

**TUMWATER PLANNING COMMISSION**  
**MINUTES OF HYBRID MEETING**  
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**CONVENE:** 7:00 p.m.

**PRESENT:** Chair Elizabeth Robbins and Commissioners Grace Edwards, Terry Kirkpatrick, Meghan Sullivan, Michael Tobias, Kelly Von Holtz, Anthony Varela, and Brian Schumacher.

Staff: Planning Manager Brad Medrud.

**TUMWATER  
PLANNING  
COMMISSION  
MINUTES AUGUST  
23, 2022 &  
TUMWATER  
PLANNING  
COMMISSION  
MINUTES  
SEPTEMBER 13, 2022:**

The following corrections were requested to the minutes:

- Correct a change in font on page 1 of the August 23, 2022 minutes.
- Correct the spelling of Kelly Von Holtz in the minutes of September 2022.

**MOTION:** Commissioner Schumacher moved, seconded by Commissioner Kirkpatrick, to approve the minutes of August 23, 2022 and September 13, 2022 as amended. Motion carried unanimously.

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

**COMMISSIONER'S  
REPORTS:** Several Commissioners spoke in support of the recent one-on-one meetings with the Chair and staff.

Commissioner Tobias commented on the reopening of the Brewery Park at Tumwater Falls. The renovation of the fish facility is worth a trip especially to the salmon observation areas. The lower bridge at the park continues to be closed requiring a detour for pedestrians.

**MANAGER'S  
REPORT:** Manager Medrud reported he drafted a set of minutes from the one-on-one meetings and will forward to the Commission after they are finalized.

The first meeting in October 2022 is a joint meeting with the Tree Board to kick off the update to the Tree Preservation Ordinance.

**PUBLIC COMMENT:** There were no public comments.

**PUBLIC HEARING:**

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

Chair Robbins described the public hearing process and opened the public hearing at 7:08 p.m.

Manager Medrud reported the final docket of the 2022 Comprehensive Plan Amendments includes one private map amendment and associated rezone, three City sponsored text amendments, and one City sponsored map amendment and associated rezone.

The proposed private map amendment and associated rezone is the Wells Littlerock Comprehensive Plan Land Use Map Amendment and Corresponding Rezone submitted by Glenn Wells representing the estate of Marvin L. Beagles. The three adjacent parcels totaling 2.76 acres are located to the south of 7223 Littlerock Road SW in Tumwater. The parcels are vacant. The current Comprehensive Plan map designation and zone district for the parcels is Single Family Medium Density Residential (SFM). The applicant proposes changing the Comprehensive Plan map designation and zone district to Multi-Family Medium Density Residential (MFM). For most properties within the City, the zone district within the Comprehensive Plan map designation is typically the same with some differences in certain circumstances. Manager Medrud displayed an aerial map and identified the properties and the surrounding land uses.

The three text amendments included in the final docket were not recommended for inclusion by the Planning Commission following its review. The Commission recommends including them within the larger 2022-2025 Comprehensive Plan Update process.

The first text amendment is the Neighborhood Character Review of the Comprehensive Plan Housing and Land Use Elements to determine if there are amendments needed to address neighborhood character. Staff reviewed and recommends no amendments in 2022 but recommends including the amendment in the larger 2022-25 review and update of the Comprehensive Plan.

The second text amendment is the Thurston Climate Mitigation Plan to update greenhouse gas emission (GHG) targets in the Conservation Element to address HB 2311. Staff reviewed and recommends no amendments to address the requirements of HB 2311 in 2022. Staff recommends including the amendment as part of the larger 2022-25 review and update of the Comprehensive Plan.

The third text amendment is Essential Public Facilities Amendments by reviewing the Comprehensive Plan Land Use Element to determine whether amendments are needed to address essential public facilities, including but not limited to: intensive inpatient facilities; long-term

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residential drug treatment facilities; recovery house facilities. Staff reviewed and recommends no amendments to address essential public facilities in 2022 and defer possible amendments as part of the larger 2022-25 review and update of the Comprehensive Plan.

The last amendment is the Dennis/Linderson Triangle proposed by the City of Tumwater located at 6501 Linderson Way SW at the western corners of Linderson Way SW and Dennis Street SW. The site is 5.73 acres in size and is vacant. The current Comprehensive Plan map designation and zone district is Single Family Medium Density Residential (SFM). The proposed Comprehensive Plan map designation and zone district is Multifamily High Density Residential (MFH). The site is a portion of a larger parcel that recently was developed as a multifamily housing project. The triangle shaped property was adjacent to Linderson Way that previously abutted right-of-way adjacent to Interstate 5, which has since been relocated to its current site. The subject site has subsequently been landscaped as part of the multifamily project. The owner of the developed area has been contacted about the proposed amendment and staff received no response in terms of any issues with the proposal.

Commissioner Tobias asked whether the pedestrian footbridge crossing Interstate 5 is maintained by the City or by the state. Manager Medrud said he believes the facility is maintained by the state as it crosses state right-of-way.

Staff recommends that following the public hearing, the Commission forward a recommendation to the City Council approving the two proposed Comprehensive Plan map amendments and corresponding rezones within Ordinance No. O2022-003. Additionally, staff recommends forwarding a recommendation to include the three text amendments within the larger 2022-2025 Comprehensive Plan Update. If the Commission recommends the proposed actions, the amendments would be forwarded to the General Government Committee for its review followed by the Council worksession and the Council's consideration.

Commissioner Schumacher asked about the potential use of the property if the Dennis/Linderson Triangle proposed amendment is approved. Manager Medrud replied that the proposal for intents and purposes is a map correction.

Commissioner Tobias asked for an explanation as to the intent of the language that speaks to "multimodal mobility" within the context of the proposed text amendment on Neighborhood Character. Manager Medrud said the information is derived from the City of Olympia's 2021 process to review and amend the Land Use and Urban Design section of its

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Comprehensive Plan to address the use of the term “neighborhood character.” Multimodal mobility speaks to accessibility for all types of travel to include motor vehicles, pedestrian, bikes, and ADA accessibility.

With there being no public testimony, Chair Robbins closed the public hearing at 7:22 p.m.

**MOTION:** Commissioner Tobias moved, seconded by Commissioner Schumacher, to recommend the City Council approve the Wells Littlerock Comprehensive Plan Land Use Map Amendment and Corresponding Rezone and the Comprehensive Plan Map Amendment and Corresponding Rezone to change Triangle West of the Dennis Street SW and Linderson Way SW Intersection; Ordinance No. O2022-003. A voice vote approved the motion unanimously.

**MOTION:** Commissioner Kirkpatrick moved, seconded by Commissioner Von Holtz, to recommend the City Council refer the three proposed text amendments not included in Ordinance No. O2022-003 for Neighborhood Character; Thurston Climate Mitigation Plan – Update of greenhouse gas emission (GHG) targets in the Conservation Element; and Essential Public Facilities Amendments for incorporation within the 2022-2025 Comprehensive Plan Update. A voice vote approved the motion unanimously.

**PLANNING  
COMMISSION  
TRAINING  
PROGRAM –  
DEVELOPMENT  
REVIEW CASE  
STUDY:**

Manager Medrud said that as part of the Commission’s training program, a recent development proposal completing the development review process will be reviewed. The Commission’s meeting packet included relevant information pertaining to the project.

The specific project is the Forest Park Townhomes project. Manager Medrud identified the location of the 7.73-acre parcel. The topography of the property was hilly with steep slopes. The project has been in progress in various forms over the last 20 years with various development applications submitted for the development of the parcel. In 2015, a prior owner received permission to construct a multifamily development of townhomes comprised of three-story fiveplex townhomes on one parcel. The development failed to proceed for five years and the property was resold to another owner with the former project approvals intact. The new owner moved forward on construction. Subsequently, another developer purchased the property after construction began and requested a change to subdivide the parcel into separate parcels with the triplexes located on individual parcels.

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The new developer pursued the proposal at risk as it entailed reopening the subdivision application despite the site being under construction as the code had changed since the proposal was approved in 2015 that might affect the project. Additionally, subdivisions, planned unit developments, and variances required the project to undertake a hearing examiner public hearing to receive approval. It also enabled another opportunity for the public to raise objections or speak to issues regarding the proposal. The proposal was unusual as the developer was seeking approval of the updated proposal while construction of streets and other infrastructure was in process.

The applicant requested approval of a preliminary plat, a preliminary planned unit development for private internal roads, and a variance from required zoning setbacks (because of a school) and required open space area requirements. The applications resulted in approval to subdivide the 7.73-acre parcel into 22 multifamily family lots totaling 67 dwelling units, with four open space tracts (Tracts A – D) and one private roadway tract (Tract E).

Councilmember Schumacher asked whether the intent to subdivide was to sell the dwelling units separately. Manager Medrud explained that the City is not involved in the ownership of lots; however, the developer would be able to retain ownership of all lots or sell them individually.

Chair Robbins asked about the possibility of individual lot owners electing not to construct a three-story unit that might require the owner to seek a variance from the City. Manager Medrud said the proposal was very unusual as the developer submitted building plans for review by staff as staff was completing the approval process for the subdivision. The building plans depicted triplexes on each parcel. The developer is bound by minimum and maximum densities of the site, which would require triplexes and speaks to another underlying issue. The proposal is for 67 dwelling units on 22 lots, which meets the density requirement at the low end.

Commissioner Tobias asked whether there is a legal distinction between condominiums, townhomes, and triplexes and whether it speaks to the design or the ownership. Manager Medrud said it is a mixture of codes. Under the City's zoning regulations, condominiums are not addressed as those generally pertain to ownership comprised of a larger building with internal dwelling units under separate ownership. A townhouse or multifamily project speaks more to the type of structure rather than ownership. A townhome is multiple units sharing common walls with separate owners. Duplexes/triplexes/fourplexes are located on one parcel with one owner.

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Commissioner Kirkpatrick asked about the option of the City assuming ownership of private streets within the development. Manager Medrud replied that the City has a number of private streets. It is unlikely the City would assume ownership of the streets because part of the subdivision approval process requires formation of a homeowners association (HOA) to oversee responsibility for maintenance of the stormwater system, private internal roads, parks, and general landscaping areas. Commissioner Kirkpatrick said his concern involves the 2.5-year escape clause that would absolve the developer from maintaining the streets, which would transfer the responsibility to the owners, who might be unable to afford road maintenance. Manager Medrud said the concern speaks to recent changes in codes for private road standards. The change limited the number of units that can be on a private road to avoid those types of situations. Commissioner Kirkpatrick said that in those cases where the HOA is small, road maintenance cost would be a substantial bill for owners. It would be difficult for the City to require owners to contribute to a fund to pay for road maintenance.

Chair Robbins inquired about the City's history of failed maintenance of private roads or other infrastructure. Manager Medrud replied that the main issue is the maintenance of stormwater facilities. A number of situations have occurred where HOAs have not maintained stormwater facilities. The City has the ability to place a lien on an individual property to repair or maintain infrastructure if it is affecting other properties or is posing a risk to the City's stormwater permit with the Department of Ecology. Typically, the City has worked with the parties to resolve the situation. In cases where those situations have failed the City can pursue a lien against the property. The City has encountered some situations as the Department of Ecology notified the City of a failing stormwater system.

Commissioner Schumacher commented on the possibility of the City enacting requirements for HOAs or developers to implement measures to accrue funds to pay for maintenance of roads and stormwater systems.

Commissioner Kirkpatrick asked about the difference between public and private roads if private roads must be constructed to City standards. Manager Medrud said private roads can be reduced in width, turning radiuses can be different, and sidewalks are not required on both sides of the street.

Manager Medrud invited questions on the development proposal or on any of the information contained in the staff report. The Hearing Examiner Staff Report is a legal document with the format consistent for most projects. In the City of Tumwater, an appeal of the hearing examiner's decision is to Thurston County Superior Court rather than to

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the City Council. Rezone applications are considered by the Council, which are unusual, as most rezones require a Comprehensive Plan amendment to the Comprehensive Plan land designation.

Commissioner Kirkpatrick referred to a map of HOAs in the City, which reflects less than 10% of the City. He asked how the City plans to contend with neighborhoods without HOAs in terms of maintenance responsibility costs. Manager Medrud said the map lacks designations for other types of land uses for commercial, industrial, and public development. A substantial portion of the City is Port of Olympia property. The City has the ability and has required homeowners to bring property to proper standards. However, on individual single-family lots in areas experiencing stormwater issues, such as flooding, the City can provide assistance otherwise the City does not become involved. All properties in the City pay a stormwater fee.

Chair Robbins noted that most cities in the state have not exercised full authority for stormwater taxation, which speaks to the City having the opportunity to increase its stormwater rate.

Commissioner Tobias inquired about the location of stormwater flow from the development. Manager Medrud said that generally, current stormwater regulations require the site to manage stormwater onsite and any excess must be released at a rate that does not exceed natural flow. Many sites construct large retention ponds designed to hold stormwater on the site and release flow over time. The purpose is to avoid creating flooding downstream of a site.

Manager Medrud reported the developer received approval to proceed with the development and he believes construction is either ongoing or nearly completed.

**NEXT MEETING  
DATE:**

The next meeting is scheduled on October 11, 2022 with the Tree Board.

**ADJOURNMENT:**

**Commissioner Varela moved, seconded by Commissioner Schumacher, to adjourn the meeting at 8:10 p.m. A voice vote approved the motion unanimously.**