

**TUMWATER CITY COUNCIL WORKSESSION  
MINUTES OF MEETING  
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**CONVENE:** 5:33 p.m.

**PRESENT:** Mayor Pete Kmet and Councilmembers Neil McClanahan, Joan Cathey, Debbie Sullivan, Tom Oliva, Leatta Dahlhoff, and Michael Althausen.

Excused: Councilmember Eileen Swarthout.

Staff: Assistant City Administrator Heidi Behrends Cerniwey, City Attorney Karen Kirkpatrick, Police Chief Jon Weiks, Planning Manager Brad Medrud, Senior Planner David Ginther, and Recording Secretary Valerie Gow.

**REGIONAL  
CLIMATE ACTION  
PLAN - PHASE 2  
SCOPE OF WORK &  
INTERLOCAL  
AGREEMENT:**

Manager Medrud described efforts by the cities of Lacey, Olympia, and Tumwater and Thurston County to develop a Regional Climate Action Plan to move the region to carbon neutrality through the establishment of emission targets identified in 2015. Phase 1 efforts included developing the Phase 2 Scope of Work and documenting information completed previously by each jurisdiction. The plan was prompted by the passage of the Sustainable Thurston Plan in 2013. Two components of the plan include The Thurston Climate Adaptation Plan adopted by Thurston Regional Planning Commission in January 2018. The second component is the development of the Regional Climate Action Plan.

With consultant assistance, the plan will include a series of implementation measures completed collectively and individually by the jurisdictions. The consultant is responsible for a stakeholder process. A steering committee will guide the process comprised of one elected representative and one staff member from each jurisdiction. The committee will meet monthly.

Commissioner Althausen inquired as to whether the consultant would select the stakeholder group. Mike Burnham, Senior Planner, TRPC, advised that the membership of the stakeholder group would be recommended by the steering committee.

The Council supported placing the proposed action on the Council's regular meeting consent calendar for consideration.

**RESOLUTION NO.  
R2018-021,  
SHORELINE  
MASTER PROGRAM:**

Planner Ginther provided an overview of the proposed changes to the Tumwater Shoreline Master Program. The proposed changes were prompted by the City and recent changes in state law.

Planner Ginther outlined the public process completed to date.

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Proposed local amendments (not required by the state) include:

1. Amended TMC Table 14.08.030 to add an explanatory note regarding appeals of City decisions on 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. 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. ESA version of model ordinance adopted by Tumwater in 2016.
7. Incorporate new aquifer protection regulation changes (O2018-010).
8. 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.
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.

State required changes were guided by the Department of Ecology's Periodic Review Checklist. The document is used to conduct a review of the City's Shoreline Master Program to ensure compliance with state law. Many of the changes required no action as the City's SMP

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included those changes in the last update. The proposed changes include:

1. The Office of Financial Management (OFM) adjusted the cost threshold for substantial development to \$7,047. The 2014 Tumwater Shoreline Master Program includes reference to the previous \$6,416 cost threshold.
2. The Department of Ecology amended rules to clarify that the definition of “development” does not include dismantling or removing structures. The 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 re-development.
3. The Department of Ecology adopted rules that clarify exception to local review under the Shoreline Management Act (SMA). The proposal adds new Subsection 1.2(F)(1-5) with example language from Department of Ecology checklist guidance document.
4. The Legislature created a new shoreline permit exemption for retrofitting existing structures to comply with the Americans with Disabilities Act (ADA). The proposal adds new Subsection 2.5(E)(15) to the exemption list for retrofitting existing structures to comply with the ADA.
5. The Department of Ecology updated wetlands critical area guidance including implementation guidance for the 2014 wetland rating system. The proposal updates Subsection 5.2(B)(2)(c) to reflect adoption of the 2014 wetland rating system into TMC 16.28 by Ordinance No. O2017-018.
6. The Legislature raised the cost threshold for requiring a Substantial Development Permit (SDP) for replacement docks on lakes and rivers from \$10,000 to \$20,000. The proposal amends Subsection 2.5(E)(8)(b) to match language and intent of state law.

The next step involves forwarding the proposed amendments to the Department of Ecology for its review following the Council’s approval of a resolution approving the proposed changes.

The Council agreed to forward the proposal for inclusion on the Council’s September 18, 2018 agenda as a consent calendar item.

**ORDINANCE NO  
O2017-007, SIGNS:**

Planner Ginther reviewed the public outreach process and a Thurston County Chamber of Commerce survey of its business members that included questions about business signs. The Planning Commission has been working on the proposal for over a year and held several public hearings. Residential and business roundtables in the spring

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provided good input as well. The General Government Committee received a briefing on the proposal on September 4, 2018.

The amendments were necessitated by a U.S. Supreme Court decision of *Reed vs. the Town of Gilbert* and a subsequent ruling by the 9<sup>th</sup> Circuit Federal Court of Appeals refining the Supreme Court decision. The Supreme Court case involved a church temporary noncommercial sign. The court ruled that any sign code that relies upon judging the content of a noncommercial sign is considered an unconstitutional regulation of free speech. The circuit court ruled that municipalities could regulate the content of commercial signs but could not regulate the content of noncommercial signs.

During the review by the Commission, feather flags and A-frame signs were addressed as well. Both signs are considered temporary signs. Under current regulations, feather flags are not allowed in the City. The cities of Olympia and Lacey do not allow feather flags other than the City of Olympia is considering a proposal to allow feather flags at the auto mall. The Planning Commission's recommendation includes adding a definition for feather flags and not allowing feather flags in the City.

Councilmember Cathey shared information on the General Government Committee's discussion concerning the Commission's recommendations. The committee disagreed with banning feather flags and preferred to allow feather flags under some specific conditions.

Planner Ginther clarified that no signs are allowed in the public right-of-way. The proposal pertains to signs located on private property.

Planner Ginther shared some photographs of A-frame signs placed along Capitol Boulevard, 2<sup>nd</sup> Avenue, and Littlerock Road. The Littlerock Road location across from Costco is frequently the site of many A-frame signs on the property fronting the mall property. The current code allows up to two A-frame signs per property. The Littlerock site includes four properties housing 19 businesses. Code enforcement of the signs has been problematic for the City. The Commission recommends allowing one A-frame sign for a business placed no further than 12 feet beyond the entrance of the business.

Several Councilmembers questioned the reasonableness of restricting placement of the sign to 12 feet, especially for those businesses not fronting a street. The Council discussed the aesthetics of the signs especially when many are placed along the sidewalk. Difference of opinions were conveyed with respect to enabling businesses to have

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signs for advertising the location of the business, especially in high traffic areas to disliking the visual clutter and inability to read the signs because of the number of signs in one location. An alternative was offered of allowing businesses to increase the size of its sign on the large pylon sign for the mall.

Discussion ensued on businesses located within the Warehouse District not fronting Old Highway 99. Manager Medrud shared that the Commission also discussed the possibility of establishing specific subareas to allow one monument sign to attract customers to businesses located along internal streets.

The Council utilized an exercise employed by the Commission for both feather flags and A-frame signs to guide its discussion. Results from the discussion included:

***A-Frame Temporary Signs:***

- Allow A-frame signs with limitations
- Allow A-frame signs all year during business hours only (current regulation)
- Allow A-frame signs along property frontage with no distance requirement
- Allow one A-Frame sign per business

The Council's discussion included aesthetic considerations, lack of street frontage for some businesses, wayfinding signs identifying different districts in the City, allowing multiple pylon signs or increasing the size of signs on pylon signs, imposing a separation distance between A-frame signs, multiple placement of smaller corrugated plastic yard-type signs in the City, possibly allowing A-frame signs off-site within industrial areas of the City, and providing an option for directional signs for businesses located off the main arterial (Mottman and new commercial cul-de-sac sites). The Council agreed to conduct another worksession on the sign code proposal.

***Feather Flag Temporary Signs:***

- No consensus on allowing feather flags without limitations, allowing feather flags signs with limitations, or not allowing feather flag signs
- A majority supported allowing feather flag signs all year 24/7 (difficulty of code enforcement was cited if signs were restricted)
- Consensus to allow feather flag signs along property frontage
- Consensus to allow one feather flag sign per business

The Council discussed code restrictions for smaller plastic signs

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appearing throughout the City. Political signs are regulated as temporary noncommercial signs. The City could limit temporary commercial signs. Mayor Kmet supported drafting language to limit temporary plastic commercial signs, as there has been a recent proliferation of those signs in the City.

**MAYOR/CITY  
ADMINISTRATOR'S  
REPORT:**

Assistant City Administrator Behrends Cerniwey referred to a news article on the Fire Department's 9/11 celebration held earlier in the day.

**ADJOURNMENT:**

**With there being no further business, Mayor Kmet adjourned the meeting at 7:04 p.m.**

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