

TUMWATER CITY COUNCIL WORK SESSION

MINUTES OF VIRTUAL MEETING

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CONVENE: 6:00 p.m.

PRESENT: Mayor Debbie Sullivan and Councilmembers Peter Agabi, Michael Althaus, Joan Cathey, Leatta Dahlhoff, Angela Jefferson, Eileen Swarthout, and Kelly Von Holtz.

Staff: City Administrator Lisa Parks, City Attorney Karen Kirkpatrick, Community Development Director Michael Matlock, Finance Director Troy Niemeyer, Police Chief Jon Weiks, Fire Chief Brian Hurley, Water Resources and Sustainability Director Dan Smith, Communications Manager Ann Cook, Planning Manager Brad Medrud, and Land Use and Housing Planner Erika Smith-Erickson.

Councilmember Cathey welcomed newly elected Councilmember Von Holtz to her first Council work session. She congratulated her on her election to the Council position.

**ORDINANCE NO.
O2023-002, FINAL
DOCKET FOR 2023
COMPREHENSIVE
PLAN
AMENDMENTS:**

Planner Smith-Erickson briefed the Council on the final docket of the 2023 Comprehensive Plan Amendments. The docket includes two City-sponsored amendments comprised of the 2024-2029 Six-Year Capital Facilities Plan (CFP) and the Old Highway 99 Corridor Plan.

Old Highway 99 is a major transportation corridor connecting the City of Tumwater to south Thurston County communities. Commercial and residential use levels have increased in recent years extending peak commute hours and lengthening vehicle wait times. The Old Highway 99 Plan is the next step in the Capitol Boulevard planning process. From 2011 through 2013, the City working with consultants and members of the community developed a plan for the Capitol Boulevard corridor focusing on the areas between Israel Road and M Street. In 2019, the City received approximately \$400,000 to conduct a similar study for the Old Highway 99 corridor from 73rd Avenue to 93rd Avenue.

The Old Highway 99 Corridor Study documented that the corridor from 73rd Avenue to 88th Avenue should be widened to five lanes, two of which would be motor vehicle lanes in each direction and a bike lane. The study recommended a two-lane roundabout at Henderson Boulevard and 88th Avenue. At 93rd Avenue, the study calls for the installation of a single lane roundabout. Project stakeholders recommended the replacement of existing signals with roundabouts to add capacity along Old Highway 99, improve operations and travel times, reduce high-severity crashes, and significantly reduce intersection queues.

The City requested feedback on the Old Highway 99 corridor in the fall of 2020. The five main improvements recommended by the community included bicycle lanes, sidewalks, reduced traffic congestion, intersection

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safety, and street lighting. The study determined that the work would be completed in five phases.

The Council approved placement of the proposed Comprehensive Plan Amendment on the 2023 Long Range Planning Work Program. The Planning Commission recommended further review of the proposed amendment in January 2023. On February 8, 2023, the General Government Committee reviewed the preliminary docket and forwarded a recommendation to the Council. Following a Council work session on February 21, 2023, the Council included the proposed amendment on the 2023 Annual Comprehensive Plan Amendment Docket.

Planner Smith-Erickson invited questions and comments on the Old Highway 99 Corridor Plan.

Councilmember Cathey asked whether the installation of roundabouts along the corridor would add to the cost of construction. Manager Medrud said he could provide an appropriate answer prior to the Council's next meeting.

Councilmember Dahlhoff recommended including slides with bulleted highlights to help guide her with respect to the proposal.

Mayor Sullivan noted that the 79th Avenue and Old Highway 99 intersection requires major improvements and reconfiguration. The roundabout is included on the list of roundabouts.

Councilmember Agabi recalled a conversation during a meeting of the Thurston Regional Planning Council (TRPC) Transportation Policy Board regarding Old Highway 99. He asked whether the discussion related to the Old Highway 99 Corridor Plan.

Manager Medrud responded that the area along Old Highway 99 at Capitol Boulevard and Trosper Road is included in the Capitol Boulevard Corridor Plan. The area of the Old Highway 99 Study is south of Tumwater Boulevard along the corridor to 93rd Avenue.

Planner Smith-Erickson displayed an illustration of the Old Highway 99 Study area from 73rd Avenue to 93rd Avenue with the proposed roundabout areas. Each phase of the project includes estimated project costs provided by the Transportation and Engineering Department.

Councilmember Cathey inquired about the possibility of cost-sharing in association with the development of the City's Operations and Maintenance facility for a roundabout at 79th Avenue. Manager Medrud affirmed he would follow up with Transportation and Engineering Assistant Director Ames as the project would likely contribute in part to the construction of that roundabout.

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Mayor Sullivan noted the project costs reflected in the slides are inclusive of all improvement costs associated with sidewalks, street lights, and bike lanes associated with the project.

Planner Smith-Erickson presented the proposed 2024-2029 CFP amendment. The purpose of the CFP update is to address Growth Management Act (GMA) requirements to update the City's six-year capital facilities plan with new data and analysis and confirm implementation actions every two years. The update reflects changes in the City since the last update of the CFP as part of the 2021 Comprehensive Plan Amendment.

The CFP is an element of the City's' Comprehensive Plan and contains a list of capital projects with estimated costs and proposed funding methods. The plan is designed to coordinate and provide consistency among many plans for capital improvements including the Transportation and Parks Plans of the Comprehensive Plan, various master plans, and other studies. It ensures a timely provision of adequate facilities as required by the GMA. The CFP also provides a multi-year forecast of strategies and financing requirements for major capital programs and project needs for a six-year period for major construction, infrastructure improvements, land acquisition, and machinery and equipment. The threshold minimum for inclusion of projects in the CFP is \$25,000.

At the Council's February 21, 2023 work session, the Council included the proposed amendment on the 2023 Comprehensive Plan Amendment Preliminary Docket for review by the Community Development Department. The Public Works Committee reviewed the update to the financial plans for General Government and Transportation Element projects on July 5, 2023 and the financial plans for Sanitary Sewer, Storm Drain, and Water Funds on July 20, 2023. Following a public hearing the Planning Commission recommended approval of the proposed amendment.

Staff recommends placement of Ordinance No. O2023-002 on the City Council's consent calendar at the February 6, 2024 meeting.

Councilmember Swarthout inquired about the reason for including school district CFPs within the proposed amendment. Manager Medrud explained that in addition to City projects under General Government, Water, Sewer, and Transportation, the City is also responsible for ensuring the inclusion of each school district's CFP for informational purposes as each school board adopts its respective CFP. Under the requirements of the GMA, the City must include the CFPs from school districts located within City limits.

Mayor Sullivan noted no objections from the Council to place the ordinance on the February 6, 2024 Council meeting consent calendar.

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**ORDINANCE NO.
O2023-012, FINAL
DOCKET FOR 2023
ANNUAL
HOUSEKEEPING
AMENDMENTS:**

Planner Smith-Erickson presented the 2023 Annual Development Code Housekeeping Amendments.

During 2022 and 2023, staff reviewed information on minor Tumwater Municipal Code (TMC) development code housekeeping amendments for consideration in 2023. The proposed amendments are minor corrections to the City's development regulations. The TMC establishes a process for development code housekeeping amendments similar to the process for annual Comprehensive Plan amendments. The City Council approved all the items on the preliminary docket of proposed amendments for inclusion on the final docket on September 5, 2023. The Planning Commission conducted a public hearing on the proposed ordinance on December 12, 2023 and recommended approval.

The four proposed amendments include:

- Undergrounding Utilities Requirements - *Clarifies the requirement that new and existing electrical power, telephone, cable television, fiber optics and other transmission lines shall be installed underground. Any deviation would be addressed through the process in TMC Chapter 17.28 Deviation from Requirements.*
- Town Center Mixed Use Subdistrict First Floor Uses - *Code Section to be amended: TMC 18.23.050 – TC Town Center Zone District – Development and design standards. The proposal is specific to properties fronting main streets. The intent of the Town Center Mixed Use subdistrict is to create a pedestrian environment with first floor land uses that generate pedestrian activity. The proposal clarifies uses allowed on the first floor of commercial and residential developments along main streets in the Town Center Mixed Use subdistrict. Uses added include professional services, medical clinics, child day care centers, and child miniday care centers.*
- Manufactured Home Parks – Open Space Requirements – *The current code does not require manufactured home parks not subject to land division to provide open space. The requirement would apply to any new development or substantial redevelopment of an existing use with five or more dwelling units.*
- Building Heights Over Sixty-Five Feet for Specific Industrial Uses - *Establishes a conditional use permit process for specific industrial uses that exceed 65 feet in the LI Light Industrial and HI Heavy Industrial zone districts.*

Councilmember Dahlhoff referred to the proposed amendment for undergrounding utilities and inquired as to how the requirements would be applied to a responsible entity. Manager Medrud said the requirement would be applicable if the development is new and if a threshold is achieved for redevelopment of a property (i.e., an existing and adjacent use not changing would not be responsible for undergrounding). Included within the proposal

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is threshold information in terms of applicability to account for smaller projects. For larger developments, such as the Habitat for Humanity project, staff is considering other strategies to help offset costs for the project. It is important to underground as many utilities as possible to avoid the loss of power lines during storms and inclement weather. It is also important to account for special needs projects.

Councilmember Cathey cited another jurisdiction's code language allowing medical clinics and problems the jurisdiction has encountered as the terminology was not specific to the type of medical clinic. She asked whether the City's code defines a medical clinic. Manager Medrud said medical clinics are defined in the Zoning Code and the definition does not allow for drug-related uses, which are typically covered under Essential Public Facilities. Additionally, personal services are typically uses such as a barber, beauty salon, or tailor services while professional services are typically real estate offices, architect offices, and attorney offices, etc.

Planner Smith-Erickson noted that the code defines medical clinics as a place where medical or dental care is provided to persons on an out-patient basis by professionals in the healthcare field.

Councilmember Dahlhoff commented on the possibility that the new requirement for open space would likely not apply to new development as most manufactured home parks are being sold and new parks are unlikely; however, the change would could apply to existing parks and potentially impact park residents if open space is required that otherwise would be a space for a mobile home creating the possibility of increased rental rates for existing homeowners. Manager Medrud replied that the threshold of the new improvements would be the determining factor for when the requirement would apply. A fairly substantial change to an existing park would likely be the threshold such as 25% to 50% of the park before the requirement is applied. The intent of the proposal is to ensure new parks with five or more dwelling units include open space.

Councilmember Cathey requested an explanation as to the difference between light industrial versus heavy industrial uses.

Manager Medrud said most of the industrial zone districts within the City are Light Industrial zone districts, which includes simple warehouses to manufacturing located entirely within the building with no external uses. The only Heavy Industrial zone district in the City is the gravel mine located off Black Lake Boulevard. The zoning is intended for uses with other external impacts, such as noise, odor and other impacts that should not be near other uses that are incompatible. Staff initially reviewed the conditional use process in 2017 as the process allowed for additional height for all types of uses beyond industrial uses if justified. At that time, staff raised the maximum height limit in zones and eliminated the conditional use permit

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process. However, since then, staff has learned that there are particular uses that need to exceed 65 feet due to manufacturing requirements. The current variance process is not effective for those types of circumstances because it is more difficult to justify the increase in height. It was important for the City to allow for some circumstances for uses that incorporated unoccupied structures necessary for a manufacturing process through a hearing examiner public hearing process that incorporates public review opportunities.

Councilmember Cathey said her concern surrounds ensuring adequate protection of residential areas abutting industrial zones that could be potentially impacted by an increased height allowance. Manager Medrud responded that the City applies mitigation measures for those types of circumstances that are included in the conditional use permitting process.

Councilmember Swarthout inquired as to whether any 65-foot tall buildings exist in the City today. Manager Medrud said he does not believe any 65-foot tall buildings exist in the City. The conditional use permit process would cap the height increase to 90 feet. The original process in 2017 did not include a height cap.

Councilmember Althausen asked about the industrial areas surrounding the airport that might be under a FAA height restriction. He asked whether the light industrial uses would be located in the Mottman Industrial Park. Manager Medrud affirmed it could include the Mottman area or zoning districts with sufficient space for additional height. However, some properties near the airport not subject to FAA height restrictions in the New Market District could request an increase in height.

Councilmember Althausen commented that he lacks some understanding of the conditional use permit process and the amount of discretion by the hearing examiner in reviewing the facts of any particular development proposal to assess conditions. He asked whether language in the code could address that situation whereby the hearing examiner should give great weight to the impact that the proposal poses to neighboring properties without impacting the allowance of a use that would not impact neighbors and needs the additional height to accomplish project goals. Manager Medrud explained that the minimum conditions established in the conditional use permit process covers those types of issues. Language that speaks to building height does not result in a substantial or undo adverse affects on adjacent or abutting properties.

Planner Smith-Erickson reviewed the nine conditions the hearing examiner considers when reviewing a conditional use permit request for a height increase within an industrial zone. For example several of the minimum conditions speak to, "The height increase shall only be to accommodate equipment, structures, or buildings that contain special equipment primarily related to manufacture, assembly, processing of goods or products" and that

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the functional need for a height increase shall be demonstrated by the applicant, and the proposed height increase shall be compatible with the general purpose, goals, objectives, and standards of the Comprehensive Plan, zoning regulations, and any other planned, program, map, or regulation of the City.

Councilmember Althausen cited several sections and the likelihood that the cross reference of the sections does not minimize the impacts caused by shade and shadow. It appears shade and shadow does not constitute an adverse affect because it can coexist according to subsection 4 as long as it is minimized. He asked whether his interpretation was accurate. Manager Medrud affirmed his interpretation as accurate. Shade and shadow are considered for adjacent properties located east or west of the subject site. The intent is minimizing the impacts from shade and shadow while not necessarily eliminating the effects completely. The goal is to reduce the impacts through the design of the project. Councilmember Althausen stressed the importance of accounting for a situation where a residential use experiencing a shadow effect created by the industrial use creates a situation where the resident loses an investment. A new industrial use could cast sufficient shadows on the rooftop solar equipment affecting the resident's investment return through the generation of electricity. The language speaks to minimizing the effects, but it does not address those types of situations, which could be defined as an adverse affect. Manager Medrud said the example would be deemed an undo adverse affect and would rise to the next level above shadow or shade. Regulations pertaining to shadow and shade were included to ensure some level of control of different types of situations and to minimize the level of potential affects.

Councilmember Althausen offered a change in language to the end of #7 to reflect, "are minimized to the greatest extent feasible" as opposed to "minimized." Manager Medrud confirmed staff would consider and present the proposal at the Council's next meeting.

Councilmember Cathey stressed the importance for residents residing near industrial zones to be aware of their options to address those types of situations as shade and shadow can impact a neighborhood in many different ways to include home gardens as well as rooftop solar panels. She asked how residents would be informed of the new regulations. Manager Medrud explained that the City's standard notification is to all property owners residing within 300 feet of a proposed development. If the applicant requests a height increase under a conditional use permit, property owners within the 300 feet of the site will receive a separate notice for the hearing examiner public hearing for the conditional use permit. The hearing examiner considers all public testimony when rendering a decision on the proposed conditional use permit. The conditional use process captures any respective concerns from surrounding neighbors.

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Planner Smith-Erickson reported staff recommends the Council place Ordinance No. O2023-012 on the consent calendar for consideration on February 6, 2024.

Mayor Sullivan noted no objections from the Council to place the ordinance on the February 6, 2024 Council meeting consent calendar.

COUNCIL MEETING BROADCAST AND CABLE CHANNEL STRATEGY:

Manager Cook presented the proposal to transition broadcasting services from TCMedia to Designated Access Providers to operate the Governmental Access and Educational Access channels.

Progress continues on working with other jurisdictions on the same path. PEG TV is public education and government TV. The proposal is a good solution with all jurisdictions providing education and government access services. For Tumwater, it would pertain to the City Council regular and work session meetings. The first priority is moving to an in-house production before moving to other programming options. The City would continue to collaborate with TCMedia through the transition, as well as providing services for the City through the end of January. TCMedia will continue to use public access Channel 22 and operate the public access facility and offer classes and training at no cost to the City of Tumwater or other jurisdictions.

Additionally, some channels were reassigned. Tumwater TV will continue to broadcast as Channel 26 and Thurston County and the City of Olympia will broadcast on a shared channel. The City of Lacey has its own channel. The different channels are important as most of the jurisdictions broadcast Council meetings each Tuesday night.

The new platform promotes transparency in government and access by the inclusion of captioning, which was not possible previously, as well as offering live stream of meetings on multiple platforms to include video on-demand. According to recent data, 88% of adults watch free on-demand stream through Fire, Stick, Roku, or other platforms. Approximately 82% of adults subscribe to stream service such as Hulu, Disney, and other services. The City selected Fire, Stick, and Roku because it represents over 50% of the market share. Most new TVs have installed different services for easier access by users. The proposed platform also supports mobile devices.

Cable installation has been completed in the Council Chambers and the City's server room. The City has deployed a new server. Necessary hardware is scheduled for installation. The system will be connected to Cloud services. Staff is working on a staffing solution for the in-house production followed by training. The City's schedule is similar with the county's schedule and anticipates going live with the in-house production by early February. TCMedia will continue to provide support through the transition process.

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Once the system is implemented, staff will explore additional channel content in addition to Council meetings. Additional components are available for consideration to include a mobile app and integration with the City's website and the agenda software management system.

Councilmember Jefferson asked whether continuous service provided by TCMedia would be at no or minimal cost to the City. Manager Cook responded that the services provided during the month of January are at minimal cost and within the budgeted amount.

Councilmember Jefferson asked how the candidate forums would be supported by the cities and county. Manager Cook said candidate forums will continue and would be broadcast on TCMedia's public access channel. The in-house production model affords an option to schedule programming. Ongoing collaboration with TCMedia will enable the City to broadcast programming on the City's channel. Until future conversations are pursued for other programming options, PEG TV offers free programming to PEG service providers. Other programming options include the City's History Talks produced in partnership with the Olympia Tumwater Foundation as well as other City programs.

Several Councilmembers offered some lighthearted programming suggestions. Manager Cook commented that production of programming content is challenging. Based on preliminary conversations with John Freedman with the Olympia Tumwater Foundation, the organization has the talent and programs as well as the equipment to record. In the next several months, the Council could review priorities for programming opportunities and the required resources necessary to support efforts.

MAYOR/CITY ADMINISTRATOR'S REPORT:

Mayor Sullivan commented on expected severe weather conditions including snow, which may necessitate the need for City snow plows on main arterials. The weather forecast continues to change frequently. It is also important to check on neighbors during inclement weather. The forecast calls for high winds and snow.

ADJOURNMENT:

With there being no further business, Mayor Sullivan adjourned the meeting at 7:16 p.m.