



**PLANNED UNIT DEVELOPMENT AMENDMENTS
(ORDINANCE NO. O2022-006)
DEVELOPMENT GUIDE AMENDMENTS – PRIVATE STREETS
STAFF REPORT
PLANNING COMMISSION PUBLIC HEARING – JUNE 28, 2022**

Issue

The City’s current regulations for planned unit developments have not been substantially updated since 2000. The regulations in TMC Chapter 18.36 *Planned Unit Development Overlay* are being amended by Ordinance No. O2022-006 and portions of the Tumwater Development Guide related to private streets will be amended at the same time.

The Public Works Committee of the City Council will be meeting July 7, 2022 to review, discuss, and send a recommendation to the City Council for discussion at a worksession on July 26, 2022 and consideration on August 1, 2022.

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Summary

The proposed amendments are intended to update the requirements for private streets and to be consistent with the amendments to TMC Chapter 18.36 *Planned Unit Development Overlay* proposed by Ordinance No. O2022-006.

Background

Planned unit developments are intended to provide a benefit to developers in the form of flexibility with existing regulations such as setbacks, maximum land coverage, and private streets in exchange for providing quantifiable public benefits. As currently written, TMC Chapter 18.36 *Planned Unit Development Overlay* provides a benefit to developers in the form of flexibility with existing regulations such as setbacks, maximum land coverage, and private streets, but has provided no quantifiable benefit to the public.

The amendments to TMC Chapter 18.36 *Planned Unit Development Overlay* provide developers flexibility in addressing existing regulations in exchange for requiring that new developments provide quantifiable public benefits.

TMC Chapter 18.36 *Planned Unit Development Overlay* does not clearly address the requirements for private streets as part of planned unit developments and the amendments will provide more specificity in regards to when and how private streets are allowed. TMC Title 17 *Land Division* has a definition of a private street that is not consistent with the definition in the Tumwater Development Guide and the amendments amend the definition of a private street in the Tumwater Municipal Code so it is consistent with the Tumwater Development Guide.

The amendments are a part of the approved 2022 Long Range Planning work program.

Tumwater Development Guide Amendments

CHAPTER THREE

Section 3.4.A (Page 3-4)

GENERAL ENGINEERING CONSIDERATIONS

3.4 Definitions and Terms

[...]

"PRIVATE STREET" - A privately owned and maintained vehicular access serving property, which is provided for by an access tract, easement, or other legal means~~Private vehicular access provided for by an access tract, easement, or other legal means, to serve property that is privately owned and maintained.~~

[...]

Staff Notes: *The definition in Section 3.4 of the Tumwater Development Guide for “private street” is amended to be consistent with the amended definition of “private street” in TMC 17.04.385 Private Street.*

Section 3.9 (Page 3-8)

GENERAL ENGINEERING CONSIDERATIONS

3.9 Construction Control and Inspection

Work performed for the construction or improvement of public or private roads and utilities, whether by or for a private developer, by City staff, or by a City contractor, shall be done in accordance with approved plans. It is emphasized that no work shall be started until such plans are approved. Any revision to such plans shall be approved by the City before being implemented. Failure to receive the City's approval can result in removal or modification of construction at the contractor's or developer's expense to bring it into conformance with approved plans.

Staff Notes: *No amendments are proposed to this section.*

Section 3.18 (Page 3-15 and 3-16)**GENERAL ENGINEERING CONSIDERATIONS****3.18 Utility Extension**

- A. Anyone who wishes to extend any City utility should contact the Development Services Department for an Extension/Connection Fee Estimate and any special extension requirements.
- B. Utility mains shall be required to be extended to and along all frontages, including private roads, any property being developed for loop closures and/or future development as determined by the City. Size shall be as shown on comprehensive plans or as required to serve future development but not less than the minimums required elsewhere in this document.
- C. In the case of a property being developed and, upon the determination of the Development Services Director, not being required to connect to the city utility for reasons typically associated with the property's lack of proximity to existing utilities or location outside city limits, the owner may be allowed the option, at the discretion of the Development Services Director, of paying a fee in lieu of actual installation of the otherwise required extensions. The fee in lieu payment will be equal to 50% of the estimated cost for the city to install the extensions.
- D. For utility extensions outside the City limits, all infrastructure improvements should be made at the more restrictive jurisdictional requirements.
- E. For more specific information regarding utilities, please refer to the appropriate chapter in this Guide.

Staff Notes: *No amendments are proposed to this section.*

CHAPTER FOUR

Section 4.4 Functional Classification (Page 4-7)

STREETS

4.4 Functional Classification

[...]

[Note: TABLE ONE in Section 4.4 was replaced in its entirety by the Street Section Design table on the next page as part of the October 5, 2020 Tumwater Development Guide amendments.]

Street Section Design

Street Classification	Minimum ^{5,9} Structural Design	20 Year ADT	Right-of-Way	Pavement Width	Parking Lane	Min/Max Grade	Curb	Sidewalks	Planter Strip	Intersection Curb Radius	Minimum Design Speed	Bike Lanes ⁸
Principal/ Minor Arterial ^{1,2}	0.50' HMA 0.20' CSTC 1.50' CSBC	15,000	Width of required improvement + 2' per side (60' min.)	12' per lane plus bike	None	0.5%-8%	Concrete curb and gutter	Both side 6' SEP	6'-10' determined by City	35-50	40	(2) 7' bike lanes ⁷ in designated areas
Commercial/Industrial Collector	0.50' HMA 0.20' CSTC 1.00' CSBC	2,000-6,000	Width of required improvement + 2' per side (60' min.)	12' per lane plus bike	None	0.5%-10%	Concrete curb and gutter	Both side 6' SEP	6'-10' determined by City	40	30	(2) 6' bike lanes in designated areas
Urban Collector ^{2,3}	0.50' HMA 0.20' CSTC 1.00' CSBC	500-7,000	Width of required improvement + 2' per side (60' min.)	12' per lane plus bike and/or parking	Two	0.5%-10%	Concrete curb and gutter	Both side 6' SEP	6'-10' determined by City	35	25	(2) 6' bike lanes in designated areas
Local Residential ^{4,6}	0.33' HMA 0.20' CSTC 0.80' CSBC	Less than 500	60 50 (alternate)	32 (20)	Two	0.5%-15%	Concrete curb and gutter	Both side 6' SEP	6' or (variable)	25	20	N/A
Local Residential Reduced ¹⁰	0.33' HMA 0.20' CSTC 0.80' CSBC	Less than 500	35 - 60	24 - 32	None to Two	0.5%-15%	Concrete curb and gutter	One side min.	6' or (variable)	25	20	N/A
Private	0.20' HMA 0.20' CSTC 0.70' CSBC	N/A	30' easement	26	One	0.5%-15%	N/A	One side min.	6' or (variable)	25	N/A	N/A
Private Alleys	0.20' HMA 0.20' CSTC 0.70' CSBC	N/A	N/A	16	None	N/A	N/A	N/A	N/A	N/A	N/A	N/A
MINIMUM STREET STANDARDS				CITY OF TUMWATER				ENGINEERING DEPARTMENT			STANDARD PLAN	UPDATED 05-04-2020

1. Principal arterial should be a minimum width of four lanes

2. Landscaped medians may be required upon review and approval of the Public Works Director

3. See detail ST-01, ST-02

4. See detail ST-03, ST-04

5. Minimum structural sections shall be used absent a site specific AASHTO structural roadway design utilizing a field verified "R" value. A site specific AASHTO structural roadway design will be required where poor soil characteristics exist

6. Roadways within developments estimated to create less than 500 ADT, with single access, no thru, and no potential for thru street will not be required to have sidewalks on one side

7. 7' bike lanes consist of 5' of pavement plus a 2' buffer stripe

8. Bike lanes include gutter (City may reduce bike lane width to 5' at its sole discretion)

9. For designated truck routes the section shall be 0.67' of HMA, 0.20' of CSTC, and 1.50' of CSBC. Truck routes include those shown in City of Tumwater Municipal Code 10.20.050, additional road segments designated by the City since the last update to applicable sections of the Tumwater Municipal Code, and additional road segments the City determines need to meet designated truck route requirements as a result of the proponent's development activity

10. At the discretion of the City, improvements and right-of-way widths may be reduced where there exists conditions of topography, access, location, shape, size, drainage or other physical features of the site or other adjacent development. The City may also consider use of this provision for narrow infill sites where it is unlikely redevelopment of other properties in the vicinity will occur. This provision should not be considered the preferred alternative

[...]

Staff Notes: No amendments are proposed to this section.

Section 4.5 Naming (Page 4-5)**STREETS****4.5 Naming**

Streets and roads shall be named according to specific criteria. All streets lying west of Capitol Boulevard are designated Southwest (SW). Streets lying east of Capitol Boulevard are designated Southeast (SE). "Avenues" run east-west and are numbered with the exception of certain long-standing historical names. "Streets" run north-south and are named. "Drives" are irregular or diagonal streets over two grid blocks in length not conforming to the grid pattern. "Places" shall be a north-south street, parallel to but between streets. "Ways" shall be an east-west street parallel to but between avenues. "Courts" shall be a cul-de-sac which cannot be extended. Courts are to be named or numbered and carry the number of the preceding street or avenue. "Loops" shall be small loop-type streets to carry the name of the street from which they originate. "Lanes" shall be private streets.

An address number will be assigned to all new buildings at the time the building permit is issued. It is then the owner's responsibility to see that the house numbers are placed clearly and visibly on the structure at the main entrance to the residence or place of business and/or at the principal place of ingress.

New development projects must check with the Building Official regarding the naming of streets within proposed developments. This should be done at the time the preliminary plat is submitted and again upon approval of the final plat. The Building Official will insure that the name assigned to a new street is consistent with policies of the City and is not in conflict with existing street names within the county and other cities. The City has final authority for designation of street names.

Staff Notes: *No amendments are proposed to this section. Private streets will continue to be called "Lanes".*

Section 4.8 Private Streets (Pages 4-6 and 4-7)**STREETS****4.8 Private Streets**

See definition of private street in Section 3.4.

A. Private streets may be allowed under the following conditions:

1. A private street may be pPermanently established by tract or easement to provideing legal access to serve no more than four dwelling units. If all of the dwelling units in a development meet the

~~federal definition of low income, then the private street may serve up to nine detached single family dwellings or up to thirty-five attached single family or multifamily dwelling units. A private street may serve up to four businesses on separate parcels, or four businesses situated on one parcel, or businesses on four separate parcels, or unlimited dwelling units or businesses situated on one parcel and sufficient to accommodate required improvements, to include provisions for future use by adjacent property owners when applicable. The four parcel restriction does not apply to private streets in the Port of Olympia Airdustrial Park private roads New Market Industrial Center due to Federal Aviation Administration requirements. In addition, private streets may be allowed as part of an approved PUD, if conditions 2-5, below, are met.~~

2. ~~In addition, private streets may be allowed as part of an approved PUD, if conditions 2-5, below, are met.~~ Meet the minimum design standards for private streets in ~~Table 1~~the Street Section Design table in Section 4.4.
3. Accessible at all times for emergency and public service vehicle use.
4. -Will not result in landlocking of present or future parcels nor obstruct public street circulation.
5. Covenants have been approved, recorded, and verified with the City, which provide for maintenance of the private streets and associated parking areas by the owner or homeowners association or other legal entity.
6. Private streets must include provisions for future use by adjacent property owners when applicable.
- 5-7. Private streets may be allowed as part of an approved planned unit development, if the requirements of TMC 18.36.100(B) are met.

B. Acceptance as Public Streets.

Acceptance of private streets as public streets will be considered only if the street(s) meet all applicable public street standards, including right-of-way widths. The developers engineer shall provide as built designs and testing to confirm proper construction standards.

Staff Notes: Amendments to this section match proposed amendments to the Planned Unit Development Chapter in TMC 18.36.

Section 4.10 Cul-de-sac (Pages 4-8)**STREETS****4.10 Cul-de-sac**

Streets designed to have one end permanently closed shall be no longer than 500 feet. At the closed end, there shall be a widened "bulb" having a minimum paved traveled radius as shown in the Minimum Street Design Standards Table. A "Y" or "T" which allows for comparable ease in turning for emergency vehicles may be allowed on private streets.

Staff Notes: No amendments are proposed to this section.

Section 4.31 Design Standards (Page 4-23)**ILLUMINATION****4.31 Design Standards**

[...]

AVERAGE MAINTAINED HORIZONTAL ILLUMINATION**(FOOT CANDLES)****AREA CLASS**

Road Class	Residential	Intermediate	Industrial	Commercial
Local/Private	0.2	0.6	N/A	N/A
Collector	0.5	0.7.	0.8	0.9
Arterial	0.7	1.0	1.2	1.4

Uniformity ratio: 6:1 average: minimum for local
 4:1 average: minimum for collector
 3:1 average: minimum for arterial

Dirt Factor = 0.85, lamp lumen depreciation factor = 0.73

Weak Point Light = 0.2fc except residential local street

Average illumination at intersections 1.5 times the illumination required on the more highly illuminated street.

Line loss calculations shall show that no more than five percent voltage drop occurs in any circuit. Lamp Load factor shall equal 1.2. Pole foundations shall be per detail number ST-25 and ST-26. Poles shall be as follows:

	6' Single Arm	8' Single Arm	8' Twin Arm
GE	RRTA40SA6S8.01B	RRTA40SA8S8.01B	RRTA40SA8D10.02B
Hap Co	50700-001	50700-002	50701.013
Lexington	3608-45806T4	3608-45806T4	3608-60106T4
Valmont	21-40006CS0845	21-40008CS0845	22-40008CLS1060

Use type of pole already in use on a roadway.

Staff Notes: *No amendments are proposed to this section.*

Public Approval Process

The Planning Commission held a briefing on the proposed amendments on April 26, 2022 and its first worksession on May 10, 2022. The Planning Commission held a second worksession on June 14, 2022.

An Environmental Checklist for a non-project action was prepared on April 5, 2022 under the State Environmental Policy Act (Chapter 43.21C RCW), pursuant to Chapter 197-11 WAC, and a Determination of Non-Significance was issued later on April 28, 2022.

The ordinance was sent to the Washington State Department of Commerce on April 5, 2022 for the required 60-day review before the proposed text amendments were adopted, in accordance with RCW 36.70A.106.

A Notice of Public Hearing for the Planning Commission was issued on June 17, 2022 prior to a public hearing. The notice was posted, published as a press release, distributed to interested individuals and entities that have requested such notices, and published in The Olympian.

The Planning Commission will hold a public hearing for the proposed amendments on June 28, 2022. Following the public hearing and deliberations, the Planning Commission is expected to make a recommendation that Council on the proposed amendments.

The Public Works Committee is expected to hold a briefing on the proposed amendments to the Tumwater Development Guide on July 7, 2022.

The General Government Committee is scheduled to review the proposed amendments in a briefing on July 13, 2022 and recommend that the ordinance be discussed at a City Council worksession. The City Council is scheduled to review the amendments at a worksession on July 26, 2022 and consider the amendments on August 1, 2022.

Public Notification

A Notice of Public Hearing for the Planning Commission was issued, posted, mailed to interested parties, and published in The Olympian on June 17, 2022, after the Planning Commission set the public hearing date on June 14, 2022.

Staff Conclusions

1. The proposed text amendments are consistent with the goals of the Washington State Growth Management Act.

- a. The amendments in Ordinance No. O2022-006 and to the Tumwater Development Guide are consistent with Goal 7 of the Growth Management Act which states:

“Permits. Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability.”

The amendments establish concise requirements for the application, review process, and approval of planned unit developments.

2. The proposed amendments are consistent with the Economic Development Plan because the proposed amendments improve the clarity and specificity of the regulations for submittal, review, and approval of planned unit developments.

- a. Goal #1 of the Economic Development Plan states:

“Establish a development climate that stimulates economic activity and desirable investment.”

- b. The text of the Economic Development Plan states that one of the ways to support Goal #1 is:

“...by making ongoing improvements to existing development regulations, systems, and processes.”

- c. Action item 1.D. of the Economic Development Plan states:

“Ensure a predictable and efficient experience for business owners and developers seeking to invest in Tumwater.”

The amendments improve the existing regulations for the application, review process, and approval of planned unit developments.

3. The proposed amendments are consistent with the Land Use Element because it clarifies and refines the process for reviewing and approving planned unit developments.

- a. Implementation Policy 11 of Section 3.3 of the Land Use Element states:

“Modify the land use regulatory review, permitting, and approval system for consistency with the Growth Management Act and adopted plans to

ensure predictability and allow processing of development permits in a timely and fair manner.”

4. Based on the above review and analysis, staff concludes that the proposed text amendments are consistent with the requirements of the Washington State Growth Management Act and the Tumwater Comprehensive Plan.

Staff Recommendation

Staff recommends approval of the proposed amendments to the Tumwater Development Guide as shown in this memorandum.

Effects of the Proposed Amendments

The proposed text amendments would necessitate changes to the Tumwater Municipal Code as shown in Ordinance No. O2022-006 and to the *Tumwater Development Guide*.

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