

**TUMWATER PLANNING COMMISSION  
MINUTES OF MEETING  
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**CONVENE:** 7:00 p.m.

**PRESENT:** Chair Dennis Morr, Jr., and Commissioners Joel Hansen, Jessica Hausman, Nam Nguyen, Richard Manugian, Megan Sullivan Goldenberger, and Nancy Stevenson.

Absent: Commissioners Terry Kirkpatrick and Patrick Zitny.

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

**APPROVAL OF  
PLANNING  
COMMISSION  
MINUTES – JULY 10,  
2018:**

**MOTION:** **Commissioner Hausman moved, seconded by Commissioner Stevenson, to approve the minutes of July 10, 2018 as published. Motion carried unanimously.**

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

**NEXT PLANNING  
COMMISSION  
REGULAR MEETING  
DATE:** The next meeting is on August 14, 2018. Chair Morr said he would be unable to attend the August 14, 2018 meeting.

**COMMISSIONER  
COMMENTS:** Commissioner Hansen encouraged the Commission to participate in promoting Tumwater's ballot measure to establish a Tumwater Metropolitan Park District. Commissioner Hansen reported that he, Erin Carrier, Chair, Parks and Recreation Commission, and Henry Valz, Swim Coach, Black Hills School, have formed a committee to support passage of the measure.

**MANAGER'S REPORT:** Planner Ginther introduced Planning Intern Tyler Burbidge. Intern Burbidge reported he is working in the Community Development Department and the Public Works Department. He is enrolled at University of Washington at the Tacoma campus in the urban studies program. He is scheduled to begin the GIS certificate program in the fall. He graduated from Tumwater High School in 2012.

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

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**PUBLIC HEARING:**

**SHORELINE MASTER  
PROGRAM  
AMENDMENTS –  
ORDINANCE NO. 0218-  
001:**

Chair Morr outlined the format to receive public testimony during the public hearing on proposed amendments to the Tumwater Shoreline Master Program.

Chair Morr opened the public hearing at 7:08 p.m.

Planner Ginther reported staff received no public comments on the proposed amendments. Staff notified several agencies and organizations and published a notice in *The Olympian*. State agencies and organizations notified include the Department of Ecology, Thurston County, Confederated Tribes of the Chehalis Reservation, Squaxin Island Tribe, City of Olympia, Olympia Master Builders, LOTT Clean Water Alliance, Port of Olympia, and the Department of Commerce.

Planner Ginther reviewed the proposed amendments:

1. Amended Tumwater Municipal Code (TMC) Table 14.08.030 to add an explanatory note regarding appeals of City decisions on Shoreline Management Program (SMP) related permits.
2. 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 recommendation.
3. 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.
4. Updated ordinances referencing critical areas regulations in SMP Subsection. 5.2(B)(2)(c) and (d) per Critical Areas Ordinance Update (O2016-024) and Wetland Protection Standards Update (O2017-018).
5. Included the adoption of the new floodplain overlay map in SMP Subsection 5.2(B)(2)(e) with Ordinance No. O2016-009 and FEMA updated the Deschutes flood maps in 2016.
6. Incorporated the new floodplain regulations in SMP Subsection 5.2(B)(2)(e) with Ordinance No. O2016-009, Endangered Species Act (ESA) version of model ordinance adopted by Tumwater in 2016.
7. Incorporate new aquifer protection regulation changes (O2018-010). One main change pertains to the appeals of City decisions for Shoreline Management Permits.
8. Reviewed the use of the terms shorelines, shoreline areas, shoreline jurisdiction, shorelands, and shoreland areas throughout the SMP and proposed amendments.

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- 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 does not make sense.
9. There is an issue in the SMP with using the term “shorelines” throughout the SMP to describe the area where the SMP is applicable, because the definitions of “shorelines” in Chapter 9 and RCW 90.58.030 excludes “shorelines of statewide signification” from “shorelines” as the term is used in the SMP. Changed the use of the word “shorelines” in the SMP to “shorelines areas” or “shoreline jurisdiction” as needed in the SMP to clarify.

Other proposed changes originated from recent changes to the Department of Ecology’s SMP Periodic Review Checklist (Planner Ginther noted that many of Ecology’s other proposed changes, in addition to the proposed changes listed below, were already incorporated within the SMP during the City’s last update) include:

- The Office of Financial Management (OFM) adjusted the cost threshold for substantial development to \$7,047.
- The Department of Ecology amended rules to clarify that the definition of “development” does not include dismantling or removing structures.
- The Department of Ecology adopted rules that clarify exceptions to local review under the Shoreline Master Act.
- The Legislature created a new shoreline permit exemption for retrofitting existing structures to comply with the Americans with Disabilities Act.
- The Department of Ecology updated wetlands critical areas guidance including implementation guidance for the 2014 wetlands rating system.
- The Legislature raised the cost threshold for requiring a Substantial Development Permit (SOP) for replacement docks on lakes and rivers to \$20,000 (from \$10,000).

Planner Ginther reported one individual attended the Commission’s open house on the proposed changes.

With there being no public testimony, Chair Morr closed the public hearing at 7:16 p.m.

**MOTION: Commissioner Goldenberger moved, seconded by**

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**Commissioner Manugian, to recommend approval of Resolution No. R2018-021 to the City Council. Motion carried unanimously.**

**BRIEFING:**

**2018 COMPREHENSIVE  
PLAN MAP  
AMENDMENTS AND  
REZONES –  
ORDINANCE NO. O2018-  
006:**

Planner Ginther referred to copies provided previously to the Commission of correspondence from Linda Barnett regarding concerns surrounding changing her property to the Neighborhood Commercial Comprehensive Plan map designation and zone district.

Planner Ginther reviewed the 2018 proposed Comprehensive Plan Map amendments and rezones. A majority of the amendments pertains to the Neighborhood Commercial Comprehensive Plan map designation and zone district, as each individual property so designated will be addressed in the amendments. He asked the Commission to share any concerns to enable staff to address or research issues prior to the next review. Staff will use the criteria in TMC 18.60.025(b) to evaluate each amendment to ensure the proposed amendments meet standards.

Planner Ginther displayed an aerial illustration of the City by zone district. This year, the docket includes six proposed amendments:

1. A site-specific rezone: Casey Investment Group LLC Comprehensive Plan map amendment and associated rezone of property located at the corner of Crosby Boulevard and Barnes.
2. A large area-wide rezone at 88<sup>th</sup> and Old Highway 99: 88<sup>th</sup> Avenue Comprehensive Plan map amendment and associated rezone to correct a mismatch between the zoning and the comprehensive plan designation.
3. Valley and Golf Course Clubhouse Vicinity Comprehensive Plan map amendment and associated rezone to correct a mismatch between the zoning and the comprehensive plan designation. The City owns a majority of the property. Several minor amendments may be required for the Brewery Neighborhood zone district as well.
4. Neighborhood Commercial (NC) Comprehensive Plan map amendments and associated rezones to address all Neighborhood Commercial Comprehensive Plan map designation and zone district properties in the City and its Urban Growth Area individually.
5. Coralie Carlyon Park Comprehensive Plan text amendment: A minor amendment in the form of an

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appendix to avoid modifying the plan.

6. Airport Neighborhood Chapter of the Comprehensive Plan Land Use Element Neighborhood Appendix text amendments to address the proposed Comprehensive Plan map designation and rezone at 88<sup>th</sup> and Old Highway 99, which will trigger the need for text amendments and a general update.

At the August 14, 2018 meeting, the briefing will focus on the first three amendments followed by a review of the remaining three amendments at the August 28, 2018 meeting.

Staff proposes scheduling a public hearing on the proposed amendments during the Commission's September 11, 2018 meeting.

Planner Ginther reviewed the proposed amendments:

1. ***Casey Investment Group LLC Comprehensive Plan Map Amendment and Associated Rezone:*** The property is located on Tumwater Hill at the southwest corner of Barnes Boulevard and Crosby Boulevard. The proposal is to change the current NC designation and zoning to Multifamily High Density Residential (MFH). Existing wetlands on the property serve as a buffer to the neighboring property to the south. Staff plans to focus on available protections to neighboring properties. Single-family development is located to the south of the property with apartments located to the north of the property. An apartment complex is currently in construction to the west of the property. Existing apartments are located to the northeast of the property. Staff will include a recommendation in the staff report, as well as describe in more detail some potential mitigation options.
2. ***88<sup>th</sup> Avenue and Old Highway 99 Comprehensive Plan Map Associated Rezone:*** This large area (31 acres near the south corner of Old Highway 99 and 88<sup>th</sup> Avenue) was part of an annexation by the City in 2016. The Comprehensive Plan land use map designated Mixed Use (MU) for the area but the area was zoned Single-Family Medium Density Residential (SFM). The Joint Plan adopted by Thurston County and the City of Tumwater for the urban growth area specifically addressed the area by indicating that the area was transitioning to different land uses and should be zoned Mixed Use or another appropriate zone district as opposed to SFM. The area has been zoned SFM since the mid 1990s when zoning was

adopted for the area. Some development changes have occurred in the area with a subdivision platted to the south with some development occurring along 85<sup>th</sup> and other areas. Staff initially considered a rezone of the entire area but has since reconsidered and recommends rezoning some of the property, but not the entire area. It might be more appropriate to rezone some of the parcels located closer to the intersection to Light Industrial and General Commercial. To receive feedback, staff sent letters to all property owners in the area. *Chair Morr asked whether the City has been notified about any interest for potential development in the area. Planner Ginther said no interests have come forward with respect to development in the area. Manager Medrud added that he is aware of a pending review by the City's Development Review Committee of a potential development proposal for a residential short plat for one of the parcels.*

- 3. *Valley and Golf Course Clubhouse Vicinity Comprehensive Plan Map Amendment and Associated Rezone:*** The amendment would reconcile mismatched zoning and Comprehensive Plan land use map designations in the area by aligning boundaries, designations, and zoning. The Valley Golf Course clubhouse is located to the right of General Commercial (GC) zoning. The area is comprised of portions of parcels that include part of the clubhouse and the Valley Athletic Club and vicinity. The subject area has a Comprehensive Plan land use map designation of Mixed Use (MU) and Parks/Open Space (P/OS) but a zone district designation of Mixed Use (MU) and General Commercial (GC). Staff has contacted the limited number of private properties affected by the proposed amendment. Staff recommends a combination of Open Space (OS) and General Commercial (GC), as it would allow for the continued operations of the Valley Athletic Club, as well as the Rivers Edge restaurant and the clubhouse at the golf course. Options for the daycare located within the MU zone will be further explored by staff for consideration by the Commission. Daycare uses are allowed in most of the City's zone districts.
- 4. *Neighborhood Commercial (NC) Designation and Zone District Comprehensive Plan Map Amendment and Associated Rezone:*** The proposal is an evaluation of each Neighborhood Commercial (NC) site in the City. An effort was initiated in 2014 during the development of the Sustainable Plan. The Council elected to delay the evaluation until the Sustainable Plan process was completed. The City has 11 Neighborhood Commercial

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(NC) sites as part of its Comprehensive Plan and its Joint Plan with the County with eight sites located within the City and three sites located within the urban growth area. Staff is proposing no changes to several of the sites; however, most of the sites have experienced little to no development. Regulations are strict and might be a reason for the lack of development. Staff plans to propose some amendments to the Neighborhood Commercial (NC) Comprehensive Plan land use map designation and zone district maps and TMC 18.18 *NC Neighborhood Commercial Zone District*. Planner Ginther reviewed the NC sites:

1. **68<sup>th</sup> Avenue SW and Kirsop Road SW** – *Approximately 15 years ago, the district was larger but reduced when Thurston County rezoned a subdivision from Neighborhood Commercial (NC) to Single-Family Medium Density. The zone includes a storm water facility for the neighboring subdivision. An automotive repair business is located next to the storm water facility. The business is located in a former single-family residence with several shop buildings on the property. That type of use was not intended for the Neighborhood Commercial (NC) zone. Staff believes that over time, uses could change especially if the City enacts some code amendments to encourage other types of uses. Staff is not recommending any changes to the northern portion of the Neighborhood Commercial ((NC) zone other than rezoning the storm water facility. Planner Ginther shared several photographs of the site depicting the stormwater facility and the automotive business.*
2. **70<sup>th</sup> Avenue SW and Littlerock Road SW** – *No amendments are recommended at this time as the current uses reflect the intent of the Neighborhood Commercial (NC) zone. The area is fully developed with conforming small buildings containing various offices and businesses.*
3. **Crosby Boulevard SW** – *The property owner filed for a 2018 Comprehensive Plan map amendment and associated rezone of the area to Multi-Family High Density (MFH). Staff will address the proposal addressing the request from the property owner separately from the discussion of the Neighborhood Commercial (NC).*
4. **Barnes Boulevard SW and Ridgeview Loop SW** – *The site is only the second Neighborhood Commercial (NC)*

*site that has experienced some development over the last 20 years. Most of the uses are engineering firms with continuous vacancies experienced within the site primarily because of its location and lack of visibility or traffic. Those uses are located on the northern portion of the site with a minor portion of the area located on the south corner of the intersection currently vacant. Staff proposes a rezone/redesignation of the southern parcel from Neighborhood Commercial (NC) to Multifamily Medium Density Residential (MFM) as existing Multifamily Medium Density Residential (MFM) development surrounds the Neighborhood Commercial (NC) zone.*

- 5. North 2<sup>nd</sup> Avenue SW and Custer Way SW – P** Planner Ginther referred to the email from Linda Barnett, owner of a property adjacent to the site. The photograph of the site incorrectly displays Ms. Barnett's ownership within the Neighborhood Commercial (NC) zone, when it actually is located outside the boundary of the Neighborhood Commercial (NC) zone. Staff has requested a correction of the parcel lines on the map from Thurston County Geodata. The Neighborhood Commercial (NC) zone currently houses the Old Town Center. Staff recommends changing the zone to Mixed Use (MU). The use located south is not zoned Mixed Use (MU) and might benefit from a rezone to Mixed Use (MU) as opposed to the current zone of Single-Family Medium Density Residential (SFM). The property owner was contacted. The owner is interested in a change in the zone. Some other concerns mentioned to staff involve gas station uses in the zone. Alternatively, the site could be rezoned to Community Services (CS), which does not allow gas stations or placing a restriction note in the zoning code during the rezone.
- 6. North Street SE and Hoadly Street SE –** The site currently houses the Shortstop Grocery. The use is ideal for the zone district as it serves surrounding neighborhoods. Staff recommends no changes at this time.
- 7. Tumwater Boulevard SE and Henderson Boulevard SE –** Much of the surrounding area is single family residences ranging in density levels of low, medium, and some multifamily located to the south of the area. Staff proposes reducing the size of the Neighborhood Commercial (NC) zone as it too large to attract desired

*development based on prior experience. The recommendation is to redesignate and rezone the northern half to two thirds of the northern property from Neighborhood Commercial (NC) to Single-Family Medium Density Residential (SFM). Planner Ginther added that notices were mailed to all property owners affected by any of the amendments.*

- 8. *Tumwater Boulevard*** – *The area is vacant with the exception of a sewer lift station and is not likely conducive to development meeting the intent of Neighborhood Commercial (NC). The Neighborhood Commercial (NC) zone was a compromise when the area was rezoned approximately 10 years ago. A large area was rezoned. Since the recession in 2008, the property has changed ownership. The Neighborhood Commercial (NC) site was a part of a larger area under the same ownership. Staff does not believe the site is conducive for Neighborhood Commercial (NC) because it located within the departure zone of the airport. Staff recommends rezoning the site to Light Industrial (LI) to align with adjacent Light Industrial (LI) uses and for being partially in the Airport Overlay.*

***Tumwater Urban Growth Area sites:***

- 9. *83<sup>rd</sup> Avenue SW and Center Street SW*** – *The area contains a convenience store and gas station for the Olympia Campground. Staff recommends no changes at this time as the current uses reflect the intent of the Neighborhood Commercial (NC) zone district.*
- 10. *Black Lake Belmore Road SW & 49<sup>th</sup> Avenue SW*** – *The area contains a gas station/convenience store, several single-family residences, and vacant land. Staff recommends no changes at this time because the current uses reflect the intent of the Neighborhood Commercial (NC) zone district.*
- 11. *93<sup>rd</sup> Avenue SE and Old Highway*** – *The vacant land includes some right-of-way created when the area was reconfigured to improve the intersection of Old Highway 99 and 93<sup>rd</sup> Avenue. Staff recommends no changes at this because current lot sizes of 1/3 and 1/2 acre are consistent with the intent of the Neighborhood Commercial (NC) zone district. Additionally, adjacent to the area is a parcel of approximately 70 acres in size located outside the urban growth area. The owner is requesting a rezone of the site from Rural Residential Resource (1 unit per 5 acres) to Rural Commercial*

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*Center. Staff plans to monitor development activity on the site and keep the Commission informed about the status of the site during the amendment process.*

Planner Ginther reviewed the proposed Coralie Carlyon Park Text Amendment. The property was deeded to the City many decades ago. As the parcel was very limited in size, the City pursued no action other than the parcel was included in the Tumwater Comprehensive Plan. Staff proposes a text amendment to the Parks, Recreation, and Open Space Element of the Comprehensive Plan to recognize the City's ownership of the park. A utility pole at the corner of the property is located within the public right-of-way. When the park was deeded to the City, it included several conditions. One condition prevented the placement of any utility pole within the park and that the name of the park should be Coralie Carlyon Park.

Commissioner Goldenberger noted that the City installed a sign for the park. The neighborhood is interested in changing the placement of an existing bench as the bench faces the street rather than inward to the park. Staff has indicated it would be possible to reposition the bench.

Planner Ginther reported other proposed changes pertain to text amendments to the Airport Neighborhood Chapter of the Comprehensive Plan Land Use Element Neighborhood Appendix. The proposed changes are prompted by the proposed 88<sup>th</sup>/Old Highway 99 rezone, as well as updating some references in the chapter. All proposed changes will be documented in the staff report. Similar changes are proposed for the Brewery Neighborhood Chapter because of the proposed rezone of the Valley Athletic Club and golf course area.

**PUBLIC COMMENT:**

**Larry DeChant** noted that the reference to "Casey Investment Group LLC" should be corrected to "Northwest Investment Group LLC."

**WORKSESSION:**

**ANNUAL HOUSEKEEPING  
DEVELOPMENT CODE  
AMENDMENTS –  
ORDINANCE NO. O2018-  
007:**

Manager Medrud referred the Commission to a summary of the proposed housekeeping amendments. The Commission's prior briefing included an initial review of all proposed amendments. He asked for feedback or questions on any of the proposed changes as staff recommends scheduling a public hearing during the Commission's August 14, 2018 meeting.

Manager Medrud reviewed the proposed amendments:

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<b>Amendment Subject</b>	<b>Comments</b>
Timing of collection of park impact fees	The proposal addresses the timing of collection of park impact fees for manufactured homes by moving it to the end of the cycle of review rather than at the beginning to enable accurate calculation of the fees prior to the deadline for the appeal. The Commission requested no additional information.
Construction noise	The proposal clarifies that if construction noise is listed as an exemption, it is exempt. Current language indicates construction noise should be exempted but specifies that construction noise is also included under the requirements for maximum residential noise limits. The Commission requested no additional information.
Removing references to the old Business Park (BP) zone district	The proposal updates the code to reflect the elimination of the Business Park (BP) zone district. The Commission requested no additional information.
Public notice requirements	The City previously updated SEPA noticing requirements. With the advent of increased development occurring in the City, staff acknowledged the need to expand the public notice signs when projects are proposed. The proposal would increase the size of notice signs to 4' x 6'. References in the code also need to be updated to reflect the change in the size, as well as requiring the applicant to post the site and file an affidavit of posting with the City. The Commission requested no additional information.
Final plat approval authority	The proposal is prompted by recent changes in state law allowing the City Council to delegate the process of approving final plats to either the Planning Commission or the Community Development Director. The Commission requested no additional information.
Addressing vermin in buildings to be demolished	The proposal was prompted by a recent demolition of a structure infested by rats affecting a neighboring property. The Mayor requested including a provision requiring a pest and vermin inspection prior to any demolition activity. The Commission requested no additional information.
Further clarifying wetland rating system	The proposal stems from the Permitting Division during the update of the wetland code to conform to current Department of

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Details on what needs to be shown on final plat	Ecology standards. The request provides more detail/explanation of the wetland numbering system. The Commission requested no additional information. The proposal was prompted from the City's quarterly Development Review Committee meetings between the Public Works Department and Community Development staff to review processes. Stormwater Program staff requested inclusion of the details on the face of the final plat pertaining to the ongoing maintenance of stormwater facilities and other similar requirements. The Commission requested no additional information.
Residential accessory use requirements	The proposal corrects a series of requirements for accessory structures to residential uses (garage, shop, greenhouse, shed, etc.) The amendments provide consistent language for all zones allowing single-family uses, as well as limiting the size of accessory structures on residential properties to either the size of the existing residential structure or some other limit dependent upon the zone district. The proposal does not pertain to accessory dwelling units. Manager Medrud asked the Commission to review proposed language in TMC 18.42.015 (size requirements). The Commission requested no additional information.
Removing the adult family home use from industrially zoned properties	The proposal was prompted by the Port of Olympia Airport Manager for uses within the Airport Related Industry (ARI) zone district surrounding the airport and some properties between Interstate 5 and the airport. Because of the underlying FAA restrictions on uses for those properties, residential uses are not allowed. State law requires the City to provide for adult family home use in all residential and commercial zones; however not within industrial zone districts such as the Airport Related Industry zone district. The Commission requested no additional information.
Yard setback language	The proposal addresses several issues pertaining to setbacks in different zone districts. The Commission requested no additional information.
Home occupations	The proposal is from the 2016 update to the Housing Element of the Tumwater

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Comprehensive Plan addressing home occupations and whether an equipment yard should be allowed for a home occupation. Some changes have been recommended. The Commission requested no additional information.

Environmental review timeline for text amendments and comprehensive plan amendments and rezones

The proposal addresses a current requirement in the code pertaining to the issuance of a SEPA Determination. The current timeline requires notification to the Council within 90 days. Because the public has the opportunity to appeal a SEPA Determination, sufficient time should be afforded to conduct the appropriate discussions and process. The Commission requested no additional information.

**MOTION:**

**Commissioner Goldenberg moved, seconded by Commissioner Stevenson, to schedule a public hearing on August 14, 2018 on Ordinance No. O2018-007, 2018 Housekeeping Development Code Amendments.**

**OTHER BUSINESS:**

Manager Medrud reported that in addition to supporting planning efforts, Intern Burbidge is assisting in the development of the Urban Forestry Management Plan.

In late September, the Commission will receive a briefing on a series of housing recommendations prompted by the City Council's recent adoption of a resolution containing an action list of housing initiatives.

**ADJOURNMENT:**

**Commissioner Hansen moved, seconded by Commissioner Hausman, to adjourn the meeting at 8:17 p.m. Motion carried unanimously.**