

TUMWATER CITY COUNCIL WORKSESSION

MINUTES OF VIRTUAL MEETING

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CONVENE: 5:30 p.m.

PRESENT: Mayor Debbie Sullivan and Councilmembers Peter Agabi, Michael Althausen, Joan Cathey, Leatta Dahlhoff, Angela Jefferson, Charlie Schneider, and Eileen Swarthout.

Staff: City Administrator John Doan, Parks and Recreation Director Chuck Denney, Fire Chief Brian Hurley, Police Chief Jon Weiks, Administrative Services Director James Trujillo, Planning Manager Brad Medrud, Communications Manager Ann Cook, and City Clerk Melody Valiant.

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

Manager Medrud reported the briefing outlines the Planning Commission's recommendation for changes to Tumwater Municipal Code Title 18 – Zoning to update regulations to conform to changes recently adopted by the state. Some of the changes are required while other changes allow for some choices in how the regulations are updated. New state laws adopted in 2020 and 2021 require local governments to allow certain housing types in particular locations in the City.

The first proposed amendment recognizes the state's updated definition of "Adult Family Homes." The new definition allows up to 8 adults rather than 6 adults provided the capacity is approved by the Department of Social and Health Services (DSHS). The new requirements require updating the City's definitions and a section in Title 18.53 to address the requirement.

The proposed second amendment is to the definition of "Family" within the zoning code. The current definition of "Family" places no limits on the number of individuals related by blood, marriage, or adoption within a household. However, unrelated individuals are limited to five individuals within a household. The new state law eliminated the unrelated individual limitation stipulating that local governments are no longer allowed to regulate the number of people under the zoning code. The City does however, have other regulations under the Building Code for fire and safety.

The third and fourth changes are the most comprehensive changes to the code. The first change pertains to transitional or permanent supportive housing. Transitional housing is housing from two weeks to 2 years for people moving from homelessness into a permanent housing situation. Transitional housing is integrated within the community and may include some support services to

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assist people in transitioning to permanent housing. Permanent supportive housing is housing that provides housing for individuals who are encountering difficulty with securing permanent housing in the housing market for a variety of reasons. New state law requires that any zone district allowing residential dwelling units or hotels/motels in the City must allow transitional housing and permanent supportive housing.

New state laws also require indoor emergency shelters or indoor emergency housing in zone districts that allow hotels/motels. Emergency shelters serve the homeless overnight for a limited time. Emergency housing could include day shelters for cold or heat-related weather. In both instances, the City's zone districts currently allowing hotels/motels would need to allow for the two uses as well. None of the new requirements requires the City to open any type of facility, but it would enable non-profits and other organizations to site those uses in the City.

The proposed amendments include changes to the definition of "Adult Family Home" and removal on the limit of unrelated persons as part of a family. New definitions were included for emergency housing, emergency shelter, transitional housing, and permanent supportive housing. The collective term within the code for all those uses is "supportive housing facilities."

Manager Medrud reviewed changes to the Use Tables within the code depicting the zones allowing for the subject uses. He shared an aerial map of the City reflecting all the zones allowing emergency housing and emergency shelters. While the Airport Related Industry zone allows for motels and hotels, the Port of Olympia would determine if it would allow emergency housing and emergency shelters because the Port is the primary landowner within that zoning district. Based on conversations with Port staff last year, staff emphasized the new state law does not afford the City with the flexibility of not allowing the uses in the Airport Related Industrial zone.

Councilmember Althaus asked why the Port of Olympia has the discretion of not allowing for those uses while the City must allow the uses. Manager Medrud explained that the Port of Olympia lacks zoning authority and is not subject to the new laws. The Port of Olympia essentially functions as a landowner subject to the zoning enacted by the City, which covers uses that are either allowed or not allowed.

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Manager Medrud reviewed the zoning districts permitting supportive permanent housing and transitional housing. The only zoning districts in the City not allowing those uses are Light Industrial, Heavy Industrial, and Town Center - Professional Office or Civic Subdistricts.

One major discussion point by the Commission surrounded standards for the uses, which can be established by the City and are not restricted by the new laws. The Commission recommended uses should be permitted outright and that a conditional use permitting process was unnecessary. Based on the outcome of the Commission's review and discussion, a new section was drafted. Section 18.42.150 is applicable to supportive housing facilities and outlines standards that would apply to a new supportive housing facility whether permitted outright or in some special cases as a conditional use permit. The more restrictive requirements apply to emergency shelters and emergency housing. The uses as proposed must match the bulk and scale of the surrounding residential uses.

The Commission recommends some standards for landscaping, lighting, and parking. The Commission scaled back landscaping requirements to Level 2 landscaping for buffering and alignment within the neighborhood. Parking requirements would be based on an individual parking study for a proposed use because of the range of different circumstances. Additionally, to meet the intent of policies within the City's Comprehensive Plan, it is important to ensure supportive housing facilities are not concentrated in one neighborhood in the City and are located throughout the City. Subsequently, the recommendation includes a distancing requirement between different supportive housing uses. The Commission also discussed whether to include separation requirements between supportive housing facilities and other uses, such as parks, schools, and churches. The Commission recommended against any separation requirements from other uses. The proposed standards include a requirement for operations and service plans to ensure operators are knowledgeable in the operation of the facilities and have plans to respond to any issues that might arise with residents and/or neighbors.

Councilmember Dahlhoff asked about the process for verifying the validity of any concerns. Manager Medrud advised that any reviews would be through permitting as part of the application process, which includes requirements within the code. Operating

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service plans essentially identify the responsible parties, include contact information, identify the type of service(s), and delivery model for the service(s). If complaints or issues arise following occupancy of the facility, staff would ascertain if the operation adheres to the original plan or identify any changes in service that was not approved as part of the original use. In those circumstances, staff would request the operator adjust the use to align with the original intent. Councilmember Dahlhoff asked whether the City requires the same conditions for a daycare center or senior housing. Manager Medrud said the City requires some level of knowledge as to the level of service offered in senior housing facilities. The City limits the number of children served in a childcare center. The concern surrounding this particular use is to ensure once the facility is approved, the facility operates under the general conditions for that particular use. Councilmember Dahlhoff noted her concern is ensuring no additional barriers are created or result in any unintended consequences. Manager Medrud said the Commission was of the same opinion and removed some additional provisions in addition to simplifying the language.

Mayor Sullivan cited the distancing requirements between similar uses and the possibility of restricting different providers from providing supportive housing. Manager Medrud said that should a provider's facility meet the definition of transitional housing, the distancing restriction would apply; however, if the facilities were considered as income-supportive housing, the separation requirement would not apply. The Commission discussed the importance of allowing for co-location in particular areas when possible. For instance, a service provider could offer an emergency shelter or emergency housing while also wanting to provide transitional housing in the same location. In those cases, the Commission supported allowing for those situations as they recognized that the organizations operating those types of facilities are seeking to conserve costs to the extent possible. The Commission expanded the provision to enable different operators and uses to co-locate but agreed to maintain the separation requirements for supportive uses primarily because of the Comprehensive Plan's policy of keeping uses separated at some distance to prevent overloading one particular area of the City.

Another important provision included as part of the application process was for the operator or the property owner to identify how services would be provided to the residents. If services were not

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located on the site, the operator/property owner would be required to identify how residents could access those services, which speaks to the importance of the facility located near transit. If transit were not available, the operator would be asked to identify how residents would reach services.

Councilmember Althausen asked whether the City of Olympia includes a distancing requirement between uses. Manager Medrud explained that there were a limited number of examples for staff to review during the draft of the amendments. Staff reviewed the City of Olympia's proposal, which includes some general restrictions but not at the same level of the original restrictions included in the first draft. The City of SeaTac requires a conditional use permit for all the uses, as well as more detailed restrictions placed on the uses throughout the community. Staff evaluated all examples, considered the Tumwater community, and drafted a proposal reflective of a balance between the two examples. The Planning Commission preferred a proposal that leaned to Olympia's example while retaining some restrictions.

Councilmember Althausen asked how the distance requirement of 1,320 feet was determined. Manager Medrud said the distance requirement is included in other provisions in the Tumwater Municipal Code as a separation requirement for other kinds of uses. Councilmember Althausen said he is somewhat reluctant to include a distance requirement that is more stringent than neighboring cities, such as the City of Olympia based on the importance having supportive housing in the community. Manager Medrud said the intent is related to the Housing Element in the Comprehensive Plan that speaks to ensuring similar uses are separated to avoid congregating similar uses in one neighborhood. The intent of the provision is to meet policy language.

Councilmember Jefferson asked staff to identify some of the components of an operations and service plan. Manager Medrud said the operations and service plans are independent of any City requirements and serve to identify the responsible party, identification of the operators of the facility, contact information/availability, and a brief description of the type of services to be provided. Services could be provided onsite or could be served at another location. The concern is creating a situation where residents must own a car to access other service locations, which is why it is important the facilities are located near transit.

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The operations and service plan would address how residents would access services in other locations.

Mayor Sullivan added that Intercity Transit provides a van grant program to non-profits and organizations operating supportive housing facilities.

Manager Medrud reviewed the Planning Commission's recommendation:

- Permit supporting housing facilities outright instead of a conditional use permit (CUP), except in a small number of cases (Open Space and Green Belt zoning districts requiring conditional use permit for single family residences).
- Remove separation standards from incompatible uses.
- Simplify the application process.
- Adjust the modification process for the standards.
- Allow different uses and managing agencies on same site.
- Reduce landscaping buffer requirements.

The Planning Commission also approved the following changes:

- Add "supportive housing facilities" as an accessory use for any church permitted by zoning, up to 20% of total building square footage.
- Churches are a permitted or conditional use in the Residential/Sensitive Resource, Single Family Low Density, Single Family Medium Density, Multi-Family Medium, Multi-Family High, Manufactured Home Park, Community Services, Mixed Use, Capitol Boulevard Community, General Commercial, Brewery District, and Town Center zone districts.
- Essentially any zone district except for Neighborhood Commercial, Historic Commercial, Light Industrial, Heavy Industrial, Airport Related Industrial, Open Space, Green Belt, Brewery District – Bates South Subdistrict, or Town Center – Professional Office or Civic Subdistricts.

Mayor Sullivan asked whether churches could sponsor tiny home projects. Manager Medrud advised that tiny homes and temporary housing are the next set of uses that require a review. State statutes for emergency housing and emergency shelters pertain to indoor housing on a permanent basis. The City's current code lacks those

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types of uses other than allowing for temporary camps up to six months. The current proposal does not address tiny homes or temporary housing at this time.

The Planning Commission conducted a public hearing on December 14, 2021 and forwarded a recommendation to the City Council to adopt Ordinance No. O2021-019 as recommended. Staff requests the Council schedule the ordinance for consideration at its January 18, 2022 meeting.

Councilmembers Dahlhoff and Cathey supported Councilmember Althausen's comments on the separation requirement.

Councilmember Cathey asked whether the proposal applies to churches with existing structures that are converted or whether the church could build a new structure. Manager Medrud said the provision does not address existing uses or expansion of uses. However, he believes it would apply to an existing church wanting to use a portion of its existing facility or adding facilities as part of its conditional use permit. Tiny homes are not included unless constructed to Building Code specifications as a permanent structure.

Councilmember Agabi asked whether the conditional use permit speaks to parking structures or parking lots as an accessory use for churches. Manager Medrud replied that if a church was approved in a residential district and wanted to add a supportive housing facility without increasing square footage, it would be possible without a conditional use permit. However, if the church wanted to add an addition to an existing facility, the church would be required to complete a conditional use permitting process to expand the church use, and as part of that process, an approval would be required for any accessory use.

Mayor Sullivan commented that the 1,320-foot distance requirement is approximately four blocks.

Councilmember Althausen supported decreasing the separation requirement to 400 feet because in terms of geography, a 1,320-foot separation would be marginal as to its impact on a neighborhood. Although the issue does not exist presently, it could become problematic in the next 20 years. The proposal appears to include a barrier that precludes the use without a good reason and

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it is likely there would be few instances when the issue would be problematic.

Councilmember Dahlhoff supported Councilmember Althausen's proposal.

City Administrator Doan asked about any potential disadvantages of reducing the separation to 400 feet. Manager Medrud explained that the proposal is to satisfy the intent of the policy in the Comprehensive Plan to ensure against locating similar uses within one neighborhood. The proposal was based on the separation distance used for other uses as specified in Tumwater Municipal Code 18.42.

The Council agreed to reduce the separation requirement from 1,320 feet to 400 feet and consider the ordinance at the January 18, 2022 Council meeting.

**COMMUNITY
GARDEN:**

Director Denney reported the formation of a community garden(s) was considered during the formation of the Metropolitan Park District (MPD) in 2017. As part of the MPD package to voters, the budget included \$200,000 to support community groups, civic groups, churches, local organizations, or neighborhood associations that might want to create and operate a community garden or numerous community gardens in the City. Recently, staff has had conversations with a church and a property owner who might be willing to donate property to the City for a community garden.

Staff is seeking feedback and direction on community gardens in terms of locations, operations, and ways to organize and establish a community garden. At this time, staff lacks the resources for managing a community garden but could support the development of a community garden by assisting with the installation of a water meter, garden boxes, fencing, or signage.

City Administrator Doan acknowledged the summary and the outline provided in the Council's agenda packet as it includes two components of the process. The first is the City's part in the process, such as identifying a location either through donation of land to the City or acquiring land for gopher mitigation. The second element is the garden infrastructure in terms of supplying water, garden boxes, storage, fencing, and potentially a parking area. The budget is only \$200,000. In terms of operations, the City

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could play a role in the collection of fees. However, the garden is ultimately for the community and should be developed and operated by the community.

Councilmember Cathey spoke to options of more than one community garden and suggested initial efforts could help support Tumwater United Methodist Church and its efforts to establish and manage a garden on its property off Lake Park Drive.

Director Denney said he forwarded a message to the pastor to receive feedback on a possible garden on church property.

Councilmember Jefferson offered that collaborating with the church would be a good initial first step to assist the City in moving forward. She asked whether the City has established any type of application process to apply for community garden funding. Director Denney advised that staff has not developed any official City forms for a community garden process at this time. The agenda packet includes GRUB's "Growing Community: Starting Your Own Community Garden." The information offer an outline addressing selection of location, selecting the model, creating a plan, and creating a governance plan, etc.. The information serves as a good basis for development of forms by the City.

Councilmember Schneider inquired about the possibility of revising the Neighborhood Grant Program to add eligibility of food pantry services within neighborhoods as a nexus for community gardens to provide food to local neighborhoods. City Administrator Doan acknowledged other communities have established similar models and although there could be some overlap and synergy in terms of the process, he recommended keeping the programs on separate tracks to ensure progress for community gardens continues. Developing a food pantry program requires additional resources. When both programs are developed, the two programs could be mutually supported through a collective effort. He added that an application by a neighborhood to form a neighborhood pantry would likely be considered as an eligible project for the Neighborhood Grant Program.

Councilmember Dahlhoff mentioned a community member who specializes in diverting food waste. The community members has inquired about options of mini food pantries in neighborhoods and on walking paths to schools. Her neighborhood, as well as other neighborhoods have offered to donate food. During the pandemic,

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the need for food was evident as shared by TOGETHER and other services supporting the community. There may be interest in neighborhoods working together to sponsor food pantries. Although she does not want to delay implementation of the community garden program, she also considers the importance of effectiveness and efficiencies and would like all those related programs to work together to provide another level of community engagement.

City Administrator Doan acknowledged how all the programs could be possible and eventually connect. Should the community garden expand to a collective program, it likely could automatically connect to a food pantry program. However, individuals can also elect to support a food pantry program independently as well. At some point following the launch of a community garden program, the City could support several prototypes to gauge community support and demand.

Councilmember Cathey requested consideration of amending the MPD budget to extend community garden funding each year. City Administrator Doan said the initial allocation of \$200,000 for a community garden was a budget issue because over the long-term, the majority of MPD funds are allocated for staffing and the community center.

Police Chief Weeks updated the Council on the status of reaching 911 during an emergency, as 911 service was interrupted briefly with 911 calls diverted to Spokane.

City Administrator Doan advised the Council that it has some budgeting options to add additional funds to the community garden program.

**MAYOR/CITY
ADMINISTRATOR'S
REPORT:**

City Administrator Doan reported the Board of County Commissioners is scheduled to take final action on the Countywide Home Fund on Tuesday, January 18, 2022. The Home Fund would include the City of Olympia within the program.

Councilmember Dahlhoff inquired about the status of chaplain services offered by the Tumwater Police Department. She utilized the services during her father's death at St. Peter's Hospital. City Administrator Doan noted that when the City implemented the vaccine mandate, the mandate applied not only to employees, but also to volunteers. Volunteers did not have a test out option while

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employees were afforded a test out option. The chaplain is also a volunteer and is subject to the City's requirements. Councilmember Dahlhoff asked about service coverage at this point in time.

Director Trujillo advised that the City's vaccine mandate becomes effective on January 28, 2022.

City Administrator Doan added that chaplain services could be offered prior to January 28, 2022. The issue is what services could be provided after January 28, 2022 if the volunteer chooses not to be vaccinated.

Fire Chief Hurley mentioned a chaplaincy group in Thurston County with volunteers from throughout the county. The Fire Department requests services through T-COMM and many chaplains who respond are not from the City of Tumwater. The same group could serve as a resource for the City of Tumwater.

City Administrator Doan noted that he just became aware of the issue and did not have an opportunity to work through the details of the issue.

ADJOURNMENT: **With there being no further business, Mayor Sullivan adjourned the meeting at 6:48 p.m.**

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