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**2022 OTHER HOUSEKEEPING AMENDMENTS  
STAFF REPORT  
PLANNING COMMISSION BRIEFING**

**Issue**

During 2020 and 2021, staff gathered information on proposed minor housekeeping amendments in the Tumwater Municipal Code to be considered collectively in 2022 that are not part of the development code, which is defined as Title 16 *Environment*, Title 17 *Land Division*, and Title 18 *Zoning*. These housekeeping amendments are separate from the development code housekeeping amendments being considered as part of Ordinance No. O2022-013 that are following the process in TMC 18.60.025(A), but will follow the same schedule.

**Contents**

Issue .....	1
Summary .....	1
Background .....	1
Other Housekeeping Amendment Summary .....	2
Public Approval Process .....	4
Public Notification .....	4
Staff Conclusions .....	5
Staff Recommendation.....	5
Effects of the Proposed Amendments .....	6
Staff Contact .....	6

**Summary**

The proposed amendments are intended make minor corrections to the City's municipal code.

**Background**

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

**Other Housekeeping Amendment Summary**

The following is a summary of the proposed amendments that make up the other housekeeping amendments:

A. Sidewalks – Obstructions, Maintenance, and Repair

At the request of City staff, address short-term and long-term sidewalk maintenance. The intent would be to clarify which owners are responsible for maintenance of sidewalks. Currently, neither the *Tumwater Municipal Code* nor the *Tumwater Development Guide* clearly addresses this issue.

New Code Sections to be created:

- TMC 12.08.035 – Removal of sidewalk obstructions – Street and Side Obstructions
- TMC 12.12.070 – Sidewalk maintenance and repair – Construction of Curbs and Sidewalks

Proposed amendment language, new sections added:

***12.08.035 Removal of sidewalk obstructions.***

*It shall be the duty of the owner of abutting property to remove or correct any condition which renders any sidewalk, curb, or driveway unsafe or unfit for use, including snow, ice, or obstruction of any kind, natural or artificial.*

*[...]*

***12.12.070 Sidewalk maintenance and repair.***

*It shall be the duty of the owner of abutting property to keep the sidewalk, curb, and any driveway access in good repair at the owner's own expense. The owner shall maintain, or replace if necessary, the sidewalk, curb, driveway, or street tress to remove or correct any condition which renders any such sidewalk, curb, or driveway unsafe or unfit for use, including slopes (running and cross), lips or displacements, cracks, and algae and other slip hazards.*

B. Staff Reports for Hearing Examiner - Schedule

Review when a staff report is needed for a hearing examiner hearing. The hearing examiner has asked that the date when staff reports have to be available be changed from the current five working days prior to the public hearing to seven days.

Code Section to be amended:

- TMC 2.58.110 – Distribution of information – Hearing Examiner

Proposed amendment language:

***2.58.110 Distribution of information.***

*The department of community development shall provide for the distribution of reports, comments and other appropriate information, including those of other government agencies, to the hearing examiner. This process shall comply with the provisions of TMC Title 14, Development Code Administration, and the provisions of this chapter. In addition thereto, the department shall prepare a report summarizing the factors involved and the department's findings and recommendations. At least ~~five~~seven working days prior to the scheduled hearing, the report shall be filed with the examiner and copies thereof shall be mailed to the applicant and made available for public inspection. Copies thereof shall be provided to interested parties upon payment of reproduction costs.*

C. Traffic Study Requirements

Update the criteria for when a traffic impact analysis study is required.

Code Section to be amended:

- TMC 15.48.060 – Traffic study – Transportation Concurrency Requirements

Proposed amendment language:

***15.48.060 Traffic study.***

*Nonexempt building permit applications for the following types of developments must be accompanied by a traffic impact analysis study prepared by an engineer registered in the state of Washington with special training and experience in traffic engineering and who is a member of the Institute of Transportation Engineers and submitted by the applicant:*

- A. Development that generates fifty or more vehicle trips in ~~the peak direction of the peak~~ hour on the adjacent streets and intersections; or*
- B. Development that generates twenty-five percent or more of peak-hour traffic through a signalized intersection or the critical movement at an unsignalized intersection.*

*All developments that are estimated to generate ten or more vehicle trips, five or more truck trips, or one or more trips to any Interstate 5 interchange must provide trip distribution diagrams prepared by a qualified transportation professional even if a full traffic impact analysis is not required.*

### **Public Approval Process**

An Environmental Checklist for a non-project action was prepared on June 10, 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 on July 7, 2022.

The ordinance was sent to the Washington State Department of Commerce on June 10, 2022 for the required 60-day review before the proposed text amendments were adopted, in accordance with RCW 36.70A.106.

The Planning Commission will receive a briefing on the proposed other housekeeping amendments on July 12, 2022 and is expected to hold a worksession on the ordinance on July 26, 2022.

A Notice of Public Hearing for the Planning Commission is expected to be issued on July 29, 2022 prior to a public hearing. The notice will be 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 is expected to hold a public hearing for the amendments on August 9, 2022. Following the public hearing and deliberations, the Planning Commission will make a recommendation that Council on the amendments.

The Public Works Committee is expected to hold a briefing on the amendments to the Tumwater Development Guide on September 8, 2022.

The General Government Committee is scheduled to review the amendments in a briefing on September 14, 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 September 27, 2022 and consider the amendments on October 4, 2022.

### **Public Notification**

A Notice of Public Hearing is expected to be issued, posted, mailed to interested parties, and published in *The Olympian* on July 29, 2022, after the Planning Commission is expected to set the public hearing date on August 9, 2022.

**Staff Conclusions**

1. The proposed text amendments will need to be consistent with the goals of the Washington State Growth Management Act.

- a. This ordinance will need to be 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 Ordinance establishes concise requirements for the application, review process, and approval of planned unit developments.

2. The proposed amendments will need to be 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.”*

This Ordinance will need to be improve the existing regulations for the application, review process, and approval of planned unit developments.

3. Based on the above review and analysis, staff will need to conclude 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 that the Planning Commission review the proposed amendments and provide comment to staff.

**Effects of the Proposed Amendments**

The proposed text amendments would necessitate changes to the Tumwater Municipal Code.

**Staff Contact**

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