



**2022 DEVELOPMENT CODE HOUSEKEEPING
PRELIMINARY DOCKET
STAFF REPORT
PLANNING COMMISSION BRIEFING**

Issue

During 2020 and 2021, staff gathered information on proposed minor housekeeping amendments to the Tumwater Municipal Code to be considered collectively in 2022. TMC 18.60.025(A) establishes a process for such amendments that is similar to the one the City follows for annual Comprehensive Plan amendments. A preliminary docket of proposed amendments will be reviewed in the spring for consideration as part of the final docket that would be reviewed by the Planning Commission and approved by the City Council in the fall.

Contents

Issue	1
Summary	1
Background	1
Development Code Housekeeping Preliminary Docket	2
Public Approval Process	10
Public Notification	11
Staff Conclusions	11
Staff Recommendation.....	12
Effects of the Proposed Amendments	12
Staff Contact	12

Summary

The proposed amendments are intended make minor corrections to the City's development regulations.

Background

TMC 18.60.025(A) establishes a process by which the preliminary docket of annual development code housekeeping amendments undergoes an initial review by the Planning Commission for recommendation to the City Council. The City Council will

then make the final determination on which of the proposed amendments will be included in the final docket.

After the docket is final, staff will review and analyze the proposed amendments and come back to the Planning Commission with a draft ordinance to start the final review and recommendation process on September 13, 2022.

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

Development Code Housekeeping Preliminary Docket

The following is a summary of the proposed amendments that make up the development code housekeeping preliminary docket:

A. Accessory Dwelling Unit Entrances

Address accessory dwelling unit primary entrance language. Accessory dwelling unit shall be designed to maintain the appearance of the main building of the single-family residence. In some cases, it is not possible for the primary entrance to an accessory dwelling unit not to be visible from the yard on the same side of the lot on which the primary entrance to the primary single-family dwelling unit is located. The amendment would change this from a requirement to an option.

Consistent with Sections 1.A.1 *Purpose* and 1.A.2 *Administrative Procedures of the Citywide Design Guidelines*.

Code Section to be amended:

- TMC 18.42.010 – Accessory dwelling units – General Land Use Regulations

B. Adult Family Homes/Residential Care Facilities

Address consistency of adult family home and residential care facilities as permitted and conditional uses with state law and internally in TMC Title *Zoning* in individual zone districts and TMC 18.53 *Housing for the Functionally Disabled*.

RCW 70.128.140 states:

Compliance with local codes and state and local fire safety regulations.

(1) Each adult family home shall meet applicable local licensing, zoning, building, and housing codes, and state and local fire safety

regulations as they pertain to a single-family residence. It is the responsibility of the home to check with local authorities to ensure all local codes are met.

(2) An adult family home must be considered a residential use of property for zoning and public and private utility rate purposes. Adult family homes are a permitted use in all areas zoned for residential or commercial purposes, including areas zoned for single-family dwellings.

Code Section to be amended:

- TMC 18.07.010 – Residential zone districts permitted and conditional uses – Summary Tables of Uses
- TMC 18.07.030 – Industrial zone districts permitted and conditional uses – Summary Tables of Uses
- TMC 18.07.040 – Greenbelt/open space zone districts permitted and conditional uses – Summary Tables of Uses
- TMC 18.27.040 – Uses – BD Brewery District zone district
- TMC 18.30.030 – Permitted uses – GB Greenbelt zone district
- TMC 18.30.050 – Conditional uses – GB Greenbelt zone district
- TMC 18.31.020 – Permitted uses – OS Open Space zone district
- TMC 18.31.040 – Conditional uses – OS Open Space zone district
- TMC 18.49.020 – Permitted uses – MFP Manufactured Home Park zone district
- TMC 18.53.020 – Adult family home – Housing for the Functionally Disabled
- TMC 18.53.030 – Residential care facility – Housing for the Functionally Disabled

C. Bicycle Storage

Clarifying whether residential uses require one long-term bike storage spot per unit (TMC 18.50.120(C)(3)) or one per four units as shown in the table (TMC 18.50.120(A)) at the end of TMC 18.50 *Off-Street Parking*. TMC 18.50.120 *Required bicycle facilities* and TMC Figure 18.50.120(A) establish bicycle parking spaces requirements for both short-term (Class 2) bicycle facilities and long-term (Class 1) bicycle facilities.

Code Section to be amended:

- TMC 18.50.120 – Required bicycle facilities – Off-Street Parking

D. Capitol Boulevard Community – Multifamily Parking Requirements

Remove the 1.0 parking space per dwelling unit limit for multifamily dwellings in the Capitol Boulevard Community to relieve off-street parking impacts on adjacent neighborhoods.

Code Section to be amended:

- TMC 18.21.060 – Development Standards – CBC Capitol Boulevard Community Zone District

E. Car Washes

Adding “carwash” to General Commercial uses through an amendment to the Title 17 *Zoning* definitions, instead of a specifically listed use.

Code Section to be amended:

- TMC 18.04.010 – A definitions – Definitions

F. Mixed Use Overlay

Clarifying the intent of TMC 18.33 *MUO Mixed Use Overlay* to require commercial or office uses along primary roadways rather than 20% of every building.

Code Section to be amended:

- TMC 18.33.060 – Development standards – MUO Mixed Use overlay zone district

G. Nonconforming Signs

Addressing a conflict in nonconforming signs requirements in TMC 18.44.090 *Existing signs* in the TMC 18.44 *Signs*.

Code Section to be amended:

- TMC 18.44.090 – Existing signs – Signs

H. Optometry Clinics

Addressing the “optometry clinics” use, which does not fit well with either the existing “medical clinic” use or “professional services” use.

Creating new “optometry clinics” use with a new definition in TMC 18.04.150 and adding as a permitted use to the zone districts listed below.

Code Sections to be amended:

- TMC 18.04.150 – O Definitions – Definitions
- TMC 18.07.020 – Commercial zone districts permitted and conditional uses– Summary Tables of Uses
- TMC 18.07.030 – Industrial zone districts permitted and conditional uses– Summary Tables of Uses
- TMC 18.18.020 – Permitted Uses – NC Neighborhood Commercial zone district
- TMC 18.19.020 – Permitted Uses – CS Community Services zone district
- TMC 18.20.030 – Permitted Uses – MU Mixed Use zone district
- TMC 18.21.030 – Permitted Uses – CBC Capitol Boulevard Community zone district
- TMC 18.22.020 – Permitted Uses – GC General Commercial zone district
- TMC 18.23.020 – Permitted Uses – TC Town Center zone district
- TMC 18.24.020 – Permitted Uses – LI Light Industrial zone district
- TMC 18.26.020 – Permitted Uses – HC Historic Commercial zone district
- TMC 18.27.040 – Uses – BD Brewery District zone district
- TMC 18.34.020 – Permitted Uses – ARI Airport Related Industry zone district

I. Personal and Professional Services

For consistency and understanding, splitting “personal and professional services” into “personal services” and “professional services” and removing “personal and professional and services and sales” from the TMC 18.07.020 Table Commercial zone districts permitted and conditional uses – Summary Tables of Uses.

Code Sections to be amended:

- TMC 18.04.160 – P Definitions – Definitions
- TMC 18.07.020 – Commercial zone districts permitted and conditional uses – Summary Tables of Uses
- TMC 18.07.030 – Industrial zone districts permitted and conditional uses – Summary Tables of Uses
- TMC 18.19.020 – Permitted Uses – CS Community Services zone district
- TMC 18.23.020 – Permitted Uses – TC Town Center zone district
- TMC 18.24.020 – Permitted Uses – LI Light Industrial zone district
- TMC 18.26.020 – Permitted Uses – HC Historic Commercial zone district
- TMC 18.27.040 – Uses – BD Brewery District zone district
- TMC 18.34.020 – Permitted Uses – ARI Airport Related Industry zone district

J. Public Building Signs

Adding exemptions for the size and number of sign for public buildings located in residential zone districts.

Code Section to be amended:

- TMC 18.44.140 – Residential zone districts – Signs

K. Public Works Director

Updating the final plat Dedication Certificate language and changing references to “Public Works” to “Transportation & Engineering” Director

and Department throughout Titles 12 *Streets, Sidewalks and Public Spaces*, 17 *Land Division*, and 18 *Zoning*.

Code Titles to be amended:

- TMC Title 12 – Streets, Sidewalks and Public Spaces
- TMC Title 17 – Land Division
- TMC Title 18 – Zoning

Code Sections to be amended:

- TMC 12.04.020 – Filing petition with public works department – Fee – Street and Alley Vacations
- TMC 12.04.030 – Presentation of petition to public works department – Street and Alley Vacations
- TMC 12.04.050 – Notice of hearing where vacation initiated by council – Objections – Street and Alley Vacations
- TMC 12.04.100 – Compensation and appraisal fees – Street and Alley Vacations
- TMC 17.04.485 – Tumwater coordinate system – Definitions
- TMC 17.14.110 – Changes, alterations or deletions – Preliminary Land Divisions
- TMC 17.18.010 – Installment requirements – Public Improvements
- TMC 17.18.020 – Design and review – Public Improvements
- TMC 17.18.030 – Construction on surety/bond approval – Public Improvements
- TMC 17.18.060 – Inspection certification – Public Improvements
- TMC 17.18.070 – As-built drawings – Public Improvements
- TMC 17.18.090 – Acceptance – Public Improvements
- TMC 17.18.110 – Required maintenance – Public Improvements
- TMC 17.18.120 – Surety – Public Improvements
- TMC 17.18.140 – Surety, bonds and fees – Public Improvements
- TMC 17.24.030 – Format and content of application – Final Land Divisions

- TMC 17.24.040 – Distribution of copies – Final Land Divisions
- TMC 17.24.060 – Review criteria – Final Land Divisions
- TMC 17.24.090 – Filing for record – Copies – Final Land Divisions
- TMC 17.28.020 – Applicability – Deviation from Requirements
- TMC 18.04.130 – M definitions - Definitions
- TMC 18.21.060 – Development standards – CBC Capitol Boulevard Community zone district
- TMC 18.23.050 – Development and design standards – Specific to properties fronting main streets – TC Town Center zone district
- TMC 18.27.080 – Development and design standards – Triangle, Deschutes, Bates Neighborhood North and Knoll subdistricts – BD Brewery District
- TMC 18.42.070 – Agriculture – General Land Use Regulations
- TMC 18.44.070 – Exemptions – Signs
- TMC 18.50.060 – Off-street parking areas – Design requirements – Off-Street Parking
- TMC 18.50.080 – On-street parking credit – Off-Street Parking

L. Residential Mechanical Equipment in Setbacks

Allowing “residential mechanical equipment” in the three single-family zone districts rear setbacks.

Code Sections to be amended:

- TMC 18.08.050 – Development standards – RSR Residential/ Sensitive Resource zone district
- TMC 18.10.050 – Development standards – SFL Single-Family Low Density Residential zone district
- TMC 18.12.050 – Development standards – SFM Single-Family Medium Density Residential zone district

M. Residential Storage Sheds – Gravel Access

Addressing driveway surface for residential storage sheds. Currently, if a residential property owner wants to build a detached storage shed on a

property having a gravel driveway, TMC 18.50.020(A)(1) requires compliance with the current parking regulations. In this case, TMC 18.50.030(B) requires residential property owner to convert the driveway to a hard surface.

Code Section to be amended:

- TMC 18.50.020 – Parking, loading and bicycle facility general regulations – Off-Street Parking

N. 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 the Tumwater Municipal Code or Tumwater Development Guide does not address 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

O. 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

P. Subdivision Dedication Code Language Update

Update the subdivision dedication code language update to change “men” to “persons.”

Code Section to be amended:

- TMC 17.24.030(D)(2) – Format and content of application – Final Land Divisions

Public Approval Process

Consistent with TMC 18.60.025, the Planning Commission will hold a briefing on the preliminary docket on April 26, 2022 and a worksession on May 10, 2022. At the end of the worksession, the Planning Commission will send a recommendation to the General Government Committee on the items to go forward to the final docket for more review.

The General Government Committee will discuss the Planning Commission's recommendation on the items to go forward to the final docket for more review at their June 8, 2022 meeting and is expected to recommend that the preliminary docket be placed on the City Council's consent agenda for their June 21, 2022 meeting; and

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

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

The Planning Commission is expected to receive a briefing on the final docket of proposed code amendments on September 13, 2022 and hold a worksession on the final docket September 27, 2022.

A Notice of Public Hearing for the Planning Commission is expected to be issued on September 30, 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 proposed amendments on October 11, 2022. Following the public hearing and deliberations, the Planning Commission will 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 November 17, 2022.

The General Government Committee is scheduled to review the proposed amendments in a briefing on November 9, 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 November 22, 2022 and consider the amendments on December 6, 2022.

Public Notification

A Notice of Public Hearing for October 11, 2022 for the Planning Commission is expected to be issued, posted, mailed to interested parties, and published in *The Olympian* on September 30, 2022, after the Planning Commission is expected to set the public hearing date on September 27, 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 forward a recommendation to the General Government Committee that all the items in the 2022 development code housekeeping preliminary docket go forward for review as part of the final docket.

Effects of the Proposed Amendments

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

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