

**TUMWATER PLANNING COMMISSION
MINUTES OF VIRTUAL MEETING
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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 Anthony Varela.

Excused: Commissioners Terry Kirkpatrick and Michael Tobias.

Staff: Planning Manager Brad Medrud.

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

**APPROVAL OF MINUTES:
APRIL 12, 2022 &
APRIL 26, 2022:**

MOTION: Commissioner Peters moved, seconded by Commissioner Edwards, to approve the April 12, 2022 and April 26, 2022 meeting minutes as published. A voice vote approved the motion unanimously.

COMMISSIONER REPORTS: There were no reports.

MANAGER'S REPORT: Manager Medrud advised of the pending appointment of Brian Schumacher to the Commission. The City Council is scheduled to consider and approve his appointment at its May 17, 2022 meeting.

PUBLIC COMMENT: There were no public comments.

PRELIMINARY DOCKET FOR 2022 ANNUAL HOUSEKEEPING AMENDMENTS: Manager Medrud advised of several changes since the Commission's first briefing on the amendments. The City Attorney provided some clarifying information on the process for amendments to the Tumwater Development Code and amendments for other types of housekeeping amendments. Additionally, permitting staff recommended an additional development code housekeeping amendment.

The proposed amendments are intended to address minor changes to the code that do not warrant an individual ordinance. The process as outlined in Tumwater Municipal Code (TMC) 18.60.025(A) addresses housekeeping amendments for the Tumwater Development Code.

Manager Medrud reported the request is a recommendation on the proposed preliminary docket of amendments to the City Council. The Council renders the final decision the amendments included in the final docket. Later in the

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year, the Commission will consider the amendments for a review and a recommendation to the City Council.

Other housekeeping amendments under the same TMC 18.60.025(A) process will be considered jointly with the development code final docket in the fall.

Manager Medrud reviewed a summary of the proposed amendments within the development code housekeeping preliminary docket:

A. Accessory Dwelling Unit Entrances

Addresses accessory dwelling unit primary entrance language. Accessory dwelling unit shall be designed to maintain the appearance of the main building of the single-family residence. In some cases, it is not possible for the primary entrance to an accessory dwelling unit not to be visible from the yard on the same side of the lot on which the primary entrance to the primary single-family dwelling unit is located. The amendment would change this from a requirement to an option.

B. Adult Family Homes/Residential Care Facilities

Addresses consistency of adult family home and residential care facilities as permitted and conditional uses with state law and internally in TMC Title 18 Zoning in individual zone districts and TMC 18.53 *Housing for the Functionally Disabled*.

C. Bicycle Storage

Clarifies whether residential uses require one long-term bike storage spot per unit one per four units as shown in the table at the end of TMC 18.50 Off-Street Parking. TMC 18.50.120 *Required bicycle facilities* and TMC Figure 18.50.120(A) establish bicycle parking spaces requirements for both short-term (Class 2) bicycle facilities and long-term (Class 1) bicycle facilities.

D. Capitol Boulevard Community – Multifamily Parking Requirements

Removes one parking space per dwelling unit limit for multifamily dwellings in the Capitol Boulevard Community to relieve off-street parking impacts on adjacent neighborhoods.

E. Car Washes

Adds “carwash” to General Commercial uses through an amendment to the Title 17 *Zoning* definitions, instead of a specifically listed use.

F. Impound Yards (new addition)

Impound yards are regulated by state code and limit the time a car can be retained in the yard up to 30 days. An impound yard is not

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considered a ‘wrecking yard’ as defined by state law. Impound yards serve as a storage area for vehicles only. The proposal adds the use to industrial zones as the City currently does not allow impound yards in the City.

G. Mixed Use Overlay

Clarifies the intent of TMC 18.33 *MUO (Mixed Use Overlay)* to require commercial or office uses along primary roadways rather than 20% of every building.

H. Nonconforming Signs

Addresses a conflict in nonconforming signs requirements in TMC 18.44.090 *Existing signs* in TMC 18.44 *Signs*.

I. Optometry Clinics

Addresses “optometry clinics” use, which does not fit well with either the existing “medical clinic” use or “professional services” use. Creates new “optometry clinics” use with a new definition in TMC 18.04.150 and adds as a permitted use zone districts currently allowing medical facilities and offices.

J. Personal and Professional Services

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

K. Public Building Signs

Adds exemptions for the size and number of signs for public buildings located in residential zone districts, such as schools.

L. Residential Mechanical Equipment in Setbacks

Allows “residential mechanical equipment” in the three single-family zone districts rear setbacks.

M. Residential Storage Sheds – Gravel Access

Addresses driveway surface for residential storage sheds. Currently, if a residential property owner wants to build a detached storage shed on a property having a gravel driveway, TMC 18.50.020(A)(1) requires compliance with the current parking regulations. In this case, TMC 18.50.030(B) requires residential property owner to convert the driveway to a hard surface.

N. Subdivision Dedication Code Language Update

Updates the subdivision dedication code language to change “men” to “persons.”

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Proposed amendments that fall outside of the Tumwater Development Code include:

O. Sidewalks – Obstructions, Maintenance, and Repair

The proposal clarifies which owners are responsible for maintenance of sidewalks. Currently neither the TMC nor Tumwater Development Guide addresses the issue.

P. Staff Reports for Hearing Examiner - Schedule

The hearing examiner has asked to change the date when staff reports must be available from five working days prior to the public hearing to seven days.

Q. Traffic Study Requirements

TMC Title 12 addresses the threshold for a required traffic study as part of a development project. The proposal would require generation of a traffic study when a specific number of trips are generated in one direction.

Manager Medrud reported the schedule, dependent upon a recommendation from the Commission, includes Council consideration of the recommendation in June with a review and discussion of the final docket and other housekeeping amendments with the Commission in September.

MOTION:

Commissioner Sullivan moved, seconded by Commissioner Edwards, to move the preliminary docket of housekeeping amendments to the Tumwater Development Code, as well as three additional amendments to the City Council for consideration as reviewed and recommended by staff. A voice vote unanimously approved the motion.

WORKSESSION:

**ORDINANCE NO.
O2022-006,
PLANNED UNIT
DEVELOPMENT:**

Manager Medrud reported the Commission received a briefing on the proposal at its prior meeting. The proposal is not subject to any time limitations and any outstanding questions after the worksession can be addressed at a subsequent worksession prior to scheduling a public hearing on the proposed ordinance. The proposal addresses the City's planning unit development regulations, which have not been substantially updated since 2000.

To date, the City has processed planned unit developments as part of development applications providing staff with a good knowledge base of the benefits to the City through the process. In other jurisdictions, planned unit developments are intended to provide a quantifiable public benefit in exchange for flexibility of existing regulations. The City's intent of a planned unit development is to serve as a means for enabling more flexibility

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in the development of a parcel in exchange for a quantifiable public benefit to the City and the community. Planned unit developments benefit the developer because many properties include critical areas or other geographic limitations. Although, the regulations do not reduce buffer requirements for protection of critical areas, they do enable more flexibility in the placement of structures, setback allowances, and other requirements to enable development of a parcel that otherwise would be difficult to achieve.

Currently, benefits are afforded to developers as part of the regulations; however, the City is not receiving any quantifiable benefits. The focus of the proposal is to include benefits to the City more implicitly within the planning unit development process.

Manager Medrud reviewed some questions for members to consider during its evaluation of the proposed benefits as well as the flexibility provided in the code:

1. *The type of tangible benefits proposed.* Should more be added or should some be taken off? Is the list complete?
2. *The points assigned for each benefit.* Are points too many or too few?
3. *The total number of tangible benefits points required.* Is the number of points required balanced by the sections of the development code where the developer has flexibility?
4. *Code modifications allowed.* Should more be added or should some be taken off? Are the code modifications allowed balanced by the tangible benefits required?
5. *Code modifications not allowed.* Should more be added or should some be taken off?

Commissioner Varela joined the meeting at 7:26 p.m.

Manager Medrud reviewed a table of the proposed tangible benefits and the number of points for each benefit. Today, the threshold requires 2 points for the developer to utilize the planned unit development process to receive flexibility. Manager Medrud reviewed the list and asked members to provide feedback on the merits of each proposal:

#	Points	Tangible Benefit
1	0.5	Provide superior useable parks and open space. Current requirements require a planned unit development and other types of development to provide some level of usable parks and open space. The proposal expands beyond current requirements.
2	0.5 to 1.0	Significant public facilities or other public amenities that could not be required by the City for development of the

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- subject property without a planned unit development. Space provided could include uses for a school, a regional storm facility or a community center.
- 3 1.0 Going significantly beyond the minimum requirements for critical area protections to preserve, enhance, or rehabilitate critical areas and buffers.
 - 4 1.0 Dedication of a site containing a historic landmark.
 - 5 1.0 Incorporation of energy systems (defined in TMC 18.04) that produce energy from nondepletable energy sources will result in at least fifty percent of the energy needs for the development being met.
 - 6 1.5 The provision of at least twenty percent of the total dwelling units as permanently affordable housing. Would require a City tracking mechanism.
 - 7 0.5 to 1.5 Any other public facility, feature, item, project, or amenity proposed by the applicant that the City agrees meets the intent of this section.

Manager Medrud noted that a development would be required to achieve two points. He asked members to provide feedback on whether the points required are too much or not sufficient and if other tangible benefits should be included.

Commissioner Peters questioned whether the tangible benefits are detrimental to a developer or whether it benefits them if provided by the City. Manager Medrud explained that if a developer provides any of the tangible benefits, the developer receives development benefits, such as a reduction in setbacks, increase in building heights, or other development requirements.

Commissioner Peters shared that recently he received information from a friend who is employed by a commercial and real estate management firm who shared that the City of Tumwater makes it too difficult to build housing quickly. Manager Medrud replied that staff meets regularly with the City's permitting and building staff to review the status of development activity. Currently, the City has 60 permit requests for single family houses in permit review for review and approval. That number is substantial in terms of the timing required for review and approval. The City has been overwhelmed by development applications for all types of development in all zoning districts within the City. The City is adding more staff to meet development demands but has encountered delays because of the tight labor market. He described the difficulties many jurisdictions experience when adding staff during a boom period of development. The City attempts to maintain a

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steady staffing level to avoid those situations when staffing is reduced because development has decreased.

Chair Robbins offered that it appears the planned unit development is an interesting mechanism that would address the cycling issues of development activity because developers operating within the envelope of planned unit development requirements could likely proceed quickly through the development process whereas other forms of development is processed individually project by project. The issue raised by the development community speaks to whether the proposal under consideration would be attractive to the development community. Manager Medrud noted that the intent of the proposal is to provide the developer more flexibility to develop geographically challenged sites that make up a majority of undeveloped sites remaining in the City. The proposal does not address the cyclical nature of development activity. However, when development proposals align with regulations, the City wants to provide the ability to guide a developer in a different direction if they want more flexibility.

Commissioner Peters acknowledged the information and indicated he plans to share the information with his friend.

Manager Medrud reported that in exchange for a tangible benefit, the proposal includes requirements that can be modified through the planned unit development process. The same questions apply to the requirements in terms of whether the list is sufficient to serve as an incentive to offset the benefits received by the City or are there other requirements to consider. He reviewed a table of requirements that can be modified through a planned unit development process, as well as the level of modification. The second table in the code is a listing of requirements that cannot be modified.

Code modifications allowed include:

Code Modifications Allowed	Notes
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Environment	The provisions of TMC Title 16 may not be modified, except modifications consistent with TMC 18.36.010(B)(3).
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Zone Districts	The type and size of underlying zone districts designated by the zoning map shall not be modified. Some individual development standards of the underlying zone district may be modified.
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Planned unit developments with	A planned unit development may move the location of underlying zone districts as part of the planned unit development process, but the type and size of each of the underlying zone districts
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multiple underlying zone districts	shall remain the same and follow the requirements of TMC 18.36.040(C). Some individual development standards of the underlying zone districts may be modified.
Setbacks	Setbacks established by the underlying zone districts shall prevail on the perimeter boundary lines of a planned unit development. May modify internal setbacks within the planned unit development.
Lot sizes	Lot sizes as specified by the underlying zone districts may be modified by up to twenty-five percent, either larger or smaller, provided the densities of the underlying zone district are met.
Land Coverage	Maximum land coverage as established by the underlying zone districts may be exceeded by no more than twenty-five percent.
Structure height	Structure height requirements as established by the underlying zone districts may be modified up to twenty-five percent.
Yards	Yards as specified by the underlying zone districts may be reduced by up to twenty-five percent, provided the land coverage requirements of the underlying zone district are met.
Parks and open space area	In addition to the park and open space dedication requirements of TMC 17.12.210 or TMC 18.42.130, as applicable, provide additional park and open space areas consistent with TMC 18.36.010.

Commissioner Edwards asked whether the 2-point threshold is limited for each developer or whether it enables the developer to apply for any of the tangible benefits. Manager Medrud replied that the developer would be able to take advantage of any of the modifications if they meet the threshold for the tangible benefits.

Commissioner Edwards asked about any discussions for scaling some of the requirements similar to the points assigned to tangible benefits. Manager Medrud recommended against weighting code modifications. He added that the code modifications currently exist within the code and are not a new proposal.

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Chair Robbins asked about the possibility of increasing structure height beyond 25% because as the City's density increases, vertical space will be important. Manager Medrud agreed the issue should be discussed; however, he recommended against increasing the percentage overall that would be applicable to all zones while enabling an increase in the multifamily zones. Manager Medrud offered to provide a proposal for review.

Manager Medrud reviewed code modifications not allowed:

Code Modifications	Notes
Allowed	
Environment	The provisions of TMC Title 16 may not be modified, except modifications consistent with TMC 18.36.010(B)(3).
Zone Districts	<p>The type and size of the underlying zone districts designated by the zoning map shall not be modified.</p> <p>Some individual development standards of the underlying zone districts may be modified.</p>
Planned unit developments with multiple underlying zone districts	<p>May move the location of underlying zone districts as part of the planned unit development process, but the type and size of each of the underlying zone districts shall remain the same and follow the requirements of TMC 18.36.040(C).</p> <p>Some individual development standards of the underlying zone districts may be modified.</p>
Densities	Densities established by the underlying zone districts shall not be altered.
Uses	Limited to the permitted, accessory, or conditional uses established by the underlying zone districts. If a proposed use requires a conditional use permit, a separate conditional use permit shall be obtained consistent with the process in TMC 18.56.
Setbacks	Setbacks established by the underlying zone districts shall prevail on the perimeter boundary lines of a planned unit development. May modify internal setbacks within the planned unit development.
Parking	Parking requirements shall not be modified.
Landscaping	Landscaping requirements shall not be modified.

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Citywide design guidelines	Citywide design guidelines shall not be modified.
Tumwater development guide	Requirements of the Tumwater development guide shall not be modified, except as noted in TMC 18.36.080.
Signage	Signage requirements shall not be modified.
Stormwater	Stormwater requirements shall not be modified
Provisions of this chapter	The requirements of this chapter shall not be modified.
Procedural requirements	Procedural requirements shall not be modified.

Chair Robbins inquired as to any connection of a completed planned unit development altering the valuation of the property. Manager Medrud advised that he is unsure as he not well versed in the process of assessing value of properties. Chair Robbins offered that the issue might be of interest to the City Council because if a planned unit development's evaluation is affected downward it could affect property tax revenues.

Commissioner Varela suggested completing a comparable market analysis of areas of completed planned unit developments and areas not containing planned unit development as a way to document market trends.

Manager Medrud noted that any evaluation at this time would likely not be beneficial based on the current market as most units on the market today are at a premium rate. One aspect that could be evaluated is how planned unit developments align with the Tumwater Comprehensive Plan in terms of newer neighborhoods providing different kinds of amenities (improved walkability through parks and sidewalks).

Manager Medrud asked for feedback on the information as presented.

Commissioner Varela asked whether there are any historical references (examples) or precedent in other communities that the Commission could consider for comparison. Manager Medrud replied that any existing information is typically anecdotal and qualitative.

Commissioner Edwards asked whether staff plans to solicit feedback or review outcomes in the next six months to a year to evaluate the application of the proposal. Manager Medrud advised that revisiting the ordinance over time would be included in the work program. One example is the Citywide design standards process with a timeline established for a review to ensure the guidelines were achieving desired outcomes without creating undue hardships for the development community. Timing of the evaluation is also

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a function when projects are completed. The Citywide design guidelines were effective in 2016. By next year, the City would likely begin its evaluation as it took many years for development to occur.

Commissioner Varela asked whether the development community has been invited to provide feedback on the incentives. Manager Medrud said developers have provided feedback during the development review process on regulations they want would like modified. The proposed code modifications under consideration are currently in practice through the existing PUD process. However, feedback from developers is lacking on the benefits and if the proposal requires too much or too little. That area is subject to more input.

Commissioner Edwards conveyed support for the proposal while recognizing the importance of also receiving feedback on the proposal from the development community.

Manager Medrud reviewed a tentative schedule and emphasized that the proposal is not necessarily ready to proceed to a public hearing. More input is desired especially from developers regarding the benefits. He proposed affording additional time for staff to outreach the development community and then share the results moving forward.

The Commission supported the recommendation.

**NEXT MEETING
DATE:**

Manager Medrud recommended canceling the May 24, 2022 meeting to account for the lack of staffing capacity. The City is seeking to replace Associate and Senior Planners.

As shared earlier in the year, urban forestry amendments are scheduled to the City's tree protection, street trees, and landscaping ordinances. The City released a Request for Proposal (RFP) for assistance with tree protection amendments. The City received responses indicating the responders did not have adequate time to support the effort. Consequently, staff is pursuing a second phase of recruiting a consultant. He is optimistic a consultant will be under contract in June for efforts to begin this summer. The Street Tree RFP was released and spurred some questions from consultants. The Landscaping RFP has not been released pending movement on the first two RFPs. Those activities affect the Commission's schedule. Additionally, activities in support of the Housing Action Plan have been delayed because of staff capacity. Moving forward with the recent arrival of the City's Sustainability Coordinator is work on climate mitigation actions.

Manager Medrud reported the next meeting is scheduled on June 14, 2022.

**OTHER
BUSINESS:**

Commissioner Nguyen announced his recent resignation from the Commission to pursue other interests in support of the City.

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Chair Robbins thanked Commissioner Nguyen for his service during the last three years. Commissioner Sullivan thanked Commissioner Nguyen for his service and she is looking forward to working with him on the equity workgroup.

ADJOURNMENT: Commissioner Edwards moved, seconded by Commissioner Nguyen, to adjourn the meeting at 8:21 p.m. A voice vote approved the motion unanimously.

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