

TUMWATER GENERAL GOVERNMENT COMMITTEE

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CONVENE: 3:03 p.m.

PRESENT: Chair Debbie Sullivan and Councilmembers Joan Cathey and Leatta Dahlhoff.

Staff: Assistant City Administrator Heidi Behrends Cerniwey, Community Development Director Michael Matlock, Planning Manager Brad Medrud, and Recording Secretary Valerie Gow.

**PRELIMINARY
DOCKET FOR 2020
ANNUAL
DEVELOPMENT CODE
HOUSEKEEPING
AMENDMENTS,
ORDINANCE NO.
O2020-003:**

Manager Medrud reported the proposal is the preliminary docket for 2020 Annual Development Code Housekeeping amendments. The housekeeping list of proposed amendments is typically generated by the City's permitting and planning staff and the Planning Commission. For the most part, the amendments are minor and can include several sections of the code. The request to the committee is a recommendation to place the proposed list of amendments on the Council's consent calendar for City Council approval as the final docket for staff to pursue through the approval process.

Manager Medrud reviewed the proposed amendments:

1. Address how all appeals of hearing examiner decisions currently go to Superior Court.
2. Support of the adoption of the Shoreline Master Program update.
3. Clarify which owners are responsible for maintenance of sidewalks and landscaped areas. Manager Medrud clarified that the current code specifies that the maintenance of street trees and boulevards is the responsibility of the adjacent property owner rather than the City. The proposal is to add "adjacent" prior to owner to clarify the identity of the owner responsible for the maintenance. The impending discussion on street trees will likely include further conversations about how to address maintenance in the future. The code speaks to all landscaped areas within the public right-of-way and common areas maintained by the adjacent property owner, which is part of the platting process as one of the conditions for a new plat. Councilmember Dahlhoff asked about the circumstance of undergrounding of power lines and whether the resident is responsible for tree removal. Manager Medrud said it likely would be subject to negotiation as he is unsure as to how the City has administered those situations in the past. He added that the proposal pertains to the subdivision ordinance for the final plat process. For commercial properties, a final binding site plan process is followed. Upon further questioning as why property owners are responsible, Director Matlock explained that the

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code specifies that the adjacent property owner is responsible for maintenance throughout the City except in some areas, such as the median along Littlerock Road where there are no adjacent property owners.

4. Amend definition of “townhouse” to indicate that each unit in a townhouse or rowhouse sits on fee simple property. A fee simple property is a definable area with property rights.
5. Add “bed and breakfasts” to permitted and conditional uses in the RSR Residential/Sensitive Resource zone district. A single room in the home would be a permitted use whereas if more than one bedroom was used, it would require a conditional use permit. Airbnb’s are currently not defined in the City’s code.
6. Add criteria where there is none for clustered subdivisions.
7. Eliminate the minimum lot-size requirement for duplexes.
8. Delete the open space provisions in Community Services zone district since residential uses are neither permitted nor conditional uses within the zone district.
9. Add statement that if there are any conflicts between the Shoreline Master Program and the floodplain overlay regulations that apply in shoreline jurisdiction, the requirement of Shoreline Master Program shall apply.
10. Amend the setback requirements for uncovered swimming pools and hot tubs. Commissioner Dahlhoff questioned the reason for prompting a change. Manager Medrud responded that permitting staff identified it as an issue when placing pools or hot tubs within smaller lots.
11. Amend the residential fences height restrictions to address animal control issues. Some feedback from property owners has indicated some problems with the height of fences and the health of animals.

CONSENSUS:

The General Government Committee approved placing the preliminary docket on the City Council’s March 3, 2020 consent calendar for consideration.

**PRELIMINARY
DOCKET FOR 2020
COMPREHENSIVE
PLAN MAP
AMENDMENTS &
ASSOCIATED
REZONES & TEXT
AMENDMENTS,
ORDINANCE
NO. O2020-002:**

Manager Medrud reported the annual amendment process considers all amendments in one package. The process is initiated by establishing a preliminary docket of amendments consisting of both public and private amendments. The deadline for private applications is the first Monday in December each year. This year the preliminary docket includes seven amendments. The first three are private map amendments from private applications filed for specific properties. The properties are located at:

1. 715 Dennis Street SE. The site was included in a prior discussion on Neighborhood Commercial zone districts during

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the previous Comprehensive Plan Amendment process. The application is for a six-acre property located midway between Henderson Boulevard and Capitol Boulevard on Tumwater Boulevard in the vicinity of a sewer lift station. The southern portion of the large parcel is zoned Neighborhood Commercial. The proposal is to change that portion to Single-Family Medium Density. The origin of the zoning and Comprehensive Plan designation on the property to Neighborhood Commercial was because of a development application that is no longer vested. The proposal was to develop some single family homes with commercial services as part of the development. The Council previously considered the property during the review of all Neighborhood Commercial zoned properties in the City. The property owner asked the Council to delay action until the owner had an opportunity to consider options. The applicant filed an application in March 2019. The section of the parcel to the south is also included in the Airport Overlay zone and encumbers some use and intensity restrictions within that area.

2. 6139 Kirsop Road SW. The property is an 11-acre parcel located off Kirsop Road. To the north of the parcel is a new development. Another developed parcel is a manufactured housing park. The three parcels represent an island of multifamily development in west Tumwater that is somewhat isolated. The developer was able to develop the other parcels to a higher density because the stormwater facility was located off-site. The proposal would change the designation from Multifamily Medium Density Residential to Single-Family Low Density Residential because of stormwater limitations.
3. SE Corner of Barnes Boulevard SW and Crosby Boulevard SW. The parcel was zoned Neighborhood Commercial in 2015. The City Council considered the six-acre property in 2016 during the major update of the Comprehensive Plan. As part of the update process in 2016, the Council approved changing the Comprehensive Plan designation and zoning map for the parcel to Multifamily Medium Density zoning because it matched the area to the north and to the south. The applicant proposes changing the zoning from Multifamily Medium Density to Multifamily High Density zoning. The site contains rock and steep slopes. The Planning Commission and staff are recommending not including the application within the preliminary docket for further study.

Manager Medrud explained that when considering a private and public map amendment, it is important to consider the full range of potential changes that could be allowed on the site. One applicant has indicated a specific use for the site and if the map amendment

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was approved, it is possible for the owner to pursue that use; however, it is important to consider that a map amendment is not specific to a particular development project.

The preliminary docket also includes four text and map amendments proposed by staff, the Planning Commission, or the Council. They include:

Text Amendments:

1. Housing – Review of residential densities Citywide (Housing Work Plan – Housing Text Implementation Action #1)
2. Stormwater – Updates to comply with new stormwater permit requirements under the NPDS municipal stormwater permit.
3. Brewery District Plan (Custer Way) Update to improve the area for pedestrians and improve the aesthetics of the freeway crossing.
4. Housing Affordability Amendments (Housing Work Plan – Housing Text Implementation Actions #2, #3, #5, #6, #7, #8, and #9).

The Planning Commission and staff support further review of all the proposed amendments, except Map Amendment #3 (SE Corner of Barnes Boulevard SW & Crosby Boulevard SW) because conditions have not changed since the 2016 change sufficiently to warrant another change.

Manager Medrud said staff is seeking a recommendation from the committee to either forward the preliminary docket to the City Council for a worksession or for Council Consideration during a regular meeting.

CONSENSUS:

The General Government Committee approved forwarding the 2020 Preliminary Docket of Comprehensive Plan Map & Text Amendments and Associated Rezones to the City Council for consideration as presented.

**HOUSING
AFFORDABILITY –
TEXT AMENDMENTS,
ORDINANCE NO.
O2020-005:**

Manager Medrud briefed the committee on the request to provide input on the income threshold for housing affordability in the City. Staff proposes changing the term “affordable” in Action #9 to either reflect “low-income household” which is defined as a household with income less than or equal to 80% of the median income or “very low-income household” with income of less than or equal to 50% of the median income when referring to “affordable housing.” The proposal is to change Action #9 to include either “low-income” or “very low-income” rather than “affordable.”

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According to the estimates provided by the Washington State Office of Financial Management (OFM), median household income in Thurston County is \$74,718 as of 2018. The last update was in May 2019. The US Census from the American Community Survey for Tumwater established 80% of the median income as \$65,167 while the countywide average is \$69,592. That information is updated annually. Other jurisdictions use countywide OFM numbers for inclusive housing. Staff proposes using the county-wide median household income data as of 2018 reflecting 80% of the low-income threshold at \$59,744 and very low-income household at \$37,359.

Manager Medrud reported the City of Federal Way uses 50% of King County's median income for its housing program while the City of Redmond uses 80% for its housing program. The purpose of the discussion is to help guide staff on the work that focuses on inclusionary zoning and whether the area of focus should be on 50% of the median, 80% of the median, or whether there might be another measure to consider for the definition of low-income housing.

Commissioner Dahlhoff noted that non-profits in the community would offer different answers to the question because each non-profit has specific priorities. For example, Homes First uses 80% as it encompasses more of the community while Family Support Center uses 50% because it represents those in most need in the community. The challenge is determining the goal of either the most in need or the percentage of the population. She believes it should be 50%.

The committee discussed options and the potential impact to individuals and families with low household income. Members discussed options for using other terms to describe a specific level of income. Manager Medrud encouraged the committee to refrain from inventing new definitions that are not used by other jurisdictions. Staff will draft an ordinance that includes a requirement that if the developer wants to receive an incentive, they must provide 20% of the units to persons meeting a specific household income threshold of low-income or very low-income, dependent upon the direction by the Council. The ordinance would not apply to a project where the City is working with a non-profit partner on a housing project.

Members discussed whether establishing the threshold at 80% would create more opportunities to more people than if the threshold was set at 50%.

Councilmember Cathey pointed out that Portland is requiring developers building 20 or more units to include some housing for low income households. Manager Medrud commented that the City's

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current market would likely not support a similar requirement at this time. He asked for direction on the two issues before the committee.

CONSENSUS:

The General Government Committee recommended the City Council establish the income threshold for housing affordability to reflect “very low-income household” equating to households with income less or equal to 50% of the median income, and support the proposed language change to Action #9 to reflect, “Require new housing created specifically to be very low-income remain very-low income in perpetuity with protective covenants and deed restrictions.”

ADJOURNMENT:

With there being no further business, Chair Sullivan adjourned the meeting at 4:00 p.m.

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