

TUMWATER GENERAL GOVERNMENT COMMITTEE

MINUTES OF VIRTUAL MEETING

February 9, 2022 Page 1

CONVENE: 3:00 p.m.

PRESENT: Chair Michael Althausen and Councilmembers Joan Cathey and Leatta Dahlhoff.

Staff: City Administrator John Doan, City Attorney Karen Kirkpatrick, Planning Manager Brad Medrud, and Executive Assistant/Deputy City Clerk Hanna Miles.

APPROVAL OF MINUTES: JANUARY 12, 2022:

MOTION: Councilmember Dahlhoff moved, seconded by Chair Althausen, to approve the minutes of January 12, 2022 as presented. Motion carried. Councilmember Cathey abstained.

ORDINANCE NO. O2022-003, PRELIMINARY DOCKET FOR 2022 COMPREHENSIVE PLAN MAP AND TEXT AMENDMENTS AND CORRESPONDING REZONES: Manager Medrud presented the preliminary docket of Comprehensive Plan Amendments. Amendments to the Tumwater Comprehensive Plan are considered at the beginning of each year. The amendments can include text, map, zoning map, and private and public rezones. Each year in September, the City publishes a public notice announcing the acceptance of applications for consideration as part of the City's Preliminary Docket process. The Planning Commission reviews the preliminary docket and recommends which amendments should move forward for inclusion in the final docket.

The 2022 Preliminary Docket includes the following amendments:

- Two proposed private map amendments and associated rezones:

1. Wells Littlerock Comprehensive Plan Land Use Map Amendment and Corresponding Rezone.

The application was submitted by proponent Glenn Wells, a local developer, for 2.76 acres comprised of three adjacent parcels located to the south of 7223 Littlerock Road SW owned by Marvin Beagles. The current Comprehensive Plan map designation and zone district is Single Family Medium Density Residential (SFM). The proponent proposes changing the map designation and zone district to Multi-Family Medium Density Residential (MFM). The parcels are vacant. Surrounding uses are zoned Mixed Use.

2. Bath Littlerock Israel Comprehensive Plan Land Use Map Amendment and Corresponding Rezone.

The application was submitted by proponent Peter Condyles. The property owner is Dayabir Bath. The

TUMWATER GENERAL GOVERNMENT COMMITTEE

MINUTES OF VIRTUAL MEETING

February 9, 2022 Page 2

amendment applies to two adjacent parcels totaling 1.97 acres located at 6940 Littlerock Road SW and 1850 Israel Road SW. A single-family house is located on one parcel. The second parcel is vacant. Current zoning of the surrounding area is Mixed Use. The applicant proposes changing the Comprehensive Plan Land Use designation and the zone district from Mixed Use (MU) to General Commercial (GC). Historically, the two parcels proposed for the amendment were part of the 2017 Sullivan Comprehensive Plan Map and Zoning amendments considered by the City Council in 2017 and 2018. The 2017 amendments changed the two parcels in addition to four other parcels in the area from Mixed Use Overlay (MUO) Comprehensive Map Designation and zone district to Mixed Use (MU). The Mixed Use Overlay (MUO) requires components of residential and commercial uses. The City's Mixed Use (MU) zone district does not require a mix of uses. At the time, the City Council did not support another amendment pertaining to parcels 1 through 6, which included the Bath Littlerock Israel property to General Commercial. The Council did not approve the amendment in order to maintain some level of mixed use along Littlerock Road.

- Three proposed public text amendments include:
 3. **Neighborhood Character.** Review Comprehensive Plan Housing and Land Use Elements and determine if there are amendments needed to address “neighborhood character.”
 4. **Thurston Climate Mitigation Plan.** Update greenhouse gas emission (GHG) targets in the Conservation Element to address HB 2311 – Review Comprehensive Plan Conservation and Land Use Elements and determine if there are amendments needed to address HB 2311 2022 Text Amendments.
 5. **Essential Public Facilities Amendments.** Review the Comprehensive Plan Land Use Element and determine if there are amendments needed to address essential public facilities, including but not limited to: intensive inpatient facilities; long-term residential drug treatment facilities; and recovery house facilities.

TUMWATER GENERAL GOVERNMENT COMMITTEE
MINUTES OF VIRTUAL MEETING
February 9, 2022 Page 3

- One proposed public map amendment and associated rezone includes:
 6. **Dennis/Linderson Triangle.** The City proposed the amendment for a portion of 5.73 acres of vacant land located at 6501 Linderson Way SW at the western corners of Linderson Way SW and Dennis Street SW. During the 1980s, Linderson Avenue was located along I-5 with no separation. The area to the south has redeveloped to multifamily uses. The proposal would change the Comprehensive Plan map designation and zone district from Single Family Medium Density Residential (SFM) to Multifamily High Density Residential (MFH).

Manager Medrud reported the Planning Commission recommended moving all proposed amendments forward for further review as part of the final docket. Staff recommended not moving the Bath Amendment forward. The Commission disagreed and recommended including all amendments as part of the final docket process. During the review of the history of the site and recent changes as part of the 2017/2018 Comprehensive Plan amendment for the Sullivan amendment, those subject parcels had been considered and evaluated. Staff did not believe a change in the area has occurred that would warrant an amendment at this time.

Councilmember Dahlhoff recalled that she was a member of the Commission at that time when the Commission recommended changing the parcel to General Commercial (GC) as no activity had occurred under the existing zoning and the Commission believed that changing the zoning might incentivize development. There were many conversations and the Council elected to retain the zoning to preserve the opportunity for the property to develop as mixed use.

Councilmember Cathey asked about the ownership of the property for the last amendment proposal. Manager Medrud said the property is privately owned by the owner of a multifamily development located immediately to the south of the property. The property serves as the multifamily development's open space area.

Manager Medrud reported the next step is for the committee to consider forwarding the docket to the City Council for a worksession on February 22, 2022 or for consideration by the Council on March 1, 2022. The action establishes the final docket for further review by staff with the final docket presented to the Commission in July for review followed by reviews by the committee and the Council in fall 2022.

TUMWATER GENERAL GOVERNMENT COMMITTEE

MINUTES OF VIRTUAL MEETING

February 9, 2022 Page 4

Councilmember Dahlhoff asked whether additional information is available pertaining to the Bath property in terms of why General Commercial versus Mixed Use is preferred by the property owner. Manager Medrud advised that the applicant provided information to the City outlining the lack of interest for selling the property and lack of interest because of the zoning of the property.

Chair Althausen recalled that one of the Council's concerns for zoning the property to General Commercial was because the property is located close to the Littlerock Road roundabout and concerns about the property redeveloped as a gas station or a drive through with egress to close to a busy roundabout. Additionally, the Council preferred locating high intense commercial uses closer to the freeway and away from the residential uses and retain mixed use along the Littlerock Road corridor.

Councilmember Cathey supported retaining existing zoning as it is appropriate to maintain mixed use along the corridor. Chair Althausen agreed as well. Councilmember Dahlhoff recommended including the proposed amendment for the benefit of new Councilmembers to review the background associated with the property, although she also supports retaining the existing zoning of Mixed Use.

CONSENSUS:

The General Government Committee supported moving the entire Preliminary Docket for 2022 Comprehensive Plan Map and Text Amendments and Corresponding Rezones forward to the City Council for a worksession with a recommendation that the Bath amendment should not be included as one of the recommended actions.

TUMWATER HOUSING ACTION PLAN – POTENTIAL MEASURES FOR ADDRESSING TENANT PROTECTIONS:

Manager Medrud briefed the committee on the status of potential tenant protections. He reviewed the status of some of the measures as the state has passed some legislation addressing some of the proposed measures. The City's work group discussed the following draft list of potential measures to consider for amendments to the Tumwater Municipal Code and evaluated what measures should or should not move forward:

Measure 1: Prohibit use of online bidding platforms (Not recommended to move forward)

Measure 2: Require landlords to distribute certain housing related information, including rights and responsibilities to tenants (Recommend moving forward)

TUMWATER GENERAL GOVERNMENT COMMITTEE

MINUTES OF VIRTUAL MEETING

February 9, 2022 Page 5

Measure 3: Require that deposits, as well as recurring and one time fees be in written agreements (Recommend moving forward)

Measure 4: Make landlord failure to comply a renter defense to eviction and the landlord subject to liability and penalties (Recommend moving forward)

Measure 5: Prohibit waiving of city requirements (Recommend moving forward)

Measure 6: Prohibit retaliation (Not recommended to move forward)

Measure 7: Require notification a set number of days prior to eviction due and of no cause eviction (Recommend moving forward)

Measure 8: Require notification a set number of days prior to any rent increase (Recommend moving forward)

Measure 9: Require a landlord to allow a tenant to pay the deposit and move in and administrative fees over a period of up to a number of months and allow tenants the ability to pay security and last month rent over a period of three months after moving in in lieu of upfront so there is less initial barrier to entry (Not recommended to move forward)

Measure 10: Add source of income protections in housing rental code (Not recommended to move forward)

Measure 11: Add citizenship status protections in housing rental code (Not recommended to move forward)

Measure 12: Limit fees a landlord could charge (Not recommended to move forward)

Measure 13: First-in-time tenancy required (Not recommended to move forward)

Measure 14: Add criminal conviction status protections in housing rental code (Not recommended to move forward)

Measure 15: Require landlords to show good cause to terminate a month-to-month. (Not recommended to move forward)

Measure 16: Tenant relocation assistance fund (Not recommended to move forward)

TUMWATER GENERAL GOVERNMENT COMMITTEE
MINUTES OF VIRTUAL MEETING
February 9, 2022 Page 6

Measure 17: Provide relocation payment for any low-income tenant displaced by the reasons in Measure #7 (Not recommended to move forward)

Manager Medrud explained that Measures 1 and 6 were removed because the City is not experiencing any issues (Measure 1) and Measure 6 has been addressed by recent state legislation. Measures 9 -15 were reviewed with the Council. The Council directed not proceeding with the measures at that time. Those measures would be best addressed by the state or they might extend into the realm of regulating economic issues, which is outside the City's authority.

Councilmember Cathey asked whether the state's booklet on tenant rights has been updated to reflect changes in recent legislation. She is aware of several situations where community members experienced discrimination because of their citizenship or ethnicity. Chair Althaus affirmed he experienced similar situations in his previous position with clients experiencing discrimination in Tumwater. Approximately one year following legislation on source of income, the City also expanded provisions in the Tumwater Municipal Code to reflect citizenship in alignment with state legislation.

City Attorney Kirkpatrick affirmed the City updated housing protection codes in 2020 and included both source of income protection and protection for citizenship or immigration status.

Councilmember Cathey asked about the method of enforcement when the codes are violated. City Attorney Kirkpatrick said any complaints or allegations are referred to her office.

Discussion ensued on challenges associated with informing the tenant community of current protections and methods for reporting abuses.

Manager Medrud reviewed the status of Measures 12 through 15. Based on Council and staff discussions, he explained why the measures would not be pursued. Other measures pertaining to communication and education were retained.

Measure 18: Create a list of landlords for communication regarding notices and enforcement.

Measure 19: Contract with Dispute Resolution Center for tenant and landlord conflict resolution services

In addition to the measures and the actions identified as part of the Housing Action Plan, staff proposes combining the actions and

TUMWATER GENERAL GOVERNMENT COMMITTEE
MINUTES OF VIRTUAL MEETING
February 9, 2022 Page 7

initiating a discussion on identifying priorities, consider funding options for providing support or for additional staffing, and methods to pursue for communicating to landlords and tenants. Staff has contacted other jurisdictions to discuss the status of tenant protections, which will be shared with the Council. Additionally, staff and some tenants and landlords have engaged in individual conversations, as well as with housing advocates. Following the establishment of priorities moving forward, staff plans to continue those conversations.

Manager Medrud reviewed a proposed priority list of actions:

1. Measure 18: Create a list of landlords for communication regarding notices and enforcement
 - Action 5.d. Establish a rental registration program to improve access to data and share information with landlords. *Councilmember Cathey asked whether the City has identified rental properties in the City. Manager Medrud explained that it would be possible to identify multifamily housing units as a first step. Identifying other properties, such as single-family or duplex units that are rented by the property owner is much more difficult. The City of Lacey has a residential building registration program focusing on multifamily developments of 20 units or more. Councilmember Cathey pointed out that many of the abuses occur by owners of duplexes, triplexes, and single-family homes. She supports some method of identifying single-family and duplex rental units. Manager Medrud advised that if the action is approved to move forward, staff would develop a proposed program for consideration by the Council. Councilmember Dahlhoff supported a regionalized process to ensure consistency between the jurisdictions. Councilmember Cathey supported publishing information that could be provided to tenants. Chair Althausen added that the measure would support the ability to communicate with tenants and landlords. Often, funding and other forms of support are provided by the state or the federal government. It would be helpful for the City to have the information to facilitate sending notices to tenants and landlords communicating the availability of resources. Manager Medrud said based on the input, staff would proceed to prepare a proposal for the program.*
2. Measure 19: Contract with Dispute Resolution Center for tenant and landlord conflict resolution services. *Manager Medrud reported staff proposes developing a proposal for a*

TUMWATER GENERAL GOVERNMENT COMMITTEE

MINUTES OF VIRTUAL MEETING

February 9, 2022 Page 8

process. Chair Althausen supported the proposal as it provides a resource for tenants and landlords to resolve issues rather than pursuing court action, which might affect a tenant's future ability to rent. Manager Medrud affirmed support for staff to develop a proposal. Councilmember Cathey asked that staff also address ways the City could improve communications to the community of both regulations and opportunities.

3. *Action 5.b. Fund Housing Navigators to assist households, renters, homeowners, and landlords with housing issues. The proposal is essentially an ombudsman who would serve as a resource for tenants and landlords. The position might not necessarily reside within the City but would include working closely with the Regional Housing Council or another regional entity to establish a position. The City of Olympia has developed navigator programs focused primarily on ensuring the homeless are connected to services.*
4. *Action 2.e. Identify and implement appropriate tenant protections that improve household stability. Manager Medrud reported the action includes all measures recommended to move forward and would be an ordinance or code changes to address all the issues. Staff could pursue the action in conjunction with the development of the first two proposals as a package of three issues to consider. Chair Althausen supported incorporating the priority with the work program for concurrency with the first two proposals. The third action for the ombudsman would likely be tiered in priority because of the level of effort to establish a program.*
5. *Action 1.k. Enhance enforcement of property maintenance codes to keep housing in good repair. Manager Medrud reported the City currently relies on a complaint-driven process for code violations. The proposal would elevate the rental list to another level by implementing a program of periodic inspection of rental properties. The Council included the proposal within the Housing Action Plan. Implementing the priority would require a high level of effort and likely would follow the first several priorities. Councilmember Cathey supported the proposal to ensure subhousing is not included in the City's rental market. Councilmember Dahlhoff referred to the committee's previous request for staff to contact Thurston County staff to identify any complaints the county has received as a way to collect data as a starting point as the priority is developed for future implementation. In response to questions on the complaint process for code violations, Manager Medrud advised that all complaints should be directed to code enforcement through the Tumwater Police Department. The police department contacts appropriate department staff for*

TUMWATER GENERAL GOVERNMENT COMMITTEE
MINUTES OF VIRTUAL MEETING
February 9, 2022 Page 9

any building or landscaping issues. Councilmember Dahlhoff added that many people are not comfortable with contacting the police department or fear retaliation, which is why the City's program with the Dispute Resolution Center is important to as it would provide another avenue for collecting the information and addressing the issue.

6. Action 2.f. Develop a technical assistance or education program for small landlords. *The proposal is to assist landlords in making changes to properties to be in compliance without overburdening tenants with improvements.*
7. Action 2.h. Fund an energy assistance program for rental housing/make landlords do upgrades when the unit is sold.
8. Action 2.g. Assist non-profits in the process of acquiring mobile home parks to turn them into public trusts so that lot rental fees can be controlled. *Manager Medrud advised that staff has had discussions with several non-profits for options in the community. Staff proposes relying on non-profits to contact owners to identify potential opportunities. Councilmember Dahlhoff encouraged proactively supporting the priority as many parks house seniors. Chair Althausen recommended revising the action by including language that speaks to preserving existing housing.*
9. Action 2.d. Support down payment assistance programs for homeownership and programs that assist people entering the rental market. *Manager Medrud advised that the action is likely a regional effort but was included to ensure the option is explored.*
10. Action 2.c. Adopt short-term rental regulations to minimize impacts on long-term housing availability.
11. Action 2.a. Have developers provide tenants displaced by redevelopment with relocation assistance. *The priority is another action that would be coordinated regionally.*

Manager Medrud advised that the next step is revising the status of actions based on the input for review by the committee followed by referral to the Council.

Chair Althausen supported the proposed next steps while also expressing interest in feedback from the committee about addressing the ordinance concurrently as the City attempts to pursue the first two priorities. Next steps could include drafting the ordinance of tenant protections while directing staff to pursue efforts on the first two communication and education priorities.

Councilmember Cathey suggested consideration of options for the City to communicate current efforts by the City to tenants as the City

TUMWATER GENERAL GOVERNMENT COMMITTEE

MINUTES OF VIRTUAL MEETING

February 9, 2022 Page 10

pursues actions. Chair Althausen noted that although the ordinance would include tenant rights, the second tier of programmatic elements of communication and education would be an effective way to communicate the information.

Manager Medrud recommended the next step could include a broad overview of the actions with the Council; however, his concern is beginning with the ordinance as it is important to consider ways to communicate information to the community and will follow up with Director Matlock and staff on the best approach. Chair Althausen agreed with the option of pursuing the programmatic elements first but is concerned about how it would impact the timeline with respect to the ordinance. Outlining the communications program might require months until the Council could consider the ordinance, which might entail another discussion as to whether that delay would be viable.

Manager Medrud offered to schedule an additional meeting between City Administrator Doan, City Attorney Kirkpatrick, Director Matlock, Manager Medrud, and Chair Althausen on next steps to ensure the Council is informed before communicating information to the community. Chair Althausen supported the recommendation.

ADDITIONAL ITEMS:

There were no additional items.

ADJOURNMENT:

With there being no further business, Chair Althausen adjourned the meeting at 4:24 p.m.