

**TUMWATER CITY COUNCIL MEETING
MINUTES OF MEETING
January 15, 2019 Page 1**

CONVENE: 7:00 p.m.

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

Staff: City Administrator John Doan, Assistant City Administrator Heidi Behrends Cerniwey, City Attorney Karen Kirkpatrick, Community Development Director Michael Matlock, Public Works Director Jay Eaton, Police Chief Jon Weiks, Planning Manager Brad Medrud, Communications Manager Ann Cook, Senior Planner David Ginther, and Recording Secretary Valerie Gow.

ADDITIONS TO AGENDA: There were no changes to the agenda.

SPECIAL ITEMS:

**PROCLAMATION:
CELEBRATION 150
YEARS OF
INCORPORATION –
TUMWATER’S
SESQUICENTENNIAL:** Councilmember Swarthout, Co-chair of the City’s Sesquicentennial Committee, read a proclamation recognizing the incorporation of the City of Tumwater on November 25, 1869. The proclamation encourages citizens to celebrate civic pride by participating in activities throughout the year as the City celebrates and offers opportunities to learn about its history as one of the oldest jurisdictions in the State of Washington.

Councilmember Dahlhoff, Co-chair of the Sesquicentennial Committee, read a statement on the importance of community participation and civic engagement to celebrate the City’s sesquicentennial.

Communications Manager Cook described some sesquicentennial events planned during 2019. A special project in conjunction with TVW and Tumwater students will culminate the year-long celebration on November 25, 2019. In partnership with Olympia Tumwater Foundation and TCTV, the unveiling of an interactive story map is scheduled in the next several weeks. The online story map features the history of Tumwater then and now. Periodic Facebook posts will feature information about the history of Tumwater. Special features will be included during the City’s 4th of July festivities and during the Tumwater Brewfest. History talks will be featured at the Schmidt House. Program schedules are on the City’s Facebook page under “Sesquicentennial.”

OLD BREWHOUSE Director Eaton reported the project follows some temporary work to

**TUMWATER CITY COUNCIL MEETING
MINUTES OF MEETING
January 15, 2019 Page 2**

**TOWER
REHABILITATION
REPORT:**

protect the Old Brewhouse. This phase includes permanent renovation and repairs. Jim Cary with Cardinal Architecture was selected to design and oversee the project. The City released a bid for masonry renovation of the Old Brewhouse and installation of permanent roofs, cornices, and gutters.

Mr. Cary reported design was initiated in August 2018. During the last several months, the design for the roof and masonry projects was completed. Bids are due on January 30, 2019.

Mr. Cary reported project documentation included original drawings and historic photos of the structure that helped guide research and reconstruction design work. The project is the first phase of renovating the structure. The second phase includes a seismic retrofit of the Old Brewhouse. The third phase includes exterior finishes of windows, doors, stairs, and interior walls.

The Old Brewhouse employed the unique process of gravity brewing. Historic photos were used to re-create the details of the current project. This scope of work includes replacement of cornices, gutters, several roofs, repair and replacement of masonry, and repairs to the copper roof. He described some of the water damage sustained by the building causing erosion of mortar and damage to masonry. The copper roof is in good condition with some areas requiring repair near the top of the walls where water infiltration occurred. Much of the mortar and brick will be replaced at the top of the tower along with new roof structures. The volume of water on the north face damaged masonry and left stains. The new roofs will be watertight to help maintain replaced masonry. Some of the original construction documents describe how the roof system was connected. The existing brackets and cornices were pocketed into the roof structure. The revised plan rebuilds the masonry at the top of the walls and uses brackets, bolts, and nuts to tie the roof system together. A new downspout system will protect the building from water infiltration. New cornices will be installed. The cornices will be restructured and attached by brackets. The upper copper roof will receive some restoration with most of the roof remaining intact.

Existing bricks damaged by water will not be used because of damage and lack of compression strength. Mr. Cary described the process for matching the bricks. He shared several photographs of the sample brick layout, described the percentages of the brick colors, and shared several samples of brick faces.

One of the mysteries of the building's original construction was treatment of the historic cornices. Some documents depicted copper

**TUMWATER CITY COUNCIL MEETING
MINUTES OF MEETING
January 15, 2019 Page 3**

and some reflected cornices of painted galvanized tin. The approved design will replace cornices with copper cornices.

The bid documents describe all construction details for the cornices, roof, gutters, and masonry demolition and masonry restoration.

Mayor Kmet complimented Mr. Cary for the incredible work in researching the original construction of the structure. The City owns only the Old Brewhouse and not the surrounding properties. The project is a first step of a larger restoration of the building. A majority of the project is funded by a state grant. .

**PROCLAMATION:
HUMAN TRAFFICKING
AWARENESS AND
PREVENTION MONTH:
JANUARY 2019:**

Councilmember McClanahan read a proclamation recognizing the importance of citizens to educate themselves about all forms, signs, and consequences of human trafficking and to attend Thurston County's Coalition's Partnership Conversation on January 31, 2019 to end this most serious ongoing human rights violation.

Renee Snow, Volunteer, Thurston County Coalition Against Trafficking, reported on efforts to educate hotels to eliminate human trafficking. Other efforts include schools and working with students to empower them and help them learn and understand. Approximately 83% of sex trafficking victims in Thurston County are local children from the region. In 2016, the Washington State Patrol conducted a sting operation in Tumwater and arrested 23 people who were attempting to buy children for sex. One in every six runaway youths in the U.S. is likely to be a victim of sexual exploitation. In 2016, more than 50% of the 5,550 sex trafficking calls reported to the National Human Trafficking Hotline involved youths under the age of 18 years. Thurston County is considered a "red zone" for human trafficking.

Amanda Putman invited community members to attend a roundtable discussion on January 31, 2019 at the ESD Building located behind Tumwater Costco. The event begins at 6:00 p.m. and ends at 7:30 p.m. The event is a series of conversations between community members sharing ideas and stories to increase advocacy in the community to help prevent human trafficking.

Councilmember Cathey inquired about the area of the "red zone." Ms. Snow replied that Thurston County is considered a red zone. A number of red zones are located along the I-5 corridor.

Mayor Kmet presented the proclamation to coalition volunteers Ms. Snow and Ms. Putman.

**TUMWATER CITY COUNCIL MEETING
MINUTES OF MEETING
January 15, 2019 Page 4**

PUBLIC COMMENT:

Pamela Hanson, 801 Israel Road, Tumwater announced that she has produced an opinion program scheduled for broadcast on TCTV Channel 22. The first show focuses on Tumwater meetings not broadcast on TCTV. She advocated for an end to violent talk in the community. She attended the opening ceremony of the Senate at the State Capitol and cited how the ceremony was an embarrassment.

David Nicandri, 505 4th Avenue, SW, Tumwater, expressed opposition to an idea of merging Tumwater with the cities of Lacey and Olympia. Although he has great regard for the Olympia Mayor and the Council, it has been difficult to witness some of the mis-governance and vigilante action and mob rule at Council meetings. It would be even worse to be governed by such a dynamic. As a long-standing member of the Tumwater community, that situation has not occurred in the City of Tumwater. The premise behind the editorial was to argue in favor of greater municipal response to the homeless crisis, which is an appropriate area of engagement for the City. However, there are ways of supporting engagement without the City merging with neighboring communities. Mr. Nicandri shared some historical context involving the citizens of the North Street neighborhood determining the boundary between the cities of Tumwater and Olympia. He shared information on the City of Olympia's prior attempts to prevent the incorporation of the City of Lacey. He asked the Council to consider installing shields on the light towers at the golf course driving range to reduce light pollution.

CONSENT CALENDAR:

- a. Approval of Minutes: Regular Meeting, December 18, 2018; Worksession, December 11, 2019
- b. Payment of Vouchers
- c. 2019 Long range Planning Work Program
- d. Interagency Amendment – Department of Enterprise Services: Energy Conservation

MOTION:

Councilmember Oliva moved, seconded by Councilmember McClanahan to approve the consent calendar as published. Motion carried unanimously.

Mayor Kmet reviewed the items approved on the consent calendar.

PUBLIC HEARINGS:

**ORDINANCE NO. O2018-006, 2018
COMPREHENSIVE
PLAN AMENDMENTS
AND ASSOCIATED**

Manager Medrud reported the public hearing is to receive testimony on the 2018 Comprehensive Plan Amendments and Associated Rezones (Ordinance No. O2018-006). State law requires a public hearing by the Council in addition to the public hearing conducted by the Planning Commission. State law requires jurisdictions to consider

**TUMWATER CITY COUNCIL MEETING
MINUTES OF MEETING
January 15, 2019 Page 5**

REZONES:

comprehensive plan amendments once each year. All amendments either public or private are considered concurrently. The 2018 amendment docket includes five amendments to include one amendment comprised of a series of amendments for the City's Neighborhood Commercial zones. Additional information provided prior to the meeting included a memorandum from staff summarizing the evaluation factors considered for the Neighborhood Commercial amendments, public outreach efforts as part of the process, and a current list of all public comments received to date. Additional comments were received since last week from 12 individuals for two of the proposed amendments.

Staff reviews the City's adopted criteria within the Tumwater Municipal Code (TMC) to assess each proposed amendment against the following:

1. Does the amendment conform to the Growth Management Act?
2. Is it consistent with the City's Comprehensive Plan, County-Wide Planning Policies, and related plans?
3. Have area conditions changed or are changing to justify a change in land use for the area?
4. Is there a need to provide a community-related use not anticipated by the Comprehensive Plan?

Each of the proposed amendments must meet the criteria to be recommended for approval.

Manager Medrud identified the 2018 proposed amendments:

1. Crosby and Barnes Boulevard – private amendment
2. The Valley Athletic Club and Golf Course Vicinity – public amendment
3. 88th Avenue and Old Highway 99 – public amendment
4. Coralie Carlyon Park – public amendment
5. Neighborhood Commercial – public amendment

Planner Ginther reviewed details of each amendment:

- 1. Crosby Boulevard SW and Barnes Boulevard SW (Northwest Investment Group, LLC) Amendment** – The private application is for a Comprehensive Plan map amendment and corresponding rezone for one undeveloped property located at the southwest corner of the intersection of Crosby Boulevard SW and Barnes Boulevard SW. The 3.5-acre property is proposed for redesignation and rezoning from Neighborhood Commercial (NC) to Multifamily

**TUMWATER CITY COUNCIL MEETING
MINUTES OF MEETING
January 15, 2019 Page 6**

High Density Residential (MFH). The property encumbers a utility designation because of Puget Sound Energy transmission lines located at the northern area of the property. The property has been zoned NC for several decades.

- 2. The Valley Athletic Club and Golf Course Clubhouse Vicinity Amendment** – The proposal corrects a mismatch between the comprehensive plan and the zoning for three properties (Day Care facility, Tumwater Valley Athletic Club, & Tumwater Golf Course and Clubhouse vicinity) totaling approximately 27.8 acres located in the vicinity of the Valley Athletic Club and the Tumwater Valley Golf Course Clubhouse. The proposal would amend the Tumwater Comprehensive Plan City-Wide Land Use Map to change the land use map designation from MU and P/OS to General Commercial (GC) and P/OS. The MU parcel to the west would retain its MU comprehensive plan map designation as recommended by the Planning Commission. The amendment would use the property lines as the boundaries. The childcare facility is a permitted use in both land use designations. The golf course would continue to operate under the P/OP zone district. The Valley Athletic Club would not be impacted by the proposal.
- 3. 88th Avenue SE and Old Highway 99 SE Comprehensive Plan Map Amendment and/or Corresponding Rezone** – The property is located at the southwest corner of Old Highway 99 and 88th Avenue. The 28-acre property with 31 parcels was zoned Single Family Medium Density Residential (SFM) by the county with a designation of MU. The Joint Plan with Thurston County acknowledges that the zoning should be changed to MU zoning and MU designation as the area continues to develop and change. Some changes are occurring but not to the entire 28-acre property. The proposal would change the 11 most northern properties to MU and retaining the remaining properties as SFM zoning. The City received several comments from property owners expressing support of the proposal. City water and sewer are located in close proximity. Current land uses to the north include commercial and industrial uses including a trailer and farm supply business, mini-storage, and an automobile sales facility.
- 4. Coralie Carlyon Park** – The proposal recognizes the existence of a small park property donated to the City approximately 50 years ago by the Carlyon family. The site includes a park bench and a park sign in addition to some trees. The proposed amendment adds an appendix to the Parks, Recreation, and Open Space Plan to recognize the existence of the donated park as required by Ordinance No. 329 (1953). The site is located near the Sunset

**TUMWATER CITY COUNCIL MEETING
MINUTES OF MEETING
January 15, 2019 Page 7**

building and borders the City of Olympia. The donation included several conditions. The property was to be used as a park and named Coralie Carlyon Park and no utility poles could be erected on the property.

5. Neighborhood Commercial – Manager Medrud reported staff analyzed 11 NC zones located in various areas of the City to address the lack of development of preferred uses as requested by the Council. Factors analyzed by staff included transportation access, existing right-of-way improvements, street designations, transit service availability, walkability, compatibility with existing development patterns of each neighborhood, and the viability of commercial development. Based on comments received following the Planning Commission public hearing and discussions with the City Council for Location #4, the Barnes Boulevard and Ridgeview Loop amendment, staff reviewed how existing zoning and neighborhood areas aligned and current development in the area.

Manager Medrud outlined the extensive public notification and outreach process for the proposed Neighborhood Commercial amendments. The Planning Commission conducted a public hearing on October 23, 2018 followed by a briefing to the General Government Committee in November. The City Council considered the Commission's recommendations during worksessions and regular meetings in December 2018. The proposed amendments include three areas located in the City's urban growth area (UGA). The amendments would change the Land Use Map designations and corresponding rezones depending on the location, include text amendments to the Comprehensive Plan, and text amendments to Chapter 18.07 TMC *Summary Tables of Uses* and Chapter 18.18 TMC *Neighborhood Commercial*.

Planner Ginther reviewed the sites and the proposed amendments for each site:

Location #1: 68th Avenue SW and Kirsop Road SW. The location includes an auto repair shop at the northern section of the zone. The proposal would change the southern parcels from NC to SFM density, as the southern parcel is currently used as a stormwater retention pond for a subdivision located to the south. The Planning Commission recommends retaining NC for the northern parcel.

Location #2: 70th Avenue SW and Littlerock Road SW. The Commission recommends no change as the zone includes approximately eight small conforming buildings offering a range of professional and personal services. The uses conform to the code and

**TUMWATER CITY COUNCIL MEETING
MINUTES OF MEETING
January 15, 2019 Page 8**

the intent of the zone.

Location #3: Crosby Boulevard SW and Barnes Boulevard SW. The proposal was submitted by the property owner. The proposal is to rezone the site from NC to MFH density.

Location #4: Barnes Boulevard SW and Ridgeview Loop SW. The Council received several public comments recently received by the City. The proposal would rezone the southern parcel (south side of Barnes Boulevard) to MFM density to match adjacent MFM zones on three sides. The location includes structures developed in the late 1990s and early 2000s at the north side of the zone with several smaller buildings in conformance with the code offering professional and personal services.

Location #5: North 2nd Avenue SW and Custer Way SW. The NC zone includes Old Town Center. The zone is located north of Linda's Hair Design. Staff reviewed the zone and was not aware the zoning did not extend to the business. The proposal would change Old Town Center to MU and change the land use and zone district for the two properties south of the Old Town Center from SFM to NC to recognize the existing use and retain a site for future development.

Location #6: North Street SE and Hoadly Street SE. The site includes a small grocery store near Olympia High School. No change is recommended for the site.

Location #7: Tumwater Boulevard SE and Henderson Boulevard SE. The zone is a large area that also included an area north that was rezoned approximately 10 years ago. The Planning Commission recommended no map change because of the amount of adjacent development in progress that would support neighborhood commercial development on the site. No changes are proposed for the site.

Location #8: Tumwater Boulevard SE. The proposal would change the zone from NC to Light Industrial (LI) for an area off Tumwater Boulevard located halfway between Bonniewood and Henderson Boulevard. A pest control company is located west of the zone. Light Industrial zoning borders the NC zone on the west and the south. The zone is subject to the Airport Overlay Zone covering more than half of the property. The location is also close to another NC zone. The zone has limited development surrounding the site. The City received some recent public comments, which have been provided to the Council.

**TUMWATER CITY COUNCIL MEETING
MINUTES OF MEETING
January 15, 2019 Page 9**

Urban Growth NC Sites:

Location #9 (UGA): 83rd Avenue SW and Center Street SW. The 7.6-acre location contains the convenience store and gas station for the Olympia Campground. The proposal would change the Comprehensive Plan map designation and zone district of the area from NC to GC to match the size and location. A lumber yard is located across the street at the intersection. Properties located to the immediate east are zoned LI. Zoning to the north of the site is Airport-Related Industrial, which includes the school and the lumber yard. The property owner of the campground supports the proposed change.

Location #10 (UGA): Black Lake Belmore Road SW and 49th Avenue SW. The 6.4-acre site contains a combination gas station and convenience store, several single-family residences, and vacant land. The proposal would reduce the size of the designation and zone district to the parcel with the convenience store and gas station and the parcels immediately across the street, and change the southern two parcels to SFM density residential Comprehensive Plan map designation and zone district.

Location #11 (UGA): 93rd Avenue SE and Old Highway 99 SE. The 1-acre site is vacant land and partial right-of-way. No change is recommended, as the zone is the right size with future multifamily development occurring as utilities are extended to the area.

Planner Ginther summarized the proposed amendments for all the proposals. The staff report addresses all proposed amendments jointly. Staff reviewed the amendments to ensure compliance with the Growth Management Act, County-Wide Planning Policies, Tumwater Comprehensive Plan, and criteria in Tumwater Municipal Code Section 28.60.025(B).

Councilmember Althausen asked whether the Council has the ability to remove one or more of the amendments from the docket of amendments moving forward. Manager Medrud said the Council has the ability to determine the recommendation for each amendment with a final decision on the proposed ordinance. The Council has the ability to propose amendments to the ordinance.

Councilmember Althausen asked whether the Council's approval to rezone a property would prohibit the property owner from petitioning for rezone for two years versus removing the amendment and thereby enabling the owner to submit a petition for the 2020 amendment cycle. Manager Medrud confirmed the Councilmember's understanding of

**TUMWATER CITY COUNCIL MEETING
MINUTES OF MEETING
January 15, 2019 Page 10**

the process.

Mayor Kmet opened the hearing at 8:33 p.m.

PUBLIC TESTIMONY: **Robert Kondrat, 7033 Monaco Court SE, Tumwater,** inquired about the amendment pertaining to property near Monaco Court.

Manager Medrud explained that the amendments for the Neighborhood Commercial sites included one site located at the corner of Henderson Boulevard and Tumwater Boulevard. The initial staff recommendation to the Planning Commission was to reduce the size of the zone because it was too large of an area Neighborhood Commercial and could generate in increased intensity in commercial uses. The Commission recommended retaining Neighborhood Commercial with no change proposed. No public notice was mailed to the property owners because there was no change.

Mr. Kondrat said that at the Planning Commission meeting in November, the Commission discussed the corner, which is a T intersection where Tumwater Boulevard meets Henderson Boulevard. It is an area undergoing three different housing developments. At this time, the area is experiencing intense traffic congestion. He was in support of no change to the area. Additionally, he received a notice for another area located immediately across the street located at Tumwater Boulevard west of Monaco Drive.

Manager Medrud noted the proposal is for Location #8.

Mr. Kondrat remarked that at the last meeting of the Commission there was no discussion of the specific property, which has led to some confusion and surprise as he assumed another Commission meeting would be held to discuss the property. The notice he received referenced Tumwater Boulevard west of Monaco Drive. The map displayed during the presentation does not depict the area near Monaco Drive. Manager Medrud clarified the location of the proposed amendment. Mr. Kondrat cited a different parcel that is closer to his property that he believed the notice referenced. He thanked staff for the clarification and indicated he had no objection to the proposed recommendation.

Mayor Kmet reported the owner of the property submitted a letter requesting a rezone to Single-Family Medium Density. The request could be considered by the Council. The request is different than the Commission's recommendation. Mr. Kondrat expressed a preference for the proposal to be presented to the Commission to enable neighborhood input.

**TUMWATER CITY COUNCIL MEETING
MINUTES OF MEETING
January 15, 2019 Page 11**

Mike Lawrence, 624 Kirkland Way #5, Kirkland,WA, said he is the owner's representative for the 100-acre property known as Somerset Hill PUD, a 655 unit apartment complex located off Barnes Boulevard. He is also representing another 356 units currently in planning and permitting located across the street from the subject parcel. The proposal is to rezone the subject parcel to Multi-Family High Density, which could add another 50 units. Essentially, the area could house more than 1,006 units off Barnes Boulevard. When Forest Park is completed, it would add another 130 units for 1,236 units on Tumwater Hill. The chart of housing units provided by the City reflects housing needs for a 20-year planning period. One glaring omission from the chart is senior housing. Senior housing is not included or even differentiated from other housing. In the 333 single family lots he built within Tumwater Hill PUD, only 2% of the homes offer a main floor master bedroom or can be adapted for handicap accessibility. Last Sunday, he circulated a letter to 300 homes within the PUD and asked residents to complete a survey. The first question was whether they would support mixed zoning to allow senior housing to be built on the subject parcel at the intersection of Barnes and Ridgeview Loop. Sixty percent of the respondents said "yes." Asked what personal services they would support on regular basis, the respondents said coffee, bakery, deli, and senior community services. Respondents were asked if they would be willing to pay a membership fee for use of a spa or gym. Sixty percent of the respondents responded with a "yes." Respondents were asked how often they would use table dining or take-out services. Approximately 60% said they would use the service weekly. Most of the respondents preferred to own rather than lease their retirement home. Currently, there are no such options in Tumwater. Owning a business for live-work or a mixed use building was supported by 18% of the respondents. Nineteen percent of respondents supported providing personal services that could be used by new residents, 0% supported tutors, 6% supported childcare, and 41% supported doggie daycare services. Sixty-five percent said they plan to remain in the area when their housing needs change. Forty-seven percent agreed that a new senior housing community on the subject property would add value to their homes while 35% said it would not add value and 18% were unsure. Today, no senior housing properties exist in Tumwater that sell units. Of the 65% of residents in his subdivision that want to stay in Tumwater, no source of senior housing is currently available. Apartment occupancies are over 95% and MLS reports that Thurston County has only a 1.58% inventory of single-family homes.

Mr. Lawrence cited the December 11, 2018 worksession and the comments that it would be preferable to have commercial services in

**TUMWATER CITY COUNCIL MEETING
MINUTES OF MEETING
January 15, 2019 Page 12**

the area while acknowledging it would be unlikely. There are no better examples of a place that could provide walkable services in an area of 333 homes and 1,000 tenants near the subject site. Rezoning the property to MFM would guarantee for the next 100 years (similar to the brewery property) no commercial services on Tumwater Hill and the City would be ignoring the increased demand for senior housing. The Thurston County population forecasts indicate the population of 60 years and older will account for 22% of the population in 2015, 24% by 2020, and 25% by 2025. Today, 33% of seniors in Tumwater live alone.

As previously recognized by the Planning Commission, Tumwater Hill possesses unique views in the surrounding environment. The subject site will not block those views. A mixed use structure on the subject parcel would have no detrimental impact to their views and likely improve views. Most significantly, the parcel would create views for many more residents through a mixed use structure for senior housing.

Mayor Kmet asked whether the request is to rezone the parcel from NC to MU rather than MFM. Mr. Lawrence affirmed the request. Mayor Kmet commented that the illustration provided to both the Council and the neighborhood depicts two, five-story apartment buildings on the site. Mr. Lawrence shared that the land planner who worked on the project in 1993 is now an employee of Ages Living and understands the need for senior housing and believes the proposal would be an appropriate product for the market.

Connie Schneider, 3105 Banks Lane SW, Tumwater, conveyed concerns about medium density housing because of the lack of commercial. However, the neighborhood is not in favor of two, five-story buildings that would have the potential to block the view easement. One of the reasons for purchasing many of the homes in that area was because of the views. Based on her experience of working with seniors, it is also important to locate medical facilities near senior housing. Any building, whether medium-family density or other buildings, posing blockage of the view easement and deferring traffic to private streets would not be preferred. Today, the area experiences speeding traffic on Barnes Boulevard creating dangerous situations for children walking to Tumwater Elementary School when crossing guards are not available. Many residents walk with their children and pets to access the park. She has witnessed many close calls. The future of Tumwater Hill should consider how police and fire service would be funded. The neighborhood is also unsure of the amount of traffic that would be generated by high density housing proposed off Crosby and Barnes Boulevard. She stressed the

TUMWATER CITY COUNCIL MEETING
MINUTES OF MEETING
January 15, 2019 Page 13

importance of considering all issues as development is contemplated. The developer off Barnes and Ridgeview tried to ensure the view easement was not obstructed but discovered bedrock. The homes located directly across the site now have a view of rooftops. It has been interesting to see some of the zoning changes occur on Tumwater Hill and the reason many residences initially purchased their homes. She thanked the Council for their time and acknowledged the difficulty the Council has in contemplating growth in the City.

Ms. Schneider submitted a letter from her neighbor for the record.

Paul Casey, 1 north Tacoma Avenue, Suite 201, Tacoma, said he is the architect responsible for preparation of the application for the proposed Crosby/Barnes Amendment for a parcel located at the southwest corner of Barnes Boulevard and Crosby Boulevard. He supports the application. Both the application and the staff report support the proposed rezone to MFH because it is supported by the Growth Management Act and the applicable sections in the Tumwater Comprehensive Plan. He addressed several concerns and comments during previous Council worksessions and discussions. The first concern surrounded the use of dated traffic studies as part of the staff analysis. Any development on the property would be required to prepare a traffic impact analysis or a TIA to document the impacts of any proposed development. Part of that analysis includes staff completing a traffic count in the area during specific hours of the day to document a base point. That information is combined with professional engineer analysis, which is then evaluated by City staff to ensure concurrency requirements are achieved, as well as determining the existing street network has the capacity to accommodate extra traffic created by the proposed development. If capacity is inadequate, mitigation actions are required to improve capacity. Another question surrounded why multi-family high density was proposed instead of multi-family medium density to match the zoning on the east side of Crosby Boulevard. Multi-Family High Density Residential zoning is immediately adjacent to the east side of the proposed subject property, as well as directly on the north side. Additionally, the Tumwater Hill Neighborhood Appendix in the Tumwater Comprehensive Plan specifically supports MFH zoning. Multi-Family Medium Density Residential allows a maximum density of 14 units per acre not including any transfer development rights. Multi-Family High Density Residential allows up to 25 units per acre. The zoning code requires net density, which equals the gross site area minus sensitive areas, such as wetlands and buffers, as well as right-of-ways. For this subject parcel, the size is 3.5 acres in size but the developable area is only 2 acres after deducting wetlands, buffers, and

**TUMWATER CITY COUNCIL MEETING
MINUTES OF MEETING
January 15, 2019 Page 14**

right-of ways. For multi-family development, the high density of 25 units per acre applied to 2 acres provides up to 50 units while density of the entire site would be approximately 14.2 units per acre, which is the maximum for MFM zoning that is located across from the subject property. The requested zoning would result in development that is compatible with surrounding zoning.

Mayor Kmet noted that although not directly related to the zoning, residents to the south have expressed concerns about having five-story buildings next to single-family houses and the type of screening required between the two residential uses. A portion of the site that is undevelopable would be adjacent to some of the single-family homes. He asked about screening if the development proposal moved forward.

Mr. Lawrence said the wetland and the buffer encompasses approximately 60% of the common frontage between the single-family neighborhood and the subject property. The buffer required for NC zoning and MFH zoning is an eight to ten-foot buffer. However, setbacks are also required. Neighborhood Commercial requires a five-foot setback for the first story. The base setback for multi-family zoning is 20 feet. Both zones require additional setback for each additional story by 10 feet. Multi-Family High Density Residential zoning allows up to a five-story building, but the setback is 60 feet from the single-family neighborhood in addition to landscaping buffers.

Heather Burgess said she is a real estate and land use attorney with the law firm of Phillips Burgess located at 724 Columbia Street, Suite 320, Olympia. She is the attorney for record for the application Mr. Casey referenced. She has attended meetings on behalf of the applicant. However, another client, Todd Henson with the Tenino Land Company, contacted her regarding the amendment proposed for rezone as part of the City's proposed amendments for NC to LI for a parcel located off Tumwater Boulevard. Mr. Henson reported he received the public hearing notice and was concerned about the proposed rezone. She asked him why he was voicing his opposition late in the process. He was clear that he did not receive the prior notice but wanted to convey the good work by City staff and did not intend on submitting a procedural objection. A letter was submitted to the City earlier in the day after contacting staff last week to discuss the concerns surrounding the recommendation for the parcel. The property owner agrees NC zoning is not viable for the site and supports the analysis for that conclusion. The rezone mentioned by staff was not initiated by the current owner as the property has been through a series of owners and was part of a larger project that was separated during the recession and subsequently acquired by different

**TUMWATER CITY COUNCIL MEETING
MINUTES OF MEETING
January 15, 2019 Page 15**

owners, to include her client. The parcel recommended for change is part of a larger SFM parcel to the north. Included in her materials to the Council is a map reflecting the entirety of the parcel. The proposal as outlined by staff is to remove the neighborhood and split zone the property into SFM zoning and LI zoning. The property owner does not believe the proposal would be a viable designation for the property because of the presence of critical areas and the limited ability to develop the parcel. The staff report discusses adjacent LI zoning as the basis for the proposed amendment. However, the same would be true for the single-family located to the north and to the east of the site. The City would have the ability of having an additional transition zone between LI and single-family further south to the east. The property owners prefer not rezoning the parcel to LI but retain a unified parcel zoned as SFM. Multi-family residential is not allowed within the Airport Overlay Zone. At some point earlier in the process, it was discussed as an option but the direction changed to LI. The Council is requested to entertain a change to the staff recommendation and rezone the parcel from NC to SFM rather than LI. Should the Council support the request, the property owner prefers retaining the current designation of NC to enable an opportunity to submit a site-specific rezone later.

Mayor Kmet asked whether the single-family zoned property has an approved preliminary plat for development. Ms. Burgess affirmed a preliminary plat was approved. The parcel required a gopher study because of the presence of gophers. The client preferred a larger project, which was not possible. Mayor Kmet asked whether the change to SFM would require resubmittal of the plat. Director Matlock advised that it would be a separate project.

Manager Medrud responded to questions about the size of the parcel currently under consideration. The parcel is slightly less than an acre. SFM is zoned for 6 to 9 units per acre.

Melody Young, 3008 Woodland Court SW, Tumwater, said she lives on Tumwater Hill in a lovely neighborhood. Her home abuts the parcel located at Barnes Boulevard and Crosby Boulevard. Her concerns surround the loss of privacy and increased traffic. Her main concern is the environmental impacts created by the project, which would require a rezone for it to move forward. Several years ago, she visited the City and obtained the proposed plans for the subject parcel. She is uncertain if the proposal has been modified since then. However, the environmental impact statement for the proposal at that time only listed a limited number of wildlife as miscellaneous birds and forest rats. She has full visibility of the rear of her property and has seen deer, coyote, raccoons, possums, two species of squirrels,

**TUMWATER CITY COUNCIL MEETING
MINUTES OF MEETING
January 15, 2019 Page 16**

chipmunks, and up to 40 different species of birds. The area is rich with wildlife. The loss of that environment would be serious. The area also serves as a corridor for the movement of larger wildlife. She is concerned about that loss as she provides an area for feeding wildlife and has done so for the last 18 years. She would grieve that loss. Her concern is for the impact the project will have. Although the Council is concerned about accommodations for humans in the City, she also believes the Council is concerned about natural resources and wildlife. Her other concerns pertain to the buffering required for the wetland and buffer and whether they would be honored. Staff has indicated the buffer zone is 100 feet but a statement earlier mentioned a different size. It was clarified that the footage mentioned previously pertained to the required building setback from the property boundary. Ms. Young said she opposes the proposed amendment.

Robert Kondrat, 7033 Monaco Court SE, Tumwater, commented that the proposal is the first opportunity to learn about the proposed change from the property owner. He urged the Council to follow the normal public process with a public hearing and notifications mailed to property owners. The hearing in November spoke to an amendment changing the parcel from NC to LI. He urged the Council not to consider any other changes to the zone that have not been previously considered.

Janet Allen, 3013 Banks Lane, Tumwater, asked whether any studies have been completed for Tumwater Hill Elementary School to respond to the influx of multi-family housing on Tumwater Hill.

Mayor Kmet advised that the Tumwater School District would consider future population growth.

Ms. Allen asked the Council to consider this issue as the development would add many families and many children to absorb in one school.

Mayor Kmet acknowledged a number of letters received by the City. A majority of the comments oppose the rezone from NC to MFM for the property located at Barnes Boulevard SW and Ridgeview Loop SW.

With there being no further public testimony, Mayor Kmet closed the public hearing at 9:14 p.m.

Manager Medrud clarified previous information conveyed during the hearing with respect to time limits imposed for resubmittal or reconsideration of an amendment. The 24-month period applies only

**TUMWATER CITY COUNCIL MEETING
MINUTES OF MEETING
January 15, 2019 Page 17**

for site-specific rezones and does not apply to a proposed amendment. With regard to the discussion surrounding the proposed amendments for NC sites, during discussions with the Planning Commission in August and September 2018, the conversations surrounded potential options for zoning of the property located off Tumwater Boulevard. The Commission discussed SFM as an option, well as neighboring LI zoning. The primary argument favoring LI was the proximity of the Airport Overlay Zone. Lastly, the school district plans for growth in the City by preparing a Capital Facilities Plan (CFP) each year. The CFP is developed from data provided by the City for future residential development for both single-family and multi-family. That information is included within the district's calculations for determining future facility needs to accommodate growth in student population.

Councilmember Althaus requested clarification of the Council's action to change Neighborhood Commercial to another zone district. He asked whether the owner would have the same option to undertake a similar process should the Council not take action. Manager Medrud affirmed the applicant would be able to reapply in December 2019.

Councilmember Cathey asked why the Commission did not consider SFM as appropriate if the same zoning existed in the area near the Airport Overlay Zone. Manager Medrud responded that the primary reason was because the area near the Airport Overlay Zone specifically prohibits multi-family development. Staff did not believe it would be appropriate to add more residential in the area. Although, not necessarily a requirement for not including single family in the area, the decision was based on what makes the most sense for that particular area.

Mayor Kmet recommended the Council consider offering a motion to adopt the Planning Commission's recommendation with any amendments offered for changes.

MOTION:

Councilmember McClanahan moved, seconded by Councilmember Sullivan, to recommend approval of Ordinance No. O2018-006, 2018 Comprehensive Plan Amendments and Associated Rezones as recommended by the Planning Commission.

Councilmember Cathey referred to the proposal for the rezone of the Crosby and Barnes Boulevard site. She asked whether any development activities have occurred on the site. Mayor Kmet noted that the parcel adjacent to the west of the subject property is currently

**TUMWATER CITY COUNCIL MEETING
MINUTES OF MEETING
January 15, 2019 Page 18**

developing 80 apartments.

Manager Medrud identified the wetland located on the subject property. A 100-foot buffer is also required. The applicant submitted a map reflecting the wetland and 100-foot delineation. Councilmember Cathey asked whether the development plan includes significant removal of trees. Manager Medrud advised that if the parcel was developed under MFH, clearing on the site would occur with most of the trees located outside of the buffer removed. Some trees are required based on the City's Tree Protection Ordinance. Councilmember Cathey commented on the removal of most trees on Tumwater Hill many years ago and the ongoing practice of removing trees rather than preserving the environment.

Councilmember Dahlhoff added that it is about identifying a balance of preserving and protecting the environment while also addressing the City's lack of affordable housing. Because of the City's plans to mitigate and protect, she is comfortable with the proposed change to a higher density as a viable method to improve housing affordability in the City. The proposal would provide housing supporting a range of lifestyles, incomes, abilities, and ages. She does continue to have questions surrounding the proposal for the Tumwater Boulevard property to change to LI. She recommended deferring consideration to receive more information on LI zoning

Mayor Kmet outlined three options to consider - retain existing zoning of NC, rezone to LI, or rezone to SFM as the option was considered by the Planning Commission.

Councilmember Sullivan said she is inclined to accept the recommendations by the Commission, as the Council has not had an opportunity to vet the new proposals.

Councilmember Cathey commented that the multi-family development is not planned as low-income housing and she does not believe it would support any of the City's immediate housing needs. She questioned whether the proposal is the type of development to address the housing crisis in that particular area. She also did not recall the proposal emphasizing senior housing.

MOTION:

Councilmember Althausser moved, seconded by Councilmember Oliva, to amend the motion removing proposed Neighborhood Commercial amendments for Locations #4 and #8 from consideration and retain the Neighborhood Commercial zone designation.

**TUMWATER CITY COUNCIL MEETING
MINUTES OF MEETING
January 15, 2019 Page 19**

Councilmember Swarthout said she has lived on Tumwater Hill for 20 years and would prefer to accept the Commission's recommendation for Location #4 to change the parcel south of Barnes Boulevard to MFM.

Councilmember Althaus said he is not comfortable accepting the owner's proposal to change the parcel south of Barnes Boulevard to MU because of the lack of public discussion and review. Retaining the parcel as NC provides the possibility of neighborhood commercial development and it affords the owner an opportunity to submit an application in December 2019 to seek a change. His concern surrounding the Tumwater Boulevard site is the lack of information and the lack of public process.

MOTION: **Motion carried on the amendment. Councilmember Swarthout opposed the motion.**

MOTION: **Motion carried on the amended main motion. Councilmember Swarthout opposed the motion.**

Mayor Kmet advised that the owners have the ability to submit an application to change the zoning during the next planning cycle (December 2019).

RECESS: *Mayor Kmet recessed the meeting at 9:38 p.m. to 9:49 p.m. for a break.*

ORDINANCE NO. O2019-003, EXTENDING CABLE FRANCHISE AGREEMENT WITH COMCAST OF WASHINGTON IV, INC.: Manager Cook reported the ordinance would extend the cable franchise agreement while negotiations continue with Comcast, which are anticipated to conclude by the end of the year. The request extends the current agreement only.

WASHINGTON IV, INC.: Mayor Kmet opened the public hearing at 9:49 p.m. With there being no public testimony, Mayor Kmet closed the public hearing at 9:50 p.m.

MOTION: **Councilmember McClanahan moved, seconded by Councilmember Oliva, to move Ordinance No. O2019-003, Extending Cable Franchise Agreement with Comcast of Washington IV, Inc. to the consent calendar for consideration at the next regular Council meeting on February 5, 2019. Motion carried unanimously.**

**TUMWATER CITY COUNCIL MEETING
MINUTES OF MEETING
January 15, 2019 Page 20**

**COUNCIL
CONSIDERATIONS:**

**ORDINANCE NO. O2018-029, 2018
NEIGHBORHOOD
COMMERCIAL
ZONING CODE
AMENDMENTS.**

Planner Ginther reviewed the proposed 2018 Neighborhood Commercial Zoning Code amendments:

1. Removal of incompatible uses in the Neighborhood Commercial zone to ensure consistency with the intent and encourage compatible uses: Uses recommended for removal include:
 - Motor oil recycling, animal hospital, and park/ride lots
2. Building size adjustments
 - Limit sizes of taverns, restaurants, and recreational facilities
 - Allow mixed use structure up to 6,000 square feet.
3. Expanded residential use
 - Allow mixed use structures with commercial use and residential uses at 4-8 dwelling units per acre

MOTION:

Councilmember Oliva moved, seconded by Councilmember McClanahan to approve Ordinance No. O2018-029. 2018 Neighborhood Commercial Zoning Code Amendments. Motion carried unanimously.

**COMMITTEE
REPORTS:**

**PUBLIC HEALTH &
SAFETY:
*Tom Oliva***

There was no meeting and no report.

**GENERAL
GOVERNMENT:
*Joan Cathey***

There was no meeting and no report.

**PUBLIC WORKS:
*Neil McClanahan***

There was no meeting and no report.

**BUDGET AND
FINANCE:
*Pete Kmet***

There was no meeting and no report.

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

Mayor Kmet recently presented a state of the City report to the Thurston County Chamber of Commerce and is scheduled to present the report to the Olympia Master Builders on Wednesday, January 16, 2019.

**TUMWATER CITY COUNCIL MEETING
MINUTES OF MEETING
January 15, 2019 Page 21**

The regional homeless count is scheduled on Thursday, January 24, 2019.

City Administrator Doan announced the option for businesses to report business and occupation taxes online.

The next session of Tumwater University is scheduled on March 11, 18, and 23, 2019.

The Public Works Department recently donated 189 laundry soap products to YWCA's Other Bank.

**COUNCILMEMBER
REPORTS:**

Leatta Dahlhoff:

The TCOMM 9-1-1 Administration Board received two requests to join Thurston County 911 Communications.

The Opioid Task Force meeting featured a presentation from Snohomish County.

The next meeting of the Thurston Regional Law and Justice Council is on Thursday, January 17, 2019.

Debbie Sullivan:

The Intercity Transit Authority welcomed Thurston County Commissioner Tye Messmer as a new member. The Authority received a presentation on the agency's surplus van program designating seven four vanpool vans for nonprofit organizations in the community, approved a contract for 23 replacement buses, engaged in long-range planning, considered new paint schemes for buses, and scheduled two planning sessions during 2019. The agency has authorized an alternative fare study to address new technology.

Tom Oliva:

During the last Thurston Regional Planning Council meeting, members received a presentation from Intercity Transit on its Bus Buddies program, which assists people in learning how to ride buses. Members received a presentation from South Sound Military and Communities Partnership on the results of an economic analysis of Joint Base Lewis McChord (JBLM). JBLM is the second largest employer in the state with 52,000 employees providing an economic benefit of \$9.2 billion a year.

Neil McClanahan:

The next meeting of the Thurston Economic Development Council is on January 23, 2019.

**TUMWATER CITY COUNCIL MEETING
MINUTES OF MEETING
January 15, 2019 Page 22**

The Alliance for a Healthy South Sound is meeting on February 5, 2019.

Michael Althaus:

Councilmember Cathey and Councilmember Althaus attended the last meeting of the Ad Hoc Housing Committee. Members welcomed Commissioner Tye Commissioner as a member. Members discussed some of the financial crisis some non-profit providers are experiencing, particularly SideWalk. SideWalk is scheduled to brief the Council during an upcoming worksession. Councilmember Althaus participated in the tour of Olympia's mitigation site in downtown Olympia. The City of Olympia is managing the tent encampment.

Eileen Swarthout:

At the last Olympia-Lacey-Tumwater Visitor Convention Bureau (VCB) meeting, members reviewed the status of finances for the last two years and engaged in a discussion on the organization's role to support downtown Olympia and ways to promote a safe downtown environment. The City of Olympia's new Economic Development Director provided some information.

Joan Cathey:

The Solid Waste Advisory Committee (SWAC) elected new officers. Michael Stedman was elected as Chair and Renee Radcliff Sinclair was elected as Vice Chair. The committee plans to concentrate on several initiatives for solid waste services in the community with an emphasis on recycling and reuse.

During the last Community Investment Partnership (CIP) meetings, members worked on establishing the agenda for future meetings. Councilmember Cathey reported on a good discussion with Thurston County Commissioner Hutchinson. Commissioner Hutchinson admitted that the solution to the housing funding issues is for all cities and representatives to reformat the HHSC to bridge relationships with Thurston Thrives, HAT, and others.

Four new members were appointed to the Olympic Region Clean Air Agency. Members continue to work on policies and procedures.

Pete Kmet:

The Transportation Policy Board continues to seek applicants to fill the vacant Business Representative position.

ADJOURNMENT:

With there being no further business, Mayor Kmet adjourned the meeting at 10:21 p.m.