

MEMORANDUM

Date: September 5, 2023
To: City Council
From: Erika Smith-Erickson, Land Use and Housing Planner and Brad Medrud,
Planning Manager



Preliminary Docket for 2023 Annual Housekeeping Amendments

During 2022 and 2023, staff gathered information on proposed minor housekeeping amendments to the development code in the Tumwater Municipal Code to be considered collectively in 2023. TMC 18.60.025(A) establishes a process for such development code 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 summer 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 of 2023 and winter of 2024.

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Summary

The proposed four 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 October 24, 2023.

The amendments are a part of the approved 2023 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. Manufactured Home Parks Required Open Space

Clarify the open space requirements for manufactured home parks that are not subject to the land division process under Title 17 *Land Division*.

The intent of Ordinance No. O2020-015, which the City Council approved in 2021, was that new or redeveloped manufactured home parks would provide park and open space. TMC 18.49.060(F) Park and Open Space Area states:

New development in the MHP zone district shall set aside land for park and open space area as specified in TMC 17.12.210 and 18.42.130 and the citywide design guidelines.

If land division were not required pursuant to TMC 17.12.210, then the requirements of TMC 18.42.130 would apply. TMC 18.42.130(A) states:

For new residential developments in which the majority of the dwelling units will be multifamily dwellings or roominghouses, or five or more dwelling units as rowhouses or townhomes, and the land is not being divided, a minimum of fifteen percent of the gross site area shall be set aside for park and open space area.

As the code is written currently, manufactured home parks that are not subject to the land division process under Title 17 *Land Division* would not be required to provide 15% open space.

Code Section to be amended:

- 18.42.130 – General Land Use Regulations – Park and open space area standards for development without divisions of land

B. Undergrounding Utilities Requirements

Clarify the requirement that new and existing electrical power, telephone, cable television, fiber optics and other transmission lines shall be installed underground and establishing an appeals process through the Engineering Services Manager in the Transportation & Engineering Department.

Code Section to be amended:

- TMC 17.12.200 – General Design Standards – Underground Utilities

C. Town Center Mixed Use Subdistrict First Floor Uses

Clarify the uses that would be allowed on the first floor of commercial and residential developments along main streets in the Town Center Mixed Use subdistrict.

The intent of the Town Center Mixed Use subdistrict is to create a pedestrian environment with first floor land uses that generate pedestrian activity which complement the wide sidewalks, street trees, pedestrian-level streetlights, street furniture, and mid-block crossings that characterize the pedestrian-oriented streetscape.

As the code is written currently, it is unclear what uses would be allowed in this situation.

Code Section to be amended:

- TMC 18.23.050 – TC Town Center Zone District – Development and design standards – Specific to properties fronting main streets

D. Building Heights Over Sixty-Five Feet for Specific Industrial Uses

Establish a conditional use permit process for specific industrial uses that exceed sixty-five feet in the LI Light Industrial and HI Heavy Industrial zone districts.

Prior to the approval of Ordinance No. O2017-006 by the City Council in 2017, “buildings or structures over permitted height restrictions” were allowed subject to conditional use permit approval in the GC General Commercial, MU Mixed Use, LI Light Industrial, and HI Heavy Industrial zone districts. In addition to the general conditional use permit requirements, solar access and articulation conditions had to be addressed.

To partially address the need for taller structures in the LI Light Industrial zone district, the maximum height in the LI Light Industrial zone district was raised by Ordinance No. O2016-037 in 2017 from 50 feet to 65 feet.

Code Section to be amended:

- TMC 18.24.040 – LI Light Industrial Zone District – Conditional uses

- TMC 18.25.040 – HI Heavy Industrial Zone District – Conditional uses
- TMC 18.56.110 – Conditional Use Permits – “B” uses

Public Approval Process

Consistent with TMC 18.60.025, the Planning Commission held a briefing on the preliminary docket on June 27, 2023 and a worksession on July 11, 2023. At the end of the worksession, the Planning Commission recommended that all the items on the preliminary docket to go forward to the final docket for more review.

The General Government Committee discussed the Planning Commission’s recommendation on the items to go forward to the final docket for more review at their August 9, 2023 meeting. The General Government Committee recommended that all the items on the preliminary docket to go forward to the final docket for more review on the City Council’s consent agenda for their September 5, 2023 meeting.

An Environmental Checklist for a non-project action will be prepared in September 2023 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 September 2023.

The ordinance expected to be sent to the Washington State Department of Commerce in September 2023 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 October 24, 2023 and hold a worksession on the final docket November 14, 2023.

A Notice of Public Hearing for the Planning Commission is expected to be issued on November 17, 2023 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 final docket of proposed amendments on November 28, 2023. Following the public hearing and deliberations, the Planning Commission will make a recommendation that Council on the proposed amendments.

The General Government Committee is scheduled to review the final docket of proposed amendments in a briefing on January 10, 2024 and recommend that the ordinance be discussed at a City Council worksession. The City Council is scheduled to review the final docket of amendments at a worksession on January 23, 2024 and consider the amendments on February 6, 2024.

Public Notification

A Notice of Public Hearing for the November 28, 2023 the Planning Commission public hearing is expected to be issued, posted, mailed to interested parties, and published in The Olympian

on November 17, 2023, after the Planning Commission is expected to set the public hearing date on November 14, 2023.

Staff Conclusions

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 City Council make the determination that all the amendments in the preliminary docket should be included in the TMC 18.60.025(A) final docket.

Effects of the Proposed Amendments

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

Staff Contacts

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