

**TUMWATER PLANNING COMMISSION  
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**CONVENE:** 7:00 p.m.

**PRESENT:** Chair Dennis Morr, Jr., and Commissioners Jessica Hausman, Terry Kirkpatrick, Richard Manugian, Nam Duc Nguyen, and Meghan Sullivan Goldenberger.

Excused: Commissioners Joel Hansen, Nancy Stevenson, and Patrick Zitny.

Staff: Planning Manager Brad Medrud, Senior Planner David Ginther, and Recording Secretary Valerie Gow.

**APPROVAL OF  
MINUTES – APRIL  
24, 2018:**

**MOTION:** **Commissioner Goldenberger moved, seconded by Commissioner Hausman, to approve the April 24, 2018 minutes as published. Motion carried.**

**CHANGES TO THE  
AGENDA:** An update on the sign code survey sponsored by the Tumwater Chamber of Commerce and Tumwater Area Chamber of Commerce was added to the agenda.

**NEXT PLANNING  
COMMISSION** The next meeting is scheduled for May 22, 2018.

**MEETING DATE:** Chair Morr advised that he would be unable to attend the May 22 meeting.

**COMMISSIONER  
REPORTS:** There were no reports.

**MANAGER'S  
REPORT:** Manager Medrud reported the community survey on urban forestry closed on May 7. Over 60 people completed the survey. A similar survey for City of Tumwater employees is in progress. At the next Tree Board meeting, the Board is scheduled to finalize the details of the tree inventory. In June, City volunteers will begin inventorying trees in the City.

Manager Medrud Introduced newly appointed Commissioner Richard Manugian. Commissioner Manugian shared that he began his professional career as a newspaper reporter reporting on planning and zoning. He learned quickly how planning and zoning dictates the shape of a community.

**PUBLIC  
COMMENTS:** There were no public comments.

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**PUBLIC HEARING:**

**WAREHOUSE  
DISTRIBUTION  
STANDARDS –  
ORDINANCE NO.  
O2017-023:**

Chair Morr outlined the public hearing process.

Chair Morr opened the public hearing at 7:09 p.m. on Ordinance No. O2017-023, Warehouse Distribution Standards.

Planner Ginther reported major changes to the ordinance included establishing new definitions for “cross-dock facility” and “motor freight terminal,” refining the definition of “warehouse distribution center,” updating the Commercial and Industrial Use Tables, and text changes to list cross-dock facility and motor freight terminal as permitted uses in the Airport Related Industry, Light Industrial, and the Heavy Industrial zone districts. Currently, warehouse distribution centers are included as a permitted use in Airport Related Industry, Light Industrial, and Heavy Industrial zone districts but are subject to the requirements of Tumwater Municipal Code 18.42.110 (conditional use requirements). “Non-distribution warehouses” were added to the code, and if larger than 200,000 square feet, the use is permitted and it must meet the requirements of TMC 18.42.110. If the facility is less than or equal to 200,000 square feet, the use is permitted in the Airport Related Industry, Heavy Industrial, and Light Industrial zone districts and does not need to meet the requirements of TMC 18.42.110. Warehouse distribution centers regardless of size would be permitted but need to meet the requirements of TMC 18.42.110

TMC 18.42.110 includes the requirements for warehouse distribution centers and non-distribution warehouses larger than 200,000 square feet. The chapter includes two new maps depicting where facilities would be allowed that are related to the requirement that such uses be at least 1,000 feet from urban residential zones and 300 feet from rural residential zones. Access to and from is not allowed through a residential area fronting either side of the street. An existing situation off Kimmie Street SW includes urban residential fronting both sides of the street. Several years ago, residents from the neighborhood offered public comment opposing truck access through the neighborhood. No off-street parking is allowed.

**PUBLIC  
TESTIMONY:**

Planner Ginther referred the Commission to a separate table outlining the proposed changes. Following the public hearing, staff requests the Commission forward the ordinance to the City Council for approval.

**Heather Burgess, 724 Columbia Street, Suite 320, Olympia,** said she is a real estate and land use attorney speaking on behalf of Puget Western Incorporated. As detailed in a comment letter that she provided earlier, Puget Western is a real estate company owning approximately 120 acres of Light Industrial zoned property within the City of Tumwater. Approximately half of the acreage is located on the west side of 93<sup>rd</sup> Avenue in the area of

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Blomberg and Lathrop. That portion of Puget Western's property was previously entitled in Thurston County and annexed to the City of Tumwater, pursuant to a development agreement authorizing the construction of one million square feet of warehouse distribution with other terms, conditions, and design standards. The ordinance, if adopted, would not apply to that Puget Western property. The property has encountered some challenges with respect to development because of the listing of the Mazama pocket gopher creating some delay in working through the entitlement process. The development agreement is effective for several more years.

Ms. Burgess introduced Kurt Krebs, Real Estate Manager, Puget Western, and Don Moody, CBRE, a real estate broker for Puget Western who has been a broker in the area working with other industrial properties for several decades. Mr. Moody has considerable experience working on warehouse facilities including the areas of south King County, Sumner, Auburn, and other areas where warehouse distribution centers are located. Ms. Burgess said she attended several Commission meetings in 2007 and 2010 when some of the issues surrounding warehouse distribution centers were addressed. She understands the City's position with respect to the original decision to include siting criteria and a conditional use permit process for warehouses in excess of 200,000 square feet. She supports removing the criteria from the conditional use permit process and including them within a standard permit process as it achieves the same results. The proposed change enables property to be developed.

She commended staff for the considerable work and direct outreach on the proposal. Staff is working hard in response to specific comments. Her comments are not intended to be critical of staff but from a user and property owner perspective, there are several areas of concern, particularly with the potential development of the Puget Western property east of Interstate 5. Puget Western also owns property adjacent to the site located outside of the designated area, as well as a smaller parcel and an access parcel that is located within a panhandle configuration. Those properties are anticipated and were previously entitled under the City's conditional use permit criteria for approximately one million square feet of warehouse space. Those entitlements have lapsed for a variety of reasons and she anticipates Puget Western would apply to the City for new entitlements. It is unclear as to the timing, but it is possible the proposals could be under the current code or the new proposed code.

It is important to ensure clarity on several specific issues. The first surrounds the definitions for cross-dock facilities and warehouse distribution centers. The concern is how the duration of storage that is driving the difference in the two uses is quantified. Within the cross-dock facility definition, the provision speaks to having little or no storage between the arrival and departure of goods. A good example is the Costco warehouse in the City of Sumner with

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goods delivered on one side and transferred out on another side. There are some variations as well with little or no storage in between when compared to quickly redistribute in the warehouse distribution center ordinance. That provision creates some concern, but not necessarily today, where all parties have a common understanding of the intent, but in the future when others at the City try to apply the standards. The issue surrounds the absence of quantification or an industry standard pertaining to the terminology. She asked that the provision include more clarity about what “quickly” means.

Another example is the Target Center where items are often delivered, such as aluminum Christmas trees well in advance of Christmas that are stored for three to six months before the trees are distributed to stores. Other times, the warehouse has higher demand items that are received and distributed quickly. “Quickly redistributed” could depend on the type of goods, the nature of the distributor, and other factors. To avoid future uncertainty with applications, she would prefer no gray areas because it is not conducive to the City when it is in the process of enforcing codes and it is not beneficial for the property who is trying to abide by the codes. She offered to work with staff to provide some specific examples.

The second requested clarification involves the application of siting criteria as noted in Figure 18.42.110 A depicting an illustration reflective of the 93<sup>rd</sup> Avenue area. The application of the buffer criteria results in an alignment of permitted use areas that do not follow parcel lines, and in some areas, it would separate holdings by the same property owner. The property west of Interstate 5 is not a good example as the property was entitled by Thurston County, which did not have the same standards. The large parcel is a Puget Western parcel entitled for a large distribution warehouse approved under Thurston County codes. That is one example of where the City’s criteria cut through the middle of the property. Of more concern, is the area east of Interstate 5 where the “hatched” areas on the illustration are nearly adjacent to rural residential and subject to the 300 foot buffer rule, which is also owned by the same property owner. As expected with the development of the facility of such magnitude, the development would include storm facilities, tree tracts, and short platting to create other smaller lots. It is unclear as to what the “hatched” area is intended to represent in terms of the actual building and associated infrastructure, such as a parking lot, loading docks, and truck access. She questioned whether the intent might preclude the amenities or other required improvements because of the buffer requirement and whether those uses could continue beyond that area even though they might be associated with the same project. It is unclear if a tree tract would count for purposes of the warehouse distribution development on the adjacent parcels even though it is likely the siting criteria was not intended to preclude the retention of trees.

Ms. Burgess expressed appreciation for the opportunity to address the issues

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and offered to answer any questions.

Commissioner Goldenberger asked about the terminology associated with industry standards for the time span of distribution. Ms. Burgess explained that the definition included in the proposed ordinance is readily available online. At this time, she does not have the accepted industry standard, as there are several variations with some including the timeline while other definitions focus on the activity in the warehouse. She offered to work with staff and provide industry examples. The examples are from NAIOP (National Association of Industrial and Office Properties).

Commissioner Kirkpatrick commented that the two proposed definitions are clearly different in that the primary purpose is to store products whereas the cross-dock facility is to transfer goods from one truck to another truck as quickly as possible. He asked Ms. Burgess whether she has any suggestions for clarifying the definition. Mr. Burgess said the issue is the placement of the definitions together rather than independently. Little or no storage for cross-dock facilities is acceptable except when compared to the additional language that speaks to “quickly distributed” within the warehouse distribution center definition. She suggested revising the definition for warehouse distribution center to reflect, “Primary purpose is to store products for retailers and wholesalers to be distributed to another location or directly to customers.” Eliminating the durational element would avoid confusion. Because the cross-dock facility is more regulated in terms of size, duration could become an important issue later for a larger distribution center warehouse.

**Don Moody, 205 62<sup>nd</sup> Avenue E, Tacoma, 98424**, commented on some problems he has experienced with similar terminology. The banking community does not like any confusion about the type of development for the loan. Clarifying the language would likely improve the likelihood of industries developing in the area. One example is in the North Bend area where a specific amount of warehouse space required a specific amount of office space and manufacturing space. Banks do not like those limitations because development of a building for one purpose might change ownership in the future creating difficulties in locating another tenant. Bankers do not view definitions as flexible. Additional clarification of the definitions is requested.

With there being no further public testimony, Chair Morr closed the public hearing at 7:32 p.m.

Commissioner Kirkpatrick questioned whether the inclusion of “quickly” is necessary. Manager Medrud said the draft definitions were based on information sources from south King County jurisdictions housing many warehousing facilities, as well as some of the industry sources staff consulted.

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Some warehouses are used for long-term storage. The example of the Christmas tree is one, as the impacts from that kind of use are different from a warehouse distribution use which is intended to serve as a 24/7 operation of moving merchandise in and out. Staff is concerned about mapping the use and the impacts from that use as part of this process. Staff debated as to how to characterize the issue. The insertion of “quickly” was a way to address the concern. Manager Medrud recommended leaving the particular issue open, as well as the public hearing until the next meeting to afford time to address the issue.

Manager Medrud addressed the second concern regarding the buffer requirements. Staff was not concerned about the entire use of the site to include associated stormwater facilities, tree tract, parking, and access as part of the 300-foot buffer, but rather the concern was the location of the building and the trucks. Additional language could be included to clarify the intent.

Manager Medrud said the recommendation is continue the hearing for the two issues at the next meeting.

**MOTION:**

**Commissioner Goldenberger moved, seconded by Commissioner Kirkpatrick, to reopen the public hearing on Ordinance No. O2017- 023, Warehouse Distribution Standards, for the purpose of clarifying the definitions and the application of criteria. Motion carried unanimously.**

**BRIEFING:**

**PARK FEE IN LIEU  
OF (FILO) –  
ORDINANCE NO.  
O2018-002:**

Manager Medrud briefed the Commission on the proposed amendments for park fee in lieu of (FILO). The proposal was generated because of how monies are paid to the City in lieu of providing park facilities (donation of land or facilities) when land is developed. The City is moving away from allowing FILO. The proposed amendment includes several components. The first component resulted from discussions with staff from the Parks and Recreation and Public Works Departments and permitting staff to move away from allowing an option for FILO for new residential rather than developing a park facility. Currently, the fee calculation generates a minimal amount of funds. The proposal recognizes instances when a fee would be appropriate, such as higher density development or when an existing park facility is located within a reasonable walking distance of a new development.

The second component recognizes the City’s classifications of open space ranging from active, passive, and other open space. The definition for passive open space includes the placement of park benches, walkways, and other amenities that might promote physical activity. The “other” category is open space for viewing or it has aesthetic values but lacks access. The code lacks any provisions for requiring site designs to provide a specific amount of active open space or passive open space. The proposal includes a

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recommendation for discussion purposes.

Manager Medrud referred to a copy of the ordinance with notes explaining the basis for the proposed changes and a summary of open space requirements currently required in the City along with accompanying notes clarifying particular items.

Manager Medrud reviewed the existing hierarchy of open space requirements and proposed changes by zone district in the City.

Commissioner Kirkpatrick shared that it is difficult to ascertain open space and park area for apartment buildings or condominiums. Sometimes, the building structure might house a track, a volleyball court, or other active and passive recreational uses. He asked how such a facility would align with the proposed changes. Manager Medrud replied that for development at a high-density level, such as what is occurring in Seattle, there would be a requirement for some level of recreation space/open space as part of the development. That could include roof decks as part of the open space requirements or it could be part of a gymnasium available to residents. The City of Tacoma has similar requirements. The City's current design guidelines address open space requirements for multi-family projects. He offered to provide the requirements from the Citywide Design Guidelines for review.

**WORKSESSION:**

**SHORELINE  
MASTER  
PROGRAM  
AMENDMENTS –  
ORDINANCE NO.  
O2018-001:**

Planner Ginther briefed the Commission on proposed amendments to the City's Shoreline Master Program (SMP).

Proposed local amendments not required by the state include:

- Amended TMC Table 14.08.030 to add an explanatory note for appeals of City decisions on SMP related permits. At the last meeting's discussion regarding the definition of a ramp, the definition of ramp has been determined to be that portion of a facility that is attached from the land to the floating facility.
- Amended SMP Subsection 6.9(B)(9)(d) which changes maximum ramp widths from 3 feet to 4 feet as per 2014 Department of Ecology recommendations.
- Amended definition of "dredging" in SMP Chapter 9 Definition #46 to remove the phrase "...associated shorelines and wetlands," which should be covered by SMP's fill section as requested by the Permitting Division.
- Updated ordinances referencing critical areas regulations in SMP Subsection 5.2(B)(2)(c) and (d) per Critical Areas Ordinance Update (O2018-024) and Wetland Protection Standards Update (O2017-018).
- Included the adoption of the new floodplain overlay map in SMP

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Subsection 5.2(B)(2)(e) with Ordinance N. O2016-009. FEMA updated the Deschutes flood maps in 2016.

- Incorporated the new floodplain regulations in SMP Subsection 5.2(b)(2)(e) with Ordinance No. O2016-009, which is the ESA version of model ordinance adopted by Tumwater in 2016.
- Incorporate new aquifer protection regulation changes. Staff from the City’s Water Resources Program is preparing aquifer protection area maps and regulations, which should be completed by summer 2018. A reference to this ordinance will be included in the SMP.
- Reviewed the use of the terms shorelines, shoreline areas, shoreline jurisdiction, shorelands, and shoreland areas throughout the SMP and proposed amendments.
  - Reviewed SMP Table 3.16 – *Table of Modifications by Shoreline Environment Designation* for landward and/or waterward activities by shoreline environment and proposed amendments.
  - Example: Allowing buoys or floats in non-aquatic shoreline environments.

Proposed changes after conducting a “periodic review” using Ecology’s Periodic Review Checklist include:

<b><i>Summary of Change</i></b>	<b><i>Review</i></b>	<b><i>Proposed Action</i></b>
OFM adjusted the cost threshold for substantial development to \$7,047.	2014 Tumwater Shoreline Master Program includes reference to previous \$6,416 cost threshold.	SMP amendment proposed.  Amended section 2.5 (E)(1) to \$7,047. Also amended the definition of “substantial development” in Section 9.178 to reflect updated cost amount.
Ecology admitted rules to clarify that the definition of “development” does not include dismantling or removing structures.	2014 SMP does not clarify that the definition of development does not include projects that involve only dismantling or removing structures without any associated development or redevelopment.	SMP amendment proposed.  Amended Definition #42 to clarify that development does not include projects that involve only dismantling or removing structures without any associated development or redevelopment.
Ecology adopted rules that clarify	Ecology’s revised rule addressing	SMP amendment proposed.

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exceptions to local review under the Shoreline Management Act (SMA).

exceptions incorporated 2015 Legislative statutory exceptions for Washington State Department of Transportation (WSDOT) projects that went into effect after the SMP was approved by Ecology in 2014. Other statutory exceptions in WAC 173- 27- 044 and WAC 173- 27- 045 were referenced in the SMP, but not specifically included among the list of permit – exemptions.

Added new Subsection 1.2(F)(1- 5) with example language from Department of Ecology’s checklist guidance document.

Ecology amended rules that clarify permit filing procedures consistent with a 2011 statute.

2014 SMP does not include a description of these procedures.

No action necessary.  
SMP does not have to include an update to this section if there is no permit filing procedure description specific to the SMP. SMP currently references Tumwater Municipal Code in regards to the permit process.

Ecology amended forestry use regulations to clarify that forest practices that only involves timber cutting are not SMA “developments” and do not require SDPs.

2014 SMP does not allow forest practices unrelated to a conversion permit within shoreline areas.

No action necessary.  
*Commissioner Kirkpatrick asked whether there are any forestlands within the City as conversion is only action that could occur on forestlands because normal operations include harvesting. Manager Medrud said no forestlands are located within the City*

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*limits. The only actively forest areas are those areas that are established for harvesting and replanting are located within the City's urban growth area in the northwest corner of the urban growth area. Additionally, the provisions are only applicable to forestlands within the shoreline jurisdiction area.*

Ecology clarified the SMA does not apply to lands under exclusive federal jurisdiction.

2014 SMP has an applicability section (1.2).

No action necessary.  
Addressed in Section 1.2.

The Legislature created a new shoreline permit exemption for retrofitting existing structures to comply with the Americans with Disabilities Act.

Not listed in the statutory exemptions list in the 2014 SMP.

SMP amendment proposed.  
Added new Subsection 2.5 (E)(15) to the exemption list for retrofitting existing structures to comply with the Americans with Disabilities Act.

Ecology updated wetlands critical areas guidance including implementation guidance for the 2014 wetlands rating system.

2014 SMP does not have a reference to the updated 2014 wetlands rating system.

SMP amendment proposed.  
Updated Subsection 5.2 (B)(2)(c) to reflect adoption of the 2014 wetlands rating system into TMC 16.28 by Ordinance No. O2017-018.

The Legislature raised the cost threshold for requiring a Substantial Development Permit (SDP) for replacement docks on lakes and rivers to

2014 SMP has the old \$10,000 threshold for fresh water docks.

SMP amendment proposed.  
Subsection 2.5 (E)(8)(b) amended to match language and intent of state law.

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\$20,000 (from  
\$10,000).

As the City's plan was recently adopted, the number of changes is minimal and falls into housekeeping rather than an update. Next steps of the review include public participation. A public participation plan is part of the document. An open house will be hosted. The City's website will include information about the update.

The Commission agreed another worksession on the proposed amendments would not be necessary as most of the changes are housekeeping in nature. The table provided by staff documented all proposed changes.

Manager Medrud advised that tentatively, the open house would be scheduled during the Commission's June 26 meeting.

**OTHER BUSINESS:**

**SIGN CODE  
SURVEY:**

Manager Medrud provided the Commission with copies of Thurston County Chamber of Commerce and Tumwater Area Chamber of Commerce survey completed by chamber members on the City's sign code. Chamber member Doug Mah forwarded the preliminary results of the survey. Approximately 119 members participated in the survey. The information is in a raw data format. Additional information anticipated from the chambers includes a breakdown of survey results from Tumwater respondents. He encouraged Commissioners to review survey comments.

**ADJOURNMENT: Commissioner Hausman moved, seconded by Commissioner Goldenberger, to adjourn the meeting at 8:28 p.m. Motion carried unanimously.**