

**TUMWATER CITY COUNCIL
MINUTES OF MEETING
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CONVENE: 7:00 p.m.

PRESENT: Mayor Ralph Osgood, Councilmembers Neil McClanahan, Judith Hoefling, Ed Stanley, Karen Valenzuela, Pete Kmet, Bruce Zeller, and Joan Cathey.

Staff: City Administrator Doug Baker, City Attorney Karen Kirkpatrick, Development Services Director Roger Gellenbeck, Finance Director Jim Hendrickson, Planning and Facilities Director Mike Matlock, Planning Manager Tim Smith Associate Planner David Ginther, Fire Chief John Carpenter, Police Chief John Stines, and Recording Secretary Cheri Lindgren.

APPROVAL OF THE AGENDA: **Councilmember Zeller moved, seconded by Councilmember McClanahan, to approve the agenda as presented. Motion carried.**

SPECIAL ITEMS: There were no special items.

PUBLIC COMMENT: There was no public comment.

CONSENT CALENDAR:

- a. Approval of Minutes: January 20, 2009
- b. The City Council authorizes for payment checks #112871, 112882 through #113039 in the amount of \$1,285,267.42
- c. Ordinance No. O2009-003; Comcast Cable Franchise Renewal
- d. Tree Board Appointments
- e. Asset Transfer Extension with Fire District 5 (Black Lake)
- f. Interagency Operations Agreement with Thurston County Medic One, Fire District 1 and the City of Tumwater

MOTION: **Councilmember Stanley moved, seconded by Councilmember Zeller, to approve the consent calendar. Motion carried.**

Mayor Osgood introduced and welcomed John Shumway, newly appointed Tree Board member and William Schacht, Chair of the Tree Board.

PUBLIC HEARINGS: There were no public hearings.

**COUNCIL
CONSIDERATIONS:**

2008 COMPREHENSIVE PLAN AMENDMENTS (ORDINANCE NO. O2008-027) AND MANUFACTURED HOME PARK DEVELOPMENT

Planner Ginther reported at the January 20, 2009 meeting, the Council discussed changes to the proposal. Staff was directed to work with Councilmember Kmet on the proposed changes and present the changes at the next meeting. He presented changes and additions to the Mobile Home Park (MHP) designation and zone district for multi-family dwellings and condominiums and minimum conditions including:

**REGULATIONS AND
REZONE (ORDINANCE NO.
O2008-009):**

- Multi-family and condominium development shall not occupy more than 20% of the net developable area of the mobile/MHP.
- Multi-family and condominium development shall be located at the primary entrance of the property.
- Density shall be 6-9 dwelling units per acre.
- Maximum structure height shall be 40 feet.
- The remaining portion of the property shall be maintained as a mobile/MHP.
- A relocation plan is required.
- Net density may be increased up to 14 dwelling units per acre and the height increased to 50 feet provided 50% of the additional units are designated as affordable housing (an example calculation was provided).
- An agreement that requires affordable dwelling units to remain as affordable for 50 years or the life of the project, whichever is shorter.

A supplemental handout was provided outlining an additional use exception as follows: "If the property owner so requests, the City Council may review the application for consistency with the criteria in TMC 18.58.040 (1)-(5) for purposes of approving a waiver or modification of zoning regulations to allow reasonable use of the land."

The following is recommended for deletion within section 2.2.6 in the comprehensive plan, "Subdivision and platting of properties for residential purposes, including condominiums, shall not be allowed."

Mayor Osgood advised the Council to schedule another public hearing for February 17, 2009 if the Council contemplates approving the ordinance with the changes presented by staff.

Councilmember Kmet described the additional use exception and redevelopment changes. Some of the additional dwelling units could be available to residents who are displaced because of redevelopment; however, the City cannot mandate that requirement. He emphasized that a relocation plan is also required. City staff worked on a concept to allow some redevelopment of the property while preserving a vast majority of existing homes within a MHP. The changes help the community overall and strengthens the ordinance from a legal perspective. Additionally, redevelopment could occur in frontage improvements, access to public transportation, and City utilities to residents. The changes attempt to address concerns of the underlying property owners while also providing affordable housing and retaining a substantial majority of MHPs in the City.

Councilmember Stanley said he supports the initial ordinance drafted by

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the General Government Committee (GGC) and Planning Commission, which could serve as a model for other cities across the state, and is not supportive of the substitute amendment at this time.

Councilmember Hoefling referred to the City providing smaller, low-income senior housing units for people as they transition from their larger homes. She said she doesn't prefer provisions for increasing the number of dwelling units and the height limit. Increased building heights will impact the character of a MHP.

Councilmember Valenzuela said she's not opposed to the idea of additional units designated as affordable housing. The relocation plan does not address residents displaced by redevelopment when there are no spaces available within the park for relocation. Councilmember Kmet responded that the City does not have a relocation assistance program. The Legislature is attempting to fund the state's relocation assistance program. He agreed displaced residents might not have a readily available alternative.

Councilmember Valenzuela asked whether the MHP owner could be required to make arrangements for displaced tenants to relocate to redeveloped areas. Councilmember Kmet advised that the City cannot legally require the owner to make those types of arrangements. The units would be available to displaced residents, which helps address the issue.

Councilmember Valenzuela asked whether the MHP owner could be required to provide compensation or purchase a tenant's displaced home. Attorney Kirkpatrick replied staff reviewed the issue and concluded the City cannot require anyone to make payments either directly to a tenant or for relocation purposes.

Councilmember Hoefling said she's not comfortable with the notion of residents required to vacate or relocate. One goal of the ordinance is not displacing residents. City Attorney Kirkpatrick reported case law in Washington State indicates the City cannot mandate a property owner to relocate displaced residents.

Councilmember Cathey indicated that the 20% redevelopment option does not decrease the City vulnerability to a lawsuit.

Councilmember Kmet explained that park owners indicated that they want the ability to redevelop MHPs in their entirety, which is not compatible with the City's goal to preserve MHPs. Concurrently, it's reasonable to allow underlying property owners to redevelop a portion of their properties. Redevelopment also helps fulfill goals outlined in the Growth Management Act (GMA). Providing owners with options strengthens the City's position and tries to address some of the concerns of park owners.

Councilmember Hoefling asked whether the City could require additional units designated as senior housing as low income housing. City Attorney Kirkpatrick advised that she didn't review that option.

Councilmember Kmet suggested it would be helpful for the Council to receive public testimony on the proposal.

MOTION:

Councilmember Kmet moved, seconded by Councilmember Hoefling, to schedule a public hearing for February 17, 2009 to receive public testimony on the comprehensive plan, MHP development regulations rezone, and the proposed changes.

Councilmember Valenzuela said she'll oppose the motion. The action is premature prior to exploring whether to pass the ordinances presented by the Planning Commission with the proposed exception section, which she said she supports. She said she's uncomfortable with the uncertainty of what could happen to residents displaced by redevelopment.

In response to comments from Councilmember Cathey concerning Councilmember Valenzuela's position, Councilmember Valenzuela added that she shares concerns expressed by Councilmember Hoefling concerning senior housing and that residents could be displaced if an owner decides to redevelop the property.

Councilmember Zeller said he supports the motion. The issue is complex. It's important the Council has time to evaluate the proposed amendments, and to hear from the public. He said he's unsure at this time whether he supports the proposed language.

Councilmember Hoefling echoed similar comments. She acknowledged Councilmember Kmet and staff's work and said she'll support the motion.

Councilmember McClanahan spoke in favor of the motion, protecting MHP residents, and the ability to provide displaced residents with housing options either on the property or nearby within the community.

MOTION:

Motion carried. Councilmembers Stanley, Valenzuela, and Cathey opposed.

Mayor Osgood asked staff to provide audience members with copies of the proposed changes.

**PRELIMINARY DOCKET OF
2009 COMPREHENSIVE
PLAN AND DEVELOPMENT
REGULATION**

Manager Smith described the City's annual comprehensive plan amendment process. Staff is seeking the Council's approval of the preliminary docket. Staff is available to carry out the City's long-range planning work program. An estimate of staff hours for each project is

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AMENDMENTS:

included on the docket determining the maximum number of projects staff can support. "Below the Line Projects" are amendments for which staffing is not currently available. The timing for work on those amendments is dependent upon the availability of staff as projects above the line are completed.

Manager Smith reviewed the more significant comprehensive plan and development regulation amendments:

- Site specific map amendments/rezones (4) within the City limits
- Prepare a new Economic Development Plan (EDP)
- Site specific map amendments/rezones (3) within Tumwater's Urban Growth Area (UGA)
- UGA resizing/rezoning project – coordinate with Thurston County in the possible resizing of the UGA boundary or rezoning of land in the UGA
- Tumwater Conservation Plan – add goals, policies and action strategies to address impacts of outdoor lighting
- UGA general area rezone – 88th Avenue/Old Highway 99 – change zoning from Single Family Medium (SFM) to Mixed Use (MU) as called for in the comprehensive plan
- Outdoor lighting standards – revise standards to mitigate impacts

Additional projects not on the docket but within the Long-Range Planning work plan include:

- Prepare a citywide Strategic Plan
- Continue work on a new Shoreline Master Program (SMP) for adoption in 2010

Councilmember Hoefling said the general area rezone of the brewery properties currently on hold and listed below the line is a priority. Manager Smith responded that staff will look to the EDP for guidance on appropriate uses for the brewery properties.

Councilmember Valenzuela commented on the importance of the MHP closure process as the Council is considering the MHP ordinance. Manager Smith said adoption of the Port of Olympia's Airport Neighborhood plan into the City's comprehensive plan is far reaching. Staff is recommending moving the request from the comprehensive plan amendments section to below the line projects and combining it with land use and joint plans text and map updates. It's probable staff will have capacity to work on the MHP closure process this year.

Discussion ensued on the number of hours estimated to prepare a new EDP, which includes staff time, the consultant's time, public input

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process, mapping and research work, and public hearings.

In response to a request from Councilmember Kmet, Manager Smith reviewed Puget Sound Energy's (PSE) request to update, identify, and further refine existing and future locations of electric and natural gas facilities.

Councilmember Kmet asked whether the Salmon Creek basin area is part of the UGA resizing/rezoning project. Manager Smith provided a map and indicated that in response to a Western Washington Growth Management Hearings Board (WWGMHB) mandate in 2006, the City recommended a number of study areas. Last year, the county removed the 93rd Avenue area. Thurston County is evaluating two other areas from an environmental standpoint and possibly rezoning or removing portions of 88th Avenue south of the airport and an area straddling Littlerock Road. Councilmember Kmet recalled reviewing a larger area west of the freeway. He suggested initiating discussions for an expanded area because of high groundwater problems as well as defining the area as the process moves forward rather than starting with a small area.

Discussion ensued on the City initiating a broad annexation of the Trails End area rather than considering individual requests on a piecemeal basis. Mayor Osgood pointed out that the Dohlman property owner requested the annexation and funded a majority of the annexation costs. That's not the case for the Trails End area. Manager Smith reported Planner Ginther spent approximately 800 hours on the Dohlman annexation. Councilmember Kmet suggested the Council should discuss potential annexation of the Trails End area during future worksession. Councilmember Valenzuela agreed. The Council has discussed re-examining the City's zoning based on today's environment and the age of some of the zoning designations, which is also connected to the EDP. It's possible the Board of County Commissioners (BoCC) and the Council will meet jointly to discuss topics such as a Trails End annexation and the Salmon Creek basin. Until that occurs, additional adjustments to the docket are unknown.

Mayor Osgood suggested the Council not defer action on the docket too long because it delays the work program. Long-term strategies relating to the annexation policy and Citywide rezoning will not occur in 2009.

Councilmember Cathey suggested adding projects as placeholders. Manager Smith said it's possible to amend the docket during the year. Implementing the EDP will occur in 2010 and beyond.

Councilmember Kmet asked staff to include the floodplain issue on the docket.

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MOTION:

Councilmember Kmet moved, seconded by Councilmember Valenzuela, to approve the preliminary docket recognizing the development regulations section could change, include the flood ordinance to the development regulations section, and add a Trails End annexation to the “below the line projects.” Motion carried.

RESOLUTION NO. R2008-017, AMENDING FEE RESOLUTION:

Director Gellenbeck reported the Council adopted the current fee resolution (R2008-016) on December 2, 2008. Staff worked with the Olympia Master Builders (OMB) on the balance of planning related fees. Additional refinements in R2008-017 changes “General Services” to “Human Resources” and corrects errata in Animal Services fees for licensing of dogs and cats. Exhibit A contains a description of the fee changes.

Councilmember Valenzuela commented on the significant increases for an expanded environmental checklist from \$300 to \$800 and a Conditional Use Permit from \$900 to \$1,900. Director Gellenbeck said the increases are due to costs associated with public hearings and publishing in *The Olympian*.

MOTION:

Councilmember Kmet moved, seconded by Councilmember Valenzuela, to adopt Resolution No. R2008-017, amending the Tumwater fee resolution. Motion carried.

COMMITTEE REPORTS:

PUBLIC SAFETY COMMITTEE:
(Neil McClanahan)

There was no report. The committee’s next meeting is Tuesday, February 10, 2009 at 9:00 a.m.

GENERAL GOVERNMENT COMMITTEE:
(Bruce Zeller)

There was no report.

PUBLIC WORKS COMMITTEE:
(Pete Kmet)

Committee members reviewed the Traffic Impact Fee (TIF) Rate Study at the last meeting. The committee’s next meeting is on Friday, February 6, 2009 at 11:00 a.m.

BUDGET COMMITTEE:
(Doug Baker)

There was no report.

CITY ADMINISTRATOR’S REPORT:

There was no additional report.

OTHER BUSINESS:

The Council received a proposed appointment process for Council Position No. 5, which will be vacated by Councilmember Valenzuela. Mayor Osgood reviewed the five-step appointment procedure. The

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Council will interview candidates on Saturday, March 7, 2009. The Council may appoint a new Councilmember at its March 17, 2009 regular meeting.

The application form includes five questions. Mayor Osgood asked members to review the application form questions, as well as the interview questions, and forward any desired changes to Administrator Baker by 5:00 p.m. on February 6, 2009. A rating scale was also provided.

Councilmember Kmet suggested outreaching other local radio stations in addition to *KGY Radio*.

MOTION:

Councilmember Kmet moved, seconded by Councilmember Stanley, to approve the appointment process as presented and authorize Administrator Baker to initiate the process.

Mayor Osgood described the candidate notification procedure previously used.

Mayor Osgood reported a reception for Councilmember Valenzuela is planned on February 17, 2009 at 5:30 p.m. in the lobby at City Hall.

MOTION:

Motion carried unanimously.

ADJOURNMENT:

Councilmember Stanley moved, seconded by Councilmember Cathey, to adjourn the meeting at 8:31 p.m. Motion carried.

Prepared by Cheri Lindgren, Recording Secretary
Puget Sound Meeting Services