

**TUMWATER PLANNING COMMISSION
MINUTES OF MEETING
June 12, 2018 Page 1**

CONVENE: 7:00 p.m.

PRESENT: Chair Dennis Morr, Jr. and Commissioners Terry Kirkpatrick, Meghan Sullivan Goldenberger, Richard Manugian, Nam Nguyen, Nancy Stevenson, and Patrick Zitny.

Excused: Commissioners Jessica Hausman and Joel Hansen.

Staff: Planning Manager Brad Medrud, Water Resources Program Manager Dan Smith, Senior Planner David Ginther, Water Resources Specialist Chris Hartman, and Recording Secretary Wendy Gow.

**APPROVAL OF
PLANNING
COMMISSION
MINUTES – MAY
22, 2018:**

The minutes of May 22, 2018 was corrected to reflect the proper spelling of Meghan Goldenberger’s name under the “Present” section on page 1.

MOTION:

Commissioner Goldenberger moved, seconded by Commissioner Stevenson, to approve the minutes of May 22, 2018 as amended. Motion carried unanimously.

**CHANGES TO
AGENDA:**

There were no changes to the agenda.

**NEXT PLANNING
COMMISSION
REGULAR
MEETING DATE:**

The next meeting is scheduled on June 26, 2018.

Chair Morr indicated he would be unable to attend the meeting on June 26. Commissioner Hausman will chair the meeting.

**COMMISSIONER
REPORTS:**

There were no reports.

**MANAGER’S
REPORT:**

There was no report.

**PUBLIC
COMMENTS:**

There were no public comments.

BRIEFING:

**WELLFIELD
PROTECTION
PLAN,
ORDINANCE NO.
O2018-010:**

Manager Smith briefed the Commission on proposed changes resulting from the 2016 update of the Wellhead Protection Area Plan. An element of the plan included revising the wellhead protection boundaries, which are areas of capture zones surrounding the City’s wellheads. Wellheads are delineated into six-month, one-year, five-year, and ten-year time of travel zones. The plan was originally developed in 1997.

TUMWATER PLANNING COMMISSION
MINUTES OF MEETING
June 12, 2018 Page 2

The new modeling program variables include water levels calibrated at multiple levels as the City is served by wells in different aquifers. The previous model did not enable the City to differentiate between characteristics within the aquifers. The newer modeling creates a three-dimensional model to assess how the water moves to the City's wellheads. The model is also considered best available science. The Department of Health recommends using numeric models for flow transport in developing wellhead protection boundaries.

The update created two types of boundaries as previously reviewed with the Commission last year. One model based the boundaries on water rights capacity creating a separate set of boundaries. The second model was based on the installed capacity or the amount of water that could be pumped creating larger more conservative boundaries that provide more protection to the City's water sources. During the previous briefing, the Commission recommended using the more protective boundary, which aligns with the recommendation from the Public Works Committee.

City staff moved forward with the recommendation and developed information for all affected properties within the zones regardless of whether the property was newly regulated or de-regulated.

Manager Smith reviewed an illustration of the previous wellhead protection boundaries and the proposed new wellhead protection boundaries. All affected property owners were notified by letter of the proposed changes. The City's website also includes information on the new regulations affecting properties.

With the proposed change in boundaries, three new non-conforming uses were created. In 2005, the City adopted a non-conforming use ordinance specific to any existing property affected by a wellhead protection boundary. If the existing use was considered non-conforming, the property owner was required to change the land use or cease non-conforming uses on the property within 10 years. At that time, the City identified three non-conforming uses. They included a gas station on Capitol Boulevard, a dry cleaner on Capitol Boulevard, and the tank farm located off Linderson near Tumwater Boulevard. All three of the non-conforming uses have been abandoned. The dry cleaning business still exists, but no longer uses chemicals and has dismantled equipment. The tank farm site was closed many years ago. Recently, the gas station on Capitol Boulevard closed operations.

Chair Morr inquired about any clean-up requirements for the gas station and the tank farm. Manager Smith replied that the tank farm required site remediation and received a letter from the Department of Ecology for no further action after site clean-up was completed. The gas station on

**TUMWATER PLANNING COMMISSION
MINUTES OF MEETING
June 12, 2018 Page 3**

Capitol Boulevard must complete some investigative work, as the tanks have not been removed. The extent of remediation activities is unknown until after the tanks have been removed. The Department of Ecology has imposed a timeline to complete the clean-up work.

With the modification of the new boundaries, three additional non-conforming uses have been identified. They include a small gas station, a school district site, and a national commercial parcel delivery service. The delivery service should have been identified during the first process. However, unlike the previous non-conforming use ordinance, some options have been developed that could be applied to the property should the owner elect to retain the land use, particularly for below-ground storage tanks. That option was not available in 2005, and it was important to convey to the owners the different approach afforded by the City.

Staff spoke to each owner of each property. The school district site includes an above-ground storage tank. With some minor modifications, the school district would not be affected by the proposed ordinance. Staff spoke with the environmental manager for the commercial delivery service. As part of the exemption, the 10-year window is available for the owner to either retrofit the property or change land use. The manager expressed support for the 10-year window, as it would be adequate for the company to adjust the land use with an annual reminder provided by the City. The owner of the small gas station has not responded to any outreach communications from the City. The underlying property owner (Port of Olympia) was contacted about the proposed changes. Staff plans to continue notifications to the property owner and the Port of Olympia about the proposed changes and requirements for change in use.

Completion of the outreach enables the City to move forward with the proposed ordinance and codify the boundaries and the exemptions.

Specialist Hartman briefed the Commission on the main proposed changes in the ordinance.

Section 30 speaks to methodology. Much of the language was removed that spoke to details on how the boundaries were defined to include the type of software programs with language added stipulating how the City follows Department of Health protocols and best available science.

Section 40 defines prohibited uses in the updated wellhead protection zones. The proposed change refines the uses. Part A of Section 40 speaks to the general applicability of land use prohibitions. Part B of Section 40 addresses uses prohibited in the six-month and one-year time of travel zones. Those zones are closer to the wellheads. The most substantive change is the prohibition of gas storage, primarily underground storage tanks. However, if existing fuel storage exists in the wellhead protection

TUMWATER PLANNING COMMISSION
MINUTES OF MEETING
June 12, 2018 Page 4

boundary, the owner has 10 years to update the facility to meet the standards. Gas stations and petroleum products refinery are still prohibited.

Another proposed change is prohibition of automobile wrecking yards. Based on feedback from Thurston County, the ordinance addresses different licensing requirements as a way to capture different types of activities that could be of concern from a safe groundwater perspective.

Another prohibited use is a wood waste landfill for all wellhead protection areas.

Specialist Hartman reviewed Section C prohibitions within the entire wellhead protection area. They include creosote and asphalt manufacturing, electric plating activities, and any restricted use identified in the zoning ordinance.

The proposed wellhead protection ordinance also enables the City to work with proposed or existing land uses not prohibited but potentially problematic for groundwater, such as storage of large quantities of hazardous chemicals to ensure best management practices are used to protect groundwater. The ordinance addresses different storage thresholds. Additionally, confusing language addressing “acutely hazardous materials” was revised to be more descriptive.

Section 55 addresses thresholds as described earlier, as well as stipulating that any concerns outside of the thresholds could entail the City requiring the owner to complete a pollution prevention plan. The language includes specific requirements within a pollution prevention plan.

The prohibitions become effective after well production is activated. However, based on protections for future wellheads, the draft includes language enabling the City to work with businesses without designating the use as non-conforming until the City reaches the point where the wellfield is activated for those areas where water is not currently pumped.

Section 70 addresses updates to the boundaries. One substantive change addresses overlaps with other neighboring jurisdiction whereby the City will apply its protection standards. The only example is located in the area off Henderson Boulevard and Yelm Highway where a wellfield is proposed by the City of Olympia.

Commissioner Zitny inquired about the date of the 10-year period for prohibited uses. Manager Smith responded that the original ordinance stipulated December 31, 2015 as the end date for non-conforming uses. However, the proposal removes that specific end date and adds language to stipulate a rolling date to account for future updates.

**TUMWATER PLANNING COMMISSION
MINUTES OF MEETING
June 12, 2018 Page 5**

Manager Smith said adoption of the language enables the City to implement its wellhead protection ordinance in areas where neighboring jurisdictions overlap the City, as well as including zoning code restrictions to the wellhead protection ordinance.

Next steps include presentation of the proposal to the Public Works Committee, as well as a public hearing on June 26, 2018 before the Planning Commission.

Commissioner Zitny inquired as to how the City identifies those businesses storing large amounts of chemicals. Manager Smith said the City identifies those businesses through the City's community development process for new businesses. A new use is planned for the Mottman Industrial Park, which plans to store large amounts of chemicals outside. Consequently, the applicant was required to complete some modifications to the building even though the business is located outside of a wellhead protection area. Every two years, the City is required to conduct a contaminant source inventory. A number of environmental databases are accessed by staff to compile the information in addition to windshield surveys of brick and mortar businesses.

Commissioner Kirkpatrick referred to the section on underground tanks and questioned the difference between regulated substances versus hazardous substances. Specialist Hartman said the definition is from the Department of Ecology. He agreed the term of "regulated substances" could be confusing, as it does not align with the other definitions. Manager Smith offered to review the terminology in the draft to determine how it has been applied and compare with other language in other sections of the code addressing hazardous materials. However, some regulated materials might not be considered hazardous through the Department of Ecology. He offered to review the section. In some areas of the ordinance, some particular chemicals are identified. Commissioner Kirkpatrick recommended reviewing the definitions and perhaps adding to the definitions.

Chair Morr asked whether the City's wellfields are developed in bedrock or soft aquifers. Manager Smith replied that the City's wells are located in various types of aquifers. The City strives to locate wells in high-producing aquifers. Palermo Well #3 is in the high producing Deschutes Valley aquiclude aquifer. Some of the Port wells are located in lower-producing aquitard aquifers.

WORKSESSION:

**SIGN CODE
REVIEW –**

Planner Ginther reported the Commission has reviewed proposed changes to the Sign Code at numerous meetings spanning over a year. The initial

**TUMWATER PLANNING COMMISSION
MINUTES OF MEETING
June 12, 2018 Page 6**

**ORDINANCE
O2017-007:**

proposal was presented in May 2017. In addition to those meetings, business and residential roundtables were conducted, as well as the chamber survey of chamber members. He referred to A-board temporary signs and feather flag temporary signs for additional review. Staff developed a decision-tree outlining current conditions, preferred changes, and other issues. He encouraged the Commission to consider some decisions with respect to the signs to move forward with a public hearing on June 26.

Currently, two A-frame signs are allowed per property when multiple businesses are located on a site. In some instances, that scenario is not effective. Several areas in the City are encountering problems with the most obvious area in the location of the commercial business area across from the Costco store off Littlerock Road. Most of the businesses in the u-shaped area do not front Littlerock Road and many rely on A-frame signs, creating a problem along the sidewalk, as well as generating some complaints. Allowing only two signs per site when multiple businesses are located on the site has not been enforceable and has created problems.

Commissioners discussed the Littlerock Road location and the number of A-frame signs located in the public right-of-way, private property, and directly in front of some businesses. Survey data highlighted some concerns about the use of A-board signs to attract car traffic versus pedestrian traffic. Planner Ginther reviewed current codes for A-board signs in Olympia and Lacey. Commissioners and staff commented on other areas of the City where A-board signs have been displayed. It was noted that realtors frequently use A-board signs and place them along Capitol Boulevard to advertise housing subdivisions.

Planner Ginther advised that although the Police Department has assumed responsibility for code enforcement, enforcement is on a complaint basis at this time.

Commissioner Kirkpatrick supported increasing educational efforts to business owners, as many are not aware of the City's sign code regulations.

Chair Morr recommended a poll on different options for A-Board signs:

- Allow A-frame signs without limitations
- Allow A-frame with limitations
- Do not allow A-frame signs

Commissioner Goldenberger inquired as to why the initially City banned A-frame signs. Planner Ginther said staff could research the matter. However, he does not believe the signs were addressed explicitly in the sign code.

Chair Morr noted that based on the poll results, the Commission supports

**TUMWATER PLANNING COMMISSION
MINUTES OF MEETING
June 12, 2018 Page 7**

A-frame signs with some limitations.

Under time allowed for A-frame signs, the options include:

- Allow A-frame signs year-round
- Allow A-frame signs some of the year

After thoroughly discussing pros and cons of each option and comparing sign codes in neighboring jurisdictions, a majority of the Commission supported allowing one A-frame sign per business all year during business hours placed at 12 feet or less from the building's front door.

The Commission discussed A-frame signs in different zoning districts. Planner Ginther explained that the A-frame section of the sign code is not specific to any particular zoning district. The proposed regulations would apply to any zoning district. Some of the neighboring jurisdictions restrict signs to specific zoning districts.

The Commission reviewed sign size limitations in residential zone districts.

Planner Ginther advised that staff would modify the ordinance to reflect the Commission's recommendations for the public hearing.

Chair Morr asked for input from staff regarding feather flags. Planner Ginther said feather flags were mentioned in the survey comments in several instances. Some respondents support feather flags while other respondents did not support feather flags. Although the current code does not explicitly ban feather flags, the signs do not qualify under any of the signs allowed within the code.

Planner Ginther noted that the City of Olympia does not allow feather flags but is considering allowing feather flags at the auto mall. The City of Lacey does not allow feather flags although the signs are displayed at many locations. The county island located along Martin Way has many feather flags.

Chair Morr polled Commissioners on whether to allow or ban feather flags. A majority of the Commission preferred to ban feather flags outright.

MOTION:

Commissioner Goldenberger moved, seconded by Commissioner Zitny, to schedule a public hearing on Ordinance No. O2017-007, Sign Code on June 26, 2018. Motion carried unanimously.

**TUMWATER PLANNING COMMISSION
MINUTES OF MEETING
June 12, 2018 Page 8**

WORKSESSION:

PARK FEE IN LIEU OF (FILO) – ORDINANCE NO. O2018-002: Manager Medrud reported the proposed action is to schedule a public hearing on proposed changes to Ordinance No. O2018-002 on Park Fee in Lieu of on July 10, 2018.

The staff report includes several maps identifying the Multi-Family Medium, Multi-Family High, and the Brewery District zone districts. The proposal would limit the ability for residential developers of subdivisions or multi-family housing to pay a fee in lieu of instead of dedicating land and building a park facility. Based on findings from the Parks and Recreation Department, insufficient funds have been generated through the pay a fee in lieu system to provide an equivalent amount of park facilities as mitigation. However, there continue to be specific instances where the option should be available for Multi-Family Medium and Multi-Family High zone districts and within the Brewery District Bluff subdistrict where existing public facilities, parks, or schools are located within a reasonable distance with appropriate walking paths. In high-density areas where the City is encouraging development, the City would like to provide more flexibility. The maps highlight the areas of future high-density development. Buffers are included around existing schools and parks to emphasize those locations, as well as including a layer reflecting the location of sidewalks. Some areas in southeast Tumwater include no sidewalk facilities while other areas in the north area of the City are much more accessible.

MOTION: Commissioner Goldenberger moved, seconded by Commissioner Stevenson, to schedule public hearing on July 10, 2018 to consider Ordinance No. O2018-002, Park Fee in Lieu of. Motion carried unanimously.

ADJOURNMENT: Commissioner Goldenberger moved, seconded by Commissioner Stevenson, to adjourn the meeting at 8:25 p.m. Motion carried unanimously.