

**TUMWATER PLANNING COMMISSION  
MINUTES OF MEETING  
December 11, 2018 Page 1**

**CONVENE:** 7:02 p.m.

**PRESENT:** Chair Jessica Hausman and Commissioners Doty Catlin, Joel Hansen, Terry Kirkpatrick, Richard Manugian, Nam Duc Nguyen, Meghan Sullivan Goldenberger, Nancy Stevenson, and Michael Tobias.

Staff: Community Development Director Michael Matlock, Planning Manager Brad Medrud, and Recording Secretary Valerie Gow.

**APPROVAL OF MINUTES:  
NOVEMBER 27, 2018:**

**MOTION:** **Commissioner Goldenberger moved, seconded by Commissioner Stevenson, to approve the minutes of November 27, 2018 as published. Motion carried unanimously.**

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

**NEXT PLANNING  
COMMISSION REGULAR  
MEETING:** The next regular meeting on December 25, 2018 has been cancelled. The next meeting is scheduled on January 8, 2019.

**COMMISSIONER  
REPORTS:** Commissioner Stevenson reported on recently completing a Washington State Department of Transportation/Thurston Regional Planning Council survey on the I-5/U.S. 101 Study.

**MANAGER'S REPORT:** Manager Medrud reported the Council is currently reviewing the proposed comprehensive plan amendments. The Council supported most of the recommendations except for one issue that was presented to the City after publication of the Council's worksession agenda packets. A representative of the property zoned Neighborhood Commercial located at the corner of Barnes Boulevard SW and Ridgeview Loop SW, attended the worksession and requested a rezone of the property to another zone district. The City Council pulled the amendment from the proposed amendments and likely will forward the proposal to the Commission as part of the next year's amendment docket.

**PUBLIC COMMENTS:** **Kim Allen, Wireless Policy Group,** said she is representing Verizon Wireless. She expressed appreciation to the City and the Planning Commission for the opportunity to work with Ken Fellman, the City's consultant advising the City on changes by the Federal Communications Commission (FCC) for wireless

**TUMWATER PLANNING COMMISSION  
MINUTES OF MEETING  
December 11, 2018 Page 2**

facilities. The one remaining issue pertains to height limits for small cell facilities. The initial proposal was 40 feet, which has been increased to 45 feet in the most recent draft despite the fact that Puget Sound Energy, the primary pole owner in Tumwater, recommended 50 to 55 feet based on its knowledge of the average height of poles and separation requirements for siting a small cell antenna on a pole. She urged the Commission to consider increasing the height to 50 feet to ensure the possibility of small cell deployment in the City.

**DISCUSSION:**

**INTERCITY TRANSIT  
PRESENTATION:**

Rob LaFontaine, Planning Manager, Intercity Transit, updated the Commission on the agency's Short and Long Range Plan adoption based on the successful ballot measure to increase revenue, an update on September 2018 service changes, project updates, and ongoing outreach efforts by Intercity Transit.

The agency received over 3,5000 responses to the survey during "Intercity Transit's Road Trip" for the Short and Long Range Plan that yielded 10,000 individual public comments on what the public wanted for a community transportation system. Voters approved Intercity Transit's ballot measure with 62% voter approval. Following the successful election, the Authority adopted the Short and Long Range Plan.

The Short Range Plan addresses short-term issues effectively without the need for additional resources:

- Improve on-time performance
- Improve operation of Olympia Express
- Expand into NE Lacey (implemented in September 2018)
- Provide more cross-town service connections

Short-Range changes implemented in September 2018 included:

- Most routes experienced a change
- Schedule tweaks are planned to address customer feedback (Tumwater changes include addition of one AM trip for Route 12 and increasing frequency of Saturday service for Route 13 from 60 minutes to 30 minutes)
- Very preliminary results:
  - On-time performance has improved
  - Olympia Express is tracking positively

The Long Range Plan (2-7 years) is divided into nine key elements:

**TUMWATER PLANNING COMMISSION**  
**MINUTES OF MEETING**  
**December 11, 2018 Page 3**

- Extended Span of Service (hours of operation)
- Improved Frequency
- Service to New Areas
- Night Owl Service
- Maintain On-Time Performance
- Enhanced Commuter Service
- Enhanced Capital Facilities
- Bus Rapid Transit – Essentially a fixed route bus service that requires some of the same elements particular to light rail, such as stations along a corridor with level boarding and kiosks for payment of fare
- Continue Investigating Fare Payment Options

Commissioner Hansen asked about extension of service to Black Hills High School. Mr. LaFontaine explained that expansion of service to less densely populated areas would be implemented through an Innovation Service Zone because the route is challenging as a fixed route because of the lack of density.

Ann Freeman-Manzanares, General Manager, Intercity Transit, added that at this point, service to the high school is not guaranteed because the agency would need to outreach to the community to discuss future service to the area, type of service, and expanse of the service zone in that area of Tumwater. Intercity Transit recognizes that the area near the airport needs transportation and connection to the fixed route system. The agency is examining that area in addition to multiple areas in Yelm and Lacey. Having a robust public process with the community will help the agency define future service. The Long Range Plan includes implementation of three Innovative Service Zones.

Commissioner Hansen said it is likely that a community conversation is unnecessary because high school students need transportation options to the school. Ms. Freeman-Manzanares replied that options have been discussed with Tumwater School District officials. Those discussions will continue to determine a joint option to provide future service to the school. Representative from Black Hills High School have indicated to the agency that it cannot accommodate buses onsite. Consequently, a turnaround site on Littlerock Road is an issue for a large or medium-sized bus. Those are some of the issues to resolve. However, because of the good partnership between Intercity Transit and Tumwater School District, efforts will continue to address those issues.

**TUMWATER PLANNING COMMISSION**  
**MINUTES OF MEETING**  
**December 11, 2018 Page 4**

Commissioner Tobias commented that several years ago, Pierce Transit phased out paper transfers and replaced them with ORCA cards or single day passes. He asked whether Intercity Transit is considering a similar measure to reduce some of the issues surrounding fare payments. Mr. LaFontaine said Intercity Transit does not use a paper transfer system. Intercity Transit offers a day pass that can be purchased on the bus or at one of the agency's stations. Intercity Transit has coordinated with a number of jurisdictions and colleges to enable students, faculty, and employees to ride the bus by using their ID card.

Mr. LaFontaine reported the tentative schedule for implementation of the Long-Range Plan is through 2026. Implementation priorities are flexible with the agency hiring operators, procuring buses, and working on infrastructure necessary to support service.

Two current large capital projects underway include the Olympia Transit Center (OTC) Expansion project and the next phase of the Pattison Street Facility project. The OTC project should be completed by the end of 2019. The Pattison Street Facility is the storage and maintenance site for the bus fleet. Funding for the project has been an ongoing effort.

As many of the elements in the plan are conceptual, Intercity Transit will continue to outreach to the community and jurisdictions to pursue conversations about the elements as they move forward to implementation.

Commissioner Goldenberger referred to the implementation schedule and asked for information concerning the Yelm by-pass and pending HOV lanes. Mr. LaFontaine replied that other than identification of the need for HOV lanes on I-5, it has only been a topic of discussion. The Washington State Department of Transportation conducted a survey for the I-5 corridor between Mounts Road and 93<sup>rd</sup> Avenue. Some survey results released speak to the need for HOV lanes.

Ms. Freeman-Manzanares added that the agency is conversing with WSDOT about the possibility of running buses along the shoulder of the freeway for vanpools. During the conversations between the agencies, HOV lanes have been a main topic of discussion. The Yelm by-pass is a WSDOT project with an estimated completion by the end of 2022.

Commissioner Hansen pointed out that the planned implementation of the third Innovative Service Zone extending

**TUMWATER PLANNING COMMISSION  
MINUTES OF MEETING  
December 11, 2018 Page 5**

bus service to south Tumwater would serve high school students who are in elementary school today. His neighborhood located near the Olympia Airport was annexed to the City. Residents in that area of the City must walk to the Department of Health off Capitol Boulevard to catch a bus. He advocated for extending bus service to that area of the City.

The Commission thanked Mr. LaFontaine and Ms. Freeman-Manzanares for the update on Intercity Transit bus service.

**RECESS:**

*The meeting was recessed from 7:41 p.m. to 7:48 p.m. for a break to set up the briefing.*

**WORKSESSION:**

**TELECOMMUNICATIONS,  
ORDINANCE NO. O2018-  
025:**

Manager Medrud introduced City consultant Ken Fellman, who participated in the briefing via teleconference.

Manager Medrud reported the briefing would cover the changes that have occurred since the Planning Commission received a copy of the ordinance.

The first change is the effective date, which will be immediately following the Council's approval of the ordinance. Many of the other changes were prompted through conversations with the wireless industry. Some of the changes recommended by the industry were not recommended by staff at this time.

Manager Medrud reviewed the proposed changes:

- At the request of the industry, the definition of "Colocation" is proposed for revision to coincide with the definition contained in the 2018 FCC Order. Staff and the City's counsel recommend delaying the change in the definition until the Order is final. The definition is in a different direction because "Colocation" becomes a much broader concept under the 2018 FCC Order. Staff prefers to delay the revision until the outcome of the Order is determined.
- Staff supports proposed changes to the "Existing wireless communication tower" definition. The change is minor.
- Staff supports the proposed change to "Small cell wireless facilities" to match terminology in the FCC Order.
- The industry requested the deletion of (5) on page 12. Based on input from legal counsel, staff proposes retaining the section as the provision is an element and is

**TUMWATER PLANNING COMMISSION**  
**MINUTES OF MEETING**  
**December 11, 2018 Page 6**

- not contrary to the FCC Order.
- The definition of “Surplus Space” is proposed for deletion as requested by the industry because the terminology is not contained in other sections of the ordinance.
  - The definition of “Useable Space” is proposed for deletion by the industry because the terminology is not contained in other sections of the ordinance.
  - Section “B. Criminal Penalty” is proposed for deletion by the industry. Following consultation with legal counsel, staff recommends retaining the section.
  - The industry recommended increasing the term from five years to 10 years within “Chapter 11.06.060 Term of master permit grant.” After consultation with staff and legal counsel, staff recommends retaining the five-year term.
  - The industry recommended some amendments to the 120-day count within “Chapter 11.06.120 Renewal application.” Staff and counsel reviewed the FCC Order and determined it only applies to small cell and other wireless facilities and not to that specific chapter. Staff recommends no amendments to the Chapter.
  - Staff reviewed language for fixing compensation for fees. Some proposed changes to “Chapter 11.06.160 Annual fee for recovery of city costs” include adding “fair and reasonable fee” to align more with the FCC Order.
  - The industry requested changes to “Chapter 11.06.170 Other city costs.” Based on staff and the counsel’s understanding of the FCC ruling, the proposed language as drafted was deemed to be in alignment and no other changes are proposed.
  - Within “Chapter 11.08.030 (K), the industry requested a change. After evaluation of the section, staff deemed the section pertained to the City’s role as a landlord rather than as a regulatory agency. Based on that understanding between the differences, staff determined that no change was necessary to the proposed language. Mr. Fellman added that he has not had a chance to follow-up with the industry with respect to the proposed changes by the industry to Chapter 11.08. Within all the changes requested by the industry to Chapter 11.08, the comments pertained to federal regulations. If the City was acting in a regulatory capacity, the proposed changes would be valid; however, the City did not agree with the suggested changes to Chapter 11.08 because the Chapter

**TUMWATER PLANNING COMMISSION**  
**MINUTES OF MEETING**  
**December 11, 2018 Page 7**

addresses City leases of property, such as leasing a water tank, a building rooftop, or space at the back of a fire station for a wireless tower. In those situations, the City is acting as a landlord and the City can apply any terms or conditions it deems necessary. All restrictions in federal law regarding what the City can do in a regulatory capacity can be accomplished by the City within a lease agreement. If the industry does not conform, the City would have the option of not leasing the property, which speaks to why the changes proposed by the industry to Chapter 11.08 are recommended.

- The industry requested changes to “Chapter 11.10.230 Leased capacity” to allow for third party fiber providers to continue to provide small wireless facilities for back call services. Staff is recommending retaining the section that was requested for deletion but with some changes to clarify and communicate the intent.
- The industry proposed a series of changes to “Chapter 11.10.240 Insurance” that were reviewed by the City’s risk management staff. Based on input from Assistant City Administrator Behrends Cerniwey, the City’s Risk Manager, staff elected not to accept any of the proposed changes.
- The industry requested some changes to “Chapter 11.10.270 Security fund” in the section regarding the removal of facilities and the refund of remaining balance due back. Suggested language from the industry was “within 14 days.” However, based on the City’s processes, staff recommends language stating, “within 60 days of written notice,” which aligns with other refunding provisions in the code.
- The industry proposed some revisions to the section following “Chapter 11.10.350(F)” to change the meaning. Staff elected not to recommend the changes to preserve the City’s options.
- Industry changes proposed to “Chapter 11.20.040 (B)(2)(c) Processing procedures/issuing authority and appeals” are not recommended by staff as it would have deleted the section addressing the incompleteness if no new information submitted by the applicant alters the previously reviewed aspect of the application. Staff reviewed the issue and agreed it would be appropriate to retain the existing section, especially if a change alters the nature of the original application.
- Staff supports the proposed industry changes to “Chapter 11.20.070 Development standards for attached wireless

**TUMWATER PLANNING COMMISSION**  
**MINUTES OF MEETING**  
**December 11, 2018 Page 8**

- communication facilities” in section B.
- Staff corrected the code reference in “Chapter 11.20.080(E) Maximum Heights” to reflect TMC 11.20.095.
  - Staff supports a proposed industry change to “Chapter 11.20.095 Provisions for WCFs in the rights-of-way section H. Adjacent to Residential Uses” adding “replacement” in the second sentence following, “When placed near residential property, a stand-alone WCF (E.G., a new pole, and not a WCF placed on an existing or replacement street light pole...”
  - The industry’s reference to height requirements is addressed in “Chapter 11.20.095(I) Height Requirements. Staff reviewed the letter from Puget Sound Energy and the section stating that its distribution poles are an average of 35 feet tall. The industry requested a change from the 40 foot height. Staff recommends increasing the height to 45 feet if the average size of a distribution pole is 35 feet since seven feet of clearance is required by the wireless industry. Another provision in the section (4) also speaks to maximum height limits that can be modified by the Director of Community Development through an administrative process. Staff believes the provisions provide sufficient flexibility to address different situations.
  - A request to delete (2) addressing poles and WCFs in the right-of-way was not deleted as staff believes it is a viable option to require especially when contending with aesthetic issues.
  - Within “Chapter 11.20.095(J)(7)(e) Provisions for WCFs in the rights-of-way,” staff recommends changing “six hundred feet” to “five hundred feet” to reflect a more accurate City block size.
  - The industry requested a change to section 10 (Chapter 11.20.095 Provisions for WCFs in the rights-of-way) changing language on how wiring is installed with respect to undergrounding. Staff supports the proposed change as requested by revising section 10 to reflect, “In areas where utilities are required to be placed underground and a new wiring required to bring power to serve a WCF site shall be located underground.”
  - Within “Chapter 11.20.170 Administrative deviations – Variances from standards,” the first series of proposed changes address section A by deleting items 1-3 and revising language in section A stating, “Administrative

**TUMWATER PLANNING COMMISSION  
MINUTES OF MEETING  
December 11, 2018 Page 9**

Deviations. The development standards contained in this chapter establish basic parameters for compliance. Some of these parameters, as specified in TMC 11.20.170(C), may be varied from by administrative deviation as a result of special difficulties associated with site specific conditions creating a situation where a WCF may present a potential hazard or produce an adverse impact on adjacent land uses or the community in general.” Language in section B was revised to reflect, “Basis for Administrative Deviation. Administrative deviation may be granted in cases where the final approval authority finds that strict adherence to height, size, setback, separation, or other standards for WCFs. Item B.1 was revised to state, “Prohibits or has the effect of prohibiting the provision of personal wireless services.”

Manager Medrud reported the proposed changes are the only changes since the Commission’s last review. The City Council is scheduled to consider the ordinance following a public hearing on December 18, 2018. He invited questions and comments from the Commission.

Commissioner Tobias asked whether the height of the facilities/transmitters affects the capacity of the transmission. For example, if the City should afford a higher height, would the increased height result in greater capacity for customers in the City. Manager Medrud replied that based on input from the industry, the height can be neither too low nor too high. The facilities are intended to cover a localized area. The higher heights decrease effectiveness.

**PUBLIC COMMENT:**

**Kim Allen, Wireless Policy Group**, said her prior request for a height limit of 50 feet instead of 45 feet was not based on the capacity of the antennas because they operate best between 25 and 40 feet. The request was because of pole owner requirements. Although a 35-foot high distribution pole in the City of Tumwater is the average size, half are taller and half are lower. The proposed provision would remove many poles for small cell attachments if the height was limited to less than 50 feet. Within the letter from Puget Sound Energy, the height cap is recommended between 50 and 55 feet.

Commissioner Nguyen referred to the definitions section and the provision pertaining to “Substantial change.” He questioned the intent of the provision (2) enabling an outward change by six feet. Mr. Fellman replied that the definition is required by 2014 FCC Rules that speak to the requirements when the City is

**TUMWATER PLANNING COMMISSION**  
**MINUTES OF MEETING**  
**December 11, 2018 Page 10**

required to approve a collocation. The FCC defines for all local governments in the country what a substantial change is. If it is not a substantial change, the City must approve it. The requirements through items 6 were set forth in the FCC Rules.

Commissioner Hansen cited Chapter 11.10.240 and requested clarification of the provision that the liability for any injuries to persons would be assumed by the operator of the facility. Mr. Fellman said the draft ordinance includes existing language in the code that was modified on the coverage and the amounts primarily based on advice by the City's Risk Manager. Most of the changes were proposed by the Risk Manager for consistency with City policies. Much of the language has been in the existing code for some time and has not been updated.

Commissioner Hansen commented that some people are harmed by electromagnetic fields and his interest is in how individuals harmed would be compensated or made whole. Mr. Fellman said the section speaks to the requirements for insurance for harms caused by a grantee, permittee, or licensee. It could involve any situation. It is uncommon based on his experience, to indicate that wireless companies have been found liable by courts or injuries caused by radio frequency emissions. However, to the extent that it might happen, such as a company exceeding the federal standards and found to have been the cause of an injury to a person, the company would be liable. The provision applies to those companies operating a facility in the City of Tumwater. The company would have insurance coverage in specific amounts to cover any kind of personal injury caused by the company.

Commissioner Manugian asked about the feasibility of not allowing the installation of small cell wireless facilities unless it was technologically impossible to use a large tower as a way to reduce clutter. Mr. Fellman replied that in all FCC proceedings, it is clear that wireless facilities are not taking the place of macro towers and macro towers are not solving the problems that small cell wireless is intended to solve. They are to work together in conjunction with one another. The industry will need both towers and small cell sites. Given that the recent FCC Order is under appeal, the City is prohibited by federal law from having regulations that prohibit the provision of wireless services. Including such prohibitions would likely result in both the FCC and most courts finding that the provision was an effective prohibition because it forces the industry to use one kind of network facility, when in fact, the industry needs both.

**TUMWATER PLANNING COMMISSION  
MINUTES OF MEETING  
December 11, 2018 Page 11**

Commissioner Manugian said his concerns center on how macro towers are typically owned by the industry while small cell facilities would be installed on other properties. Additionally, small cell facilities would increase visual clutter in neighborhoods and downtown areas of the City.

Commissioner Tobias asked whether the provisions for camouflaging small cell facilities would be cost-prohibitive for the industry, and if so, would the costs be passed on to consumers of wireless services.

Ms. Allen replied that adding camouflaging elements does cost more and that the cost would likely be passed on to consumers in some form. The main issue concerning the provisions for camouflaging and the pushback from the industry on the provisions is because signals from small cell facilities are not as extensive as macro towers nor do they penetrate buildings and trees as effective as macro signals. Adding enhancements could block signals and interfere with the effectiveness of antennas. Planting a tree in front of a small cell antenna would not be possible.

Commissioner Nguyen asked how cellular providers establish their rates. Ms. Allen said she is not knowledgeable about the internal rate setting procedures of other cellular companies.

Commissioner Manugian asked Ms. Allen to speak to the issues of technology and reasons macro towers no longer serve the industry. Ms. Allen explained that the macro network is the backbone of the Verizon network with towers placed throughout the community providing the basic underlay of coverage. Since the advent of smart phones approximately 15 years ago, the demand for data has increased tremendously and the number of devices using the wireless network has increased enormously. Because of the increase in use, the network is experiencing stress and is not able to keep pace with the demand for data movement across the network. Small cell facilities are designed to remove some of the congestion from the main network and supplement capacity in areas where devices are used. Since the needs of consumers have evolved and are different, the network needs to change to accommodate those needs.

Commissioner Stevenson remarked that her overall concern is with camouflaging capabilities and the aesthetics. Based on the information, numerous facilities must be located within a square mile. She is hopeful the provisions are adequate to ensure that the cost is distributed amongst users to ensure the quality of

**TUMWATER PLANNING COMMISSION**  
**MINUTES OF MEETING**  
**December 11, 2018 Page 12**

neighborhoods, streets, and the community is maintained as facilities are installed.

Manager Medrud noted that there is recognition that the ordinance will not solve all issues. However, the ordinance will enable the City to be in a defensible position relative to the 2014 FCC Order. The ordinance includes some elements to address some of the aesthetic issues. The Council and the Mayor have directed a separate effort to address design standards with a focus on provisions that are possible within the confines of the orders to address aesthetic concerns.

Mr. Fellman added that based on his meetings and familiarity with individuals representing the industry, they are willing to meet with staff to work on some designs. The industry works with manufacturers of the equipment and different options are available. What might be effective in one city might not be effective in another city. One of the next steps following adoption of the code is to meet with industry representatives to review different designs that will be effective in different areas of the City. The FCC recently released an order that provides more clarification of the most recent Order in terms of the requirement for local governments to publish design or aesthetic criteria if the intent is to impose those requirements. The most recent order clarified that a framework of the basic criteria would suffice and could be addressed separately for each site.

Commissioner Kirkpatrick spoke to the City's long-range plan to underground utilities in significant areas of the City over an extended period of time. He asked how the code affects the relocation of facilities once installed when the City is ready to underground surrounding facilities. Mr. Fellman replied that the City has the authority to require any users of the right-of-way to relocate facilities as a result of a public project, which would include undergrounding projects. The company would be required to underground at its expense. However, antennas only work above ground and the antennas would need to be relocated to another light pole, a traffic signal pole, or a stand-alone pole.

Commissioner Hansen asked whether the City's authority is limited to regulating only the aesthetics of the facilities and not based on public health. Mr. Fellman advised that the City has no authority under federal law, nor has the City had the authority for many years, to regulate the placement of wireless facilities based upon the health effects of radio frequency emissions. Other City regulations address public health and safety, such as locating a pole in an area where there is only a narrow sidewalk

**TUMWATER PLANNING COMMISSION**  
**MINUTES OF MEETING**  
**December 11, 2018 Page 13**

frequented by children. The City could prohibit such placement. The health effect of radio frequency emissions is regulated exclusively by the federal government. The only recourse by local governments is to require some form of documentation that the facilities to be permitted comply with federal health regulations.

Commissioner Hansen expressed frustration with the restriction. The community voted twice in support of people having the right to be in their homes and free from the disturbance of fireworks. In this case, citizens who do not want to be affected by electromagnetic frequencies have no right to protection. Mr. Fellman acknowledged the concern but noted that the statute has prevailed in many court cases. The only way to change the regulation is by congressional action working through the local congressional delegation. Additionally, the FCC has had an open proceeding since early 2013 to update the health rules relating to radio frequency emissions. Local governments have been urging the FCC to complete the docket and issue new updated rules. The FCC has been ignoring those requests. Local members of Congress could pressure the FCC to complete the docket. Additionally, Congress could pass a law removing the authority from the FCC and transferring it to local communities. It is highly unlikely, but certainly possible through congressional action.

Commissioner Catlin asked whether the language within the code is sufficient to ensure the permitting process would not permit small cell facilities or towers in community neighborhoods that do not want them. Manager Medrud said that from staff's perspective, the language is sufficient to guide the appropriate placement of facilities within the constraints allowed by the FCC Order. Commissioner Catlin said her concerns surround the number of wireless companies that would be installing small cell facilities in the City. Manager Medrud replied that the City does not have the authority to deny a provider from installing a facility in an area that includes other cell facilities. The City can require the provider to consider collocation and install the facility on an existing facility to minimize additional facilities. The City does not have the ability to pick and choose which provider can install a facility.

Commissioner Catlin asked whether the code includes any provisions that limit the number of cell facilities in one location. Mr. Fellman said the Council has no authority to restrict an installation if the entire neighborhood speaks against the installation. However, any provider that can demonstrate to a

**TUMWATER PLANNING COMMISSION  
MINUTES OF MEETING  
December 11, 2018 Page 14**

court that local regulations were prohibiting or were having the effect of prohibiting them from providing service within any of its territory of which they are licensed to provide service, then local regulations are preempted by federal law. The City can regulate aesthetics, spacing, height, camouflage, and encourage collocation. Under existing federal law, prohibiting a facility because of opposition from the neighborhood would not be permitted.

Commissioner Manugian asked about provisions requiring the review of standards by a specific timeframe, such as every five years, to gauge current technologies and industry options that might have become available. Mr. Fellman advised that by including provisions that limit the term, the City could revisit the issue periodically. However, it is important to consider that the networks are very expensive to deploy. While changes might occur over time in terms of appearance or capacity, it is unlikely the City would experience wholesale changes of existing facilities. To reduce the City's legal exposure, the best way to address those kinds of issues is when the permit is scheduled for renewal.

**MOTION:**

**Commissioner Goldenberger moved, seconded by Commissioner Kirkpatrick, to recommend the City Council approve Ordinance No. O2018-025 Telecommunications as modified per staff's presentation. Motion carried. Commissioner Hansen abstained.**

**RECESS:**

*Chair Hausman recessed the meeting from 8:45 p.m. to 8:50 p.m. for a break.*

**WORKSESSION:**

**HOMELESSNESS AND  
AFFORDABLE HOUSING:**

**MOTION:**

**Commissioner Manugian moved, seconded by Commissioner Stevenson, to table the worksession on Homelessness and Affordable Housing to the January 8, 2019 meeting. Motion carried unanimously.**

**DISCUSSION:**

**DRAFT 2019 LONG RANGE  
PLANNING WORK  
PROGRAM:**

Manager Medrud reviewed some of the major work items within the draft 2019 Long-Range Work Program:

- 2019 Comprehensive Plan Amendments – The amendments will likely include the 2018 amendment for the property

**TUMWATER PLANNING COMMISSION**  
**MINUTES OF MEETING**  
**December 11, 2018 Page 15**

located at the corner of Barnes Boulevard and Ridgeview Loop. A representative of the property owner requested a change in the zone to Mixed Use. In addition, the City received one private site-specific amendment for a property located off Littlerock Road across from Walmart. The property owner filed to change the zoning from Single-Family to General Commercial. Other amendments include a review and update of the Six-Year Capital Facilities Plan (CFP). The CFP is updated every other year. *Commissioner Stevenson requested an opportunity to provide input on the CFP in the spring rather than later in the year.*

- Economic Development Plan Update
- Shoreline Management Plan – Comments from the state on the plan are pending.
- Town Center Amendments – Limited to potential update of street grid with other issues addressed in future years.
- Tumwater/Thurston County Joint Plan Update – Tumwater serves in a support role to Thurston County for the updates to the Joint Plan.
- Urban Forestry Management Plan – *The Tree Board has initiated a discussion on the outline of the plan and finalizing the vision for the plan. The draft plan will be reviewed by the Commission in March or April. Chair Hausman serves as the liaison to the Tree Board.*

Manager Medrud reviewed the work program for Development Regulations Amendments:

- Aquifer Protection Standards Amendments – The City received update guidance from the Department of Ecology to help guide the update.
- Cellular Facilities Design Amendments – Follow on to the work on the Telecommunications Ordinance for design parameters for 5G network facilities.
- Code Amendments Related to Redevelopment Strategies – Capitol Boulevard/Brewery District – The strategies are the financial component for affordable housing within focused areas to assist the City in meeting goals of the Capitol Boulevard Plan and the Brewery District Plan. *Commissioner Stevenson asked whether the Commission would receive briefings on the existing plans for the benefit of new members. Manager Medrud acknowledged the importance of revisiting the plans for everyone's benefit. Commissioner Stevenson expressed interest in receiving a briefing on the Town Center Plan. Manager Medrud said the Tumwater Town Center Plan update is not scheduled until*

**TUMWATER PLANNING COMMISSION**  
**MINUTES OF MEETING**  
**December 11, 2018 Page 16**

2020.

- Housing Affordability and Homelessness Amendments @ 320 hours
- Parks and Open Space Amendments – Work was initiated in 2018 during the review of the fee in-lieu option. However, other broader policy implications were deemed important, such as requiring developments to construct smaller and HOA-maintained recreational facilities that likely would not have a long-term lifespan versus whether the City should refocus by adding more public facilities maintained by the City.
- Rezone Criteria for Site Specific Rezones
- Tree Preservation and Landscaping Standards Update – The update will follow completion of the Urban Forestry Management Plan.

Other planning projects include:

- Annexations – No plans at this time to pursue any additional island annexations. However, some changes in state law for annexations might assist the City in addressing island annexations.
- Cultural Arts Plan – The intent is to organize, coordinate, and selectively develop high quality, diversified cultural arts facilities and programs that increase awareness, attendance, and participation opportunities at Tumwater parks and properties. The work item also entails collaboration with a Tumwater Arts Commission, which will be established.
- Habitat Conservation Plan – The Commission will receive draft chapters of the plan for review. This year, the goal is to complete a draft plan outlining the species, conservation strategies, and the costs.
- Regional Climate Mitigation Plan – Staff is working cooperatively with other jurisdictions to complete the plan. A Steering Committee includes elected officials. Councilmember Tom Oliva is Tumwater’s representative with Mayor Kmet serving as the alternate member. The plan should be completed by early 2020.
- WSDOT Site Planning – Potential for advance site planning work as WSDOT transitions to its new facility in Lacey.

Manager Medrud reviewed several below the line items that could be addressed time permitting. Some of those items include:

- Essential Public Facilities

**TUMWATER PLANNING COMMISSION  
MINUTES OF MEETING  
December 11, 2018 Page 17**

- Littlerock Road Subarea Plan and Regulations
- Pipeline – Land Review – To ensure against the placement of facilities near pipelines.
- Tumwater Town Center – Other updates beyond the street grid.

Commissioner Goldenberger remarked that the work plan appears to be aggressive. She questioned the feasibility of the plan with respect to staff resources. Manager Medrud advised that the department's work program was extensively reviewed by staff and staff is optimistic the work can be completed.

Commissioner Kirkpatrick questioned whether the lack of hours for an intern was reflective of the department's budget. Manager Medrud said that at this time it is a budgetary issue. Should the department add an intern, the intern would likely be dedicated to work on GIS-related issues. Some intern time is budgeted in the new biennium budget.

Commissioner Stevenson thanked staff for developing a comprehensive work program.

The Commission conveyed appreciation to Manager Medrud and Planner Ginther for their work and support to the Commission during the year.

**ADJOURNMENT:**

**Commissioner Stevenson moved, seconded by Commissioner Goldenberger, to adjourn the meeting at 9:12 p.m. Motion carried unanimously.**