

TUMWATER JOINT CITY COUNCIL AND PLANNING COMMISSION
MINUTES OF HYBRID MEETING
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CONVENE: 6:00 p.m.

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

Planning Commission: Chair Elizabeth Robbins and Commissioners Grace Edwards, Terry Kirkpatrick, Brandon Staff, and Michael Tobias.

Absent: Councilmember Leatta Dahlhoff and Commissioner Anthony Varela.

Staff: City Administrator Lisa Parks, City Attorney Karen Kirkpatrick, Community Development Director Michael Matlock, Fire Chief Brian Hurley, Parks and Recreation Director Chuck Denney, Transportation and Engineering Director Brandon Hicks, Water Resources and Sustainability Director Dan Smith, Planning Manager Brad Medrud, and Housing and Land Use Planner Erika Smith-Erickson.

**2025
COMPREHENSIVE
PLAN PERIODIC
UPDATE – JOINT
WORK SESSION
DEVELOPMENT
CODE:**

Manager Medrud said the discussion will focus on the approach to Washington State required amendments to the Tumwater Municipal Code, focusing on specific housing related amendments.

The need for housing in the City is based on a 20-year forecast the City is required to accommodate as part of the 2025 Comprehensive Plan Periodic Update. The forecast identifies a need for 6,676 new housing units in the City of Tumwater and over 2,516 housing units in the urban growth area equating to more than 70% of existing housing. New requirements in state law require the City to plan and add housing units based on Area Median Income (AMI) in five income categories of: 0-30% AMI; 31%-50% AMI; 51%-80% AMP; 81%-120% AMI; and above 130% AMI. Additionally, the City must plan to accommodate a specific percentage of housing for each category of AMI based on Thurston Regional Planning Council's housing allocation for the City.

Tumwater's zoning, regulations, permit procedures, and fees directly influence the location, intensity, and type of use that can be built guided in part by the State Growth Management Act requirements, permit, procedures, and infrastructure that facilitates housing development.

Development regulations are legal tools that translate the goals and policies of the Comprehensive Plan into zoning, land division, and environment regulations. Based on the Citywide Future Land Use Map, the City's Zoning Map establishes the location and boundaries of the zoning districts that allow specific uses and intensities. The agenda packet includes a copy of the Zoning Map.

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Questions to consider during the update include ways to simplify code language to enable the development of more housing and any specific concerns that should be addressed in addition to the new requirements.

Manager Medrud said the discussion will focus on specific housing-related amendments for middle housing, accessory dwelling units (ADUs), co-housing and other residential ownership types, use of existing buildings for housing, and other housing items.

Planner Smith-Erickson explained that middle housing is a range of housing from detached single-family homes to large multifamily complexes. The types of housing units are duplexes, triplexes, fourplexes, fiveplexes, sixplexes, townhouses, courtyard apartments, and cottage housing. The intent of recent legislation (House Bill 1110) is to increase middle housing in areas traditionally dedicated to single-family detached housing. New requirements allow two units per lot in residential zones and at least four units per lot in residential zones if one of the units is dedicated as affordable housing. As an alternative, it is possible to meet density requirements on 75% of City lots that are primarily dedicated to single-family. Staff is reviewing guidance on the alternative. Other state requirements for ADUs, parking, and transit availability are broader than the legislation. Meeting the two ADUs per lot requirements may address some of those requirements. Other requirements include allowing at least six of the nine types of middle housing in residential zones and allowing zero lot line short plats.

Manager Medrud added that the City's obligation to allow for two dwelling units per lot also requires no minimum lot size, which means that any lot that currently exists in the City or developed as part of a subdivision above 1,000 square feet could have two single-family houses, a duplex, a single-family house, or an ADU and meet the requirement in any residentially zoned area. Secondly, six of the nine middle housing types provide a variety of housing types. If one of the units is affordable (up to 50 years 80% or under AMI) it is possible to have four units of the six middle housing types. The City's zoning is based on density by acre not by lot.

Planner Smith-Erickson noted some residential zones have lower densities with some zoning designations that only allow one single-family residence on one lot.

Councilmember Cathey asked whether considerations of the new requirements relate to the neighborhood in terms of size or people living immediately next door or within the shade of a multi story building. Her concern is that the new requirements will change the character of neighborhoods and she is hopeful the Council will discuss how the changes could affect existing housing. She also is not a fan of zero lot lines as it can create some difficult circumstances for people. Manager Medrud responded

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that the City is able to consider compatibility of design between different housing types and the existing neighborhoods with some constraints in design guidelines. Staff is exploring the degree of flexibility the City may have to address design conflicts. He is also unsure as to how to solve the concerns regarding zero lot lines given the new state requirements. Staff anticipates there may be some examples from other jurisdictions in central Puget Sound demonstrating how those issues were resolved.

Chair Robbins asked to what degree all future development has to adhere to the new requirements to achieve meeting housing unit goals. Manager Medrud said a developer can propose a project that is less but not beyond the maximum. Developers could construct two units per lot, but it would not be required. It is the developer's option to determine how to meet any regulations.

Chair Robbins commented that in order to meet City housing goals, it might be incumbent upon the City to determine ways to incentivize development of middle housing in many areas of the City.

Planner Smith-Erickson reported that under the new requirements, the City is required to address the following factors for middle housing:

- Limit design review for middle housing to standards that apply to single-family houses
- Limit parking requirements for middle housing to one parking space on lots less than 6,000 square feet and two spaces on lots greater than 6,000 square feet
- The Department of Commerce approval of 'substantially similar' plans and regulations to those required in this bill
- The Department of Commerce can grant timeline extension if it will result in displacement or overburdened infrastructure
- The Capital Facilities Plan update can also be delayed by the City if an extension is granted
- Common Interest Communities (e.g., condominium or homeowners' associations) cannot prohibit implementation

Manager Medrud added that staff is currently reviewing Department of Commerce issued guidance and some requirements and how they could be addressed. Some requirements are unclear and will necessitate another review by the Council and the Planning Commission.

Planner Smith-Erickson shared a graphic of a palette of middle housing types both at the house-scale level and at the block-scale level. The graphic was shared with the public during the first public housing open house and the City's Juneteenth event. The graphic of different types of middle housing assisted the community in providing feedback and opinions as to

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which types of housing would be a good fit within the City. The state is requiring cities to allow six of the nine middle housing types. The palette includes examples of 10 cottage housing types and examples of five and sixplexes. Community feedback on fiveplexes and sixplexes was a desire for families to provide generational wealth for future generations. Many would like the option of purchasing multiple units to enable people to age in place with family. Other housing types are standard duplexes and townhouses with individual units sharing a common wall, similar to condominiums. The community was not as supportive of triplexes or fourplexes or units that are stacked, as well as courtyard apartments.

Manager Medrud said staff continues to collect information from the online housing survey.

Planner Smith-Erickson reported good public feedback has been received on how code language could be simplified for middle housing.

Commissioner Tobias mentioned the conversion of homes into apartments. He cited an example of a stock of houses built in the 1890s in north Tacoma that have been converted from large homes to apartment housing. He asked whether the conversion of a large house into multiple housing units would be considered middle housing. Manager Medrud explained that if each unit has a kitchen and bath facilities, it is likely the units would be considered middle housing; however, if those facilities are shared, it would fall under the shared housing model, as most rooming houses and shared housing are typically located in higher density areas. Staff would need to consider how those uses could be available in the City and whether the City wants to include the use. It is possible to convert to individual housing units based on the number of units allowed in the zoning district but it likely would be considered on a case-by-case basis.

Planner Smith-Erickson shared a photograph of an accessory dwelling unit (ADU) next to a single-family residence and asked for feedback on the comparison of the photo compared to new, smaller ADUs. The photo depicted an ADU that was contemporary with new design and bright colors compared to the existing residence. ADUs are included in the update of the Development Code. The intent of HB 1337 is to expand housing options by erasing barriers for the construction and use of ADUs. Cities are to ensure ADU development regulations address state requirements:

- Allow two ADUs per lot – The current code limits ADUs to one per lot with a single-family structure
- Maximum size of ADUs may be no less than 1,000 square feet – The current code limits ADUs to 800 square feet in size
- No development or design standards for ADUs can be more restrictive than on the principal home – The current code limits the design of an ADU to maintain the design of the main building

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- Must allow conversion of existing building to an ADU even if nonconforming – The current code does not allow this option
- Impact fees for ADUs may not be greater than 50% of single-family homes – Current impact fees meet the requirement

Planner Smith-Erickson shared a photograph of a single-family dwelling unit with an ADU located off W Street. Current regulations allow one ADU and off-street parking requirements could apply. The ADU would be limited to 800 square feet in size and must resemble the current residence. She shared an illustration of the same property with two ADUs on the lot. Current regulations require lot coverage limits of 60%, which is approximately 6,543 square feet. Factors to consider include ADU ownership, impervious surface, entrances, setbacks, utility connections, parking, Tree & Vegetation Code, smaller lots, and permitting & recording.

Councilmember Cathey inquired as to any requirements for tree retention of lots similar in size as depicted in the example. Manager Medrud advised that tree retention will be a discussion topic in terms of how new state requirements align with other City requirements. Tree retention is just one component along with open space requirements, impervious surface requirements, and other requirements that will require discussion and consideration because the City cannot prohibit the development of two ADUs on one lot. He added that the City has the option of making different choices with the understanding that the state has established a baseline of what must be allowed; however, the process will entail how the City can meet the state requirements while also meeting other City goals deemed important.

Councilmember Jefferson said she supports the ADU concept because it would have an immediate impact on housing supply. She asked whether an ADU could include tiny homes. Manager Medrud responded that the question pertains to building code requirements. A tiny house on a trailer would likely not be allowed because of foundation requirements for structures. The house size is governed by the building code, which has been revised to enable smaller units for habitation.

Planner Smith-Erickson shared that prior to the housing open house, staff met with some stakeholders comprised of developers and other industry interests. Developers addressed the cost of building an ADU. They advocated for the allowance of prefabricated units to reduce costs and meet supply and demand for ADUs. Some developers indicated the cost to build an ADU is equal to building a single-family dwelling to meet building code, heating, and energy requirements.

Councilmember Swarthout asked whether current regulations allow prefabricated units. Manager Medrud said the current code for manufactured housing would need to be revised, as there are some

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minimum size requirements that do not meet state law. Stick built ADUs require delivery of construction materials to a backyard. A prefabricated unit could be lifted and placed on site, increasing both efficiency and saving time and money.

Chair Robbins inquired as to whether a two-story addition to an existing single-family dwelling unit would be considered an ADU. Manager Medrud said ADUs can include a basement, a converted garage, a floor within an existing house, a separate stand-alone two-story ADU, or an addition to a single-family house.

Planner Smith-Erickson reviewed how other jurisdictions are addressing the new ADU requirements:

- Fircrest – Off-street parking not required for ADUs unless the planning director determines there is insufficient on-street parking to satisfy parking demand
- Kenmore – No additional off-street parking spaces required for an ADU
- Sumner – ADUs created via garage conversion not required to have off-street parking if there is available on-street parking and the unit is located within half a mile of the Sumner transit station
- Kirkland – Off-street parking for one ADU not required, for lots with more than one ADU, one space is required, with exceptions (available street parking within 600 feet or property is located within 1/2 mile of frequent transit service)

Planner Smith-Erickson posed two questions for members to consider:

1. How can the code language be simplified to allow more co-living housing to be built?
2. What concerns should be addressed?

Chair Robbins offered that the question likely is not for the simplification but rather publicizing the information to the community through an awareness campaign as to what is possible for the community.

Manager Medrud advised of staff's engagement with the City of Lacey and other jurisdictions to revise ADU pre-approved building plans. An important part of that process is the education component. Other discussions pointed out the importance of reaching out to local banks and lenders about specific loan structures for different housing types. As part of the education and outreach component, many of those topics will be included.

Councilmember Althausen advocated for the process to address parking requirements in the spirit of promoting missing middle housing and ADUs. Parking is often a major impediment to achieving more ADUs in the City.

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Commissioner Tobias asked about practical measures to prevent someone from purchasing a shed and advertising the shed as an ADU available for rent. Manager Medrud said the shed would need to meet the requirements of the building code. In those instances where someone is advertising a shed as an ADU, the City's code enforcement would apply. The structure must be habitable with a minimum of life, health, and safety requirements in addition to being subject to the building code.

Commissioner Kirkpatrick commented on circumstances where ADUs can be sold with the renter unable to purchase the ADU resulting in someone owning multiple ADUs and leasing them. Manager Medrud said the City lacks the authority to regulate those circumstances as ownership cannot be regulated. In some circumstances, an arrangement would be necessary for access and use similar to condominium ownership.

Councilmember Cathey commented on the issue of parking and concerns surrounding parking requiring further exploration and discussion.

Planner Smith-Erickson noted that the City has more flexibility to tailor the update specific to the City. The City lacks transit services similar to what is offered in the City of Seattle where less off-street parking is not such an issue.

Chair Robbins asked about other jurisdictions in the state or in other areas that have had similar developments that have been completed over time to assist the City. Manager Medrud said staff is anticipating central Puget Sound jurisdictions will be able to provide some examples.

Manager Medrud briefed members on co-living housing defined as sleeping units that are independently rented and provide living and sleeping space and residents share kitchen facilities with residents of other units in the building. The City is required to increase the supply and affordability of residential units for people with incomes 50% of the AMI. One option is the introduction of rooming houses. The City currently allows the use in several residential zoning districts. In Seattle, rooming houses include separate bedrooms with shared kitchen facilities, living areas, and shared bathrooms. An existing house is an example of a rooming house as well as new developments.

For future discussion, the City may not require co-living housing to:

- Contain room dimensional standards larger than that required by the State Building Code, including dwelling unit size, sleeping unit size, room area, and habitable space
- Provide a mix of unit sizes or number of bedrooms or include other uses
- Have off-street parking within 1/2-mile walking distance of a major

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transit stop

- Provide more than 0.25 off-street parking spaces per sleeping unit
- Meet any standards that are more restrictive than those that are required for other types of residential uses in the same zone
- Treat a sleeping unit in co-living housing as more than 0.25 of a dwelling unit when calculating dwelling unit density or fees for permitting and utility connections
- Exclude co-living housing from participating in affordable housing incentives

Use of existing buildings for housing is applicable to the City primarily for office buildings for reuse. The City has received some proposals for some empty state offices for conversion to residential uses.

Use of existing buildings must address the following:

- In zone districts that allow multifamily residential, allows internal units up to 50% of maximum zoning density
- Does not require more parking for internal units
- Does not impose permitting or development standards beyond those that apply to all residential uses in that zone district
- Makes design standards not applicable to residential conversions in existing buildings
- Allows residential units in all areas of buildings except defined ground floor retail on 'major pedestrian corridors' For creation of units within an existing building, the following is not allowed:
 - Require unchanged units meet new energy code
 - Deny building permit due to existing nonconformities
 - Require a transportation concurrency study or environmental study

Manager Medrud shared several photographic examples of local conversions of commercial properties to housing.

Manager Medrud outlined other areas of new legislation for future discussion as part of the update. The new housing parking requirement is tied to the distance to existing transit service. The City currently has two main transit lines running north/south along Littlerock Road and Capitol Boulevard. Recent legislation also added religious sponsored housing which allows an increased density bonus for affordable housing development (either single-family or multifamily) on property owned or controlled by a religious organization, provided certain conditions are met. Recent legislation also limits City requirements on outdoor encampments, safe parking efforts, indoor overnight shelters, and temporary small houses on property owned or controlled by a religious organization.

Ongoing community engagement during the update includes hybrid open

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houses and community conversations featuring an in-person Land Use and Development Code Community Open House on October 2, 2024, at 7 p.m. with a separate online component starting the day of the open house and active for two weeks.

Phase I Community Engagement during 2024-2025 includes a community survey, open houses, coffee talks, social media, and other outreach actions. Phase II Plan Development will focus on Planning Commission and City Council meetings during 2024. Phase III Plan Adoption in 2025 includes Planning Commission briefings, work sessions, and public hearing(s) and City Council briefings, work sessions, and consideration. All information, such as staff reports, presentations, survey results, and other information is posted on the City's website.

Councilmember Cathey complimented staff for emphasizing within the webpage how the update not only includes expansion of housing units in Tumwater but also respect for nature as the City grows.

Councilmember Jefferson thanked staff and the Planning Commission for their service. Each month Commissioners meet and work on the update of the Comprehensive Plan. Some conversations have occurred about stipends for Commissioners similar to how Olympia compensates its boards and commissions. Although she believes stipends were not included in the budget, the issue is worthy of a discussion with the Mayor.

**MAYOR/CITY
ADMINISTRATOR'S
REPORT:**

City Administrator Parks reported the Capitol Boulevard/Trospen Road project is close to completion. Communications staff and Transportation staff are planning a ribbon cutting ceremony on Wednesday, July 24, 2024 from 1 p.m. to 2 p.m. at the southwest corner of Capitol Boulevard/Trospen Road near the former Thai restaurant. The program includes a welcome and remarks by Mayor Sullivan and Pete Kmet with a ribbon cutting following with Mayor Sullivan, Councilmembers, management team, some project staff, John Doan, Pete Kmet, Jay Eaton, and the funding agencies.

City Administrator Parks referred to the South Pacific restaurant fire. Information on the fire was posted on the City's social media platforms. The initial fire call was on Sunday, June 23, 2024 at approximately 2 p.m. reporting a small fire on the deck of the restaurant. The fire was extinguished quickly with crews returning to the stations but called out 20 minutes later at 3:30 p.m. to a much larger fire spreading rapidly on the same side of the building. It took approximately three hours for fire crews to control the fire. Fire crews were on site for most of the night handling hotspots. Roads near the restaurant were closed and reopened Monday morning. Mutual aid was provided by the Olympia Fire Department, Lacey Fire District 3, and the McLane Black Lake Fire District. In addition to Tumwater Fire Department personnel, The City's Water Resources staff, Transportation staff, and the Police Department were on site as well

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providing a coordinated response with Communications staff working closely with the fire department during the event. No injuries or deaths occurred.

Mayor Sullivan added that a Facebook post included video of potential suspect(s) published by the Tumwater Police Department.

City Administrator Parks advised that Building and Fire Safety Official Al Christensen has posted the site as unsafe and hazardous. The property owner has installed fencing around the site. The City will be working with the property owner on next steps as the building needs to be demolished.

Council participation in the 4th of July Parade requires a waiver by each Councilmember to participate. One waiver has been received to date. Councilmembers Von Holtz and Swarthout indicated they both plan to participate and encountered some difficulty in signing the waiver electronically.

City Administrator Parks advised that the July meeting agendas are full and will require lengthy meetings. One transportation proposal will be presented for the first time with a request to approve primarily because the Public Works Committee meetings conflicted with the Association of Washington Cities (AWC) conference and the July 4th holiday. She encouraged the Council to review the staff report for the requests and contact staff with any questions or concerns.

The City hired Jason Wettstein as the Communications Manager scheduled to begin with the City on July 8, 2024. His education includes a bachelor's degree in Communication from PLU. He has worked in communications, public affairs, and media relations for state agencies and non-profit educational and cultural services organizations. Recently, he was the Communications Director for the Washington Department of Children, Youth and Families and previously served in a similar position with the Washington Department of Fish and Wildlife, as well as serving as the Communication Relations Manager at The Evergreen State College.

In terms of interim public safety measures for the Davis-Meeker oak tree, the City continues to work on strategy for securing the services of a qualified arborist to complete a second level tree risk assessment. More information will be available at the next meeting. Transportation and Engineering has developed a memorandum that speaks to potential interim measures to address public safety concerns. The current recommendation is implementation of a temporary speed reduction near the tree and adding night lighting. The current speed limit is 40 MPH. Provisions in state statute dictate that as long as the change in speed limit is limited to 10 MPH, the City can change the speed limit without the necessity of Council action. The proposal is to reduce the speed limit in the vicinity of the tree to

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30 MPH.

Mayor Sullivan conveyed appreciation to Councilmembers who attended the AWC conference.

ADJOURNMENT: **With there being no further business, Mayor Sullivan adjourned the meeting at 7:12 p.m.**

Prepared by Valerie L. Gow, Recording Secretary/President
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