

TUMWATER GENERAL GOVERNMENT COMMITTEE

MINUTES OF VIRTUAL MEETING

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CONVENE: 2:01 p.m.

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

Staff: City Attorney Karen Kirkpatrick, Community Development Director Michael Matlock, and Planning Manager Brad Medrud.

Others: Councilmember Eileen Swarthout and Consultant Gary Cooper, Local Planning Solutions.

APPROVAL OF MINUTES MARCH 9, 2022:

MOTION: Councilmember Cathey moved, seconded by Councilmember Dahlhoff, to approve the General Government Committee meeting minutes of March 9, 2022 as published. A voice vote approved the motion unanimously.

ORDINANCE NO. O2022-001, ELEVEN COUNTY ISLAND ANNEXATIONS: Manager Medrud reviewed processes completed to date in preparation for consideration of two ordinances for annexation of 12 county islands. He introduced consultant, Gary Cooper who is assisting the City with the annexation process.

Mr. Cooper reviewed details of the annexations, processes completed to date, next steps, and final action/outcome:

- Today, the City of Tumwater surrounds 12 unincorporated County “islands”
- The 12 unincorporated islands are comprised of:
 - 160 parcels
 - 161 acres
 - 7 islands have 2 lots or less
 - Trosper Lake Island represents 111 parcels and 132 acres

The first 11 islands will be annexed by one ordinance and the Trosper Lake Island will be annexed by a second ordinance.

Thurston County has and is responsible for providing the following services to the 12 county islands:

- County and Local Fire District Services
- Police and Fire
- Roads and Stormwater
- Building and Land Use Permits
- Code Enforcement
- Separate voter pamphlets

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Revised Code of Washington (RCW) 35A.14.296 recognized that county islands cause inefficiencies for the delivery of public services. In 2020, the Legislature passed a new law enabling cities and counties to annex islands through a jointly approved Interlocal Agreement (ILA). The McLane Black Lake Fire Department elected not to participate in the interlocal agreement.

The legislation deemed city annexations of unincorporated areas within urban growth areas will be more efficient and effective if the county and city develop a jointly approved interlocal agreement so as not to create illogical boundaries or islands of unincorporated territory.

Key milestones include:

- September 5, 2021 – McLane Black Lake Fire Department did not object to the proposed annexations.
- December 1, 2021 – Tumwater and Thurston County host a joint open house on the proposed annexations.
- November and December 2021 & January 2022 – The City issued public notices to inform residents and others of:
 - The Open House
 - How to obtain a copy of the draft Interlocal Agreement
 - How to participate in the public hearing on the Interlocal Agreement
- January 18, 2022 – The City Council and the Board of County Commissioners hosted a joint public hearing on the Interlocal Agreement.
- January 18, 2022 – The City Council approved the Interlocal Agreement.
- January 25, 2022 – The Board of County Commissioners approved the Interlocal Agreement.
- February 16, 2022 – Notices of Intent to Annex applications were forwarded to the Thurston County Boundary Review Board for a state mandated review for each annexation area.
- March 7, 2022 – The Boundary Review Board returned nine of the annexations to the City for final action after completing its 21-day review period.
- April 4, 2022 – The Boundary Review Board returned the remaining three annexations to the City for final action after completing its 45-day review period.

Final action occurs when and if the City Council adopts the proposed annexation ordinances. After the effective date of the adopted ordinances, the annexations will be complete.

Next steps include:

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- April 26, 2022 – City Council worksession to review Ordinance No. O2022-001 to annex the first 11 islands.
- May 17, 2022 – City Council considers and approves Ordinance No. O2022-001 to annex the first 11 islands.
- The larger Trosper Island Annexation will be annexed separately from the first 11 islands:
 - May 11, 2022 – General Government Committee briefing on Trosper Island annexation Ordinance No. O2022-002.
 - May 24, 2022 – City Council worksession to review Ordinance No. O2022-002 to annex the Trosper Lake Island.
 - June 7, 2022 – City Council considers and approves Ordinance No. O2022-002 to annex the Trosper Lake Island.

Manager Medrud added that as part of the approval process, a public hearing is not required; however, the City plans to issue public notices when the ordinances are considered by the City Council.

Chair Althausen noted that during each regular Council meeting, the public will have an opportunity to provide comments on the proposed annexations during the public comment segment.

Director Matlock added that the Council has the option of including the annexations as a Council Consideration because of the number of public meetings held to date.

Chair Althausen recommended combining the ordinances for review during one Council worksession.

Manager Medrud suggested retaining two regular Council meetings to consider each ordinance separately, as well as the committee recommending a consolidated Council worksession for both ordinances with removal of the Trosper Lake Island annexation from the committee's next meeting agenda. The committee supported the recommendation.

Committee members and staff discussed how islands were created and efforts by legislators to change laws to enable municipalities to annex islands to create cohesive boundaries and better delivery of services.

CONSENSUS:

The General Government Committee recommended the Council conduct a one worksession on both ordinances on April 26, 2022 with the Council establishing dates for Council Considerations of both ordinances.

URBAN FORESTRY MANAGEMENT PLAN –

Manager Medrud reported the City is updating three different policies/regulations based on the adoption of the Urban Forestry

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LANDSCAPING REGULATION UPDATE, SCOPE OF WORK:

Management Plan. The first update is to the Tree Protection Ordinance. Staff released a Request for Proposal (RFP) requesting consultant assistance with technical updates and a public process. The City received two responses to the RFP with both responders indicating they did not plan to submit a proposal because of the lack of capacity. Staff is considering whether to reduce the RFP scope of work or re-release the RFP. Additionally, the City received a funding award of \$20,000 from the Department of Natural Resources for efforts on the Street Tree Plan effective July 1, 2022 through June 30, 2023. The initial intent in terms of order of review was the Tree Protection Ordinance, Landscaping Ordinance, and the Street Tree Plan.

Manager Medrud noted that the Arbor Day celebration on Saturday, April 23, 2022 at Tumwater Historical Park includes a giveaway of 100 tree seedling and giveaway bags of various tree/plant related materials.

Manager Medrud outlined the scope of the update to landscaping regulations. Landscaping regulations are implemented when a development application is received for new development on a greenfield site or expansion of an existing use or an addition to an existing use. Landscaping regulations are intended to provide some minimum requirements and standards to buffer incompatible uses and to improve aesthetics of the City and of the development and the environment.

The update process will begin with identifying stakeholders, needs, and the role of the update process. Included within landscaping regulations is irrigation to ensure sufficient water is available to grow and maintain plants. The update includes meeting with professional consultants responsible for designing larger landscapes for commercial, industrial, and residential developments, as well as environmental interests and Puget Sound Energy, Chamber of Commerce, neighborhoods, and with Development Review staff.

The update will cover ongoing maintenance and code enforcement and ensure the update and the regulations address equity and environmental justice.

Chair Althausen asked about including other neighborhoods with no formal neighborhood association to receive input. Manager Medrud said it likely would be possible; however staff has encountered some difficulty in contacting homeowner associations because the City's list is neither current nor complete. However, staff can contact other informal neighborhood groups. He added that staff would also outreach groups and business owners involved in the Brewery District and the Capitol Boulevard Corridor projects.

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Councilmember Dahlhoff recommended utilizing the resources of TOGETHER, Boys and Girls Club, and Big Brothers Big Sisters as a conduit to distribute information about the update.

Councilmember Cathey asked whether it would be possible to use tree mitigation funds for developments that remove large trees to create buffers. Manager Medrud said it is possible to explore; however, the landscaping ordinance pertaining to buffers includes two tiers of buffers. Level 1 screening is considered solid landscaping in an area of approximately 10 feet wide. Level 2 is a narrower requirement of an 8' width screen. The planting of trees can be a component of the buffer but in many cases tree canopies prevent the development of a solid visual screen within the buffer. He added that the retention of trees often overlap tree preservation and landscaping requirements and it would be important to consider ways to incorporate the preservation of existing trees in larger areas as part of the landscaping ordinance.

The next stage of the process is development of the ordinance with reviews by the Tree Board, Planning Commission, and briefings to the Council on the status of efforts and the direction of the update. Joint meetings between the Tree Board and the Planning Commission will be scheduled as well. A joint meeting with the City Council and the two advisory bodies will also be scheduled.

The public participation plan includes social media outreach and news media efforts. The scope of work and work products include an update to the Tumwater Municipal Code 18.47 *Landscaping* and any other sections to the code that have been identified during the update process. Potential changes to the Tumwater Development Guide will be reviewed by the Public Works Committee. The update process will also consider any changes to the Citywide Design Guidelines to ensure coordination with the TMC, as well as any potential changes to the Comprehensive Plan as part of the eight-year update process.

The proposed schedule will be revised with the first step releasing the RFP to initiate the consultant process followed by meetings with the Tree Board, Planning Commission, and the Council.

Manager Medrud invited feedback and any suggestions members they have or have received from the community on requested changes or improvements to the code. Members offered the following comments and suggestions:

- Consider natural play spaces
- Encourage cohabitation of people and animals
- Partner with local businesses to incentivize the diversity of vegetation species

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- Update the City's website on tree removal requirements
- Ensure the update incorporates actions within the Climate Action Mitigation Plan to improve the environment and plant and wildlife species
- Consider unintended consequences when planting trees
- Consider the research on emotional, mental, and physical health of people who live with access to parks, shade, and areas with trees
- Consider rain gardens and landscaping beneficial for retaining moisture to reduce irrigation need
- Consider the lack of visual buffers between large complexes and other uses
- Consider the balance between vegetation and wildlife

Manager Medrud responded to questions about the consultant and seeking examples of other ordinances from other jurisdictions. He emphasized the importance of focusing the update from the community's perspective and values to create a draft with the understanding other examples could serve as reference material to aid in the update process.

ADJOURNMENT:

With there being no further business, Chair Althausen adjourned the meeting at 3:00 p.m.

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