

**TUMWATER PUBLIC WORKS COMMITTEE
MINUTES OF MEETING
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CONVENE: 8:00 a.m.

PRESENT: Chair Eileen Swarthout and Councilmembers Michael Althaus and Charlie Schneider.

Staff: Public Works Director Jay Eaton, City Engineer Brandon Hicks, Water Resources Program Manager Dan Smith, Transportation Manager Mary Heather Ames, Water Resources Educator Meredith Greer, Water Resources Specialist Marina Magana, Administrative Assistant Cathy Nielsen, and Recording Secretary Valerie Gow.

ACTION:

**RESOLUTION NO. R2020-003,
SCHEDULING OF
PUBLIC HEARING
FOR RIGHT-OF-
WAY VACATION
REQUEST FOR A
PORTION OF "F"
STREET LYING
WEST OF 5TH
AVENUE:** Manager Ames reported the request is to schedule a public hearing to receive public testimony on a right-of-way vacation request.

Street right-of-way is an easement for public travel. Although abutting owners own fee title to the property, the owners can use the property to the extent that it is subject to public travel. A road vacation is the termination of public interest in right-of-way by extinguishing the easement for public travel. Street vacations are subject to RCW 35.79, which outlines the procedures for processing a vacation request. The Tumwater Municipal Code requires additional processes for right-of-way vacation requests, to include additional public notification requirements in addition to the RCW requirement, as well as criteria for granting the vacation and costs determination. Manager Ames reviewed the six criteria guiding the public hearing.

Chair Swarthout questioned why the City would want to vacate a right-of-way. Manager Ames said the criteria for granting the vacation would be to provide a public benefit or be for a public purpose.

Director Eaton added that typically right-of-ways subject to a vacation request are right-of-ways the City determined would no longer be used. To move forward with a vacation of right-of-way, staff must determine if the right-of-way would no longer be needed in the foreseeable future. In many cases, staff has determined that it is not reasonable to expect any vehicle, pedestrian, or non-motorized access or any City or private utilities. If none of those uses are likely to happen in the future, staff supports moving forward for using the right-of-way for a better purpose by vacating the right-of-way.

Councilmember Althaus asked about the use of the right-of-way by pedestrians traveling from Barnes Road to access an existing trail. He questioned the status of a parcel depicted on the right-of-way diagram, as he lives very close to the site. Director Eaton advised that the

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request to the committee is consideration for scheduling a public hearing for the right-of-way vacation request and to present questions that can be addressed during the hearing. Sometimes, staff will return with a recommendation not to vacate or a recommendation to vacate but retain an easement for a potential future use. He outlined some of the issues staff considers and presents in the recommendations as the process moves forward. He encouraged the committee to offer questions to ensure staff has an opportunity to address them during the public hearing. Councilmember Althaus said when he inquired about the specific property he was informed that the property could potentially house 10 to 12 units as the property is 1.6 acres in size. Based on that development scenario, street access to the property would be challenging without extending the road to Barnes Boulevard rather than routing all traffic to 5th Avenue, which has a steep grade. Some of his neighbors have raised concerns about access to the property if numerous housing units were developed. Director Eaton cautioned that when a right-of-way vacation is considered, it is typically in conjunction with a proposed project. It is important to disregard the project because the land has entitlements, zoning, and topographical features. The vacation is independent of the proposed land use. To vacate right-of-way, it must be regardless of the proposed project, whether it is single-family home or 27 single-family homes. The intent is to determine whether the City requires that specific right-of-way. Vacation of the right-of-way is independent of the development potential for the property.

Manager Ames displayed a vicinity map of the subject right-of-way. The City's process includes a recommendation by the committee to recommend the City Council set a public hearing. Staff has contacted City utilities and private utilities to begin compiling information and begin the public notification process. Following the public hearing, the committee renders a recommendation to the City Council on whether to move forward with the vacation. The vacation petition was submitted by several abutting property owners.

Chair Swarthout suggested posting a public notice on the City's website that is easier for the public to access, such as a City map highlighting all areas with active public notices.

Manager Ames asked that the committee recommend the City Council approve and authorize the Mayor to sign Resolution No. R2020-003, establishing April 21, 2020, as the date for a public hearing to consider vacating a portion of the "F" Street right-of-way west of the 5th Avenue right-of-way in the City of Tumwater.

Councilmember Althaus asked whether the public hearing commits the committee to rendering a decision. Director Eaton replied that the

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committee's recommendation to the Council may or may not support the vacation request.

CONSENSUS:

The Public Works Committee recommended the City Council approve and authorize the Mayor to sign Resolution No. R2020-003, establishing April 21, 2020, as the date for a public hearing to consider vacating a portion of the "F" Street right-of-way west of the 5th Avenue right-of-way in the City of Tumwater.

RESOLUTION NO. R2020-004, SCHEDULING A PUBLIC HEARING FOR RIGHT-OF-WAY VACATION REQUEST FOR A PORTION OF THE WEST END OF 85TH AVENUE SE:

Manager Ames reviewed the location of the proposed vacation from a street view illustration of the right-of-way. The City received a petition signed by all abutting property owners. The proposal includes a trade of property located outside the existing right-of-way that would be dedicated to the City as part of the proposed vacation request.

Chair Swarthout questioned any future need for connecting the road. Director Eaton noted that staff analyzes the need for the right-of-way to include the likelihood of any future development. In this case, staff met with Port of Olympia staff to determine the future need of the right-of-way and identify any future development plans in that area of the airport property that might benefit through existing right-of-way. The Port of Olympia does not have any current plans and does not anticipate any future plans. From that standpoint, it appears the right-of-way would never be needed. Staff also met with emergency responders to determine whether there is a need to maintain emergency access through the area.

Manager Ames outlined the process for considering the vacation request. She asked the committee to recommend the City Council approve and authorize the Mayor to sign Resolution No. R2020-004, establishing April 21, 2020, as the date for a public hearing to consider vacating a portion of the 85th Avenue right-of-way lying at the west end of 85th Avenue SE.

CONSENSUS:

The Public Works Committee recommended the City Council approve and authorize the Mayor to sign Resolution No. R2020-004, establishing April 21, 2020, as the date for a public hearing to consider vacating a portion of the 85th Avenue right-of-way lying at the west end of 85th Avenue SE.

SOUTHWEST WELLFIELD MITIGATION PLAN UPDATE AND SCOPE AMENDMENT:

Manager Smith introduced Glen Mutti-Driscoll, a hydrogeologist with Pacific Groundwater Group (PGG). Mr. Mutti-Driscoll has been working with staff since the inception of the Southwest Wellfield project. The project is located north of 93rd Avenue and west of Interstate 5, on the north section of the Black Hills Soccer Club property. The City acquired the property following investigative work

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in 2004. PGG assisted the City in hydrologic investigations and identified the area as a source for the City's next major wellfield, similar to the Palermo and Bush Wellfields. Following identification of the potential water source, the City was required to submit a water right application to the Department of Ecology. The water right process is lengthy. Since the City did not need the water supply in 2004, the project moved slower in development of the mitigation plan and assessment. Following testing in 2004, staff submitted an application for water rights in 2005 for 2,226 gallons per minute (gpm) or 1,154 acre-feet volume of water. The City eventually purchased a water right from a property located south of the watershed, which is included in the project's mitigation portfolio. However, other water rights are necessary. PGG assisted the City in identifying some of the impacts to small creeks, wells, and other areas by completing an impact analysis to assist in identifying the scope and aerial extent of potential impacts. During the 2010 timeframe, PGG assisted in identifying a potential mitigated underground storage option, which would triple the cost of water production. In 2017, the City initiated a Southwest Wellfield mitigation assessment by reviewing all assets owned by the City in the form of water rights and mitigation options. After two years of analysis and modeling, staff determined it was not possible to pursue the mitigation necessary to utilize the full water right. Today, the City's entire mitigation portfolio would only result in the production of 767 gallons gpm from the wellfield. The proposed scope amendment is for a review of all options that could be pursued for the Southwest Wellfield given the expense the City has incurred to date to develop the property for water production. Should the review affirm no other options, staff would recommend considering other areas for developing a production wellfield.

Manager Smith reviewed a graph outlining maximum day demand and where the City anticipates needing new sources of water. The graph identified the normal growth rate scenario and the worst case scenario. Staff plans under the worst case scenario to ensure the City can supply water to customers. The City is currently engaged in the Lathrop Water System, golf course water right conversion, and the Brewery Wellfield projects. He outlined production activity anticipated to come online by 2035. The Southwest Wellfield was anticipated to become productive by 2026 to ensure the City can supply the maximum day demand by 2038. The prior three projects are affording some buffer for maximum day demand output. However, only a short timeline is available to identify a new source of production.

Councilmember Schneider asked about any requirement for the user to help the City secure water rights. Manager Smith replied that the City has no current regulatory mechanism to require a new user to assist in

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securing additional water rights. New users are assessed connection fees based on the anticipated amount of water usage according to the size of the water meter. He noted that under a worst case scenario, the City could deploy a wellfield currently in the queue in a different sequence dependent upon capacity needs. Staff is also identifying potential water right owners for possible acquisition in the future.

Mr. Mitti-Driscoll described the aquifer system and how surface water is connected to groundwater, which is factored by the issuance of water rights. Production wells capture water that otherwise would be discharged to rivers. Most water bodies in the state are closed to additional water appropriation unless the appropriation is mitigated to avoid impacts to streams. Most mitigation assets are wells with existing water rights either publicly or privately owned. City wells that are closed for withdrawal would serve as mitigation as that water would discharge to streams affording the City with a credit. Any impacts from the Southwest Wellfield on streams could be offset by relinquishing other water rights. Another mitigation option is through reclaimed water infiltration. Initial studies of the Southwest Wellfield documented that a well could produce sufficient water; however, the issue is whether the City has sufficient mitigation assets to use the capacity. From the beginning of the project, staff and PGG recognized the difficulty of securing adequate mitigation assets to offset pumping impacts from the Southwest Wellfield. Other water rights owned by the City are relatively small and less than the amount required. Since water rights are distributed geographically, pumping would have different impacts on rivers and streams in the Tumwater area. PGG updated the existing USGS Groundwater model (20-year old model) to evaluate potential mitigation assets in the Tumwater area. Impacts on streamflow from pumping were quantified for stream reaches. The mitigation plan identifies the lowest impact during the closure period (summer) of streams. Some water bodies would experience greater impacts and require more mitigation. The simulation was color-coded by the degree of impact. PGG analyzed six potential scenarios.

The purpose of the proposed scope amendment is to:

- Provide technical support at Council or committee meetings
- Evaluate extraction efficiency at the Doelman Farm property
- Reevaluate managed underground storage option that would inject water into deep aquifer during winter
- Conduct water rights inventory
- Consider a Northeast Wellfield option.

Manager Smith added that WRIA 13's Watershed Restoration

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Enhancement Group is working under the Hearst Decision to offset permanent exempt wells and is conducting a water rights search in the basin, which might result in some implications for the City in terms of how quickly the City could move forward in acquiring some water rights.

CONSENSUS:

The Public Works Committee recommended the City Council approve and authorize the Mayor to sign the Second Amendment with Pacific Groundwater Group (PGG) for the SW Wellfield Mitigation Assessment, in an amount not to exceed \$30,600.

**CRAFT DISTRICT
LLC – STORM
DRAINAGE
EASEMENT:**

Director Eaton reported the storm drain easement is for the Craft District as part of the development agreement between the Craft District and the City in the development of infrastructure and the realignment of Tumwater Valley Drive. The development agreement also addressed parking as the redevelopment of Tumwater Valley Drive would provide a remnant piece of Tumwater Valley Drive that would be repurposed as a parking area with shared parking for the City and the Craft District. The drainage facility for the parking area, road, and the Craft District is proposed for development on City property located between the river and the Craft District. An easement is necessary for the Craft District to complete the project. Between the new parking lot and the river, the Deschutes Valley Trail segment will be developed. The proposed easement provides for the construction and long-term maintenance by the Craft District.

Director Eaton requested the committee recommend the City Council approve and authorize the Mayor to sign the easement.

Chair Swarhout asked about the extent of the facilities that will be constructed along the road. Director Eaton said a number of facilities are included, such as pipes and catch basins necessary to accumulate drainage from the parking lot and to convey drainage across the parking lot into the swale. Staff is resolving some alignment issues associated with the trail.

CONSENSUS:

The Public Works Committee recommended the City Council approve and recommend the Mayor sign the easement in substantially similar form as approved by the City Attorney.

**2ND AVENUE WATER
MAIN EXTENSION –
ACCEPTANCE OF
WORK:**

City Engineer Hicks reported the project consisted of connecting an existing 24-inch diameter water main located west of Interstate at 2nd Avenue across Interstate 5 to Capitol Boulevard based on a developer agreement between the City and the Craft District requiring the City to supply a source of water. The Craft District will extend the line to its site and to E Street.

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City Engineer Hicks described the tasks for connecting to the water main and extending the waterline. The contract was for \$358,801.58, which was higher than the estimate because of timing issues and tariffs. Staff was able to value engineer some components to reduce costs by approximately \$57,000. Staff requests the committee recommend the City Council accept the 2nd Avenue Water Main Extension project as complete, and authorize the release of the performance bond as soon as the laws of the state of Washington allow.

CONSENSUS: **The Public Works Committee recommended the City Council accept the 2nd Avenue Water Main Extension project as complete, and authorize the release of the performance bond as soon as the laws of the state of Washington allow.**

ADJOURNMENT: **With there being no further business, Chair Swarthout adjourned the meeting at 9:20 a.m.**

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