



**PLANNING COMMISSION
MEETING AGENDA**

**Online via Zoom and In Person at
Tumwater Fire Department
Headquarters, Training Room, 311 Israel
Rd. SW, Tumwater, WA 98501**

**Tuesday, June 14, 2022
7:00 PM**

1. Call to Order
2. Roll Call
3. Changes to Agenda
4. Approval of Minutes May 10, 2022
 - [a.](#) Tumwater Planning Commission Meeting Minutes May 10 2022
5. Commissioner's Reports
6. Manager's Report
 - [a.](#) Ongoing 2022 Planning Commission Meeting Schedule
7. Public Comment
- [8.](#) Ordinance No. O2022-006, Planned Unit Development
9. Next Meeting Date - 06/28/2022
10. Adjourn

Meeting Information

The public are welcome to attend in person, by telephone or online via Zoom.

Watch Online

https://us02web.zoom.us/webinar/register/WN_AMzK1HSESImkR5raAVLciQ

Listen by Telephone

Call (253) 215-8782, listen for the prompts, and enter the Webinar ID 861 4413 5229 and Passcode 462656.

Public Comment

The public is invited to attend the meeting and offer comment. The public may register in advance for this webinar to provide comment:

https://us02web.zoom.us/webinar/register/WN_AMzK1HSESlmkR5raAVLciQ

After registering, you will receive a confirmation email containing information about joining the webinar.

The public may also submit comments prior to the meeting by sending an email to: cdd@ci.tumwater.wa.us. Please send the comments by 1:00 p.m. on the date of the meeting. Comments are submitted directly to the Commission/Board Members and will not be read individually into the record of the meeting.

If you have any questions, please contact Planning Manager, Brad Medrud at (360) 754-4180 or bmedrud@ci.tumwater.wa.us.

Post Meeting

Audio of the meeting will be recorded and later available by request, please email CityClerk@ci.tumwater.wa.us.

Accommodations

The City of Tumwater takes pride in ensuring that people with disabilities are able to take part in, and benefit from, the range of public programs, services, and activities offered by the City. To request an accommodation or alternate format of communication, please contact the City Clerk by calling (360) 252-5488 or email CityClerk@ci.tumwater.wa.us. For vision or hearing impaired services, please contact the Washington State Relay Services at 7-1-1 or 1-(800)-833-6384. To contact the City's ADA Coordinator directly, call (360) 754-4128 or email ADACoordinator@ci.tumwater.wa.us.

What is the Planning Commission?

The Tumwater Planning Commission is a citizen advisory commission that is appointed by and advisory to the City Council on the preparation and amendment of land use plans and implementing ordinances such as zoning. Actions by the Planning Commission are not final decisions; they are Commission recommendations to the City Council who must ultimately make the final decision. If you have any questions or suggestions on ways the Commission can serve you better, please contact the Community Development Department at (360) 754-4180.

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CONVENE: 7:00 p.m.

PRESENT: Chair Elizabeth Robbins and Commissioners Grace Edwards, Nam Duc Nguyen, Nathan Peters, Meghan Sullivan, and Anthony Varela.

Excused: Commissioners Terry Kirkpatrick and Michael Tobias.

Staff: Planning Manager Brad Medrud.

CHANGES TO AGENDA: There were no changes to the agenda.

**APPROVAL OF MINUTES:
APRIL 12, 2022 &
APRIL 26, 2022:**

MOTION: Commissioner Peters moved, seconded by Commissioner Edwards, to approve the April 12, 2022 and April 26, 2022 meeting minutes as published. A voice vote approved the motion unanimously.

COMMISSIONER REPORTS: There were no reports.

MANAGER'S REPORT: Manager Medrud advised of the pending appointment of Brian Schumacher to the Commission. The City Council is scheduled to consider and approve his appointment at its May 17, 2022 meeting.

PUBLIC COMMENT: There were no public comments.

PRELIMINARY DOCKET FOR 2022 ANNUAL HOUSEKEEPING AMENDMENTS: Manager Medrud advised of several changes since the Commission's first briefing on the amendments. The City Attorney provided some clarifying information on the process for amendments to the Tumwater Development Code and amendments for other types of housekeeping amendments. Additionally, permitting staff recommended an additional development code housekeeping amendment.

The proposed amendments are intended to address minor changes to the code that do not warrant an individual ordinance. The process as outlined in Tumwater Municipal Code (TMC) 18.60.025(A) addresses housekeeping amendments for the Tumwater Development Code.

Manager Medrud reported the request is a recommendation on the proposed preliminary docket of amendments to the City Council. The Council renders the final decision the amendments included in the final docket. Later in the

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year, the Commission will consider the amendments for a review and a recommendation to the City Council.

Other housekeeping amendments under the same TMC 18.60.025(A) process will be considered jointly with the development code final docket in the fall.

Manager Medrud reviewed a summary of the proposed amendments within the development code housekeeping preliminary docket:

A. Accessory Dwelling Unit Entrances

Addresses 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.

B. Adult Family Homes/Residential Care Facilities

Addresses consistency of adult family home and residential care facilities as permitted and conditional uses with state law and internally in TMC Title 18 Zoning in individual zone districts and TMC 18.53 *Housing for the Functionally Disabled*.

C. Bicycle Storage

Clarifies whether residential uses require one long-term bike storage spot per unit one per four units as shown in the table 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.

D. Capitol Boulevard Community – Multifamily Parking Requirements

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

E. Car Washes

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

F. Impound Yards (new addition)

Impound yards are regulated by state code and limit the time a car can be retained in the yard up to 30 days. An impound yard is not

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considered a ‘wrecking yard’ as defined by state law. Impound yards serve as a storage area for vehicles only. The proposal adds the use to industrial zones as the City currently does not allow impound yards in the City.

G. Mixed Use Overlay

Clarifies 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.

H. Nonconforming Signs

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

I. Optometry Clinics

Addresses “optometry clinics” use, which does not fit well with either the existing “medical clinic” use or “professional services” use. Creates new “optometry clinics” use with a new definition in TMC 18.04.150 and adds as a permitted use zone districts currently allowing medical facilities and offices.

J. 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.

K. Public Building Signs

Adds exemptions for the size and number of signs for public buildings located in residential zone districts, such as schools.

L. Residential Mechanical Equipment in Setbacks

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

M. Residential Storage Sheds – Gravel Access

Addresses 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.

N. Subdivision Dedication Code Language Update

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

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Proposed amendments that fall outside of the Tumwater Development Code include:

O. Sidewalks – Obstructions, Maintenance, and Repair

The proposal clarifies which owners are responsible for maintenance of sidewalks. Currently neither the TMC nor Tumwater Development Guide addresses the issue.

P. Staff Reports for Hearing Examiner - Schedule

The hearing examiner has asked to change the date when staff reports must be available from five working days prior to the public hearing to seven days.

Q. Traffic Study Requirements

TMC Title 12 addresses the threshold for a required traffic study as part of a development project. The proposal would require generation of a traffic study when a specific number of trips are generated in one direction.

Manager Medrud reported the schedule, dependent upon a recommendation from the Commission, includes Council consideration of the recommendation in June with a review and discussion of the final docket and other housekeeping amendments with the Commission in September.

MOTION:

Commissioner Sullivan moved, seconded by Commissioner Edwards, to move the preliminary docket of housekeeping amendments to the Tumwater Development Code, as well as three additional amendments to the City Council for consideration as reviewed and recommended by staff. A voice vote unanimously approved the motion.

WORKSESSION:

**ORDINANCE NO.
O2022-006,
PLANNED UNIT
DEVELOPMENT:**

Manager Medrud reported the Commission received a briefing on the proposal at its prior meeting. The proposal is not subject to any time limitations and any outstanding questions after the worksession can be addressed at a subsequent worksession prior to scheduling a public hearing on the proposed ordinance. The proposal addresses the City's planning unit development regulations, which have not been substantially updated since 2000.

To date, the City has processed planned unit developments as part of development applications providing staff with a good knowledge base of the benefits to the City through the process. In other jurisdictions, planned unit developments are intended to provide a quantifiable public benefit in exchange for flexibility of existing regulations. The City's intent of a planned unit development is to serve as a means for enabling more flexibility

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in the development of a parcel in exchange for a quantifiable public benefit to the City and the community. Planned unit developments benefit the developer because many properties include critical areas or other geographic limitations. Although, the regulations do not reduce buffer requirements for protection of critical areas, they do enable more flexibility in the placement of structures, setback allowances, and other requirements to enable development of a parcel that otherwise would be difficult to achieve.

Currently, benefits are afforded to developers as part of the regulations; however, the City is not receiving any quantifiable benefits. The focus of the proposal is to include benefits to the City more implicitly within the planning unit development process.

Manager Medrud reviewed some questions for members to consider during its evaluation of the proposed benefits as well as the flexibility provided in the code:

1. *The type of tangible benefits proposed.* Should more be added or should some be taken off? Is the list complete?
2. *The points assigned for each benefit.* Are points too many or too few?
3. *The total number of tangible benefits points required.* Is the number of points required balanced by the sections of the development code where the developer has flexibility?
4. *Code modifications allowed.* Should more be added or should some be taken off? Are the code modifications allowed balanced by the tangible benefits required?
5. *Code modifications not allowed.* Should more be added or should some be taken off?

Commissioner Varela joined the meeting at 7:26 p.m.

Manager Medrud reviewed a table of the proposed tangible benefits and the number of points for each benefit. Today, the threshold requires 2 points for the developer to utilize the planned unit development process to receive flexibility. Manager Medrud reviewed the list and asked members to provide feedback on the merits of each proposal:

#	Points	Tangible Benefit
1	0.5	Provide superior useable parks and open space. Current requirements require a planned unit development and other types of development to provide some level of usable parks and open space. The proposal expands beyond current requirements.
2	0.5 to 1.0	Significant public facilities or other public amenities that could not be required by the City for development of the

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- subject property without a planned unit development. Space provided could include uses for a school, a regional storm facility or a community center.
- 3 1.0 Going significantly beyond the minimum requirements for critical area protections to preserve, enhance, or rehabilitate critical areas and buffers.
 - 4 1.0 Dedication of a site containing a historic landmark.
 - 5 1.0 Incorporation of energy systems (defined in TMC 18.04) that produce energy from nondepletable energy sources will result in at least fifty percent of the energy needs for the development being met.
 - 6 1.5 The provision of at least twenty percent of the total dwelling units as permanently affordable housing. Would require a City tracking mechanism.
 - 7 0.5 to 1.5 Any other public facility, feature, item, project, or amenity proposed by the applicant that the City agrees meets the intent of this section.

Manager Medrud noted that a development would be required to achieve two points. He asked members to provide feedback on whether the points required are too much or not sufficient and if other tangible benefits should be included.

Commissioner Peters questioned whether the tangible benefits are detrimental to a developer or whether it benefits them if provided by the City. Manager Medrud explained that if a developer provides any of the tangible benefits, the developer receives development benefits, such as a reduction in setbacks, increase in building heights, or other development requirements.

Commissioner Peters shared that recently he received information from a friend who is employed by a commercial and real estate management firm who shared that the City of Tumwater makes it too difficult to build housing quickly. Manager Medrud replied that staff meets regularly with the City's permitting and building staff to review the status of development activity. Currently, the City has 60 permit requests for single family houses in permit review for review and approval. That number is substantial in terms of the timing required for review and approval. The City has been overwhelmed by development applications for all types of development in all zoning districts within the City. The City is adding more staff to meet development demands but has encountered delays because of the tight labor market. He described the difficulties many jurisdictions experience when adding staff during a boon period of development. The City attempts to maintain a

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steady staffing level to avoid those situations when staffing is reduced because development has decreased.

Chair Robbins offered that it appears the planned unit development is an interesting mechanism that would address the cycling issues of development activity because developers operating within the envelope of planned unit development requirements could likely proceed quickly through the development process whereas other forms of development is processed individually project by project. The issue raised by the development community speaks to whether the proposal under consideration would be attractive to the development community. Manager Medrud noted that the intent of the proposal is to provide the developer more flexibility to develop geographically challenged sites that make up a majority of undeveloped sites remaining in the City. The proposal does not address the cyclical nature of development activity. However, when development proposals align with regulations, the City wants to provide the ability to guide a developer in a different direction if they want more flexibility.

Commissioner Peters acknowledged the information and indicated he plans to share the information with his friend.

Manager Medrud reported that in exchange for a tangible benefit, the proposal includes requirements that can be modified through the planned unit development process. The same questions apply to the requirements in terms of whether the list is sufficient to serve as an incentive to offset the benefits received by the City or are there other requirements to consider. He reviewed a table of requirements that can be modified through a planned unit development process, as well as the level of modification. The second table in the code is a listing of requirements that cannot be modified.

Code modifications allowed include:

Code Modifications Notes
Allowed

Environment	The provisions of TMC Title 16 may not be modified, except modifications consistent with TMC 18.36.010(B)(3).
Zone Districts	The type and size of underlying zone districts designated by the zoning map shall not be modified. Some individual development standards of the underlying zone district may be modified.
Planned unit developments with	A planned unit development may move the location of underlying zone districts as part of the planned unit development process, but the type and size of each of the underlying zone districts

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multiple underlying zone districts	shall remain the same and follow the requirements of TMC 18.36.040(C).
	Some individual development standards of the underlying zone districts may be modified.
Setbacks	Setbacks established by the underlying zone districts shall prevail on the perimeter boundary lines of a planned unit development.
	May modify internal setbacks within the planned unit development.
Lot sizes	Lot sizes as specified by the underlying zone districts may be modified by up to twenty-five percent, either larger or smaller, provided the densities of the underlying zone district are met.
Land Coverage	Maximum land coverage as established by the underlying zone districts may be exceeded by no more than twenty-five percent.
Structure height	Structure height requirements as established by the underlying zone districts may be modified up to twenty-five percent.
Yards	Yards as specified by the underlying zone districts may be reduced by up to twenty-five percent, provided the land coverage requirements of the underlying zone district are met.
Parks and open space area	In addition to the park and open space dedication requirements of TMC 17.12.210 or TMC 18.42.130, as applicable, provide additional park and open space areas consistent with TMC 18.36.010.

Commissioner Edwards asked whether the 2-point threshold is limited for each developer or whether it enables the developer to apply for any of the tangible benefits. Manager Medrud replied that the developer would be able to take advantage of any of the modifications if they meet the threshold for the tangible benefits.

Commissioner Edwards asked about any discussions for scaling some of the requirements similar to the points assigned to tangible benefits. Manager Medrud recommended against weighting code modifications. He added that the code modifications currently exist within the code and are not a new proposal.

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Chair Robbins asked about the possibility of increasing structure height beyond 25% because as the City's density increases, vertical space will be important. Manager Medrud agreed the issue should be discussed; however, he recommended against increasing the percentage overall that would be applicable to all zones while enabling an increase in the multifamily zones. Manager Medrud offered to provide a proposal for review.

Manager Medrud reviewed code modifications not allowed:

Code Modifications	Notes
Allowed	
Environment	The provisions of TMC Title 16 may not be modified, except modifications consistent with TMC 18.36.010(B)(3).
Zone Districts	The type and size of the underlying zone districts designated by the zoning map shall not be modified. Some individual development standards of the underlying zone districts may be modified.
Planned unit developments with multiple underlying zone districts	May move the location of underlying zone districts as part of the planned unit development process, but the type and size of each of the underlying zone districts shall remain the same and follow the requirements of TMC 18.36.040(C). Some individual development standards of the underlying zone districts may be modified.
Densities	Densities established by the underlying zone districts shall not be altered.
Uses	Limited to the permitted, accessory, or conditional uses established by the underlying zone districts. If a proposed use requires a conditional use permit, a separate conditional use permit shall be obtained consistent with the process in TMC 18.56.
Setbacks	Setbacks established by the underlying zone districts shall prevail on the perimeter boundary lines of a planned unit development. May modify internal setbacks within the planned unit development.
Parking	Parking requirements shall not be modified.
Landscaping	Landscaping requirements shall not be modified.

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Citywide design guidelines	Citywide design guidelines shall not be modified.
Tumwater development guide	Requirements of the Tumwater development guide shall not be modified, except as noted in TMC 18.36.080.
Signage	Signage requirements shall not be modified.
Stormwater	Stormwater requirements shall not be modified
Provisions of this chapter	The requirements of this chapter shall not be modified.
Procedural requirements	Procedural requirements shall not be modified.

Chair Robbins inquired as to any connection of a completed planned unit development altering the valuation of the property. Manager Medrud advised that he is unsure as he not well versed in the process of assessing value of properties. Chair Robbins offered that the issue might be of interest to the City Council because if a planned unit development's evaluation is affected downward it could affect property tax revenues.

Commissioner Varela suggested completing a comparable market analysis of areas of completed planned unit developments and areas not containing planned unit development as a way to document market trends.

Manager Medrud noted that any evaluation at this time would likely not be beneficial based on the current market as most units on the market today are at a premium rate. One aspect that could be evaluated is how planned unit developments align with the Tumwater Comprehensive Plan in terms of newer neighborhoods providing different kinds of amenities (improved walkability through parks and sidewalks).

Manager Medrud asked for feedback on the information as presented.

Commissioner Varela asked whether there are any historical references (examples) or precedent in other communities that the Commission could consider for comparison. Manager Medrud replied that any existing information is typically anecdotal and qualitative.

Commissioner Edwards asked whether staff plans to solicit feedback or review outcomes in the next six months to a year to evaluate the application of the proposal. Manager Medrud advised that revisiting the ordinance over time would be included in the work program. One example is the Citywide design standards process with a timeline established for a review to ensure the guidelines were achieving desired outcomes without creating undue hardships for the development community. Timing of the evaluation is also

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a function when projects are completed. The Citywide design guidelines were effective in 2016. By next year, the City would likely begin its evaluation as it took many years for development to occur.

Commissioner Varela asked whether the development community has been invited to provide feedback on the incentives. Manager Medrud said developers have provided feedback during the development review process on regulations they want would like modified. The proposed code modifications under consideration are currently in practice through the existing PUD process. However, feedback from developers is lacking on the benefits and if the proposal requires too much or too little. That area is subject to more input.

Commissioner Edwards conveyed support for the proposal while recognizing the importance of also receiving feedback on the proposal from the development community.

Manager Medrud reviewed a tentative schedule and emphasized that the proposal is not necessarily ready to proceed to a public hearing. More input is desired especially from developers regarding the benefits. He proposed affording additional time for staff to outreach the development community and then share the results moving forward.

The Commission supported the recommendation.

**NEXT MEETING
DATE:**

Manager Medrud recommended canceling the May 24, 2022 meeting to account for the lack of staffing capacity. The City is seeking to replace Associate and Senior Planners.

As shared earlier in the year, urban forestry amendments are scheduled to the City's tree protection, street trees, and landscaping ordinances. The City released a Request for Proposal (RFP) for assistance with tree protection amendments. The City received responses indicating the responders did not have adequate time to support the effort. Consequently, staff is pursuing a second phase of recruiting a consultant. He is optimistic a consultant will be under contract in June for efforts to begin this summer. The Street Tree RFP was released and spurred some questions from consultants. The Landscaping RFP has not been released pending movement on the first two RFPs. Those activities affect the Commission's schedule. Additionally, activities in support of the Housing Action Plan have been delayed because of staff capacity. Moving forward with the recent arrival of the City's Sustainability Coordinator is work on climate mitigation actions.

Manager Medrud reported the next meeting is scheduled on June 14, 2022.

**OTHER
BUSINESS:**

Commissioner Nguyen announced his recent resignation from the Commission to pursue other interests in support of the City.

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Chair Robbins thanked Commissioner Nguyen for his service during the last three years. Commissioner Sullivan thanked Commissioner Nguyen for his service and she is looking forward to working with him on the equity workgroup.

ADJOURNMENT: Commissioner Edwards moved, seconded by Commissioner Nguyen, to adjourn the meeting at 8:21 p.m. A voice vote approved the motion unanimously.

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

DRAFT TUMWATER PLANNING COMMISSION - 2022 MEETING SCHEDULE

Note: Schedule is tentative and subject to change; Updated 5/11/22

<u>MEETINGS</u>	<u>AGENDA ITEMS</u>
January 11, 2022	<u>Briefing</u> : Preliminary Docket for 2022 Comprehensive Plan Amendments (O2022 – 003) – Brad <u>Discussion</u> : Open Public Meetings Act Training – Brad
January 25, 2022	<u>Worksession</u> : Preliminary Docket for 2022 Comprehensive Plan Amendments (O2022 – 003) – Brad <u>Worksession</u> : Urban Forestry Amendments –Street Tree Standards Scope Update (O2021-016) – Brad
February 8, 2022	<u>Briefing</u> : Binding Site Plan Amendments (O2022-004) – David <u>Discussion</u> : Planning Commissioner Training – Brad
February 22, 2022	<u>Worksession</u> : Binding Site Plan Amendments (O2022-004) – David <u>Discussion</u> : Planning Commissioner Training – Brad
March 8, 2022	<u>Briefing</u> : Urban Forestry Amendments – Landscaping and Buffering Requirements– Brad <u>Briefing</u> : Urban Forestry Amendments – Tree Preservation Regulation Update – Brad
March 22, 2022	<u>Hearing</u> : Binding Site Plan Amendments (O2022-004) – David
April 12, 2022	<u>Hearing (cont.)</u> : Binding Site Plan Amendments (O2022-004) – Brad <u>Discussion</u> : Mayor Sullivan Meet and Greet and Q&A with Advisory Boards and Commissions – Brad
April 26, 2022	<u>Briefing</u> : 2022 General Development Code Housekeeping Amendments– Brad <u>Briefing</u> : Planned Unit Development Chapter Update (O2022-006) – Brad
May 10, 2022	<u>Worksession</u> : 2022 General Development Code Housekeeping Amendments – Brad <u>Worksession</u> : Planned Unit Development Chapter Update (O2022-006) – Brad
May 24, 2022	<u>[Meeting Cancelled]</u>
June 14, 2022	<u>Worksession</u> : Planned Unit Development Chapter Update (O2022-006) – Brad
June 28, 2022	<u>Hearing</u> : Planned Unit Development Chapter Update (O2022-006) – Brad
July 12, 2022	<u>Discussion</u> : Development Review Case Study – Brad <u>Worksession</u> : Urban Forestry Amendments – Tree Preservation Regulation Update (O2022-008) – Brad (Joint Meeting with Tree Board)
July 26, 2022	<u>Briefing</u> : Final Docket for 2022 Comprehensive Plan Amendments (O2022 – 003) – Brad <u>Worksession</u> : Urban Forestry Amendments – Tree Preservation Regulation Update (O2022-008) – Brad
August 9, 2022	<u>Worksession</u> : Final Docket for 2022 Comprehensive Plan Amendments (O2022 – 003) – Brad <u>Worksession</u> : Urban Forestry Amendments – Tree Preservation Regulation Update (O2022-008) – Brad (Joint Meeting with Tree Board)
August 23, 2022	<u>Public Hearing</u> : Urban Forestry Amendments – Tree Preservation Regulation Update (O2022-008) – Brad <u>Worksession</u> : Final Docket for 2022 Comprehensive Plan Amendments (O2022 – 003) – Brad
September 13, 2022	<u>Hearing</u> : Final Docket for 2022 Comprehensive Plan Amendments (O2022 – 003) – Brad <u>Briefing</u> : 2022 General Development Code Housekeeping Amendments (O2022-013) – Brad <u>Briefing</u> : 2022 Other Housekeeping Amendments (O2022-015) – Brad
September 27, 2022	<u>Worksession</u> : 2022 General Development Code Housekeeping Amendments (O2022-013) – Brad <u>Worksession</u> : 2022 Other Housekeeping Amendments (O2022-015) – Brad

<u>MEETINGS</u>	<u>AGENDA ITEMS</u>
October 11, 2022	<u>Hearing</u> : 2022 General Development Code Housekeeping Amendments (O2022-013) – Brad <u>Hearing</u> : 2022 Other Housekeeping Amendments (O2022-015) – Brad <u>Briefing</u> : Thurston Climate Mitigation Plan - Related Development Code Amendments (O2022 – OXX) – Brad <u>Worksession</u> : Urban Forestry Amendments – Landscaping and Buffering Requirements (O2022-007) – Brad
October 25, 2022	<u>Discussion</u> : Discussion of Comprehensive Plan Update Scope and Format – Brad <u>Worksession</u> : Thurston Climate Mitigation Plan - Related Development Code Amendments (O2022 – OXX) – Brad <u>Worksession</u> : Urban Forestry Amendments –Street Tree Standards Update (O2021-016) – Brad
November 8, 2022	<u>Discussion</u> : Election of New Planning Commission Chair and Vice Chair <u>Worksession</u> : Urban Forestry Amendments –Street Tree Standards Update (O2021-016) – Brad (with Tree Board) <u>Worksession</u> : Urban Forestry Amendments – Landscaping and Buffering Requirements (O2022-007) – Brad (with Tree Board) <u>Hearing</u> : Thurston Climate Mitigation Plan - Related Development Code Amendments (O2022 – OXX) – Brad
November 22, 2022	<u>Hearing</u> : Urban Forestry Amendments – Landscaping and Buffering Requirements (O2022-007) – Brad <u>Hearing</u> : Urban Forestry Amendments –Street Tree Standards Update (O2021-016) – Brad
December 13, 2022	<u>Joint Worksession with City Council</u> : 2023 Work Program
December 27, 2022	[May Cancel Meeting]

January 10, 2023 –

Notes:

The following will need to be rescheduled on the 2022 Planning Commission meeting schedule:

Discussion: Equity Toolbox Scope – Brad

Housing Action Plan - Development Code Amendments (O2022-OXX) – Brad

TO: Planning Commission
FROM: Brad Medrud, Planning Manager
DATE: June 14, 2022
SUBJECT: Ordinance No. O2022-006, Planned Unit Development

1) Recommended Action:

Discuss as part of the second worksession on the ordinance and schedule public hearing on the ordinance for June 28, 2022.

2) Background:

The City's current regulations for planned unit developments in TMC 18.36 PUD Planned Unit Development Overlay have not been substantially updated since 2000. To date, planned unit developments in the City have provided a benefit to developers in the form of flexibility with existing regulations such as setbacks, maximum land coverage, and private streets, but have provided no quantifiable benefit to the City or the public.

Planned unit developments in other jurisdictions typically provide a quantifiable public benefit in exchange for flexibility in addressing existing regulations. The amendments to TMC Chapter 18.36 PUD Planned Unit Development Overlay provide developers flexibility in addressing existing regulations in exchange for requiring that new developments provide quantifiable public benefits.

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

At its May 10, 2022 meeting, the Planning Commission asked staff to reach out to local developers and consultants to get their input on the quantifiable public benefits that would be required in exchange for flexibility in existing bulk and dimensional regulations in the ordinance. Staff contacted five local developers and consultants on May 16, 2022 and heard back from one of them on May 26, 2022. Some of their suggested changes were incorporated into the ordinance.

3) Alternatives:

☐ None

4) Attachments:

A. Staff Report

- B. Ordinance No. O2022-006
- C. Development Guide Amendments Staff Report
- D. Presentation



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**PLANNED UNIT DEVELOPMENT AMENDMENTS
(ORDINANCE NO. O2022-006)
STAFF REPORT
PLANNING COMMISSION SECOND WORKSESSION**

Issue

The City's regulations for planned unit developments in TMC 18.36 *PUD Planned Unit Development Overlay* have not been substantially updated since 2000. To date, planned unit developments in the City have provided a benefit to developers in the form of flexibility with existing regulations such as setbacks, maximum land coverage, and private streets, but have not provided a quantifiable benefit to the City or the public.

In other jurisdictions, planned unit developments typically provide a quantifiable public benefit in exchange for flexibility in addressing existing regulations. The amendments to TMC Chapter 18.36 *PUD Planned Unit Development Overlay* provide developers flexibility in addressing existing regulations in exchange for requiring that new developments provide quantifiable public benefits.

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

Focus of June 14, 2022 Second Worksession

After the Planning Commission briefing on April 26, 2022, staff added Appendix A – Tangible Benefits and Flexibility to the staff report, which provides tables on the tangible benefits that would be allowed by a planned unit development and sections of the development code that a developer would or would not have flexibility to address.

At their May 10, 2022 meeting, staff suggested that the Planning Commissioners focus on their evaluation on the following:

1. The type of tangible benefits proposed. Should more be added or should some be taken off?

2. The points assigned for each benefit. Are points too many or too few?
3. The total number of tangible benefits points required. Is the number of points required balanced by the sections of the development code where the developer has flexibility?
4. Code modifications allowed. Should more be added or should some be taken off? Are the code modifications allowed balanced by the tangible benefits required?
5. Code modifications not allowed. Should more be added or should some be taken off?

Bob Bengford prepared an article in 2012 on planned unit developments on the Municipal Research Services Center (MRSC) website that is dated, but it has some good information on what other jurisdictions have done: <https://mrsc.org/Home/Stay-Informed/MRSC-Insight/November-2012/Planned-Unit-Developments-Real-World-Experiences.aspx>.

At the Planning Commission May 10, 2022 meeting, the Commission asked staff to reach out to local residential, commercial, and industrial developers to get their input on the quantifiable public benefits that would be required in exchange for flexibility in existing bulk and dimensional regulations in the ordinance. Staff contacted five local developers who do a lot of work in the City on May 16, 2022, explained the project, provided them with the list of quantifiable public benefits and code modification allowed, and asked that they consider the following questions while reviewing the tables:

1. For the type of tangible benefits that are proposed, what tangible benefits should be added or taken off?
2. What are your suggestions on the points assigned for each tangible benefit?
3. How should the size of a planned unit development scale with the tangible benefits required?
4. Are the tangible benefits required balanced by the flexibility in the code modifications?
5. Should more code modifications be added or be taken off?
6. How should the size of a planned unit development scale with the code modifications allowed?
7. Are the code modifications allowed balanced by the tangible benefits required?

Staff heard back from one developer on May 26, 2022, incorporated their suggestions into the ordinance, and modified Appendix A – Tangible Benefits and Flexibility. Staff also addressed how the scale of the project affects the number of tangible benefits required for a planned unit development.

PLANNED UNIT DEVELOPMENTS (O2022-006)

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Summary

The proposed amendments are intended to establish clear requirements for the type of development that can utilize a planned unit development, an updated list of submittal requirements for a planned unit development application, and updated criteria and process for review and approval of a planned unit development.

Background

Planned unit developments are intended to allow for flexibility in addressing existing development regulations in exchange for a quantifiable public benefit to allow for superior development than would be allowed under the zoning code or development of sites that may be challenging because of critical areas or other constraints.

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

Planned Unit Development Amendments

The following is a summary of the proposed amendments related to planned unit developments found in Ordinance No. O2022-006:

1. Private Streets
 - a. Amended the definition of private street in TMC 17.04.385 to read:

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“Private street” means a privately owned and maintained vehicular access serving property, which is provided for by an access tract, easement, or other legal means.

- b. Amendments to the Tumwater Development Guide (See Attachment C *Development Guide Amendments Staff Report*).
- 2. Permitted uses for planned unit development:
 - a. Added “planned unit developments” as a permitted use in the Manufactured Home Park (MHP) zone district.
 - b. Removed Single-family detached dwellings as part of a planned unit development as a permitted use from the Multifamily Family Medium (MFM) zone district.
 - c. Removed “Single-family detached dwellings and duplexes are permitted only as part of a PUD planned unit development overlay as regulated by TMC Chapter 18.36 if the site to be developed has more than one zone district” as a permitted use from the Multifamily Family High (MFH) zone district.
 - d. Added “planned unit developments not including residential uses” as a permitted use in the Airport Related Industry (ARI) zone district.
- 3. Substantially revised TMC 18.36 *PUD Planned Unit Development Overlay*. Amendments included the following:
 - a. Changed the name of the chapter from *PUD Planned Unit Development Overlay* to *PUD Planned Unit Development*.

Based on input from the development community, staff updated the intent section to establish a clear list of tangible benefits to be provided by a planned unit development to the City and the public in exchange for flexibility addressing in zoning regulations and addressed how the scale of the project affects the number of tangible benefits required for a planned unit development. See Appendix A – Tangible Benefits and Flexibility.

The updated section reads as follows:

18.36.010 Intent.

The intent of a planned unit development is to offer flexibility to the applicant in exchange for tangible benefits to the city and the public.

A. Through the planned unit development process, the applicant is given flexibility in regard to site design, placement of buildings, use of required open spaces, setbacks, lot sizes and dimensions, and otherwise better utilize the potential of sites characterized by special features, such as geography, topography, size or shape.

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B. In exchange, the applicant shall provide at least two points from the following list of tangible benefits to the city and the public for projects that provide twenty or more residential dwelling units or industrial, commercial, or institutional projects that are twenty acres or more in size. For projects that provide less than twenty residential dwelling units or industrial, commercial, or institutional projects that are less than twenty acres in size, the applicant shall provide at least one point from the following list of tangible benefits to the city and the public:

- 1. 1.0 point: Provide superior useable parks and open space as a result of the planned unit development. Both the applicant and the city shall agree upon the location, size, and extent of the superior useable parks and open space;*
- 2. 1.0 point to 2.0 points: Significant public facilities or other public amenities that could not be required by the city for development of the subject property without a planned unit development. Both the applicant and the city shall agree upon the type of significant public facility or amenity, the size, location, and other pertinent aspects, as well as the number of points for the significant public facility or other public amenity. Significant public facilities or other public amenities shall not include the minimum public facilities and public improvements already required of the development;*
- 3. 1.0 point: Going significantly beyond the minimum requirements for critical area protections to preserve, enhance, or rehabilitate critical areas and buffers in the planned unit development. Both the applicant and the city shall agree upon the location, size, and extent of the additional protection, enhancement, or rehabilitation;*
- 4. 1.0 point: Dedication of a site containing a historic landmark to the city or a qualifying nonprofit organization capable of restoring and/or maintaining the premises to standards set by Washington State Office of Archaeology and Historic Preservation;*
- 5. 2.0 points: Incorporation of energy systems, as defined in TMC 18.04.050, that produce energy from nondepletable energy sources that will result in at least fifty percent or more of the energy needs for the planned unit development being met. Both the applicant and the city shall agree upon the type and conditions for the energy systems provided;*

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6. *2.0 points: For residential developments, building passive homes that meet the Passive Home Institute US (PHIUS) standards, which will result in fifty percent or more of the total dwelling units in the planned unit development qualifying as passive homes. Both the applicant and the city shall agree whether the PHIUS standards for passive homes are addressed;*
 7. *1.0 point: Going significantly beyond the minimum required energy efficiency requirements for at least fifty percent or more of the energy needs of the planned unit development. Both the applicant and the city shall agree upon how the project goes beyond the minimum required energy efficiency requirements;*
 8. *2.0 points: The provision of at least twenty percent or more of the total dwelling units in the planned unit development as permanently affordable housing consistent with TMC 18.42.140(D)-(K); and*
 9. *1.0 point to 2.0 points: Any other public facility, feature, item, project, or amenity proposed by the applicant that the City agrees meets the intent of this section. Both the applicant and the city shall agree upon the type of other public facility, feature, item, project, or amenity, the size, location, and other pertinent aspects.*
- C. For tangible benefits that have a range of potential points, both the applicant and the city shall agree upon the number of points assigned.*
- b. Updated the section to establish where planned units would be allowed, which modified the list in the current section, amended the current code language about the effect of a planned unit development approval on existing zone district regulations, and establishes a minimum size for a planned unit development, which does not currently exist.

The updated and new section reads as follows:

18.36.020 Planned unit development and zoning.

- A. Planned unit developments are permitted in all zone districts except greenbelt (GB), open space (OS), residential/sensitive resource (RSR) due to the extreme sensitivity of the areas to environmental disturbance, and historic commercial (HC).*
- B. The approval of a final planned unit development shall modify and supersede the regulations of the underlying zone district, as outlined in this chapter, in accordance with the requirements and allowances of the Tumwater municipal code.*
- C. The minimum project size for a planned unit development is one gross acre. Planned unit developments must still meet applicable development requirements such as minimum density, parking*

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standards, land coverage limits, and stormwater regulations, subject to the requirements and allowances of this chapter.

- c. Updated the section to about who can initiate an application and moved the application process to an updated section TMC 18.36.040.

The updated section reads as follows:

18.36.030 Initiation.

A preliminary planned unit development may be initiated by any owner or group of owners of property acting jointly, or as a developer authorized to act as agent for an owner or group of owners.

- d. Updated the section to establish the items that need to be included in a planned unit development application.

The updated section reads as follows:

18.36.040 Application.

Applications for a preliminary planned unit development shall be made on the forms provided by the community development department.

Applications shall include all the items on the application checklist, together with an application fee as established by resolution of the city council, no part of which is refundable. Additions or deletions to the contents of the application may be made by the community development director. The application for a preliminary planned unit development shall also include and address all these items:

A. A description of how the development meets the requirements of TMC 18.36.010;

B. How the planned unit development relates to the surrounding area. This would include a description of any existing adjacent development and address how the proposed development would be consistent with existing adjacent development. If the existing adjacent development is not consistent with the existing comprehensive plan designations and zone districts then a comparison of the proposed development with the intent of the adjacent comprehensive plan designations and zone districts is acceptable;

C. If there is more than one underlying zone district then the application must include:

1. A map showing the existing zone district locations, sizes, and densities within the planned unit development. This can be augmented with a table or description in addition to a map; and

2. A map showing the proposed locations of the zone districts within the planned unit development. The borders, areas with sizes

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in acres, and proposed locations of the zone districts shall be shown graphically on the site plan. The borders shall follow the proposed tract or lot lines and the centerlines of streets and alleys of the planned unit development in a balanced, cohesive, and interrelated manner that does not create irregular areas.

a. The planned unit development process cannot modify the sizes of the original comprehensive plan designations on the comprehensive plan land use designation map or the zone districts on the zoning map without an amendment approved by the process in TMC 18.60.

b. The planned unit development process cannot modify the densities of the original comprehensive plan designations and zone districts without an amendment approved by the process in TMC 18.60;

D. How the planned unit development is being accessed and how internal circulation will be addressed. This shall include multimodal considerations;

E. The location and size of critical areas and their buffers on or within 300 feet of the project site. Protection measures shall be described or shown on a map;

F. The location and size of open space, parks, and landscaped areas and how they serve the development;

G. The location of stormwater facilities;

H. SEPA environmental review;

I. Covenants for ongoing maintenance of common areas and stormwater facilities;

J. If the planned unit development will be phased, a map of the proposed phasing, a description of the proposed phasing timeline, and the general type and location of the development to occur in each phase consistent with TMC 18.36.090;

K. How the planned unit development relates to adjacent properties under similar ownership. This can include future development plans, if known; and

L. How the planned unit development allows for future development or redevelopment of neighboring properties. This should address, but it is not limited to, access, circulation, sizing and location of utilities, type and locations of stormwater facilities, and locations of structures.

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- e. Staff created a new section to explain that a planned unit development application cannot modify requirements in TMC Title 16 *Environment*. See Appendix A – Tangible Benefits and Flexibility.

The new section reads as follows:

18.36.050 Environment.

The provisions of TMC Title 16 may not be modified by a planned unit development, except modifications consistent with TMC 18.36.010(B)(3).

- f. Created a new section to explain that if a planned unit development application involves the creation of new lots, it would need to follow the requirements in TMC Title 17 *Land Division*.

The new section reads as follows:

18.36.060 Land division and review process.

If a planned unit development involves land division then it shall be subject to the platting and procedural requirements of TMC Title 17 and the restrictions and allowances of this chapter.

- g. Moved from TMC 18.36.080 and updated the section to establish what development requirements in TMC Title 12 and 18 can be modified by a planned unit development and what cannot be modified. See Appendix A – Tangible Benefits and Flexibility.

The updated section reads as follows:

18.36.070 Modification of development requirements.

A planned unit development may only modify the development requirements of TMC Title 12 and TMC Title 18 consistent with this section. If a development requirement is not addressed in this section, it shall not be modified by a planned unit development.

A. Zone Districts.

1. *The type and size of the underlying zone districts designated by the zoning map shall not be modified by a planned unit development.*
2. *Some individual development standards of the underlying zone districts may be modified by this section.*

B. Planned unit developments with multiple underlying zone districts.

1. *A planned unit development may move the location of underlying zone districts as part of the planned unit development process, but the type and size of each of the underlying zone districts*

shall remain the same and follow the requirements of TMC 18.36.040(C).

2. Some individual development standards of the underlying zone districts may be modified by this section.

C. Densities. Densities established by the underlying zone districts shall not be altered by a planned unit development.

D. Uses.

1. A planned unit development is limited to the permitted, accessory, or conditional uses established by the underlying zone districts.

2. If a proposed use in a planned unit development requires a conditional use permit, a separate conditional use permit shall be obtained consistent with the process in TMC 18.56.

E. Setbacks.

1. Setbacks established by the underlying zone districts shall prevail on the perimeter boundary lines of a planned unit development.

2. A planned unit development may modify internal setbacks within the planned unit development.

F. Lot sizes. Lot sizes as specified by the underlying zone districts may be modified by up to twenty-five percent by a planned unit development, either larger or smaller, provided the densities of the underlying zone district are met.

G. Land Coverage. Maximum land coverage as established by the underlying zone districts may be exceeded by no more than twenty-five percent by a planned unit development.

H. Structure height. Structure height requirements as established by the underlying zone districts may be modified up to twenty-five percent by a planned unit development.

I. Yards. Yards as specified by the underlying zone districts may be reduced by up to twenty-five percent by a planned unit development, provided the land coverage requirements of the underlying zone district are met.

J. Parks and open space area. In addition to the park and open space dedication requirements of TMC 17.12.210 or TMC 18.42.130, as applicable, the planned unit development may provide additional park and open space areas consistent with TMC 18.36.010.

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K. Parking. Parking requirements shall not be modified by a planned unit development.

L. Landscaping. Landscaping requirements shall not be modified by a planned unit development.

M. Citywide design guidelines. Citywide design guidelines shall not be modified by a planned unit development.

N. Tumwater development guide. Requirements of the Tumwater development guide shall not be modified by a planned unit development, except as noted in TMC 18.36.080.

O. Signage. Signage requirements shall not be modified by a planned unit development.

P. Stormwater. Stormwater requirements shall not be modified by a planned unit development.

Q. Provisions of this chapter. The requirements of this chapter shall not be modified by a planned unit development.

R. Procedural requirements. Procedural requirements shall not be modified by a planned unit development.

- h. Created a new section to establish the process for when public or private streets can be used in a planned unit development.

The new section reads as follows:

18.36.080 Public and private streets.

A. Public streets shall be required in a planned unit development except as allowed in TMC 18.36.080(B).

B. Private streets.

1. A private street may only serve four or fewer residential dwelling units, unless all of the dwelling units 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.

2. A private street may serve up to four businesses on separate parcels, or up to four businesses situated on one parcel.

3. The private street must meet the minimum design standards and requirements for private streets in the Tumwater development guide.

- i. Created a new section to establish the process for phasing a planned unit development.

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The new section reads as follows:

18.36.090 Phasing of planned unit developments.

A. Planned unit developments containing more than one hundred dwelling units or commercial or industrial planned unit developments covering more than twenty acres are eligible to attain preliminary planned unit development approval in phases. Phased approval of preliminary planned unit developments is limited to developments with at least two but not more than four phases.

B. The application shall show the number of phases, the area each phase encompasses, and the sequence for development of the various phases. A submittal for a phased development shall demonstrate how transportation, access, traffic, stormwater, parks and open space, critical areas, and utilities will be addressed for all phases of the development.

C. Hearing examiner review.

1. Upon receipt of the recommendation from the development review committee, the hearing examiner shall review the phased preliminary planned unit development in accordance with this section as part of a consolidated hearing according to TMC 18.36.100(B).

2. At the hearing, the hearing examiner shall consider and may alter any part of the proposed phased development.

3. The hearing examiner may approve, approve with conditions, or disapprove the phasing plan in a decision as part a consolidated hearing according to TMC 18.36.100(B).

D. The period between the date of the preliminary approval of the phased planned unit development by the hearing examiner and the date of filing for final approval for the first phase shall be consistent with TMC 18.36.170.

E. Construction plans for each phase of a phased development shall include transportation, utilities, and stormwater management facilities that comply with all state and local requirements in effect at the beginning of the period allotted for that phase.

F. Applications for approval for each successive phase must be submitted within three years of the submittal for final approval on the previous phase and within the other timelines as established by the Tumwater municipal code and TMC 18.36.170.

- j. Moved from TMC 18.36.050 and updated the section describing the hearing examiner approval process.

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The updated section reads as follows:

18.36.100. Public hearing – Preliminary planned unit development

A. Upon receipt of the recommendation from the development review committee, a public hearing shall be set before the hearing examiner on the preliminary planned unit development. At the conclusion of the public hearing, the hearing examiner may approve, approve with conditions, deny, or continue the matter. A preliminary planned unit development shall only be approved if it meets the criteria in TMC 18.36.110.

B. If a project with a preliminary planned unit development requires a public hearing for phasing according to TMC 18.36.090, a land division approval, a conditional use permit, a variance, and/or another action that requires a hearing, the hearings should be consolidated.

- k. Moved from TMC 18.36.050 and updated the section describing the criteria the hearing examiner would use to approve or deny an application.

The updated section reads as follows:

18.36.110 Public hearing – Criteria for decision.

In determining whether to approve or disapprove the proposed preliminary planned unit development project, the hearing examiner shall determine if the preliminary planned unit development provides for and meets all these criteria:

A. Substantial conformance to the Tumwater comprehensive plan;

B. Conformance to the Tumwater municipal code and Tumwater development guide;

C. The quantifiable public benefits required by TMC 18.36.010;

D. The public health, safety, and general welfare;

E. The adequacy of the size of the proposed planned unit development to accommodate the contemplated developments;

F. Adequate access to the project site for all users of the project including the public, if applicable;

G. Appropriate access for public safety such as fire protection and police services; and

H. Adequate mitigation measures for impacts associated with the physical characteristics of the site such as groundwater, stormwater, floodplains, critical areas, steep slopes, and critical habitat.

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- l. Moved from TMC 18.36.050 and updated the section about the appeal process for a planned unit development.

The updated section reads as follows:

18.36.120 Appeal.

The decision of the hearing examiner shall be final unless appealed to superior court in accordance with the provisions of TMC 2.58.150.

- m. Created a new section to establish how a final planned unit development approval is achieved.

The new section reads as follows:

18.36.130 Final planned unit development approval.

Final approval of the planned unit development will not be issued until all requirements listed in the hearing examiner decision have been met. Certificate(s) of occupancy shall not be issued until final approval unless the community development director, or their designee, determines it is in the best interest of the city. The city and the applicants must agree on a reasonable deadline for obtaining final approval for the planned unit development. Failure of the applicants to obtain final approval prior to the agreed upon date shall result in revocation of the certificate(s) of occupancy.

- n. Created a new section to establish the process for minor modifications to a planned unit development.

The new section reads as follows:

18.36.140 Minor modifications.

Minor modifications to a planned unit development may be administratively approved provided they meet all these conditions:

A. The modification will not have the effect of reducing required landscaped area, or reducing or encroaching into required buffer areas or reducing the amount of required open space or parks in the planned unit development;

B. The modification will not have the effect of increasing the residential density of the planned unit development;

C. The modification will not have the effect of increasing the area devoted to nonresidential uses in the planned unit development; and

D. The modification will not increase any adverse impacts or undesirable effects of the project, or that the modification in no way significantly alters the project.

- o. Created a new section to establish the process for major modifications to a planned unit development.

The new section reads as follows:

18.36.150 Major Modifications.

A. Modifications to planned unit developments that do not meet the all the conditions of TMC 18.36.140 shall be considered major modifications.

B. A public hearing shall be required before the hearing examiner and follow the requirements of TMC 18.36.100 and TMC 18.36.110.

- p. Created a new section to establish the process for how planned unit development applications vest.

The new section reads as follows:

18.36.160 Vesting of planned unit developments.

A. Planned unit developments that involve land division are vested when a complete land division application has been submitted to the community development department.

B. Planned unit developments that do not involve land division vest when a complete building permit application has been submitted to the community development department after preliminary planned unit development approval is granted consistent with TMC 18.36.100.

- q. Created a new section to establish how long an approved preliminary approval for a planned unit development is valid.

The new section reads as follows:

18.36.170 Duration of approval for planned unit developments.

A. Preliminary approval of a planned unit development by the hearing examiner is valid for a period of five years.

B. An initial one-year extension, which has been filed at least thirty days prior to the expiration of the period of approval, may be granted by the community development director or his/her designee upon a finding that the applicant has attempted in good faith to complete the final planned unit development within the period of approval. Submittal of complete engineering plans for the project and the start of construction prior to the expiration of the approval period time limit shall constitute a good faith effort.

C. Two additional one-year extensions may be administratively granted, which shall be reviewed for compliance with these criteria:

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1. *The applicant has pursued submitting the final land division in good faith. Submittal of complete engineering plans and the start of construction for the project prior to the expiration of the approval period time limit shall constitute a good faith effort on the part of the applicant;*
 2. *There have been no amendments to the comprehensive plan, zoning ordinance, development standards or other applicable codes which are inconsistent with the approved preliminary planned unit development, unless such amendments can be incorporated into the existing preliminary planned unit development without significantly altering the project as originally approved by the hearing examiner; and*
 3. *There are no other significant changed conditions that would render the planned unit development contrary to the public health, safety, or general welfare.*
- r. Moved from TMC 18.36.070 and updates the section on the standards for bonding required facilities for a planned unit development.

The updated section reads as follows:

18.36.180 Standards – Bond.

A. Planned unit development projects shall be complete developments and may be required to include facilities such as, but not limited to, streets, curbs, sidewalks, street lights, drainage, open space, sanitary sewer, underground power and telephone lines, landscaping, screening, signs, and off-street parking in conformance with the requirements and allowances of the hearing examiner.

B. The applicant shall furnish the city with a performance bond or other acceptable surety approved by the city attorney, guaranteeing installation of specified public improvements and landscaping.

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 is expected to hold 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.

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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 is expected to be issued on June 17, 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 June 28, 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 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 is expected to be issued, posted, mailed to interested parties, and published in *The Olympian* on June 17, 2022, after the Planning Commission is expected to 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. This ordinance is 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 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.

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- 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 improves the existing regulations for the application, review process, and approval of planned unit developments.

3. 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 as shown in Ordinance No. O2022-006.

Effects of the Proposed Amendments

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

Staff Contact

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City of Tumwater Community Development Department
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Appendix A – Tangible Benefits and Flexibility

Tangible Benefits (Amended Section TMC 18.36.010)

Through the planned unit development process, the applicant is given flexibility in regard to site design, placement of buildings, use of required open spaces, setbacks, lot sizes and dimensions, and otherwise better utilize the potential of sites characterized by special features, such as geography, topography, size or shape.

In exchange, the applicant shall provide at least two points from the following list of tangible benefits to the city and the public for projects that provide twenty or more residential dwelling units or industrial, commercial, or institutional projects that are 20 acres or more in size. For projects that provide less than twenty residential dwelling units or industrial, commercial, or institutional projects that are less than 20 acres in size, the applicant shall provide at least one point from the following list of tangible benefits to the city and the public.

For tangible benefits that have a range of potential points, both the applicant and the city shall agree upon the number of points assigned.

#	Points	Tangible Benefit	Notes
1	1.0	Provide superior useable parks and open space.	Both the applicant and the city shall agree upon the location, size, and extent of the superior useable parks and open space.
2	1.0 to 2.0	Significant public facilities or other public amenities that could not be required by the city for development of the subject property without a planned unit development.	Both the applicant and the city shall agree upon the type of significant public facility or amenity, the size, location, and other pertinent aspects, as well as the number of points for the significant public facility or other public amenity. Significant public facilities or other public amenities shall not include the minimum public facilities and public improvements already required of the development.

PLANNED UNIT DEVELOPMENTS (O2022-006)

#	Points	Tangible Benefit	Notes
3	1.0	Going significantly beyond the minimum requirements for critical area protections to preserve, enhance, or rehabilitate critical areas and buffers.	Both the applicant and the city shall agree upon the location, size, and extent of the additional protection, enhancement, or rehabilitation.
4	1.0	Dedication of a site containing a historic landmark.	Dedication would be to the city or a qualifying nonprofit organization capable of restoring and/or maintaining the premises to standards set by Washington State Office of Archaeology and Historic Preservation.
5	2.0	Incorporation of energy systems that produce energy from nondepletable energy sources will result in at least fifty percent of the energy needs for the planned unit development being met.	Both the applicant and the city shall agree upon the type and conditions for the energy systems provided. "Energy systems" are defined in TMC 18.04.050
6	2.0	For residential developments, building passive homes that meet the Passive Home Institute US (PHIUS) standards, which will result in fifty percent or more of the total dwelling units in the planned unit development qualifying as passive homes.	Both the applicant and the city shall agree whether the PHIUS standards for passive homes are addressed.
7	1.0	Going significantly beyond the minimum required energy efficiency requirements for at least fifty percent or more of the energy needs of the planned unit development.	Both the applicant and the city shall agree upon how the project goes beyond the minimum required energy efficiency requirements.

PLANNED UNIT DEVELOPMENTS (O2022-006)

#	Points	Tangible Benefit	Notes
8	2.0	The provision of at least twenty percent of the total dwelling units as permanently affordable housing.	Consistent with TMC 18.42.140(D)-(K).
9	1.0 to 2.0	Any other public facility, feature, item, project, or amenity proposed by the applicant that the City agrees meets the intent of this section.	Both the applicant and the city shall agree upon the type of other public facility, feature, item, project, or amenity, the size, location, and other pertinent aspects.

Code Modifications Allowed (Amended Sections TMC 18.36.050 and TMC 18.36.070)

A planned unit development may only modify the development requirements of TMC Titles 12 *Streets, Sidewalks and Open Spaces*, 16 *Environment*, and 18 *Zoning* consistent with TMC 18.36.050 and TMC 18.36.070. If a development requirement is not addressed in TMC 18.36.070, it shall not be modified by a planned unit development.

Code Modifications Allowed	Notes
Environment	The provisions of TMC Title 16 may not be modified by a planned unit development, except modifications consistent with TMC 18.36.010(B)(3).
Zone Districts	The type and size of the underlying zone districts designated by the zoning map shall not be modified by a planned unit development. Some individual development standards of the underlying zone districts may be modified by this section

PLANNED UNIT DEVELOPMENTS (O2022-006)

Code Modifications Allowed	Notes
Planned unit developments with multiple underlying zone districts	<p>A planned unit development may move the location of underlying zone districts as part of the planned unit development process, but the type and size of each of the underlying zone districts shall remain the same and follow the requirements of TMC 18.36.040(C).</p> <p>Some individual development standards of the underlying zone districts may be modified by this section.</p>
Setbacks	<p>Setbacks established by the underlying zone districts shall prevail on the perimeter boundary lines of a planned unit development.</p> <p>A planned unit development may modify internal setbacks within the planned unit development</p>
Lot sizes	Lot sizes as specified by the underlying zone districts may be modified by up to twenty-five percent by a planned unit development, either larger or smaller, provided the densities of the underlying zone district are met.
Land Coverage	Maximum land coverage as established by the underlying zone districts may be exceeded by no more than twenty-five percent by a planned unit development.
Structure height	Structure height requirements as established by the underlying zone districts may be modified up to twenty-five percent by a planned unit development.
Yards	Yards as specified by the underlying zone districts may be reduced by up to twenty-five percent by a planned unit development, provided the land coverage requirements of the underlying zone district are met.

PLANNED UNIT DEVELOPMENTS (O2022-006)

Code Modifications Allowed	Notes
Parks and open space area	In addition to the park and open space dedication requirements of TMC 17.12.210 or TMC 18.42.130, as applicable, the planned unit development may provide additional park and open space areas consistent with TMC 18.36.010.

Code Modifications Not Allowed (Amended Sections TMC 18.36.050 and TMC 18.36.070)

A planned unit development may only modify the development requirements of TMC Title 12 and TMC Title 18 consistent with TMC 18.36.070. If a development requirement is not addressed in TMC 18.36.070, it shall not be modified by a planned unit development. The provisions of TMC Title 16 *Environment* may not be modified by a planned unit development, except modifications consistent with TMC 18.36.010(B)(3).

Code Modifications Allowed	Notes
Environment	The provisions of TMC Title 16 may not be modified by a planned unit development, except modifications consistent with TMC 18.36.010(B)(3).
Zone Districts	The type and size of the underlying zone districts designated by the zoning map shall not be modified by a planned unit development. Some individual development standards of the underlying zone districts may be modified by this section
Planned unit developments with multiple underlying zone districts	A planned unit development may move the location of underlying zone districts as part of the planned unit development process, but the type and size of each of the underlying zone districts shall remain the same and follow the requirements of TMC 18.36.040(C). Some individual development standards of the underlying zone districts may be modified by this section.

PLANNED UNIT DEVELOPMENTS (O2022-006)

Code Modifications Allowed	Notes
Densities	Densities established by the underlying zone districts shall not be altered by a planned unit development.
Uses	<p>A planned unit development is limited to the permitted, accessory, or conditional uses established by the underlying zone districts.</p> <p>If a proposed use in a planned unit development requires a conditional use permit, a separate conditional use permit shall be obtained consistent with the process in TMC 18.56.</p>
Setbacks	<p>Setbacks established by the underlying zone districts shall prevail on the perimeter boundary lines of a planned unit development.</p> <p>A planned unit development may modify internal setbacks within the planned unit development</p>
Parking	Parking requirements shall not be modified by a planned unit development.
Landscaping	Landscaping requirements shall not be modified by a planned unit development.
Citywide design guidelines	Citywide design guidelines shall not be modified by a planned unit development.
Tumwater development guide	Requirements of the Tumwater development guide shall not be modified by a planned unit development, except as noted in TMC 18.36.080.
Signage	Signage requirements shall not be modified by a planned unit development.
Stormwater	Stormwater requirements shall not be modified by a planned unit development.
Provisions of this chapter	The requirements of this chapter shall not be modified by a planned unit development.

PLANNED UNIT DEVELOPMENTS (O2022-006)

Code Modifications Allowed	Notes
Procedural requirements	Procedural requirements shall not be modified by a planned unit development.

ORDINANCE NO. O2022-006

AN ORDINANCE of the City Council of the City of Tumwater, Washington updating planned unit development requirements by amending Tumwater Municipal Code (TMC) Title 17 *Land Division* and TMC Title 18 *Zoning* as more particularly described herein.

WHEREAS, TMC Chapter 18.36 *PUD Planned Unit Development Overlay* contains requirements for planned unit developments that have not been substantially updated since 2000; and

WHEREAS, TMC Chapter 18.36 *PUD 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 and has provided no quantifiable benefit to the public; and;

WHEREAS, planned unit developments in other jurisdictions typically provide a quantifiable public benefit in exchange for flexibility in addressing existing regulations; and

WHEREAS, the amendments to TMC Chapter 18.36 *PUD Planned Unit Development Overlay* provide developers flexibility in addressing existing regulations in exchange for requiring that new developments provide quantifiable public benefits; and

WHEREAS, the amendments to TMC Chapter 18.36 *PUD Planned Unit Development Overlay* revise the criteria for the Hearing Examiner decision; and

WHEREAS, TMC Chapter 18.36 *PUD Planned Unit Development Overlay* does not clearly address the requirements for private streets as part of planned unit developments; and

WHEREAS, the amendments to TMC Chapter 18.36 *PUD Planned Unit Development Overlay* provide more specificity in regards to when and how private streets are allowed; and

WHEREAS, the definition of a private street in TMC Title 17 *Land Division* is not consistent with the definition in the Tumwater Development Guide; and

WHEREAS, the amendments amend the definition of a private street in the Tumwater Municipal Code so it is consistent the Tumwater Development Guide; and

WHEREAS, the City is required to plan under Chapter 36.70A RCW, the Growth Management Act; and

WHEREAS, Goal #7 of the Growth Management Act states “...applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability”; and

WHEREAS, this ordinance establishes concise requirements for the application, review process, and approval of planned unit developments; and

WHEREAS, this ordinance meets the goals and requirements of the Growth Management Act; and

WHEREAS, the City has adopted a Comprehensive Plan, in accordance with the Growth Management Act; and

WHEREAS, the Economic Development Plan and the Land Use Element are elements of the Comprehensive Plan; and

WHEREAS, Goal 1 of the Economic Development Plan is “Establish a development climate that stimulates economic activity and desirable investment”; and

WHEREAS, the Economic Development Plan mentions that one of the ways to support Goal 1 is “...by making ongoing improvements to existing development regulations, systems, and processes”; and

WHEREAS, Strategy 1.D of the Economic Development Plan is “Ensure a predictable and efficient experience for business owners and developers seeking to invest in Tumwater”; and

WHEREAS, clear and consistent development regulations support Goal 1 and Strategy 1.D of the Economic Development Plan; and

WHEREAS, the proposed amendments to TMC Title 17 *Land Division* and TMC Title 18 *Zoning* improve the clarity and specificity of the regulations for the submission, review process, decision making, and approval for planned unit developments; and

WHEREAS, the proposed amendments to TMC Title 17 *Land Division* and Title 18 *Zoning* are consistent with the Economic Development Plan; and

WHEREAS, 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”; and

WHEREAS, this ordinance is consistent with Implementation Policy 11 of Section 3.3 of the Land Use Element because it clarifies and refines the process for reviewing and approving planned unit developments; and

WHEREAS, this ordinance is consistent with the Comprehensive Plan; and

WHEREAS, in accordance with RCW 36.70A.106 and WAC 365-196-630, a notice of intent to adopt the proposed new development regulations was sent to the State of Washington Department of Commerce and to other state agencies on April 5, 2022 to allow for a sixty-day review and comment period, which comment period ended prior to adoption of this ordinance; and

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

WHEREAS, the Attorney General *Advisory Memorandum and Recommended Process for Evaluating Proposed Regulatory or Administrative Actions to Avoid Unconstitutional Takings of Private Property* (September 2018) was reviewed and utilized by the City in objectively evaluating the proposed amendments; and

WHEREAS, the Planning Commission received a briefing on the proposed code amendments on April 26, 2022, held worksessions on May 10, 2022 and June 14, 2022, and held a public hearing on June 28, 2022; and

WHEREAS, following the public hearing and deliberations, the Planning Commission recommended the proposed code amendments to the Tumwater Municipal Code to the City Council; and

WHEREAS, the General Government Committee held a briefing on the proposed code amendments on July 13, 2022; and

WHEREAS, the Public Works Committee held a briefing on the proposed amendments to the Tumwater Development Guide on July 7, 2022; and

WHEREAS, the City Council discussed the proposed code amendments in a worksession on July 26, 2022 and considered the proposed code amendments on August 1, 2022; and

WHEREAS, the City Council finds that the provisions of this ordinance are in the best interest of and protect the health, safety, and welfare of the residents of the City.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF TUMWATER, STATE OF WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Section 17.04.385 of the Tumwater Municipal Code is hereby amended to read as follows:

17.04.385 Private street.

“Private street” means a privately owned and maintained vehicular access serving property, which is provided for by an access tract, easement, or other legal means~~roadway owned and maintained by five or more individuals or businesses for the purpose of providing vehicular access to their properties.~~

(Ord. 1308, Added, 10/15/1991)

Section 2. Section 17.04.390 of the Tumwater Municipal Code is hereby amended to read as follows:

17.04.390 Public facilities.

“Public facilities” includes s, but is not limited to, streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, domestic water systems, storm and sanitary sewer systems, parks and open space, recreational facilities, schools, school bus stops, ~~and~~ transit centers, and transit stops.

(Ord. 1308, Added, 10/15/1991)

Section 3. Section 18.07.010 of the Tumwater Municipal Code is hereby amended to read as follows:

18.07.010 Residential zone districts permitted and conditional uses.

If there are any inconsistencies between Table 18.07.010 and the specific requirements in the underlying zoning district, the requirements in the underlying zoning district shall be followed.

TABLE 18.07.010
RESIDENTIAL ZONE DISTRICTS PERMITTED AND CONDITIONAL
USES

RESIDENTIAL DISTRICTS Note: See Figure 18.23.020 for residential uses allowed in the TC town center zone district; and Table 18.27.040 for residential uses allowed in the BD brewery district zone	RSR	SFL	SFM	MFH	MFH	MHP	Applicable Regulations
Adult family homes, residential care facilities	P	P	P	P	P		18.53
Agriculture up to 30 acres in size	P	P	P	P			18.42.070
Animals (the housing, care and keeping of)	P	P	P	P			6.08
Attached wireless communication facilities	P	P	P	P	P		11.20
Bed and breakfasts	C ¹	C ¹	C ¹	P		C ¹	18.56
Cemeteries	C	C	C	C	C	C	18.56
Child day care center	C	C	C	C	C	C	18.56
Churches	C	C	C	C	C	C	18.56
Community garden	P	P	P	P	P		
Cottage housing	P	P	P	P			18.51
Designated manufactured home parks				P			18.48; 18.49
Designated manufactured homes	P	P	P	P		P	18.48
Duplexes	P ²	P ²	P ³	P			
Emergency communication towers or antennas	C	C	C	C	C	C	18.56; 11.20

TABLE 18.07.010
RESIDENTIAL ZONE DISTRICTS PERMITTED AND CONDITIONAL
USES

RESIDENTIAL DISTRICTS Note: See Figure 18.23.020 for residential uses allowed in the TC town center zone district; and Table 18.27.040 for residential uses allowed in the BD brewery district zone	RSR	SFL	SFM	MFMM	MFH	MHP	Applicable Regulations
Family child care home, child mini-day care center	P	P	P	P	P	P	18.52
Fourplexes				P	P		
Group foster homes	C	C	C	C	C	C	18.56
Inpatient facilities				C	C		18.56
Medical clinics or hospitals				C	C		18.56
Mental health facilities				C	C		18.56
Multifamily dwellings				P	P		
Manufactured home parks in accordance with the provisions of TMC Chapter 18.48						P	18.48
Mobile home parks which were legally established prior to July 1, 2008						P	18.48
Neighborhood community center	C	C	C	C	C	C	18.56
Neighborhood-oriented commercial center		C	C	C	C	C	18.56
Parks, trails, open space areas and recreational facilities	P	P	P	P	P	P	

TABLE 18.07.010

RESIDENTIAL ZONE DISTRICTS PERMITTED AND CONDITIONAL
USES

RESIDENTIAL DISTRICTS Note: See Figure 18.23.020 for residential uses allowed in the TC town center zone district; and Table 18.27.040 for residential uses allowed in the BD brewery district zone	RSR	SFL	SFM	MFMM	MFH	MHP	Applicable Regulations
Planned unit developments		P	P	P	P	<u>P</u>	18.36
Private clubs and lodges			C	C	C		18.56
Recreational vehicle parks				C			18.56
Schools	C	C	C	C	C	C	18.56
Senior housing facilities, assisted				C	C		18.56
Senior housing facilities, independent				P	P		
Single-family detached dwellings	P	P	P			P	
Single-family detached dwellings existing prior to April 15, 2021				P ⁴			
Single-family detached dwellings and duplexes as part of a PUD planned unit development overlay					P⁵		18.36
Support facilities	P	P	P	P	P	P	
Temporary expansions of schools, such as portable classrooms	C	C	C	C	C	C	18.56
Townhouses and rowhouses			P ⁶	P	P		18.16.050(F)(1)(a)

TABLE 18.07.010
RESIDENTIAL ZONE DISTRICTS PERMITTED AND CONDITIONAL
USES

RESIDENTIAL DISTRICTS Note: See Figure 18.23.020 for residential uses allowed in the TC town center zone district; and Table 18.27.040 for residential uses allowed in the BD brewery district zone	RSR	SFL	SFM	MFM	MFH	MHP	Applicable Regulations
Triplexes				P	P		
Wildlife refuges and forest preserves	P	P	P	P	P		
Wireless communication towers	C	C	C	C	C	C	11.20; 18.56

LEGEND

P = Permitted Use

C = Conditional Use

RSR = Residential/Sensitive Resource

SFL = Single-Family Low Density Residential

SFM = Single-Family Medium Density Residential

MFM = Multifamily Medium Density Residential

MFH = Multifamily High Density Residential

MHP = Manufactured Home Park

Table 18.07.010 Footnotes:

(1) “Bed and breakfasts” with only one guest room are a permitted use, but are subject to the notice of application requirements in TMC Chapter 14.06 to allow for public notice for neighbors and an appeal of the administrative decision to the hearing examiner.

(2) “Duplexes” are allowed in the residential/sensitive resource (RSR) and single-family low density residential (SFL) zone districts. Such uses shall not occupy more than twenty percent of the total lots in a new short plat or subdivision, which was legally established after April 15, 2021. In such cases, the community development director shall have the discretion to alter the percentage in order to allow the new

short plat or subdivision to meet minimum required densities due to topography or other special conditions related to the site, such as critical areas.

(3) “Duplexes” are allowed in the single-family medium density residential (SFM) zone district. Such uses shall not occupy more than thirty percent of the total lots in a new short plat or subdivision, which was legally established after April 15, 2021. In such cases, the community development director shall have the discretion to alter the percentage in order to allow the new short plat or subdivision to meet minimum required densities due to topography or other special conditions related to the site, such as critical areas.

(4) Single-family detached dwellings constructed after April 15, 2021, are not allowed in the multifamily medium density residential (MFM) zone district, ~~except as part of a PUD planned unit development overlay as regulated by TMC Chapter 18.36 if the site to be developed has more than one zone district.~~

~~(5) Single family detached dwellings and duplexes are not allowed in the multifamily high density residential (MFH) zone district, except as part of a PUD planned unit development overlay as regulated by TMC Chapter 18.36 if the site to be developed has more than one zone district.~~

(56) “Townhouses and rowhouses” are allowed within a residential planned unit development in the single family medium density residential (SFM) zone district.

Table 18.07.010 Explanatory Notes:

1. If the box is shaded, the use is not allowed in that zone district.
2. Accessory uses are listed in each zoned district chapter.

(O2020-005, Amended, 03/16/2021; Ord. O2020-003, Amended, 09/15/2020; Ord. O2019-007, Amended, 09/03/2019; Ord. O2018-025, Amended, 12/18/2018; Ord. O2017-006, Added, 07/18/2017)

Section 4. Section 18.07.030 of the Tumwater Municipal Code is hereby amended to read as follows:

18.07.030 Industrial zone districts permitted and conditional uses.

If there are any inconsistencies between Table 18.07.030 and the specific requirements in the underlying zoning district, the requirements in the underlying zoning district shall be followed.

TABLE 18.07.030

INDUSTRIAL ZONE DISTRICTS PERMITTED AND CONDITIONAL USES

INDUSTRIAL DISTRICTS Note: See Table 18.27.040 for industrial uses allowed in the BD brewery district zone	LI	HI	ARI	Applicable Regulations
Agriculture	P		P	
All industrial activities involving the manufacture, assembly, bulk storage, processing, repair, recycling or servicing of goods or products		P		
Animal clinics or hospitals	P	C		18.56
Attached wireless communication facilities	P	P	P	11.20
Automobile repair facilities	P		P	
Automobile service stations	P	P	P	
Aviation, aviation related uses, aviation fueling facilities			P	18.34.020(A); 18.34.020(F)
Breweries, wineries, distilleries, and associated restaurants	P		P	
Cemeteries	C	C		18.56
Child day care center	P	C	P	18.52; 18.56
Child mini-day care center	P	C	P	18.52
Community gardens	P	P	P	
Crematories	P	P	P	
Cross-dock facilities, 50,000 square feet or smaller in size	P	P	P	
Electric vehicle infrastructure	P	P	P	

INDUSTRIAL DISTRICTS Note: See Table 18.27.040 for industrial uses allowed in the BD brewery district zone	LI	HI	ARI	Applicable Regulations
Emergency communication towers or antennas	C	C	C	18.56
Emergency housing			P	18.42.150
Emergency shelter			P	18.42.150
Energy systems			P	
Equipment rental and sales	P	P	P	
Family child care home	P	C		18.52; 18.56
Farmers markets	P	P	P	
Food truck or trailer courts	P	P	P	18.42.120
Food trucks or trailers	P	P	P	18.42.120
Hotel/motel and conference facilities			P	
Kennels	P		P	
Marijuana retailer	P		P	18.42.080
Marijuana processor, within a fully enclosed secure indoor structure only	C		C	18.42.080
Marijuana producer, within a fully enclosed secure indoor structure only	C		C	18.42.080
Mineral extraction		P		
Mini-storage	P		P	
Motor freight terminals, 50,000 square feet or smaller in size	P	P	P	
Motor pool and equipment parking	P		P	
Motor vehicle sales facilities	P		P	18.42.090

INDUSTRIAL DISTRICTS Note: See Table 18.27.040 for industrial uses allowed in the BD brewery district zone	LI	HI	ARI	Applicable Regulations
Motorsports facility – Indoor	P		P	
Motorsports sales facility	P		P	
Nurseries, retail or wholesale	P		P	18.24.020(P)
Offices	P		P	
Off-site hazardous waste treatment and storage facilities	P	P	C	18.24.020(L); 18.56
Park and ride facilities	P	P	P	
Parks, open space areas and recreational facilities	P	C	P	18.56
Permanent supportive housing			P	18.42.150
Personal and professional services	P		P	
Planned unit developments not including residential uses	P	P	P	18.36
Post offices, museum, library, art gallery	P		P	
Prisons, jails or other correctional facilities	C	C	C	18.56
Private post-secondary education facilities			C	18.56
Recycling collection centers	C	P		18.25.020(A); 18.56
Residential care facilities	P		P	18.34.020(O)
Restaurants	P		P	
Retail sale of goods or products manufactured on the premises, or utilized in manufacturing, repairing, or		P	P	

INDUSTRIAL DISTRICTS Note: See Table 18.27.040 for industrial uses allowed in the BD brewery district zone	LI	HI	ARI	Applicable Regulations
servicing activities which are permitted in the same zoning district				
Schools, other than through the eighth grade	P			
Schools on parcels abutting residential zones and outside of air hazard areas			P	
Secure community transition facilities	C			18.56
Sewage treatment facilities	C	C	C	18.56
Sexually oriented businesses	P		P	18.04; 18.42.050
Solid waste handling facilities	C	C	C	18.56
State education facilities	C		C	18.56
Storage, manufacture or sale of highly volatile or extremely hazardous substances or materials other than airport fueling facilities			C	18.56
Support facilities	P	P	P	
Taverns, cocktail lounges	P			
Temporary expansions of schools, such as portable classrooms	P		P	
The raising of crops, including trees			P	18.34.020(J)
Transit facilities	P		P	
Transitional housing			P	18.42.150
Transportation facilities, large scale or regional	C	C	C	18.56
Transportation terminal facilities	P	P	P	

INDUSTRIAL DISTRICTS Note: See Table 18.27.040 for industrial uses allowed in the BD brewery district zone	LI	HI	ARI	Applicable Regulations
Truck stops or travel centers ³	P ³			
Uses having to do with buying, selling, and personal and professional services or offices, or of a general commercial nature	P			
Warehouse distribution centers ⁴	P		P	18.42.110
Warehouses, nondistribution, 200,000 sq. ft. or smaller in size	P	P	P	
Warehouses, nondistribution, larger than 200,000 sq. ft. in size ⁴	P		P	18.42.110
Wholesaling, manufacturing, assembling, repairing, fabricating, or other handling of products and equipment	P	P	P	
Wildlife refuges and forest preserves	P		P	
Wireless communication towers	P	P	P	11.20
Wrecking yards and junk yards		C		18.56

LEGEND

P = Permitted Use

C = Conditional Use

LI = Light Industrial

HI = Heavy Industrial

ARI = Airport Related Industrial

Table 18.07.030 Explanatory Notes:

1. If the box is shaded, the use is not allowed in that zone district.
2. Accessory uses are listed in each zoned district chapter.
3. Truck stops or travel centers are limited to an area within one-half mile of the Interstate 5 and 93rd Avenue SW interchange.

4. All warehouse distribution centers regardless of size and nondistribution warehouses that are larger than 200,000 sq. ft. in size are subject to the requirements of TMC 18.42.110.

(O2021-019, Amended, 01/18/2022; Ord. O2019-020, Amended, 11/19/2019; Ord. O2019-007, Amended, 09/03/2019; Ord. O2019-019, Amended, 07/23/2019; Ord. O2019-018, Amended, 04/02/2019; Ord. O2018-025, Amended, 12/18/2018; Ord. O2018-007, Amended, 10/16/2018; Ord. O2017-023, Amended, 07/17/2018; Ord. O2017-022, Amended, 12/05/2017; Ord. O2017-006, Added, 07/18/2017)

Section 5. Section 18.14.020 of the Tumwater Municipal Code is hereby amended to read as follows:

18.14.020 Permitted uses.

Permitted uses in the MFM district are as follows:

- A. Single-family detached dwellings which were legally established prior to April 15, 2021;*
- B. Duplexes;
- C. Triplexes;
- D. Fourplexes;
- E. Townhouses and rowhouses;
- F. Multifamily dwellings;
- G. Cottage housing;
- H. Designated manufactured homes on single lots of record, and in designated manufactured home parks, in accordance with the provisions of TMC Chapter 18.48;
- I. Designated manufactured home parks;
- J. Senior housing facilities, independent;
- K. Parks, trails, open space areas, and recreational facilities;
- L. Support facilities;
- M. Planned unit developments;
- N. Family child care home; child mini-day care center, subject to TMC Chapter 18.52;
- O. Adult family homes, residential care facilities;
- P. Any combination of the permitted uses listed in this section may be combined on one site, in accordance with the provisions of TMC 18.14.050;
- Q. Attached wireless communication facilities, except that it is prohibited to attach a nonaccessory wireless communication antenna on a single-family or two-family dwelling;**

R. Bed and breakfasts;

S. Agriculture uses up to thirty acres in size, which were established prior to January 1, 2011, subject to TMC 18.42.070;

T. Community gardens;

U. The housing, care and keeping of animals consistent with the requirements of TMC Chapter 6.08;

V. Wildlife refuges and forest preserves;

W. Permanent supportive housing, subject to TMC 18.42.150;

X. Transitional housing, subject to TMC 18.42.150.

*Single-family detached dwellings constructed after April 15, 2021, are not allowed in the multifamily medium density residential (MFM) zone district, ~~except as part of a PUD planned unit development overlay as regulated by TMC Chapter 18.36 if the site to be developed has more than one zone district.~~

**Wireless communication facilities are subject to Federal Aviation Administration (FAA) standards and approval, and furthermore are subject to provisions for wireless communication facilities in TMC Chapter 11.20, Wireless Communication Facilities.

(Ord. O2021-019, Amended, 01/18/2022; Ord. O2020-005, Amended, 03/16/2021; Ord. O2020-003, Amended, 09/15/2020; Ord. O2018-025, Amended, 12/18/2018; Ord. O2017-006, Amended, 07/18/2017; Ord. O2010-029, Amended, 06/07/2011; Ord. O2011-002, Amended, 03/01/2011; Ord. O2010-005, Amended, 09/07/2010; Ord. O2005-011, Amended, 07/05/2005; Ord. O2001-012, Amended, 03/19/2002; Ord. O2000-004, Amended, 07/18/2000; Ord. O97-019, Amended, 06/17/1997; Ord. O95-035, Added, 12/19/1995)

Section 6. Section 18.16.020 of the Tumwater Municipal Code is hereby amended to read as follows:

18.16.020 Permitted uses.

Permitted uses in the MFH district are as follows:

~~A. Single family detached dwellings and duplexes are permitted only as part of a PUD planned unit development overlay as regulated by TMC Chapter 18.36 if the site to be developed has more than one zone district;~~

AB. Triplexes;

BC. Fourplexes;

CD. Multifamily dwellings;

DE. Parks, trails, open space areas, and recreational facilities;

EF. Support facilities;

FG. Planned unit developments;

GH. Family child care home; child mini-day care center, subject to TMC Chapter 18.52;

HI. Adult family homes, residential care facilities;

IJ. Senior housing facilities, independent;

JK. Any combination of the permitted uses listed in this section may be combined on one site, in accordance with the provisions of TMC 18.16.050;

KL. Attached wireless communication facilities, except that it is prohibited to attach a nonaccessory wireless communication antenna on a single-family or two-family dwelling;*

LM. Townhouses and rowhouses;

MN. Community gardens;

NO. Wildlife refuges and forest preserves;

OP. Permanent supportive housing, subject to TMC 18.42.150;

PQ. Transitional housing, subject to TMC 18.42.150.

*Wireless communication facilities are subject to Federal Aviation Administration (FAA) standards and approval, and furthermore are subject to provisions for wireless communication facilities in TMC Chapter 11.20, Wireless Communication Facilities.

(Ord. O2021-019, Amended, 01/18/2022; Ord. O2020-005, Amended, 03/16/2021; Ord. O2018-025, Amended, 12/18/2018; Ord. O2017-006, Amended, 07/18/2017; Ord. O2010-029, Amended, 06/07/2011; Ord. O2011-002, Amended, 03/01/2011; Ord. O2010-005, Amended, 09/07/2010; Ord. O98-001, Amended, 09/15/1998; Ord. O97-019, Amended, 06/17/1997; Ord. O95-035, Added, 12/19/1995)

Section 7. Section 18.34.020 of the Tumwater Municipal Code is hereby amended to read as follows:

18.34.020 Permitted uses.

Permitted uses in the ARI district are as follows:

- A. Aviation and aviation-related uses;
- B. Wholesaling, manufacturing, assembling, repairing, fabricating, or other handling of products and equipment;
- C. Warehouse distribution centers, subject to the requirements of TMC 18.42.110;
- D. General retail, personal and professional services;
- E. Offices;

- F. Aviation fueling facilities;
- G. Motor pool and equipment parking;
- H. Park and ride facilities;
- I. Transit facilities;
- J. The raising of crops, including trees;
- K. Hotel/motel and conference facilities;
- L. Support facilities;
- M. Parks, open space areas, and recreational facilities;
- N. Post offices;
- O. Child day care center, child mini-day care center;
- P. Schools on parcels abutting residential zones and outside of the airport hazard area subject to the provisions of TMC Chapter 18.56;
- Q. Sexually oriented businesses subject to the provisions of TMC 18.42.050;
- R. Retail and wholesale nurseries or greenhouses;
- S. Museums, libraries, art galleries;
- T. Transportation terminal facilities;
- U. Restaurants;
- V. Automobile service stations;
- W. Attached wireless communication facilities, except that it is prohibited to attach a nonaccessory wireless communication antenna on a single-family or two-family dwelling;*
- X. Wireless communication towers;*
- Y. Motor vehicle sales facilities, subject to the requirements set forth in TMC Chapter 18.42;
- Z. Equipment rental and sales facilities;
- AA. Motorsports facility – indoor;
- BB. Motorsports sales facility;
- CC. Auto repair facilities;

- DD. Crematories;
- EE. Electric vehicle infrastructure;
- FF. Agriculture;
- GG. Community gardens;
- HH. Farmers markets;
- II. Marijuana retailer;
- JJ. Breweries, wineries, distilleries;
- KK. Kennels;
- LL. Mini-storage;
- MM. Wildlife refuges and forest preserves;
- NN. Temporary expansions of schools, such as portable classrooms;
- OO. Cross-dock facilities, fifty thousand square feet or smaller in size;
- PP. Motor freight terminals, fifty thousand square feet or smaller in size;
- QQ. Warehousing, nondistribution, two hundred thousand square feet or smaller in size;
- RR. Warehousing, nondistribution, larger than two hundred thousand square feet in size, subject to the requirements of TMC 18.42.110;
- SS. Energy systems;
- TT. Food trucks or trailers in accordance with TMC 18.42.120;
- UU. Food truck or trailer courts in accordance with TMC 18.42.120;
- VV. Permanent supportive housing, subject to TMC 18.42.150;
- WW. Transitional housing, subject to TMC 18.42.150;
- XX. Emergency housing, subject to TMC 18.42.150;
- YY. Emergency shelter, subject to TMC 18.42.150;
- ZZ. Planned unit developments not including residential uses.

*Wireless communication facilities are subject to Federal Aviation Administration (FAA) standards and approval, and furthermore are subject to provisions for

wireless communication facilities in TMC Chapter 11.20, Wireless Communication Facilities.

(Ord. O2021-019, Amended, 01/18/2022; Ord. O2019-020, Amended, 11/19/2019; Ord. O2019-007, Amended, 09/03/2019; Ord. O2018-025, Amended, 12/18/2018; Ord. O2018-007, Amended, 10/16/2018; Ord. O2017-023, Amended, 07/17/2018; Ord. O2017-006, Amended, 07/18/2017; Ord. O2016-023, Amended, 01/03/2017; Ord. O2016-006, Amended, 06/07/2016; Ord. O2014-012, Amended, 08/19/2014; Ord. O2013-025, Amended, 01/07/2014; Ord. O2013-013, Amended, 10/01/2013; Ord. O2010-029, Amended, 06/07/2011; Ord. O2010-015, Amended, 09/07/2010; Ord. O2008-017, Amended, 10/21/2008; Ord. O2008-016, Amended, 09/16/2008; Ord. O2006-037, Amended, 03/04/2008; Ord. O2003-001, Amended, 02/18/2003; Ord. O2000-004, Amended, 07/18/2000; Ord. O98-009, Amended, 10/20/1998; Ord. O97-019, Amended, 06/17/1997; Ord. O96-022, Amended, 12/17/1996; Ord. O95-035, Added, 12/19/1995)

Section 8. Chapter 18.36 of the Tumwater Municipal Code is hereby amended to read as follows:

Chapter 18.36

PUD PLANNED UNIT DEVELOPMENT ~~OVERLAY~~

18.36.010 Intent.

~~A.—The intent of the a planned unit development (PUD) overlay zoning district is to offer flexibility to the applicant in exchange for tangible benefits to the city and the public.~~

A. Through the planned unit development process, the applicant is given flexibility in regard to site design, placement of buildings, use of required open spaces, setbacks, lot sizes and dimensions, and otherwise better utilize the potential of sites characterized by special features, such as geography, topography, size or shape.

B. In exchange, the applicant shall provide at least two points from the following list of tangible benefits to the city and the public for projects that provide twenty or more residential dwelling units or industrial, commercial, or institutional projects that are twenty acres or more in size. For projects that provide less than twenty residential dwelling units or industrial, commercial, or institutional projects that are less than twenty acres in size, the applicant shall provide at least one point from the following list of tangible benefits to the city and the public:

1. 1.0 point: Provide superior useable parks and open space as a result of the planned unit development. Both the applicant and the city shall agree upon the location, size, and extent of the superior useable parks and open space;

2. 1.0 point to 2.0 points: Significant public facilities or other public amenities that could not be required by the city for development of the subject property without a planned unit development. Both the applicant and the city shall agree

upon the type of significant public facility or amenity, the size, location, and other pertinent aspects, as well as the number of points for the significant public facility or other public amenity. Significant public facilities or other public amenities shall not include the minimum public facilities and public improvements already required of the development;

3. 1.0 point: Going significantly beyond the minimum requirements for critical area protections to preserve, enhance, or rehabilitate critical areas and buffers in the planned unit development. Both the applicant and the city shall agree upon the location, size, and extent of the additional protection, enhancement, or rehabilitation;

4. 1.0 point: Dedication of a site containing a historic landmark to the city or a qualifying nonprofit organization capable of restoring and/or maintaining the premises to standards set by Washington State Office of Archaeology and Historic Preservation;

5. 2.0 points: Incorporation of energy systems, as defined in TMC 18.04.050, that produce energy from nondepletable energy sources that will result in at least fifty percent or more of the energy needs for the planned unit development being met. Both the applicant and the city shall agree upon the type and conditions for the energy systems provided;

6. 2.0 points: For residential developments, building passive homes that meet the Passive Home Institute US (PHIUS) standards, which will result in fifty percent or more of the total dwelling units in the planned unit development qualifying as passive homes. Both the applicant and the city shall agree whether the PHIUS standards for passive homes are addressed;

7. 1.0 point: Going significantly beyond the minimum required energy efficiency requirements for at least fifty percent or more of the energy needs of the planned unit development. Both the applicant and the city shall agree upon how the project goes beyond the minimum required energy efficiency requirements;

8. 2.0 points: The provision of at least twenty percent or more of the total dwelling units in the planned unit development as permanently affordable housing consistent with TMC 18.42.140(D)-(K); and

9. 1.0 point to 2.0 points: Any other public facility, feature, item, project, or amenity proposed by the applicant that the City agrees meets the intent of this section. Both the applicant and the city shall agree upon the type of other public facility, feature, item, project, or amenity, the size, location, and other pertinent aspects.

C. For tangible benefits that have a range of potential points, both the applicant and the city shall agree upon the number of points assigned.

~~encourage new development not limited by the strict application of this title. The hearing examiner may approve, disapprove or modify the proposal submitted by an applicant.~~

~~B. More specifically, it is the purpose of this chapter to:~~

- ~~1. Encourage flexibility in design and development that will result in a more efficient and desirable use of land;~~
- ~~2. Permit flexibility of design, placement of buildings, use of required open spaces, circulation facilities, off-street parking areas, and otherwise better utilize the potential of sites characterized by special features, such as geography, topography, size or shape;~~
- ~~3. Provide for maximum efficiency in layout of streets, utility networks, and other public improvements;~~
- ~~4. Produce an integrated or balanced development of mutually supportive uses that might otherwise be inharmonious or incongruous; and~~
- ~~5. Provide a guide for developers and city officials who review and approve developments meeting the standards and purposes of this chapter.~~

(Ord. O2000-004, Amended, 07/18/2000; Ord. O95-035, Amended, 12/19/1995; Ord. 883, Added, 05/06/1984)

18.36.020 Overlay Planned unit development and zoning.

~~Planned unit development, approved in accordance with the procedures of this chapter, shall be an overlay zone and the uses are limited to those which are allowed in the underlying zone district. Planned unit developments shall be required where this overlay zone appears on the Tumwater zoning map.~~

A. Planned unit developments ~~also~~ are permitted in all zoning districts except greenbelt (GB), open space (OS), residential/sensitive resource (RSR) ~~due to the extreme sensitivity of the areas to environmental disturbance, and~~ historic commercial (HC), ~~and airport related industry (ARI).~~

B. The approval of a ~~final~~ planned unit development shall modify and supersede the regulations of the underlying zone district, ~~as outlined in this chapter, in accordance with the requirements and allowances of the Tumwater municipal code, except in the case of allowable uses.~~

C. The minimum project size for a planned unit development is one gross acre. Planned unit developments must still meet applicable development requirements such as minimum density, parking standards, land coverage limits, and stormwater regulations, subject to the requirements and allowances of this chapter.

(Ord. O96-022, Amended, 12/17/1996; Ord. O95-035, Amended, 12/19/1995; Ord. 883, Added, 05/06/1984)

18.36.030 Procedure for Initiation—Application—Fee.

~~A preliminary p~~Planned unit development-~~projects~~ may be initiated by any owner or group of owners of property acting jointly, or as a developer authorized to act as agent for an owner or group of owners. ~~Such application shall be made on the forms provided by the community development department, together with a filing fee as established by resolution of the city council, no part of which is refundable.~~

(Ord. O2011-002, Amended, 03/01/2011; Ord. O2000-004, Amended, 07/18/2000; Ord. O95-035, Amended, 12/19/1995; Ord. 1147, Amended, 12/15/1987; Ord. 883, Added, 05/06/1984)

18.36.040 ~~Application—Supporting documentation~~Application.

Applications for a preliminary planned unit development shall be made on the forms provided by the community development department. Applications shall include all the items on the application checklist, together with an application fee as established by resolution of the city council, no part of which is refundable.

Additions or deletions to the contents of the application may be made by the community development director. The application for a preliminary planned unit development shall also include and address all these items:

A. A description of how the development meets the requirements of TMC 18.36.010;

B. How the planned unit development relates to the surrounding area. This would include a description of any existing adjacent development and address how the proposed development would be consistent with existing adjacent development. If the existing adjacent development is not consistent with the existing comprehensive plan designations and zone districts then a comparison of the proposed development with the intent of the adjacent comprehensive plan designations and zone districts is acceptable;

C. If there is more than one underlying zone district then the application must include:

1. A map showing the existing zone district locations, sizes, and densities within the planned unit development. This can be augmented with a table or description in addition to a map; and

2. A map showing the proposed locations of the zone districts within the planned unit development. The borders, areas with sizes in acres, and proposed locations of the zone districts shall be shown graphically on the site plan. The borders shall follow the proposed tract or lot lines and the centerlines of streets and alleys of the planned unit development in a balanced, cohesive, and interrelated manner that does not create irregular areas.

a. The planned unit development process cannot modify the sizes of the original comprehensive plan designations on the comprehensive plan land use designation map or the zone districts on the zoning map without an amendment approved by the process in TMC 18.60.

b. The planned unit development process cannot modify the densities of the original comprehensive plan designations and zone districts without an amendment approved by the process in TMC 18.60;

D. How the planned unit development is being accessed and how internal circulation will be addressed. This shall include multimodal considerations;

E. The location and size of critical areas and their buffers on or within 300 feet of the project site. Protection measures shall be described or shown on a map;

F. The location and size of open space, parks, and landscaped areas and how they serve the development;

G. The location of stormwater facilities;

H. SEPA environmental review;

I. Covenants for ongoing maintenance of common areas and stormwater facilities;

J. If the planned unit development will be phased, a map of the proposed phasing, a description of the proposed phasing timeline, and the general type and location of the development to occur in each phase consistent with TMC 18.36.090;

K. How the planned unit development relates to adjacent properties under similar ownership. This can include future development plans, if known; and

L. How the planned unit development allows for future development or redevelopment of neighboring properties. This should address, but it is not limited to, access, circulation, sizing and location of utilities, type and locations of stormwater facilities, and locations of structures.

~~An application for a planned unit development shall be accompanied by the following:~~

~~(Note: See TMC Chapter 15.44 for complete information on vesting of development rights.)~~

~~A.—A vicinity sketch showing location of the site and its relationship to surrounding areas, including existing streets, driveways, major physiographic features such as railroads, lakes, streams, shorelines, schools, parks and other prominent features;~~

~~B.—A map or maps of the site at a scale not smaller than one hundred feet to the inch, showing at least, but not limited to, the following items:~~

- ~~1.—Site boundaries,~~
- ~~2.—Streets bounding or abutting the site,~~
- ~~3.—Proposed buildings, including dimensions, identification of types, and the number of dwelling units in each residential type,~~
- ~~4.—Location and dimension of all common open space,~~

~~5.—Location, dimension and design of off-street parking facilities showing points of ingress to and egress from the site,~~

~~6.—Existing buildings and indication of future use or disposition,~~

~~7.—Landscaping plans, and~~

~~8.—Proposed land use and densities;~~

~~C.—A written statement for development setting out detailed information concerning the following subjects as they may be involved in the development, including, but not limited to, the following items:~~

~~1.—Proposed ownership method,~~

~~2.—Proposed operation and maintenance of the development and landscaping,~~

~~3.—General timetable for development,~~

~~4.—Provisions to assure permanence and maintenance of common open space through homes association formation, condominium development, or other means acceptable to the city.~~

(Amended during 2011 reformat; O95-035, Amended, 12/19/1995; Ord. 883, Added, 05/06/1984)

~~18.36.050 Public hearing—Criteria for decision~~Environment.

~~The provisions of TMC Title 16 may not be modified by a planned unit development, except modifications consistent with TMC 18.36.010(B)(3).~~

~~The application for a planned unit development shall be heard before the hearing examiner of the city at a duly published public meeting. The hearing examiner's decision to approve or deny the development shall be based on at least, but not limited to, the following criteria:~~

~~A.—Substantial conformance to the Tumwater comprehensive plan;~~

~~B.—The proposal's harmony with the surrounding area or its potential future use; and~~

~~C.—The adequacy of the size of the proposed overlay to accommodate the contemplated developments.~~

(Ord. O95-035, Amended, 12/19/1995; Ord. 1259, Amended, 11/06/1990; Ord. 883, Added, 05/06/1984)

~~18.36.060 Appeal~~Land division and review process.

~~If a planned unit development involves land division then it shall be subject to the platting and procedural requirements of TMC Title 17 and the restrictions and allowances of this chapter.~~

~~The decision of the hearing examiner shall be final unless appealed to superior court in accordance with the provisions of TMC 2.58.150.~~

(Ord. O2014-018, Amended, 12/16/2014; Ord. O95-035, Amended, 12/19/1995; Ord. 1259, Added, 11/06/1990)

18.36.070 ~~Standards~~—~~Bond~~Modification of development requirements.

A planned unit development may only modify the development requirements of TMC Title 12 and TMC Title 18 consistent with this section. If a development requirement is not addressed in this section, it shall not be modified by a planned unit development.

A. Zone Districts.

1. The type and size of the underlying zone districts designated by the zoning map shall not be modified by a planned unit development.

2. Some individual development standards of the underlying zone districts may be modified by this section.

B. Planned unit developments with multiple underlying zone districts.

1. A planned unit development may move the location of underlying zone districts as part of the planned unit development process, but the type and size of each of the underlying zone districts shall remain the same and follow the requirements of TMC 18.36.040(C).

2. Some individual development standards of the underlying zone districts may be modified by this section.

C. Densities. Densities established by the underlying zone districts shall not be altered by a planned unit development.

D. Uses.

1. A planned unit development is limited to the permitted, accessory, or conditional uses established by the underlying zone districts.

2. If a proposed use in a planned unit development requires a conditional use permit, a separate conditional use permit shall be obtained consistent with the process in TMC 18.56.

E. Setbacks.

1. Setbacks established by the underlying zone districts shall prevail on the perimeter boundary lines of a planned unit development.

2. A planned unit development may modify internal setbacks within the planned unit development.

F. Lot sizes. Lot sizes as specified by the underlying zone districts may be modified by up to twenty-five percent by a planned unit development, either larger or smaller, provided the densities of the underlying zone district are met.

G. Land Coverage. Maximum land coverage as established by the underlying zone districts may be exceeded by no more than twenty-five percent by a planned unit development.

H. Structure height. Structure height requirements as established by the underlying zone districts may be modified up to twenty-five percent by a planned unit development.

I. Yards. Yards as specified by the underlying zone districts may be reduced by up to twenty-five percent by a planned unit development, provided the land coverage requirements of the underlying zone district are met.

J. Parks and open space area. In addition to the park and open space dedication requirements of TMC 17.12.210 or TMC 18.42.130, as applicable, the planned unit development may provide additional park and open space areas consistent with TMC 18.36.010.

K. Parking. Parking requirements shall not be modified by a planned unit development.

L. Landscaping. Landscaping requirements shall not be modified by a planned unit development.

M. Citywide design guidelines. Citywide design guidelines shall not be modified by a planned unit development.

N. Tumwater development guide. Requirements of the Tumwater development guide shall not be modified by a planned unit development, except as noted in TMC 18.36.080.

O. Signage. Signage requirements shall not be modified by a planned unit development.

P. Stormwater. Stormwater requirements shall not be modified by a planned unit development.

Q. Provisions of this chapter. The requirements of this chapter shall not be modified by a planned unit development.

R. Procedural requirements. Procedural requirements shall not be modified by a planned unit development.

~~A.—The developer shall bear the responsibility of creating a perimeter transition sufficient to protect the interests of the surrounding property owners, the neighborhood, and the city as a whole, in a manner and to a degree as specified by the hearing examiner.~~

~~B.—Planned unit development projects shall be complete developments and may be required to include facilities such as paved streets, curbs, sidewalks, street lights, drainage, open space, sanitary sewer, underground power and telephone lines, landscaping, screening, signs, and off-street parking in conformance with the requirements and allowances of the hearing examiner.~~

~~C.—The applicant shall furnish the city with a performance bond or other acceptable surety approved by the city attorney, guaranteeing installation of specified public improvements and landscaping.~~

(Ord. O95-035, Amended, 12/19/1995; Ord. 1259, Amended, 11/06/1990; Ord. 883, Added, 05/06/1984)

18.36.080 ~~Exemption from zoning requirements~~Public and private streets.

A. Public streets shall be required in a planned unit development except as allowed in TMC 18.36.080(B).

B. Private streets.

1. A private street may only serve four or fewer residential dwelling units, unless all of the dwelling units 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.

2. A private street may serve up to four businesses on separate parcels, or up to four businesses situated on one parcel.

3. The private street must meet the minimum design standards and requirements for private streets in the Tumwater development guide.

~~A planned unit development shall be exempt from the minimum zoning ordinance requirements, except as provided for below:~~

~~A.—Minimum Project Size. There is no minimum project size for a planned unit development.~~

~~B.—Project Densities. Densities established by the underlying zone district shall prevail.~~

~~C.—Setbacks. Project setbacks as required by the underlying zoning district shall prevail on all perimeter boundary lines.~~

~~D.—Land Coverage. Maximum land coverage as established by the underlying zone district may be exceeded by no more than twenty-five percent.~~

~~E.—Uses Allowed. The use of the development shall be limited to those allowed either as permitted, accessory, or conditional uses in the underlying zones.~~

~~F.—Open Space/Park. The open space/park dedication requirements of the underlying zoning district shall prevail.~~

~~G.—Design Review Guidelines. The design review guideline requirements shall prevail.~~

(Ord. O2019-007, Amended, 09/03/2019; Ord. O96-021, Amended, 12/02/1997; Ord. O96-022, Amended, 12/19/1996; Ord. O95-035, Amended, 12/19/1995; Ord. 883, Added, 05/06/1984)

18.36.090 ~~Exemption from subdivision requirements~~Phasing of planned unit developments.

A. Planned unit developments containing more than one hundred dwelling units or commercial or industrial planned unit developments covering more than twenty acres are eligible to attain preliminary planned unit development approval in

phases. Phased approval of preliminary planned unit developments is limited to developments with at least two but not more than four phases.

B. The application shall show the number of phases, the area each phase encompasses, and the sequence for development of the various phases. A submittal for a phased development shall demonstrate how transportation, access, traffic, stormwater, parks and open space, critical areas, and utilities will be addressed for all phases of the development.

C. Hearing examiner review.

1. Upon receipt of the recommendation from the development review committee, the hearing examiner shall review the phased preliminary planned unit development in accordance with this section as part of a consolidated hearing according to TMC 18.36.100(B).

2. At the hearing, the hearing examiner shall consider and may alter any part of the proposed phased development.

3. The hearing examiner may approve, approve with conditions, or disapprove the phasing plan in a decision as part a consolidated hearing according to TMC 18.36.100(B).

D. The period between the date of the preliminary approval of the phased planned unit development by the hearing examiner and the date of filing for final approval for the first phase shall be consistent with TMC 18.36.170.

E. Construction plans for each phase of a phased development shall include transportation, utilities, and stormwater management facilities that comply with all state and local requirements in effect at the beginning of the period allotted for that phase.

F. Applications for approval for each successive phase must be submitted within three years of the submittal for final approval on the previous phase and within the other timelines as established by the Tumwater municipal code and TMC 18.36.170.

~~A planned unit development shall be exempt from the platting and procedural requirements of the subdivision ordinance, except that when the planned unit development is a part of a larger ownership and is intended for individual ownership, sale or public dedication, or if any parcel of land within a planned unit development is intended for individual ownership, sale or public dedication, the platting and procedural requirements of the subdivision ordinance and applicable state laws pertaining to the subdivision, and conveyance of land and the preparation of maps shall be followed.~~

(Ord. O98-009, Amended, 10/20/1998; Ord. O95-035, Amended, 12/19/1995; Ord. 883, Added, 05/06/1984)

18.36.100. Public hearing – Preliminary planned unit development

A. Upon receipt of the recommendation from the development review committee, a public hearing shall be set before the hearing examiner on the preliminary planned

unit development. At the conclusion of the public hearing, the hearing examiner may approve, approve with conditions, deny, or continue the matter. A preliminary planned unit development shall only be approved if it meets the criteria in TMC 18.36.110.

B. If a project with a preliminary planned unit development requires a public hearing for phasing according to TMC 18.36.090, a land division approval, a conditional use permit, a variance, and/or another action that requires a hearing, the hearings should be consolidated.

18.36.110 Public hearing – Criteria for decision.

In determining whether to approve or disapprove the proposed preliminary planned unit development project, the hearing examiner shall determine if the preliminary planned unit development provides for and meets all these criteria:

A. Substantial conformance to the Tumwater comprehensive plan;

B. Conformance to the Tumwater municipal code and Tumwater development guide;

C. The quantifiable public benefits required by TMC 18.36.010;

D. The public health, safety, and general welfare;

E. The adequacy of the size of the proposed planned unit development to accommodate the contemplated developments;

F. Adequate access to the project site for all users of the project including the public, if applicable;

G. Appropriate access for public safety such as fire protection and police services; and

H. Adequate mitigation measures for impacts associated with the physical characteristics of the site such as groundwater, stormwater, floodplains, critical areas, steep slopes, and critical habitat.

18.36.120 Appeal.

The decision of the hearing examiner shall be final unless appealed to superior court in accordance with the provisions of TMC 2.58.150.

18.36.130 Final planned unit development approval.

Final approval of the planned unit development will not be issued until all requirements listed in the hearing examiner decision have been met. Certificate(s) of occupancy shall not be issued until final approval unless the community development director, or their designee, determines it is in the best interest of the city. The city and the applicants must agree on a reasonable deadline for obtaining final approval for the planned unit development. Failure of the applicants to obtain final approval prior to the agreed upon date shall result in revocation of the certificate(s) of occupancy.

18.36.140 Minor modifications.

Minor modifications to a planned unit development may be administratively approved provided they meet all these conditions:

A. The modification will not have the effect of reducing required landscaped area, or reducing or encroaching into required buffer areas or reducing the amount of required open space or parks in the planned unit development;

B. The modification will not have the effect of increasing the residential density of the planned unit development;

C. The modification will not have the effect of increasing the area devoted to nonresidential uses in the planned unit development; and

D. The modification will not increase any adverse impacts or undesirable effects of the project, or that the modification in no way significantly alters the project.

18.36.150 Major Modifications.

A. Modifications to planned unit developments that do not meet the all the conditions of TMC 18.36.140 shall be considered major modifications.

B. A public hearing shall be required before the hearing examiner and follow the requirements of TMC 18.36.100 and TMC 18.36.110.

18.36.160 Vesting of planned unit developments.

A. Planned unit developments that involve land division are vested when a complete land division application has been submitted to the community development department.

B. Planned unit developments that do not involve land division vest when a complete building permit application has been submitted to the community development department after preliminary planned unit development approval is granted consistent with TMC 18.36.100.

18.36.170 Duration of approval for planned unit developments.

A. Preliminary approval of a planned unit development by the hearing examiner is valid for a period of five years.

B. An initial one-year extension, which has been filed at least thirty days prior to the expiration of the period of approval, may be granted by the community development director or his/her designee upon a finding that the applicant has attempted in good faith to complete the final planned unit development within the period of approval. Submittal of complete engineering plans for the project and the start of construction prior to the expiration of the approval period time limit shall constitute a good faith effort.

C. Two additional one-year extensions may be administratively granted, which shall be reviewed for compliance with these criteria:

1. The applicant has pursued submitting the final land division in good faith. Submittal of complete engineering plans and the start of construction for the project

prior to the expiration of the approval period time limit shall constitute a good faith effort on the part of the applicant;

2. There have been no amendments to the comprehensive plan, zoning ordinance, development standards or other applicable codes which are inconsistent with the approved preliminary planned unit development, unless such amendments can be incorporated into the existing preliminary planned unit development without significantly altering the project as originally approved by the hearing examiner; and

3. There are no other significant changed conditions that would render the planned unit development contrary to the public health, safety, or general welfare.

18.36.180 Standards – Bond.

A. Planned unit development projects shall be complete developments and may be required to include facilities such as, but not limited to, streets, curbs, sidewalks, street lights, drainage, open space, sanitary sewer, underground power and telephone lines, landscaping, screening, signs, and off-street parking in conformance with the requirements and allowances of the hearing examiner.

B. The applicant shall furnish the city with a performance bond or other acceptable surety approved by the city attorney, guaranteeing installation of specified public improvements and landscaping.

Section 9. Section 18.49.020 of the Tumwater Municipal Code is hereby amended to read as follows:

18.49.020 Permitted uses.

Permitted uses within the MHP zone district are as follows:

- A. Manufactured home parks in accordance with the provisions of TMC Chapter 18.48;
- B. Designated manufactured homes on existing single lots of record, in accordance with the provisions of TMC Chapter 18.48;
- C. Mobile home parks, which were legally established prior to July 1, 2008;
- D. One single-family detached dwelling per existing single lot of record;
- E. Parks, trails, open space areas, and other related recreation facilities;
- F. Support facilities;
- G. Family child care home; child mini-day care center, subject to review by the community development director, the building official, and the fire chief;

H. Planned unit developments.

(Ord. O2011-002, Amended, 03/01/2011; Ord. O2008-009, Added, 02/17/2009)

Section 10. Corrections. The City Clerk and codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not

limited to, the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 11. Ratification. Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and affirmed.

Section 12. Severability. The provisions of this ordinance are declared separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of the ordinance, or the validity of its application to other persons or circumstances.

Section 13. Effective Date. This ordinance shall become effective thirty (30) days after passage, approval, and publication as provided by law.

ADOPTED this _____ day of _____, 2022.

CITY OF TUMWATER

Debbie Sullivan, Mayor

ATTEST:

Melody Valiant, City Clerk

APPROVED AS TO FORM:

Karen Kirkpatrick, City Attorney

Published:_____

Effective Date:_____



Attachment C

City Hall
 555 Israel Road SW
 Tumwater, WA 98501-6515
 Phone: 360-754-5855
 Fax: 360-754-4138

**PLANNED UNIT DEVELOPMENT AMENDMENTS
 (ORDINANCE NO. O2022-006)
 DEVELOPMENT GUIDE AMENDMENTS – PRIVATE STREETS
 STAFF REPORT
 PLANNING COMMISSION WORKSESSION – MAY 10, 2022**

Issue

The City's current regulations for planned unit developments have not been substantially updated since 2000. The regulations in TMC 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 June 9, 2022 to review, discuss, and send a recommendation to the City Council for discussion at a worksession on June 28, 2022 and consideration on July 19, 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 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 provide 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 will hold a worksession on May 10, 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 is expected to be issued on May 13, 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 ordinance on May 24, 2022. Following the public hearing and deliberations, the Planning Commission will make a recommendation that Council on the proposed ordinance.

The General Government Committee is scheduled to review the proposed ordinance in a briefing on June 8, 2022 and recommend that the ordinance be discussed at a City Council worksession. The Public Works Committee is expected to hold a briefing on the proposed amendments to the Tumwater Development Guide on June 9, 2022.

The City Council is scheduled to review the ordinance and the amendments to the Development Guide at a worksession on June 28, 2022 and consider the amendments on July 19, 2022.

Public Notification

A Notice of Public Hearing for the Planning Commission is expected to be issued, posted, mailed to interested parties, and published in The Olympian on May 13, 2022, after the Planning Commission is expected to set the public hearing date on May 10 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.

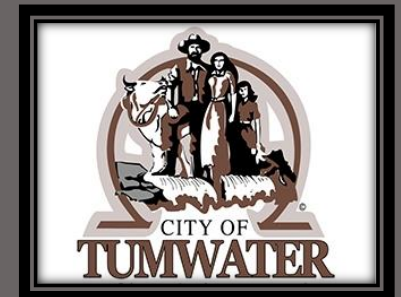
Staff Contact

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Planned Unit Development Amendments

Ordinance No. O2022-006

June 14, 2022
Planning Commission



Issue

- The City's planned unit development regulations were last substantially updated in 2000
- In other jurisdictions, planned unit developments provide a quantifiable public benefit in exchange for flexibility in addressing existing regulations

Issue

- Currently, planned unit developments in the City provide a benefit to developers in the form of flexibility with existing regulations, but have not provided a quantifiable benefit to the City or the public
- The proposed amendments provide developers flexibility in addressing existing regulations in exchange for requiring quantifiable public benefits

Issue

- On May 10, 2022, the Planning Commission asked staff to get input from local developers on the quantifiable public benefits that would be required in exchange for flexibility in existing bulk and dimensional regulations
- Staff contacted five local developers on May 16, 2022, heard back from one of them on May 26, 2022, and incorporated their suggested changes into the ordinance

Issue

The scale of the project affects the number of tangible benefits required:

- Projects providing 20 or more dwelling units or industrial, commercial, or institutional projects 20 acres or more in size shall provide at least 2.0 points from the list of tangible benefits
- Projects providing less than 20 dwelling units or industrial, commercial, or institutional projects less than 20 acres in size shall provide at least 1.0 point from the list of tangible benefits

Questions to Consider

1. The type of tangible benefits proposed. Should more be added or should some be taken off?
2. The points assigned for each benefit. Are points too many or too few?
3. The total number of tangible benefits points required. Is the number of points required balanced by the sections of the development code where the developer has flexibility?

Questions to Consider

4. Code modifications allowed. Should more be added or should some be taken off? Are the code modifications allowed balanced by the tangible benefits required?
5. Code modifications not allowed. Should more be added or should some be taken off?

Tangible Benefits

#	Points	Tangible Benefit
1	1.0	Provide superior useable parks and open space.
2	1.0 to 2.0	Significant public facilities or other public amenities that could not be required by the city for development of the subject property without a planned unit development.
3	1.0	Going significantly beyond the minimum requirements for critical area protections to preserve, enhance, or rehabilitate critical areas and buffers.
4	1.0	Dedication of a site containing a historic landmark.
5	2.0	Incorporation of energy systems that produce energy from nondepletable energy sources will result in at least fifty percent of the energy needs for the development being met.

Tangible Benefits

#	Points	Tangible Benefit
6	2.0	For residential developments, building passive homes, which meet the Passive Home Institute US (PHIUS) standard that will result in fifty percent or more of the total dwelling units qualifying as passive homes.
7	1.0	Going significantly beyond the minimum required energy efficiency requirements for at least fifty percent or more of the energy needs of the development.
8	2.0	The provision of at least twenty percent of the total dwelling units as permanently affordable housing.
9	1.0 to 2.0	Any other public facility, feature, item, project, or amenity proposed by the applicant that the City agrees meets the intent of this section.

Code Modifications Allowed

Code Modifications Allowed	Notes
Environment	The provisions of TMC Title 16 may not be modified, except modifications consistent with TMC 18.36.010(B)(3).
Zone Districts	<p>The type and size of the underlying zone districts designated by the zoning map shall not be modified.</p> <p>Some individual development standards of the underlying zone districts may be modified.</p>
Planned unit developments with multiple underlying zone districts	<p>A planned unit development may move the location of underlying zone districts as part of the planned unit development process, but the type and size of each of the underlying zone districts shall remain the same and follow the requirements of TMC 18.36.040(C).</p> <p>Some individual development standards of the underlying zone districts may be modified.</p>
Setbacks	<p>Setbacks established by the underlying zone districts shall prevail on the perimeter boundary lines of a planned unit development.</p> <p>May modify internal setbacks within the planned unit development.</p>

Code Modifications Allowed

Code Modifications Allowed	Notes
Lot sizes	Lot sizes as specified by the underlying zone districts may be modified by up to twenty-five percent, either larger or smaller, provided the densities of the underlying zone district are met.
Land Coverage	Maximum land coverage as established by the underlying zone districts may be exceeded by no more than twenty-five percent.
Structure height	Structure height requirements as established by the underlying zone districts may be modified up to twenty-five percent.
Yards	Yards as specified by the underlying zone districts may be reduced by up to twenty-five percent, provided the land coverage requirements of the underlying zone district are met.
Parks and open space area	In addition to the park and open space dedication requirements of TMC 17.12.210 or TMC 18.42.130, as applicable, provide additional park and open space areas consistent with TMC 18.36.010.

Code Modifications Not Allowed

Code Modifications Allowed	Notes
Environment	The provisions of TMC Title 16 may not be modified, except modifications consistent with TMC 18.36.010(B)(3).
Zone Districts	<p>The type and size of the underlying zone districts designated by the zoning map shall not be modified.</p> <p>Some individual development standards of the underlying zone districts may be modified.</p>
Planned unit developments with multiple underlying zone districts	<p>May move the location of underlying zone districts as part of the planned unit development process, but the type and size of each of the underlying zone districts shall remain the same and follow the requirements of TMC 18.36.040(C).</p> <p>Some individual development standards of the underlying zone districts may be modified.</p>
Densities	Densities established by the underlying zone districts shall not be altered.

Code Modifications Not Allowed

Code Modifications Allowed	Notes
Uses	<p>Limited to the permitted, accessory, or conditional uses established by the underlying zone districts.</p> <p>If a proposed use requires a conditional use permit, a separate conditional use permit shall be obtained consistent with the process in TMC 18.56.</p>
Setbacks	<p>Setbacks established by the underlying zone districts shall prevail on the perimeter boundary lines of a planned unit development.</p> <p>May modify internal setbacks within the planned unit development.</p>
Parking	<p>Parking requirements shall not be modified.</p>
Landscaping	<p>Landscaping requirements shall not be modified.</p>

Code Modifications Not Allowed

Code Modifications Allowed	Notes
Citywide design guidelines	Citywide design guidelines shall not be modified.
Tumwater development guide	Requirements of the Tumwater development guide shall not be modified, except as noted in TMC 18.36.080.
Signage	Signage requirements shall not be modified.
Stormwater	Stormwater requirements shall not be modified.
Provisions of this chapter	The requirements of this chapter shall not be modified.
Procedural requirements	Procedural requirements shall not be modified.

Next Steps

Planning Commission

- Public Hearing – June 28, 2022

City Council

- Public Works Committee briefing – July 7, 2022
- General Government Committee briefing – July 13, 2022
- Worksession – July 26, 2022
- Consideration– August 1, 2022