



**PLANNING COMMISSION
MEETING AGENDA**

Online via Zoom

**Tuesday, February 08, 2022
7:00 PM**

1. Call to Order
2. Roll Call
3. Changes to Agenda
4. Approval of Minutes - December 14, 2021, January 11, 2022, and January 25, 2022
 - [a.](#) Tumwater Planning Commission Minutes December 14, 2021
 - [b.](#) Tumwater Planning Commission Minutes January 11, 2022
 - [c.](#) Tumwater Planning Commission Meeting Minutes January 25, 2022
5. Commissioner's Reports
6. Manager's Report
7. Public Comment
- [8.](#) Ordinance No. O2022-004, Binding Site Plans
- [9.](#) Planning Commission Training Program Discussion
10. Next Meeting Date - 02/22/2022
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.

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

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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, February 8, 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.

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CONVENE: 7:00 p.m.

PRESENT: Chair Elizabeth Robbins and Commissioners Grace Edwards, Joel Hansen, Terry Kirkpatrick, Nam Duc Nguyen, Meghan Sullivan, and Michael Tobias.

Excused: Commissioners Doty Catlin and Nathan Peters.

Staff: Planning Manager Brad Medrud.

CHANGES TO AGENDA: The agenda was modified to add *Welcome and Self-Introductions*.

WELCOME AND INTRODUCTIONS: Chair Robbins welcomed Grace Edwards to the Commission. Commissioners and Manager Medrud provided self-introduction and shared information about their professional background.

**APPROVAL OF
MINUTES –
NOVEMBER 9, 2021:**

MOTION: **Commissioner Hansen moved, seconded by Commissioner Tobias, to approve the minutes of November 9, 2021 as presented. Motion carried unanimously.**

COMMISSIONERS' REPORTS: There were no reports.

MANAGER'S REPORT: Manager Medrud advised that notices would be forwarded to Commissioners for training on Open Public Meetings. Commissioners are requested to complete the training every four years.

PUBLIC COMMENT: **Ursula Euler** reported she served as the City's Finance Director and retired from the City last year. Recently, she has become interested in statewide work by the Washington State Department of Transportation (WSDOT) on finding solutions to meet the need for airports and airport services for passengers and cargo. The efforts to site airports have been in progress over the last 20 years. The area of her neighborhood is located where WSDOT proposed a mega airport approximately 10 years ago. She lives in the Black Lake River access area off Delphi Road near Black Hills.

Ms. Euler reported she has followed the work by the WSDOT Commercial Aviation Coordinating Commission (CACC) formed by legislation in 2019 mandating recommendations on airport expansions and one new airport site. It is likely an expansion of airports and the siting of a new mega airport would be required. Rather than influencing

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the decision to expand, she suggested it is more about putting fences and rules around how expansion and the siting of a new airport should occur. She stays informed by participating in the CACC meetings. She stressed the importance of the City becoming involved and following the meetings to ensure local jurisdictions are protected or are properly compensated both in time, efforts, responsibility, and accountability, as well as monetarily.

Recent information was released by the University of Washington on pollution studies of ultrafine particles. Those who live and work around airports do so in an unhealthy environment over time. The studies have identified the hazards and the committee and the state are ignoring the information, as well as information on how the health and wealth of a community decline around airports.

Ms. Euler submitted comments to the Commission with two recommendations. The first recommendation is for staff to attend the commission meetings to glean information that could be translated into future policy. The second recommendation is to invite representatives from the University of Washington to present the studies to the Commission and to the City Council on ultrafine particle research. The groundbreaking research is credible but does not speak to either supporting or not supporting airports. The research is critical for the City to develop policies. She added that she was stunned to learn that Rudy Rudolph, Airport Director with the Port of Olympia and member of the commission, supported concealing the study from the public.

Commissioner Hansen shared that he also has been following the commission's process and supports Ms. Euler's recommendation for the City to consider the research on ultrafine particles attributing to an increase in cancers and heart disease. One member of the committee who lives directly along the flight path of SeaTac Airport is suffering from Hodgkin lymphoma. The member presented the committee with information on the negative health outcomes in his neighborhood. The excess death rate in communities within a certain radius of a major airport is equal to the death rate from COVID in March and April 2020. The study is important and should not be concealed as it speaks to a clear case of public health harmed by development. The Port of Olympia Commission voted to remove the airport from consideration for expansion; however, the CACC has indicated local opposition to expansion would not necessarily be a determining factor and that the CACC could override the opposition by expanding the airport or even siting another airport south of Tumwater in the future. Everyone in the region should be paying attention to the proceedings of the CACC.

Ms. Euler added that the issue is a matter of urgency as the CACC is obligated to forward a recommendation to the Legislature on February

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15, 2022. Of the list of six airports for potential airport expansion, none are located in Thurston County. However, on January 7, 2022, the CACC will vote on finalizing the list and it could be possible someone would recommend adding a Thurston County site.

PUBLIC HEARING:

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

Chair Robbins outlined the public hearing process and format.

Chair Robbins opened the public hearing at 7:26 p.m. on Ordinance No. O2021-019, Emergency Shelters and Housing.

Manager Medrud briefed the Commission on responses to the Commission's questions and responses to the Mayor's comments received earlier in the day.

The ordinance updates Tumwater Municipal Code (TMC) Chapter 18 Zoning to address three state laws adopted in 2020 and 2021. The laws require local governments to allow certain housing types in particular locations. The laws include a timeline for incorporating the changes. The City has not received any proposals that would be affected by the proposed changes or timelines for approving the changes.

A summary of the proposed amendments include:

- Modifying language to identify that adult family homes can allow up to eight (previously six) adults, if the additional capacity is approved by the Department of Health and Services (DSHS). The amendment applies to the definitions section and to another section in the code addressing adult family homes.
- Modifying the definition of "family" so that it does not regulate or limit the number of unrelated persons that may occupy a household or dwelling unit.
- Allowing transitional housing or permanent supportive housing in zone districts allowing residential dwelling units or hotels/motels in the City.
- Allowing indoor emergency shelters and indoor emergency housing in zone districts allowing hotels or motels.

Manager Medrud reviewed proposed new definitions (Chapter 18.04):

- Emergency housing is temporary indoor accommodations for people in need.
- Emergency shelter is a temporary indoor shelter for people in need that may include day centers, such as a warming center or a cooling center dependent upon the season. Day centers may

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allow for overnight stay.

- Transitional housing is temporary housing with support services intended to be the next from emergency housing or emergency shelter. Individuals may live in a transitional or temporary housing for a period of two weeks to two years with support services provided to help prepare the individual to transition to regular housing.
- Permanent supportive housing is subsidized leased permitted housing with support services providing a higher level of service than traditional housing.
- The proposal includes a collective term for the four definitions of “Supportive Housing Facilities.”

Mayor Kmet forwarded a recommended change to clarify the definitions of “emergency housing” and “shelter” by including language clarifying that emergency housing typically provides individual rooms for sleeping whereas emergency shelters are more likely to have common areas for sleeping. In both cases, the uses could have communal bathrooms and/or kitchens or dining areas. Staff prepared a proposal for the Commission’s consideration for the definition of emergency housing in Section 2 of the ordinance to include language stating, “Emergency housing provides individual rooms for sleeping and may have communal bathrooms and kitchens or dining areas.”

Commissioner Hansen questioned whether all emergency housing provide individual rooms. Manager Medrud advised that if there are questions surrounding the recommended language, the Commission could elect not to include the language but include a recommendation to the City Council to explore the issue further to enable time for staff to complete some research.

Chair Robbins offered that the importance of the change is the opportunity for an individual to have shelter for sleeping regardless if it is in an individual room or in a communal situation. Manager Medrud said the differences between “emergency housing” and “shelter” has been problematic in terms of differentiating between the two types of facilities because they both appear to provide similar services.

Chair Robbins suggested the possibility of not adding language identifying the distinction as it appears it would be unnecessary. A single term that could encompass any combination of short-term warming, cooling, sleeping, or eating, etc., could suffice rather than adding two definitions.

Manager Medrud noted the definitions are defined in state law. The difference between “emergency housing” and “emergency shelter” in the definitions is that one provides for day accommodations (warming

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or cooling centers) that do not necessarily include an overnight stay component.

Commissioner Kirkpatrick asked whether a person receiving a two-night voucher for a hotel room could be considered as emergency housing. Manager Medrud responded that in that type of situation, the two-night stay would be considered a zoning use as a hotel or a motel. However, if a non-profit or the Thurston County Housing Authority assumed ownership and converted an existing hotel to an emergency shelter or some similar use, the new definitions would apply. Commissioner Kirkpatrick recommended revising the language reflecting, “emergency housing may provide” to afford the same flexibility reflected in the last sentence of the same section. Manager Medrud responded that the goal is for the definition to provide an explanation. In terms of a broader interpretation, the recommendation would be more defensible.

Commissioner Tobias commented on the recent action by the City of Olympia to clear the homeless encampments along Deschutes Parkway. The residents of those encampments were offered hotel vouchers for hotels in Lacey. He stressed the importance of having some mechanism for communicating emergency housing initiatives between local jurisdictions. Manager Medrud noted that because of the pandemic, many entities are using hotel/motel space for the homeless as a way to provide shelter while maintain distancing requirements for public health. Some other jurisdictions are considering conversions of hotels/motels to emergency shelters while in some cases, the use of vouchers is an emergency measure until other arrangements can be coordinated.

Manager Medrud recommended the definition of “emergency shelter” should state, “Emergency shelters may provide individual rooms and common areas for sleeping along with communal bathrooms and kitchens and dining areas.”

Chair Robbins recommended revising the definition to reflect, “Emergency shelters may provide individual rooms or common areas or both for sleeping...” Manager Medrud agreed to revise the definition.

Commissioner Kirkpatrick noted that all emergency shelters in place in Thurston County require the occupants to sign a letter of agreement prohibiting the use of drugs, alcohol, and aggressive behaviors. He questioned whether those agreements are different from an occupancy agreement. Manager Medrud said it is dependent upon whether the shelters are deemed to be low barrier in terms of accepting most people subject to some basic rules. Commissioner Kirkpatrick suggested clarifying that low barrier does not mean allowing the use of drugs or

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drinking alcohol. Low barrier shelters essentially allow people who may be under the influence of drugs or alcohol. The individual signs an agreement promising not to use drugs or alcohol while on the site. Manager Medrud affirmed he would highlight the section for further review with the City Attorney.

Chair Robbins asked whether the provision could be subject to including “may” or “may not require the occupants to sign an agreement” or whether the provision asserts that some form of agreement should be required of some kind. Manager Medrud offered that the issue is whether the language is more restrictive than state law. Chair Robbins suggested seeking input from a provider of an emergency shelter to learn about the practicability of the provisions applied to the operation of a shelter. Manager Medrud replied that he is not aware of any facility that provides shelter that would not have some minimal level of agreement. Chair Robbins noted that if state law is affording providers some flexibility based on city ordinances by including “may” the City might want to consider requiring providers to have some type of occupancy agreement.

Manager Medrud reviewed changes to the Use Tables in the code for emergency housing and emergency shelters. Those uses would be permitted in any zone district currently allowing hotels or motels. He referred to a map identifying the location of the zone districts.

Commissioner Kirkpatrick asked about those circumstances involving a faith-based facility offering shelter services not located in one of the permitted zone districts. Manager Medrud said the facility would not be able to provide the shelter. Commissioner Kirkpatrick did not support the restriction. Manager Medrud added that a faith-based facility would have other options, such as providing a temporary shelter under the existing ordinance or providing transitional or permanently supportive housing under the proposed definitions. Commissioner Kirkpatrick offered that the proposed zone districts would prohibit an opportunity for the City to have some emergency shelters provided by faith-based organizations.

Commissioner Tobias asked whether extreme weather events provide the ability for jurisdictions to temporarily suspend ordinances to allow organizations to provide emergency shelter. Manager Medrud said he believes it is possible because the City has provided emergency shelter at some City facilities. He cited language in the staff report that speaks to the Planning Commission considering how religious facilities would be a likely host to supportive housing facilities and how the ordinance could accommodate that. It has been the goal of the City to support such efforts and the City has been discussing various proposals with the local faith community as part of the City’s homelessness response for

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the past four years. For example, the City of SeaTac provided a separate process for religious facilities: “Allowed only as part of permitted Religious Use Facility Accessory not to exceed 20% of total building square footage, providing operating plan is approved ensuring there are no significant traffic or noise impacts to neighbors, and that health and safety standards are met.” That example might address Commissioner Kirkpatrick’s concerns.

Commissioner Kirkpatrick offered that considering the option would need to move to language that is codified to satisfy the intent. Manager Medrud questioned whether the intent by the Commission is to add the language or some variation to the ordinance as an amendment.

Chair Robbins asked whether altering the language to incorporate non-profits rather than specifically applying the provision to a faith-based facility would be possible. Manager Medrud said the Use Tables define churches but the tables do not define non-profits.

Manager Medrud queried Commissioners on support or non-support of Commissioner Kirkpatrick’s recommendation. Chair Robbins and the Commission supported Commissioner Kirkpatrick’s recommendation.

Commissioner Edwards inquired about the number of shelters existing within the City. Manager Medrud said at this time, he is not aware of any emergency shelters or emergency housing operating in the City of Tumwater during the last five years. Most shelters are located in and around downtown Olympia with recent expansion along Martin Way with some discussions about locating shelters in Lacey.

Manager Medrud reported another change to the Use Tables involves permanent supportive housing and transitional housing. Those uses would be permitted in any zone district that allows residential uses or hotels or motels. Only Light and Heavy Industrial and the Town Center Professional Office and Civic Subdistricts would not allow those uses.

The proposed ordinance proposes a new section for general land use regulations in Chapter 18.42 on standards for supportive housing facilities. Commissioners previously elected not to require a conditional use for the facilities but that the City should have some general standards that could apply to a new housing facility. The proposed standards would apply to both a new supportive housing facility or with a conditional use permit in those limited cases where a conditional use permit would be required. The most restrictive requirements would be applied if more than one of the uses were proposed for the same area. The intent is for the uses to match the bulk and scale of surrounding residential uses. Because the uses can vary depending upon the type of services provided and number of staff members, the proposal includes a

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requirement for completion of a parking study as part of the application process. Different supportive housing uses must be located at least 1,320 feet apart to meet the intent of the policy in the housing code to avoid placement of those types of uses in only one area of the City. Operations and service plans must be submitted to the City by the operators. Onsite services or transportation access to offsite services must be provided.

Commissioner Kirkpatrick said he believes the Commission recommended striking the 1,320 feet distance requirement based on the discussion surrounding the Drexel House that includes three levels of supportive housing serving different groups of individuals. Manager Medrud explained that the provision was not removed; however, the assumption is that if the most restrictive use is proposed and co-location is possible for efficiencies or multiple organizations provide services in one area, the City would be supportive. The provision applies to those uses that are separate and distinct of supportive housing uses that are not related. Commissioner Kirkpatrick agreed with the explanation but noted the provision does not speak to that explanation. Manager Medrud offered to review the language in the code later in the meeting.

Chair Robbins mentioned the conversation surrounding the latitude afforded the Community Development Director to render a decision concerning the proximity of uses. Manager Medrud explained that as part of the proposal (18.41.150), the Community Development Director would have the ability to make modifications dependent upon specific circumstances to all of the proposed standards.

Manager Medrud said a limit on the size of the facilities is included dependent upon the zone district. The intent is to ensure the intensity of the use matches the intensity of the neighborhood.

As part of the conditions for transitional housing, Mayor Kmet recommended additional language to clarify that the operator should, as part of the process (18.41.15), specify a minimum and maximum time limit for occupation of the units. State law stipulates that in general the timeline is a range of two weeks to 24 months with an option for modification if needed and approved by the Community Development Director. The Mayor's concerns surround a specific enforcement case where a person was operating a house on a nightly basis that created many issues.

Mayor Kmet also asked about the occupancy limits for all supportive housing facilities. However, the City's ability to limit occupation in the zoning code by number of people is more restrictive. Restrictions are included in the Building Code primarily for fire and safety reasons. Mayor Kmet recommended adding language to Tumwater Municipal Code 18.42.150 to clarify that the minimum area per occupant would be

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established by the Building Code, which is currently 200 square feet of minimum gross area per occupant.

Commissioner Kirkpatrick questioned whether the proposal would limit a tiny house to no less than 200 square feet. Manager Medrud affirmed 200 square feet would be the minimum square footage for a tiny house as well. Commissioner Kirkpatrick supported the recommendation.

Mayor Kmet also questioned the need for a landscape buffer for supportive housing facilities and suggested the Commission discuss the requirements for Type 1 landscaping as currently required for emergency housing and emergency shelters versus Type 2 landscaping for permanent supportive housing and transitional housing. Type 1 landscaping (Tumwater Municipal Code 18.47.050) requires a site barrier buffer separating incompatible uses at a minimum of 10 feet in width with screening of at least six feet in height at the time of planting (row of trees or shrubs). The visual separation barrier under Type 2 landscaping would be less with an eight-foot wide planting area and some level of screening.

Chair Robbins commented that the commitment for barrier space could be too strict because it would entail additional space that could affect resources for providing emergency shelter. She recommended seeking input from a provider of the service. Manager Medrud said any use to be developed would have some level of required landscaping. The issue speaks to the level of density and the amount of plantings required, which would entail a higher upfront cost. However, solid screening may require less maintenance over time and reduce costs. He believes requiring Type 2 landscaping would suffice as it would require fewer plants and is a shorter barrier in length while providing a good separation from surrounding uses.

Commissioner Kirkpatrick asked about landscaping requirements of adult family homes. Manager Medrud said screening requirements are not applicable to adult family homes; however, the developer would be required to follow traditional site landscaping requirements.

Manager Medrud proposed changing Type 1 to Type 2 landscaping for emergency housing and emergency shelter.

Manager Medrud summarized the Commission's previous discussions and recommendations:

- Discussed whether an occupancy use permit (CUP) is required or if the uses would be permitted outright. The Commission supported permitting the uses outright.
- The Commission removed separation standards from

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incompatible uses.

- Simplified the application process.
- Discussed the modification process for the standards and agreed to allow for flexibility for different providers with different needs and different proposals.
- Discussed how different uses and different managing agencies could be located on the same site.

Following the public hearing, the Commission may forward a recommendation to the City Council. The next steps after a recommendation by the Commission is a review by the General Government Committee following by a joint Council/Planning Commission worksession.

Commissioner Tobias asked whether a regional strategy has been discussed whereby each jurisdiction could focus on a specific area of use without neglecting the other uses, if needed. Manager Medrud responded that the Commission's discussion surround the kind of uses that would be allowed if a provider proposed a use within the City. A regional discussion by the cities and Thurston County is occurring at the Regional Housing Council (RHC) with recognition that homelessness and its associated issues are not issues limited only to one or two jurisdictions and that the intent is to enable a process for more equitable distribution of services across the county. Part of the efforts by the RHC is approving funding awards during an annual process for an assortment of services related to homelessness, housing, and support services. RHC members have also discussed the possibility of jurisdictions focused on specific types of services dependent upon the size of the population. For example, the City of Lacey focuses on providing homelessness services to veterans. The RHC has encountered some challenges when specific sites have been identified for a specific use because it often generates negative public feedback.

Chair Robbins asked about the possibility of a tracking mechanism or report on those instances where the Community Development Director has exercised an adjustment. Manager Medrud said the code does not require any type of follow-up on decisions rendered by the Community Development Director; however, he does not anticipate the City receiving many development proposals for those specific uses. Staff would likely monitor any decisions that include modifications. He cited language in the ordinance for the modification process by the Community Development Director enabling the Director to modify one or more of the standards.

Manager Medrud referred to language on separation and distance conditions that stipulate no supportive housing facility shall be located closer than 1,320 feet from another supportive housing facility.

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Additional language could be considered specifying that the application of the provision would apply to unrelated supportive housing as the City supports co-location of supportive housing facilities to improve efficiencies. The intent of the language is to avoid over-burdening particular areas of the community.

With there being no public testimony, Chair Robbins closed the public hearing at 8:38 p.m.

MOTION: Commissioner Kirkpatrick moved, seconded by Commissioner Sullivan, to forward Ordinance No. O2021-019; Emergency Shelters and Housing as modified to the General Government Committee for consideration. Motion carried unanimously.

NEXT MEETING: The next regular meeting of the Commission is on January 11, 2022. The December 28, 2021 meeting has been canceled.

ADJOURNMENT: Commissioner Hansen moved, seconded by Commissioner Sullivan, to adjourn the meeting at 8:43 p.m. Motion carried unanimously.

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

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CONVENE: 7:00 p.m.

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

Excused: Commissioner Michael Tobias.

Staff: Planning Manager Brad Medrud.

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

**APPROVAL OF
MINUTES –
NOVEMBER 23, 2021:**

MOTION: **Commissioner Hansen moved, seconded by Commissioner Kirkpatrick, to approve the minutes of November 23, 2021 as presented. Motion carried unanimously.**

**COMMISSIONERS’
REPORTS:** Commissioner Sullivan reported on the status of the totem pole located near the entrance of the Old Town Center. Mayor Sullivan met with members from the Squaxin Island Tribe and they have agreed to move the totem pole to the Squaxin Island Tribe Reservation.

**MANAGER’S
REPORT:** Manager Medrud advised that the City Council approved the Emergency Housing Ordinance with one change of reducing the separation requirements from 1,320 feet to 400 feet. The Council is considering action on the ordinance at its January 18, 2022 meeting.

**ONGOING 2022
PLANNING
COMMISSION
MEETING
SCHEDULE:** Chair Robbins acknowledged the Commission’s 2022 meeting schedule included in the agenda packet.

PUBLIC COMMENT: There were no public comments.

**OPEN PUBLIC
MEETINGS ACT
TRAINING:** Manager Medrud provided training on the Open Public Meetings Act. The training is required for City advisory committees, boards, staff, and elected officials. The Open Public Meetings Act was adopted in 1971. The Act requires all meetings to be open to the public. The Act outlines requirements for all public meetings conducted by local and state public agencies. The public can request recordings of any meetings and records of the discussions. Governing bodies in the City include all Council, Board, and Commissions. Conditions cannot be placed on

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individuals attending a meeting, such as registering, signing in, or providing a name or address. The City can establish regular rules of conduct. The governing body can incur significant penalties for violating the Open Public Meetings Act to include civil penalties against each member who knowingly attends a meeting in violation of the Open Public Meetings Act. Cost and attorney fees may be awarded to the successful party seeking a remedy. Actions taken during a meeting can be declared null and void. Minutes are required for meetings. The state requires training to be provided to each member of the governing body within 90 days of assuming the position.

For the benefit of Commissioners desiring more information, Manager Medrud advised members to visit the Office of the Attorney General webpage for additional information on the Open Public Meetings Act or visiting Municipal Research and Service Center's webpage as a good source of information on the Act.

Public records for government agencies are presumed open to anyone unless the law allows a specific exemption. Public records requests to the City are coordinated by the City Clerk. Public records can include home computers and devices that contain public records and could be subject to public record requests.

Commissioner Sullivan inquired about the status of a previous discussion involving the City providing Commissioners with City-owned computers/tablets for conducting Commission business. Manager Medrud advised that he would follow up with administration as he also recalled an earlier discussion.

Manager Medrud advised that for members not in attendance, he would contact them and arrange for training.

Commissioner Catlin joined the meeting at 7:27 p.m.

**PRELIMINARY
DOCKET FOR 2022
COMPREHENSIVE
PLAN
AMENDMENTS,
ORDINANCE NO.
O2022-003:**

Manager Medrud presented the preliminary docket of Comprehensive Plan Amendments. Amendments to the Tumwater Comprehensive Plan are considered at the beginning of each year. The amendments can include text, map, zoning map, and private and public rezones. Each year in September, the City publishes a public notice announcing the acceptance of applications for consideration as part of the City's Preliminary Docket process. Staff also begins efforts to propose amendments for consideration as part of the Final Docket.

The City's two-pronged approach for consideration of Comprehensive Plan amendments includes the Preliminary Docket of all applications for consideration. The Planning Commission reviews the Preliminary Docket and forwards a recommendation to the City Council on which

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amendments should move forward. The City Council issues a final determination on the amendments to move forward for additional review by staff. The second stage of the process following the reviews by staff is establishment of the Final Docket of amendments for consideration. Following several worksessions on the amendments, the Planning Commission conducts a public hearing and forwards a recommendation on the amendments to the City Council.

The 2022 Preliminary Docket includes the following amendments:

- Two proposed private map amendments and associated rezones:
 1. **Wells Littlerock Comprehensive Plan Land Use Map Amendment and Corresponding Rezone.** The application was submitted by proponent Glenn Wells, a local developer, for 2.76 acres comprised of three adjacent parcels located to the south of 7223 Littlerock Road SW owned by Marvin Beagles. The current Comprehensive Plan map designation and zone district is Single Family Medium Density Residential (SFM). The proponent proposes changing the map designation and zone district to Multi-Family Medium Density Residential (MFM). The parcels are vacant. Surrounding uses are zoned Mixed Use.
 2. **Bath Littlerock Israel Comprehensive Plan Land Use Map Amendment and Corresponding Rezone.** The application was submitted by proponent Peter Condyles. The property owner is Dayabir Bath. The amendment applies to two adjacent parcels totaling 1.97 acres located at 6940 Littlerock Road SW and 1850 Israel Road SW. A single-family house is located on one parcel. The second parcel is vacant. Current zoning of the surrounding area is Mixed Use. The applicant proposes changing the Comprehensive Plan Land Use designation and the zone district from Mixed Use to General Commercial. Historically, the two parcels proposed for the amendment were part of the 2017 Sullivan Comprehensive Plan Map and Zoning amendments considered by the City Council in 2017 and 2018 as part of Ordinance No. 02017-024. The 20217 amendments changed the two parcels in addition to four other parcels in the area from Mixed Use Overlay Comprehensive Map Designation and zone district to Mixed Use. The Mixed Use Overlay requires components of residential and commercial uses. The City's Mixed Use zone district does not require a mix of uses. At the time, the City Council did not support another amendment pertaining to parcels 1 through 6,

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which included the Bath Littlerock Israel property to General Commercial. The Council did not approve the amendment in order to maintain some level of mixed use along Littlerock Road. Instead, parcels near I-5 were changed to General Commercial and those near Littlerock were changed to Mixed Use.

- Three proposed public text amendments include:
 - 3. Neighborhood Character.** Review Comprehensive Plan Housing and Land Use Elements and determine if there are amendments needed to address “neighborhood character.”
 - 4. Thurston Climate Mitigation Plan.** Update greenhouse gas emission (GHG) targets in the Conservation Element to address HB 2311 – Review Comprehensive Plan Conservation and Land Use Elements and determine if there are amendments needed to address HB 2311 2022 Text Amendments.
 - 5. Essential Public Facilities Amendments.** Review the Comprehensive Plan Land Use Element and 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.
- One proposed public map amendment and associated rezone includes:
 - 6. Dennis/Linderson Triangle.** The City proposed the amendment for a portion of 5.73 acres of vacant land located at 6501 Linderson Way SW at the western corners of Linderson Way SW and Dennis Street SW. During the 1980s, Linderson Avenue was located along I-5 with no separation by streets. The area to the south has redeveloped to a multifamily development. The proposal would change the Comprehensive Plan map designation and zone district from Single Family Medium Density Residential (SFM) to Multifamily High Density Residential (MFH).

Staff recommends all amendments on the Preliminary Docket go forward with the exception of the Bath Littlerock Israel Comprehensive Plan Land Use Map Amendment (TUM-21-1873) and Corresponding Rezone (TUM-21-1872) because it was considered by the City Council in 2017 and 2018. Conditions do not appear to have changed sufficiently since 2017 and 2018 for the Bath Littlerock Israel proposal to warrant another amendment as required by criteria in Tumwater Municipal Code 18.60.025 that requires, “Whether conditions in the

TUMWATER PLANNING COMMISSION
MINUTES OF VIRTUAL MEETING
January 11, 2022 Page 5

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.”

Next steps in the Preliminary Docket process includes a worksession by the Commission on January 25, 2022 to consider forwarding a recommendation on the Preliminary Docket to the Council. A second Commission worksession is scheduled on January 25, 2022 followed by a briefing to the General Government Committee on February 9, 2022. The City Council has scheduled a worksession on February 22, 2022 with consideration of the Final Docket scheduled in March 2022. The Final Docket will be presented to the Commission at its second meeting in July 2022 for review and consideration.

Chair Robbins asked that staff provide information on surrounding services located within the area of the proposed amendments, such as transportation, transit, or other existing or future services planned for the area (water, sewer, school bus service). Manager Medrud advised that for the Wells Littlerock amendment (near Tumwater Boulevard and Littlerock Road traffic circle), the property is currently not served by transit and staff does not anticipate transit service within the next 10 years based on information from Intercity Transit. The property is served by City water and sewer and is located within the City limits. The Tumwater School District provides bus service for elementary school children. Students at that location attending a high school or middle school would likely be within walking distance. For the Bath Littlerock Israel amendment, the property is served by transit and City water and sewer service. The school district would provide bus service. For the Comprehensive Plan Map amendment process, changes for consideration by the Commission and the Council include the full range of uses that could be constructed on the sites if the amendments were approved. Staff is not aware of any specific projects for either of the proposed amendments.

Chair Robbins commented on her reluctance to increase residential density in areas that are not served by transit.

Commissioner Sullivan referred to prior reviews and conversations surrounding the Bath Littlerock Israel property related to potential uses for Neighborhood Commercial and the potential for a fuel station or convenience store on one of the parcels. Manager Medrud affirmed that there have been multiple real estate agents that have proposed different uses for the parcels. One of the proposals was a service station, as well as other proposed uses. However, no application has been submitted to the City for preliminary review for the site.

Manager Medrud added that the Commission would receive a copy of

**TUMWATER PLANNING COMMISSION
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the 2017 ordinance for additional information.

NEXT MEETING: The next regular meeting of the Commission is on January 25, 2022.

ADJOURNMENT: **Commissioner Sullivan moved, seconded by Commissioner Peters, to adjourn the meeting at 7:54 p.m. Motion carried unanimously.**

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

**TUMWATER PLANNING COMMISSION
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CONVENE: 7:00 p.m.

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

Excused: Commissioners Doty Catlin and Terry Kirkpatrick.

Staff: Planning Manager Brad Medrud.

Chair Robbins announced the resignation of Commissioner Hansen as he recently accepted an appointment to the Thurston County Planning Commission.

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

COMMISSIONER REPORTS: Joel Hansen reported he had planned to attend the meeting as he was appointed to the Thurston County Planning Commission last week. He has enjoyed working with all members and looks forward to working with Commissioners in the future in various capacities within the community.

Chair Robbins congratulated Mr. Hansen on his recent appointment.

Commissioner Nguyen joined the meeting.

Commissioner Tobias noted the Board of County Commissioners voted two to one to approve the county's Home Fund.

Manager Medrud added that the passage will require several months to establish a committee to begin working on interlocal agreements with the intent to link the Home Fund with the City of Olympia's program. The City of Tumwater participates in the county's Home Fund Program, as sales tax revenue generated in the City helps to fund the county's Home Fund program. The City will be involved in the discussions as to how the funds are allocated through the Regional Housing Council process.

MANAGER'S REPORT: Manager Medrud reported the City Council approved the Emergency Housing Ordinance with one change of reducing the separation buffer from 1,320 feet to 400 feet.

PUBLIC COMMENT: **Peter Condyles** elected to defer his comments until later in the meeting.

STREET TREE PLAN SCOPE OF WORK: Manager Medrud reported the work program recently approved by the City Council includes the development of a Street Tree Plan as a requirement within the Urban Forestry Management Plan. The Tree

TUMWATER PLANNING COMMISSION
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Board recommended contracting with a consultant to assist staff and the Tree Board in developing the plan. To cover the cost, the City plans to apply for a Community Forestry Assistance Grant from the Department of Natural Resources (DNR). Submittal of the grant application is due on March 4, 2022. As part of the grant application submittal, staff is seeking input from the City Council and the Planning Commission on the scope of work accompanying the grant application. The Tree Board provided some initial input.

The scope of work defines users of the Street Tree Plan as property owners, homeowner associations, residential, commercial, and industrial developers, City tree maintenance staff, and tree cutting and landscaping maintenance companies.

The project schedule includes:

- Grant submittal
- Draft scope of work and RFP for consultant
- RFP process and consultant selection
- Community and stakeholder meeting schedule
- Determine type and content of work products
- Draft work product schedule for review by staff, Tree Board, Planning Commission, and City Council
- Tree Board, Planning Commission, and City Council meeting schedule

The scope of work products for the Street Tree Plan document include:

- 1) Street Tree Planning for Arterials and Connectors, and Guidance for other street types
- 2) Street Tree Planting and Maintenance Guidance
- 3) Summary of Street Tree management Responsibilities
- 4) Best Management Practices for Street Tree Care
- 5) Street Tree Planting List
- 6) Street Design Recommendations
- 7) Street Tree Planting Specifications and Details
- 8) Street Tree Pruning Guidelines

Amendments may be required to the following codes, regulations, and plans:

- 1) Other relevant sections of the Tumwater Municipal Code (TMC) in TMC Title 12 Streets, Sidewalks and Public Places (TMC 12.08 Street and Sidewalk Obstructions, TMC 12.12 Construction of Curbs and Sidewalks, and Tumwater Municipal Code 12.24 Street Trees), Title 16 Environment (TMC 16.08 Protection of Trees and Vegetation), and Title 17 Land Division (TMC 17.04 Definitions)
- 2) Tumwater Development Guide Chapter 3 General Engineering

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- Considerations and Chapter 4 Transportation, text and details
- 3) The Littlerock Road Subarea Plan, Chapter 5 Implementation
 - 4) The Tumwater Town Center Street Design Plan
 - 5) The Capitol Boulevard Community Zone Design Guidelines

Manager Medrud reviewed the schedule for the Street Tree Plan. Following input on the grant scope, staff plans to submit the grant application on March 4, 2022. The RFP process and consultant selection will occur during May and June. If awarded a grant, the City will receive funds by July 1, 2022 for utilization within one year. The project will begin in July and conclude by the end of the year.

DNR provided the City with a list of external resources for consultation comprised of all jurisdictions working on similar plans. Manager Medrud asked the Commission to provide any feedback on any actions that have not been addressed as part of the scope or additional areas that should be included.

Commissioner Tobias complimented Manager Medrud for the thoroughness of the proposal and for his efforts in developing the information.

ORDINANCE NO.
O2022-003,
PRELIMINARY
DOCKET FOR 2022
COMPREHENSIVE
PLAN
AMENDMENTS,:

Manager Medrud described the preliminary and final docket process for considering annual Comprehensive Plan Amendments.

The 2022 Preliminary Docket includes the following amendments:

- Two proposed private map amendments and associated rezones:
 1. **Wells Littlerock Comprehensive Plan Land Use Map Amendment and Corresponding Rezone.** The application was submitted by proponent Glenn Wells, a local developer, for 2.76 acres comprised of three adjacent parcels located to the south of 7223 Littlerock Road SW owned by Marvin Beagles. The current Comprehensive Plan map designation and zone district is Single Family Medium Density Residential (SFM). The proponent proposes changing the map designation and zone district to Multi-Family Medium Density Residential (MFM). The parcels are undeveloped. Surrounding uses are zoned Mixed Use.
 2. **Bath Littlerock Israel Comprehensive Plan Land Use Map Amendment and Corresponding Rezone.** The application was submitted by proponent Peter Condyles. The property owner is Dayabir Bath. The amendment applies to two adjacent parcels totaling 1.97 acres located at 6940 Littlerock Road SW and 1850 Israel Road SW. A single-family house is located

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on one parcel. The second parcel is vacant. Current zoning of the surrounding area is Mixed Use. The applicant proposes changing the Comprehensive Plan Land Use designation and the zone district from Mixed Use to General Commercial. Historically, the two parcels proposed for the amendment were part of the 2017 Sullivan Comprehensive Plan Map and Zoning amendments considered by the City Council in 2017 and 2018. The 2017 amendments changed the two parcels in addition to four other parcels in the area from Mixed Use Overlay Comprehensive Map Designation and zone district, which requires components of residential and commercial uses, to Mixed Use. The City's Mixed Use zone district does not require a mix of uses. The Council did not approve the amendment in order to maintain some level of mixed use along Littlerock Road. Instead, parcels near I-5 were changed to General Commercial and those near Littlerock were changed to Mixed Use.

- Three proposed public text amendments include:
 - 3. Neighborhood Character.** Staff review of Comprehensive Plan Housing and Land Use Elements and determine if there are amendments needed to address "neighborhood character."
 - 4. Thurston Climate Mitigation Plan.** Update greenhouse gas emission (GHG) targets in the Conservation Element to address HB 2311 and review any potential changes required as part of Phase 4 of the Thurston Climate Mitigation Plan.
 - 5. Essential Public Facilities Amendments.** Review the Comprehensive Plan Land Use Element and 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.
- One proposed public map amendment and associated rezone includes:
 - 6. Dennis/Linderson Triangle.** The City proposed the amendment for a portion of 5.73 acres of vacant land located at 6501 Linderson Way SW at the western corners of Linderson Way SW and Dennis Street SW. During the 1980s, Linderson Avenue was located along I-5 with no separation by streets. The area to the south has redeveloped to a multifamily development. The proposal would change the Comprehensive Plan map

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designation and zone district from Single Family Medium Density Residential (SFM) to Multifamily High Density Residential (MFH).

Staff recommends all amendments on the Preliminary Docket go forward with the exception of the Bath Littlerock Israel Comprehensive Plan Land Use Map Amendment (TUM-21-1873) and Corresponding Rezone (TUM-21-1872) because it was considered in 2017 and 2018 and conditions do not appear to have changed sufficiently since 2017 and 2018 for the Bath Littlerock Israel proposal to warrant another amendment.

The next step in the preliminary docket process is a recommendation on the final docket for consideration by the General Government Committee on February 9, 2022. The City Council has scheduled a worksession on February 22, 2022 with consideration of the Final Docket in March 2022. The Final Docket will be presented to the Commission at its second meeting in July 2022 for review and consideration.

PUBLIC COMMENT: **Peter Condyles** reported he is with Toyer Strategic Advisors, Inc., 10519 20th Street SE, Lake Stevens, Washington, and represents Dayabir Bath, the property owner. He previously submitted a letter outlining concerns. The property is located within the Littlerock Road Subarea Plan zone adopted in 1997 and envisioned as a mixed-use urban village. The plan was revised in 2006, 2013, and most recently in 2017. In 2017, the Tumwater Planning Commission recommended rezoning the property from Mixed Use to General Commercial as the property owner is seeking today. At that time, the request was the “Sullivan Amendment”; however, the Mayor and the City Council removed the parcels from final passage. It is worth noting that during that process in 2017, all public comments favored the Sullivan amendment and rezone of the parcels. Five years later and now 25 years since the original plan was adopted, there has been little interest in developing the property as Mixed Use, and there have been several companies interested in building on the property over the years to include Walgreen’s and Starbucks but each company was unable to build because of Mixed Use zoning restrictions. Mr. Bath has also attempted to sell the property with no interest from buyers or developers. The request to the Commission is to recommend adding the proposal to the docket for additional study. As witnessed over the last several years of the pandemic, market conditions have changed with work and retail patterns shifting with the market. Mixed-use development continues to be poor and is expected to continue for the immediate future as more work from work options expand and more businesses transition to curbside service. Mr. Condyles offered to answer any questions.

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Chair Robbins invited questions from the Commission.

Commissioner Tobias asked for clarification of the zoning surrounding the Bath property. Manager Medrud explained that the six parcels considered as part of the Sullivan Amendment included another four parcels and the two subject parcels located to the west of the four parcels. Commissioner Tobias questioned the reason for zoning the property to General Commercial, which is located to the east along Tyee Drive when Neighborhood Commercial is located across from the properties. He asked about the differences and the restrictions of Neighborhood Commercial versus zoning as General Commercial.

Mr. Condyles responded that the site located on a corner is near two major roads connected to a roundabout. Many businesses prefer to locate on corners because of high traffic visibility. Several businesses were unable to locate in the area because of the prohibition of drive throughs as both Walgreen's and Starbucks include drive through options, which is not allowed in the zone, which speaks to the request to change to General Commercial.

Manager Medrud affirmed Neighborhood Commercial restricts drive through uses, as the intent of the zone is to serve as a transition zone from Mixed Use and General Commercial, which moves away from a walkable environment to an environment of vehicle access to commercial uses.

Commissioner Sullivan said she participated in the 2017 discussion related to the property. She also recalls the sentiment as there was a thorough discussion by the Commission at that time. The reason the Commission recommended moving the amendment forward despite advice from staff, were concerns and testimony about the lack of development of the properties for an extended period. That point was addressed in the letter from Mr. Condyles. She prefers to consider ways to support development while also supportive of particular kinds of development to maintain the vision for the area. As she reviews changed conditions in the area, there has been much development occurring along Tyee Drive. However, Neighborhood Commercial promotes the most walkable environment followed by Mixed Use as General Commercial is designed to serve automobiles primarily and is not designed for walkability. She considers the task before the Commission as balancing current requests against the future vision of the City. She admitted she understands both viewpoints and has questions as to why the property is not viable for development. There is a truth and a reality, which can be subjective and she has often heard testimony that speaks to the lack of viability for construction of specific types of development in certain areas. She understands both viewpoints and wants to retain the vision of a walkable neighborhood while also

**TUMWATER PLANNING COMMISSION
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having the ability to develop.

Commissioner Nguyen recommended deferring deliberations to enable the Commission to consider the issues. Manager Medrud advised that if the Commission believes a future discussion is a necessary part of the final docket process, a decision for inclusion of the amendment within the final docket is appropriate at this time. However, the Commission could also consider as part of the final docketing process whether the amendment should move forward. If the Commission believes the proposal is worthy of further discussion, he recommended including the proposal within the final docket. Commissioner Nguyen offered that he believes the proposal should be included.

Commissioner Tobias said he considers the affects a marquee property could have in transforming an intersection. He cited the conversion of the old Tumwater grange hall to a Starbucks business at the corner of Henderson Boulevard and Yelm Highway and the resulting residential development occurring around that area. New development can prompt vitalization of an area.

Commissioner Peters commented that the Starbucks has contributed to worsening conditions at the intersection as well as the Dutch Brothers business at the corner of Trosper Road and Capitol Boulevard. He tends to agree with Commissioner Sullivan because adding a use that drives high traffic volume in that location would not be beneficial to the area.

Commissioner Nguyen agreed but also believes the abandoned grange was not beneficial for the area. The area was already developing and he is unsure whether the property was rezoned to allow a Starbucks.

Manager Medrud noted that the grange completed a rezone to allow the use involving several processes. The area abuts the City of Olympia, which envisioned development of the area as the Briggs Village urban village with varying intensities of residential and commercial development to promote a walkable community.

Chair Robbins noted that many areas envisioned for particular types of development can take many years. She asked about the status of the four parcels from the earlier actions in 2017 and 2018. Manager Medrud noted that if the proposal moves forward, there likely would be some discussions about expanding the area of the rezone to ensure against creating an island of the four remaining properties.

MOTION:

Commissioner Sullivan moved, seconded by Commissioner Tobias, to move all amendments, to include the Bath Littlerock Israel Comprehensive Plan Land Use Map Amendment and Corresponding Rezone for further investigation and discussion.

**TUMWATER PLANNING COMMISSION
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Commissioner Sullivan said the inclusion of the amendment promotes discussion by both the Commission and the Council on the vision for the existing designation (Mixed Use and Littlerock Road Subarea Plan).

MOTION: **Motion carried unanimously.**

NEXT MEETING: The next regular meeting of the Commission is on February 15, 2022.

Manager Medrud reported the February 15, 2022 meeting includes a briefing on an ordinance for revisions to the binding site plan process. The City offers a preliminary planning process for all uses. The binding site plan process is used for commercial and industrial projects or development involving condominiums and other residential uses. The separate process is intended to enable more flexibility for changes in sizes and types of uses as the site develops. One issue experienced by permitting staff involves the requirements for a planning site plan review, which are unclear. The intent of the review is to address those issues. The second briefing covers training for Commissioners. Staff will present some training options for discussion.

Chair Robbins asked Commissioners to notify staff of other desired training topics.

Manager Medrud encouraged Commissioners to contact him on any field trip ideas during the summer to visit particular types of development.

ADJOURNMENT: **Commissioner Sullivan moved, seconded by Commissioner Peters, to adjourn the meeting at 7:51 p.m. Motion carried unanimously.**

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

TO: Planning Commission
FROM: David Ginther, Senior Planner
DATE: February 8, 2022
SUBJECT: Ordinance No. O2022-004, Binding Site Plans

1) Recommended Action:

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

2) Background:

The intent of this ordinance is to clarify requirements for binding site plans in Tumwater Municipal Code (TMC) Titles 15 Buildings and Construction and 17 *Land Division*.

The current regulations for binding site plans have not been substantially updated since 1996. The regulations in TMC 17.08 *Binding site plans* do not clearly relate to the requirements for binding site plans found elsewhere in TMC Title 17 *Land division* or to the vesting requirements contained in TMC Chapter 15.44 *Vesting of development rights*.

Binding site plans are an alternative method of land division authorized in RCW 58.17.035. Binding site plans may only be used for land divisions for:

- Industrial or commercial use
- Lease of manufactured homes or travel trailers – typically a manufactured home park
- Condominiums

A binding site plan provides exact locations and detail for the type of information appropriately addressed as a part of land division, such as infrastructure and other requirements typical of subdivisions.

3) Alternatives:

☐ None

4) Attachments:

- A. Staff Report
- B. Binding Site Plans (Ordinance No. O2022-004)



City Hall
 555 Israel Road SW
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**BINDING SITE PLAN AMENDMENTS
 (ORDINANCE NO. O2022-004)
 STAFF REPORT
 PLANNING COMMISSION BRIEFING**

Issue

The City's current regulations for binding site plans have not been substantially updated since 1996. The regulations in TMC 17.08 *Binding site plans* do not clearly relate to the requirements for binding site plans found elsewhere in TMC Title 17 *Land Division* or to the vesting requirements contained in TMC Chapter 15.44 *Vesting of development rights*.

Summary

The proposed amendments are intended to establish clear requirements for the type of development that can utilize a binding site plan, the list of submittal requirements for a binding site plan application, and the process for review and approval of a binding site plan.

Background

Binding site plans are an alternative method of land division authorized in RCW 58.17.035. Binding site plans may only be used for land divisions for:

- Industrial or commercial use
- Lease of manufactured homes or travel trailers – typically a manufactured home park
- Condominiums

A binding site plan provides exact locations and detail for the type of information appropriately addressed as a part of land division, such as infrastructure and other requirements typical of subdivisions.

The amendments are a part of the approved 2022 Long Range Planning work program.

Binding Site Plan Amendments

The following is a summary of the proposed binding site plan amendments found in Ordinance No. O2022-004:

1. TMC Chapter 15.44 Vesting of Development Rights

Added “binding site plan” to sections that specify the type of land division that is vested to clarify how and when binding site plan applications are vested.

2. 17.08.010 Binding site plan

Clarified that binding site plans can be utilized for manufactured home parks. The code already states condominiums and commercial/industrial developments are allowed to utilize binding site plans. State law allows manufactured home parks to use this method of land division as well. Also added references to the land division processes addressed in the other portions of TMC Title 17 Land Division.

3. 17.14.040 Review Criteria

Added several review criteria specific to binding site plans that deal with the following:

- Building envelopes and land uses
- Parking lot plans
- Access, roads and utilities
- Previously approved uses
- Open space tracts, critical areas and buffers, and utility easements
- Uses allowed in the underlying zone district
- Adjacent properties and future development

4. 17.14.050 Administrative consideration

Required findings for approval are being added that are specific to binding site plans and include the following:

- Consistency with the Comprehensive Plan, the Tumwater Development Guide, the Tumwater Municipal Code, and state laws
- A statement that uses approved for the property and the conditions under which they are allowed are binding to the property
- A statement that a binding site plan may not create new nonconforming uses or structures or increase the nonconformity of existing nonconforming uses or structures
- A reference to the criteria in TMC 17.14.040 was also added

5. 17.14.080 Duration of approval

“Binding site plan” was added to the section to clarify that it applies to binding site plans. Like other land divisions, such as plats, short plats, etc., the initial

period of approval is for five years with up to three additional one-year extensions are allowed.

6. 17.14.090 Phasing of development

Phasing of a residential binding site plan is allowed if it contains 10 or more residential dwellings. This is consistent with the SEPA exemption threshold that Tumwater has adopted for short plats. Commercial or industrial binding site plans over 20 acres in size are allowed to phase development.

Public Approval Process

The Planning Commission will hold briefing on the proposed amendments on February 8, 2022 and the Planning Commission is scheduled to hold a worksession on February 22, 2022.

An Environmental Checklist for a non-project action will be prepared under the State Environmental Policy Act (Chapter 43.21C RCW), pursuant to Chapter 197-11 WAC on in February 2022, and a Determination of Non-Significance will be issued in February 2022.

The ordinance was sent to the Washington State Department of Commerce on January 6, 2022 for the required 60-day review before the proposed text amendments were adopted, in accordance with RCW 36.70A.106.

A Notice of Public Hearing for the Planning Commission will be issued prior to a public hearing. The notice will be posted, published as a press release, distributed to interested individuals and entities that have requested such notices, and published in *The Olympian*.

The Planning Commission is scheduled to hold a public hearing for the proposed amendments on March 8, 2022. Following the public hearing and deliberations, the Planning Commission will make a recommendation that Council on the proposed amendments.

The General Government Committee is scheduled to review the proposed amendments in a briefing on April 13, 2022 and recommend that the ordinance be discussed at a City Council worksession. The City Council is scheduled to review the amendments at a worksession on April 26, 2022. The City Council is scheduled to consider the amendments on May 17, 2022.

Public Notification

A Notice of Public Hearing for the Planning Commission will issued, posted, mailed to interested parties, and published in *The Olympian* after the Planning Commission sets the public hearing date.

Staff Conclusions

1. The proposed text amendments are consistent with the goals of the Washington State Growth Management Act.
 - a. This ordinance is consistent with Goal 7 of the Growth Management Act which states:

“Permits. Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability.”

The Ordinance establishes concise requirements for the application, review process, and approval of binding site plans.
2. The proposed amendments are consistent with the Economic Development Plan because the proposed amendments improve the clarity and specificity of the regulations for submittal, review, and approval of binding site plans.
 - a. Goal #1 of the Economic Development Plan states:

“Establish a development climate that stimulates economic activity and desirable investment.”
 - b. The text of the Economic Development Plan states that one of the ways to support Goal #1 is:

“...by making ongoing improvements to existing development regulations, systems, and processes.”
 - c. Action item 1.D. of the Economic Development Plan states:

“Ensure a predictable and efficient experience for business owners and developers seeking to invest in Tumwater.”

This Ordinance improves the existing regulations for the application, review process, and approval of binding site plans.
3. Based on the above review and analysis, staff concludes that the proposed text amendments are consistent with the requirements of the Washington State Growth Management Act and the Tumwater Comprehensive Plan.

Staff Recommendation

Staff recommends approval of the proposed amendments as shown in Ordinance No. O2022-004.

Effects of the Proposed Amendments

The proposed text amendments would necessitate changes to the Tumwater Municipal Code as shown in Ordinance No. O2022-004.

Staff Contact

David Ginther, Senior Planner
City of Tumwater Community Development Department
360-754-4180
dginther@ci.tumwater.wa.us

ORDINANCE NO. O2022-004

AN ORDINANCE of the City Council of the City of Tumwater, Washington amending Tumwater Municipal Code (TMC) Titles 15 *Buildings and Construction* and 17 *Land Division*.

WHEREAS, TMC Title 17 *Land Division* contain the requirements for binding site plans; and

WHEREAS, TMC Chapter 17.08 *Binding site plans* contains some requirements for binding site plans; and

WHEREAS, TMC Chapter 17.08 *Binding site plans* has not been substantially updated since 1996; and

WHEREAS, TMC Chapter 17.08 *Binding site plans* does not clearly relate to the requirements for binding site plans found elsewhere in TMC Title 17 *Land Division*; and

WHEREAS, TMC Chapter 15.44 *Vesting of development rights* contains the requirements for vesting for preliminary plat or preliminary short plat applications; and

WHEREAS, TMC Chapter 15.44 *Vesting of development rights* needs updating to address binding site plan applications; and

WHEREAS, TMC Chapter 15.44 *Vesting of development rights* has not been substantially updated since it was adopted in 2010; and

WHEREAS, TMC Chapter 17.08 *Binding site plans* does not clearly relate to the vesting requirements in TMC Chapter 15.44 *Vesting of development rights*; and

WHEREAS, the City is required to plan under Chapter 36.70A RCW, the Growth Management Act; and

WHEREAS, Goal #7 of the Growth Management Act states “...applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability”; and

WHEREAS, this ordinance establishes concise requirements for the application, review process, and approval of binding site plans; and

WHEREAS, this ordinance meets the goals and requirements of the Growth Management Act; and

WHEREAS, the City has adopted a Comprehensive Plan, in accordance with the Growth Management Act; and

WHEREAS, the Economic Development Plan and the Land Use Element are elements of the Comprehensive Plan; and

WHEREAS, Goal 1 of the Economic Development Plan is “Establish a development climate that stimulates economic activity and desirable investment”; and

WHEREAS, the Economic Development Plan mentions that one of the ways to support Goal 1 is “...by making ongoing improvements to existing development regulations, systems, and processes”; and

WHEREAS, Strategy 1.D of the Economic Development Plan is “Ensure a predictable and efficient experience for business owners and developers seeking to invest in Tumwater”; and

WHEREAS, clear and consistent development regulations support Goal 1 and Strategy 1.D of the Economic Development Plan; and

WHEREAS, the proposed amendments to TMC Titles 15 *Buildings and Construction* and 17 *Land Division* improve the clarity and specificity of the regulations for the submission, review process, decision making, and approval for binding site plans; and

WHEREAS, the proposed amendments to TMC Titles 15 *Buildings and Construction* and 17 *Land Division* are consistent with the Economic Development Plan; and

WHEREAS, Implementation Policy 11 of Section 3.3 of the Land Use Element states, “Modify the land use regulatory review, permitting, and approval system for consistency with the Growth Management Act and adopted plans to ensure predictability and allow processing of development permits in a timely and fair manner”; and

WHEREAS, this ordinance is consistent with Implementation Policy 11 of Section 3.3 of the Land Use Element because it clarifies and refines the process for reviewing and approving binding site plans; and

WHEREAS, this ordinance is consistent with the Comprehensive Plan; and

WHEREAS, in accordance with RCW 36.70A.106 and WAC 365-196-630, a notice of intent to adopt the proposed new development regulations was sent to the State of Washington Department of Commerce and to other state agencies on February _____, 2022 to allow for a sixty-day review and comment period, which comment period ended prior to adoption of this ordinance; and

WHEREAS, an Environmental Checklist for a non-project action was prepared under the State Environmental Policy Act (Chapter 43.21C RCW) on February _____, 2022, pursuant to Chapter 197-11 WAC, and a Determination of Non-Significance (DNS) was issued on February _____, 2022; and

WHEREAS, the Attorney General *Advisory Memorandum and Recommended Process for Evaluating Proposed Regulatory or Administrative Actions to Avoid Unconstitutional Takings of Private Property* (September 2018) was reviewed and utilized by the City in objectively evaluating the proposed amendments; and

WHEREAS, the Planning Commission received a briefing on the proposed code amendments on February 8, 2022, held a worksession on February 22, 2022, and held a public hearing on March 8, 2022; and

WHEREAS, a Notice of Public Hearing for the Planning Commission was issued on _____, 2022 prior to the public hearing. The notice was posted, published as a press release, distributed to interested individuals and entities that have requested such notices, and published in *The Olympian*; and

WHEREAS, the Planning Commission held a public hearing on March 8, 2022; and

WHEREAS, following the public hearing and deliberations, the Planning Commission recommended the proposed code amendments to the Tumwater Municipal Code to the City Council; and

WHEREAS, the General Government Committee held a briefing on the proposed code amendments on April 13, 2022; and

WHEREAS, the City Council discussed the proposed code amendments in a worksession on April 26, 2022; and

WHEREAS, the City Council considered the proposed code amendments May 17, 2022; and

WHEREAS, the City Council finds that the provisions of this ordinance are in the best interest of and protect the health, safety, and welfare of the residents of the City.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF TUMWATER, STATE OF WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Section 15.44.020 of the Tumwater Municipal Code is hereby amended to read as follows:

15.44.020 Intent.

It is the intent of the city of Tumwater to comply with RCW 19.27.095 and 58.17.033 by defining when a valid and fully complete building permit application for a structure and a valid and fully complete binding site plan, preliminary plat, or preliminary short plat application exists for the purpose of establishing the point of vesting of development rights.

(Ord. O2010-017, Amended, 12/21/2010; Ord. 1332, Added, 07/07/1992)

Section 2. Section 15.44.030 of the Tumwater Municipal Code is hereby amended to read as follows:

15.44.030 Definition.

A. For the purpose of this code, a “valid and fully complete building permit application” means the following information has been provided for any construction project:

1. The legal description, or the tax parcel number assigned pursuant to RCW 84.40.160, and the street address if available, and may include any other identification of the construction site by the prime contractor.

2. The property owner’s name, address and phone number.

3. The prime contractor’s business name, address, phone number, and current state contractor registration number.

4. Either:

a. The name, address and phone number of the office of the lender administering the interim construction financing, if any; or

b. The name and address of the firm that has issued a payment bond, if any, on behalf of the prime contractor for the protection of the owner, if the bond is for an amount not less than fifty percent of the total amount of the construction project.

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5. If any of the information required by subsection (A)(4) of this section is not available at the time the application is submitted, the applicant shall so state and the application shall be processed forthwith and the permit issued as if the information had been supplied. However, the applicant shall provide the remaining information as soon as the applicant can reasonably obtain such information.

6. Plans, specifications and reports, as required by this title.

7. A completed environmental checklist for applicable projects.

8. Accompanying the building permit application, a completed application and all information required to be filed for:

- a. Preliminary site plan review application;
- b. Zoning conditional use permit;
- c. Zoning variance;
- d. Zoning planned unit development;
- e. Zoning certificate of appropriateness;
- f. Shoreline permit, conditional use permit or variance;
- g. Site development/grading permit;
- h. Land clearing permit;
- i. Wetland permit;
- j. Wireless communications facility permit;
- k. Wetland or fish and wildlife habitat protection reasonable use exception;
- l. Any other land use or environmental permit in effect on the date of application.

9. Payment of all fees, including but not limited to items listed in subsections (A)(7) and (8) of this section, plan check fees required under the provisions of the Tumwater Municipal Code, and resolutions setting forth fees.

B. For the purpose of this code, a valid and fully complete binding site plan, preliminary plat, or preliminary short plat application requires at a minimum that the following information has been provided:

1. Submittal of all plans, reports, and other materials required by the city's development guide, TMC Title 17, Land Division, and other applicable development regulations, and shall include the following general information:

- a. A completed binding site plan, preliminary plat, or preliminary short plat application form and intake checklist;

- b. A verified statement by the applicant that the property affected by the application is in the exclusive ownership of the applicant, or that the applicant has submitted the application with the consent of all the owners of the affected property;
- c. A property and/or legal description of the site for all applications, as required by the applicable development regulations;
- d. The application fee;
- e. Evidence of adequate water supply as required by RCW 19.27.097;
- f. Evidence of sewer availability, or approval and authorization to construct a community or individual sewer or septic system.

(Ord. O2010-017, Amended, 12/21/2010; Ord. 1332, Added, 07/07/1992)

Section 3. Section 15.44.040 of the Tumwater Municipal Code is hereby amended to read as follows:

15.44.040 Vesting of development rights.

A. A valid and fully complete building permit application for a structure that is allowable under TMC Title 18, Zoning, or other land use control ordinances in effect on the date of the application shall be vested under the building permit ordinance in effect at the time of application, and the zoning or other land use control ordinances in effect on the date of application.

B. A valid and fully complete binding site plan, preliminary plat, or preliminary short plat application that is allowable under TMC Title 17, Land Division, and TMC Title 18, Zoning, or other land use control ordinances in effect on the date of the application shall be vested under binding site plan, subdivision, or short subdivision ordinances and zoning or other land use control ordinances in effect on the date of application; provided, that the provisions of RCW 58.17.170 shall dictate the development regulations applicable to a preliminary plat application for development or use of land subject to an unexpired subdivision approval (this provision shall not apply to land subject to an unexpired short subdivision approval).

(Ord. O2010-017, Amended, 12/21/2010; Ord. 1332, Added, 07/07/1992)

Section 4. Section 17.08.010 of the Tumwater Municipal Code is hereby amended to read as follows:

17.08.010 Binding site plans.

A. Divisions of land into lots, parcels, or tracts zoned for industrial and/or commercial use or specifically intended for condominiums or manufactured home parks may be processed as a binding site plan. The city shall approve a binding site plan following the process in TMC Title 17, Land Division, when it has been shown

to conform to the requirements of the zoning code; provided, that said lots, parcels or tracts shall not be sold or transferred unless the binding site plan and a record of survey map, which is prepared in compliance with Chapter 58.09 RCW, and which includes a legal description of each lot, parcel or tract being created, is approved by the department of community development and filed for record in the county auditor's office.

B. The department of community development shall certify that the survey map conforms to the requirements of the zoning code, land division code, and development standards, and affix its signature to the survey prior to recording; provided further, that the binding site plan and all of its requirements shall be legally enforceable on the purchaser or other person acquiring ownership of the lot, parcel or tract; and provided further, that sale or transfer of such a lot, parcel or tract in violation of the binding site plan, or without obtaining binding site plan approval, shall be considered a violation of this title and shall be restrained by injunctive action and be illegal as provided in Chapter 58.17 RCW.

(Ord. O2011-002, Amended, 03/01/2011; Ord. O96-004, Amended, 04/16/1996; Ord. 1308, Added, 10/15/1991)

Section 5. Section 17.14.040 of the Tumwater Municipal Code is hereby amended to read as follows:

17.14.040 Review criteria.

A. Hearing Examiner and/or Community Development Department Inquiry into Public Use and Interest. The hearing examiner and/or community development department shall inquire into the public use and interest proposed to be served by the establishment of the proposed land division and dedication. The hearing examiner and/or staff shall determine: if appropriate provisions are made for, but not limited to, the public health, safety and general welfare, for open spaces, drainage ways, streets or roads, alleys, other public ways, other grounds, transit stops, potable water supplies, sanitary wastes, parks and recreation playgrounds, schools and school grounds, fire protection and other public facilities, and shall consider all other relevant facts, including the physical characteristics of the site, and determine whether the public interest will be served by the land division and dedication. Further, consideration shall be given for sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school. If the hearing examiner and/or staff find that the proposed division of land makes appropriate provisions for the above, and makes written findings to that effect, then it shall be approved. If the hearing examiner and/or staff find that the proposed land division does not make such appropriate provisions or that the public use and interest will not be served, then the hearing examiner or staff shall disapprove the proposed division of land.

B. Dedication. Dedication of land, provision of public improvements to serve the land division, and/or payment of impact fees allowed by state law, to any public body, may be required as a condition of land division approval. Evidence of such dedication and/or payment shall accompany final land division approval. No dedication, provision of public improvements, or impact fees imposed in conformance with state law shall be allowed that constitutes an unconstitutional taking of private property.

C. Release from Damages from Other Property Owners. The hearing examiner and/or staff shall not, as a condition of approval, require an applicant to obtain a release from damages from other property owners.

D. Flood Hazard Areas. The hearing examiner and/or staff shall consider the physical characteristics of a proposed land division site, and may disapprove a proposed division because of flood, inundation, or wetland conditions. Construction of protective improvements may be required as a condition of approval, and such improvements shall be noted on the final land division.

E. Health Department. As a condition of preliminary land division approval, the health department may require plan modifications in those instances where topography, soils, water table, or other conditions are such that the changes are necessary in order to prevent possible health hazards due to ground or surface water contamination or sewage disposal system malfunction.

F. School District. When a proposed division wholly or partially contains a school site proposed in the comprehensive plan or other officially adopted plans, as a mitigation measure in an environmental document or determination or when the school district finds a reasonable foreseeable need for such a site, the applicant may be required to dedicate a portion of the division or reserve it for future purchase by the school district. The city shall require evidence of need from the school district as a prerequisite to requiring dedication or reservation. The hearing examiner and/or staff may recommend a time limit on the effective period of any reservation.

G. Fire Department. When the affected fire department finds a reasonably foreseeable need for a site wholly or partially contained within the preliminary land division, the applicant may be required to dedicate a portion of the site or reserve it for future dedication. Evidence of need from the fire department is a prerequisite to requiring dedication or reservation. The hearing examiner and/or staff may recommend a time limit on the effective period of any reservation.

H. Parks. When a preliminary division includes the area of a trail or open space network which is indicated in the park plan element of the comprehensive plan or other officially adopted plan, an area encompassing such trail or open space network may be required to be set aside for its intended purpose. It may be provided by the granting of a trail or open space easement to the city, dedication, or reservation for future purchase by the public. The hearing examiner and/or staff may determine a reasonable time or specify the event, limiting the effective period of the reservation.

Where land is set aside in accordance with this provision, the area of such land may be counted toward satisfaction of open space/park requirements of TMC 17.12.210.

I. Shoreline Management. Whenever a preliminary division of land is wholly or partially located within an area subject to the jurisdiction of the Shoreline Management Act of 1971, Chapter 90.58 RCW, as amended, the applicant shall comply with the Shoreline Master Program for the Thurston Region, Chapter 90.58 RCW, as amended.

J. Binding site plans. In addition to the review criteria of subsections A-I above, binding site plans shall meet the following:

1. A binding site plan shall depict building envelopes and all existing and proposed land uses.

2. A parking lot plan is required for the binding site plan. The plan shall allocate parking to each lot or condominium unit or specify joint use parking. Proposed lots containing legally existing structures and uses need not meet current parking regulations. Proposed lots without legally existing structures or uses must meet current parking regulations.

3. Access to each lot or condominium unit within the binding site plan shall be depicted. Existing access to legally existing structures and uses need not meet emergency vehicle access standards. Access to proposed lots and new development without legally established structures or uses shall meet current standards.

4. Binding site plans shall be reviewed for storm drainage, roads, water supply, existing sanitary sewage disposal, access or easement for vehicles, survey requirements, utilities, and fire protection for any lot, tract, parcel or site and for zoning requirements, previous decisions, accuracy of legal description, ownership, lot dimensions, and improvements on the lots.

5. A binding site plan cannot amend or conflict with previously granted use permit approvals or conditions of approval.

6. A binding site plan shall depict any open space tract, required recreational areas, critical area buffers, and utility easements.

7. Proposed uses must be as allowed in the underlying zone district. Should the proposed use require a conditional use permit, said permit shall be requested and reviewed concurrently or prior to approval of the binding site plan. Binding site plan approval does not constitute approval for other required permits.

8. If there is adjacent property that is under the same ownership as the property being divided, then the location and sizing of shared and public amenities such as streets, access, utilities, and open space and recreation areas shall be taken into account so the development is congruent with future adjacent development.

9. Binding site plans shall account for the development of all of the land of a parcel and parcels under the same ownership.

(Ord. O2017-022, Amended, 12/05/2017; Ord. O2011-002, Amended, 03/01/2011; Ord. O96-021, Amended, 12/02/1997; Ord. 1308, Added, 10/15/1991)

Section 6. Section 17.14.050 of the Tumwater Municipal Code is hereby amended to read as follows:

17.14.050 Administrative consideration.

A. All preliminary short plats, binding site plans and large lot subdivisions shall be reviewed by the development review committee based on the standards contained in this title and any other applicable ordinances or policies. If the proposed division is determined to meet the applicable standards and only if written findings that are appropriate, as provided in RCW 58.17.110, are made, it shall be approved.

B. Additional findings required for binding site plan approval.

1. The limitations and conditions for the uses depicted on the binding site plan are consistent with applicable ordinances, plans, and policies, including but not limited to, the comprehensive plan, the development guide, the municipal code, and state laws;

2. Specific use types and conditions shall be binding on the property and shall remain in effect for all future owners of the site unless altered in accordance with TMC 17.14.110;

3. The binding site plan does not create a nonconforming use or structure or increase the nonconformity of any nonconforming uses or structures on the site in accordance with TMC 18.54; and

4. The criteria contained in TMC 17.14.040 have been met.

(Ord. 1308, Added, 10/15/1991)

Section 7. Section 17.14.080 of the Tumwater Municipal Code is hereby amended to read as follows:

17.14.080 Duration of approval.

Approvals under RCW 58.17.140 are valid for a period of seven years if the date of preliminary plat approval is on or before December 31, 2014; five years if the preliminary plat or binding site plan approval is issued on or after January 1, 2015; and ten years if the project is located within city limits, not subject to the Shoreline Management Act, and the preliminary plat is approved on or before December 31, 2007.

A. An initial one-year extension, which has been filed at least thirty days prior to the expiration of the period of approval, may be granted by the community development director or his/her designee upon a finding that the applicant has attempted in good faith to submit the final plat or binding site plan within the period of approval. Submittal of complete engineering plans for the land division plat prior to the expiration of the approval period time limit shall constitute a good faith effort.

B. Two additional one-year extensions may be administratively granted, which shall be reviewed for compliance with the following:

1. The applicant has pursued submitting the final plat or binding site plan in good faith. Submittal of complete engineering plans for the ~~plat~~ land division prior to the expiration of the approval period time limit shall constitute a good faith effort on the part of the applicant;

2. There have been no changes to the comprehensive plan, zoning ordinance, development standards or other applicable codes which are inconsistent with the approved preliminary plat or binding site plan, unless such changes can be incorporated into the existing ~~plat~~ land division without significantly altering the plat as originally approved by the hearing examiner or binding site plan as originally approved administratively or by the hearing examiner; and

3. There are no other significant changed conditions that would render filing of the preliminary plat or recording of the binding site plan contrary to the public health, safety, or general welfare.

C. For preliminary plats approved prior to January 1, 2008, which are affected by the United States Fish and Wildlife Service's requirement for a habitat conservation plan protecting federally listed species, the community development director or his/her designee may issue time extensions in one-year increments until a citywide or individual habitat conservation plan is approved by the U.S. Fish and Wildlife Service, but in no case shall time extensions exceed three years. During such extensions granted pursuant to this subsection, the plat shall continue to be subject to the conditions of approval and vested rights that applied to the approved phased preliminary plat prior to the extension, with the exception of storm drainage standards, design guidelines and building and fire codes, unless it would significantly alter the plat as approved by the hearing examiner.

(Ord. O2016-022, Amended, 01/03/2017; Ord. O2016-010, Amended, 08/02/2016; Ord. O2011-002, Amended, 03/01/2011; Ord. O2010-004, Amended, 05/04/2010; Ord. O2000-004, Amended, 07/18/2000; Ord. O96-004, Amended, 04/16/1996; Ord. 1308, Added, 10/15/1991)

Section 8. Section 17.14.090 of the Tumwater Municipal Code is hereby amended to read as follows:

17.14.090 Phased development.

A. ~~Residential developments-preliminary plats~~ containing more than one hundred dwelling units and commercial or industrial ~~developments-preliminary plats~~ covering more than twenty acres are eligible to attain final plat approval in phases. Residential binding site plans containing ten or more dwelling units and commercial or industrial binding site plans covering more than twenty acres are eligible to attain approval in phases. Phased approval of final plat and binding site plans is limited to developments with at least two but not more than four phases.

Upon receipt of the recommendation from the development review committee, the hearing examiner shall hold a public hearing and shall review the phased land division in accordance with this title, the recommendations of the development review committee, reports of other agencies and officials, if any, and the hearing testimony. At the hearing, the hearing examiner shall consider and may alter any part of the proposed phased development. The hearing examiner may approve, approve with conditions, or disapprove the phasing plan.

The preliminary plat or binding site plan for a phased development shall show the number of phases, the area each phase encompasses, and the sequence for submission for recording of the various phases. A submittal for a phased development shall demonstrate how transportation, access, traffic, stormwater, parks and open space, critical areas, and utilities will be addressed for all phases of the development.

The period of time between the date of the preliminary approval of the phased land division by the hearing examiner and the date of filing for final plat approval for the first phase shall be consistent with TMC 17.14.080. The period of time between the date of preliminary approval of the phased land division by the hearing examiner and the completion of the first phase of a phased binding site plan, and the recording of such document(s) shall be consistent with TMC 17.14.080.

Construction plans for each phase of a phased development shall include stormwater management facilities that comply with all state and local requirements in effect at the beginning of the time period allotted for that phase.

Applications for final plat or binding site plan approval for each successive phase must be submitted within three years of the submittal for final plat or binding site plan approval on the previous phase, except as provided below.

B. For phased preliminary plats approved prior to January 1, 2008, which are affected by the United States Fish and Wildlife Service's requirement for a habitat conservation plan protecting federally listed habitat and/or species, the community development director or his/her designee may issue time extensions in one-year increments until a citywide or individual habitat conservation plan is completed, but in no case shall time extensions exceed three years. During such extensions granted pursuant to this subsection, the plat shall continue to be subject to the conditions of approval and vested rights that applied to the approved phased preliminary plat prior

to the extension, with the exception of storm drainage standards, design guidelines and building and fire codes, unless it would significantly alter the plat as approved by the hearing examiner.

C. Time extensions that are granted pursuant to these regulations shall continue to be subject to the conditions of approval and vested rights that applied to the approved phased preliminary plat or binding site plan prior to the extension, with the exception of stormwater management regulations and building and fire codes, except as provided under subsection B of this section. If time extensions are granted pursuant to these regulations, subsequent phases shall meet current stormwater management regulations and building and fire codes. The director's decision shall be a final decision of the city of Tumwater and not subject to administrative appeal.

(Ord. O2016-022, Amended, 01/03/2017; Ord. O2016-010, Amended, 08/02/2016; Ord. O2011-015, Amended, 12/20/2011; Ord. O2010-004, Amended, 05/04/2010; Ord. O2000-004, Added, 07/18/2000)

Section 9. Corrections. The City Clerk and codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 10. Ratification. Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and affirmed.

Section 11. Severability. The provisions of this ordinance are declared separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of the ordinance, or the validity of its application to other persons or circumstances.

Section 12. Effective Date. This ordinance shall become effective thirty (30) days after passage, approval, and publication as provided by law.

ADOPTED this _____ day of _____, 2022.

CITY OF TUMWATER

Debbie Sullivan, Mayor

ATTEST:

Melody Valiant, City Clerk

APPROVED AS TO FORM:

Karen Kirkpatrick, City Attorney

Published:_____

Effective Date:_____

TO: Planning Commission
FROM: Brad Medrud, Planning Manager
DATE: February 8, 2022
SUBJECT: Planning Commission Training Program Discussion

1) Recommended Action:

Review attached materials and be prepared to discuss.

2) Background:

In January and February 2020, the Planning Commission started discussion of a scope for a training program for Planning Commissioners to help orient new Planning Commissioners as well as continuing education for current Planning Commissioners. The discussion included scheduling a Planning Commission retreat later in 2020, but the COVID-19 pandemic interrupted that work. Efforts to work on a training program in 2021 were delayed by staffing issues.

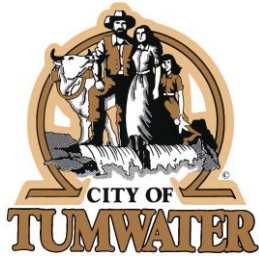
The attached memorandum outlines the items that could make up a Planning Commission Training Program for new Planning Commissioners as well as continuing education for current Planning Commissioners.

3) Alternatives:

None.

4) Attachments:

- A. Planning Commission Training Program Memorandum
- B. Amended Planning Commission Rules of Procedure
- C. Land Use Planning and the Art of Planning Commission Maintenance
- D. Jurassic Parliament – Essential Guidelines for Planning Commissions
- E. Planning Short Course – Legal and Practical Objectives of Planning
- F. Planning Short Course – New Planning Commissioner FAQs
- G. MRSC – Parliamentary Procedure - A Brief Guide to Robert's Rules
- H. New Councilmember Orientation Presentation 2019 Version



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CITY OF TUMWATER PLANNING COMMISSION TRAINING OPPORTUNITY MEMORANDUM FEBRUARY 8, 2022

Introduction

In January and February 2020, the Planning Commission started discussion of a scope for a training program for Planning Commissioners to help orient new Commissioners as well as continuing education for current Commissioners. A follow up was scheduled for early 2021, but staff changes postponed that discussion.

The attached memorandum outlines the items that could make up a Planning Commission Training Program.

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Suggested Training Focus

While there would be different emphasizes for training new Commissioners versus continuing training for current Commissioners, it is likely that the general topics of this training would remain the same:

1. Legal basis for planning and the role of the Planning Commission, which would include:

- a. Washington State Law (See Appendix A and Attachments C and E)
 - b. Tumwater Municipal Code (See Appendix B)
 - c. Planning Commission Rules of Procedure (See Attachment B)
 - d. Open Government Training
 - e. Other legal training as identified
- 2. Meeting management (See Attachments C and G)
 - 3. Specific long range planning topics

Trainings in the topics above could include both internal and external training opportunities:

- 4. Opportunities of internal training and coordination could include:
 - a. Annual meetings with the City Council to coordinate long range work programs and address specific long range topics
 - b. Meetings with other City boards or commissions to coordinate specific long range topics
 - c. Field trips to support review of specific long range topics
 - d. Retreats to discuss special Planning Commission topics
 - e. Annual individual Planning Commission discussions with staff
- 5. Opportunities for outside training could include:
 - a. Washington State Department of Commerce Short Course for Planners
 - b. American Planning Association (APA) – Washington Chapter and South Sound and Planning Association of Washington (PAW) annual conferences and trainings
 - c. Municipal Research and Service Center (MRSC) trainings
 - d. Other trainings on special topics

Recognition of Work by the Planning Commission

Related to the development of a training program for the Planning Commission is developing ways to recognize the work done by the volunteers who make up the Planning Commission. It is suggested that this be a topic for a discussion as part of this process.

Materials Provided

As a new Planning Commissioner training package the developed, the packet includes some items for consideration:

TRAINING OPPORTUNITY

Attachment B – Amended Planning Commission Rules of Procedure: The Planning Commission reviewed and updated its Rules of Procedure in 2020. The Rules of Procedure address meetings, election and duties of officers, absences, vacancies, the order of items in meetings, and meeting minutes.

Attachment C – Land Use Planning and the Art of Planning Commission Maintenance: Joe Tovar is a long-time planner in the state who has served in many roles locally and at the state level in Washington. His audience for his article is staff supporting a Planning Commission, but it is a good, short reminder of what makes a good Planning Commission work.

Attachment D – Jurassic Parliament – Essential Guidelines for Planning Commissions: Ann Macfarlane with the Jurassic Parliament in Seattle (www.jurassicparliament.com) may be a good resource for the Planning Commission. She prepared the attachment and leads the *Great Planning Commission Meetings Webinar* that may useful for the Commission to attend the next time around. Ann was with the APA – Washington Chapter office and she is a good person to walk the Planning Commission through running meetings effectively.

Attachment E – Planning Short Course – Legal and Practical Objectives of Planning from A Short Course on Local Planning Resource Guide: The Department of Commerce has been running their Planning Short Course for more than twenty and it is an excellent source of information for how the work of Planning Commission fits into the state's planning processes. The first chapter of the Planning Short Course is a good summary of the legal basis for planning in the state.

Attachment F – Planning Short Course – New Planning Commissioner FAQs from A Short Course on Local Planning, Version 5.3 (2017), ix – xix: The introduction to the Planning Short Course includes a top ten list of things a new Planning Commissioner should know that could be a good start to a new Planning Commissioner training program.

Attachment G – MRSC - Parliamentary Procedure - A Brief Guide to Robert's Rules: A brief overview of important aspects of Robert's Rules of Order as applied to parliamentary procedure for local governments in Washington State.

Attachment H – New Councilmember Orientation Presentation 2019 Version: The presentation used to orient new City Council members. Note that while it may cover topics that are outside the Planning Commission's scope of work, it does a very good job of presenting the range of items that would interest a new City Council member. After Planning Commission discussions, a shorter version that would apply to new Commissioners can be developed.

TRAINING OPPORTUNITY

Sources of Information

Good sources of information related to the Commission's work:

- City of Tumwater website – <http://www.ci.tumwater.wa.us/> contains links to:
 - Tumwater Municipal Code (TMC) ([Tumwater Municipal Code \(codepublishing.com\)](http://www.ci.tumwater.wa.us/codepublishing.com)) The Planning Commission typically focuses on regulations in TMC Titles 16 – *Environment*, 17 – *Land Division*, and 18 – *Zoning*, although other Titles may be reviewed depending on the topic.
 - Tumwater Development Guide ([Development Guide | City of Tumwater, WA](http://www.ci.tumwater.wa.us/development)), which are the City's development engineering standards for constructing road and utilities.
 - Citywide Design Guidelines ([Citywide Design Guidelines | City of Tumwater, WA](http://www.ci.tumwater.wa.us/design))
 - Planning Commission meeting minutes and agendas ([Planning Commission | City of Tumwater, WA](http://www.ci.tumwater.wa.us/planning))
 - Long-range planning documents: <http://www.ci.tumwater.wa.us/departments/community-development/long-range-planning>, such as the Comprehensive Plan, Shoreline Master Program, Subarea Plans and other citywide plans
- MRSC – <http://mrsc.org/Home.aspx> contains a very good range of information on what a City in the state of Washington has to address, including planning-specific topics such as growth management, zoning, comprehensive planning, housing, development, environmental protection, and the legal basis for planning. It is also a very good source for finding out what other jurisdictions in the state are doing to address planning issues and it includes links to their websites, Comprehensive Plans, and Municipal Codes.
- MRSC Planning Commission Page – <http://mrsc.org/getdoc/8ea977c9-fbd2-43a0-9ae1-fbb4d675a5f4/Planning-Commission.aspx> provides information related to Planning Commission resources.
- MRSC Legal Resources (RCW, WAC, Court Decisions) – <http://mrsc.org/Home/Research-Tools/Washington-State-Legal-Resources.aspx> provides links to state regulations and court decisions.
- Thurston County GeoData Center – <http://www.geodata.org/> is a good place to go for general map data and links to assessor property data, etc.
- Department of Commerce Growth Management Related Documents and Resources – <http://www.commerce.wa.gov/serving-communities/growth-management/guidebooks-and-resources/> has links to a number of useful guides including *A Short Course on Local Planning Resource Guide*. The

TRAINING OPPORTUNITY

Short Course includes a “New to the Planning Commission: Frequently Asked Questions” section that is very helpful, but the entire Guide is a good way to understand the basics of planning in the state. The Department of Commerce Growth Management Services division holds Short Courses on Local Planning that are useful and the Planning Manager will let the Commissioners know when those are coming up.

- Department of Commerce Short Course on Local Planning – <https://www.commerce.wa.gov/serving-communities/growth-management/short-course/>

City Government Roles

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

City Staff Support

Planning Department staff, Kerri Kinnaird and Kelly Wallace, send out meeting packets prepared by Planning Division staff to the Commissioners the week prior to the next Planning Commission meeting, typically on the prior Wednesday or Thursday. The packet will include an agenda and the materials discussed at the next meeting.

The Planning Manager, Brad Medrud, is the primary staff contact for the Planning Commission, so if a Planning Commissioner has any questions regarding procedures or the materials being discussed, contact him first. David Ginther is a senior long range planner who also works in preparing and presenting agenda items to the Commission. Mike Matlock is the Community Development Director and he manages an eleven member staff made up of the Permitting Division, which reviews current planning applications for development, the Building Division, which reviews building plans for development, and the Planning Division.

Planning Division staff takes phone calls, e-mails, letters, but prefer e-mails, because it is easier to track discussions and archive. Short in person or Zoom meetings can be scheduled as needed as well.

TRAINING OPPORTUNITY

Planning Commissioners are welcome to ask questions directly of other City staff that may be presenting materials, but are asked to copy the Planning Manager and Planning Commission Chair on any e-mails, so they can track of questions or requests.

Work Program and Agendas

Based on the City Council's annual long-range planning work program, which is approved in January every year, Planning Division staff works with the Planning Commission chair to prepare the Commission's agendas for the upcoming meetings. The Planning Manager typically tries to schedule agendas three months in advance, but it is common to have the Planning Commission's agendas change as the year goes on, depending on direction from the Mayor and City Council or outside events.

Meeting Agendas

Quick note on terms used in the Planning Commission agendas:

- “Discussion” – Is used for items that will not require legislative action at some point by the Planning Commission. This could include an update on what was learned at a recent conference or a presentation by Intercity Transit staff, for example.
- “Briefing” – Is typically used for introducing items that will require legislative or quasi-judicial action at some point by the Planning Commission.
- “Worksession” – Typically used for a more in depth discussion of items between staff and the Planning Commission that will require legislative action at some point by the Planning Commission. Normally, a worksession occurs at the meeting after the first briefing is complete, so Commissioners have the time to digest the briefing, review the materials, and put together their questions. For in person worksessions, the Commissioners will sit around regular tables with staff to go over any questions or comments that the Commissioners may have. Issues that are more complicated may need more than one worksession, such as annual Comprehensive Plan amendments. Because the worksessions are meant to be for informal discussion, there is usually is a limited opportunity for public comment.
- “Hearing” – A formal legislative or quasi-judicial action where the Planning Commission will follow a set procedure to hear staff make a presentation, receive public comment, discuss the matter, and make a formal recommendation on the action that will go to the City Council for consideration.

TRAINING OPPORTUNITY

“Top 10 Ways for a Planning Commissioner to Get in Trouble”

City staff put together an initial “Top 10 Ways for a Planning Commissioner to Get in Trouble” that can be modified further with input from the Planning Commission:

1. Get involved in the permit review process
2. Talk with rezone/plan amendment applicants outside of the public process
3. Miss too many meetings
4. Don't be prepared for meetings
5. Take gifts
6. Not disclose a conflict of interest
7. Only hear the loudest voice
8. Make it political
9. Break your relationship with your Commissioners
10. Break your relationship with staff

Staff Contacts

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TRAINING OPPORTUNITY

Appendix A – TMC 2.56 Planning Commission**Chapter 2.56****PLANNING COMMISSION**

Sections:

2.56.010 Created – Composition – Terms of office.

2.56.020 Vacancies.

2.56.030 Powers – Subject to state statute.

2.56.040 Quorum.

2.56.010 Created – Composition – Terms of office.

There is hereby created, in accordance with Chapter 35.63 RCW, a planning commission for the city, which will consist of nine members to be appointed by the mayor, with the consent of the majority of the city council, from citizens of recognized fitness for such position. Members must be residents of the city except at any given time one member may qualify for membership by residing in the city's urban growth area as an alternative to actual residency. The terms of office for the members appointed to such commission shall be designated from one to four years, in such a manner as to provide that the fewest possible terms will expire in any one year. Of the two positions that expire on November 1, 2012, the new term of office for one shall be a three-year term, and one shall be a two-year term. Thereafter, the term of office for each appointive member shall be four years.

(Ord. O2016-001, Amended, 02/02/2016; Ord. O2012-001, Amended, 05/15/2012; Ord. O2006-004, Amended, 02/07/2006; Ord. 1383, Amended, 05/18/1993; Ord. 1303, Amended, 08/20/1991; Ord. 992, Added, 07/01/1984)

2.56.020 Vacancies.

Vacancies occurring other than through the expiration of terms shall be filled for the unexpired term. Members may be removed, after public hearing by the appointing official, with the approval of the city council, for inefficiency, neglect of duty, or malfeasance in office. The members shall be selected without respect to political affiliations and they shall serve without compensation.

(Ord. 992, Added, 07/01/1984)

2.56.030 Powers – Subject to state statute.

The planning commission shall have the powers and shall conduct its business and shall be subject to the provisions and in accordance with the provisions set forth in Chapter 35.63 RCW as such chapter now exists or as it may be hereafter amended.

(Ord. 992, Added, 07/01/1984)

2.56.040 Quorum.

A simple majority of the currently appointed membership of the planning commission shall constitute a quorum for the transaction of business.

TRAINING OPPORTUNITY

(Ord. O99-010, Added, 04/20/1999)

Appendix B – RCW 35.63.090 Restrictions—Purposes of

All regulations shall be worked out as parts of a comprehensive plan which each commission shall prepare for the physical and other generally advantageous development of the municipality and shall be designed, among other things, to encourage the most appropriate use of land throughout the municipality; to lessen traffic congestion and accidents; to secure safety from fire; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; to promote a coordinated development of the unbuilt areas; to encourage the formation of neighborhood or community units; to secure an appropriate allotment of land area in new developments for all the requirements of community life; to conserve and restore natural beauty and other natural resources; to encourage and protect access to direct sunlight for solar energy systems; and to facilitate the adequate provision of transportation, water, sewerage and other public uses and requirements, including protection of the quality and quantity of groundwater used for public water supplies. Each plan shall include a review of drainage, flooding, and stormwater runoff in the area and nearby jurisdictions and provide guidance for corrective actions to mitigate or cleanse those discharges that pollute Puget Sound or waters entering Puget Sound.

FINAL – June 9, 2020 – As Proposed for Amendments November 10, 2020**CITY OF TUMWATER PLANNING COMMISSION****RULES OF PROCEDURE**

We, the members of the Planning Commission of the City of Tumwater, State of Washington, created by Chapter 2.56 *Planning Commission* the Tumwater Municipal Code (TMC) pursuant to Revised Code of Washington (RCW) 35.63 *Planning Commissions*, do hereby adopt, publish, and declare the following Rules of Procedure.

A. NAME

The official name shall be the "City of Tumwater Planning Commission."

B. MEETINGS

1. Regular Meetings – The Planning Commission shall meet regularly on the second and fourth Tuesday of each month at 7:00 p.m. to 9:30 p.m. unless otherwise designated. Continuation of meetings past 9:30 p.m. will require approval of a motion by a majority of the members.
2. Special Meetings – When a special case, questions, or matter of interest arises, the Planning Commission Chair (Chair), or a majority of the Planning Commission, may call a special meeting.
3. Planning Commission meetings will be held at Tumwater City Hall, 555 Israel Road SW, Tumwater, Washington, unless otherwise directed by the Chair and alternative meeting arrangements are approved by the City Attorney.
4. When a regular meeting conflicts with a legal holiday or an election day, the Chair may reschedule or cancel that meeting.
5. If no matters over which the Planning Commission has jurisdiction are pending upon its calendar, a meeting may be cancelled at the notice of the Chair, and notice shall be posted at the meeting place.
6. Except as may be modified by these rules of procedure, "Roberts Rules of Order, Newly Revised," shall govern the conduct of the meetings.
7. Members should establish a high priority to attend all meetings and to come prepared to contribute to the

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discussion.

8. Each member of the Planning Commission who cannot attend a scheduled meeting of the Planning Commission shall notify the Chair and the Community Development Department at City Hall at the earliest possible opportunity and, at the, latest, prior to 5:00 P.M. on the Monday prior to the meeting. The Planning Manager shall notify the Chair in the event that the projected absences will produce a lack of a quorum.

C. ELECTION OF OFFICERS

1. The officers of the Planning Commission shall be a Chair and a Vice Chair elected by the appointed members of the Planning Commission, and such other officers as the Planning Commission may elect.
2. The election of officers shall take place each year on the ~~last~~ first regular meeting in ~~December~~ November each calendar year. The term of each officer shall run until the subsequent election.
3. In the event the position of Chair is vacated, the Vice Chair shall replace the Chair, and the Vice Chair will be replaced by a vote of the members of the Planning Commission.

D. DUTIES AND POWERS OFFICERS

1. Chair:
 - a. Preside at all meetings of the Planning Commission.
 - b. Call special meetings of the Planning Commission in accordance with the rules of procedure.
 - c. Sign documents of the Planning Commission.
 - d. See that all actions of the Planning Commission are properly taken.
 - e. The Chair, as a member of the Planning Commission, shall have the full right of his or her own vote.
 - f. The Chair may choose to limit the amount of time given for public testimony at hearings or during general discussions if each speaker is allotted an equal amount of

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time.

2. Vice Chair:
 - a. During the absence, disability, or disqualification of the Chair, the Vice Chair shall exercise or perform all duties and be subject to all the responsibilities of the Chair.
3. Temporary Chair:
 - a. If the Chair and Vice Chair are both absent, the members present may select for the meeting a temporary Chair who shall exercise the powers of the elected Chair.
4. Secretary:
 - a. Staff shall perform the usual and necessary secretarial functions of the Planning Commission including preparation of minutes of each meeting.

E. QUORUM

As specified in TMC 2.56.040 *Planning Commission – Quorum*, a simple majority of the currently appointed membership of the Planning Commission shall constitute a quorum for the transaction of business. Any action taken by a majority of those present, when those present constitute a quorum, at any regular or special meeting of the Planning Commission, shall be deemed and taken as the action of the Planning Commission.

F. ABSENCE OF MEMBERS

Failure of any member to attend a minimum of seventy-five percent (75%) of all meetings and workshops of the Planning Commission during any calendar year shall result in the member's record being forwarded by the Chair to the Mayor for consideration of asking for the member's resignation. Excused absences shall not be counted as absences in calculating the percentage of attendance.

G. VACANCIES

Vacancies on the Planning Commission shall be filled subject to the process in TMC 2.56.020 *Planning Commission – Vacancies*.

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H. CONFLICTS OF INTEREST

Any member who has a conflict of interest¹ on any matter that is on the Planning Commission agenda shall recuse themselves from participation and decisions on such a matter. When there is a conflict of interest with an agenda item, the Chair is encouraged to put that item last on the agenda so that the member can participate and then they can be excused.

I. APPEARANCE OF FAIRNESS

1. Any member who feels they have an "appearance of fairness"² issue on any quasi-judicial action that is on the Planning Commission agenda shall voluntarily excuse themselves, vacate their seat, leave the meeting room, and refrain from discussing and voting on such item as a member.
2. As an alternative, if a member feels that they can impartially participate in an issue may, particularly when there is a question of maintaining a quorum, fully disclose, at the beginning of the discussion of an issue, their "appearance of fairness" situation and ask if anyone on the Planning Commission or in the audience has an objection to the member being involved in discussing and voting on the issue.

J. COMPENSATION

As specified in RCW 35.63.030 *Planning Commissions – Commissioners – Number – Tenure - Compensation*, the members of the Planning Commission, including the Chair and Vice Chair, while acting as such, shall serve without compensation.

¹ See Chapter 42.23 RCW *Code of Ethics for Municipal Officers—Contract Interests* and City of Tumwater *Policy Manual – Part 1: Personnel Policies*, Section 8.04 *Prohibited Conduct*. For additional information see the Municipal Research and Services Center website for additional information: <http://mrsc.org/Home/Explore-Topics/Legal/Ethics-Fairness-Conflicts-of-Interest/Conflicts-of-Interest.aspx>

² See Chapter 42.36 RCW *Appearance of Fairness Doctrine – Limitations*. See also *Appearance of Fairness Doctrine in Washington State*, Municipal Research and Services Center: <http://mrsc.org/getmedia/04ae5092-48df-4964-91d7-2a9d87cb2b7c/Appearance-Of-Fairness-Doctrine-In-Washington-State.pdf.aspx?ext=.pdf>

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K. ORDER OF BUSINESS

1. Generally, the Planning Commission will follow the following order of business at all meetings:
 - a. Call to order.
 - 1) Roll call.
 - 2) Announcement of agenda.
 - 3) Reading and/or approval of minutes.
 - 4) Commissioner and Planning Manager reports.
 - 5) Comments from the audience on any topic that is not the subject of public hearing. The Chair may limit the length of comments as needed per Section (D)(1)(f).
 - 6) Hearings.
 - 7) Briefings.
 - 8) Worksessions.
 - 9) Discussions.
 - 10) Adjournment.
 - b. The order of business may be changed during the meeting by the Chair by a vote of a majority of the members present.
2. Regular Meetings – Public Hearings
 - c. All Planning Commission recommendations shall be forwarded to the City Council for final action. Cases for which the Planning Commission takes no action shall be forwarded to the City Council for review and recommendation.
 - d. On matters requiring public hearings, such hearings shall be held only after complying with State Environmental Policy Act procedures. A matter may be heard at the public hearing pending the threshold determination, but such matter shall not be referred from the Planning Commission to the City Council prior to the rendering of the threshold determination or the preparation of a Final Environmental Impact Statement if one is required.

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- e. Staff will do presentation of each item of business at the public hearing. Following the public hearing and necessary discussion, the Staff will make a recommendation for action to the Planning Commission.
- f. No official action from the Planning Commission will be considered prior to any required public hearing. Exceptions may be considered only on items which have had prior hearings and which have been resubmitted for consideration, if no new conditions or no new information is present.
- g. It shall be the responsibility of the Chair to present to the City Council, through Staff, special information regarding those cases or proposals having unusual significance.

L. MINUTES AND RECORDING OF MEETINGS

The purpose of the minutes and recordings of meetings is to provide the City Council, Planning Commission, and the public with a clear understanding the discussion leading to the decision and of what was decided. If recordings are not publicly available for meetings, minutes should be detailed enough for the City Council and public to follow the work of the Planning Commission and for members to use to refresh their memories later. Complete and accessible records of each meeting, including packets and materials submitted before and during the meeting will be maintained by the City Clerk.

M. AMENDMENT

A majority of a quorum of the Planning Commission may amend the rules of procedure at any meeting of the Planning Commission, if notice of said amendment(s) is given to each member in writing at least two (2) weeks prior to said meeting.

APPROVED BY PLANNING COMMISSION ACTION

June 9, 2020

Meghan Sullivan – Planning Commission Chair

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Jessica Hausman – Planning Commission Vice Chair



Land Use Planning and the Art of Planning Commission Maintenance

January 1, 2013 by Joseph W. Tovar

Category: Planning Advisor , Planning Commission

By Joseph W. Tovar, FAICP



Perhaps the most instructive television ad ever was a memorable pitch by the FRAM auto parts company. The setting was a dimly lit auto garage, where two exasperated mechanics labored over a blown engine. One mechanic held up an oil filter, smiled at the camera and said "pay me now," then shrugged and nodded at the blown engine "or pay me later."

Successful cities and counties know the importance of proper maintenance of the essential components of their organizations, including not only the council and professional staff, but also the volunteer citizen planning commission. A modest expenditure of time, attention and funds to maintain a planning commission is a wise investment, especially when you consider that a city or a county has a lot more at stake than a blown engine. Procedural errors, at the very least, result in embarrassing "do overs" and can at the worst result in multi-million dollar judgments against the local treasury. A well-trained, informed and competent planning commission can minimize the likelihood of such problems.

But there's more at risk than procedural errors and fiscal hits. Also at stake is your public's perception of the openness, fairness and competence of the local planning process as well as the ability of local elected officials to rely on the planning commission for sound recommendations on plans, codes and, in some cases, development permits.

A planning commission that functions well is not an accident - it takes proactive and ongoing maintenance. During two decades as a planning director for three cities, I worked with dozens of planning commissioners and staffed hundreds of planning commission and city council meetings. As a member of the State Growth Management Board, I reviewed the record of many appeals alleging city or county noncompliance with the public participation requirements of the GMA. From those experiences, I have gleaned some insights about how to build a high performing planning program. Following are five Best Practices designed to keep your planning commission, a key component of your planning process, firing on all cylinders.

1. Select the right people

When advertising for volunteers for appointment to the planning commission, and during the interview process, the council should look for the "right" people. Some councils look for balanced geographic representation on the commission, a diversity of work experience, or other criteria to achieve a broad representation of the community. Some look for technical experience in urban planning, real estate, or architecture, while others look to length of

residence in the community, involvement in community affairs, or experience in working well in a group setting. There is no one right set of criteria - these are all valid factors that can be useful in evaluating candidates for appointment.

Equally important criteria may be less obvious. Planning commissions typically meet two or three times a month, each meeting takes from two to three hours, and a good rule of thumb for meeting preparation time is to count on at least an hour or two reading the packet materials before each meeting. So, it is important at the interview for the Council to ask direct questions to be certain that a candidate can live up to this considerable time commitment for the duration of a multi-year term.

Bringing life experience and personal opinions to the commission adds value, but it is just as important to find people who also bring an open mind. Commissioners must be able to weigh all the input presented and to participate in a collaborative dialogue with their fellow commissioners before reaching final conclusions and voting on issues. A well-functioning commission is one in which members openly exchange and respectfully question each others' opinions and preliminary conclusions before reaching final positions.

One sign of a healthy deliberative body is when one of its members says something like "you know, after reading the packet materials and hearing tonight's testimony, I had formed some preliminary conclusions about this proposal, but on some of these points my fellow commissioners have persuaded me otherwise." The planning commission is a deliberative body, not simply a straw poll among predetermined, inflexible opinions. It is important to find people who are not only willing to listen but also to speak up, to persuade and be persuaded.

2. Be clear about roles and expectations

Aspiring and serving planning commission members should be clear on the commission's role as well as the roles of the council and the staff. Planning commissioners are policy *advisors*, city and county elected officials are policy *makers*, and planning staff are policy *administrators* and *enforcers* of the plans and codes adopted by the councils. Don't take it for granted that applicants for planning commission understand this. Even sitting planning commissioners and council members occasionally need to be reminded of this. Following are some council behaviors that can strengthen or undermine the role clarity that is important to the effectiveness of a jurisdiction's planning efforts.

The planning commission is the first and primary body responsible for soliciting, hearing and weighing public input on land use matters. While the council may choose to have a hearing on an item already heard by the planning commission, that should be a rare occurrence and for good cause. Blurring the distinct roles of policy advisors and policy makers does worse than simply undermine the morale of the planning commission. The practice of duplicative council hearings as a default protocol erodes the commission's effectiveness. It rewards people for ignoring the commission, deprives the commissioners from hearing all the facts/opinions, and needlessly consumes council agenda time.

In my experience, the council and the planning commission are most effective and productive when they support one another in their respective roles, which helps to build mutual trust and respect. This includes an understanding by the commission that the council is not obligated to agree with every recommendation that the commission forwards. It also means that the council is expected to look closely and critically at the commission's recommendation, agree when it can, but disagree when it must.

Equally important, though, is that when the council disagrees with a planning commission conclusion or recommendation, it takes the time to explain why it has concluded or decided differently. What is needed isn't an argument or a point-by-point rebuttal, but rather clear direction regarding the council's thinking. As with any successful team, performance-improving feedback is a two-way street.

Simply invoking the council's decision-making authority may be legally sufficient (although in some cases, it may not!), but does nothing to convey useful direction or to maintain a healthy relationship with the planning commission. In land use, as with many other decisions that councils make, just because something is legally supportable does not necessarily mean that it is constructive, prudent, or politic.

3. Make planning commission-city council communication a regular occurrence

The staff frequently plays the role of messenger between the planning commission and city or county council, for example, in forwarding the commission's recommendations and presenting them to the council. Even if planning commission participation at the council meeting is not the routine, it is helpful sometimes to have the chair, or other commission representative, participate in the presentation of the commission's recommendation. Even if the planning commissioner is only present to answer questions, and relies on the staff to make the detailed presentation, much good can come from this occasional appearance. It provides an opportunity to build understanding, accountability and trust among and between the commission, the council and the staff.

Another key opportunity for communication is an annual or semi-annual joint meeting of the planning commission and the elected officials. In some cities these joint meetings happen twice yearly, once before the Council's annual goal-setting retreat in the spring, and once in the fall before the annual budget process. Such joint meetings provide an opportunity to review progress on the planning commission work program, facilitate candid two-way feedback, and build the understanding, trust and mutual support that each needs to play its important role in the city's planning process.

4. Require planning commission training and support it with a modest budget

There are resources available at little or no cost to equip planning commissions with the knowledge, skills and methods they need to be effective. The "[Planning Short Course](#)," coordinated through the Washington State Department of Commerce, is available at no charge to planning commissioners, elected officials, and interested citizens. Usually taught as a three hour evening session, the Short Course provides an overview of the legal framework for planning, including such subjects as the Growth Management Act, the Appearance of Fairness Doctrine, the fundamentals of constitutional due process and takings, and how to create legally sufficient findings of fact and conclusions. Contact Short Course Coordinator Janet Rogerson at jrogerson@commerce.wa.gov.

Some jurisdictions pay for their planning commissioners to be members of the Washington Chapter of the American Planning Association ([APA Washington](#)), which sponsors an annual conference in the fall, or the Planning Association of Washington ([PAW](#)), which sponsors an annual conference in the spring. Membership in either organization includes a subscription to periodicals focused on planning issues and workshops open to planning commissioners. For example, the Puget Sound Section of APA Washington sponsors a one-day Planning Law workshop, which this year will be held in Bellevue on May 15. The cost for planning commission members to belong to either APA Washington or PAW is modest and provides access to many learning opportunities.

For those jurisdictions interested, more focused or localized training is available from private firms specializing in group dynamics, parliamentary procedure, how to manage an effective meeting, how to constructively disagree, and other topics. Others can provide a more in-depth understanding of the Growth Management Act and the comprehensive planning process as it may apply to your jurisdiction. Such individualized training sessions can be taught as part of the agenda for a planning commission retreat or evening study sessions(s). Depending on the type of training, it may be available as a pro bono or for fee service. For more information and referrals, please contact the author at joseph.w.tovar@gmail.com.

5. Recognize and thank your citizen planners

Finally, it's good government as well as good manners to recognize and thank the citizens who volunteer their time to serve on the planning commission. There are many ways to do this.

In Kirkland, the city council hosts an annual dinner meeting to recognize the contributions of all the citizen members of the city's boards and commissions. The chair of each board or commission presents a brief report about the major accomplishments of the year and the challenges of the upcoming year. This is a major opportunity for the elected officials to personally thank their volunteers and strengthen the respect, trust, and teamwork essential to a successful city organization.

Another opportunity to recognize and thank the planning commission members occurs every October. This past year, thirty-seven Washington cities issued proclamations recognizing the month of October as "National Community Planning Month," acknowledging the importance of planning in their communities, and thanking the volunteer members of their planning commissions for their valued contributions. Many cities have the chair of the planning commission attend the council meeting to have the mayor present him/her with the proclamation on behalf of the entire commission. The cost to the city organization to adopt such a proclamation is negligible and I can attest that even a small dose of well-deserved thanks and recognition goes a long way.

Proactive maintenance and support of planning commissions is more important now than ever, particularly for the one hundred cities and counties who must update their GMA comprehensive plans, and implementing development regulations, by 2015. These citizen volunteers will be taking on important, time-consuming and challenging work - reading, interpreting, weighing, debating and deliberating on a great volume of data, and public comment, before fashioning recommendations for consideration by their respective elected officials. Be sure they are well-equipped and supported to play this important role.

Anyone planning a long road trip knows that the best hedge against unexpected and expensive breakdowns is preventive maintenance before setting out. By following the five best practices for planning commissions described above, cities and counties can help keep their planning process humming along and their GMA plan updates out of the shop.

MRSC is a private nonprofit organization serving local governments in Washington State. Eligible government agencies in Washington State may use our free, one-on-one [Ask MRSC service](#) to get answers to legal, policy, or financial questions.

About Joseph W. Tovar

Joseph W. Tovar writes for MRSC as a [Planning Advisor](#).

Joseph W. Tovar, FAICP, helps communities create visions of their preferred futures, and how to implement them through plans, codes, projects, strategies and organizational training. He has served as planning director for the cities of Shoreline, Kirkland and Covington and as Chair of the Growth Management Hearings Board. Now in private practice, Mr. Tovar has provided consultant services to private clients as well as Snohomish and Kitsap counties, the cities of Everett, Lacey, Kirkland, and SeaTac, as well as the Association of Washington Cities. He is a Fellow of the American Institute of Certified Planners and an Affiliate Associate Professor at the University of Washington. He has taught land use decision-making and city planning best practices to audiences of planning commissioners, elected officials, planning directors and graduate students. More information is posted online at www.tovarplanning.com. He can be reached at joe@tovarplanning.com.

The views expressed in Advisor columns represent the opinions of the author and do not necessarily reflect those of MRSC.

[VIEW ALL POSTS BY JOSEPH W. TOVAR](#) ▶

Essential Guidelines for Planning Commissions



The work of the Planning Commission is to carry out the council's instructions. Follow these essential guidelines of parliamentary procedure to take the pain out of your meetings, hold productive discussions, and serve your community better.

► BASICS

A quorum must be present for business to be done. Usually a quorum means a majority (more than half) of the voting members in office.

The chair runs the meeting in the service of the commission. He is not the “boss” but serves as a facilitator, helping the commission to hold free and fair discussion and make good decisions.

Ordinarily a member must make a motion before any discussion begins. If there is no second, the motion is not taken up.

If a member makes a motion to amend the main motion, it is discussed and voted on before the main motion. After amending a motion, a vote must be taken on the main motion as amended.

After discussion, the chair calls for the vote and announces the result. The motion passes when a majority of those voting vote in favor, unless state law or your rules of procedure require a higher vote. This is different from the requirement for a quorum.

If someone “calls the question,” the chair must take a vote on whether to vote now or continue discussion. It takes a 2/3 vote to cut off discussion.



► DISCUSSION

All members have equal rights, privileges and obligations. This means that discussion is not a conversation, but follows some important rules:

- The chair recognizes speakers in turn.
- No one may speak a second time until everyone who wishes to do so has spoken once.
- Interrupting is not allowed.

Commission members must be courteous and respectful. They may not make inappropriate remarks such as personal remarks, insulting language, or comments that are irrelevant.

If a commissioner breaks the rules, the chair may correct him, or another commissioner may raise a point of order. The chair rules as to whether the point is correct, or not. A commissioner who disagrees with a ruling of the chair may appeal it. If another member seconds the appeal, the commission decides.

The minority must be provided equal opportunity to debate, even if their views are unpopular. However, the decision of the majority voting at a meeting is the decision of the commission as a whole.

► PUBLIC INPUT

Public hearings and other quasi-judicial proceedings must be run according to the requirements of state law.

Public comment sessions offer an opportunity for members of the public to inform the commission of their views. We recommend not entering into back-and-forth exchanges. Community forums, one-on-one discussion, feedback forms on the website, surveys etc. are better channels for an exchange of views.

Under the First Amendment to the U.S. Constitution, the public is not bound by the same rules of decorum and courtesy as the commission members.

The public should not engage in clapping, booing, hissing or other disruptive actions, since they intimidate speakers, may suppress free speech, and impede the work of the commission.

Essential Guidelines for Planning Commissions

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Chapter 1.

Legal and Practical Objectives of Planning

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Chapter 1.

Legal and Practical Objectives of Planning

A. The Planning Model in Washington

Washington State does not define the term land use “planning” in any of its many planning statutes. Courts have described planning in the broad sense as,

the evolvement of an over-all program or design of the present and future physical development of the total area and services of the existing or contemplated municipality.¹

The planning process in a community exercises the police power of a municipal corporation, that is, the power of duly elected officials to regulate the health, safety, and other interests of a community.

Planning is normally accomplished through (1) a citizens’ advisory body known as a “planning commission;” (2) often one or more planning staff who assist the planning commission; and (3) the elected council or commission of the municipality. Citizen participation is encouraged through workshops, public meetings and special citizen committees.

Planning is a process in which community values, needs, goals, and objectives are expressed, typically through a comprehensive land use plan. The goals and objectives are then implemented through regulatory ordinances. These are known collectively as “official controls,” which include zoning codes, subdivision codes, building and health codes, environmental codes, and others that make up the regulating framework of the community.

Planning activity is divided into two categories: legislative and administrative actions.

“Legislative actions” articulate values and standards, designate rules, or create maps that are likely to affect all or a significant part of the population. Examples of legislative actions include comprehensive planning, functional plans such as for sewer or water, and development regulations, including zoning and critical areas ordinances.² Legislative actions are always taken by city councils or county commissions and must be expressed in documents officially adopted by the governing body of the particular jurisdiction. Legislative actions express the community’s plans and policies and create the rules by which the community is governed.

¹ Shelton v. Bellevue, 73 Wn.2d 28, 35, 435 P.2d 949 (1968).

² See e.g., Harris v. Pierce County, 84 Wn App. 222, 928 P.2d

“Administrative actions” enforce or administer the community’s plans, policies, and regulations on a case-by-case, site-specific basis. Administrative actions include decisions approving plats or site plans for buildings, issuing enforcement letters or actions, or rezoning specific parcels to further the objectives of adopted plans and ordinances. Administrative actions apply adopted rules or standards to particular properties or situations. They normally consider specific rights or requests of a particular property owner, or group of property owners or users. Administrative actions, typically made at the staff level, also include decisions to issue building permits or health permits, or to administer the non-hearing sections of the zoning code.

When an administrative action requires a hearing and a decision based on the record, it is considered to be “quasi-judicial.” Quasi-judicial actions include approving plats, shoreline permits, special use permits, and related actions. Quasi-judicial actions may be taken by hearing examiners, planning commissions, city councils, and county commissions.

This chapter presents an outline of the process, introduces the basic planning model in Washington, and places it into context.

B. The Constitutional Basis for Planning

The constitutional basis for planning is provided in the police power provisions of the Washington State Constitution:

Any county, city, town or township may make and enforce within its limits all such local police, sanitary and other regulations as are not in conflict with general laws.³

Courts in Washington have long acknowledged the validity of planning as a police power, in that

...zoning ordinances are constitutional in principle as a valid exercise of the police power, and will be upheld if there is a substantial relation to the public health, safety, morals, or general welfare.⁴

When a municipality acts with due regard for proper procedures and considerations, the courts will defer to the municipal actions taken. At the policy level, the actions are presumed to be correct.

³ The County Council’s adoption of a recreational trail plan was held to be a legislative function as opposed to a quasi-judicial function). 1111 (1996)

⁴ Washington State Constitution, Art. XI, Sec. 11.

PRACTICE TIP: The community should reference the statutory basis it uses for planning (e.g. the County of Whitehall adopts Chapter 36.70 RCW as the basis of County planning). This designation will help newcomers understand the rules governing the process, and remind “old hands” that they should check statutory details periodically to assure that proper procedures are followed.

If a county or city is adopting a comprehensive plan or development regulations under the GMA, the adopting ordinance should specifically reference Chapter 36.70A RCW. This will help the county or city establish GMA compliance.

C. The Statutory Basis for Planning

There are three statutory enabling acts for planning at the local level: the Planning Commission Acts⁵ (cities and counties); the Optional Municipal Code;⁶ and the Planning Enabling Act.⁷ Communities may also operate under a charter model, which provides a different planning structure. Each of these chapters in the Revised Code of Washington (RCW) imposes significant obligations on parties involved in land use planning. People involved in the process must understand the provisions of each and must know under which chapter a given municipality operates.⁸

The state’s Growth Management Act (GMA),⁹ and its implementing amendment,¹⁰ do not

⁵ *McNaughton v. Boeing*, 68 Wn.2d 659, 662, 414 P.2d 778 (1966). Planning through constitutional powers provides a basis for validating land use actions processed outside the specified statutory planning process. *Nelson v. Seattle*, 64 Wn.2d 862, 395 P.2d 82 (1964); *Barrie v. Kitsap County*, (1980).

⁶ Chapter 35A.63 RCW.

⁷ Chapter 36.70 RCW.

⁸ *Chrobuck v. Snohomish County*, 78 Wn.2d 858, 480 P.2d 489 (1971).

⁹ ESHB 2929 (1990) (principally Chapter 36.70A RCW). ¹⁰ RESHB 1025 (1991).

¹⁰ Chapter 35.63 RCW.

change the method or manner of planning in a local community. They merely specify the elements that must be planned and additional criteria to be followed, regardless of the local community's statutory model.

1. The Planning Commission Act¹¹

The Planning Commission Act permits a city or county to engage in planning by creating a city or county planning commission.¹² Once a planning commission has been appointed, it must recommend adoption of land use regulations and implement a “comprehensive plan” for the physical and generally advantageous development of the municipality.¹³ This means that before any regulatory land use rules are adopted, city and county councils must submit them to the planning commission. Not doing so could render the action or enactment void for failure to follow proper procedure.

The Growth Management Act¹⁴ adds this requirement: all counties and cities that are required to fully plan must adopt a comprehensive plan with more specified components.¹⁵ This reverses a long-standing policy that the “comprehensiveness” requirement could be satisfied merely by enacting a basic, community-wide plan.¹⁶

For counties not fully planning under the GMA, the Planning Commission Act¹⁷ is still the basic planning model. However, some jurisdictions not fully planning under the GMA have incorporated certain components of the GMA's requirements into their plans. For example, some cities have adopted a version of an urban growth area.

PRACTICE TIP: All communities choosing to or required to act through a comprehensive plan, should use the plan daily to reinforce all phases of community action. The best way to assure such consistency is to require any official action that enables or enforces the comprehensive plan to state why the action is consistent with the plan. Such expression will be given great, if not determinative, weight in subsequent reviews. More

¹¹ RCW 35.63.020.

¹² RCW 35.63.090.

¹³ Chapter 36.70A RCW.

¹⁴ RCW 36.70A.070.

¹⁵ *Shelton v. Bellevue*, 73 Wn.2d at 39.

¹⁶ Chapter 35.63 RCW.

¹⁷ Chapter 35A.63 RCW.

importantly, this pattern of conduct will give life to the comprehensive plan and weave the document into the fabric of daily life in the community.

2. The Optional Municipal Code¹⁸

The Optional Municipal Code provides the same general authority to engage in planning as the Planning Commission Act. However, it does require greater detail in the elements and format of the comprehensive plan. To engage in planning and zoning under the Optional Municipal Code, a city which governs under this code may create a planning agency (a planning commission together with a planning staff) to prepare:

a comprehensive plan for anticipating and influencing the orderly and coordinated development of land and building uses of the code city and its environs. The comprehensive plan may be prepared as a whole or in successive parts.¹⁹

The city council must then specifically consider and adopt or reject the comprehensive plan.²⁰ From and after the date of approval by the city council,

the comprehensive plan, its parts and modifications thereof, shall serve as a basic source of reference for future legislative and administrative action;²¹

Finally, after adopting a comprehensive plan, the legislative body,

...may implement or give effect to the comprehensive plan or parts thereof by ordinance or other action to such extent as the legislative body deems necessary or appropriate ²²

With the advent of growth management legislation, all implementing development regulations must be consistent with comprehensive plans.²³ This means that all official controls must be measured against the comprehensive plan to assure consistency; and all land use approvals, plats, site plans, and other development permits must be measured (either directly or through

¹⁸ RCW 35A.63.060.

¹⁹ RCW 35A.63.072.

²⁰ RCW 35A.63.080.

²¹ RCW 35A.63. 100.

²² RCW 36.70A.120

²³ RCW 36.70B.040

environmental review under the State Environmental Policy Act) for consistency with the adopted development regulations, or in the absence of applicable development regulations, the adopted comprehensive plan.²⁴

3. The Planning Enabling Act²⁵

The Planning Enabling Act, directed specifically at counties, is the most detailed of the planning enabling statutes. The Planning Enabling Act is more specific, procedurally detailed, and complex than the Planning Commission Act. It provides a specific statutory framework that integrates planning with zoning, platting, and other specific land use regulations.

While the Planning Enabling Act is an option for community planning, it requires a more detailed comprehensive plan. Once a county elects to create a planning agency under this Act, the agency must prepare a comprehensive plan for the

orderly physical development of the county... [including] any land outside its boundaries which, in the judgment of the planning agency, relates to planning for the county.²⁶

The Supreme Court has left no doubt that under the Planning Enabling Act, the comprehensive plan is a document to be reckoned with.²⁷ The court said

preparation of a comprehensive plan is the beginning and indispensable precursor to a county zoning law... There is nothing casual, or perfunctory, about a certified comprehensive plan as the statutes require it to set forth a number of specific elements..., and it serves as a guide to the later development and adoption of official zoning controls.²⁸

As the indispensable precursor to a valid local planning program, a well-ordered comprehensive plan is now incorporated by statute into all planning dictated by the Growth Management Act (GMA).²⁹ It applies to all cities and counties, whether they have elected or are required to develop a comprehensive plan under the GMA.

²⁴ Chapter 36.70 RCW.

²⁵ RCW 36.70.320.

²⁶ Smith v. Skagit County, 75 Wn.2d 715, 453 P.2d 832 (1969).

²⁷ Smith, 75 Wn.2d at 738-739 (emphasis added).

²⁸ RCW 37.70A.010, .020, and .120.

²⁹ RCW 36.70A.010.

4. The Growth Management Act

The Legislature adopted the Growth Management Act in 1990 in response to concerns that:

uncoordinated and unplanned growth, together with a lack of common goals expressing the public's interest in the conservation and wise use of our lands, pose a threat to the environment, sustainable economic development, and the health, safety, and high quality of life enjoyed by the residents of this state.³⁰

The GMA provides the tools to counties and cities to manage and direct growth to urban areas where public facilities and services can be provided most efficiently, to protect rural character, to protect critical areas and to conserve natural resource lands. The GMA is the Legislature's expression of a statewide interest in local planning decisions. It provides a more detailed policy framework than the Planning Enabling Act. The GMA includes 14 goals and a number of requirements for local comprehensive plans and development regulations.

All counties and all cities of the state are required to designate and protect critical areas and to designate natural resource lands.³¹ Faster growing counties and cities are required to fully plan under the GMA by meeting all of the goals and requirements. Currently 29 counties and their cities have been mandated or have chosen to fully plan under the GMA. (See Chapter 3 for the goals and requirements of the GMA.)

Regional coordination between counties and cities is emphasized in the GMA. Counties fully planning under the GMA are required to adopt county-wide planning policies to guide comprehensive plan development. The policies must include guidance for designation of urban growth areas (UGAs) outside of which urban development will not occur. Counties work collaboratively with cities to allocate projected population for the next 20 years. UGAs are designated based upon the need to accommodate population projections.

County and city comprehensive plans are required to include specific elements, or chapters, to address land use, housing, capital facilities, utilities, transportation, rural lands (for counties), and shorelines.³² Development regulations must be consistent with and implement the comprehensive plan.³³

The state's interest is expressed in the goals and requirements of the GMA, but local jurisdictions must determine how they will meet those goals and requirements through the local planning process:

³⁰ RCW 36.70A.060 and 170.

³¹ RCW 36.70A.070 and 36.70A.480.

³² RCW 36.70A.040(3).

³³ RCW 58.17.010.

5. The Shoreline Management Act

Washington established itself as a leader in managing development of shorelines by enacting the Shoreline Management Act of 1971 (SMA). The SMA regulates development of shorelines of the state and shorelands associated with these shorelines. Shorelines of the state include all waters of the state (including marine waters) and their underlying lands, except streams with a mean annual flow of less than 20 cubic feet per second and lakes less than 20 acres in area. Shorelands are those areas landward for 200 feet from the ordinary high water mark, floodways, and contiguous floodplains within 200 feet, and all associated wetlands. The SMA places an emphasis on protecting shoreline ecology and preserving the public access to and use of shorelines. The SMA prohibits development that is inconsistent with the Act's policies or with local shoreline master programs (SMPs).

The SMA requires that local governments adopt SMPs, which tailor the state policies to their particular circumstances, enunciate local policy goals, designate the different shoreline environments within the jurisdiction, and spell out specific uses for those environments (like zoning codes).

In effect, the SMA is a land use statute for shorelines and their associated shorelands. In 1995, the Legislature required local jurisdictions to integrate their SMPs with their comprehensive plans and development regulations. The goals and policies of the SMA are now the 14th goal of the GMA. SMP policies are an element of the comprehensive plan and the implementing regulations are part of the jurisdiction's development regulations. The SMA and its integration with the GMA will be discussed further in chapters 3 and 7.

6. The Subdivision Act

As far back as 1969, the Legislature found that division of land:

is a matter of state concern and should be administered in a uniform manner by cities, towns, and counties throughout the state.³⁴

The requirements of Chapter 58.17 RCW were enacted to govern platting and subdivisions. Local governments must adopt subdivision regulations that provide procedures and standards for approval of land divisions.

The importance of subdivision regulations to planning, including implementation of comprehensive plans, is recognized in the GMA. Subdivision ordinances are included in the definition of development regulations under the GMA.³⁵ Accordingly, an additional section was added to the subdivision statute when the GMA was adopted in 1990. In deciding whether to

³⁴ RCW 36.70A.020(7).

³⁵ RCW 58.17.110.

approve a subdivision application, local governments are required to make written findings determining:

(a) If appropriate provisions are made for, but not limited to, the public health, safety, and general welfare, for open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds, and shall consider all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and (b) whether the public interest will be served by the subdivision and dedication.³⁶

7. The State Environmental Policy Act

The State Environmental Policy Act (SEPA) was enacted in 1971 to provide state and local agencies with the authority to consider and mitigate the environmental impacts of their decisions. Although SEPA was adopted prior to other planning laws, it is still an important aspect of land use planning because it applies to all agency decisions unless they are categorically exempt. SEPA is intended to provide information to agencies, applicants, and the public to encourage the development of environmentally sound proposals. The environmental review process involves the identification and evaluation of probable environmental impacts, the exploration of reasonable alternatives that would mitigate adverse impacts, and the development of mitigation measures to reduce those impacts.

Every step of the planning process from adoption of countywide planning policies, comprehensive plans, and development regulations to project review requires environmental analysis. Whether a county or city is fully planning under GMA or not, it should be examining the environmental impacts of its planning decisions. Environmental information is essential to making good planning decisions.

Recent amendments to the GMA and SEPA now require that the environmental review and permit review processes be better integrated at the project level. This will be discussed further in chapters 3 and 6. However, it is important to note that the Legislature has expressly stated that the primary role of SEPA review is to focus on the gaps and overlaps that may exist in applicable laws and requirements related to a proposed action. SEPA is not intended to act as a substitute for other land use planning and environmental requirements.³⁷

³⁶ RCW 43.21C.240 and WAC 197-11-158.

³⁷ Washington State Constitution, Art. XI, Sec.

8. Charter Form of Government

State laws allow cities and counties to adopt “home rule,” using a charter to specify the offices and processes for making governmental decisions.³⁸ A detailed review of charters is beyond the scope of this manual; therefore, no specific model is identified. However, several points should be noted for any community contemplating or using a charter form of government:

- i. Broad legislative actions are vested with the policy-making body of the community.
- ii. Administrative actions typically are vested with the executive body of the community.

The charter should discuss the planning process sufficiently so that enabling legislation will mirror the responsibilities for creating, modifying, and administering the community’s planning activities.

³⁸ Washington State Constitution, Art. XI, Sec. 4

New to the Planning Commission? FAQ's

Serving on the planning commission is one of the most rewarding ways you can serve your community. As a commissioner, you will help set the long-term direction or vision for your community's future. Although the planning commission is an advisory body which rarely makes final decisions, it is one of the most important groups in local government. In recent years, growth management and environmental legislation have emphasized the importance of land use issues.

You will be advising your community on these issues through adoption or amendment of the comprehensive plan, and will help implement its subdivision, zoning, and shoreline regulations. You may review applications for individual projects ranging from mobile home parks to shopping centers. New planning commissioners must get up to speed quickly on the structure of local government and the laws and procedures that govern their actions.

Following are the answers to 10 questions that are commonly asked; we suggest you read them before conducting your first public meeting.

1. Who are the key actors in the planning process and what do they do?

Four groups have key roles:

1) **City council or board of county commissioners**

Both are elected bodies which appoint planning commission members (or the board of adjustment, discussed below). The city council or board of county commissioners has ultimate decision-making authority for all land use planning issues.

2) **Planning commission**

The planning commission makes recommendations to the city council or board of county commissioners for changes and updates in the comprehensive plan and the zoning code. In most jurisdictions, the planning commission also reviews individual applications for variances, conditional use permits, site plans, subdivisions, shoreline permits, and rezones.

3) **Board of adjustment**

This body hears appeals on land use decisions. In some communities, the planning commission acts as the board of adjustment. In others, the city council or board of county commissioners assumes this role.

4) **Hearings examiner**

The decision to have a hearings examiner is a local option. When a community does

have one, this hired professional replaces the board of adjustment. The hearings examiner takes the place of the planning commission in hearing applications for land use permit applications, such as variances and conditional use permits. Having a hearings examiner frees up the planning commission to deal with policy issues and long-term concerns of the community.

2. Can you tell me more about the planning commission?

In Washington State, a planning commission is an advisory body appointed by the city council or board of county commissioners to provide advice and recommendations on land use issues at the local level.

Although the key word here is advisory and planning commissions don't normally make the final decision, it is probably one of the most important bodies in local government.

You'll spend lots of evenings in meetings. (Don't be fooled if those who invited you to serve on the planning commission gave you a sales pitch that sounded something like "You only meet twice a month for a couple of hours.") In a survey done for the City of Renton, it was found that the planning commission met more often than all other advisory boards combined, and more often than the city council itself. We're stating this up front so that you'll understand the amount of serious work that is expected of most planning commissions. Being a planning commissioner means making a serious time commitment for the required preparation and for the commission meetings.

3. What if our elected officials (city council/county commissioners) ignore a recommendation of the planning commission, but we all know it's a good one?

When it happens—and sooner or later it will—you have several choices:

First, you can swallow hard, accept the political decision, and continue to do your best to provide thorough and thoughtful recommendations. It's important to keep in mind that both the planning commission and the elected body which appointed you are working from the same set of policies and regulations. If there are differences in interpretation, then these differences need to be clarified. One strategy for keeping communication clear is presented below.

Second, you can resign in protest. Although this sometimes seems like the only ethical option, we encourage you to think very carefully before you exercise it. If you quit, it deprives the commission of your experience and expertise, and it always takes time for a new person to get up to speed once appointed.

Third, most effective planning commissioners have decided that they can increase the number of times their recommendations are accepted with minimal or no modification by actively working to maintain good communications with the city council or board of county commissioners.

There are a number of strategies that have been used successfully around the state over the years, and we encourage you to use one of them (or invent one of your own).

One of our favorites approaches is to have the planning commission and city council sit down together twice each year to discuss issues and concerns. Each session is followed by a bus tour of the City, so everyone can see first-hand the sites and locations which are the focus of local land use issues.

Another good option is to send out a newsletter, like the one distributed by the Thurston Regional Planning Council. In this concise and well-written newsletter, anyone who's interested can find out exactly where the county and all of its cities are in progress on key growth management planning elements.

4. If you were to identify the one factor which can spell success or failure for a planning commission, what would it be?

There are really two answers to this question.

First, the **initial appointments** made to the planning commission are crucial. Elected officials must appoint quality, committed individuals, who represent the community's diverse social and political interests, as well as its geographic diversity.

Second, the planning commission needs a **strong chairperson**. Regardless of whose "turn" it is to serve as Chair, if you pick a nice but unassertive person who can't control controversial meetings, and who isn't willing to put in the time necessary to get the agenda together and make reminder phone calls, then the commission as a whole will suffer. Your Chair needs to be a dedicated, no-nonsense, reasonably high-energy person-someone who can run a tight meeting with a sense of fairness.

5. When is an "executive session" appropriate? Under the "Open Public Meetings Act," does all business of the planning commission have to be conducted in public?

Our planning commission Chair called for an "executive session" during a meeting a few weeks ago, so we could discuss the qualifications of candidates who had applied for our City

Planner position. Someone in the audience stood up and said what we were doing was illegal, because of the “Open Public Meetings Act,” and that all business of the planning commission had to be conducted in public.

Your Chair was perfectly justified in calling an executive session, because you were evaluating qualifications of applicants for public office.

It should be stressed, however, that there are very few times when your planning commission will need to hold an executive session. (See Chapter 2 for more information on the Open Public Meetings Act.)

Had you been talking about the salary, wages, or general conditions of employment for the planner position, the discussion should have been public. But personnel matters, including performance reviews, can be conducted in executive session; as can discussions of litigation or potential litigation with your attorney, and real estate negotiations where publicity is likely to cause an increase in the price your city, town, or county will have to pay.

If you plan to hold an executive session, the planning commission Chair must take specific procedural steps (see Chapter 2).

Regular Meetings

The basic intention of the Open Public Meetings Act is that the public’s business be conducted in public; and that the planning commission must establish a time for its regular meetings.

Special Meetings

If you need to hold a special meeting, either your chairperson or a majority of the members can call for it. But you will need to notify all members of the planning commission, as well as media representatives who are on record as having requested notification (i.e., newspapers, local radio, and television stations). Your notice must be in writing, at least 24 hours prior to the special meeting, and state the place and nature of the business to be transacted. You will be limited in making final decisions to those announced business items at the special meeting.

6. I’ve been on the planning commission for a while now, and I’m still not clear on the difference between our “legislative” and “quasi-judicial” activities.

Everything you do as a planning commissioner will fall into one of these two categories. It’s important to be clear on the difference, because when you’re operating in a quasi-judicial mode, you’re subject to the Appearance of Fairness Act.

Some basic definitions:

First, a **legislative action** is one which will affect the entire community, not just an individual property owner or single piece of land. Examples include updating or revising your community's comprehensive plan and adopting zoning code text amendment ordinances. When you change the community's comprehensive plan or zoning code, the rules change for everyone. No one is seeking or being granted special consideration.

A **quasi-judicial action** is one in which you're sitting "like a judge," evaluating a specific case or proposal submitted to you by individual parties. Examples include applications for variances, special use permits, and subdivisions. In each case, you are being asked to make a decision that affects an individual (or family, partnership, or corporation), but not the entire community. You are acting like a judge, weighing the merits of an individual case before the court. Guilty or not guilty? Grant the variance or deny it?

When you're dealing with these individual applications and project proposals, you are held to very high levels of scrutiny. These are contained in the **Appearance of Fairness Doctrine** (see Chapter 2 for a detailed discussion). Basically, all of your actions when you are in your quasi-judicial role must not only be fair in fact, but must appear fair to the average person.

The question you must ask yourself is: Would a disinterested person, apprised of the totality of your personal interest or involvement in the matter which the planning commission is considering, be reasonably justified in thinking that your involvement might affect your judgment in reaching a decision?

The place where most planning commissioners get into trouble on this one is a direct result of their well-intentioned attempts to be open and accessible to their friends and neighbors. It's really difficult to cut someone off when they call you up at home, or approach you on the street or at the coffee shop and start to tell you what they think about a particular proposal which you're considering, or are about to consider, at the planning commission.

But when you listen to their thoughts outside a regular meeting of the planning commission, regardless of whether they are for or against the proposed project, you are engaging in what the law calls an "**ex parte**" communication. Ex parte communications are forbidden, because they violate the intent of the Appearance of Fairness Doctrine: Regardless of whether any single "off the record" conversation influenced your final vote on a proposed project or application, it just doesn't look right. The law says your actions must appear fair as well as be fair in fact.

So what do you do if you **get a letter at home**, and read it through before you realize it's an attempt to lobby you to approve a new 80-home subdivision? Or what if a **friend grabs your arm** at the post office and blurts out his deeply held thoughts that the thus-and-so project, if approved, is going to change forever the rural character of your town? (He knows this because he worked for years as a real estate appraiser in a very similar community in

California, and he can tell you as a real estate professional exactly what a proposal like this one did to that town and its tax base.)

When a situation like one of these occurs, you need to take immediate action at the next planning commission meeting. You'll need to announce and place on the record at the beginning of the discussion of that item the substance of any written or oral ex parte communication which you've received. If you feel that, regardless of this contact, you'll still be able to render a fair decision, you need to state that for the record as well.

At this point in the meeting, you've opened yourself up for a challenge from anyone who feels that you've been tainted by the ex parte communication. If you're challenged, and don't step down for the duration of the discussion and decision on the proposal under consideration, you've left yourself and the commission wide open for a legal challenge after you've rendered your recommendation.

Our advice if you're challenged? Consult with your city attorney or county prosecutor, if that person is available: You may be able to stay and participate. But in the absence of legal advice to the contrary, step down and leave the room. Don't take a seat in the audience, from where you can later be accused of sending "baseball signals" to the remaining members of the commission to influence their votes on the proposal. Instead, go home and take a well-deserved evening off.

After the Doctrine of Appearance of Fairness was first enacted, it didn't take long for clever applicants to figure out that if they could just taint those members of the commission who would probably oppose their application, they could then challenge them on the grounds of having received an ex parte communication. These planning commissioners would then be forced to step down and--bingo! an approved application.

The problem with this sneaky strategy is that if enough members are disqualified, the planning commission lacks a quorum, and can't do business. A clever legal solution called the **Doctrine of Necessity** was enacted to counter this lack of a quorum. Basically, if enough members of the planning commission are challenged to make it impossible to obtain either a quorum or a majority vote, then those challenged members can return to their seats and participate fully in the debate and the decision. All they have to do is disclose publicly the reason for their disqualification before they render their decision.

A simple three step ounce-of-prevention strategy is definitely worth a pound of cure on this one. We recommend that the Chair inquire at the beginning of the discussion of each agenda item if any member of the planning commission has any ex parte oral or written contacts to report for the record. The Chair should then ask if any member of the planning commission is aware of any appearance of fairness violations which would prevent his or her participation on the quasi-judicial matter before the commission. Once these have been reported, the Chair should solicit from members of the audience any challenges they

wish to pose to individual commissioners based on what the commissioners have just said. These three steps should take place before testimony on the project or proposal begins.

It's worth noting at this point that if no one in the audience raises any challenges right here, then they've waived their right to challenge the participation of any member of the commission later on. This is their one opportunity. If they're silent, they're agreeing to let all unchallenged members of the commission hear the testimony and render a decision.

Short Form of Procedures For Quasi-judicial Public Hearings

1. **Chairman declares the public hearing is open.**
2. **Chairman states that everyone present will be given an opportunity to be heard;** however, the commission or council does have a policy of closing meetings at 10:00 p.m. (or your own closing time). State that the hearing is being recorded and that prior to speaking, individuals should state their names and addresses.
3. **Appearance of Fairness.**
 - a. Chairman requests anyone who objects to the Chairman's participation, or any other commission or council member's participation, to please state so now and give the reasons for the objection.
 - b. Chairman asks the commission or council members if any have an interest in the property or issue. Chairman asks commission or council members if they can hear and consider this matter in a fair and objective manner.
 - c. Chairman requests any member of the commission or council to place on record the substance of any communication each has had outside of the hearing with opponents or proponents on the issue to be heard. After the communication is placed on the record, the Chairman should request whether any interested parties wish to rebut the substance of the communication.
4. **Chairman requests staff to make its presentation.**
5. **Applicant invited to comment.**
6. **Chairman invites comments from citizens in favor of the proposal.**
7. **Chairman invites comments from citizens against the proposal.**
8. **Chairman invites applicant to rebut the opposition.**
9. **Additional comments from those against and those for the proposal should be recognized, if needed.**
10. **Chairman requests whether the commission or council members have questions of the applicant, citizens, or staff.**
11. **Chairman declares the public hearing closed.**
12. **Commission or council deliberates on the record, discussing Findings of Fact and Conclusions.**

7. What should we be doing, as far as record keeping goes?

At our planning commission meetings, we do a pretty good job taking minutes of the major issues and decisions. But one of our members heard recently that having hand-written minutes may not be good enough. (Our secretary does type them up later so they're nice and neat.)

You really need to tape record all of your hearings. If one of your decisions is appealed, you must produce a word-for-word (“verbatim”) transcript of the hearing for the reviewing court. If you can’t provide this verbatim transcript, the court may order you to re-hear the issue.

It has been suggested—not entirely in jest—that every new planning commissioner should have to transcribe at least one hearing tape onto paper. Why? Because it proves **how difficult it is to make sense of a poorly done meeting tape**. All you need is a podium microphone which isn’t working well, a couple of commissioners conversing privately in front of a desk-top microphone, somebody else coughing or rustling a stack of papers, and you’ve got a real auditory mess. Add to this a series of exhibits (informally identified as “that big map,” “the other map,” and “the second site plan you showed us,”) and you’ll have a hearing tape which is nearly impossible to transcribe.

To produce accurate, word-for-word meeting tape transcripts that will stand up on appeal:

Have speakers **identify themselves each time** they speak.

The Chair must **control the testimony** and discussion: Allow only one speaker at a time.

Assign each exhibit a **letter or number designation**. Be sure speakers reference those designations in their testimony.

If the meeting is packed with a large group organized to support or oppose an application, the Chair should **limit redundant testimony** to save time. Members of the group should be instructed to state that they agree with the previous speakers’ testimony. You can further limit each participant’s testimony to a 5-to-10-minute summary. (Planning commission meetings shouldn’t run until 1:00 or 2:00 a.m. Adopt a reasonable cut-off time, such as 10:00 p.m., publicize it in your rules of procedure, and stick to it. If you need to continue after the cut-off time, do so another night.)

If any members of the public become unruly or obnoxious, the planning commission can expel them. If the meeting still cannot be controlled, it can be adjourned to a different place and time and can exclude the public, except the media.

Before closing a hearing to further testimony, be sure **both sides** of the issue have adequate time and opportunity to present their cases and arguments. Regardless of public sentiment in your community, the applicant is always entitled to a fair hearing.

8. After our commission has heard all the testimony and it's time to make a decision, our Chairperson likes to go around the group, kind of informally, and see what each of us thinks, before we actually vote. How do you feel about this as a procedure?

It's not a procedure we recommend. Although the Chair may ask if anyone has further questions or needs additional information, a planning commission meeting is not the place for informal "straw votes." Once testimony has ended, the Chair should call for a motion, facilitate a full and complete discussion, and call for a formal vote on the issue before the commission.

Always cite the conditions in your local ordinance or code which pertain to the application at hand.

The Chair should cite the relevant ordinance or code, and conditions to be satisfied. In the City of Brewster, for example, variance applications must satisfy three conditions. The Chair should restate them for the record. (See Appendices 1 and 2 of Chapter 5. Although it's intended primarily for city councils, the material is relevant for planning commissioners.)

Always cite the evidence presented which, in your judgment, supports granting or denying the application.

Each member should cite the convincing evidence in his/her vote to approve or deny the application. After citing the evidence, the person should state how he or she voted. The combined results, tallied in the vote, will provide the basis for formal collective findings and conclusions. (See Chapter 2.)

9. As a planning commissioner, can I be sued for the actions of our planning commission?

Yes. You owe it to yourself to check with your city or county to make sure the municipality you serve has **errors and omissions insurance**, or a self-insurance program which *specifically* covers you as a planning commissioner.

As a member of an advisory committee, your actions are normally not the cause of any decision which would result in damages. A different result could arise if a proponent (or opponent) of a project before the planning commission was able to demonstrate a hidden financial interest on your part or an intent on your part to hinder the project, independent of the applicable rules and regulations.

In those rare cases where liability is found, it normally runs to the municipality. The key to peace of mind is to assure yourself that an adequate insurance program is in place. An insurance program provides a defense whether or not there is liability and coverage for any

damages found.

The only exception to this general rule is a violation of the Open Public Meetings Act, for which you can personally be assessed a penalty of \$100. (Please see Chapter 2 for a detailed discussion.)

10. It seems to me that our planning commission wastes a lot of time at meetings. We're always waiting for a couple of commissioners to wade through their information packets before we can get on with the evening's business. Any suggestions?

In most communities, planning commissioners have a lot of reading to do. There are staff reports, draft planning documents, applications, zoning text amendments, training materials, and a host of other documents.

You really owe it to yourself--not to mention your fellow commissioners--to set aside the time necessary to read through all this stuff before the start of the meeting. You also need to attend the meetings. If you don't, there may not be a quorum, and no business can be transacted. A good chairperson can help motivate people. But it's really a matter of taking your personal obligation seriously. Many people, including the elected body which appointed you, are counting on your good work. And that means staying current on your reading. Please spend the time necessary to come to meetings prepared.

It's fair to say that your service on the planning commission will go through phases. There will probably come a time when you know in your heart of hearts that it's time for you to do something else. Perhaps you've accomplished everything you set out to do when you agreed to serve. Perhaps personal, family, or business obligations are demanding more time than they used to. Perhaps community service of another sort has caught your interest. You will leave a generous legacy to the commission and to your community if you recognize these symptoms, and step aside in a timely way so that someone else can serve in your place. This is perhaps the ultimate act of dedication.

Parliamentary Procedure: A Brief Guide to Robert's Rules of Order

This page provides a brief overview of important aspects of Robert's Rules of Order as applied to parliamentary procedure for local governments in Washington State.

Overview

Parliamentary procedure provides the process for proposing, amending, approving and defeating legislative motions. Although following parliamentary procedure is not required, it can make council meetings more efficient and reduces the chances of council actions being declared illegal or challenged for procedural deficiencies.

A city may adopt, by ordinance or resolution, its own set of rules governing the conduct of council meetings, or it may adopt by reference formalized rules such as Robert's Rules of Order. Many Washington cities have adopted Robert's Rules, supplementing those rules with additional rules on issues such as voting abstentions and motions for reconsideration.

Basic Rules

- **Only one subject may be before a group at one time.** Each item to be considered is proposed as a motion which usually requires a "second" before being put to a vote. Once a motion is made and seconded, the chair places the question before the council by restating the motion.
- **"Negative" motions are generally not permitted.** To dispose of a business item, the motion should be phrased as a positive action to take, and then, if the group desires not to take this action, the motion should be voted down. The exception to this rule is when a governing body is asked to take action on a request and wishes to create a record as to why the denial is justified.
- **Only one person may speak at any given time.** When a motion is on the floor, an order of speaking is prescribed by Robert's Rules, allowing the mover of a motion to speak first, so that the group understands the basic premise of the motion. The mover is also the last to speak, so that the group has an opportunity to consider rebuttals to any arguments opposing the motion.
- **All members have equal rights.** Each speaker must be recognized by the moderator prior to speaking. Each speaker should make clear his or her intent by stating, "I wish to speak for/against the motion" prior to stating arguments.

Item 9. item presented for consideration is entitled to a full and free debate. Each person speaks once, until everyone else has had an opportunity to speak.

- **The rights of the minority must be protected, but the will of the majority must prevail.** Persons who don't share the point of view of the majority have a right to have their ideas presented for consideration, but ultimately the majority will determine what the council will or will not do. Use parliamentary procedure as a tool, not a bludgeon.
-

Motions

Business is brought before the council by motions, a formal procedure for taking actions. To make a motion, a councilmember must first be recognized by the mayor. After the councilmember has made a motion (and after the motion is seconded if required), the chair must then restate it or rule it out of order, then call for discussion. Most motions require a second, although there are a few exceptions.

Exact wording of motions and amendments is important for clarity and recording in the minutes. If it's a complex motion, the motion should be written down for the chair to read.

Robert's Rules of Order provides for four general types of motions: main motions, subsidiary motions, incidental motions, and renewal motions.

Main Motions

The most important are main motions, which bring before the council, for its action, any particular subject. Main motions cannot be made when any other motions are before the group.

Subsidiary Motions

Subsidiary motions are motions which direct or change how a main motion is handled. These motions include:

- **Tabling.** Used to postpone discussion until the group decides by majority vote to resume discussion. By adopting the motion to "lay on the table", a majority has the power to halt consideration of the question immediately without debate. Requires a second, non-debatable, not amendable.
- **Previous question or close debate.** Used to bring the body to an immediate vote. It closes debate and stops further amendment. Contrary to some misconceptions, the majority decides when enough discussion has occurred, not the moderator. The formal motion is to "call for the question" or "call for the previous question," or simply, "I move to close debate." The motion requires a second, is not debatable and requires a two-thirds majority.
- **Limit/extend debate.** May be desired if the group has adopted a rule limiting the amount of time that will be spent on a topic, or if the group desires to impose a time limitation.
- **Postpone to a definite time.** Similar to tabling, except that the motion directs that the matter will be taken up again at some specific date and time.
- **Refer to committee.** Directs that some other body will study the matter and report back.
- **Amendment.** Used to "fine tune" a motion to make it more acceptable to the group. The amendment must be related to the main motion's intent and cannot be phrased in a way that would defeat the main motion. Two amendments may be on the floor at one time: the first amendment modifies the main motion, and the second amendment must relate to the first amendment. When an amendment is on the floor, only the amendment may be debated. The amendments are voted on in the reverse order in which they were made, as each amendment

Item 9. ges to some degree the intent of the main motion. As each amendment is voted on, an additional primary or secondary amendment may be introduced. Requires a second, debatable, majority vote.

- **Postpone indefinitely.** This motion effectively kills a motion, because, if adopted, a two-thirds vote is subsequently required to take the matter up again.

Incidental Motions

Incidental motions are housekeeping motions which are in order at any time, taking precedence over main motions and subsidiary motions. These motions include:

- **Point of order.** To bring to the group's attention that the rules are being violated. You don't need to be recognized prior to making a point of order. This is not really a motion, but requires the moderator to make a ruling as to whether or not immediate consideration is proper.
- **Appeal from the decision of the chair.** The group can overrule the chair on any decision. While the motion must be seconded, it cannot be amended. When this motion is moved and seconded, the moderator immediately states the question, "Shall the decision of the chair stand as the judgment of the council?" If there is a tie vote, the chair's decision is upheld. The motion is not debatable when it applies to a matter of improper use of authority or when it is made while there is a pending motion to close debate. However, the motion can be debated at other times. Each person may speak once, and the moderator may also state the basis for the decision.
- **Parliamentary inquiry.** Not a motion, but a question as to whether an action would be in order.
- **Point of information.** A person may rise to offer information that is considered necessary for the group. This provision is not used to offer debate.
- **Division of assembly.** To require a more precise method of counting votes than by a voice vote, such as having persons raise hands, or stand. No second, not debatable, and no vote required.
- **Request to withdraw a motion.** Contrary to popular misconception, a motion cannot be withdrawn by its mover. This request requires majority approval.
- **Suspension of the rules.** When matters are to be taken out of order, or a particular task can be better handled without formal rules in place, this motion can be approved by a two-thirds vote of the group. However, until the rules are restored, only discussion can occur; no decisions can be made. Second required, not debatable, and not amendable.
- **Object to consideration of a question.** When a motion is so outrageous, intended to distract the group from resolving legitimate business. The motion can be objected to and ruled out of order without debate. However, if the chair does not rule the motion out of order, a two-thirds vote of the group can block further consideration.

Renewal Motions

Once the group has taken action, renewal motions require the group to further discuss or dispose of a motion. The motions include:

- **Reconsider.** When the group needs to discuss further a motion that has already been defeated at the same meeting. A majority of the council must approve taking additional time to debate the motion again. The motion can be made only by a person who voted on the prevailing side earlier on the question. Contrary to another popular misconception, the motion may be brought up again at a subsequent meeting. If the moderator believes

Item 9. There is no indication that the group's wishes have changed, however, the motion can be ruled out of order, subject to an appeal from the decision of the chair.

- **Take from the table.** Unless the original motion to table directed that the motion be brought back at a specific date and time, a majority of the group must pass a motion to take from the table. Such a motion is non-debatable.
- **Rescind.** When the group wishes to annul some action, a motion to rescind is in order at any time. If prior notice has been given to the group that this action will be considered, the motion to rescind can pass with a simple majority vote; however, if no prior notice has been given, the vote requires a two-thirds majority.

Questions of Privilege

Finally, there are a few questions of privilege that are in order at any time and must be disposed of prior to resuming discussion on the matter at hand:

- **Fix the time for next meeting.** This is in order at any time, including when a motion to adjourn is pending. Second required, not debatable, and is amendable.
- **Adjourn.** To bring the meeting to a halt. Second required, not debatable, and not amendable. Alternatively, instead of a motion, the chair can ask if there is any further business. If there is no response, the chair can say, "since there is no further business, the meeting is adjourned."
- **Recess.** A temporary break in the meeting; should state a time at which the meeting will resume. Second required, not debatable, and not amendable.
- **Point of privilege.** A matter that concerns the welfare of the group. Can be raised even when another person is speaking. No second, not debatable, and no vote required.
- **Call for the orders of the day.** A demand that the group return to the agenda. Can be taken when another person is speaking, no second required, not debatable, and no vote required.

Recommended Resources

- [The Official Robert's Rules of Order Website](#) – Includes a short history of Robert's Rules, how an organization can adopt it, the basics of parliamentary procedure, a question and answer forum, and an "Ask the Authors" feature.
- [Georgia Municipal Association: Parliamentary Procedure: A Guide for City Officials](#) (2007)
- [Jurassic Parliament](#) – Guidance and resources from Ann MacFarlane, a Professional Registered Parliamentarian and one of MRSC's blog guest authors (see [Ann MacFarlane MRSC blogs](#)).
- [Citizen's Guide to Effective Conduct of Public Meetings Using Parliamentary Procedure and Robert's Rules of Order in Washington State](#) (2017) – The Guide explains the respective roles of mayor or chair, members of the body, and the public, and discusses the right way to run public meetings.
- [National Association of Parliamentarians \(NAP\)](#).
- [American Institute of Parliamentarians \(AIP\)](#).

Follow us:

New Councilmember Orientation

City of Tumwater
2019

Agenda

- Roles and Responsibilities
- City Organization
- Council Rules and Working Agreements
- Being an Effective Councilmember
- Open Public Meetings
- Public Records
- Parliamentary Procedure
- Partnerships with others
- Mission, Vision and Beliefs
- Strategic Priorities, Current Initiatives and Accomplishments
- Financial Overview
- FAQs
- What's Next and Handouts
- Walk Through the Week
- Details – How do I get paid?

City of Tumwater–Board of Directors

- \$100 million corporation and 210 employees
- **Major facilities** (City Hall, Library, 2 Fire Stations, Public Works Shops, Golf Course, parks, etc.)
- **Responsible for:**
 - transportation Δ clean environment
 - public safety Δ safe buildings
 - quality of life Δ drinking water
 - saving lives Δ justice
 - parks Δ recreation
 - great community

Roles and Responsibilities

- City has only the powers given to it by the State
- Separation of Powers - 3 branches
- Clear roles - and staying in role - is key to everyone's success
- Legislative Branch (Council)
 - Adopt policy
 - Adopt budget
 - Define powers, functions, duties of City officers and employees

Legislative (Council) Powers

- Fix compensation of officers and employees
- Establish working conditions
- Enter into contracts (can be delegated)
- Regulate the acquisition, ownership, and sale of property
- Impose taxes
- Approve settlement of claims against the City
- License businesses
- **Keep the 30,000 ft. view**

Executive (Mayor/CA) Powers

- Execute City policy
- Day-to-day operation of the City
- Supervise (including hiring and termination) of City employees
- Enforce contracts
- Bring lawsuits – with Council approval
- Preside at Council meetings
- Prepare a proposed budget
- Report to Council on the condition, affairs, and needs of the City

Judicial Branch

- City contracts with Thurston County District Court for:
 - Contested traffic infractions
 - Criminal misdemeanors and gross misdemeanors
- Contract since August 2013
- Non-contested traffic infractions and code violations are processed by the Violations Division of the Finance Department

Who Does What?

Council

- ❑ *“Council heard from people that junk cars are a problem.”*
- ❑ Council made it a goal in the budget to study junk car regulations and budgeted \$20,000 for a study.
- ❑ Council reviewed the study, held a public workshop and a public hearing, and adopted a regulation to prohibit cars that don't run from parking on the street.
- ❑ Council worked with the Executive's staff to determine the Police Department could best enforce this regulation at a cost of \$35,000 additional per year with a part-time employee.
- ❑ Council decided to fund this program instead of the wading pool monitor in the summer.

Executive

- Provide staff support to the Council for study, hearings, and review of alternatives.
- Draft the regulations per Council direction.
- Provide legal and technical advice.
- Work with Council to determine costs and give options for staffing.
- Develop hiring specifications and hiring new employee. Monitor their performance and discipline as necessary.
- Enforce the new regulation.

Judicial

- Adjudicate appeals of the new regulation.

City Organization

- Review Org. Chart

Council Rules

- Regularly reviewed
- Rules and Procedures for:
 - ❑ Meetings
 - ❑ Public comments
 - ❑ Council actions
 - ❑ Committees
 - ❑ Working relations with staff
 - ❑ Media representation
 - ❑ Council computers
 - ❑ Confidentiality
 - ❑ Disciplinary sanctions
 - ❑ Courtesy Norms
 - ❑ No Surprise Rule
 - ❑ Role of Mayor, Council, staff
 - ❑ Council Initiative Process
 - ❑ Media Relations

Training and Travel

- Budget includes funds for three officials to attend the annual AWC Conference.
- Each Councilmember has \$500/biennium for travel and training.
- Collectively, Council has \$2,000 set aside for national/international travel and training. Requires Council vote.
- See Council Rule 23 for details.

Being an Effective Councilmember

- Campaigning ≠ Governing
- Be clear what you stand for – What do you want to accomplish?
- Act today for tomorrow – *“Great community leaders plant shade trees under which they will never sit”*
- Follow: **Two Ears/One Mouth Rule**
- Get to really know people – what is their story?
- You represent everyone, including those not in the room and maybe not even born yet
- Maintain relationships – a councilmember does little alone but make noise
- True to our beliefs, take time to learn and teach
- Use staff as a resource
- Respect everyone’s role – that is how this system works

Open Public Meetings

- All meetings, regular and special, must be open to the public and must have proper notice.
- A meeting is a quorum of the Council transacting or discussing City business. A quorum can also be formed by two Councilmembers on the same subcommittee (i.e. Public Works, General Government, Public Health and Safety, Budget and Finance).
- The governing body may meet in executive session but only for one of the reasons specified in and in accordance with the procedures identified in RCW 42.30.110.
- A member of the public may not be required as a condition of attendance to register his or her name or other information.

Open Public Meetings, cont.

- The governing body may require the removal of members of the public who disrupt the orderly conduct of a meeting.
- Votes may not be taken by secret ballot.
- Voting by telephone or other electronic means is allowed provided it is in compliance with State public meetings and public records law and the Councilmember(s) appearing by telephone can hear the entire proceedings and participants at the meeting can hear the Councilmember(s) that are appearing by telephone.

Public Records

- Everything we create is a public record (letters, studies, memos, email, photos, electronic records)
- Certain exemptions:
 - Investigative or victim information
 - Certain employee information
 - Appraisals and proprietary information
 - Drafts and preliminary reports (if not cited)
- Don't mix personal and City email
- Don't write anything you don't want to read in the paper
- Open Government Trainings Act - required to be completed in 90 days from date of appointment:
<http://www.atg.wa.gov/opengovernmenttraining.aspx>

Parliamentary Procedure

- Per City Council rules, all questions of practice or procedure not provided for by Council rules shall be guided by *Robert's Rules of Order*.
- The City Attorney serves as the official parliamentarian at Council meetings.

Partnerships with Others

- LOTT – Lacey, Olympia, Tumwater, Thurston County shared wastewater treatment plant
- Joint Animal Services – Managed by Lacey for other jurisdictions
- TRPC – Thurston Regional Planning Council – provides regional planning and federal transportation funding
- TCOMM911 – shared public safety communications
- Timberland Regional Library – operates library services in the City building
- WCIA – Washington Cities Insurance Authority – Insurance
- Regional Housing Council – Coordinate housing and homeless response

Participation (sample)

- AWC – Association of Washington Cities – training, lobbying, insurance
- Intercity Transit Authority – provides transit service
- Economic Development Council – partnership to promote economic development in the County and Innovation Partnership Zone
- Health and Human Services Council – Regional coordination
- Visitor and Convention Bureau – markets the Olympia/Thurston County area for conventions, tours, and to individual travelers

Our Vision – Where we are going

Tumwater of the future will be people-oriented and highly livable with:

- ❑ a strong economy;
- ❑ dynamic places;
- ❑ vibrant neighborhoods;
- ❑ a healthy natural environment;
- ❑ diverse and engaged residents; and
- ❑ a living connection to its history.

Mission – What we do

In active partnership with our citizens we provide leadership and essential municipal services to cultivate a prosperous economy, a healthy natural environment, vibrant neighborhoods, and a supportive social fabric.

Beliefs

■ **People**

- *Ask others for input or opinions*
- *Treat others as you want to be treated*
- *Show concern for how the message is said and heard*

■ **Excellence**

- *Exhibit pride in work, the City, and community*
- *Be professional in your work – know how and what to do – and do it at your best*

■ **Opportunity**

- *Seek to understand change in the City, community, profession, and the impacts on ourselves and our work*
- *Pause to reflect on how things could be better*

■ **Partnership**

- *Seek to understand the norms, practices, values, and challenges of current and potential partners*
- *Seek to find the middle ground and avoid being stuck on principles*

■ **Learning**

- *At the end of an effort; ask what worked? What could be improved? What did I learn?*
- *Invest in training and reading to keep current on issues and changes*

■ **Environment**

- *Understand the impacts of our individual and collective actions on the environment and community*
- *Invite “strangers” into the conversation; help those who appear new or different*
- *Know that lots of little actions can make a difference and a community is composed of lots of individuals*

Strategic Priorities, 2017-2022

- Aggressively Pursue Targeted Community Development Opportunities
- Build a Community Recognized for Quality
- Create and Maintain a Transportation System for All Modes of Travel
- Refine and Sustain a Great Organization
- Provide Quality Public Safety Services
- Be a Leader in Environmental Sustainability

Current Major Initiatives

- **Brewery Redevelopment** – Focus on “bringing brewing back” via Innovation Partnership Zone for Craft Brewing, Distilling and Cider-Making. No significant movement on large brewery.
- **Tumwater Old Brewhouse Tower Restoration** – Working with donors to restore Historic Brewhouse. Phase 1 (brick repair and roof) will be done at end of year. Phase 2 (structural upgrades in 2020/21). Funded with \$1.0 million in grants as part of a total cost of approximately \$8 million.
- **Affordable Housing and Homelessness** – Working through Action Plan on tenant protections, regional projects, local support to help keep people in housing, encampment mitigation, direct assistance, regulatory reform.

More Major Initiatives

- **Climate Change Planning** – Working with other cities and TRPC to further strategies for greening City operations and moving community to address global warming.
- **Legislative Agenda** – Advance Tumwater Legislative Agenda and Shared Agenda with the region each year.
- **Urban Forestry** – Finalizing Urban Forestry Plan.
- **School District Partnerships** – Continue to cultivate partnership with School District around building a stronger community.
- **New Maintenance and Operations Facility** – Initial design for Trails End location.

More Major Initiatives

- **Transportation Trails** – Focus on valley, but includes Tumwater Hill and other areas.
- **Economic Development Activities** – Focus on brewery, brewing/distilling/craft, Littlerock, Brewery Neighborhood, and Capitol Boulevard.
- **Facility Maintenance** – Significant four-year investment in facilities improvements.
- **Gopher** – Mitigating the impact of federal ESA gopher listing through a Habitat Conservation Plan (HCP).
- **Regional Fire Services** – Commissioned study of regionalization of fire and emergency medical services.

More Major Initiatives

- **Metropolitan Park District** – Launching implementation of levy funded improvements to parks and recreation programs.
- **Traffic Calming** – Traffic Team staff use a 3E approach (education, enforcement, engineering).
- **Capitol Boulevard** – Implementing new plan for transportation, land use, design and pedestrian improvements. New Credit Union represents design features. Have grant for engineering. Trosper/I-5/Capitol is major feature that has grant funding and is in ROW acquisition.

More Major Initiatives

- **Transportation Benefit District** – In third year of major street maintenance and preservation projects.
- **Cultural Arts Plan** – Task Force is developing Plan to guide the City's initial investment in the cultural arts.
- **Enterprise Resource Project (ERP)** – 3-5 year project to replace the entire computer software system that supports financial management, budgeting, payroll, utilities, and permitting.
- **Septic Conversion** – Working with LOTT and property owners to convert properties in high risk areas with septic tanks to sanitary sewer service.

2019 Accomplishments

- Updated Comprehensive Plan, including new Economic Development Plan
- Formed Metropolitan Park District entity
- Record attendance at Brewfest and July 4th Parade/Festival
- Initiated Craft District project, started new Tumwater Valley Drive construction, started construction of SPSCC Center
- Major street maintenance/chip seal project
- IAFF contract ahead of time with significant schedule change
- Hired 25 new employees

More Accomplishments

- Cleaned up the Percival Creek area
- Celebrated Sesquicentennial
- Initiated repairs to Old Brewhouse Tower - completed brick work and roof - Received funding for Phase II
- Exhaust system installed in T-2 and grant received for system in T-1
- New hiring process for firefighters/IDEA Team
- Purchased new fire engine
- Online B&O tax payment operational

City Finances

- Overall City biennial budget \$206 million
- Organized into 26 funds
- General Fund \$76.5 million
- Special Revenue Funds – Drug, Lodging Tax, Development Fees
- Debt Service - golf course, energy upgrades, fire trucks, police facility expansion
- Capital Facility Funds – general fund, transportation, utilities
- Proprietary/Enterprise Funds – utilities and golf
- Internal Service Funds - equipment

General Fund Revenue

- Property Tax (24.8%)
 - 1% cap, growth from new construction
- Sales Tax (20.2%)
 - Strong growth in retail sales
 - Transportation Benefit District
 - Volatility due to construction, currently high
- Utility Tax (8%)
 - Wild seasonal fluctuations, rate-dependent
- Business & Occupation Tax (6.7%)
 - Stable
- Medic One (9%)
- Permits, Fees, Classes, Internal Charges (11%)
- Interfund Charges (5%)
- Levy Lid Lift (4%)
- State Shared Revenue (3%)
- Court Fees (less than 1%)

*Inc. BFB

General Fund Expenditures

- Fire & Emergency Medical – 25%
- Police – 24%
- Court – 3%
- Streets – 9%
- Finance – 5%
- Community Development – 6%
- Parks, Recreation, Facilities – 11%
- Administrative Services – 2%
- City Attorney – 2%
- Executive – 3%
- City Council – less than 1%
- Non-Departmental (brewery project, fire regionalization study, LEOFF 1 care, hearing examiner, lobbying, insurance, dues, human services, animal control) – 6%

Financial Condition Overview, cont.

■ Revenue Drivers

- ❑ Development pushes property tax base, sales tax from construction, real estate tax, permit revenue, impact fees, new sales/utility taxes
- ❑ Retail sales tax in Tumwater historically stays in the middle band, but has started to become a bigger growth center
- ❑ Land use permit activity correlates today to tax revenue in two+ years
- ❑ State shared revenue in jeopardy
- ❑ Property tax has seen significant growth
- ❑ Focus on craft food and beverage can result in development and tourism revenue

Financial Condition Overview, cont.

■ Expenditure Drivers

- ❑ General Fund is 70% employee costs
- ❑ Additional police = additional court & jail costs
- ❑ State budget – passing along more costs
- ❑ Major project implementation
- ❑ Major planning projects focused on long-term opportunity
- ❑ Infrastructure associated with redevelopment
- ❑ Emergency preparation
- ❑ Can't forget maintenance of what we already have
- ❑ Inflation
- ❑ Structural deficit
- ❑ In utilities – costs go up but revenues are limited to rates

“Promises Made – Promises Kept”

■ Levy Lid Lift (2011)

- ❑ Permanent property tax increase for public safety
- ❑ Three police officers including SRO
- ❑ 5,000 sq. ft. police expansion/renovation
- ❑ Replacement program of fire engines for 25 years
- ❑ Three firefighters

■ Transportation Benefit District (2015)

- ❑ Dedicated revenue source
- ❑ 10-year voter approved 0.2% sales tax increase
- ❑ Estimated revenue: \$1.1M/year

■ Metropolitan Park District (2018)

- ❑ Permanent property tax increase of \$0.45/\$1,000 for five years and increase to \$0.75/\$1,000.
- ❑ Funds maintenance, recreation staff, parks, trails, open space, community center (in 5 years) per schedule

Financial Condition Overview, cont.

- Looking into the future – Things to watch:
 - ❑ Economy fluctuations – recession in our future?
 - ❑ \$3.10 property tax cap
 - ❑ Minimal State and Federal grants
 - ❑ Infrastructure deficiencies
 - ❑ Energy conservation/greening/carbon footprint
 - ❑ Continuing structural deficit
 - ❑ “À la carte government” – voter fatigue
 - ❑ Employee costs (healthcare, pension, L&I, COLA)
 - ❑ Reliance on development more difficult
 - ❑ Changing face of retail
 - ❑ Fire and EMS costs
 - ❑ Expanding expectations – housing/homelessness

FAQs

■ What's an ordinance, resolution, and proclamation?

An ordinance is the highest level of official City action. It is the only means by which laws can be created and budgets adopted. Ordinances generally require Council and Mayor action. Resolutions are the official way of expressing the decision of the Council in terms of policy, approval, acceptance, or giving authority. Resolutions do not require Mayor approval. Proclamations have no substantive power other than to express the will of the Mayor and are primarily ceremonial. Proclamations may be issued by the Mayor without limitation.

■ Do we have an office?

The City Council does not have an office. City conference rooms are available for Councilmembers to meet with constituents when not being used for other City business. City conference rooms may only be used by Councilmembers for official City business and not for campaign purposes. Council does have individual mailboxes near the Executive Department.

FAQs (more)

■ Who does the City Attorney work for?

In short, everyone. The City Attorney is the legal advisor to the City as an entity; embodied by the Mayor, City Administrator, City Council, and departments. Municipal attorneys are particularly skilled at working with multi-headed clients.

■ What do I do if employees contact me? (Unions, individual employees, etc.)

There are no legal restrictions on contact with employees. Councilmembers should be mindful of pending collective bargaining negotiations, employee disciplinary and employment actions, and separations of legislative and administrative functions. Staff are available to either assist or provide background. You may also refer them to the Mayor or City Administrator.

FAQs (more)

■ How do I respond to complaints?

If you know the appropriate department for complaints (e.g., potholes, or park equipment), encourage the citizen to contact that department by phone or email. Citizens may also contact the City Administrator about a particular issue. Alternatively, you may collect the information and contact the department or administrator.

■ What about when people ask me about permits?

If they are permit applicants or have proposed zoning or plan changes, encourage them to talk to the Community Development Director. They may also talk with the City Administrator about an issue. Permits fall under the Administrative process and Council should avoid making promises about permit outcomes. Involvement with permits is a particularly problematic area for Councilmembers.

■ What do I do if the media calls?

Individual Councilmembers should consult the Council rules and should avoid speaking on behalf of the City or the entire Council unless authorized. There are no prohibitions on talking with the media solely on your own behalf stating your own personal opinions. You should be mindful of personnel issues, pending or potential litigation, quasi-judicial permit issues, and emergency situations. You may refer people to the Communications Manager, Ann Cook.

FAQs (more)

■ How do I manage my email?

You should use your City email address for ALL City correspondence. Mixing your personal email with City email can expose your personal email and computer to public disclosure. If you receive email regarding City business you can forward them to your City email and then respond from your City email account or you can create a folder that you always use to keep City email on your personal computer. If you have any City files on your personal computer (we strongly encourage you to only use the City provided tablet), make sure you create a City folder separate from your personal folders. The only exception is political emails for campaigns, even if they are about your position. They may not be sent to your City email address. The Executive Assistant can help you manage your email if necessary. IT suggests keeping attachments to no more than 10mb for file storage purposes.

Handouts

- Strategic Priorities
- Council Rules
- PDC Reporting Memo
- Elected Official Responsibilities in an Emergency
- Phone List
- Top 10 Ways for a Councilmember to get in Trouble
- MRSC – Getting into Office

What's Next

- Complete Open Public Meetings Act Training within 90 days of taking office (mandatory)
- Tour of City facilities & parks (optional)
- Public Works tour (optional)
- Ride Along with Police and Fire (optional)
- AWC Training (New Elected Official & Certified Municipal Leader Program)
- MRSC – Municipal Research & Services Center (www.mrsc.org)
- Have at it!

Walk through the week

- Friday – Agenda packets are delivered by email or to mailboxes (for those requesting them)
- Agenda Packet has agenda, schedules, and agenda reports with attachments for main meetings and committees
- Weekend – Study the packet/email or call with questions
- Tuesday – Refer to schedule for meeting days and times
- During the Week – Committee meetings and/or Intergovernmental meetings
- Tuesday and Thursday – Senior staff meet to develop and finalize agenda

Details

- Regular mail will be opened and saved for the City's archive record and a copy will be distributed (except campaign mail which is thrown away)
- Email will be archived (except campaign email which is deleted)
- Phone messages will be recorded and you can choose to be notified (After January 1st, check your voicemail by calling 360-754-4131)
- Mail – 555 Israel Road SW, Tumwater, 98501
- Computer – IT will provide
- Email – See Hanna for questions
- Phone Numbers – See Hanna for questions
- Reserve a Room – See Hanna to reserve a room
- Keys/Access – See Hanna
- PDC – your responsibility (www.pdc.wa.gov)