

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

PRESENT: Chair Elizabeth Robbins and Commissioners Grace Edwards, Joel Hansen, Terry Kirkpatrick, Nam Duc Nguyen, Meghan Sullivan, and Michael Tobias.

Excused: Commissioners Doty Catlin and Nathan Peters.

Staff: Planning Manager Brad Medrud.

CHANGES TO AGENDA: The agenda was modified to add *Welcome and Self-Introductions*.

WELCOME AND INTRODUCTIONS: Chair Robbins welcomed Grace Edwards to the Commission. Commissioners and Manager Medrud provided self-introduction and shared information about their professional background.

**APPROVAL OF
MINUTES –
NOVEMBER 9, 2021:**

MOTION: **Commissioner Hansen moved, seconded by Commissioner Tobias, to approve the minutes of November 9, 2021 as presented. Motion carried unanimously.**

COMMISSIONERS' REPORTS: There were no reports.

MANAGER'S REPORT: Manager Medrud advised that notices would be forwarded to Commissioners for training on Open Public Meetings. Commissioners are requested to complete the training every four years.

PUBLIC COMMENT: **Ursula Euler** reported she served as the City's Finance Director and retired from the City last year. Recently, she has become interested in statewide work by the Washington State Department of Transportation (WSDOT) on finding solutions to meet the need for airports and airport services for passengers and cargo. The efforts to site airports have been in progress over the last 20 years. The area of her neighborhood is located where WSDOT proposed a mega airport approximately 10 years ago. She lives in the Black Lake River access area off Delphi Road near Black Hills.

Ms. Euler reported she has followed the work by the WSDOT Commercial Aviation Coordinating Commission (CACC) formed by legislation in 2019 mandating recommendations on airport expansions and one new airport site. It is likely an expansion of airports and the siting of a new mega airport would be required. Rather than influencing

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the decision to expand, she suggested it is more about putting fences and rules around how expansion and the siting of a new airport should occur. She stays informed by participating in the CACC meetings. She stressed the importance of the City becoming involved and following the meetings to ensure local jurisdictions are protected or are properly compensated both in time, efforts, responsibility, and accountability, as well as monetarily.

Recent information was released by the University of Washington on pollution studies of ultrafine particles. Those who live and work around airports do so in an unhealthy environment over time. The studies have identified the hazards and the committee and the state are ignoring the information, as well as information on how the health and wealth of a community decline around airports.

Ms. Euler submitted comments to the Commission with two recommendations. The first recommendation is for staff to attend the commission meetings to glean information that could be translated into future policy. The second recommendation is to invite representatives from the University of Washington to present the studies to the Commission and to the City Council on ultrafine particle research. The groundbreaking research is credible but does not speak to either supporting or not supporting airports. The research is critical for the City to develop policies. She added that she was stunned to learn that Rudy Rudolph, Airport Director with the Port of Olympia and member of the commission, supported concealing the study from the public.

Commissioner Hansen shared that he also has been following the commission's process and supports Ms. Euler's recommendation for the City to consider the research on ultrafine particles attributing to an increase in cancers and heart disease. One member of the committee who lives directly along the flight path of SeaTac Airport is suffering from Hodgkin lymphoma. The member presented the committee with information on the negative health outcomes in his neighborhood. The excess death rate in communities within a certain radius of a major airport is equal to the death rate from COVID in March and April 2020. The study is important and should not be concealed as it speaks to a clear case of public health harmed by development. The Port of Olympia Commission voted to remove the airport from consideration for expansion; however, the CACC has indicated local opposition to expansion would not necessarily be a determining factor and that the CACC could override the opposition by expanding the airport or even siting another airport south of Tumwater in the future. Everyone in the region should be paying attention to the proceedings of the CACC.

Ms. Euler added that the issue is a matter of urgency as the CACC is obligated to forward a recommendation to the Legislature on February

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15, 2022. Of the list of six airports for potential airport expansion, none are located in Thurston County. However, on January 7, 2022, the CACC will vote on finalizing the list and it could be possible someone would recommend adding a Thurston County site.

PUBLIC HEARING:

**EMERGENCY
SHELTERS AND
HOUSING –
ORDINANCE NO.
O2021-019:**

Chair Robbins outlined the public hearing process and format.

Chair Robbins opened the public hearing at 7:26 p.m. on Ordinance No. O2021-019, Emergency Shelters and Housing.

Manager Medrud briefed the Commission on responses to the Commission's questions and responses to the Mayor's comments received earlier in the day.

The ordinance updates Tumwater Municipal Code (TMC) Chapter 18 Zoning to address three state laws adopted in 2020 and 2021. The laws require local governments to allow certain housing types in particular locations. The laws include a timeline for incorporating the changes. The City has not received any proposals that would be affected by the proposed changes or timelines for approving the changes.

A summary of the proposed amendments include:

- Modifying language to identify that adult family homes can allow up to eight (previously six) adults, if the additional capacity is approved by the Department of Health and Services (DSHS). The amendment applies to the definitions section and to another section in the code addressing adult family homes.
- Modifying the definition of "family" so that it does not regulate or limit the number of unrelated persons that may occupy a household or dwelling unit.
- Allowing transitional housing or permanent supportive housing in zone districts allowing residential dwelling units or hotels/motels in the City.
- Allowing indoor emergency shelters and indoor emergency housing in zone districts allowing hotels or motels.

Manager Medrud reviewed proposed new definitions (Chapter 18.04):

- Emergency housing is temporary indoor accommodations for people in need.
- Emergency shelter is a temporary indoor shelter for people in need that may include day centers, such as a warming center or a cooling center dependent upon the season. Day centers may

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allow for overnight stay.

- Transitional housing is temporary housing with support services intended to be the next from emergency housing or emergency shelter. Individuals may live in a transitional or temporary housing for a period of two weeks to two years with support services provided to help prepare the individual to transition to regular housing.
- Permanent supportive housing is subsidized leased permitted housing with support services providing a higher level of service than traditional housing.
- The proposal includes a collective term for the four definitions of “Supportive Housing Facilities.”

Mayor Kmet forwarded a recommended change to clarify the definitions of “emergency housing” and “shelter” by including language clarifying that emergency housing typically provides individual rooms for sleeping whereas emergency shelters are more likely to have common areas for sleeping. In both cases, the uses could have communal bathrooms and/or kitchens or dining areas. Staff prepared a proposal for the Commission’s consideration for the definition of emergency housing in Section 2 of the ordinance to include language stating, “Emergency housing provides individual rooms for sleeping and may have communal bathrooms and kitchens or dining areas.”

Commissioner Hansen questioned whether all emergency housing provide individual rooms. Manager Medrud advised that if there are questions surrounding the recommended language, the Commission could elect not to include the language but include a recommendation to the City Council to explore the issue further to enable time for staff to complete some research.

Chair Robbins offered that the importance of the change is the opportunity for an individual to have shelter for sleeping regardless if it is in an individual room or in a communal situation. Manager Medrud said the differences between “emergency housing” and “shelter” has been problematic in terms of differentiating between the two types of facilities because they both appear to provide similar services.

Chair Robbins suggested the possibility of not adding language identifying the distinction as it appears it would be unnecessary. A single term that could encompass any combination of short-term warming, cooling, sleeping, or eating, etc., could suffice rather than adding two definitions.

Manager Medrud noted the definitions are defined in state law. The difference between “emergency housing” and “emergency shelter” in the definitions is that one provides for day accommodations (warming

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or cooling centers) that do not necessarily include an overnight stay component.

Commissioner Kirkpatrick asked whether a person receiving a two-night voucher for a hotel room could be considered as emergency housing. Manager Medrud responded that in that type of situation, the two-night stay would be considered a zoning use as a hotel or a motel. However, if a non-profit or the Thurston County Housing Authority assumed ownership and converted an existing hotel to an emergency shelter or some similar use, the new definitions would apply. Commissioner Kirkpatrick recommended revising the language reflecting, “emergency housing may provide” to afford the same flexibility reflected in the last sentence of the same section. Manager Medrud responded that the goal is for the definition to provide an explanation. In terms of a broader interpretation, the recommendation would be more defensible.

Commissioner Tobias commented on the recent action by the City of Olympia to clear the homeless encampments along Deschutes Parkway. The residents of those encampments were offered hotel vouchers for hotels in Lacey. He stressed the importance of having some mechanism for communicating emergency housing initiatives between local jurisdictions. Manager Medrud noted that because of the pandemic, many entities are using hotel/motel space for the homeless as a way to provide shelter while maintain distancing requirements for public health. Some other jurisdictions are considering conversions of hotels/motels to emergency shelters while in some cases, the use of vouchers is an emergency measure until other arrangements can be coordinated.

Manager Medrud recommended the definition of “emergency shelter” should state, “Emergency shelters may provide individual rooms and common areas for sleeping along with communal bathrooms and kitchens and dining areas.”

Chair Robbins recommended revising the definition to reflect, “Emergency shelters may provide individual rooms or common areas or both for sleeping...” Manager Medrud agreed to revise the definition.

Commissioner Kirkpatrick noted that all emergency shelters in place in Thurston County require the occupants to sign a letter of agreement prohibiting the use of drugs, alcohol, and aggressive behaviors. He questioned whether those agreements are different from an occupancy agreement. Manager Medrud said it is dependent upon whether the shelters are deemed to be low barrier in terms of accepting most people subject to some basic rules. Commissioner Kirkpatrick suggested clarifying that low barrier does not mean allowing the use of drugs or

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drinking alcohol. Low barrier shelters essentially allow people who may be under the influence of drugs or alcohol. The individual signs an agreement promising not to use drugs or alcohol while on the site. Manager Medrud affirmed he would highlight the section for further review with the City Attorney.

Chair Robbins asked whether the provision could be subject to including “may” or “may not require the occupants to sign an agreement” or whether the provision asserts that some form of agreement should be required of some kind. Manager Medrud offered that the issue is whether the language is more restrictive than state law. Chair Robbins suggested seeking input from a provider of an emergency shelter to learn about the practicability of the provisions applied to the operation of a shelter. Manager Medrud replied that he is not aware of any facility that provides shelter that would not have some minimal level of agreement. Chair Robbins noted that if state law is affording providers some flexibility based on city ordinances by including “may” the City might want to consider requiring providers to have some type of occupancy agreement.

Manager Medrud reviewed changes to the Use Tables in the code for emergency housing and emergency shelters. Those uses would be permitted in any zone district currently allowing hotels or motels. He referred to a map identifying the location of the zone districts.

Commissioner Kirkpatrick asked about those circumstances involving a faith-based facility offering shelter services not located in one of the permitted zone districts. Manager Medrud said the facility would not be able to provide the shelter. Commissioner Kirkpatrick did not support the restriction. Manager Medrud added that a faith-based facility would have other options, such as providing a temporary shelter under the existing ordinance or providing transitional or permanently supportive housing under the proposed definitions. Commissioner Kirkpatrick offered that the proposed zone districts would prohibit an opportunity for the City to have some emergency shelters provided by faith-based organizations.

Commissioner Tobias asked whether extreme weather events provide the ability for jurisdictions to temporarily suspend ordinances to allow organizations to provide emergency shelter. Manager Medrud said he believes it is possible because the City has provided emergency shelter at some City facilities. He cited language in the staff report that speaks to the Planning Commission considering how religious facilities would be a likely host to supportive housing facilities and how the ordinance could accommodate that. It has been the goal of the City to support such efforts and the City has been discussing various proposals with the local faith community as part of the City’s homelessness response for

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the past four years. For example, the City of SeaTac provided a separate process for religious facilities: “Allowed only as part of permitted Religious Use Facility Accessory not to exceed 20% of total building square footage, providing operating plan is approved ensuring there are no significant traffic or noise impacts to neighbors, and that health and safety standards are met.” That example might address Commissioner Kirkpatrick’s concerns.

Commissioner Kirkpatrick offered that considering the option would need to move to language that is codified to satisfy the intent. Manager Medrud questioned whether the intent by the Commission is to add the language or some variation to the ordinance as an amendment.

Chair Robbins asked whether altering the language to incorporate non-profits rather than specifically applying the provision to a faith-based facility would be possible. Manager Medrud said the Use Tables define churches but the tables do not define non-profits.

Manager Medrud queried Commissioners on support or non-support of Commissioner Kirkpatrick’s recommendation. Chair Robbins and the Commission supported Commissioner Kirkpatrick’s recommendation.

Commissioner Edwards inquired about the number of shelters existing within the City. Manager Medrud said at this time, he is not aware of any emergency shelters or emergency housing operating in the City of Tumwater during the last five years. Most shelters are located in and around downtown Olympia with recent expansion along Martin Way with some discussions about locating shelters in Lacey.

Manager Medrud reported another change to the Use Tables involves permanent supportive housing and transitional housing. Those uses would be permitted in any zone district that allows residential uses or hotels or motels. Only Light and Heavy Industrial and the Town Center Professional Office and Civic Subdistricts would not allow those uses.

The proposed ordinance proposes a new section for general land use regulations in Chapter 18.42 on standards for supportive housing facilities. Commissioners previously elected not to require a conditional use for the facilities but that the City should have some general standards that could apply to a new housing facility. The proposed standards would apply to both a new supportive housing facility or with a conditional use permit in those limited cases where a conditional use permit would be required. The most restrictive requirements would be applied if more than one of the uses were proposed for the same area. The intent is for the uses to match the bulk and scale of surrounding residential uses. Because the uses can vary depending upon the type of services provided and number of staff members, the proposal includes a

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requirement for completion of a parking study as part of the application process. Different supportive housing uses must be located at least 1,320 feet apart to meet the intent of the policy in the housing code to avoid placement of those types of uses in only one area of the City. Operations and service plans must be submitted to the City by the operators. Onsite services or transportation access to offsite services must be provided.

Commissioner Kirkpatrick said he believes the Commission recommended striking the 1,320 feet distance requirement based on the discussion surrounding the Drexel House that includes three levels of supportive housing serving different groups of individuals. Manager Medrud explained that the provision was not removed; however, the assumption is that if the most restrictive use is proposed and co-location is possible for efficiencies or multiple organizations provide services in one area, the City would be supportive. The provision applies to those uses that are separate and distinct of supportive housing uses that are not related. Commissioner Kirkpatrick agreed with the explanation but noted the provision does not speak to that explanation. Manager Medrud offered to review the language in the code later in the meeting.

Chair Robbins mentioned the conversation surrounding the latitude afforded the Community Development Director to render a decision concerning the proximity of uses. Manager Medrud explained that as part of the proposal (18.41.150), the Community Development Director would have the ability to make modifications dependent upon specific circumstances to all of the proposed standards.

Manager Medrud said a limit on the size of the facilities is included dependent upon the zone district. The intent is to ensure the intensity of the use matches the intensity of the neighborhood.

As part of the conditions for transitional housing, Mayor Kmet recommended additional language to clarify that the operator should, as part of the process (18.41.15), specify a minimum and maximum time limit for occupation of the units. State law stipulates that in general the timeline is a range of two weeks to 24 months with an option for modification if needed and approved by the Community Development Director. The Mayor's concerns surround a specific enforcement case where a person was operating a house on a nightly basis that created many issues.

Mayor Kmet also asked about the occupancy limits for all supportive housing facilities. However, the City's ability to limit occupation in the zoning code by number of people is more restrictive. Restrictions are included in the Building Code primarily for fire and safety reasons. Mayor Kmet recommended adding language to Tumwater Municipal Code 18.42.150 to clarify that the minimum area per occupant would be

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established by the Building Code, which is currently 200 square feet of minimum gross area per occupant.

Commissioner Kirkpatrick questioned whether the proposal would limit a tiny house to no less than 200 square feet. Manager Medrud affirmed 200 square feet would be the minimum square footage for a tiny house as well. Commissioner Kirkpatrick supported the recommendation.

Mayor Kmet also questioned the need for a landscape buffer for supportive housing facilities and suggested the Commission discuss the requirements for Type 1 landscaping as currently required for emergency housing and emergency shelters versus Type 2 landscaping for permanent supportive housing and transitional housing. Type 1 landscaping (Tumwater Municipal Code 18.47.050) requires a site barrier buffer separating incompatible uses at a minimum of 10 feet in width with screening of at least six feet in height at the time of planting (row of trees or shrubs). The visual separation barrier under Type 2 landscaping would be less with an eight-foot wide planting area and some level of screening.

Chair Robbins commented that the commitment for barrier space could be too strict because it would entail additional space that could affect resources for providing emergency shelter. She recommended seeking input from a provider of the service. Manager Medrud said any use to be developed would have some level of required landscaping. The issue speaks to the level of density and the amount of plantings required, which would entail a higher upfront cost. However, solid screening may require less maintenance over time and reduce costs. He believes requiring Type 2 landscaping would suffice as it would require fewer plants and is a shorter barrier in length while providing a good separation from surrounding uses.

Commissioner Kirkpatrick asked about landscaping requirements of adult family homes. Manager Medrud said screening requirements are not applicable to adult family homes; however, the developer would be required to follow traditional site landscaping requirements.

Manager Medrud proposed changing Type 1 to Type 2 landscaping for emergency housing and emergency shelter.

Manager Medrud summarized the Commission's previous discussions and recommendations:

- Discussed whether an occupancy use permit (CUP) is required or if the uses would be permitted outright. The Commission supported permitting the uses outright.
- The Commission removed separation standards from

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incompatible uses.

- Simplified the application process.
- Discussed the modification process for the standards and agreed to allow for flexibility for different providers with different needs and different proposals.
- Discussed how different uses and different managing agencies could be located on the same site.

Following the public hearing, the Commission may forward a recommendation to the City Council. The next steps after a recommendation by the Commission is a review by the General Government Committee following by a joint Council/Planning Commission worksession.

Commissioner Tobias asked whether a regional strategy has been discussed whereby each jurisdiction could focus on a specific area of use without neglecting the other uses, if needed. Manager Medrud responded that the Commission's discussion surround the kind of uses that would be allowed if a provider proposed a use within the City. A regional discussion by the cities and Thurston County is occurring at the Regional Housing Council (RHC) with recognition that homelessness and its associated issues are not issues limited only to one or two jurisdictions and that the intent is to enable a process for more equitable distribution of services across the county. Part of the efforts by the RHC is approving funding awards during an annual process for an assortment of services related to homelessness, housing, and support services. RHC members have also discussed the possibility of jurisdictions focused on specific types of services dependent upon the size of the population. For example, the City of Lacey focuses on providing homelessness services to veterans. The RHC has encountered some challenges when specific sites have been identified for a specific use because it often generates negative public feedback.

Chair Robbins asked about the possibility of a tracking mechanism or report on those instances where the Community Development Director has exercised an adjustment. Manager Medrud said the code does not require any type of follow-up on decisions rendered by the Community Development Director; however, he does not anticipate the City receiving many development proposals for those specific uses. Staff would likely monitor any decisions that include modifications. He cited language in the ordinance for the modification process by the Community Development Director enabling the Director to modify one or more of the standards.

Manager Medrud referred to language on separation and distance conditions that stipulate no supportive housing facility shall be located closer than 1,320 feet from another supportive housing facility.

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Additional language could be considered specifying that the application of the provision would apply to unrelated supportive housing as the City supports co-location of supportive housing facilities to improve efficiencies. The intent of the language is to avoid over-burdening particular areas of the community.

With there being no public testimony, Chair Robbins closed the public hearing at 8:38 p.m.

MOTION: Commissioner Kirkpatrick moved, seconded by Commissioner Sullivan, to forward Ordinance No. O2021-019; Emergency Shelters and Housing as modified to the General Government Committee for consideration. Motion carried unanimously.

NEXT MEETING: The next regular meeting of the Commission is on January 11, 2022. The December 28, 2021 meeting has been canceled.

ADJOURNMENT: Commissioner Hansen moved, seconded by Commissioner Sullivan, to adjourn the meeting at 8:43 p.m. Motion carried unanimously.

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