

**TUMWATER PLANNING COMMISSION
MINUTES OF MEETING
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CONVENE: 7:01 p.m.

PRESENT: Chair Dennis Morr, Jr., and Commissioners, Jessica Hausman, Terry Kirkpatrick, Nam Nguyen, Richard Manugian, and Nancy Stevenson.

Excused: Commissioners Joel Hansen, Meghan Sullivan Goldenberger, and Patrick Zitny.

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

**APPROVAL OF
MINUTES – JUNE
26, 2018:**

MOTION: Commissioner Stevenson moved, seconded by Commissioner Hausman, to approve the June 26, 2018 minutes as published. Motion carried.

**CHANGES TO
THE AGENDA:** There were no changes to the agenda.

**NEXT PLANNING
COMMISSION
MEETING DATE:** The next meeting is scheduled for July 24, 2018.

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

**MANAGER'S
REPORT:** Manager Medrud reported the second tree inventory is scheduled on Saturday, July 21, 2018 in support of the Urban Forestry Management Plan. Commissioners interested in participating should contact him.

The City Council is scheduled to consider a resolution on housing options for affordable housing and homelessness in the City. The resolution will be posted on the City's website by the end of the week. The resolution includes an exhibit of proposed actions by the Council, staff, and the housing consultant. The Commission will likely be presented with a list of items to address as part of the action plan.

Manager Medrud shared that beginning in September, Commissioners will be invited to meet with him individually to share feedback and offer any recommendations/suggestions to improve staff/Commission processes.

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

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**PUBLIC
HEARING:**

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

Chair Morr opened the public hearing at 7:07 p.m. to receive public comments on Ordinance No. O2018-002.

Manager Medrud reported the proposed amendments address open space needs within new subdivisions and large developments. The proposal ensures the City has land available to support future population. The amendment eliminates an option for park fees in lieu of affording developers an option to pay into a fund in lieu of providing land or facilities as part of a development.

As part of the City's subdivision process, short plats of 1-9 lots would be exempt from the amendment. Subdivisions of 10 lots or more would be required to provide open space. The proposed change is how open space is split between active and passive requirements. Staff recognized that special cases often occur for those areas where multi-family development density is the intent rather than allocating open space. Consequently, for those types of developments, staff proposes retaining the option of park fee in lieu of where the development is within walking distance of an existing park facility or school property. The proposal would apply to the following zone districts: Multi-Family High, Multi-Family Medium, and the Brewery District Bluff District requirements. Current requirements for the Capitol Boulevard corridor are separate and would not change.

Chair Morr asked whether staff received any written comments. Manager Medrud said staff received no public comments on the proposal.

With there being no public testimony, Chair Morr closed the public hearing at 7:11 p.m.

MOTION:

Commissioner Hausman moved, seconded by Commissioner Stevenson, to recommend the City Council approve Ordinance No. O2018-002, Parks Fee In Lieu Of. Motion carried unanimously.

**PUBLIC
HEARING:**

**SIGN CODE
REVIEW –
ORDINANCE NO.
O2017-007:**

Chair Morr opened the public hearing at 7:12 p.m.

Planner Ginther referred to a summary of the proposed changes and reviewed several changes. The proposed ordinance was nearly doubled in size because the definitions were moved from the sign chapter in Tumwater Municipal Code (TMC) 18.44. Staff also reviewed comments

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submitted by Deborah Johnson during the public hearing. After researching all the comments, staff revised the draft if a change was warranted. Some definitions were deleted because of redundancy. Ms. Johnson's comments about no provisions for yard sale signs could not be resolved, as staff could not determine any options for including an exception for those types of signs without opening the door to other off-premise signs. Staff recommends no change to existing language because it would be unlikely yard sale signs would result in a complaint leading to code enforcement.

Staff agreed with the Ms. Johnson's suggestion to merge off-premises signs in TMC 18.44.030 to TMC 18.44.080, so all prohibitions are listed together. Other similar suggestions pertaining to uniform traffic control devices were combined as well. Staff agreed with the suggestion to delete proposed TMC 18.44.070(R) - "Nonverbal religious symbols" because "verbal" implies the spoken, not written, word or audibility. The issue pertained to the definition of a "nonverbal symbol." The suggestion to move exterior lighting to the outdoor lighting section was not recommended, as staff believes they are pertinent to signs and should remain in the section.

Commissioner Stevenson asked whether the draft ordinance includes all the proposed changes. Planner Ginther affirmed the draft was updated to reflect all proposed changes. Commissioner Stevenson expressed appreciation for the work completed by staff on changes to the sign code.

Chair Morr recommended forwarding the memo addressing all the recommendations to Ms. Johnson.

Commissioner Kirkpatrick agreed with the recommendation regarding yard sale signs but asked how political signs would be regulating versus yard sale signs. Planner Ginther said the key distinction is commercial versus noncommercial signs. Yard sale signs are considered commercial signs. Political signs are not considered commercial signs.

With there being no public testimony, Chair Morr closed the public hearing at 7:22 p.m.

MOTION: Commissioner Manugian moved, seconded by Commissioner Hausman, to recommend the City Council approve Ordinance No. O2017-007, Sign Code. Motion carried unanimously.

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BRIEFING:

**ANNUAL
HOUSEKEEPING
DEVELOPMENT
CODE
AMENDMENTS –
ORDINANCE NO.
0218-007:**

Manager Medrud provided an initial review of 38 proposed annual housekeeping development code amendments:

1. **Chapter 3.52.120 – Tumwater Park Impact Fees – 3.52.120 Exemptions:** The proposal changes exemptions for park impact fees. A specific case arose surrounding the payment of the fee during an installation of a mobile home. The request is to address the timing issue, as the current code requires an applicant to file a claim for an exemption before the calculation is completed for determining the fee. The proposal would change filing a claim for exemption from the time of application to the issuance of a building permit to afford time for the City to receive a full application to identify the level of the impact.
2. **Chapter 8.08 Noise Control – 8.08.050 Exemptions from prohibitions:** The current code includes a list of exemptions. One of the exemptions is noise generated by construction noise with specific parameters. The issue surrounds other provisions requiring the capping of noise levels regardless of the exemptions. The proposal would include within the exemptions from the prohibitions, language stipulating that sounds created by construction and emanating from construction sites are exempt from the provisions between the hours 7 a.m. and 8 p.m. on weekdays and 9 a.m. and 8 p.m. on weekends. Approval of expanded exempt hours may be authorized in writing by the Community Development Department when the work is of urgent necessity in the interest of public safety and convenience.
3. **Chapter 11.20 Communication Antennas and Towers – 11.20.030 Permit application required – TMC Figure 11.20.030-1:** The proposed changes also apply to #4, #30, #34, and #36. The proposal pertains to references to the former Business Park zone district, which has been eliminated from the code. The proposal removes references to Business Park zone district. Additionally, legal staff is working on some important revisions to Chapter 11. At this time, the timeline for those changes is uncertain, as well as the review method for any proposed changes. This housekeeping amendment limits the changes to removal of any references to the “Business Park” zone district.
4. **Chapter 11.20 Communication Antennas and Towers – 11.20.090(d) Setbacks for Freestanding Facilities: See #3.**
5. **Chapter 14.02 Project Permit Processing/Applications – 14.02.050(B) Exempt actions:** Proposed changes also apply to #6, #8, #11, and #37. The purpose of the proposed amendments pertains to the public notification process for the SEPA process. Staff also received requests for larger size site notification signs for

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a new land use application. The proposal would require the applicant to post signs and provide the City with an affidavit affirming the signs were posted.

6. **Chapter 14.06 Public Notice Requirements – 14.06.030 Notice of application/distribution:** See #5.
7. **Chapter 14.06 Public Notice Requirement – 14.06.04 Administrative approvals:** Proposed change also applies to #9, #13, #15, #16, #17, and #18. Passage of Senate Bill 5674 last year authorized the City Council to delegate the responsibility of approval for final plats to either the Planning Commission or the Community Development Director. The proposal is recommended to achieve some time savings.
8. **Chapter 14.06 Public Notice Requirements – 14.06.070(A) Notice of open record hearing:** See #5.
9. **Chapter 14.08 – Table 14.08.030:** See #7.
10. **Chapter 15.50 Building Demolition – 15.50.035 Application Requirements:** The proposal was recommended by several City policymakers to clarify within the code that during demolition, pest inspection is completed prior to the demolition activity to ensure issues arising from the inspection are addressed and completed prior to demolition activity. The request was prompted by the demolition of an older building near an occupied home.
11. **Chapter 16.04 Environmental Policy – 16.04.0120 Public notice:** See #5.
12. **Chapter 16.28 Wetland Protection Standards – 16.28.090 Wetland rating system:** Clarification was requested by permitting staff as part of the work on updating the wetland codes. The request is to include an explanation of the rating and numbering systems. Additional descriptive language was included from guidance provided by the Department of Ecology.
13. **Chapter 17.18 Public Improvements – 17.18.080 Maintenance:** See #7.
14. **Chapter 17.24 Final Land Divisions – 17.24.030(D) Format and content of application:** City staff conduct quarterly meetings with staff involved in land use inspections or reviews. Based on discussions during those meetings, staff recommends updating language to improve descriptions and outlining responsibilities of homeowner associations or owners of properties for maintenance of common areas and stormwater facilities. The proposed changes stem from discussions by the City's stormwater group during the course of implementing the new stormwater manual. The new manual includes some new reporting requirements.
15. **Chapter 17.24 Final Land Divisions – 17.24.030(D) Format and content of application:** See #7.
16. **Chapter 17.24 Final Land Divisions – 17.24.060 Review criteria:** See #7.

17. **Chapter 17.24 Final Land Divisions – 17.24.070 Final land division/city council action:** See #7.
18. **Chapter 17.24 Final Land Divisions – 17.24.080 Final short plat/binding site plan/large lot subdivision/staff action:** See #7.
19. **Chapter 18.04 Definitions – 18.04.010 A definitions:** The proposed changes also apply to #20, #22, #24, #27, #28, #29, #32, and #35. The proposal removes the square footage requirement for accessory buildings because the square foot requirement is included in the definition rather than within individual zone districts. Total square footage limitations would be removed from the definitions and included in another section (18.42).
20. **Chapter 18.08 RSR Residential/Sensitive Resource Zone District – 18.08.030 Accessory uses:** See #19. Additionally, the proposal includes some definition changes to address attached garages and carports to address concerns surrounding the size of those structures.
21. **Chapter 18.08 RSR Residential/Sensitive Resource (RSR) Zone District – 18.08.50 Density regulations:** The code lacks provisions addressing yard exemption found in other single-family residential zone districts. The proposal addresses those situations where a building is proposed to be placed closer to the side yard line than allowed by the setbacks. The proposed provision would enable the placement as long as the other setback is increased by the same amount and there is sufficient space between the building and adjacent building. The proposed change would be added to the RSR zone district.
22. **Chapter 18.10 SFL Single-Family Low Density Residential Zone District – 18.10.030 Accessory uses:** See #19.
23. **Chapter 18.10 SFL Single-Family Low Density Residential Zone District – 18.10.050 Density requirements:** The proposal clarifies language to address rear yard setbacks for properties that were approved for rear setback between five and twenty feet.
24. **Chapter 18.12 SFM Single-Family Medium Density Residential Zone District – 18.12.030 Accessory uses:** See #19.
25. **Chapter 18.12 SFM Single-Family Medium Density Residential Zone District – 18.12.050 Density regulations:** The proposal amends exception language to address rear yard setbacks for properties that were approved for rear setback between five and twenty feet.
26. **Chapter 18.14 MFM Multifamily Medium Density Residential Zone District – 18.14.050 Density Regulations:** The proposal refines the required setbacks between a proposed single-family dwelling and adjacent single-family residential zoning districts.
27. **Chapter 18.27 BD Brewery District Zone – 18.27.040 Uses. Table 18.27.040:** See #19.
28. **Chapter 18.30 GB Greenbelt Zone District – 18.30.040**

Accessory uses: See #19.

29. Chapter 18.31 OS Open Space Zone District – 18.31.030

Accessory uses: See #3.

30. Chapter 18.40 Environmental Performance Standards – 18.40.035 Exterior illumination: See #3.

31. Chapter 18.42 General Land Use Regulations – 18.42.010

Accessory dwelling units: The proposal requires off-street parking according to the standards set forth in TMC Chapter 18.50. The proposal was presented to the Planning Commission in spring 2016 during the review of the Housing Element during the update of the Tumwater Comprehensive Plan surrounding parking requirements for accessory dwelling units (ADU). The proposal clarifies that an ADU is not the primary unit.

Commissioner Kirkpatrick noted that street parking on a cul-de-sac is often in violation of fire codes because it prevents access to fire engines. He asked how the proposed change avoids conflicting with that requirement. Manager Medrud said the proposal does not require a parking space on the street. However, it would be subject to other restrictions, such as no parking within a cul-de-sac to allow for turnaround or no parking on one side of the street because of limited street width. The proposal does not include a requirement for a parking space for accessory dwelling units.

Commissioner Manugian asked about possible concerns surrounding the number of cars per plat. Manager Medrud affirmed that it could be a potential issue. He offered to conduct some additional research. However, he also has not had any discussions with the City's code enforcement or with staff regarding any parking issues on the street. The City does not experience similar issues as the City of Olympia is contending with, especially along Capitol Way or in areas with parking zones. Commissioner Manugian said his inquiry did not necessarily require follow-up other than with respect to whether a city with many cars on the street is desired by the City or the City factors the number of vehicles per parcel to ensure a balance.

Chair Morr commented that an accessory dwelling unit may involve another vehicle for the property and perhaps provisions should be pursued to require off-street parking for ADUs.

The Commission supported follow-up by staff on the questions.

Commissioner Kirkpatrick referred to existing language on the size of the garages, which should not be more than 300 square feet in size. A fair number of properties include a workshop and a garage

with a second story over the top of the shop and garage creating a much larger building. The building would be considered an accessory to the main dwelling, which could be larger than the house. He asked whether the language would impact those particular circumstances. Manager Medrud said the existing language addresses only accessory dwelling units. If the building is separate from the main dwelling unit includes a dwelling unit, the size of the garage attached to the unit would be limited. If the accessory dwelling unit is two stories, the garage could be six hundred square feet or no more than three hundred square feet for a one-story structure. The requirement applies to accessory dwelling units and does not address the case where the building is only a shop.

- 32. Chapter 18.42 General Land Use Regulations – 18.42.015 Buildings or structures for storage, agricultural uses, detached garages, or carports in residential zone districts:** The proposal recognizes that there are areas in the City where it would be appropriate to exceed a maximum square footage for an accessory building dependent upon the use. For example, in the RSR zone, some large parcels are used for agriculture. Allowing larger accessory buildings would support those specific uses. Additionally, the parcels are sized where it would be more appropriate than a smaller, urban-sized lot. The focus of the proposal is to avoid creating situations where the accessory buildings that are separate from the main structure are larger than the main structure. It is important to recognize that those areas are transitioning from a rural to an urban environment.
- 33. Chapter 18.42 General Land Use Regulations – 18.42.030 Home occupations:** The proposal is an addition prompted from discussions in 2016 as part of the Housing Element of the Tumwater Comprehensive Plan. The proposal addresses home occupation storage of equipment and screening requirements. The primary use of the property is for a home. However, the home is allowed to include a business but it cannot be the dominate feature of the property. An equipment yard is not subordinate to a residential home. The proposal clarifies that a home occupation within a residential structure has some limitations.
- 34. Chapter 18.47 Landscaping – Table 18.47: Required Landscaping Matrix:** See #3.
- 35. Chapter 19.49 MHP Manufactured Home Park Zone District – 18.49.030 Accessory uses:** See #19.
- 36. Chapter 18.52 Child Care Facilities – 18.52.030 Child mini-day care center:** See #3.
- 37. Chapter 18.58 Variances – 18.58.030(B) Hearing:** See #5.
- 38. Chapter 18.60 Text Amendments and Rezones – 18.60.020 Procedure – Notice:** Staff proposes a change to text amendments

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and rezone procedures. Current language requires "...the requests for rezones shall be heard by the planning commission and the recommendation of the planning Commission shall be forwarded to the city Council within ninety days of the time of filing of the final environmental documents." In most instances, it is not an issue; however, when the request is complicated or contentious the 90-day limitation could often be exceeded. Additionally, state law does not require the provision and retaining the requirement could restrain debate on issues of importance.

The remaining changes are tables and other references in the TMC. The complete ordinance with the proposed changes is available for the Commission's review.

ADJOURNMENT: Commissioner Hausman moved, seconded by Commissioner Manugian, to adjourn the meeting at 7:58 p.m. Motion carried unanimously.

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