure 2 – Wells Littlerock Comprehensive Plan Map Amendment and Associated Rezone
Aerial Map (2019)
1270-44-30901, 1270-44-30902, and 1270-44-30903

**Legend**

Subject Properties

1 inch = 400 feet

0 400
Feet



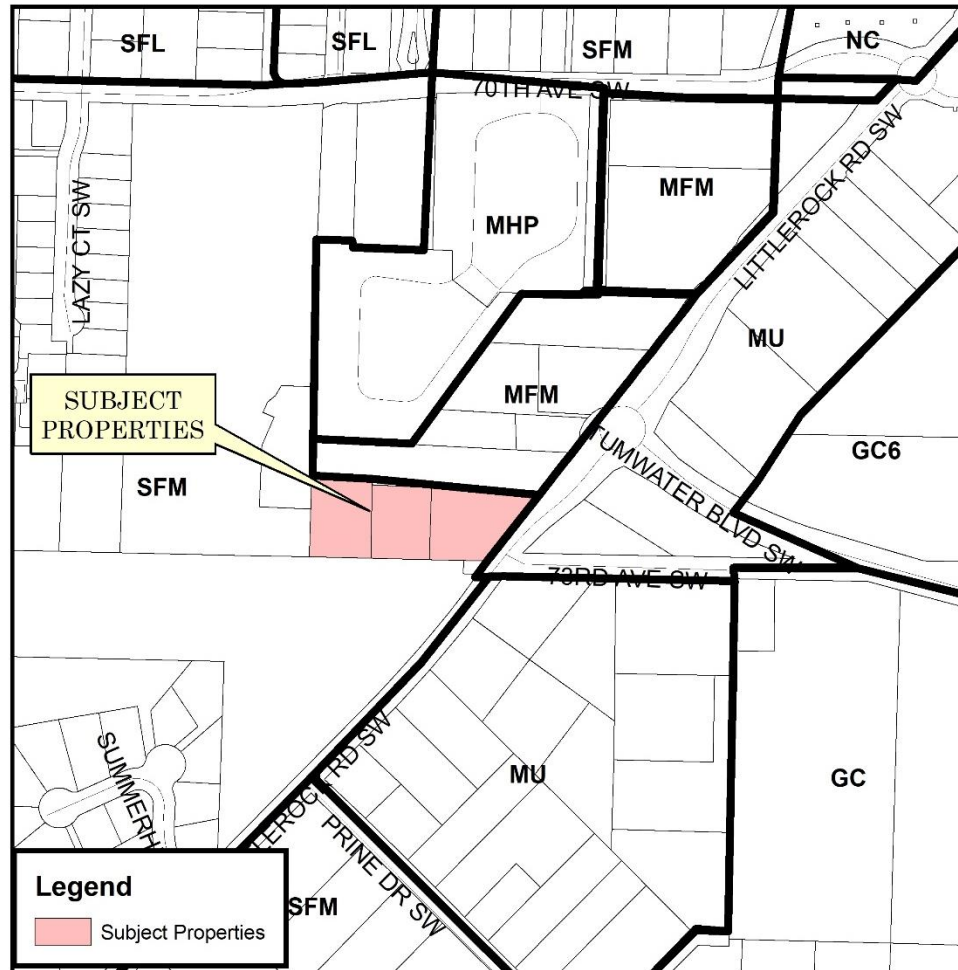
Map Date: 1-3-2022

MXID: Wells Littlerock Rezone 2022

DISCLAIMER: The City of Tumwater does not warrant, guarantee, or accept any liability for the accuracy, precision, or completeness of any information shown hereon or for any inferences made therefrom.

Figure 3 (Zoning)

Figure 3 – Wells Littlerock Comprehensive Plan Map Amendment and Associated Rezone
Zoning Map
1270-44-30901, 1270-44-30902, and 1270-44-30903



Designations
 GC General Commercial
 NC Neighborhood Commercial
 MFM Multi Family Medium Density (9-15/acre)
 MHP Manufactured Home Park
 MU Mixed Use
 SFL Single Family Low Density (4-7/acre)
 SFM Single Family Medium Density (6-9/acre)

1 inch = 400 feet

0 400 Feet



Map Date: 1-4-2022
 MXD: Wells Littlerock Rezone 2022
 DISCLAIMER: The City of Tumwater does not warrant, guarantee, or accept any liability for the accuracy, precision, or completeness of any information shown hereon or for any inferences made therefrom.

2. Bath Littlerock Israel Comprehensive Plan Land Use Map Amendment (TUM-21-1873) and Corresponding Rezone (TUM-32-1872)

Proposal	<ol style="list-style-type: none"> 1. Amend the City-Wide Land Use Map to change the current Comprehensive Plan land use map designation of the property from Mixed Use (MU) Comprehensive Plan map designation to General Commercial (GC). 3. Amend the City-Wide Zoning Map to change the current zone district of the property from Mixed Use (MU) to General Commercial (GC)
Applicant	Peter Condyles
Owner	Dayabir Bath
Location	Two adjacent parcels located at 6940 Littlerock Road SW and 1850 Israel Road SW
Parcel Number	Thurston County Assessor Parcel Numbers 1270-44-11000 and 1270-44-11200
Property Size	1.97 acres

Background

- In accordance with Tumwater Municipal Code 18.60.025(A)(5), applications for 2022 Comprehensive Plan Amendments and associated rezones were due by the first Monday in December (December 6, 2021).
- The City published notice on September 30, 2021 that applications for 2022 Comprehensive Plan Amendments and associated rezones would be due Monday, December 6, 2021.
- The City received the rezone application (TUM-21-1804 (Rezone)) on November 17, 2021.
- Staff sent out a letter of incompleteness for the rezone application (TUM-21-1804 (Rezone)) on December 6, 2021.
- The City received the Comprehensive Plan map amendment and rezone applications (TUM-21-1872 (Rezone) and TUM-21-1873 (CPA)) on December 6, 2021.

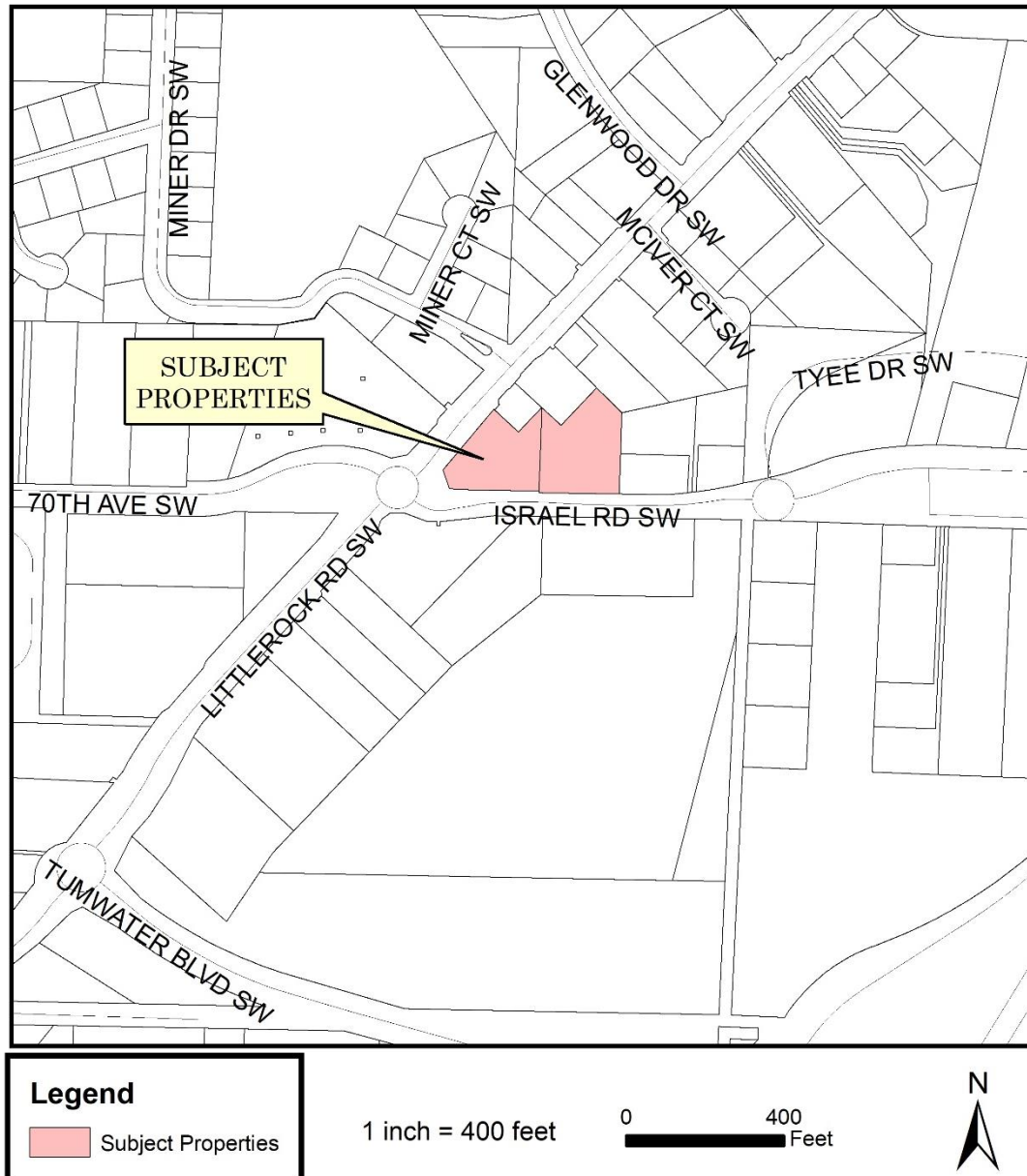
- Staff sent out a letter of incompleteness for the Comprehensive Plan map amendment and rezone applications (TUM-21-1872 (Rezone) and TUM-21-1873 (CPA)) on December 14, 2021.
- Staff sent out a letter of completeness for the Comprehensive Plan map amendment and rezone applications (TUM-21-1872 (Rezone) and TUM-21-1873 (CPA)) on January 3, 2022.
- The two adjacent parcels (1270-44-11000 and 1270-44-11200) of 1.97 acres located at 6940 Littlerock Road SW and 1850 Israel Road SW were part of the proposed 2017 Sullivan Comprehensive Plan Map and Zoning Map amendments (TUM-16-1325) that were considered by the City Council on January 16, 2018 as part of Ordinance No. O2017-024.
- The 2017 amendment changed the Bath Littlerock Israel property, along with four other parcels (Parcels #1 - #6 of Exhibit “B” of Ordinance No. O2017-024), from Mixed Use Overlay (MUO) Comprehensive Plan map designation and zone district to Mixed Use (MU).
- The City Council decided not to support a further amendment of Parcels #1 - #6 of Exhibit “B” of Ordinance No. O2017-024, which included the Bath Littlerock Israel property, to General Commercial (GC).

Maps

Figure 4 (Parcels and Ownership)

Figure 4 – Bath Littlerock Israel Comprehensive Plan Map Amendment and Associated Rezone
Parcel Map

1270-44-11000 and 1270-44-11200



Map Date: 1-3-2022

MXD: Wells Littlerock Rezone 2022

DISCLAIMER: The City of Tumwater does not warrant, guarantee, or accept any liability for the accuracy, precision, or completeness of any information shown hereon or for any inferences made therefrom.

Figure 5 (2019 Aerial)

Figure 5 – Bath Littlerock Israel Comprehensive Plan Map Amendment and Associated Rezone
Aerial Map (2019)
1270-44-11000 and 1270-44-11200

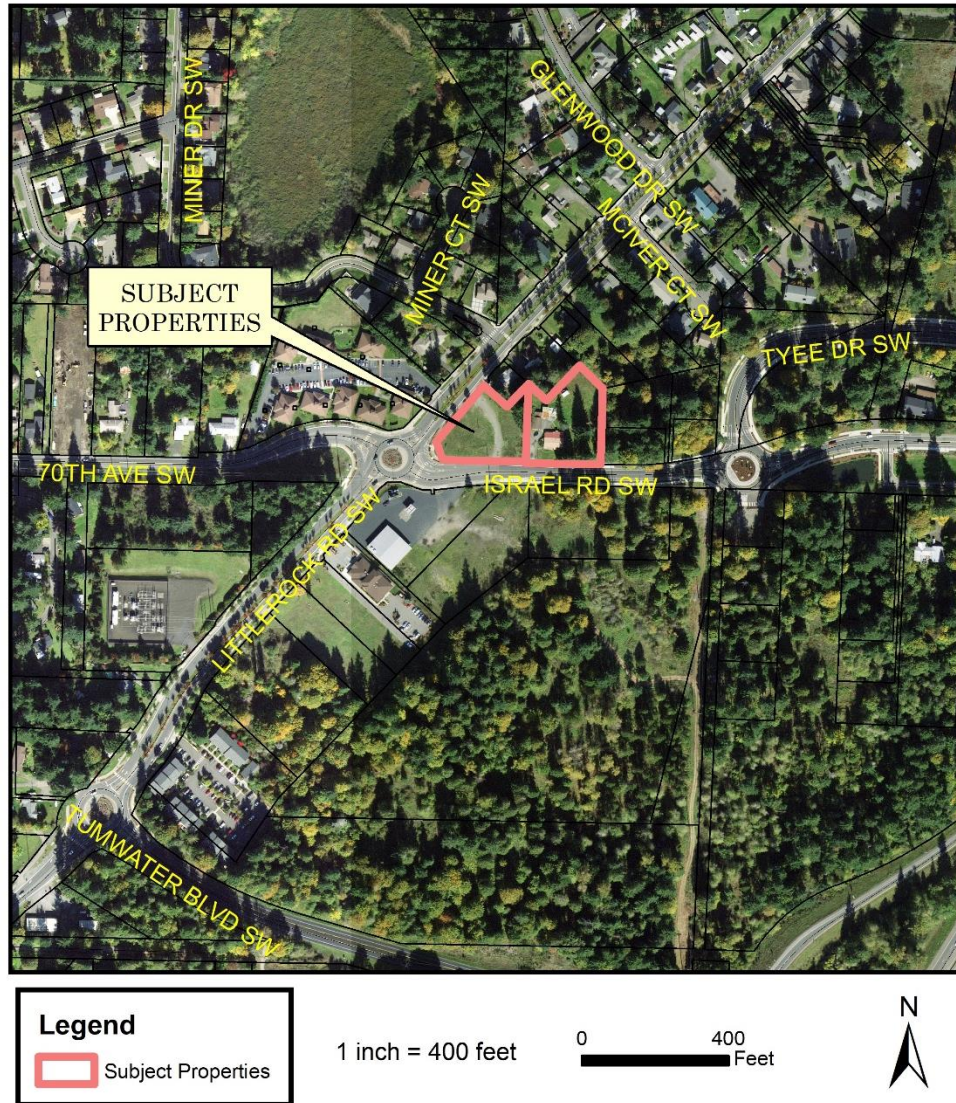
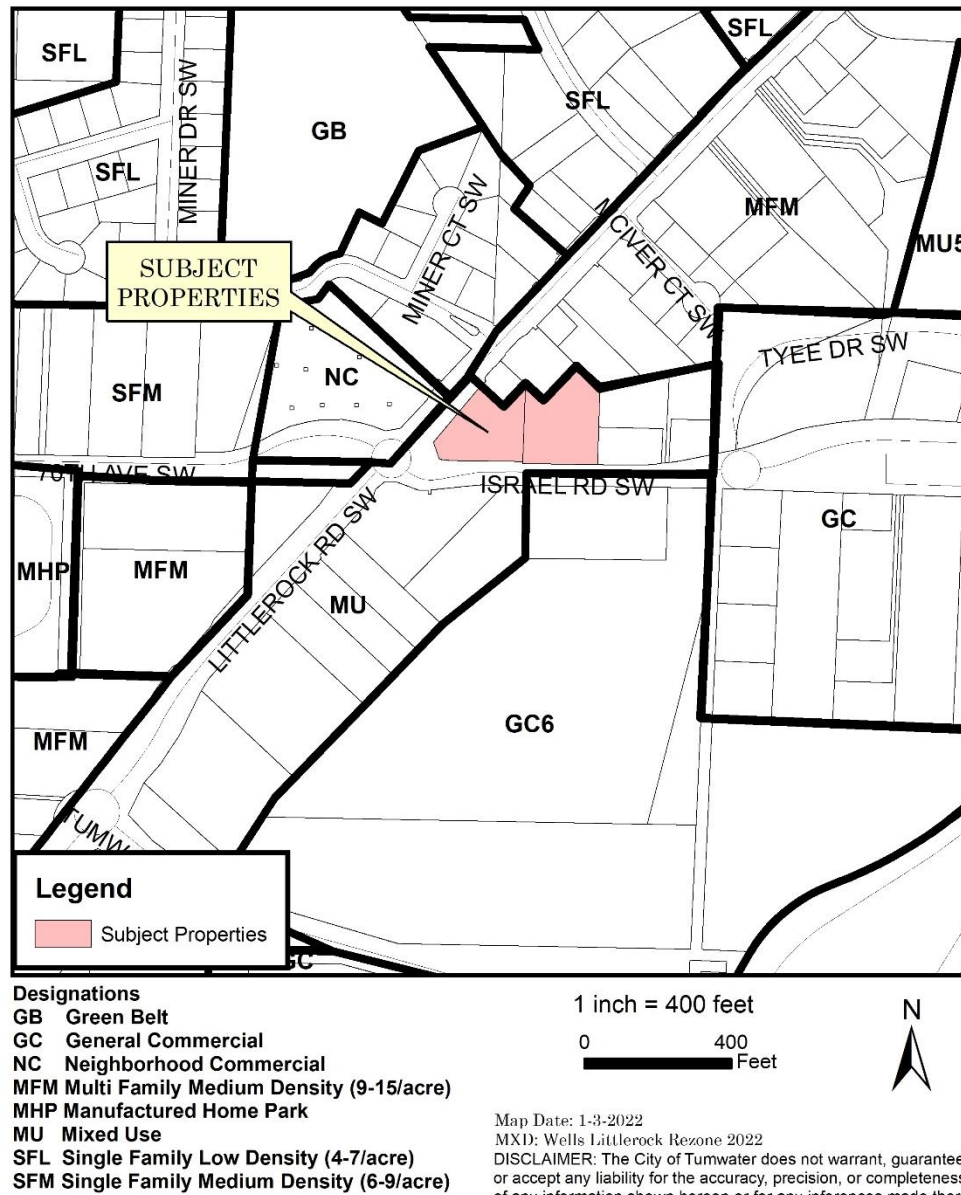


Figure 6 (Zoning)

Figure 6 – Bath Littlerock Israel Comprehensive Plan Map Amendment and Associated Rezone
Zoning Map
1270-44-11000 and 1270-44-11200



B. 2022 CITY SPONSORED COMPREHENSIVE PLAN MAP AND TEXT AMENDMENTS AND CORRESPONDING REZONES

3. Neighborhood Character – Review Comprehensive Plan Housing and Land Use Elements

Proposal 1. Review the Comprehensive Plan Housing and Land Use Elements and determine if there are amendments needed to address “neighborhood character.”

Sponsor City of Tumwater

Background

Staff proposes to review the Comprehensive Plan Housing and Land Use Elements to evaluate the use of the term “neighborhood character” in support of the Tumwater Housing Action Plan.

4. Thurston Climate Mitigation Plan – Update greenhouse gas emission (GHG) targets in the Conservation Element to address HB 2311

Proposal 1. Review the Comprehensive Plan Conservation and Land Use Elements and determine if there are amendments needed to address HB 2311.

Sponsor City of Tumwater

Background

The proposed review of Comprehensive Plan policies would support the Thurston Climate Mitigation Plan.

5. Essential Public Facilities Amendments

Proposal 1. Review the Comprehensive Plan Land Use Element and determine if there are amendments needed to address essential public facilities.

Sponsor City of Tumwater

Background

The proposed review of the Comprehensive Plan Land Use Element and determine if there are amendments needed to address essential public facilities such as Inpatient facilities including substance abuse facilities (including but not limited to:

intensive inpatient facilities; long-term residential drug treatment facilities; recovery house facilities).

6. Comprehensive Plan Map Amendment and Corresponding Rezone to Change Triangle West of the Dennis Street SW and Linderson Way SW Intersection

Proposal

1. Amend the City-Wide Land Use Map to change the current Comprehensive Plan land use map designation of the property from Single Family Medium Density Residential (SFM (MU) to Multi-Family High Density Residential (MFH).
2. Amend the City-Wide Zoning Map to change the current zone district of the property from Mixed Use (MU) to General Commercial (GC) to Multi-Family High Density Residential (MFH).

Sponsor

City of Tumwater

Location

6501 Linderson Way SW at the western corners of Linderson Way SW and Dennis Street SW

Parcel Number

Portion of Thurston County Assessor Parcel Number 1270-32-40303

Property Size

Part of 5.73-acre parcel

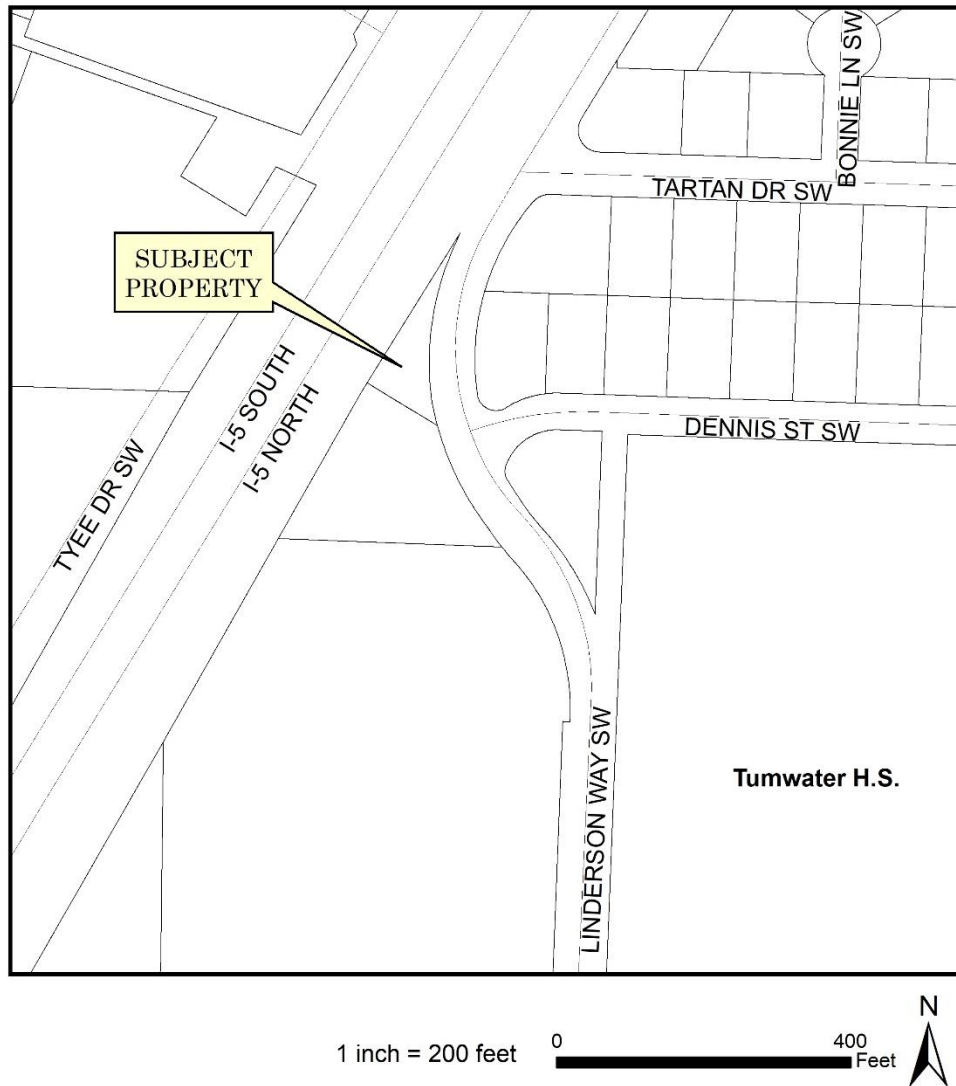
Background

- In 2019 Staff proposed a cleanup of the City-Wide Land Use Map and City-Wide Zoning Map

Maps

Figure 7 (Parcels and Ownership)

Figure 7 – Triangle west of the Dennis Street SW and Linderson Way SW
Comprehensive Plan Map Amendment and Associated Rezone
Parcel Map
A Portion of 1270-32-40303



Map Date: 1-3-2022

MXD: Wells Littlerock Rezone 2022

DISCLAIMER: The City of Tumwater does not warrant, guarantee, or accept any liability for the accuracy, precision, or completeness of any information shown hereon or for any inferences made therefrom.

Figure 8 (2019 Aerial)

Figure 8 – Triangle west of the Dennis Street SW and Linderson Way SW
 Comprehensive Plan Map Amendment and Associated Rezone
 Aerial Map (2019)
 A Portion of 1270-32-40303



1 inch = 200 feet

0 400 Feet



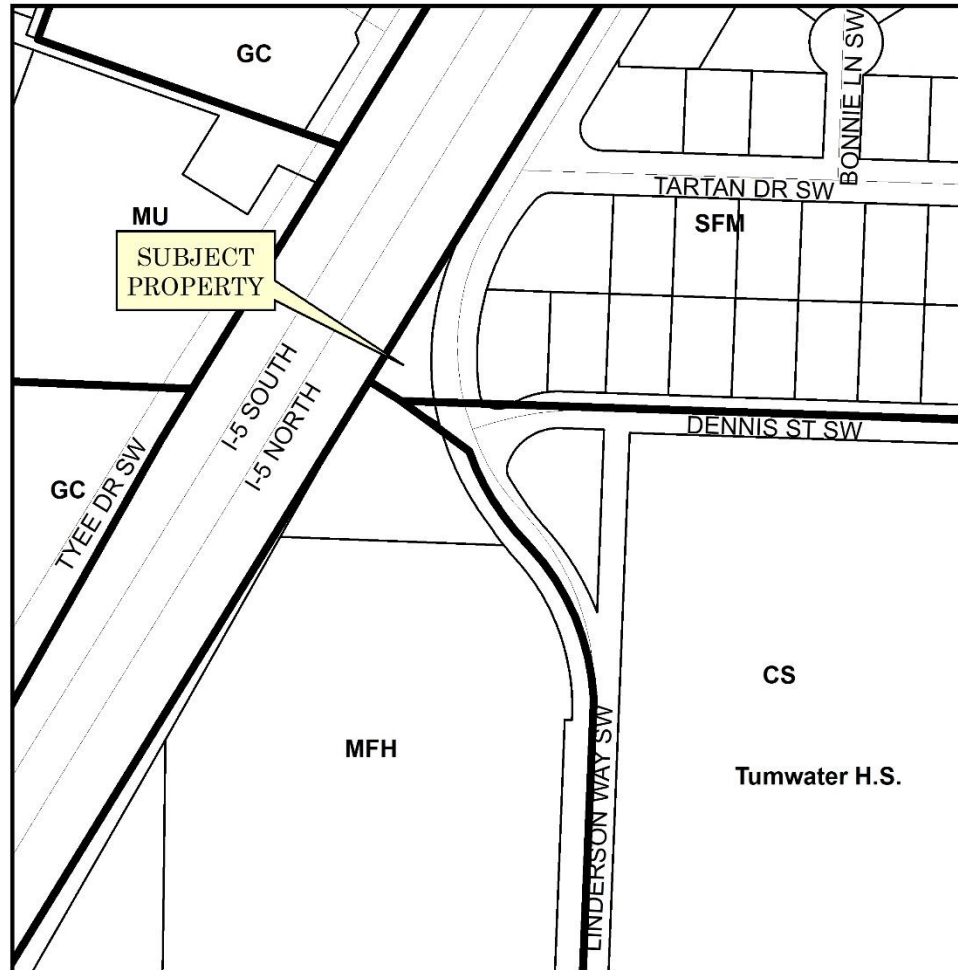
Map Date: 1-3-2022

MXD: Wells Littlelock Rezone 2022

DISCLAIMER: The City of Tumwater does not warrant, guarantee, or accept any liability for the accuracy, precision, or completeness of any information shown hereon or for any inferences made therefrom.

Figure 9 (Zoning)

Figure 9 – Triangle west of the Dennis Street SW and Linderson Way SW
 Comprehensive Plan Map Amendment and Associated Rezone
 Zoning Map
 A Portion of 1270-32-40303



Designations
 CS Community Services
 MU Mixed Use
 MFH Multi Family High Density (14-29/acre)
 SFM Single Family Medium Density (6-9/acre)

1 inch = 200 feet
 0 400 Feet
 N

Map Date: 1-3-2022

MXD: Wells Littlelock Rezone 2022

DISCLAIMER: The City of Tumwater does not warrant, guarantee, or accept any liability for the accuracy, precision, or completeness of any information shown hereon or for any inferences made therefrom.

Review and Approval Criteria

Comprehensive Plan map and text amendments are subject to the criteria below from Tumwater Municipal Code (TMC) 18.60.025(B):

1. *All amendments to the comprehensive plan must conform with the requirements of the Washington State Growth Management Act, Chapter 36.70A RCW, and all amendments for permanent changes to the comprehensive plan must be submitted to the Washington State Department of Commerce, pursuant to RCW 36.70A.106.*
2. *Text amendments and site-specific rezone applications should be evaluated for internal consistency with the comprehensive plan, and for consistency with the county-wide planning policies, related plans, and the comprehensive plan of Thurston County or cities which have common borders with Tumwater.*
3. *Whether conditions in the area for which comprehensive plan change/zoning amendment is requested have changed or are changing to such a degree that it is in the public interest to encourage a change in land use for the area.*
4. *Whether the proposed comprehensive plan zoning amendment is necessary in order to provide land for a community-related use which was not anticipated at the time of adoption of the comprehensive plan.*

Proposed 2022 Comprehensive Plan Amendment Schedule (Note dates subject to change)

2022 Preliminary Docket Process

Planning Commission

- January 11, 2022 – Planning Commission briefing
- January 25, 2022 – Planning Commission worksession

City Council

- February 9, 2022 – General Government Committee briefing
- February 22, 2022 – City Council worksession
- March 1, 2022 – City Council consideration

2022 Final Docket Process

Notice of Intent and SEPA Review

- July 2022 – Submit Notice of Intent to Commerce
- July 2022 – SEPA Review

Planning Commission

- July 26, 2022 – Planning Commission briefing
- August 9, 2022 – Planning Commission worksession
- August 23, 2022 – Planning Commission hearing

City Council

- September 14, 2022 – General Government Committee briefing
- September 27, 2022 – City Council worksession
- October 4, 2022 – City Council consideration

Public Notification

A Notice of Public Hearing for the Planning Commission will be issued after the Planning Commission establishes a hearing date on the final docket. The notice will be posted in the proposed map amendment area, published as a press release, distributed to interested individuals and entities that have requested such notices, and published in *The Olympian*. Letters notifying all property owners within 300 feet of the exterior boundaries of the proposed map amendment area of the public hearing are expected to be sent out around at the same time.

Staff Conclusions

1. All the proposed Comprehensive Plan map and text amendments and corresponding rezones will need to meet the review and approval criteria found in TMC 18.60.025(B).
2. All the proposed Comprehensive Plan map and text amendments and corresponding rezones will need to be consistent with the goals of the Washington State Growth Management Act.
3. All the proposed Comprehensive Plan map and text amendments and corresponding rezones will need to be consistent with the goals of the Conservation Element of the Comprehensive Plan.
4. All the proposed Comprehensive Plan map and text amendments and corresponding rezones will need to be consistent with the goals of the Housing Element of the Comprehensive Plan.
5. All the proposed Comprehensive Plan map and text amendments and corresponding rezones will need to be consistent with the goals of the Land Use Element of the Comprehensive Plan.

6. The potential impacts of all the proposed 2022 Comprehensive Plan map and text amendments and corresponding rezones will need to be considered together with the criteria found in TMC 18.60.025(B) and proposed amendments should not create any inconsistencies when evaluated together.
7. Based on the above review and analysis, staff will need to conclude that all the proposed Comprehensive Plan map and text amendments and corresponding rezones are consistent with the requirements of the Washington State Growth Management Act, Thurston County-Wide Planning Policies, the goals of Sustainable Thurston, and the Comprehensive Plan.

Staff Recommendation

1. Staff recommends that all the amendments go forward with the exception of the Bath Littlerock Israel Comprehensive Plan Land Use Map Amendment (TUM-21-1873) and Corresponding Rezone (TUM-32-1872), which the City Council considered in 2017.
2. Staff recommends that the Planning Commission evaluate the Preliminary Docket of Comprehensive Plan map and text amendments and corresponding rezones and forward a recommendation at its January 25, 2022 meeting to the City Council as to which amendments should go forward.

Staff Contact

Brad Medrud, AICP, Planning Manager
 City of Tumwater Community Development Department
 (360) 754-4180
bmedrud@ci.tumwater.wa.us