



**GENERAL GOVERNMENT COMMITTEE
MEETING AGENDA**

**Online via Zoom and In Person at
Tumwater City Hall, Council Conference
Room, 555 Israel Rd. SW, Tumwater, WA
98501**

**Wednesday, September 14, 2022
2:00 PM**

1. Call to Order
2. Roll Call
- [3.](#) Approval of Minutes: June 8, 2022 & July 13, 2022
- [4.](#) Ordinance No. O2022-013, 2022 Development Code Housekeeping Amendments (Brad Medrud)
- [5.](#) Ordinance No. O2022-015, Other Housekeeping Amendments (Brad Medrud)
6. Additional Items
7. Adjourn

Meeting Information

All committee members will be attending remotely. The public are welcome to attend in person, by telephone or online via Zoom.

Watch Online

<https://us02web.zoom.us/j/82181663619?pwd=UGZyMmdNUUY3Y1dSeXNyYUtiT04rZz09>

Listen by Telephone

Call (253) 215-8782, listen for the prompts and enter the Webinar ID 821 8166 3619 and Passcode 941637.

Public Comment

The public may submit comments by sending an email to council@ci.tumwater.wa.us, no later than 9:00 a.m. the day of the meeting. Comments are submitted directly to the Committee members and will not be read individually into the record of the meeting.

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.

**TUMWATER GENERAL GOVERNMENT COMMITTEE
MINUTES OF VIRTUAL MEETING
June 8, 2022 Page 1**

CONVENE: 2:00 p.m.

PRESENT: Chair Michael Althaus and Councilmembers Joan Cathey and Leatta Dahlhoff.

Staff: Community Development Director Michael Matlock and Planning Manager Brad Medrud.

**APPROVAL OF
MINUTES: GENERAL
GOVERNMENT
COMMITTEE, -
APRIL 13, 2022:**

MOTION: Councilmember Cathey moved, seconded by Councilmember Dahlhoff, to approve the General Government Committee meeting minutes of April 13, 2022 as published. A voice vote approved the motion unanimously.

**PRELIMINARY
DOCKET FOR 2022
ANNUAL
HOUSEKEEPING
AMENDMENTS:**

Manager Medrud reported 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. 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 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 (ADU) 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.

Councilmember Dahlhoff commented that she considered the requirement an issue in terms impeding accessibility for seniors who may reside in an accessory dwelling unit. Manager Medrud agreed that the entrance to an ADU that is clear and provides the shortest path is much more preferable rather than design features that might be gained by hiding an entrance. The code includes other mechanisms to address those types of issues.

B. Adult Family Homes/Residential Care Facilities

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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*.

Councilmember Cathey supported the proposal as it permits those types of uses within residential districts as requiring the use in an industrial zone would inhibit occupants from seeking help or assistance if needed.

Chair Althausen asked whether residential care facilities include childcare facilities. Manager Medrud said childcare is considered within another use category with two levels dependent upon the number of children in a facility.

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.

Chair Althausen asked for clarification as to whether the code currently allows car washes as an accessory use with a gas station. Manager Medrud said that within the current definition of “automobile service stations” in section 18.04, car washes are not included as an accessory use. The proposal would include a car wash as an accessory use within an automobile service station.

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 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

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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 in zone districts currently allowing medical facilities and offices.

J. Personal and Professional Services

For consistency and understanding, the proposal splits “personal and professional services” into “personal services” and “professional services” and removes “personal and professional and services and sales” from the TMC 18.07.020 Table Commercial zone districts as 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.

Councilmember Dahlhoff asked whether the proposal would be applicable to churches located in residential zone districts. Manager Medrud advised that the change pertains to public buildings as a broader category. Churches would be an appropriate use within that category. However, the proposal would not allow flashing electronic signs.

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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Manager Medrud reported on one additional addition since the review of the proposed list with the Planning Commission. When the City changed the code to address housing affordability by allowing duplexes in single family residential zones, the change allowed for the development of duplexes up to a maximum of 20% of a short plat or a preliminary plat with the remaining developed as single family units and up to 30% in multifamily medium density zone districts. Permitting staff have encountered proposals for building duplexes on an existing lot within a residential zone, which does not allow duplexes. Staff is examining a potential change to allow duplexes to be built on an existing lot. *Manager Medrud responded to a question about the difference between a townhouse with two units and a duplex. A duplex is located on a single lot consisting of two units owned by one owner while a townhouse is considered two separate lots with the property line along the dividing wall of the two townhouses that are separately owned. Councilmember Cathey said she believes the example she cited is a duplex on one lot under one ownership with two units resembling a townhouse.*

Manager Medrud requested the committee consider scheduling the proposal for inclusion on the consent calendar for consideration by the City Council on June 21, 2022.

Additional proposed amendments falling outside of the Tumwater Development Code include:

O. Sidewalks – Obstructions, Maintenance, and Repair

The proposal clarifies which owners are responsible for ongoing maintenance and repair of sidewalks. Currently, neither the TMC nor Tumwater Development Guide addresses the issue. Staff plans to review the proposal with the Public Works Committee for review.

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.

Councilmember Cathey asked whether staff has considered any requirements within traffic studies addressing the environment. Manager Medrud said the environment is included within the SEPA process. Projects are evaluated in terms of impacts to air and other environmental factors. Traffic studies are focused on transportation impacts, such as volume of trips and direction of trips rather than pollution generated by traffic trips.

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Councilmember Cathey asked whether studies consider the type of vehicles. Manager Medrud affirmed studies consider truck and diesel impacts in addition to trips.

Manager Medrud reviewed timing for the next steps:

- Briefing on the Final Docket and Other Housekeeping Amendments with the Planning Commission on September 13, 2022
- City Council Worksession – September 27, 2022
- Planning Commission Public Hearing – October 11, 2022

Chair Althausen cited contact by a community member about confusion with the code for fencing because of different height limitations within fencing provisions that were unclear on how accurately to measure the height and whether the maximum height of a retaining wall is measured from a brick embedded in the ground rather than from bricks located above ground. Manager Medrud advised that fencing provisions are within the zoning code. He recommended directing questions to permitting staff. Retaining wall heights are more complicated as walls above a specific height trigger a requirement for a building permit. Fencing requirements also address visibility on corners, front yard fencing, and wildlife.

Director Matlock added that a permit for fencing is only required when height is over six feet in height, which also requires a building permit.

CONSENSUS:

The General Government Committee supported forwarding the Preliminary Docket for 2022 Annual Housekeeping Amendments for placement on the consent calendar on June 21, 2022 for City Council consideration.

**URBAN FORESTRY
MANAGEMENT
PLAN – TREE
PRESERVATION
REGULATION
CONTRACT:**

Manager Medrud presented the scope of work for the consultant contract to update the tree preservation ordinance as part of the actions included within the Urban Forestry Management Plan. Staff released a Request for Proposal (RFP) in March 2022 with no submittals. Following discussions with the City Attorney, staff contacted a firm and through mutual discussions, a contract and scope of work were developed. The effective date is August 1, 2022.

Manager Medrud reported the scope of work is similar to prior reviews as part of the RFP process. The scope includes project administration with staff working with the consultant, development of the public engagement plan to include identification of internal and external stakeholders, implementation of the plan to include an online open house in addition to stakeholder meetings, and reviewing and proposing changes to the code. The schedule includes 10 meetings with the Tree Board, Planning Commission, and the City Council throughout the update process. Staff proposes forwarding the

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contract for the Council's consideration at its next meeting on the consent calendar.

Councilmember Cathey asked whether the Council's determination for tree preservation policies would be based on stakeholder feedback. Manager Medrud advised that to develop the ordinance and present a proposal it would be important to have an outreach process with a variety of interests and well as inclusion of those responsible for ongoing maintenance and preservation of trees, the development community, and other interests to ensure proposed solutions are workable. The intent of the process is to improve the process and reduce the need for issuing development waivers for trees. It is important to involve as many voices as part of the process with the final decision by the Council.

Councilmember Cathey asked whether the update pertains only to tree preservation. Manager Medrud explained that staff has released the street tree update RFP with no responses received. Staff is undertaking a similar process with a potential consultant as the update is funded by grant funds received from the Department of Natural Resources. Landscaping codes are scheduled for an update later in the year.

Councilmember Cathey said it appears the proposal is a lengthy process to discuss issues with different interests that the Council has strived over many years to change.

Discussion ensued on the timeline of the schedule with some concerns that the schedule might be too accelerated. Manager Medrud responded to the concerns and explained how the process will evolve with flexibility to accommodate timing changes.

Councilmember Cathey requested examples of other jurisdiction's tree preservation codes that have been recently revised. Manager Medrud said other examples of tree protection plans and requirements will be reviewed as part of the update process. He encouraged members to visit the Municipal Research and Service Center website as the site includes a page devoted to urban forestry and tree preservation providing information on other plans and approaches to tree preservation. Another aspect of contracting with a consultant is the experience and expertise the firm has working with other jurisdictions and on other approaches for tree protection. Manager Medrud said he would forward a link to the website to the Council.

Manager Medrud shared information on the involvement of several departments during the review process to include the City's new Sustainability Coordinator. He added that the scope of work will include a series of dates that will be based on the development of the public participation plan.

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CONSENSUS: **The General Government Committee supported forwarding the Tree Preservation Regulation Contract to the City Council as part of the consent calendar during the June 21, 2022 meeting.**

ADJOURNMENT: **With there being no further business, Chair Althausser adjourned the meeting at 3:00 p.m.**

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

**TUMWATER GENERAL GOVERNMENT COMMITTEE
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CONVENE: 2:00 p.m.

PRESENT: Chair Michael Althaus and Councilmembers Joan Cathey and Leatta Dahlhoff.

Staff: Planning Manager Brad Medrud.

**APPROVAL OF
MINUTES: GENERAL
GOVERNMENT
COMMITTEE, MAY 11
2022:**

MOTION: Councilmember Cathey moved, seconded by Councilmember Dahlhoff, to approve the General Government Committee meeting minutes of May 11, 2022 as published. A voice vote approved the motion unanimously.

ORDINANCE NO. O2022-006, PLANNED UNIT DEVELOPMENT Manager Medrud briefed members on proposed changes to planned unit development (PUD) codes. The Planning Commission held a public hearing and completed its review of the proposed changes.

The City's PUD regulations were last substantially updated in 2000. In other jurisdictions, PUDs provide a quantifiable public benefit in exchange for flexibility with existing regulations. PUDs provide a benefit to developers by giving flexibility in addressing existing regulations, but have not provided a quantifiable benefit to the public. The proposed amendments provide developers with the flexibility of existing regulations in exchange for requiring quantifiable public benefits.

Currently, the regulations do not clearly address the requirements for private streets as part of PUDs. The amendments would:

- Provide more specificity in regards to when and how private streets are allowed.
- Amend the definition of a private street in Tumwater Municipal Code (TMC) Title 17 to be consistent with the Tumwater Development Guide and amend the sections of the Tumwater Development Guide that address private streets as needed.
- Amend the definition of Private Street in TMC 17.04.385 to read, "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.

The Public Works Public Committee received a briefing on the proposed ordinance.

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Other amendments include:

- Amend permitted uses:
 - a. Add “planned unit developments” as a permitted use in the Manufactured Home Park (MHP) zone district
 - b. Add “planned unit developments not including residential uses” as a permitted use in the Airport Related Industry (ARI) zone district
 - c. Remove single-family detached dwellings as part of a planned unit development as a permitted use from the Multifamily Family Medium (MFM) zone district
 - d. Remove single-family detached dwellings and duplexes as part of a planned unit development overlay as a permitted use from the Multifamily Family High (MFH) zone district
- Change the name of the chapter to remove “overlay”
- Update the intent section to establish a clear list of tangible benefits to be provided by a planned unit development to the public in exchange for flexibility in zoning regulations.
- The size 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

In addition to the quantifiable benefits as proposed, the ordinance also identifies areas of the City where PUDs would be allowed. Essentially, PUDs would be 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). The proposal amends the current code language about the effect of PUD approval on existing zone district regulations and establishing a minimum size for a PUD of one acre.

The proposal updates TMC 18.36.040 for items required in an application:

- a. A description of how the PUDs meet the requirements of TMC 18.36.010
- b. A description of how the PUD relates to the surrounding area
- 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 PUD.
- A map showing the proposed locations of the zone districts within the PUD

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The Planning Commission discussed the quantifiable benefits and conveyed interest in ensuring smaller projects were not burdened with the same level of benefits a much larger project could provide. Staff contacted five local developers on May 16, 2022 with one developer responding. Staff incorporated some suggested changes in the ordinance.

Councilmember Cathey questioned the logic for the difference in points based on the size of the proposal if the City's intent is to seek public benefits. Manager Medrud said the concern surrounded the potential difficulty of achieving two points for smaller proposals.

Manager Medrud reviewed the points assigned to a series of tangible benefits provided to the public. Provisions for the point value in the ordinance require both the City and the applicant to reach an agreement on the value of a particular benefit. Tangible benefits can range from one to two points or a range of points dependent upon the amount of the benefit received:

- Provide superior useable parks and open space – *Councilmember Dahlhoff recommended replacing “superior” with another descriptive word that denotes the benefit beyond a minimum requirement. Manager Medrud affirmed staff would review the terminology as it is important to denote that the City wants a benefit that is beyond the current code requirement. Councilmember Dahlhoff suggested considering some of the terminology in some of the City’s strategies and priorities that speak to livable, inclusive, and accessible open spaces and parks for consistency.*
- Provide 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.
- Going significantly beyond the minimum requirements for critical area protections to preserve, enhance, or rehabilitate critical areas and buffers.
- Dedication of a site containing a historic landmark – *Councilmember Cathey asked whether the City has another code that addresses the preservation of a historic site or landmark. Manager Medrud said the provision provides an opportunity for a developer to dedicate something as an historic landmark that has never received a designation because of the lack of agreement by a previous property owner. He offered to conduct additional research on issue.*
- Incorporation of energy systems that produce energy from nondepletable energy sources that would result in at least fifty percent of the energy needs for the development being achieved.
- For residential developments, building passive homes, which meet the Passive Home Institute US (PHIUS) standard resulting in fifty percent or more of the total dwelling units qualifying as passive

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homes – *Manager Medrud reported the benefit was suggested by a developer.*

- Going significantly beyond the minimum required energy efficiency requirements for at least fifty percent or more of the energy needs of the development.
- The provision of at least twenty percent of the total dwelling units as permanently affordable housing.
- Any other public facility, feature, item, project, or amenity proposed by the applicant that the City agrees meets the intent of this section.

In addition to the quantifiable benefits as proposed, the ordinance also identifies areas of the City where PUDs would be allowed. Essentially, PUDs would be 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). The proposal amends current code language about the effect of PUD approval on existing zone district regulations and establishing a minimum size for a PUD of one acre.

The proposal updates TMC 18.36.040 for items required in an application:

- d. A description of how the PUD meets the requirements of TMC 18.36.010.
- e. A description of how the PUD relates to the surrounding area.
- f. 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 PUD.
 - 2) A map showing the proposed locations of the zone districts within the PUD - the PUD cannot modify the sizes or densities of Comprehensive Plan land use designations or zone districts without an amendment approved through TMC 18.60 *Text Amendments and Rezones*.
- g. How the PUD is accessed and how internal circulation will be addressed.
- h. The location and size of critical areas and their buffers on or within 300 feet of the project site.
- i. The location and size of open space, parks, and landscaped areas and how they serve the development.
- j. Identify the location of stormwater facilities.
- k. SEPA environmental review.
- l. Covenants for ongoing maintenance of common areas and stormwater facilities.
- m. If phased, a map of proposed phasing, a description of the proposed phasing timeline, and the general type and location of the development in each phase.
- n. How the application relates to adjacent properties under similar ownership.

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- o. How the application allows for future development or redevelopment of neighboring properties.

Other proposed code modifications would create a new section explaining how an application cannot modify requirements in TMC Title 16 *Environment* and a new section explaining that the creation of new lots shall follow the requirements in TMC Title 17 Land Division.

Manager Medrud reviewed a list of code modifications that would be allowed and not allowed for PUDs:

Code Modifications Allowed	Description
Environment	The provisions in TMC Title 16 may not be modified, except modification consistent with TMC 18.36.01(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	A 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.
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.

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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.

Manager Medrud reviewed modifications not allowed:

Code Modifications Not Allowed	Description
Densities	Densities established by the underlying zone districts shall not be altered. <i>Densities, unlike setbacks and heights, are factored within the Tumwater Comprehensive Plan for specific zone districts and land use designations.</i>
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 Conditional Use Permits.
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.
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.

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Stormwater	Stormwater requirements shall not be modified.
Provisions of this chapter	The requirements of TMC 18.36 shall not be modified.
Procedural requirements	Procedural requirements in TMC shall not be modified.

Councilmember Cathey referred to different types of adjacent land uses and configurations and the proposed modifications allowing for height or setback changes. She asked about any restraints that the City could impose if the height of the PUD conflicts with surrounding land uses, as well as lighting requirements to ensure light pollution does not occur. Manager Medrud explained that lighting requirement of a PUD would not change and the requirements for light trespassing beyond the property boundary would not change. The purpose of not allowing the modification of setbacks along the property boundary is to ensure there is sufficient space between new PUDs and existing development to reduce the level of impacts. The proposal takes advantage of the setbacks to ensure that changes between lot sizes and heights include a buffer between existing and planned unit developments.

Councilmember Cathey responded that construction of a large building next to an existing home regardless of the setback often changes sun patterns for existing uses. An article she recently reviewed spoke to the construction of a large multifamily complex in an existing neighborhood that totally blocked the sun in neighboring property backyards affecting gardens and the impacted quality of life of the residents. Manager Medrud said there are some provisions in particular zone districts that have allowed some considerations to prevent the blocking of sunlight. It is possible for staff to review how height could intersect and propose any necessary changes.

Manager Medrud reported public streets are required in a PUD, except private streets are allowed when serving 4 or fewer residential dwelling units, unless all of the dwelling units are low income, then private streets may serve up to 9 detached single family dwellings or up to 25 attached single family or multifamily dwelling units, except when private streets serve up to 4 businesses on separate parcels, or up to 4 businesses situated on 1 parcel, and that private streets must meet the minimum design standards and requirements for private streets in the Tumwater Development Guide.

Councilmember Cathey commented on problems encountered by the City concerning private roads and the lack of maintenance by property owners and requests to the City to maintain those roads. She suggested more conversation is necessary to determine whether private roads could be allowed because of past situations encountered by the City. Manager Medrud explained that the provisions were included as a consideration for smaller levels of development that may not have similar issues that have occurred in the past; however, the proposal is currently under review and

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could be revised through the review process. Additionally, the Planning Commission is discussing the need for an educational component that should be addressed concerning private streets, as many residents are often not aware they live on a private street and that they incur maintenance responsibility for those streets.

Manager Medrud reported the proposal allows for phasing development of a PUD under the following conditions:

- a. For applications with more than 100 dwelling units or commercial or industrial PUDs covering more than 20 acres
- b. Phased approval is limited to 2 but not more than 4 phases
- c. Applications shall show the number of phases, the area each phase encompasses, and the sequence for development of the various phases
- d. How transportation, access, traffic, stormwater, parks and open space, critical areas, and utilities will be addressed needs to be addressed for all phases of the development

The proposal updates the hearing examiner approval process and criteria used to approve or deny an application:

- 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 project 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
- 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

Chair Althausen asked about the exacting standards for “substantial conformance” or “conformance” and whether it pertains to a bare minimum or it requires 100 percent conformance to the code and development guide. Manager Medrud replied that “substantial conformance” is a higher standard based on his research of code language and is a step beyond conformance of a specific standard. Chair Althausen replied that his assumption of “substantial conformance” means less than complete “conformance.” Manager Medrud offered to provide additional information as to the interpretation for a future discussion during the Council’s review.

The proposal moves and updates the appeal process and creates new sections for:

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- a. Final PUD approval
- b. Minor modifications
- c. Major modifications
- d. How applications vest
- e. How long a preliminary approval is valid

The proposal also updates the section on bonding.

The Planning Commission recommends approval of the proposed amendments as shown in Ordinance No. O2022-006. Next steps include a Council worksession on July 26, 2022 with consideration of the ordinance by the Council on Monday, August 1, 2022.

Councilmember Dahlhoff commented that many Councilmembers have met individually with the Thurston Climate Action Team on its proposed budget request addressing actions on climate change. She referred to the ninth provision stating, “Any other public facility, feature, item, project, or amenity proposed by the applicant that the City agrees meets the intent of this section,” and asked whether installation of EV charging stations would be considered a tangible benefit. Manager Medrud affirmed installation of EV charging stations could qualify dependent upon the number of stations and if the installation exceeded the current requirements in the Building Code or other existing City codes. It is likely points could be assessed for the value EV charging stations.

The committee discussed the challenges of encouraging or requiring the energy retrofits of existing and new residential structures without affecting rental rates.

Chair Althaus asked whether existing codes for large multifamily developments require a specific number of EV stations. Manager Medrud confirmed that for new larger multifamily, office, and commercial development, a specific number of EV stations are required to serve the development.

**WSDOT RIGHTS OF
WAY INITIATIVE
PROCESS
MEMORANDUM OF
UNDERSTANDING:**

Manager Medrud reported the proposal was initiated by the Governor’s Office and through the Department of Commerce, Washington State Department of Transportation, and Washington State Patrol in May 2022. Staff members from all four local jurisdictions have been working on the initiative.

Efforts by the jurisdictions were initiated following the Governor’s Executive Order for state agencies to explore processes for transitioning specific rights-of-way housing homeless people within five counties in the state (Thurston, King, Pierce, Snohomish, and Spokane). Four rights-of-way were identified within Thurston County to focus efforts on as part of the process. All four of the locations reside within the City of Olympia and

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include the I-5 interchanges at Pacific Avenue, Lilly Road, Sleater-Kinney Road, and right-of-ways surrounding the State Capitol freeway entrances. The Cities of Lacey and Tumwater are involved in the process because of the potential action resulting in transferring the problems to nearby jurisdictions and the potential of unintended consequences of homeless encampments moving to other areas along I-5. It is important during the examination of the issues to consider resolutions holistically while understanding that the jurisdictions have an imposed timeline to address the issues.

The proposed Memorandum of Understanding (MOU) is between Thurston County, the three larger cities, and the state agencies to identify the basic groundwork for moving forward to address the issues. The MOU is not representative of the end of any other agreement or the process but is intended to serve as a starting point as the process moves forward. It is likely there will be additional adjustments to the MOU as the process moves forward.

The Lilly Road right-of-way has been recently cleared. Four individuals living in the right-of-way were relocated to housing. The Governor's order was specific and it requires housing for up to three years for affected individuals moved from state rights-of-way.

The MOU enables City staff to continue working with the state and other jurisdictions through the process. Staff recommends reviewing the attached Memorandum of Understanding – Transitioning People Out of State Rights of Way in Thurston County and recommend the placement of the MOU as a consent item for the July 19, 2022 City Council meeting.

Chair Althausen noted that the options are limited for the City other than it is important to participate and exert some influence on the process that will affect the City or not participate and possibly be affected by the consequences of actions. In this particular case, there are complexities involved with Thurston County and the cities faced with the potential transformative amount of funding available for the region's homeless funding system to provide shelter and housing for people experiencing homelessness as opposed to not employing best practices by just removing people from their site to housing. It is important to recognize the issue as a choice resulting in difficult questions and options.

Councilmember Cathey commented that the issue has been discussed extensively during Regional Housing Council meetings. She agreed with the Chair's assessment.

Councilmember Dahlhoff asked how the process aligns with the recent development of the Community Action Council not renewing its Coordinated Entry Program with the Family Support Center. Today, there

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are no intake services available to individuals. She asked how that situation plays into the dynamic of the state's rights-of-way process. Manager Medrud said the short answer essentially results in more simultaneous emergencies with the loss of services for homeless individuals. State staff members have discovered that the process requires the ability to identify and work with individuals and refer them to proper housing, which takes time. The City of Olympia's efforts for outreach to the encampments has been extraordinary with the jurisdictions working with individuals living in and around the Pacific Avenue interchange (10-20 individuals). However, when larger encampments are addressed surrounding the Capitol, more systemic assistance will be required to support efforts by the jurisdictions.

Chair Althausen added that another contract not renewed by the Community Action Council was the Housing & Essential Needs (HEN) contract that could lead to more disruption and could affect the state's rights-of-way process. The HEN program represents the most at-need group of people receiving state benefits and services, as they are individuals with permanent long-term disabilities.

MOTION:

Councilmember Dahloff moved, seconded by Councilmember Cathey, to recommend the placement of the Memorandum of Understanding – Transitioning People Out of State Rights of Way in Thurston County as a consent item for the July 19, 2022 City Council meeting. A voice vote approved the motion unanimously.

ADJOURNMENT:

With there being no further business, Chair Althausen adjourned the meeting at 3:05 p.m.

Prepared by Valerie L. Gow, Recording Secretary/President
Puget Sound Meeting Services, psmsoly@earthlink.net

TO: General Government Committee
 FROM: Brad Medrud, Planning Manager
 DATE: September 14, 2022
 SUBJECT: Ordinance No. O2022-013, 2022 Development Code Housekeeping Amendments

1) Recommended Action:

Conduct a briefing on Ordinance No. O2022-013 and schedule a Worksession with the City Council for September 27, 2022 on Ordinance No. O2022-013.

2) Background:

TMC 18.60.025(A) establishes a process by which the preliminary docket of annual development code housekeeping amendments undergoes an initial review by the Planning Commission for recommendation to the City Council. The development code is defined as Title 16 *Environment*, Title 17 *Land Division*, and Title 18 *Zoning*. The City Council made the final determination on which of the proposed amendments would be included in the final docket in Ordinance O2022-013 on June 21, 2022.

The development code housekeeping preliminary docket staff report contains summaries of the fifteen proposed amendments.

Ordinance No. O2022-015 contains two proposed amendments in Title 2 *Administration and Personnel* and Title 15 *Building and Construction* that do not fall under the TMC 18.60.025(A) process, but will be considered at the same time as the development code final docket in Ordinance No. O2022-013 during the fall.

The Planning Commission held a public hearing on August 9, 2022 and recommended that the City Council approve Ordinance No. O2022-013.

4) Alternatives:

- ☐ Modify and recommend the City Council approve Ordinance No. O2022-013
 - ☐ Recommend the City Council reject Ordinance No. O2022-013
-

5) Fiscal Notes:

This is an internally funded work program task.

4) Attachments:

- A. Ordinance O2022-013
- B. Staff Report – Development Code Housekeeping Preliminary Docket
- C. Presentation

ORDINANCE NO. O2022-013

AN ORDINANCE of the City Council of the City of Tumwater, Washington, amending Titles 17 and 18 of the Tumwater Municipal Code to address minor housekeeping amendments to the City's development code provisions.

WHEREAS, during 2020 and 2021, staff gathered information on proposed minor development code housekeeping amendments to the Tumwater Municipal Code to be considered collectively in 2022; and

WHEREAS, TMC 18.60.025(A) establishes a process for such development code housekeeping amendments; and

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

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

WHEREAS, this Ordinance is consistent with the City's Comprehensive Plan; and

WHEREAS, consistent with TMC 18.60.025, the Planning Commission had a briefing on the preliminary docket on April 26, 2022 and had a worksession on the preliminary docket on May 10, 2022 to send a recommendation on the items to go forward to the final docket for more review; and

WHEREAS, consistent with TMC 18.60.025, the General Government Committee discussed the Planning Commission's recommendation on the items to go forward to the final docket for more review at their June 8, 2022 meeting and recommended that the preliminary docket be placed on the City Council's consent agenda for their June 21, 2022 meeting; and

WHEREAS, the City Council approved the preliminary docket for further review by staff at their June 21, 2022 meeting; and

WHEREAS, the staff has completed their review of the proposed amendments; and

WHEREAS, this Ordinance was sent to the Washington State Department of Commerce on June 10, 2022 at least sixty days before the proposed code amendments were adopted, in accordance with RCW 36.70A.106; and

WHEREAS, an Environmental Checklist for a non-project action was prepared under the State Environmental Policy Act (Chapter 43.21C RCW), pursuant to Chapter 197-11 WAC on June 10, 2022 and a Determination of Non-Significance (DNS) was issued on July 7, 2022; and

WHEREAS, the Attorney General Advisory Memorandum: Avoiding Unconstitutional Takings of Private Property (September 2018) on takings was reviewed and utilized by the City in objectively evaluating the proposed changes; and

WHEREAS, the Planning Commission received a briefing on the final docket of proposed code amendments on July 12, 2022, held a worksession on the final docket July 26, 2022, and held a public hearing on the final docket on August 9, 2022; and

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

WHEREAS, the General Government Committee discussed the Planning Commission's recommendation on the final docket at their September 14, 2022 meeting; and

WHEREAS, the City Council discussed the final docket of proposed code amendments on September 27, 2022; and

WHEREAS, the City Council considered the final docket of proposed code amendments on October 4, 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 citizens of the City.

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

Section 1. Section 17.24.030 of the Tumwater Municipal Code is hereby amended to read as follows:

17.24.030 Format and content of application.

A. Survey of Land Division and Preparation of Final Land Division Plan. The survey of the proposed land division and preparation of the final land division plan shall be made by or under the supervision of a registered land surveyor who shall certify on the plan that it is a true and correct representation of the lands actually surveyed.

B. Drafting Standards. All final land division plans shall be drawn in accordance with the following:

1. The final plans shall be clearly and legibly drawn in black ink on a medium that is acceptable to the county auditor.
2. The scale of the plans shall be not less than one inch equals two hundred feet. Lettering shall be at least three-thirty-seconds of an inch high. All property lines of all parcels involved in the land division being recorded shall be depicted with heavier lines wider than the regular lines.
3. The size of each sheet shall be eighteen inches by twenty-four inches.
4. A margin line shall be drawn completely around each sheet, leaving a margin of two inches on the left, and one-half inch on each of the other three sides.
5. If more than two sheets are used, an index of the entire land division showing the arrangement of all sheets shall be included. Each shall be appropriately numbered.
6. All signatures placed on the final land division shall be original signatures written in permanent black ink.

C. Street Monuments. The surveyor preparing the land division shall submit a street monumentation plan to the public works department for approval prior to setting any permanent street monuments. The public works department shall determine the number and location of permanent control monuments in streets within and leading into the land division, if any. All street monuments shall conform to the standard specifications of the American Public Works Association.

D. Content.

1. The following information is required on the final land division map:
 - a. The plat, binding site plan or large lot subdivision title or short plat number, date, scale, north arrow, legend, controlling topography and existing features such as highways and railroads;
 - b. Legal description of the land division boundaries;
 - c. Reference points and lines of existing surveys identified, related to the land division as follows:
 - i. Adjoining corners of adjoining land divisions,
 - ii. City or county boundary lines when crossing or adjacent to the division,
 - iii. Section and donation land claim lines within and adjacent to the division,

- iv. Whenever any city or Thurston County has established the centerline of a street adjacent to or within the proposed division, the location of this line and monuments found or reset,
- v. All other monuments found or established in making the survey or required to be installed by provisions of this title,
- vi. The basis of bearing shall be shown and shall be the Tumwater coordinate system;
- d. The exact location and width of streets and easements intersecting the boundary of the tract;
- e. Tract, block and lot boundary lines and street rights-of-way and centerlines, with dimensions, bearings or deflection angles, radii, arcs, points of curvature, and tangent bearings. Tract boundaries, lot boundaries, and street bearings shall be shown to the nearest second with basis of bearings. All distances shall be shown to the nearest one-hundredth foot;
- f. The width of the portion of streets being dedicated, the width of any existing right-of-way, and the width of each side of the centerline. For streets on curvature, curve data shall be based on the street centerline. In addition to the centerline dimensions, the radius and central angle shall be indicated;
- g. Easements denoted by fine dashed lines, clearly identified and, if already of record, their recorded reference. The width of the easement, its length and bearings, and sufficient ties to locate the easement with respect to the land division must be shown. If the easement is being dedicated by the map, it shall be properly referenced in the owner's certificate of dedication;
- h. Lot numbers beginning with number "1" and numbered consecutively without omission or duplication throughout the division. The numbers shall be solid, of sufficient size and thickness to stand out and so placed as not to obliterate any figure. Lot numbers in an addition to a land division of the same name shall, where practical, be a continuation of the numbering of the original land division;
- i. Lot addresses shall be shown near the lot number and be enclosed in a distinct shape;
- j. Accurate outlines and designations of any areas to be dedicated or reserved for public use or to be committed for the common use of all property owners with the purpose of dedication, reservation and commitment to be clearly set forth on the land division document together with accurate references to appropriate recorded documents;
- k. All required dedications, endorsements, covenants, affidavits, and certificates shall show on the face of the final land division;
- l. The land division plan shall show the land division of the section or sections involved and show the township(s) and range(s); provided, that if the

land being divided is not described by section subdivision, the final land division map shall show a vicinity map showing monuments and land corners sufficient to properly orient the new land division;

m. Specific wording as may be required by the preliminary land division approval;

n. A land division contiguous to, or representing a portion of or all of the frontage of, a body of water, river or stream shall indicate the location of monuments, which shall be located at such distance above high-water mark as to reasonably ensure against damage and destruction by flooding or erosion;

o. Lots containing one acre or more shall show net acreage to nearest hundredth, whenever possible;

p. Designation of lots to be used for other than single-family residential purposes;

q. If the land division constitutes a replat of all or portions of an existing division, this shall be clearly indicated just below the division name. All original plat lines shall be shown in half-tone around the perimeter of the new land division.

2. Acknowledgments and Certificates. Acknowledgments and certificates required by this title shall be in language substantially indicated in the following subsections:

a. Dedications. The intention of the owner shall be evidenced by his/her presentation for filing of a final land division clearly showing the dedication thereof and bearing the following certificate signed by all real parties of interest:

Dedication Certificate:

Known to all ~~men~~ persons present that _____, the undersigned owner, in fee simple of the land hereby divided, and _____, the mortgagee thereof, hereby declare this land division and dedicate to the use of the public forever all streets, avenues, places and sewer easements or whatever public property there is shown on the division and the use for any and all public purposes not inconsistent with the use thereof for public highway purposes. Also, the right to make all necessary slopes for cuts and fills upon lots, blocks, tracts, etc. shown on this plat in the reasonable original grading of all the streets, avenues, places, etc. shown hereon. Also the right to drain all streets over and across any lot or lots where water might take a natural course after the street or streets are graded. Also, all claims for damage against any governmental authority are waived which may be occasioned

to the adjacent land by the established construction, drainage, and maintenance of said roads.

IN WITNESS WHEREOF we set our hands and seals this _____ day of _____, 20____

In the event that a waiver of right of direct access is included, then the certificate shall contain substantially the following additional language:

Access to _____ street from lots numbered _____ is hereby waived, and dedication to the public shall in no way be construed to permit a right of direct access to _____ street from lots numbered _____, nor shall the City of Tumwater or any other local governmental agency within which the property is or may become located ever be required to grant a permit to build or construct an access of approach to said street from said lots.

b. Acknowledgment.

STATE OF WASHINGTON)

) ss.

COUNTY OF THURSTON)

This is to certify that on this _____ day of _____, 20____, before me, the undersigned, a notary public, personally appeared _____, to me known to be the person(s) who executed the foregoing dedication and acknowledged to me that signed the same as free and voluntary act and deed for the uses and purposes therein mentioned.

Witness my hand and official seal the day and year first above-written.

(Seal)

NOTARY PUBLIC in and for the State of Washington,
residing at _____.

My commission expires: _____.

c. Restrictions. The following restrictions shall show on the face of the final land division:

- i. All landscaped areas in public rights-of-way and common areas shall be maintained by the adjacent property owner(s) or a homeowner association where the property is held in common, and their successor(s).

The city, at its discretion, may assume responsibility for maintenance of such landscaped areas for arterial and collector streets when necessary for city road purposes or for local commercial industrial and residential streets when the adjacent owner or homeowner association reimburses the city for maintenance expenses.

ii. Any additional conditions as approved by the staff.

iii. The following shall be required when the division contains a private street:

(A) The cost of construction and maintaining all streets not herein dedicated as public streets shall be the permanent obligation of all of the owners and any corporation in which title of the streets may be held.

iv. The following shall be required when the division contains commonly owned tracts:

(A) Community tracts, including stormwater facilities, shall be permanently owned and maintained in common for the benefit of all lot owners. All lots have an undivided interest in the ownership and maintenance of community areas. The ownership interest in each community tract shall be stated in the deed to each lot.

(B) A Stormwater Maintenance Agreement has been recorded for this property under Auditor's File #_____.

d. Certificate from Land Surveyor. The completed division must show a certificate from the land surveyor who platted the property, in substantially the following form:

I hereby certify that the Plat of _____, Binding Site Plan _____, Large Lot Subdivision of _____, or Short Plat #_____, of Section _____, Township _____, Range _____, W.M.; that the distances and courses shown thereon are correct; that the monuments have been set and lot and block corners staked on the ground.

e. Certificates of City Officers. The division shall also show the following certificates:

i. Certificate – Public Works Director.

Examined and approved this _____ day of _____
20____.

TUMWATER PUBLIC WORKS DIRECTOR

- ii. Certificate – Health Officer. If the land division includes one or more lots which require the use of on-site sewage disposal systems, the certificate of the health officer is required.

Examined and approved this _____ day of _____
20____.

HEALTH OFFICER

- iii. Certificate – Assessor.

Examined and approved this _____ day of _____
20____.

THURSTON COUNTY ASSESSOR

- iv. Certificate – Treasurer.

I hereby certify that all taxes on the land described
hereon have been fully paid to and including the year
_____.

THURSTON COUNTY TREASURER

- v. Certificate – Community Development Director.

Examined and approved this _____ day of _____ 20____.

TUMWATER DIRECTOR OF COMMUNITY
DEVELOPMENT

- vi. Certificate – Finance Director.

I hereby certify that all Local Improvement District
Assessments on the land described hereon have been fully
paid to and including the year _____.

FINANCE DIRECTOR
CITY OF TUMWATER

- vii. Certificate – County Auditor.

Filed for record at the request of _____ this _____ day
of _____, 20____, at _____ minutes past _____.m.,
and recorded in Volume _____ of Plats/short plats/Binding
Site Plans/Large Lot Subdivisions on page _____,
records of Thurston County, Washington.

THURSTON COUNTY AUDITOR

DEPUTY AUDITOR

3. The following supplemental information must be submitted with the final land division map:
- a. Mathematical boundary closures of the division showing the error of closure, if any. Calculations may be referenced to the Tumwater coordinate system;
 - b. The mathematical lot closures and street centerline closures and square footage of each parcel. Calculations may be referenced to the Tumwater coordinate system;
 - c. A certificate of title by a recognized title insurance company, dated not to exceed thirty days prior to submitting a land division for final approval, showing the names of all persons with a real or possessory interest in the property whose consent is necessary to dedicate streets and other easements shown upon said land division map;
 - d. Names, addresses and phone numbers of the owner, subdivider, engineer, planner, and/or surveyor;
 - e. A copy of any deed restrictions applicable to the division;
 - f. A copy of any dedication requiring separate documents;
 - g. A certificate by the public works department that the subdivider has complied with one of the following:
 - i. All improvements have been completed, inspected and approved by city staff; or
 - ii. An agreement and bond have been executed as provided for in TMC Chapter 17.18 to assure completion of required improvements;
 - h. A copy of any survey, deed or other document referenced on the face of the final land division map.

(Ord. O2020-003, Amended, 09/15/2020; Ord. O2018-007, Amended, 10/16/2018; Ord. O2017-022, Amended, 12/05/2017; Ord. O2011-002, Amended, 03/01/2011; Ord. O96-027, Amended, 10/15/1996; Ord. O96-004, Amended, 04/16/1996; Ord. 1308, Amended, 10/15/1991; Ord. 320, Added, 04/21/1953)

Section 2. Section 18.04.010 of the Tumwater Municipal Code is hereby amended to read as follows:

18.04.010 A definitions.

“A-board sign” or “sandwich board sign” means a portable sign consisting of two sign faces hinged at the top and separated at the bottom to make itself standing.

“Accessory building, structure, use” means the use of land, a subordinate building or structure, or a portion of a principal building or structure, such use being secondary or incidental to a permitted use, building, or structure.

“Accessory dwelling unit” means a dwelling unit that is an accessory use or structure subordinate to a single-family detached dwelling subject to the general land use regulations found in TMC 18.42.010.

“Accessory wireless communication antenna” means a ground mounted (freestanding) or building mounted (attached) antenna for the sole use of residents, patrons of a business, or other occupants of property for the original transmission or final reception of communications or data as an accessory to a permitted use on the property on which the antenna is located. Types of accessory wireless communication antennas include:

- A. “Category I (radio and television)” means “receive-only” radio and television antennas, or parabolic (“dish”) antennas not exceeding one meter (approximately thirty-nine and one-half inches) in diameter, usually supported by a single pole, post, or mast, with an antenna height not exceeding fifteen feet above grade for freestanding antennas or ten feet above the height of the building upon which mounted for attached antennas;
- B. “Category II (amateur radio antenna)” means “send and receive” citizen band radio antennas or similar antennas operated by a federally licensed amateur (“ham”) radio operator at a dwelling, with an antenna height not exceeding the maximum height for buildings on the property upon which the antenna is located, except as provided otherwise in TMC 11.20.070(F);
- C. “Category III (accessory mobile antenna device)” means an antenna including, but not limited to, mobile test antennas and global positioning satellite (GPS) equipment, or mobile radio or television antennas which are less than twelve inches in height or width, excluding the support structure; or
- D. “Category IV (minor telecommunications antenna)” means “send and receive” data transmission or communication antennas or parabolic (dish) antennas (other than Category I and II antennas) not exceeding one meter (approximately thirty-nine and one-half inches) in diameter, usually supported by a single pole, post, or mast, with an antenna height not exceeding fifteen feet above grade for freestanding antennas or the height of the building upon which mounted for attached antennas, and including small cell wireless facility antennas that meet the size requirements set forth in TMC Chapter 11.20.

Provided, however, that accessory wireless communications antennas or support structures shall be subject to the provisions of TMC Chapter 11.20, Wireless Communication Facilities, generally, and specifically to the location and landscaping requirements of TMC 11.20.070.

“Administrative official” means a duly appointed officer of the city or his appointed representative charged with the administration of building and occupancy permits, and for the interpretation and enforcement of this title.

“Adult family home” means the regular family abode of a person or persons who are providing personal care, room and board, under a license issued pursuant to RCW 70.128.060, to more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the services; except that a maximum of eight adults may be permitted if the Washington State Department of Social and Health Services determines that the home and the provider are capable of meeting standards and qualifications provided for by law (RCW 70.128.010).

“Advertising vehicle” means any vehicle or trailer placed on a public right-of-way, on public property, or on private property, having attached thereto or located thereon any sign or advertising device which advertises a product, business or service, or directs people to a business or activity located on the same or nearby property or any premises. This provision is not to be construed as prohibiting the identification of a firm or its principal products on a vehicle operated during the normal course of business. Franchised buses or taxis are specifically excluded from this definition.

“Agriculture” means the use of land for agricultural purposes, including farming, dairying, pasturage agriculture, horticulture, floriculture, viticulture, beekeeping, and animal and poultry husbandry and the necessary accessory uses for selling, packing, treating, or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary. The term “agriculture” shall not include the operation or maintenance of a commercial stockyard or feed lot.

“Airport fueling facility” means a centralized aviation fuel storage facility where aviation fuel is transferred to aboveground storage tanks and various types of aircraft are fueled.

“Alley” means a public or private way, at the rear or side of property, permanently reserved as a secondary means of vehicular or pedestrian access to a property. Alleys are not considered streets for the purpose of calculating setbacks.

“Alterations” means any repair, reconstruction, or improvement of a structure, the cost of which does not equal or exceed fifty percent of the market value of the structure.

“Amendment” means any change, modification, deletion, or addition to the wording, text, or substance of the zoning ordinance, or any modification, deletion or addition to the application of the zoning ordinance to property within the city, including any alteration in the boundaries of the zone when adopted by the city council.

“Animal clinic” or “animal hospital” means any medical facility except those designed and used for the care of human beings, maintained by or for the use of licensed veterinarians in the diagnosis, treatment, and prevention of animal diseases and ailments.

“Aquaculture” means activities relating to the fishing or harvesting of wild and planted fish stock for recreational and commercial purposes.

“Arcade” means a covered walk with shops along one side and a line of arches or columns on the other side.

“Articulation” means a design emphasis placed on a particular architectural feature through the use of one or more of the following: special details or materials; changes in building plane (recessed or extended from building surface); contrasting materials; or decorative artwork.

“Attached wireless communication facility” is a wireless communication facility that is affixed to an existing structure other than a wireless communication support structure. Examples of attached wireless communication facilities include antennas affixed to or erected upon existing buildings, water tanks, or other existing structures.

“Auto repair facilities” means any area of land, including the structures thereon, that is used for major auto repairs including, but not limited to, engine or transmission overhaul and replacement, collision services such as auto body and frame repair and painting, and the general servicing and replacement of parts. “Auto repair facilities” shall not include businesses, which exclusively perform minor servicing such as oil changes, car washes, tire installation services, stereo installation, etc.

“Automobile service station” means any area of land, including the structures thereon, that is used for the sale of gasoline or other motor fuels, oils, lubricants, and auto accessories, including but not limited to transmission and lube service, tire sales, electric vehicle charging stations, and car washes as an accessory use; and which may or may not include washing, lubricating, and other minor servicing as accessory uses with the exception of automobile body work.

“Automobile wrecking” means the dismantling or wrecking of used motor vehicles or the storage, sale or dumping of dismantled or wrecked vehicles or their parts. The presence on any lot or parcel of land of five or more motor vehicles, which for a period exceeding thirty days have not been capable of operating under their own power, and from which parts have been or are to be removed for reuse or sale, shall constitute prima facie evidence of an automobile wrecking yard.

“Aviation use” means any runway, taxiway, connector, apron or heliport designed for the landing and taking off of aircraft, transfer of passengers and/or cargo, surface access, and other support facilities typically associated with airports, including: hangars, control towers, communication and maintenance facilities, operations area, airport fueling facilities, fixed-based operators (FBO) and passenger and cargo terminals (including retail and eating and drinking establishments located within a terminal or FBO building).

“Awning” means a rigid structure affixed to a building that extends over windows, sidewalks, or doors.

“Awning, illuminated” means a structure affixed to a building that extends over windows, sidewalks, or doors, which is designed to be illuminated from within.

(Ord. O2021-019, Amended, 01/18/2022; Ord. O2020-005, Amended, 03/16/2021; Ord. O2018-025, Amended, 12/18/2018; Ord. O2017-007, Amended, 11/05/2018; Ord. O2018-007, Amended, 10/16/2018; Ord. O2017-022, Amended, 12/05/2017; Ord. O2017-014, Amended, 07/18/2017; Ord. O2013-013, Amended, 10/01/2013; Ord. O2010-029, Amended, 06/07/2011; Ord. O2008-017, Added, 10/21/2008; Ord. O2004-009, Added, 12/07/2004; Ord. O2002-019, Amended, 01/07/2003; Ord. O97-019, Added, 06/17/1997; Ord. O95-037, Added, 12/05/1995; Ord. O95-035, Amended, 12/19/1995; Ord. 1289, Added, 06/04/1991; Ord. 883, Added, 05/06/1984. Formerly 18.04.010 – 18.04.042)

Section 3. Section 18.04.090 of the Tumwater Municipal Code is hereby amended to read as follows:

18.04.090 I definitions.

“Imaginary surfaces” means the imaginary airspace designated by the Federal Aviation Administration and as defined in 14 C.F.R. Part 77 for the protection of the imaginary surfaces for the airport.

“Impervious surface” means a nonvegetated surface area that either prevents or impedes the entry of water into the soil mantle as under natural conditions prior to development. In addition, nonvegetated surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, rooftops, walkways, patios, driveways, parking lots or stormwater areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled, macadam or other surfaces, which similarly impede the natural infiltration of stormwater.

“Impound yards” means the private or public storage in a secure facility of a vehicle legally taken under RCW 46.55 for 30 days or less that does not involve the sale of vehicles and their parts.

“Inadvertent discovery” is unanticipated discovery of protected cultural material during ground-disturbing or other activities related to development.

“Indirect lighting” means a method of illuminating signs in which light shines onto the sign from a light source not visible from public view.

“Inflatable signs” means balloons or other gas-filled figures. For purposes of TMC Chapter 18.44, inflatable signs shall be treated as temporary signs.

“Inpatient facilities” means medical facilities offering assistance to persons suffering from substance abuse problems including but not limited to: intensive inpatient facilities; long-term residential drug treatment facilities; recovery house facilities and substance abuse facilities.

Interior Lot. See “lot, interior,” TMC 18.04.120.

“Ionizing radiation” means gamma rays and x-rays, alpha and beta particles, high-speed electrons, neutrons, protons, and other atomic or subatomic particles; but not sound or radio waves, or visible, infrared, or ultraviolet light.

(Ord. O2017-007, Amended, 11/05/2018; Ord. O2017-008, Amended, 09/05/2017; Ord. O2016-037, Amended, 01/03/2017; Ord. O2013-013, Amended, 10/01/2013; Ord. O2004-009, Amended, 12/07/2004; Ord. O95-035, Amended, 12/19/1995; Ord. 883, Added, 05/06/1984. Formerly 18.04.282 – 18.04.286)

Section 4. Section 18.04.150 of the Tumwater Municipal Code is hereby amended to read as follows:

18.04.150 O definitions.

“Obstruction” (stream) means any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, bridge conduit, culvert, building wire, fence, rock, gravel, refuse, fill, structure or matter in, along, across or projecting into any channel, watercourse, or regulatory flood hazard area which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water, or that is placed where the flow of water might carry the same downstream to the damage of life or property.

“Off-premises sign” means any sign used for the purpose of identifying or directing attention to a business, product, or service not located on the lot where such sign is displayed.

“Off-site hazardous waste treatment and storage facility” means a facility that treats and/or stores hazardous waste from generators on properties other than the property on which the off-site facility is located.

“On-site hazardous waste treatment and storage facility” means a facility that treats and/or stores hazardous waste from generators on the same, geographically contiguous or bordering property as the waste is generated.

“Open space” means unoccupied land that is open to the sky and which may or may not contain vegetation and landscaping structures. A cemetery shall not mean open space under this definition.

“Optometry clinic” means a health-care professional office concerned especially with examining the eye for defects and faults of refraction, with prescribing correctional lenses or eye exercises, with diagnosing diseases of the eye, and with treating such diseases or referring them for treatment.

“Overlay zone” means a secondary set of zoning regulations which is applied to a zoning district and shown on the zoning map, and subsequently imposed in addition to regulations of the underlying district. Developments within an overlay zone must conform to the requirements of both zones.

(Ord. O2017-007, Amended, 11/05/2018; Ord. O2013-013, Amended, 10/01/2013; Ord. O95-035, Amended, 12/19/1995; Ord. 1166, Added, 09/20/1988; Ord. 883, Added, 05/06/1984. Formerly 18.04.415 – 18.04.425)

Section 5. Section 18.04.160 of the Tumwater Municipal Code is hereby amended to read as follows:

18.04.160 P definitions.

Panhandle Lot. See “lot, panhandle,” TMC 18.04.120.

“Parapet” means a low protective wall along the edge of a roof or balcony.

“Parcel” means a tract or plot of land of any size, which may or may not be subdivided or improved.

“Park and ride facility” means a parking structure or surface parking lot intended primarily for use by persons riding transit or carpooling and that is owned or operated by either Intercity Transit or another entity with the concurrence of Intercity Transit.

“Parking lot” means an open area, other than a street or alley, whether privately or publicly owned, which is used for the parking of more than four automobiles and is available to the public.

“Parking space” means an area ~~which~~ that is improved, maintained, and used for the sole purpose of temporary accommodation of a motor vehicle, and having access to a public street or alley. (See Figure 18.50.060(A) for parking space design standards.)

“Parking structure” means a structure of two or more stories, whether privately or publicly owned, which is used for the parking of more than four automobiles.

“Pedestrian-oriented sign” means any sign intended to attract pedestrian traffic that is at a ninety-degree angle to the adjacent building face. The sign may either be suspended beneath a pedestrian weather protection structure or be attached to and project from the building wall.

“Pedestrian plaza or courtyard” means an area between a building or parking structure and a public right-of-way which promotes visual and pedestrian access onto the site and which provides pedestrian-oriented amenities and landscaping to enhance the public’s use of the space.

“Pennants” means any lightweight plastic, fabric, or other material, whether or not containing a message of any kind, suspended from a rope, wire, string, or other device, usually in series, designed to move in the wind.

“Pergola” means an open structure usually consisting of parallel colonnades supporting a roof of beams and crossing rafters or trellis work (similar to an arbor).

“Permanent supportive housing” means subsidized, leased housing with no limit on length of stay that prioritizes people who need comprehensive support services to retain tenancy and utilizes admissions practices designed to use lower barriers to entry than would be typical for other subsidized or unsubsidized rental housing, especially related to rental history, criminal history, and personal behaviors.

Permanent supportive housing is paired with on-site or off-site voluntary services

designed to support a person living with a complex and disabling behavioral health or physical health condition who was experiencing homelessness or was at imminent risk of homelessness prior to moving into housing to retain their housing and be a successful tenant in a housing arrangement, improve the resident's health status, and connect the resident of the housing with community-based health care, treatment, or employment services. Permanent supportive housing is subject to all of the rights and responsibilities defined in Chapter 59.18 RCW, Residential Landlord-Tenant Act.

"Permitted use" means any authorized use allowed alone or in conjunction with other uses in a specified zoning district and subject to the limitations of the regulations of such use district.

"Personal service" means a business which is neither the practice of a profession, nor dealing primarily with the sale of products as stock-in-trade on the premises. Product sales shall not occupy more than twenty-five percent of the gross floor area of the business. Such businesses include, but are not limited to, barber and beauty shops, tailoring, shoe repairing, photographic studios, tanning parlors, and pet grooming and obedience training.

"Planned unit development" means any development, whether residential, commercial, or industrial, which is approved and developed in accordance with the terms of this title.

"Point-of-purchase sign" means any exterior sign placed at the location of purchase.

"Precision instrument runway" means a runway that is designed to provide an approach path for exact alignment and descent of an aircraft on final approach using vertical and horizontal navigational aid equipment.

"Preschool/child care facility" means an activity which would regularly provide care, whether for compensation or not, to a group of four or more but less than twelve children, twelve years of age or under, who are not related to the occupant of the facility.

"Prisons and prerelease facilities" means a public facility for the incarceration of people convicted of felony crimes serving a court imposed sentence. This includes minimum security facilities which house inmates with less than three years remaining to serve who meet stringent public safety placement criteria established by the Department of Corrections, medium security facilities which have strict security standards including a fenced and patrolled perimeter, and high security facilities which offer the greatest level of security to minimize the potential for escape.

"Private clubs and lodges" means a building in which members of a community or association may gather for social, educational, or cultural activities.

"Private post-secondary education facility" means a privately owned facility that provides a curriculum of post-secondary academic instruction including technical schools, junior colleges, colleges, and universities.

“Profession” means an occupation which is distinguishable from other occupations by virtue of characteristics traditionally associated with its practice and/or with the conduct of the practitioner. A profession is the body of such qualified persons of one specific occupation or field. It conducts business on a client/appointment rather than customer/sales basis. A professional client relationship would stress the professional in an advisory and counseling rather than purely transacting role.

“Professional office” means an office used or suitable for use by a profession or professional having great skill in that particular profession and who receives compensation for the performance of that profession.

“Professional service” means a business which is operated by a profession or professional who receives compensation for the performance of that profession on an appointment/client basis rather than customer/sales basis. A professional client relationship would stress the professional in an advisory and counseling rather than purely transacting role. Such businesses include, but are not limited to, law firms, architecture and/or engineering firms, real estate agencies, mortgage brokerages, accounting firms, and insurance agencies.

“Public building” means any structure or facility owned or leased, and principally used by a governmental agency.

“Public facade” means any side of a commercial building having a doorway open for regular ingress and egress by customers. For purposes of determining sign size allowances on multiple tenant facilities having individual entrances for businesses, the “public facade” of a particular business shall mean that portion of the total public facade upon which the business has frontage.

“Public utility” means any person, firm or corporation, municipal department, board or commission, duly authorized to furnish to the public, under federal, state or municipal authority, services such as gas, steam, electricity, sewage disposal, water supply, communication or telegraph facilities.

(Ord. O2021-019, Amended, 01/18/2022; Ord. O2017-007, Amended, 11/05/2018; Ord. O2017-006, Amended, 07/18/2017; Ord. O2013-013, Amended, 10/01/2013; Ord. O2004-009, Amended, 12/07/2004; Ord. O2002-019, Amended, 01/07/2003; Ord. O2001-012, Amended, 03/19/2002; Ord. O98-009, Amended, 10/20/1998; Ord. O95-035, Amended, 12/19/1995; Ord. 1399, Added, 11/16/1993; Ord. 883, Added, 05/06/1984. Formerly 18.04.430 – 18.04.490)

Section 6. 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	<u>P</u>	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
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

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
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	
Permanent supportive housing	P	P	P	P	P	P	18.42.150
Planned unit developments		P	P	P	P	P	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			

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
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 ⁵⁶	P	P		18.16.050 (F)(1)(a)
Transitional housing	P	P	P	P	P	P	18.42.150
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

MFH = 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 on individual lots legally

established before or on April 15, 2021. ~~Such uses~~ Duplexes 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 on individual lots legally established before or on April 15, 2021. ~~Such uses~~ Duplexes 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.

(5) “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.

(O2021-019, Amended, 01/18/2022; Ord. 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 7. Section 18.07.020 of the Tumwater Municipal Code is hereby amended to read as follows:

18.07.020 Commercial zone districts permitted and conditional uses.

If there are any inconsistencies between Table 18.07.020 and the specific requirements in the underlying zoning district, the requirements in the underlying zoning district shall be followed.

TABLE 18.07.020

COMMERCIAL ZONE DISTRICTS PERMITTED AND CONDITIONAL USES

COMMERCIAL DISTRICTS Note: See Figure 18.23.020 for commercial uses allowed in the TC town center zone district; and Table 18.27.040 for commercial uses allowed in the BD brewery district zone	NC	CS	MU	CBC	GC	HC	TC ¹	Applicable Regulations
Adult family homes, residential care facilities	P	P	P	P	P	P	P	18.53
Animal clinics or hospitals	C		C	C	P			18.56
Appliance equipment repair/sales					P			
Attached wireless communication facilities	P	P	P		P		P	11.20
Auto repair facility					P			
Automobile service stations			C ²		P		C	18.56
Breweries, wineries, distilleries				P	P	P	P	
Centers for senior citizens, youth, general community and similar groups	P	P	P	P	P	P	P	
Child day care center	P	P	P	P	P	P	P	18.52
Child mini-day care center	P	P	P	P	P	P	P	18.52
Churches		C	C	P	P		C	18.56
Civic center complex		P	P	P	P		P	
Community center		P					P	
Community gardens	P	P	P	P	P	P	P	
Convalescent centers, rest homes, nursing homes			P	P	P			
Cottage housing			P					18.51
Crematories								
Dance clubs				P				18.21.030

COMMERCIAL DISTRICTS Note: See Figure 18.23.020 for commercial uses allowed in the TC town center zone district; and Table 18.27.040 for commercial uses allowed in the BD brewery district zone	NC	CS	MU	CBC	GC	HC	TC ¹	Applicable Regulations
Electric vehicle infrastructure	P	P	P	P	P	P	P	
Emergency communication towers or antennas		C	C		C		C	18.56
Emergency housing			P	P	P	P	P	18.42.150
Emergency shelter			P	P	P	P	P	18.42.150
Entertainment facility		P	P	P	P		P	
Equipment rental and sales facility					P			
Existing uses, legally established prior to adoption	P	P	P			P		
Family child care home	P	P	P	P	P	P	P	18.52
Farmers markets	P	P	P	P	P	P	P	
Fish hatcheries, associated appurtenances, and related interpretive centers						P		
Food truck or trailer courts	P	P	P	P	P	P	P	18.42.120
Food trucks or trailers	P	P	P	P	P	P	P	18.42.120
Freestanding wireless communication facilities		C	C		C			11.20; 18.56
Group foster homes	C	P	P	P	P		P	18.56
High-rise residential (five stories or more)				P	C			18.21
Inpatient facilities	C		C	C	C			18.56
Kennels					C			18.56
Library, museum, art gallery	P	P	P	P	P	P	P	
Manufacturing, assembly, processing and/or fabrication								

COMMERCIAL DISTRICTS Note: See Figure 18.23.020 for commercial uses allowed in the TC town center zone district; and Table 18.27.040 for commercial uses allowed in the BD brewery district zone	NC	CS	MU	CBC	GC	HC	TC ¹	Applicable Regulations
activities entirely within a building and ancillary to primary office use (less than 25 percent of building)								
Marijuana retailer				P	P			18.42.080
Medical clinics	P		P	P	P		P	
Mental health facilities	C		C	C	C			18.56
Mini-storage					C			18.56
Mixed use structures	P ³		P	P	P		P	
Motels, hotels			P	P	P	P	P	
Motor vehicle sales facilities					P			18.42.090
Motorsports sales facility					P			18.22.020
Movie theaters, playhouses and similar performance and assembly facilities				P	P		P	
Multifamily dwellings			P			P		
Multifamily dwellings (three or four stories)					P			18.22.020
Nurseries, retail			P	C	P			18.56; 18.21.050
Offices	P	P	P	P	P	P	P	
<u>Optometry clinics</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
Parcel delivery facility		P						
Park and ride lots		P	C	P	P			18.56; 18.21.030(DD)
Parking lots, parking structures		P	C	P & C	P	P	P	18.19.020(R); 18.56;

COMMERCIAL DISTRICTS Note: See Figure 18.23.020 for commercial uses allowed in the TC town center zone district; and Table 18.27.040 for commercial uses allowed in the BD brewery district zone	NC	CS	MU	CBC	GC	HC	TC ¹	Applicable Regulations
								18.21.030; 18.21.050
Parks and open space areas	P	P	P	P	P	P	P	
Permanent supportive housing	P	P	P	P	P	P	P	18.42.150
Personal and professional services	<u>P</u>	P	P	P	P	P	P	
Personal and professional services or sales	<u>P</u>						<u>P</u>	
Planned unit developments	P	P	P	P	P		P	18.36
Post office	P	P	P	P	P	P	P	
Prisons, jails and other correctional facilities		C			C			18.56
Private clubs and lodges		C	P	P	P		P & C	18.56
Private post-secondary educational facilities				C	C			
<u>Professional services</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
Recreational facilities	P ⁴	P	P	P	P	P	P	
Recreational vehicle park					P			
Residential uses	P ⁵		P	P			P	18.20.030; 18.21.060; 18.23.020
Restaurants		P	P ⁶	P	P	P	P	
Restaurants (without drive-in windows)	P ⁷		P ⁸				P	
Retail sales			P	P	P	P	P	

COMMERCIAL DISTRICTS Note: See Figure 18.23.020 for commercial uses allowed in the TC town center zone district; and Table 18.27.040 for commercial uses allowed in the BD brewery district zone	NC	CS	MU	CBC	GC	HC	TC ¹	Applicable Regulations
Retail sales (no more than 3,000 square feet) (6:00 a.m. – 10:00 p.m.)	P						P	
Retail sales (no more than 3,000 square feet) (10:00 p.m. – 6:00 a.m.)	C						P	18.56
Retail sales (no more than 15,000 square feet)		P					P	
Riding academies					P			
Schools	C	P	C	P	C ⁹	P	P	18.56
Senior housing facilities, assisted	C		P	P	P		P	18.56
Senior housing facilities, independent	P		P	P	P		P	
Sewage treatment facilities								18.56
State education facilities		C	C	C	C		C	18.56
Support facilities	P	P	P	P	P	P	P	
Taverns, cocktail lounges	C ¹⁰	P	P	P	P	P	P	
Temporary expansions of schools, such as portable classrooms	P	P	P	P	P	P	P	
Transitional housing	P	P	P	P	P	P	P	18.42.150
Transportation facilities, large scale state or regional		C			C			18.56
Transportation terminals					C		C	18.56
Used motor oil recycling collection point			P		P			

COMMERCIAL DISTRICTS Note: See Figure 18.23.020 for commercial uses allowed in the TC town center zone district; and Table 18.27.040 for commercial uses allowed in the BD brewery district zone	NC	CS	MU	CBC	GC	HC	TC ¹	Applicable Regulations
Wholesaling, manufacturing, assembling, repairing, fabricating, or other handling of products and equipment entirely within a building						P		
Wildlife refuges and forest preserves		P				P		

LEGEND

P = Permitted Use

C = Conditional Use

NC = Neighborhood Commercial

CS = Community Services

MU = Mixed Use

CBC = Capitol Boulevard Community

GC = General Commercial

HC = Historic Commercial

TC = Town Center

Table 18.07.020 Footnotes:

- (1) See TMC 18.23.020 for specific requirements for uses in the Town Center subdistricts.
- (2) Automobile service stations are a conditional use for all parcels in the mixed use (MU) zone district in the city, except for those parcels in the mixed use (MU) zone district located on the north side of Israel Road SW between Littlerock Road SW and Tyee Drive SW where the use is prohibited.
- (3) Mixed use structures subject to the size limitations for individual uses and TMC 18.18.050(D) and the density requirements for residential use in the neighborhood commercial (NC) zone district.

- (4) Recreational facilities occupying no more than three thousand square feet in floor area in the neighborhood commercial (NC) zone district.
- (5) Multifamily residential use as part of a mixed use development is allowed with a minimum density of four dwelling units per net acre and a maximum density of eight dwelling units per net acre, which is calculated by averaging the densities of all of the different types of housing provided within the development in accordance with TMC 18.14.050(B), excluding the area of the building and parking associated with the commercial development.
- (6) Restaurants are a permitted use for all parcels in the mixed use (MU) zone district in the city, except for those parcels in the mixed use (MU) zone district located on the north side of Israel Road SW between Littlerock Road SW and Tyee Drive SW. In that location, restaurants without drive-through windows are allowed, but restaurants with drive-through windows are prohibited.
- (7) Restaurants without drive-in windows occupying no more than three thousand square feet in floor area and drive-through espresso stands/coffee shops occupying no more than five hundred square feet in floor area in the neighborhood commercial (NC) zone district.
- (8) Restaurants (without drive-through windows) are a permitted use for those parcels in the mixed use (MU) zone district located on the north side of Israel Road SW between Littlerock Road SW and Tyee Drive SW.
- (9) Except temporary expansions of schools, such as portable classrooms.
- (10) Taverns, cocktail lounges occupying no more than three thousand square feet in floor area in the neighborhood commercial (NC) zone district.

Table 18.07.020 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.

(O2021-019, Amended, 01/18/2022; Ord. O2020-005, Amended, 03/16/2021; Ord. O2019-020, Amended, 11/19/2019; Ord. O2018-029, Amended, 01/15/2019; Ord. O2018-025, Amended, 12/18/2018; Ord. O2017-023, Amended, 07/17/2018; Ord. O2017-024, Amended, 01/16/2018; Ord. O2017-017, Amended, 09/19/2017; Ord. O2017-006, Added, 07/18/2017)

Section 8. 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	
Emergency communication towers or antennas	C	C	C	18.56
Emergency housing			P	18.42.150
Emergency shelter			P	18.42.150

INDUSTRIAL DISTRICTS Note: See Table 18.27.040 for industrial uses allowed in the BD brewery district zone	LI	HI	ARI	Applicable Regulations
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	
<u>Impound yards</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>18.56</u>
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
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
<u>Optometry clinics</u>	<u>P</u>		<u>P</u>	
Park and ride facilities	P	P	P	
Parks, open space areas and recreational facilities	P	C	P	18.56

INDUSTRIAL DISTRICTS Note: See Table 18.27.040 for industrial uses allowed in the BD brewery district zone	LI	HI	ARI	Applicable Regulations
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
<u>Professional services</u>	<u>P</u>		<u>P</u>	
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 servicing activities which are permitted in the same zoning district		P	P	
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	

INDUSTRIAL DISTRICTS Note: See Table 18.27.040 for industrial uses allowed in the BD brewery district zone	LI	HI	ARI	Applicable Regulations
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	
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 9. Section 18.07.040 of the Tumwater Municipal Code is hereby amended to read as follows:

18.07.040 Greenbelt/open space zone districts permitted and conditional uses.

If there are any inconsistencies between Table 18.07.040 and the specific requirements in the underlying zoning district, the requirements in the underlying zoning district shall be followed.

**TABLE 18.07.040
GREENBELT/OPEN SPACE ZONE DISTRICTS PERMITTED AND
CONDITIONAL USES**

GREENBELT/OPEN SPACE DISTRICTS	GB	OS	Applicable Regulations
<u>Adult family homes and residential care facilities in a residence existing prior to January 1, 1996</u>		<u>P</u>	<u>18.53</u>
<u>Adult family homes and residential care facilities in a residence existing prior to the adoption of TMC Chapter 18.30</u>	<u>P</u>		<u>18.53</u>
<u>Adult family homes and residential care facilities in a single-family residence located outside of the one-hundred-year floodplain on a parcel no smaller than five acres</u>	<u>C</u>	<u>C</u>	<u>18.53</u>

GREENBELT/OPEN SPACE DISTRICTS	GB	OS	Applicable Regulations
Agricultural uses subject to the requirements of TMC Chapter 16.08 and the drainage design and erosion control manual for Tumwater	P	P	16.08
Camp facilities		P	
Campgrounds, recreational vehicle parks		C	
Cemeteries, located outside of the one-hundred-year floodplain, subject to the standards in TMC Chapter 18.56		P	18.56
Community gardens		P	
Farmers markets		P	
Fish hatcheries, associated appurtenances, and related interpretive centers		P	
Food trucks or trailers		P	18.42.120
Golf courses		P	
Parks and other related active and passive recreation facilities		P	
Passive recreation facilities	P		
Permanent supportive housing in a residence existing prior to January 1, 1996		P	18.42.150
Permanent supportive housing in a residence existing prior to the adoption of TMC Chapter 18.30	P		18.30; 18.42.150
Permanent supportive housing in a single-family residence located outside of the one-hundred-year floodplain on a parcel no smaller than five acres	C	C	18.42.150; 18.56
Residences existing prior to January 1, 1996		P	
Residences existing prior to the adoption of TMC Chapter 18.30	P		18.30
Single-family residence located outside of the one-hundred-year floodplain on a parcel no smaller than five acres	C	C	
Structures as an accessory use to agricultural uses	C		

GREENBELT/OPEN SPACE DISTRICTS	GB	OS	Applicable Regulations
Support facilities		P	
Temporary research and education facilities related to water-dependent wetland oriented research and education	P		
Trails	P		
Transitional housing in a residence existing prior to January 1, 1996		P	18.42.150
Transitional housing in a residence existing prior to the adoption of TMC Chapter 18.30	P		18.30; 18.42.150
Transitional housing in a single-family residence located outside of the one-hundred-year floodplain on a parcel no smaller than five acres	C	C	18.42.150; 18.56
Utility support facilities	P		
Wells and wellfields	P		
Wildlife and nature preserves	P	P	

LEGEND

P = Permitted Use

C = Conditional Use

GB = Greenbelt

OS = Open Space

Table 18.07.040 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.

(O2021-019, Amended, 01/18/2022; Ord. O2019-020, Amended, 11/19/2019; Ord. O2017-006, Added, 07/18/2017)

Section 10. Section 18.08.020 of the Tumwater Municipal Code is hereby amended to read as follows:

18.08.020 Permitted uses.

Permitted uses in the RSR zone district are as follows:

- A. Single-family detached dwellings;

- B. Duplexes are allowed on individual lots legally established before or on April 15, 2021. Duplexes. ~~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;
- C. Cottage housing;
- D. Designated manufactured homes on single lots of record, in accordance with the provisions of TMC Chapter 18.48;
- E. Parks, trails, open space areas, and other related passive recreation facilities;
- F. Wildlife refuges and forest preserves;
- G. Support facilities;
- H. Family child care home; child mini-day care center, subject to TMC Chapter 18.52;
- I. Adult family homes, residential care facilities;
- J. The housing, care and keeping of animals consistent with the requirements of TMC Chapter 6.08;
- K. Agriculture up to thirty acres in size, subject to TMC 18.42.070;
- L. Attached wireless communication facilities, except that it is prohibited to attach a nonaccessory wireless communication antenna on a single-family or two-family dwelling*;
- M. Community gardens;
- N. Permanent supportive housing, subject to TMC 18.42.150;
- O. 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. O2017-022, Amended, 12/05/2017; Ord. O2017-006, Amended, 07/18/2017; Ord. O2010-029, Amended, 06/07/2011; Ord. O2011-002, Amended, 03/01/2011; Ord. O2005-011, Amended, 07/05/2005; Ord. O2000-004, Amended, 07/18/2000; Ord. O97-019, Amended, 06/17/1997; Ord. O95-035, Amended, 12/19/1995; Ord. O95-014, Added, 07/18/1995)

Section 11. Section 18.08.050 of the Tumwater Municipal Code is hereby amended to read as follows:

18.08.050 Development standards.

Development in the RSR zone district must meet the following requirements:

A. Site Area. All land divisions are subject to the lot size provisions of this section; provided, that all land divisions must meet the following density requirements:

1. Minimum: two dwelling units per acre;
 - a. In situations where density requirements and lot size, shape, topography, or location result in a subdivision that cannot possibly meet the density requirements, a reduction in minimum density (i.e., an increase in maximum lot size) may be granted by the community development director if all of the following criteria can be met:
 - i. The lot to be subdivided must be less than or equal to one-half acre in total area.
 - ii. The reduction in minimum density may not result in more than one additional single-family dwelling.
 - iii. The reduction in density will not result in a density that is less than eighty-five percent of the minimum density required in the applicable zoning district.
 - iv. The conditions unique to the site (size, shape, topography, etc.) are not the result of actions by the applicant.
 - v. In no event may a reduction in density be granted if it would result in a use that would not be allowed as a permitted use, accessory use, or conditional use in the district in which the property is located.
2. Maximum: four dwelling units per acre, or if a land division is subject to the clustering provisions of subsection E of this section and not subject to the wetland protection standards of TMC Chapter 16.28, the maximum density shall be no greater than one hundred twenty-five percent of the maximum density that would otherwise be allowed.

B. Density Calculation. The calculation of the density requirements in subsection A of this section is based on the portion of the site that contains lots devoted to residential and associated uses (e.g., dwelling units; private community clubs; stormwater detention, treatment and infiltration). The following land is excluded from density calculations:

1. Land that is required to be set aside for public use as open space, right-of-way, or land on which development is prohibited by TMC Title 16, Environment, and land that is to be used for private roads; provided, that portion of park and open space areas that consists of stormwater facilities and that is designed for active and/or passive recreational purposes in accordance with the drainage

design and erosion control manual for Tumwater shall not be excluded from density calculations;

2. Land that is intended for future phases of development created in accordance with TMC 18.08.060;
3. Land that consists of lots devoted to uses other than residential and associated uses, including but not limited to churches, schools, and support facilities (except for stormwater detention, treatment, and infiltration facilities).

C. Division of Land Not on Public Sanitary Sewer. Division of land in areas without sewer must occur in a manner that maintains long-term potential to achieve minimum required densities and efficient provision of sewer once sewer becomes available. For a proposed division of land not required to be served by the extension of public sewer or a community septic system at the time of approval, a conversion plan shall be submitted in accordance with TMC 18.08.060 for the entire property, and the proposed land division shall be subject to the following:

1. For land division of an existing lot of record created prior to September 15, 1998:
 - a. Any division creating two lots shall not be subject to the minimum density requirements of subsection A of this section, provided one of the lots created is at least five acres in size. A note must be included on the recorded land division that future land divisions shall meet minimum density requirements of subsection A of this section in each phase of development.
 - b. Any division creating more than two lots shall meet the minimum density requirements of subsection A of this section in each phase of development.

D. Lot Size Requirements.

1. Maximum: no maximum lot size;
2. Minimum: nine thousand five hundred square feet, or if a land division is subject to the clustering provisions of subsection E of this section or the wetland protection standards of TMC Chapter 16.28, the minimum lot size shall be seven thousand six hundred square feet;
3. In the event that the minimum lot size provisions above make it impossible to achieve the minimum density permitted under subsection A of this section, one or more lots may be reduced in size by up to ten percent. This provision may be applied only to the minimum number of lots necessary to allow the minimum density to be achieved.

E. Clustered Subdivision. Any site in this zone district may be subdivided as a clustered subdivision, subject to the following:

1. The portion of the site set aside for open space use shall be at least thirty percent of the area of the entire site;

2. At least one-half of the area set aside for open space shall be useful for passive recreational purposes;
3. The area set aside for open space shall be located so as to include environmentally sensitive areas (e.g., wetlands, riparian areas) to the maximum extent possible;
4. The clustered subdivision must meet all other provisions of this chapter.

F. Lots Located Adjacent to a Wetland. Lots located adjacent to a wetland and/or wetland buffer shall be as large as practicable within the allowances of this section and the physical conditions of the site.

G. Lot coverage, impervious surface:

1. The maximum impervious surface for lots smaller than one acre in size shall be forty percent of the total area of the lot or seven thousand five hundred square feet, whichever is less.
2. The maximum impervious surface for lots between one acre and twenty acres in size shall be in accordance with Table 18.08.050, rounded to the nearest acre.

TABLE 18.08.050 LOT COVERAGE, IMPERVIOUS SURFACE

Acres	Max Impervious Surface (in Sq. Ft.)
1.00	9,500
2.00	11,500
3.00	13,500
4.00	15,500
5.00	18,500
6.00	21,500
7.00	24,500
8.00	27,500
9.00	30,500
10.00	33,500
11.00	36,500
12.00	39,500
13.00	42,500
14.00	45,500
15.00	48,500

Acres	Max Impervious Surface (in Sq. Ft.)
16.00	51,500
17.00	54,500
18.00	57,500
19.00	60,500
20.00	63,500

3. The maximum impervious surface for lots larger than twenty acres in size shall be sixty-three thousand five hundred square feet plus an additional three thousand square feet for every additional acre in lot size, rounded to the nearest acre.

H. Structure height: thirty-five feet, maximum; provided, however, that no structure shall penetrate imaginary airspace surfaces as defined by 14 C.F.R. Part 77. A map that provides detailed information on ground and imaginary airspace surface elevations is available for inspection in the community development department.

I. Yards.*

1. For lots less than nine thousand five hundred square feet in area, yards shall be as follows:

- a. Front: twenty feet minimum from frontage property line on streets interior to a development, twenty-five feet minimum from frontage property line on streets classified in the Tumwater transportation plan as urban collectors, minor arterials, and major arterials;
- b. Side: seven and one-half feet from property line, minimum;
- c. Rear: ten feet, minimum, from rear property line; twenty-five feet minimum from rear property line abutting streets classified in the Tumwater transportation plan as urban collectors, minor arterials, and major arterials. Exception: Storage, garden, and tool sheds two hundred square feet in area or less, and residential mechanical equipment may be located a minimum of ten five feet from the property line.

2. For lots greater than or equal to nine thousand five hundred square feet in area, yards shall be as follows:

- a. Front: twenty feet minimum from frontage property line on streets interior to a development, twenty-five feet minimum from frontage property line on streets classified in the Tumwater transportation plan as urban collectors, minor arterials, and major arterials;
- b. Side: ten feet from property line, minimum;

c. Rear: twenty feet, minimum, from rear property line; twenty-five feet minimum from rear property line abutting streets classified in the Tumwater transportation plan as urban collectors, minor arterials, and major arterials. Exception: Storage, garden, and tool sheds two hundred square feet in area or less, and residential mechanical equipment, may be located a minimum of ten feet from the property line.

J. Yards Exception. Any side or rear yard, not abutting on a public or private street, may be reduced to zero, provided:

1. That the yard area reduced by this procedure is added to the required setback on the opposite side of the site;
2. The opposite side yard setback is no less than ten feet after the yard area has been added as described in subsection (J)(1) of this section;
3. Where zero yard setback is used, the abutting site must be held under the same ownership at the time of initial construction or the owners of the abutting property(ies) record agreements or deed restrictions providing maintenance access and consent in writing to such zero yard setback;
4. The adjacent setback for such abutting property(ies) is not less than ten feet.

K. Planned Unit Developments. No development in this zone district shall be permitted using the planned unit development provisions of TMC Chapter 18.36.

L. Park and Open Space Area. A new subdivision in this zone district shall set aside land for park and open space area as specified in TMC 17.12.210 and the citywide design guidelines.

*See Diagram 18.04.670, Yard Determination Diagram, in TMC 18.04.230, Y definitions.

(Ord. O2020-015, Amended, 02/16/2021; Ord. O2018-007, Amended, 10/16/2018; Ord. O2017-003, Amended, 04/18/2017; Ord. O2016-037, Amended, 01/03/2017; Ord. O2011-002, Amended, 03/01/2011; Ord. O2004-009, Amended, 12/07/2004; Ord. O2000-004, Amended, 07/18/2000; Ord. O98-009, Amended, 10/20/1998; Ord. O98-001, Amended, 09/15/1998; Ord. O97-025, Amended, 12/02/1997; Ord. O96-022, Amended, 12/17/1996; Ord. O95-035, Amended, 12/19/1995; Ord. O95-014, Added, 07/18/1995)

Section 12. Section 18.10.020 of the Tumwater Municipal Code is hereby amended to read as follows:

18.10.020 Permitted uses.

Permitted uses in the SFL district are as follows:

- A. Single-family detached dwellings;
- B. Cottage housing;

- C. Designated manufactured homes on single lots of record, in accordance with the provisions of TMC Chapter 18.48;
- D. Parks, trails, open space areas, and recreational facilities;
- E. Support facilities;
- F. Planned unit developments;
- G. Family child care home; child mini-day care center, subject to TMC Chapter 18.52;
- H. Adult family homes, residential care facilities;
- I. Duplexes are allowed on individual lots legally established before or on April 15, 2021. Duplexes. ~~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;
- J. Attached wireless communication facilities, except that it is prohibited to attach a nonaccessory wireless communication antenna on a single-family or two-family dwelling;*
- K. Agriculture up to thirty acres in size, subject to TMC 18.42.070;
- L. Community gardens;
- M. The housing, care and keeping of animals consistent with the requirements of TMC Chapter 6.08;
- N. Wildlife refuges and forest preserves;
- O. Permanent supportive housing, subject to TMC 18.42.150;
- P. 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. O2005-011, Amended, 07/05/2005; Ord. O2000-004, Amended, 07/18/2000; Ord. O97-019, Amended, 06/17/1997; Ord. O95-035, Added, 12/19/1995)

Section 13. Section 18.10.050 of the Tumwater Municipal Code is hereby amended to read as follows:

18.10.050 Development standards.

Development in the SFL zone district must meet the following requirements:

A. Site Area. All land divisions are subject to the lot size provisions of this section; provided, that all land divisions must meet the following density requirements:

1. Minimum: four dwelling units per acre.
 - a. In situations where density requirements and lot size, shape, topography, or location result in a subdivision that cannot possibly meet the density requirements, a reduction in minimum density (i.e., an increase in maximum lot size) may be granted by the community development director if all of the following criteria can be met:
 - i. The lot to be subdivided must be less than or equal to three-fourths acre in total area.
 - ii. The reduction in minimum density may not result in more than one additional single-family dwelling. The reduction in density will not result in a density that is less than eighty-five percent of the minimum density required in the applicable zoning district.
 - iii. The conditions unique to the site (size, shape, topography, etc.) are not the result of actions by the applicant.
 - iv. In no event may a reduction in density be granted if it would result in a use that would not be allowed as a permitted use, accessory use, or conditional use in the district in which the property is located.
2. Maximum: seven dwelling units per acre, except that any density greater than six dwelling units per acre shall be obtained only by purchase of transfer of development rights in accordance with TMC Chapter 18.57. Provided, if a land division is subject to the clustering provisions of subsection E of this section and not subject to the wetland protection standards of TMC Chapter 16.28, the maximum density shall be no greater than one hundred twenty-five percent of the maximum density that would otherwise be allowed.

B. Density Calculation. The calculation of the density requirements in subsection A of this section is based on the portion of the site that contains lots devoted to residential and associated uses (e.g., dwelling units; private community clubs; stormwater detention, treatment and infiltration). The following land is excluded from density calculations:

1. Land that is required to be set aside for public use as open space, right-of-way, or land on which development is prohibited by TMC Title 16, Environment, and land that is to be used for private roads. Provided, that portion of park and open space areas that consists of stormwater facilities and that is designed for

active and/or passive recreational purposes in accordance with the drainage design and erosion control manual for Tumwater shall not be excluded from density calculations.

2. Land that is intended for future phases of development created in accordance with TMC 18.10.060.
3. Land that consists of lots devoted to uses other than residential and associated uses, including but not limited to churches, schools, and support facilities (except for stormwater detention, treatment, and infiltration facilities).

C. Division of Land Not on Public Sanitary Sewer. Division of land in areas without sewer must occur in a manner that maintains long-term potential to achieve minimum required densities and efficient provision of sewer once sewer becomes available. For a proposed division of land not required to be served by the extension of public sewer at the time of approval, a conversion plan shall be submitted in accordance with TMC 18.10.060 for the entire property, and the proposed land division shall be subject to the following:

1. For land division of an existing lot of record created prior to September 15, 1998:
 - a. Any division creating two lots shall not be subject to the minimum density requirements of subsection A of this section, provided one of the lots created is at least five acres in size. A note must be included on the recorded land division that future land divisions shall meet minimum density requirements of subsection A of this section in each phase of development.
 - b. Any division creating more than two lots shall meet the minimum density requirements of subsection A of this section in each phase of development.

D. Lot Size Requirements.

1. Maximum: none;
2. Minimum: three thousand two hundred square feet;
3. Lot width: fifty feet, minimum, except if there is an alley located adjacent to a side property line the minimum lot width shall be forty feet.

E. Clustered Subdivision. Any site in this zone district may be subdivided as a clustered subdivision; provided, that a clustered subdivision must meet all other provisions of this chapter and the following criteria:

1. Cluster subdivision shall not be allowed in subdivisions containing less than five acres.
2. Cluster subdivision shall meet the overall density requirements as set forth in this chapter.

3. For the purposes of this chapter, the minimum lot size for the SFL zone district shall be divided into the gross area of land being subdivided to ascertain the total number of lots that will be allowed by this procedure.

4. Individual lot sizes may be reduced by no more than twenty-five percent of the minimum lot size of the SFL zone district.

5. All such lot reductions shall be compensated for by an equivalent amount of land area in open space to be preserved and maintained for recreation or conservation purposes.

6. Individual lot depth and width requirements in the SFL zone district may be reduced by not more than twenty percent.

7. All other development regulations and use limitations remain in full force and effect.

F. Lots Located Adjacent to a Wetland. Lots located adjacent to a wetland and/or wetland buffer shall be encouraged to be as large as practicable within the allowances of this section and the physical conditions of the site.

G. Lot coverage, maximum impervious surface: sixty percent of total area of the lot.

H. Structure height: thirty-five feet, maximum; provided, however, that no structure shall penetrate imaginary airspace surfaces as defined by 14 C.F.R. Part 77. A map that provides detailed information on ground and imaginary airspace surface elevations is available for inspection in the community development department.

I. Yards.*

1. Front: ten feet minimum from frontage property line.

a. Driveways in front yards of single-family dwellings and duplexes must be a minimum of eighteen feet in length as measured along the shortest edge of the driveway starting from the front property line;

2. Side: five feet from property line, minimum;

3. Rear: twenty feet from property line, minimum. Exceptions: Structures on existing lots of record with rear structural setbacks or rear yards between five and twenty feet shall be considered conforming. Accessory dwelling units may be located a minimum of five feet from property line. Storage, garden, or tool sheds two hundred square feet or less in area, and residential mechanical equipment may be located a minimum of five feet from property line.

J. Yards Exception. Any side or rear yard, not abutting on a public or private street, may be reduced to zero, provided:

1. That the yard area reduced by this procedure is added to the required setback on the opposite side of the site;

2. The opposite side yard setback is no less than ten feet after the yard area has been added as described in subsection (J)(1) of this section;
3. Where zero yard setback is used, the abutting site must be held under the same ownership at the time of initial construction or the owners of the abutting property(ies) record agreements or deed restrictions providing maintenance access and consent in writing to such zero yard setback;
4. The adjacent setback for such abutting property(ies) is not less than ten feet.

K. Park and Open Space Area. A new subdivision in this zone district shall set aside land for park and open space area as specified in TMC 17.12.210 and the citywide design guidelines.

*See Diagram 18.04.670, Yard Determination Diagram, in TMC 18.04.230, Y definitions.

(Ord. O2020-005, Amended, 03/16/2021; Ord. O2020-015, Amended, 02/16/2021; Ord. O2020-003, Amended, 09/15/2020; Ord. O2018-007, Amended, 10/16/2018; Ord. O2017-022, Amended, 12/05/2017; Ord. O2016-037, Amended, 01/03/2017; Ord. O2011-002, Amended, 03/01/2011; Ord. O2008-017, Amended, 10/21/2008; Ord. O2004-009, Amended, 12/07/2004; Ord. O2000-004, Amended, 07/18/2000; Ord. O98-009, Amended, 10/20/1998; Ord. O98-001, Amended, 09/15/1998; Ord. O96-022, Amended, 12/17/1996; Ord. O95-035, Added, 12/19/1995)

Section 14. Section 18.12.020 of the Tumwater Municipal Code is hereby amended to read as follows:

18.12.020 Permitted uses.

Permitted uses in the SFM district are as follows:

- A. Single-family detached dwellings;
- B. Townhouses and rowhouses, within a residential planned unit development;
- C. Duplexes are allowed on individual lots legally established before or on April 15, 2021. Duplexes ~~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;
- D. Cottage housing;
- E. Designated manufactured homes on single lots of record, in accordance with the provisions of TMC Chapter 18.48;
- F. Parks, trails, open space areas, and recreational facilities;
- G. Support facilities;
- H. Planned unit developments;

- I. Family child care home; child mini-day care center, subject to TMC Chapter 18.52;
- J. Adult family homes, residential care facilities;
- K. Attached wireless communication facilities, except that it is prohibited to attach a nonaccessory wireless communication antenna on a single-family or two-family dwelling;*
- L. Agriculture up to thirty acres in size, subject to TMC 18.42.070;
- M. Community gardens;
- N. The housing, care and keeping of animals consistent with the requirements of TMC Chapter 6.08;
- O. Wildlife refuges and forest preserves;
- P. Permanent supportive housing, subject to TMC 18.42.150;
- Q. 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. O2005-011, Amended, 07/05/2005; Ord. O2000-004, Amended, 07/18/2000; Ord. O98-009, Amended, 10/20/1998; Ord. O97-019, Amended, 06/17/1997; Ord. O95-035, Added, 12/19/1995)

Section 15. Section 18.12.050 of the Tumwater Municipal Code is hereby amended to read as follows:

18.12.050 Development standards.

Development in the SFM zone district must meet the following requirements:

- A. Site Area. All land divisions are subject to the lot size provisions of this section; provided, that all land divisions must meet the following density requirements:
 - 1. Minimum: six dwelling units per acre:
 - a. In situations where density requirements and lot size, shape, topography, or location result in a subdivision that cannot possibly meet the density requirements, a reduction in minimum density (i.e., an increase in maximum lot size) may be granted by the community development director if all of the following criteria can be met:
 - i. The lot to be subdivided must be less than or equal to one-half acre in total area.

- ii. The reduction in minimum density may not result in more than one additional single-family dwelling.
- iii. The reduction in density will not result in a density that is less than eighty-five percent of the minimum density required in the applicable zoning district.
- iv. The conditions unique to the site (size, shape, topography, etc.) are not the result of actions by the applicant.
- v. In no event may a reduction in density be granted if it would result in a use that would not be allowed as a permitted use, accessory use, or conditional use in the district in which the property is located.

2. Maximum: nine dwelling units per acre, except that any density greater than eight dwelling units per acre shall be obtained only by purchase of transfer of development rights in accordance with TMC Chapter 18.57. Provided, if a land division is subject to the clustering provisions of subsection E of this section and not subject to the wetland protection standards of TMC Chapter 16.28, the maximum density shall be no greater than one hundred twenty-five percent of the maximum density that would otherwise be allowed.

B. Density Calculation. The calculation of the density requirements in subsection A of this section is based on the portion of the site that contains lots devoted to residential and associated uses (e.g., dwelling units; private community clubs; stormwater detention, treatment and infiltration). The following land is excluded from density calculations:

- 1. Land that is required to be set aside for public use as open space, right-of-way, or land on which development is prohibited by TMC Title 16, Environment, and land that is to be used for private roads. Provided, that portion of park and open space areas that consists of stormwater facilities and that is designed for active and/or passive recreational purposes in accordance with the drainage design and erosion control manual for Tumwater shall not be excluded from density calculations;
- 2. Land that is intended for future phases of development created in accordance with TMC 18.12.060;
- 3. Land that consists of lots devoted to uses other than residential and associated uses, including but not limited to churches, schools, and support facilities (except for stormwater detention, treatment, and infiltration facilities).

C. Division of Land Not on Public Sanitary Sewer. Division of land in areas without sewer must occur in a manner that maintains long-term potential to achieve minimum required densities and efficient provision of sewer once sewer becomes available. For a proposed division of land not required to be served by the extension of public sewer at the time of approval, a conversion plan shall be submitted in accordance with TMC 18.12.060 for the entire property, and the proposed land division shall be subject to the following:

1. For land division of an existing lot of record created prior to September 15, 1998:

- a. Any division creating two lots shall not be subject to the minimum density requirements of subsection A of this section, provided one of the lots created is at least five acres in size. A note must be included on the recorded land division that future land divisions shall meet minimum density requirements of subsection A of this section in each phase of development.
- b. Any division creating more than two lots shall meet the minimum density requirements of subsection A of this section in each phase of development.

D. Lot Size Requirements.

- 1. Maximum: none;
- 2. Minimum: three thousand two hundred square feet;
- 3. Lot width: fifty feet, minimum, except if there is an alley located adjacent to a side property line the minimum lot width shall be forty feet.

E. Clustered Subdivision. Any site in this zone district may be subdivided as a clustered subdivision; provided, that a clustered subdivision must meet all other provisions of this chapter and the following criteria:

- 1. Cluster subdivision shall not be allowed in subdivisions containing less than five acres.
- 2. Cluster subdivision shall meet the overall density requirements as set forth in this chapter.
- 3. For the purposes of this chapter, the minimum lot size for the SFM zone district shall be divided into the gross area of land being subdivided to ascertain the total number of lots that will be allowed by this procedure.
- 4. Individual lot sizes may be reduced by no more than twenty-five percent of the minimum lot size of the SFM zone district.
- 5. All such lot reductions shall be compensated for by an equivalent amount of land area in open space to be preserved and maintained for recreation or conservation purposes.
- 6. Individual lot depth and width requirements in the SFM zone district may be reduced by not more than twenty percent.
- 7. All other development regulations and use limitations remain in full force and effect.

F. Lots Located Adjacent to a Wetland. Lots located adjacent to a wetland and/or wetland buffer shall be encouraged to be as large as practicable within the allowances of this section and the physical conditions of the site.

G. Lot coverage, maximum impervious surface: seventy percent of total area of the lot.

H. Structure height: thirty-five feet, maximum; provided, however, that no structure shall penetrate imaginary airspace surfaces as defined by 14 C.F.R. Part 77. A map that provides detailed information on ground and imaginary airspace surface elevations is available for inspection in the community development department.

I. Yards.*

1. Front: ten feet minimum from frontage property line:

a. Driveways in front yards of single-family dwellings and duplexes must be a minimum of eighteen feet in length as measured along the shortest edge of the driveway starting from the front property line;

2. Side: five feet from property line, minimum;

3. Rear: twenty feet from property line, minimum. Exceptions: Structures on existing lots of record with rear structural setbacks or rear yards between five and twenty feet shall be considered conforming. Accessory dwelling units may be located a minimum of five feet from property line. Storage, garden, or tool sheds two hundred square feet or less in area, and residential mechanical equipment may be located a minimum of five feet from property line.

J. Yards Exception. Any side or rear yard, not abutting on a public or private street, may be reduced to zero, provided:

1. That the yard area reduced by this procedure is added to the required setback on the opposite side of the site;

2. The opposite side yard setback is no less than ten feet after the yard area has been added, as described in subsection (J)(1) of this section;

3. Where zero yard setback is used, the abutting site must be held under the same ownership at the time of initial construction or the owners of the abutting property(ies) record agreements or deed restrictions providing maintenance access and consent in writing to such zero yard setback;

4. The adjacent setback for such abutting property(ies) is not less than ten feet.

K. Park and Open Space Area. A new subdivision in this zone district shall set aside land for park and open space area as specified in TMC 17.12.210 and the citywide design guidelines.

*See Diagram 18.04.670, Yard Determination Diagram, in TMC 18.04.230, Y definitions.

(Ord. O2020-005, Amended, 03/16/2021; Ord. O2020-015, Amended, 02/16/2021; Ord. O2020-003, Amended, 09/15/2020; Ord. O2018-007, Amended, 10/16/2018; Ord. O2017-022, Amended, 12/05/2017; Ord. O2016-037, Amended, 01/03/2017; Ord. O2011-002, Amended, 03/01/2011; Ord. O2008-017, Amended, 10/21/2008; Ord.

O2004-009, Amended, 12/07/2004; Ord. O2000-004, Amended, 07/18/2000; Ord. O98-009, Amended, 10/20/1998; Ord. O98-001, Amended, 09/15/1998; Ord. O97-027, Amended, 03/03/1998; Ord. O96-022, Amended, 12/17/1996; Ord. O95-035, Added, 12/19/1995)

Section 16. Section 18.18.020 of the Tumwater Municipal Code is hereby amended to read as follows:

18.18.020 Permitted uses.

Permitted uses in the NC district are as follows:

- A. Personal services;
- B. Professional services;
- C. Recreational facilities occupying no more than three thousand square feet in floor area;
- D. Support facilities;
- E. Post office, library, museum, art gallery;
- F. Parks and open space areas;
- G. Planned unit development;
- H. Retail sales occupying no more than three thousand square feet in floor area and for which operating hours are limited to between 6:00 a.m. and 10:00 p.m.;
- I. Medical clinics;
- J. Child day care center, child mini-day care center;
- K. Adult family homes, residential care facilities;
- L. All uses which were legally established prior to January 1, 1996, except where there is a cessation of the use for three or more years;
- M. Restaurants without drive-in windows occupying no more than three thousand square feet in floor area;
- N. Offices;
- O. Family child care homes;
- P. Mixed use structures subject to the size limitations for individual uses and TMC 18.18.050(D) and the density requirements for residential use in the NC district found in subsection W of this section;
- 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. Electric vehicle infrastructure;
- S. Community gardens;

- T. Farmers markets;
- U. Centers for senior citizens, youth, general community, and similar groups;
- V. Temporary expansions of schools, such as portable classrooms;
- W. Multifamily residential use as part of a mixed use development with a minimum density of four dwelling units per net acre and a maximum density of eight dwelling units per net acre, which is calculated by averaging the densities of all of the different types of housing provided within the development in accordance with TMC 18.14.050(B), excluding the area of the building and parking associated with the commercial development;
- X. Drive-through espresso stands/coffee shops occupying no more than five hundred square feet in floor area;
- Y. Food trucks or trailers in accordance with TMC 18.42.120;
- Z. Food truck or trailer courts in accordance with TMC 18.42.120;
- AA. Senior housing facilities, independent;
- BB. Permanent supportive housing, subject to TMC 18.42.150;
- CC. Transitional housing, subject to TMC 18.42.150;
- DD. Optometry clinics.

*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. O2021-19, Amended, 01/18/2022; Ord. O2020-005, Amended, 03/16/2021; Ord. O2019-020, Amended, 11/19/2019; Ord. O2018-029, Amended, 01/15/2019; Ord. O2018-025, Amended, 12/18/2018; Ord. O2017-006, Amended, 07/18/2017; Ord. O2010-029, Amended, 06/07/2011; Ord. O2010-015, Amended, 09/07/2010; Ord. O97-019, Amended, 06/17/1997; Ord. O95-035, Added, 12/19/1995)

Section 17. Section 18.19.020 of the Tumwater Municipal Code is hereby amended to read as follows:

18.19.020 Permitted uses.

Uses permitted in the CS district are as follows:

- A. General offices, ~~personal and professional services~~;
- B. Schools;
- C. Community center;
- D. Parks and open space areas;
- E. Personal ~~and professional~~ services;
- F. Entertainment facilities;

- G. Recreational facilities;
- H. Post office, parcel delivery facility;
- I. Museum, library, art gallery;
- J. Child day care center; child mini-day care center;
- K. Group foster homes;
- L. Support facilities;
- M. Family child care home;
- N. General retail sales limited to fifteen thousand square feet or less;
- O. Planned unit development;
- P. Restaurants;
- Q. Parking structures;
- R. Parking lots as separate, primary uses are permitted. The proposed parking lot shall exclusively serve specifically identified uses in or adjacent to the district to accommodate shared employee or customer parking or off-site employee parking. The uses served by the lot may change over time. Parking lots are prohibited on corner lots;
- S. Park and ride lots;
- T. All uses which were legally established prior to January 1, 1997, except where there is a cessation of the use for three or more years;
- U. Attached wireless communication facilities, except that it is prohibited to attach a nonaccessory wireless communication antenna on a single-family or two-family dwelling;*
- V. Adult family homes, residential care facilities;
- W. Electric vehicle infrastructure;
- X. Community gardens;
- Y. Farmers markets;
- Z. Centers for senior citizens, youth, general community, and similar groups;
- AA. Civic center complex;
- BB. Taverns, cocktail lounges;
- CC. Wildlife refuges and forest preserves;
- DD. Temporary expansions of schools, such as portable classrooms;
- EE. Food trucks or trailers in accordance with TMC 18.42.120;
- FF. Food truck or trailer courts in accordance with TMC 18.42.120;
- GG. Permanent supportive housing, subject to TMC 18.42.150;

HH. Transitional housing, subject to TMC 18.42.150;

II. Professional services;

JJ. Optometry clinics.

*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. O2018-025, Amended, 12/18/2018; Ord. O2017-006, Amended, 07/18/2017; Ord. O2010-029, Amended, 06/07/2011; Ord. O2010-015, Amended, 09/07/2010; Ord. O2001-020, Amended, 05/07/2002; Ord. O97-019, Amended, 06/17/1997; Ord. O96-022, Amended, 12/17/1996; Ord. O95-035, Added, 12/19/1995)

Section 18. Section 18.20.030 of the Tumwater Municipal Code is hereby amended to read as follows:

18.20.030 Permitted uses.

Uses permitted in the mixed use district are as follows:

- A. Professional services;
- B. Retail sales;
- C. General offices;
- D. Support facilities;
- E. Parks, open space areas and recreational facilities;
- F. Restaurants;*
- G. Restaurants (without drive-through windows);**
- H. Post offices;
- I. Motels, hotels;
- J. Planned unit development (PUD) (see TMC Chapter 18.36);
- K. Medical clinics;
- L. Child day care center; child mini-day care center;
- M. Adult family homes, residential care facilities;
- N. Group foster homes;
- O. Private clubs and lodges;
- P. Family child care home;
- Q. All residential uses, provided the minimum density standards in TMC 18.20.060 are met;

- R. Personal services;
- S. Used motor oil recycling collection point;
- T. Nurseries, retail;
- U. Museum, library, art gallery;
- V. All uses not permitted which were legally established prior to January 1, 1996, except where there is a cessation of the use for three or more years;
- W. Civic center complex;
- X. Centers for senior citizens, youth, general community, and similar groups;
- Y. Entertainment facilities;
- Z. Attached wireless communication facilities, except that it is prohibited to attach a nonaccessory wireless communication antenna on a single-family or two-family dwelling;***
- AA. Senior housing facilities, independent and assisted;
- BB. Electric vehicle infrastructure;
- CC. Community gardens;
- DD. Farmers markets;
- EE. Animal clinics or hospitals;
- FF. Churches;
- GG. Civic center complex;
- HH. Convalescent centers, rest homes, nursing homes;
- II. Taverns, cocktail lounges;
- JJ. Temporary expansions of schools, such as portable classrooms;
- KK. Food trucks or trailers in accordance with TMC 18.42.120;
- LL. Food truck or trailer courts in accordance with TMC 18.42.120;
- MM. Cottage housing;
- NN. Permanent supportive housing, subject to TMC 18.42.150;
- OO. Transitional housing, subject to TMC 18.42.150;
- PP. Emergency housing, subject to TMC 18.42.150;
- QQ. Emergency shelter, subject to TMC 18.42.150;
- RR. Optometry clinics.

*Restaurants are a permitted use for all parcels in the mixed use (MU) zone district in the city, except for those parcels in the mixed use (MU) zone district located on the north side of Israel Road SW between Littlerock Road SW and Tyee Drive SW.

In that location, restaurants without drive-through windows are allowed, but restaurants with drive-through windows are prohibited.

****Restaurants (without drive-through windows) are a permitted use for those parcels in the mixed use (MU) zone district located on the north side of Israel Road SW between Littlerock Road SW and Tyee Drive SW.**

*****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. O2019-020, Amended, 11/19/2019; Ord. O2018-025, Amended, 12/18/2018; Ord. O2017-024, Amended, 01/16/2018; Ord. O2017-006, Amended, 07/18/2017; Ord. O2010-029, Amended, 06/07/2011; Ord. O2010-015, Amended, 09/07/2010; Ord. O2000-004, Amended, 07/18/2000; Ord. O97-019, Amended, 06/17/1997; Ord. O96-022, Amended, 12/17/1996; Ord. O95-035, Added, 12/19/1995)

Section 19. Section 18.21.030 of the Tumwater Municipal Code is hereby amended to read as follows:

18.21.030 Permitted uses.

Uses permitted in the Capitol Boulevard Community zone district are as follows:

- A. Professional services;
- B. Retail sales;
- C. General offices;
- D. Support facilities;
- E. Parks, open space areas and recreational facilities;
- F. Restaurants, taverns, cocktail lounges, brew pubs and similar dining and drinking establishments;
- G. Post offices;
- H. Motels, hotels;
- I. Planned unit development (PUD) (see TMC Chapter 18.36);
- J. Medical clinics;
- K. Child day care center, child mini-day care center;
- L. Adult family homes, residential care facilities;
- M. Group foster homes;
- N. Private clubs and lodges;
- O. Family child care home;

- P. All residential uses, provided the minimum density standards in TMC 18.21.060 are met;
- Q. Personal services;
- R. Schools;
- S. Churches, synagogues, mosques and similar places of worship;
- T. Library, museum, art gallery and similar institutions;
- U. All uses not permitted which were legally established prior to January 1, 2013, except where there is a cessation of the use for two or more years. A legal nonconforming use, established prior to January 1, 2013, that is required to relocate under threat of eminent domain shall be allowed as a permitted use consistent with this subsection;
- V. Civic center complex;
- W. Centers for senior citizens, youth, general community, and similar groups;
- X. Entertainment facilities;
- Y. Senior housing facilities, independent and assisted;
- Z. Electric vehicle infrastructure;
- AA. Community gardens;
- BB. Farmers markets;
- CC. Dance clubs, provided they are located north of Lee Street;
- DD. Detached parking structures;
- EE. Movie theaters, playhouses and similar performance and assembly facilities;
- FF. Marijuana retailers;
- GG. Breweries, wineries, distilleries;
- HH. Animal clinics or hospitals;
- II. ~~Centers for senior citizens, youth, general community and similar groups~~Optometry clinics;
- JJ. Convalescent centers, rest homes, nursing homes;
- KK. Temporary expansions of schools, such as portable classrooms;
- LL. Food trucks or trailers in accordance with TMC 18.42.120;
- MM. Food truck or trailer courts in accordance with TMC 18.42.120;
- NN. Permanent supportive housing, subject to TMC 18.42.150;
- OO. Transitional housing, subject to TMC 18.42.150;
- PP. Emergency housing, subject to TMC 18.42.150;

QQ. Emergency shelter, subject to TMC 18.42.150.

(Ord. O2021-019, Amended, 01/18/2022; Ord. O2020-005, Amended, 03/16/2021; Ord. O2019-020, Amended, 11/19/2019; Ord. O2017-006, Amended, 07/18/2017; Ord. O2016-006, Amended, 06/07/2016; Ord. O2013-025, Added, 01/07/2014)

Section 20. Section 18.21.060 of the Tumwater Municipal Code is hereby amended to read as follows:

18.21.060 Development standards.

Development standards in the Capitol Boulevard Community zone district are intended to achieve a human-scale, pedestrian- and transit-oriented environment:

A. For properties located in the CBC zone – North Trosper district, illustrated in Figure 18.21.070.1, all development, except for those exceptions listed in TMC 18.21.070, shall meet the following. Subdivision of lots cannot be used to subvert this requirement.

1. All development on lots containing only commercial uses shall meet the following:
 - a. A minimum floor area ratio (FAR) of 0.4 or a total of forty square feet of gross area per one hundred square feet of site area is required.
 - b. The maximum floor area ratio (FAR) shall be 4.0 or a total of four hundred square feet of gross area per one hundred square feet of site area.
2. All development on lots containing only residential uses shall have an average net density of at least thirty dwelling units per net acre. This is calculated by dividing the number of units on the site by the total area of the site. Where the site includes through streets or access ways used by the general public, those streets are not counted as part of the site area.
3. Mixed use development containing both residential and nonresidential uses shall have a minimum floor area ratio (FAR) of 0.25 or a total of twenty-five square feet of gross floor area per one hundred square feet of site area.
4. Inter-Site Connectivity. Better vehicle and pedestrian circulation is a high priority in this area, so connecting parking lots, drives, walkways, and accessways within and between properties is required. Such access may be in the form of a dedicated or private alley, connected or shared parking lots, shared driveways, or similar features. The intent of this requirement is to provide greater connectivity to facilitate future access to all properties and relieve congestion caused by multiple driveways on Capitol Boulevard. The director may require that such through access be provided by rearranging site features.
5. Maximum Heights. Structures are allowed up to sixty-five feet in height in the North Trosper district except for the areas between Linda Street and Lee Street on the east side of Capitol Boulevard where structure height shall be limited to fifty feet. Note: New mixed use or multifamily projects with a total of

thirty or more dwelling units in the North Trosper district that provide thirty percent of those units as permanently affordable housing units would be allowed an additional maximum building height increase of ten feet, subject to other neighborhood compatibility height restrictions in TMC Chapter 18.21 and imaginary airspace surface limitations. This would create a new maximum height limit of seven-five feet in the North Trosper district except for the areas between Linda Street and Lee Street on the east side of Capitol Boulevard where structure height shall be limited to fifty feet. Projects providing permanently affordable housing units by this method would have to meet the requirements of TMC 18.42.140.

B. For properties in the CBC zone North Neighborhood Center and CBC zone South Neighborhood Center illustrated on map Figure 18.21.070.1, all new development, except for those exceptions listed in TMC 18.21.070, must meet the following:

1. Properties greater than two acres in size must include both commercial and residential uses that meet the following:
 - a. The floor area ratio for commercial portions of the development must be at least 0.4 FAR.
 - b. The minimum density of residential development is thirty dwelling units per acre for residential portions of the site.
 - c. For uses that are mixed vertically (e.g., residential over commercial uses in the same building), these minimum density and FAR requirements do not apply.
2. Properties two acres in size and smaller but greater than half-acre in size must include one of the following:
 - a. For development consisting of solely commercial uses, a minimum floor area ratio (FAR) of 0.4 (a total of forty square feet of gross area per one hundred square feet of site area).
 - b. For development consisting of both commercial and residential uses, no minimum FAR applies.
3. Properties less than half-acre in size do not have to comply with the above requirements.
4. Maximum Heights. Structures are limited to sixty-five feet maximum height in the North Neighborhood Center and are limited to fifty feet in the South Neighborhood Center (see Figure 18.21.070.1).
 - a. New multifamily or mixed use projects with a total of thirty or more dwelling units that provide thirty percent of those units as permanently affordable housing units in the North Neighborhood Center district would be allowed a maximum building height increase of ten feet, subject to other neighborhood compatibility height restrictions in TMC Chapter 18.21 and

imaginary airspace surface limitations. This would create a new maximum height limit of seventy-five feet in the North Neighborhood Center district. Projects providing permanently affordable housing units by this method would have to meet the requirements of TMC 18.42.140.

b. For properties larger than ten acres in size, portions of buildings that are within forty-five feet of properties in single-family zone districts shall be limited to twenty-five feet in height.

C. The requirements of subsections A and B of this section may be modified for a particular development application by the community development director based upon a finding that the proposed development can conform to other requirements of the Capitol Boulevard Community zone district, is designed to accommodate the pedestrian emphasis, incorporates residential uses, and is compatible and complementary to surrounding uses in the district. Any departures from the provisions of this section must meet the intent of this section (i.e., supporting a mixed use district with transit supportive land use intensities, excellent pedestrian, bicycle and local vehicular circulation, pedestrian amenities and open space) to a degree at least as significant as the standards in subsections A and B of this section.

D. Landscaping and Open Space. Developments must meet the requirements for landscaping and open space as specified in the Capitol Boulevard Community zone design guidelines.

E. Setbacks and Yard Area.

1. Front: All development must be set back from the curb line at least twelve feet in order to provide for sidewalks and landscaping with street trees. Additionally, buildings and other structures and landscaping must be located so that they do not create a hazard by obstructing motorists' or pedestrians' visibility (infringement of the sight triangle).

2. Side: no minimum.

3. Rear: no minimum except as required for landscaping, emergency access, visibility needed for safety and inter-site connectivity (see Capitol Boulevard Community zone design guideline B.3.1).

F. Where any structures or portions of structures containing any permitted, accessory and/or conditional use allowed by this chapter are adjacent to any single-family residential zone districts, the minimum setback shall be twenty feet and shall be screened from view in accordance with TMC Chapter 18.47.

1. For buildings on the south side of the Department of Transportation site that abut the residential homes on Pinehurst Street, the setback for buildings shall be twenty-five feet and shall be screened from view in accordance with TMC Chapter 18.47.

G. Open Storage. Open storage is prohibited. Long-term parking of operational company cars, light trucks, and vans within parking lots accessory to the main use shall not be construed to be open storage.

H. Conversion of Existing Structures. An existing residential structure may be converted to a commercial or office use within the existing footprint of the structure without triggering the FAR or minimum residential density requirements if the structure is brought into conformance with the building code for such uses, and all site plan review and public works standards including right-of-way frontage improvement requirements can be met, with the exception of setbacks of existing buildings.

I. Building/Structure Step Back and Height. Structures are limited to fifty feet in height in the CBC zone district, except as allowed specifically in subsections A and B of this section.

For properties adjacent to a single family residential zone district, the following step back requirements shall be met:

1. Portions of structures less than forty-five feet away from a single-family zone district may be up to thirty-five feet in height.
2. Portions of structures at least forty-five feet away from a single-family zone district may be up to forty-five feet in height.
3. Portions of structures at least fifty-five feet away from a single-family zone district may be up to fifty-five feet in height.
4. Portions of structures at least sixty-five feet away from a single-family zone district may be up to sixty-five feet in height.

See Figure 18.21.060.F.1.

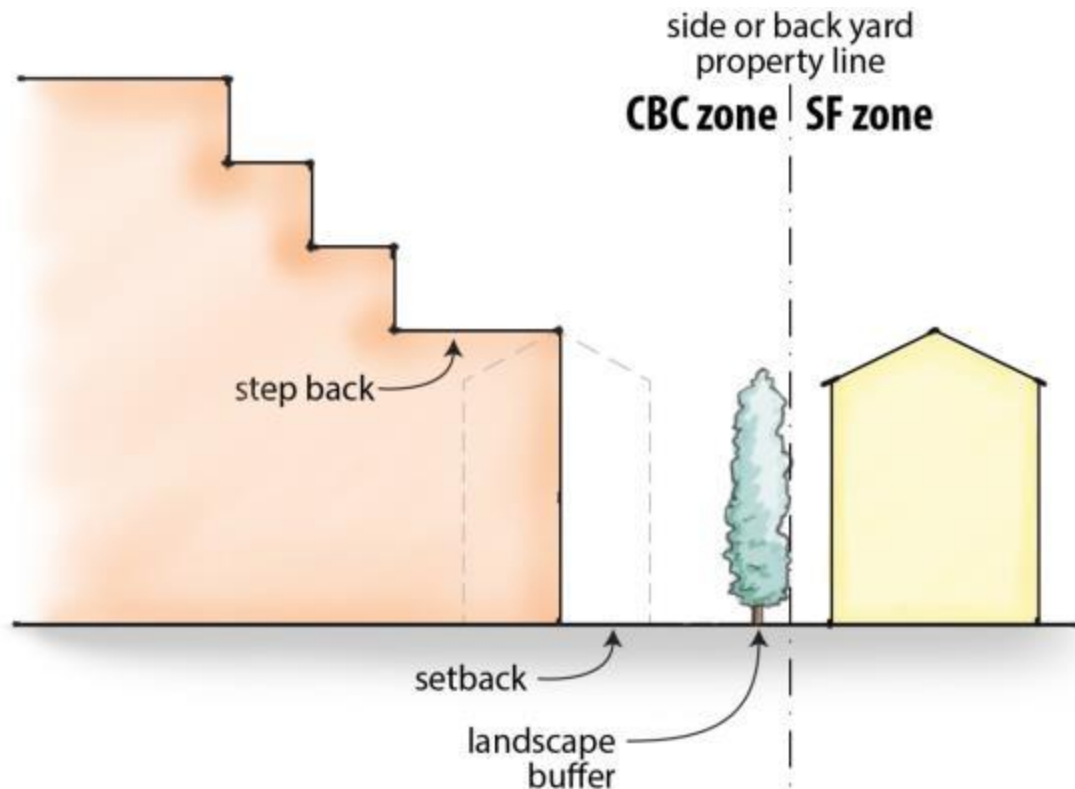


Figure 18.21.060.F.1 Building Step Back and Setback Examples

J. Signs. Signs must meet the requirements of TMC Chapter 18.44.

K. Pedestrian Access.

1. An on-site pedestrian circulation system which links the street and the primary entrance(s) of the structure(s) and the parking areas with the buildings shall be provided. Sidewalks or pedestrian ways must connect the required pedestrian system to existing pedestrian systems on adjacent developments. Convenient pedestrian access to transit stops shall be provided as approved by the community development director.
2. Sidewalks, walkways or pedestrian systems on public property shall be required and constructed according to the city's road development standards.
3. Where the pedestrian circulation system crosses driveways, parking areas, and loading areas, pedestrian surfaces must be clearly identifiable through the use of elevation changes, speed bumps, a different paving material, or other similar method approved by the community development director. Striping may be permitted only in conjunction with at least one of the preceding methods.

L. Lighting for parking lots and pedestrian ways shall be provided to ensure personal safety. Lighting shall be integrated into the architectural character, both in terms of illumination and fixtures. Site lighting shall meet the standards of TMC 18.40.035, Exterior illumination.

M. Drive-through facilities for food and beverages constructed after January 1, 2013, are not permitted in the South Neighborhood Center and are not permitted north of "T" Street in the North Neighborhood Center as shown in Figure 18.21.070.1. Where drive-through facilities are allowed, they shall meet the standards in TMC Chapter 18.50 and TMC 18.43.020.

N. Notwithstanding the requirements in TMC 18.50.070~~notwithstanding~~, the number of required parking spaces for multifamily dwellings shall not be more than one off-street space per studio apartment, 1.5 spaces per one to two bedroom dwelling unit, two spaces per three or more bedroom dwelling units, and one guest space for every ten units~~dwelling~~.

(Ord. O2020-005, Amended, 03/16/2021; Ord. O2013-025, Added, 01/07/2014)

Section 21. Section 18.22.020 of the Tumwater Municipal Code is hereby amended to read as follows:

18.22.020 Permitted uses.

Uses permitted in the GC district are as follows:

- A. Professional services;
- B. General retail sales;
- C. General offices;
- D. Appliance equipment repair;
- E. Support facilities;
- F. Parks and open space areas;
- G. Recreational facilities;
- H. Restaurants;
- I. Automobile service stations including car washes;
- J. Post offices;
- K. Motels, hotels;
- L. Planned unit developments (PUD);
- M. Medical clinics;
- N. Child day care center, child mini-day care center;
- O. Adult family homes, residential care facilities;
- P. Group foster homes;
- Q. Private clubs and lodges;
- R. Family child care home;
- S. Mixed use structures;

T. Multifamily residential structures consisting of a minimum of three and a maximum of four stories on sites within one-quarter mile of a degree-granting state education facility. A minimum density of fourteen dwelling units per acre shall be provided. Calculation of density is based on the portion of the site devoted to residential and associated uses (e.g., dwelling units; private community clubs; open space; stormwater detention, treatment and infiltration). The following land is excluded from density calculations:

1. Land that is required to be dedicated for public use as open space, right-of-way, or land on which development is prohibited by TMC Title 16, Environment, and land that is to be used for private roads. Provided, that portion of park and open space areas that consists of stormwater facilities and that is designed for active and/or passive recreational purposes in accordance with the drainage design and erosion control manual for Tumwater shall not be excluded from density calculations.
2. Land that consists of lots devoted to uses other than residential and associated uses, including but not limited to churches, schools, and support facilities (except for stormwater detention, treatment and infiltration facilities);

U. Personal services;

V. Used motor oil recycling collection point;

W. Parking lots as separate, primary uses are permitted. The proposed parking lot shall exclusively serve specifically identified uses in or adjacent to the district to accommodate shared employee or customer parking or off-site employee parking. The uses served by the lot may change over time;

X. Parking structures;

Y. Park and ride lots;

Z. Museum, library, art gallery;

AA. Recreational vehicle parks;

BB. Riding academies;

CC. Entertainment facilities;

DD. Nurseries, retail;

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

FF. Equipment rental and sales facilities;

GG. Motorsports sales facility, provided outdoor displays or visible storage of vehicles does not cover an area larger than ten percent of the gross floor area of the facility;

HH. Electric vehicle infrastructure;

- II. Community gardens;
- JJ. Farmers markets;
- KK. Marijuana retailer;
- LL. Motor vehicle sales facilities located west of Interstate 5 and south of Bishop Road subject to the requirements set forth in TMC 18.42.090;
- MM. Breweries, wineries, distilleries;
- NN. Auto repair facilities;
- OO. Churches;
- PP. Temporary expansions of schools, such as portable classrooms;
- QQ. Animal clinics or hospitals;
- RR. Convalescent centers, rest homes, nursing homes;
- SS. Movie theaters, playhouses and similar performance and assembly facilities;
- TT. Senior housing facilities, independent and assisted;
- UU. Taverns, cocktail lounges;
- VV. Food trucks or trailers in accordance with TMC 18.42.120;
- WW. Food truck or trailer courts in accordance with TMC 18.42.120;
- XX. Permanent supportive housing, subject to 18.42.150;
- YY. Transitional housing, subject to TMC 18.42.150;
- ZZ. Emergency housing, subject to TMC 18.42.150;
- AAA. Emergency shelter, subject to TMC 18.42.150;
- BBB. Optometry clinics.

*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. O2019-020, Amended, 11/19/2019; Ord. O2018-025, Amended, 12/18/2018; Ord. O2017-006, Amended, 07/18/2017; Ord. O2016-006, Amended, 06/07/2016; Ord. O2015-001, Amended, 10/20/2015; Ord. O2014-012, Amended, 08/19/2014; Ord. O2013-013, Amended, 10/01/2013; Ord. O2012-003, Amended, 07/17/2012; Ord. O2010-029, Amended, 06/07/2011; Ord. O2010-015, Amended, 09/07/2010; Ord. O2003-001, Amended, 02/18/2003; Ord. O97-019, Amended, 06/17/1997; Ord. O96-022, Amended, 12/17/1996; Ord. O95-035, Added, 12/19/1995)

Section 22. Section 18.23.020 of the Tumwater Municipal Code is hereby amended to read as follows:

18.23.020 Uses.

Land uses allowed for each subdistrict are listed in Figure 18.23.020. Permitted uses are identified with a “P,” conditional uses with a “C,” and accessory uses with an “A.”

Figure 18.23.020

LAND USES	TOWN CENTER ZONE SUBDISTRICTS			
	Town Center Mixed Use	Town Center Professional Office	Town Center Residential	Town Center Civic
Accessory wireless communication antennas	A1	A1	A1	A1
Adult family homes, residential care facilities	P		P	
Attached wireless communication facilities	P1	P1	P1	P1
Automobile service station legally established prior to June 9, 2002	C2			
Breweries, wineries, distilleries	P			
Centers for senior citizens, youth, general community and similar groups	P	P		P
Child day care center; child mini-day care center	P	P	P	P
Churches	C		C	
Civic center complex	P			P
Community center	P	P		P
Community gardens	P	P	P	P
Distribution, fabrication, and assembly facilities occurring within buildings lawfully constructed on Port of Olympia property on or before January 1, 2000	C4			

LAND USES	TOWN CENTER ZONE SUBDISTRICTS			
	Town Center Mixed Use	Town Center Professional Office	Town Center Residential	Town Center Civic
Drive-through uses	P12			
Electric vehicle infrastructure	P	P	P	P
Emergency communication antennas (essential public facility)	C1, 5	C1, 5	C1, 5	C1, 5
Emergency housing	P15, A16		A16	
Emergency shelter	P15, A16		A16	
Entertainment facilities	P6			
Family child care homes	P		P	
Farmers markets	P	P	P	P
Food truck or trailer courts	P13	P13		P13
Food trucks or trailers	P14	P14		P14
Group foster homes	P	P	P	P
Home occupations	A		A	
Library, museum, art gallery	P			P
Medical clinics	P	P		
Mixed use commercial/residential developments	P			
Motels, hotels	P			
Movie theaters, playhouses and similar performance and assembly facilities	P			P
Noncommercial recreational structures including but not limited to swimming pools and recreational ball courts			A	
Offices	P	P		P
<u>Optometry clinics</u>	<u>P</u>	<u>P</u>		<u>P</u>
Parking lots	A7	A	A	A

LAND USES	TOWN CENTER ZONE SUBDISTRICTS			
	Town Center Mixed Use	Town Center Professional Office	Town Center Residential	Town Center Civic
Parking structures	P8	P	P	P
Parks and open space areas	P	P	P	P
Permanent supportive housing	P15, A16		P15, A16	
Personal and professional services	P	P		P
Planned unit development (see TMC Chapter 18.36)	P	P	P	P
Post offices	P	P		P
Preschool childcare facilities	A	A	A	A
Private clubs and lodges	P	P	C	
<u>Professional services</u>	<u>P</u>	<u>P</u>		<u>P</u>
Recreational facilities	P	P	P	P
Residential uses approved after June 9, 2002, provided the minimum density standards in TMC 18.23.030(B)(2) are met			P	
Residential uses which were legally established prior to June 9, 2002			P	
Restaurants	P	A9	A10	
Retail sales	P	A	A10	
Roominghouses	A			
Schools	P			
Senior housing facilities, independent and assisted	P		P	
State education facilities (essential public facility)	C			
Storage sheds, tool sheds, greenhouses, carports			A	
Support facilities	P11	P11	P11	P11

LAND USES	TOWN CENTER ZONE SUBDISTRICTS			
	Town Center Mixed Use	Town Center Professional Office	Town Center Residential	Town Center Civic
Taverns, cocktail lounges	P3			
Temporary expansions of schools, such as portable classrooms	P			
Transitional housing	P15, A16		P15, A16	
Transportation terminals	C	C		

Figure 18.23.020 Footnotes:

- (1) Emergency communication antennas and wireless communication facilities are subject to Federal Aviation Administration (FAA) standards and approval, and furthermore both uses are subject to provisions for wireless communication facilities in TMC Chapter 11.20, Wireless Communication Facilities.
- (2) Any alteration to the site or building that requires a conditional use permit shall meet the minimum conditions provided in TMC Chapter 18.56. An application for a conditional use permit shall be processed pursuant to TMC Title 14, Development Code Administration, and TMC Chapter 2.58, Hearing Examiner.
- (3) Cocktail lounges are also permitted as accessory uses within restaurants.
- (4) The cumulative amount of future expansions shall not exceed fifty percent of the covered floor space existing on January 1, 2000, for each site. See TMC Chapter 18.56.
- (5) Antennas must be affixed to or erected upon existing buildings, water tanks or other existing structures. Antennas shall not be affixed to a wireless communication support structure. Emergency communication towers are not permitted.
- (6) Motorized go-cart facilities are not permitted.
- (7) See TMC 18.23.040(F) for surface parking lot siting requirements on properties fronting main streets.
- (8) In the Town Center Mixed Use subdistrict, a parking structure may be located along a main street, provided the portion of the first floor fronting the main street is designed to accommodate a use allowed by this chapter other than parking.
- (9) Restaurants may be allowed as accessory uses within a general or professional office building in the Town Center Professional Office subdistrict.
- (10) Restaurants and retail sales are allowed as accessory uses in the Town Center Residential subdistrict when located on the first floor of a multistory

residential building, provided the gross floor area dedicated to restaurant and/or retail sales use shall not exceed one thousand five hundred square feet per building or twenty-five percent of the first floor of each building, whichever is greater, and provided the residential portion of the development meets the density standards described in TMC 18.23.030.

(11) Electrical switching substations, electrical power transmission towers, natural gas pipelines, natural gas gate stations and regulating stations, and park and ride facilities are not permitted.

(12) Drive-through uses for espresso stands less than five hundred square feet in floor area, pharmacies, and banks and credit unions are allowed in the areas specified on Figure 18.23.010. Properties with drive-through uses in the Town Center zone district shall not have direct vehicular access onto either Capitol Boulevard or Tumwater Boulevard. The director may allow temporary vehicular access to Capitol Boulevard in order to accommodate changes to the street grid. Drive-through uses shall also meet the drive-through design guidelines of TMC Chapter 18.43. Where conflicts occur between this chapter and TMC Chapter 18.43, the more restrictive requirement shall apply.

(13) Food truck or trailer courts are subject to the requirements of TMC 18.42.120.

(14) Food trucks or trailers are subject to the requirements of TMC 18.42.120.

(15) Supportive housing facilities such as emergency housing, emergency shelters, permanent supportive housing, and transitional housing are subject to the requirements of TMC 18.42.150.

(16) Supportive housing facilities such as emergency housing, emergency shelters, permanent supportive housing, and transitional housing are permitted as an accessory use only as part of a permitted church use. Such supportive housing facilities shall not exceed twenty percent of the total building square footage of a church use and are subject to the requirements of TMC 18.42.150.

Figure 18.23.020 Explanatory Note:

1. If the box is shaded, the use is not allowed in that zone district.

(O2021-019, Amended, 01/18/2022; Ord. O2020-005, Amended, 03/16/2021; Ord. O2019-020, Amended, 11/19/2019; Ord. O2019-007, Amended, 09/03/2019; Ord. O2018-025, Amended, 12/18/2018; Ord. O2017-019, Amended, 12/05/2017; Ord. O2017-006, Amended, 07/18/2017; Ord. O2016-006, Amended, 06/07/2016; Ord. O2013-025, Amended, 01/07/2014; Ord. O2011-006, Amended, 11/15/2011; Ord. O2010-029, Amended, 06/07/2011; Ord. O2010-015, Amended, 09/07/2010; Ord. O2006-034, Amended, 07/17/2007; Ord. O2001-020, Added, 05/07/2002)

Section 23. Section 18.24.020 of the Tumwater Municipal Code is hereby amended to read as follows:

18.24.020 Permitted uses.

Permitted uses in the LI district are as follows:

- A. All uses having to do with buying, selling, ~~and personal and professional services or offices~~, or of a general commercial nature;
- 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. Recreational facilities;
- E. Support facilities;
- F. Parks, open space areas and recreational facilities;
- G. Transportation terminal facilities;
- H. Planned unit developments not including residential uses;
- I. Post offices;
- J. Park and ride facilities;
- K. Schools, ninth grade and above;
- L. Off-site hazardous waste treatment and storage facilities:
 - 1. Off-site treatment and storage facilities must be located a minimum of two hundred fifty feet from surface water, residential zones, and public gathering places;
 - 2. Off-site treatment and storage facilities are subject to the state siting criteria adopted pursuant to the requirements of Chapter 70.105 RCW;
- M. Child day care center, child mini-day care center;
- N. Sexually oriented businesses as defined in TMC Chapter 18.04 subject to the provisions of TMC 18.42.050;
- O. Nurseries, retail or wholesale;
- P. Museum, library, art gallery;
- Q. Transit facilities;
- R. Family childcare homes;
- S. Motor pools and transit facilities;
- T. Automobile service stations;

- U. Attached wireless communication facilities, except that it is prohibited to attach a nonaccessory wireless communication antenna on a single-family or two-family dwelling;*
- V. Wireless communication towers;*
- W. Motor vehicle sales facilities, subject to the requirements set forth in TMC Chapter 18.42;
- X. Equipment rental and sales facilities;
- Y. Motorsports facility – indoor;
- Z. Motorsports sales facility;
- AA. Auto repair facilities;
- BB. Crematories;
- CC. Electric vehicle infrastructure;
- DD. Agriculture;
- EE. Community gardens;
- FF. Farmers markets;
- GG. Marijuana retailer;
- HH. Breweries, wineries, distilleries, and associated restaurants;
- II. Taverns, cocktail lounges;
- JJ. Animal clinics or hospitals;
- KK. Kennels;
- LL. Offices;
- MM. Mini-storage;
- NN. Wildlife refuges and forest preserves;
- OO. Temporary expansions of schools, such as portable classrooms;
- PP. Restaurants;
- QQ. Cross-dock facilities, fifty thousand square feet or smaller in size;
- RR. Motor freight terminals, fifty thousand square feet or smaller in size;
- SS. Warehousing, nondistribution, two hundred thousand square feet or smaller in size;
- TT. Warehousing, nondistribution, larger than two hundred thousand square feet in size, subject to the requirements of TMC 18.42.110;
- UU. Truck stops or travel centers;**
- VV. Food trucks or trailers in accordance with TMC 18.42.120;

WW. Food truck or trailer courts in accordance with TMC 18.42.120'

XX. Optometry clinics;

YY. Personal services;

ZZ. Professional services.

*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.

** Truck stops or travel centers are limited to an area within one-half mile of the Interstate 5 and 93rd Avenue SW interchange.

(Ord. O2019-020, Amended, 11/19/2019; 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, Amended, 07/18/2017; 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. O2005-011, Amended, 07/05/2005; Ord. O2003-001, Amended, 02/18/2003; Ord. O2000-004, Amended, 07/18/2000; Ord. O97-019, Amended, 06/17/1997; Ord. O96-022, Amended, 12/17/1996; Ord. O95-035, Added, 12/19/1995)

Section 24. Section 18.24.040 of the Tumwater Municipal Code is hereby amended to read as follows:

18.24.040 Conditional uses.

Conditional uses in the LI district are as follows:

- A. Cemeteries;
- B. The following essential public facilities:
 - 1. State education facilities;
 - 2. Large scale or regional transportation facilities;
 - 3. Prisons, jails or other correctional facilities:
 - a. Juvenile detention facilities;
 - b. Work release facilities;
 - c. Prisons and prerelease facilities;
 - d. Jails;
 - 4. Solid waste handling facilities;

5. Sewage treatment facilities (not including individual or community wastewater treatment systems);

6. Emergency communication towers and antennas;*

7. Secure community transition facilities;

C. Recycling collection centers;

D. Marijuana processor, within a fully enclosed secure indoor structure only;

E. Marijuana producer, within a fully enclosed secure indoor structure only;

F. Impound yards.

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

(Ord. O2018-025, Amended, 12/18/2018; Ord. O2017-023, Amended, 07/17/2018; Ord. O2017-006, Amended, 07/18/2017; Ord. O2016-037, Amended, 01/03/2017; Ord. O2006-037, Amended, 03/04/2008; Ord. O2003-001, Amended, 02/18/2003; Ord. O2002-013, Amended, 08/20/2002; Ord. O2000-004, Amended, 07/18/2000; Ord. O97-019, Amended, 06/17/1997; Ord. O95-035, Added, 12/19/1995)

Section 25. Section 18.25.040 of the Tumwater Municipal Code is hereby amended to read as follows:

18.25.040 Conditional uses.

Conditional uses in the HI district are as follows:

A. Cemeteries;

B. Recreational facilities;

C. Parks and open space areas;

D. The following essential public facilities:

1. Large scale or regional transportation facilities;

2. Prisons, jails or other correctional facilities:

a. Juvenile detention facilities;

b. Work release facilities;

c. Prisons and prerelease facilities;

d. Jails;

3. Solid waste handling facilities;

4. Sewage treatment facilities (not including individual or community wastewater treatment systems);

5. Emergency communication towers and antennas;*

- E. Child day care center; child mini-day care center;
- F. Family child care homes;
- G. Animal clinics or hospitals;
- H. Wrecking yards and junk yards

I. Impound yards.

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

(Ord. O2018-025, Amended, 12/18/2018; Ord. O2017-006, Amended, 07/18/2017; Ord. O2000-004, Amended, 07/18/2000; Ord. O97-019, Amended, 06/17/1997; Ord. O95-035, Added, 12/19/1995)

Section 26. Section 18.26.020 of the Tumwater Municipal Code is hereby amended to read as follows:

18.26.020 Permitted uses.

Permitted uses in the HC district are as follows:

- A. Parks and open space areas;
- B. All uses which were legally established prior to January 1, 1996, except where there is a cessation of the use for three or more years;
- C. Multifamily dwellings;
- D. Personal ~~and professional~~ services;
- E. General retail sales;
- F. Offices;
- G. Hotel/motel and conference facilities;
- H. Restaurants, taverns, cocktail lounges;
- I. Post office, library, museum, art gallery, or cultural center;
- J. Wholesaling, manufacturing, assembling, repairing, fabricating, or other handling of products and equipment entirely within a building;
- K. Support facilities;
- L. Child day care center, child mini-day care center;
- M. Adult family homes, residential care facilities;
- N. Family day care homes;
- O. Schools;

- P. Fish hatcheries, associated appurtenances, and related interpretive centers;
- Q. Electric vehicle infrastructure;
- R. Recreational facilities;
- S. Community gardens;
- T. Farmers markets;
- U. Breweries, wineries, distilleries;
- V. Centers for senior citizens, youth, general community, and similar groups;
- W. Wildlife refuges and forest preserves;
- X. Parking lots, parking structures;
- Y. Temporary expansions of schools, such as portable classrooms;
- Z. Food trucks or trailers in accordance with TMC 18.42.120;
- AA. Food truck or trailer courts in accordance with TMC 18.42.120;
- BB. Permanent supportive housing, subject to TMC 18.42.150;
- CC. Transitional housing, subject to TMC 18.42.150;
- DD. Emergency housing, subject to TMC 18.42.150;
- EE. Emergency shelter, subject to TMC 18.42.150;
- FF. Optometry clinics;
- GG. Professional services.

(Ord. O2021-019, Amended, 01/18/2022; Ord. O2019-020, Amended, 11/19/2019; Ord. O2017-023, Amended, 07/17/2018; Ord. O2017-006, Amended, 07/18/2017; Ord. O2016-006, Amended, 06/07/2016; Ord. O2010-029, Amended, 06/07/2011; Ord. O2010-015, Amended, 09/07/2010; Ord. O2007-004, Amended, 09/04/2007; Ord. O96-022, Amended, 12/17/1996; Ord. O95-035, Amended, 12/19/1995; Ord. 1289, Amended, 06/04/1991; Ord. 1288, Amended, 06/04/1991; Ord. 883, Added, 05/06/1984)

Section 27. Section 18.27.040 of the Tumwater Municipal Code is hereby amended to read as follows:

18.27.040 Uses.

Land uses allowed for each subdistrict are listed in Table 18.27.040. Permitted uses are identified with a “P,” conditional uses with a “C,” and accessory uses with an “A.”

Table 18.27.040

Land Uses (5)	Triangle (1)	Deschutes	Bates North	Bates South	Knoll (7)	Valley	Bluff
Accessory dwelling units	A	A	A	A	A	A	A
Accessory wireless communication antenna (2)	A	A	A	A	A		A
Adult family homes, <u>residential care facilities (13)</u>	P	P	P	P	P	P	P
Agriculture, indoor						P	
All existing uses legally established prior to September 1, 2014, except where there is a cessation of the use for two or more years	P	P	P	P	P	P	P
Animal clinics or hospitals (6)	P	P	P	P	P	P	
Attached wireless communications facilities (3)	P	P	P	P	P	P	P
Bed and breakfasts	P	P	P	P	P		P
Breweries, wineries, distilleries	P	P			P	P	
Child day care centers; child mini-day care centers	P	P	P	P	P	P	P
Churches	C	C	C		C	P	C
Community gardens	P	P	P	P	P	P	P
Convalescent center, rest home, nursing home	P	P	P	P	P		
Cottage housing	P	P		P			P
Electric vehicle infrastructure	P	P	P	P	P	P	P

Land Uses (5)	Triangle (1)	Deschutes	Bates North	Bates South	Knoll (7)	Valley	Bluff
Emergency housing (11)(12)	P/A	P/A			P/A		
Emergency shelter (11)(12)	P/A	P/A			P/A		
Energy systems	A	A	A	A	A	A	A
Entertainment facilities	P	P	P	P	P	P	
Family child care homes	P	P	P	P	P		P
Farmers markets	P	P	P	P	P	P	
Fish hatcheries, associated appurtenances and related interpretive centers						P	
Food truck or trailer courts (9)	P	P	P		P	P	
Food trucks or trailers (10)	P	P	P		P	P	
General offices	P	P	P	P	P	P	
Group foster homes	P	P	P	P			
Home occupations	P	P	P	P	P	P	P
Large scale state or regional transportation facilities (essential public facility)						C	
Medical clinics	P	P	P	P	P		
Motels, hotels	P	P			P		
Movie production; movie studio					P	P	
Museums, libraries, art galleries	P	P	P	P	P		
Noncommercial recreational structures associated with a	A	A	A	A	A	A	A

Land Uses (5)	Triangle (1)	Deschutes	Bates North	Bates South	Knoll (7)	Valley	Bluff
residential use which include but are not limited to swimming pools and recreational ball courts							
Off-street parking and loading	A	A	A	A	A	A	A
<u>Optometry clinics</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
Parking structures	P	P	P	P	P	P	P
Parks, open space areas and recreational facilities	P	P	P	P	P	P	P
Permanent supportive housing (11)(12)	P/A	P/A	P/A	P	P/A	P/A	P/A
Personal and professional services	P	P	P	P	P	P	
Planned unit developments	P	P	P	P	P	P	P
Post offices	P	P			P		
Private clubs and lodges	P	P	P		P	P	
Private garages and carports	A	A	A	A	A	A	A
<u>Professional Services</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	
Public parking lot as a primary use	P	P	P	P	P	P	
Residential	P	P	P	P	P	P	P
Restaurants, taverns, cocktail lounges, brew pubs and similar dining and drinking establishments	P	P	P	P	P	P	
Retail sales	P	P	P	P	P	P	
Schools	P	P			P	P	

Land Uses (5)	Triangle (1)	Deschutes	Bates North	Bates South	Knoll (7)	Valley	Bluff
Senior housing facilities, independent and assisted	P	P	P	P	P		
State education facilities (essential public facility)					C	C	
Storage sheds, toolsheds, greenhouses (8)	A	A	A	A	A	A	A
Support facilities	P	P	P	P	P	P	P
Temporary expansions of schools, such as portable classrooms	P	P			P	P	
Transitional housing (11)(12)	P/A	P/A	P/A	P	P/A	P/A	P/A
Transportation terminals	C						
Wholesaling, manufacturing, assembling, repairing, fabricating, nondistribution warehousing (4)						P	

Table 18.27.040 Footnotes:

- (1) Along the Cleveland Avenue Main Street, active ground floor uses are required in accordance with TMC 18.27.080(B)(1)(e).
- (2) Emergency communication antennas and wireless communication facilities are subject to Federal Aviation Administration (FAA) standards and approval, and furthermore both uses are subject to provisions for wireless communication facilities in TMC Chapter 11.20, Wireless Communication Facilities.
- (3) Antennas must be affixed to or erected upon existing buildings, water tanks or other existing structures. Antennas shall not be affixed to a wireless communication support structure. Emergency communication towers are not permitted.
- (4) Warehousing must be for product for use in or production resulting from on-site manufacturing, assembly, repair or fabrication.

- (5) Drive-through uses are prohibited in the Bates North and Bates South subdistricts. For all other subdistricts, drive-through uses are limited to espresso stands less than five hundred square feet in floor area, pharmacies, banks, credit unions, and the reuse of permitted drive-through facilities in existence as of the effective date of O2014-007 (September 1, 2014) for restaurant uses.
- (6) All animals must be kept at all times within a fully enclosed building with adequate controls so that animal noise and odor cannot be detected on adjoining property or in adjoining units with shared walls.
- (7) South of Custer Way, development must consist of two or more of the listed uses; provided, that each use shall occupy a minimum of twenty percent of the gross floor area of the project.
- (8) Buildings or structures for storage, a greenhouse, detached garage, or carport in the Bates South subdistrict accessory to a permitted use are subject to the provisions in TMC 18.42.015.
- (9) Food truck or trailer courts in accordance with TMC 18.42.120.
- (10) Food trucks or trailers in accordance with TMC 18.42.120.
- (11) Supportive housing facilities such as emergency housing, emergency shelters, permanent supportive housing, and transitional housing are subject to the requirements of TMC 18.42.150.
- (12) Supportive housing facilities such as emergency housing, emergency shelters, permanent supportive housing, and transitional housing are permitted as an accessory use only as part of a permitted church use. Such supportive housing facilities shall not exceed twenty percent of the total building square footage of a church use and are subject to the requirements of TMC 18.42.150.

(13) Adult family homes and residential care facilities in accordance with TMC 18.53.

Table 18.27.040 Explanatory Note:

1. If the box is shaded, the use is not allowed in that zone district.
- (Ord. O2021-019, Amended, 01/18/2022; Ord. O2020-005, Amended, 03/16/2021; 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. O2017-006, Amended, 07/18/2017; Ord. O2014-007, Added, 07/15/2014)

Section 28. Section 18.30.030 of the Tumwater Municipal Code is hereby amended to read as follows:

18.30.030 Permitted uses.

Permitted uses in the GB district are as follows:

- A. Passive recreation facilities;
- B. Trails;

- C. Wildlife and nature preserves;
- D. Wells and wellfields;
- E. Agricultural uses subject to the requirements of TMC Chapter 16.08 (Protection of Trees and Vegetation) and the drainage design and erosion control manual for Tumwater;
- F. Temporary research and education facilities related to water-dependent wetland-oriented research and education;
- G. Residences existing prior to the adoption of this chapter;
- H. Utility support facilities;
- I. Permanent supportive housing in a residence existing prior to the adoption of TMC Chapter 18.30, subject to TMC 18.42.150;
- J. Transitional housing in a residence existing prior to the adoption of TMC Chapter 18.30, subject to TMC 18.42.150;
- K. Adult family homes and residential care facilities in a residence existing prior to the adoption of TMC Chapter 18.30.

(Ord. O2021-019, Amended, 01/18/2022; Ord. O2017-006, Amended, 07/18/2017; Ord. O2003-001, Amended, 02/18/2003; Ord. O95-035, Added, 12/19/1995)

Section 29. Section 18.30.050 of the Tumwater Municipal Code is hereby amended to read as follows:

18.30.050 Conditional uses.

Conditional uses in the GB district are as follows:

- A. Structures as an accessory use to agricultural uses;
- B. Single-family residence located outside of the one-hundred-year floodplain on a parcel no smaller than five acres;
- C. Transitional housing in a single-family residence located outside of the one-hundred-year floodplain on a parcel no smaller than five acres, subject to TMC 18.42.150;
- D. Adult family homes and residential care facilities in a single-family residence located outside of the one-hundred-year floodplain on a parcel no smaller than five acres.

(Ord. O2021-019, Amended, 01/18/2022; Ord. O2017-006, Amended, 07/18/2017; Ord. O95-035, Added, 12/19/1995)

Section 30. Section 18.31.020 of the Tumwater Municipal Code is hereby amended to read as follows:

18.31.020 Permitted uses.

Permitted uses in the OS district are as follows:

- A. Parks and other related active and passive recreation facilities;
- B. Agricultural uses subject to the requirements of TMC Chapter 16.08 (Protection of Trees and Vegetation) and the drainage design and erosion control manual for Tumwater;
- C. Support facilities;
- D. Cemeteries, located outside of the one-hundred-year floodplain, subject to the standards in TMC Chapter 18.56;
- E. Golf courses;
- F. Camp facilities;
- G. Residences existing prior to January 1, 1996;
- H. Fish hatcheries, associated appurtenances, and related interpretive centers;
- I. Community gardens;
- J. Farmers markets;
- K. Wildlife and nature preserves;
- L. Food trucks or trailers in accordance with TMC 18.42.120;
- M. Permanent supportive housing in a residence existing prior to January 1, 1996, subject to TMC 18.42.150;
- N. Transitional housing in a residence existing prior to January 1, 1996, subject to TMC 18.42.150;

O. Adult family homes and residential care facilities in a residence existing prior to January 1, 1996.

(Ord. O2021-019, Amended, 01/18/2022; Ord. O2019-020, Amended, 11/19/2019; Ord. O2017-006, Amended, 07/18/2017; Ord. O2013-025, Amended, 01/07/2014; Ord. O2010-029, Amended, 06/07/2011; Ord. O2007-004, Amended, 09/04/2007; Ord. O95-035, Added, 12/19/1995)

Section 31. Section 18.31.040 of the Tumwater Municipal Code is hereby amended to read as follows:

18.31.040 Conditional uses.

- A. Single-family residence located outside of the one-hundred-year floodplain on a parcel no smaller than five acres;
- B. Campgrounds, recreational vehicle parks;
- C. Transitional housing in a single-family residence located outside of the one-hundred-year floodplain on a parcel no smaller than five acres, subject to TMC 18.42.150;

D. Adult family homes and residential care facilities in a single-family residence located outside of the one-hundred-year floodplain on a parcel no smaller than five acres.

(Ord. O2021-019, Amended, 01/18/2022; Ord. O95-035, Added, 12/19/1995)

Section 32. Section 18.33.060 of the Tumwater Municipal Code is hereby amended to read as follows:

18.33.060 Development standards.

Buildings ~~entirely or partially located more than two hundred feet from the Tyee Drive/Israel Road intersection right-of-way and that contain a commercial and/or residential use~~ shall meet the density standards below and the applicable development standards in TMC 18.20.060(B) through (H) of the underlying mixed use zone district. ~~See Diagram 18.33.060. All other uses shall meet the applicable development standards of TMC 18.20.060(A) through (H).~~

A. Each parcel in the mixed use overlay shall contain residential and commercial uses. The entire gross floor area of the first floor of building(s) facing existing or new public right-of-way frontage shall be dedicated to commercial uses with the exception of required building features serving the residential uses on the upper floors, such as a residential lobby, stairways, mechanical equipment, and elevators. A minimum of twenty percent of each building ~~shall be commercial and a minimum of twenty percent~~ shall be residential; ~~provided, that No less than eight thousand five hundred square feet of gross floor area of a building and no~~ more than fifty thousand square feet of gross floor area of a building shall be dedicated to commercial uses. ~~The percentage shall be calculated by determining the percent of square feet devoted to each type of use.~~

B. A minimum residential density of fourteen dwelling units per net acre is required.

C. Residential Density Calculation. The calculation of the density requirement in subsection B of this section is based on the portion of the site containing residential and associated uses (e.g., dwelling units; private community clubs; stormwater detention, treatment and infiltration). The following land is excluded from density calculations:

1. Land that is required to be dedicated for public use as open space, right-of-way, or land on which development is prohibited by TMC Title 16, Environment, and land that is to be used for private roads. Provided, that portion of open space/park areas that consists of stormwater facilities and that is designed for active and/or passive recreational purposes in accordance with the drainage design and erosion control manual for Tumwater shall not be excluded from density calculations.
2. Land developed with uses other than residential and associated uses, including but not limited to churches, schools, and support facilities (except for stormwater detention, treatment, and infiltration facilities).

(Ord. O2006-020, Added, 07/10/2006)

Section 33. 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;
- AAA. Optometry clinics;

BBB. Personal Services;**CCC. Professional Services.**

*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 34. Section 18.34.040 of the Tumwater Municipal Code is hereby amended to read as follows:

18.34.040 Conditional uses.

Conditional uses in the ARI district are as follows:

- A. Storage, manufacture or sale of highly volatile or extremely hazardous substances or materials other than airport fueling facilities that present a potential public health or safety hazard pursuant to this code (TMC Chapter 18.56);
- B. Off-site hazardous waste treatment and storage facilities;
- C. The following essential public facilities:
 - 1. State education facilities;
 - 2. Large scale or regional transportation facilities;
 - 3. Prisons, jails or other correctional facilities;
 - 4. Solid waste handling facilities;‘
 - 5. Sewage treatment facilities (not including individual or community wastewater treatment systems);
 - 6. Emergency communication towers and antennas;*
- D. Private post-secondary education facilities;
- E. Marijuana processor, within a fully enclosed secure indoor structure only;
- F. Marijuana producer, within a fully enclosed secure indoor structure only;

G. Impound yards.

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

(Ord. O2018-025, Amended, 12/18/2018; Ord. O2017-023, Amended, 07/17/2018; Ord. O2017-006, Amended, 07/18/2017; Ord. O2013-025, Amended, 01/07/2014; Ord. O2006-037, Amended, 03/04/2008; Ord. O2006-019, Amended, 08/15/2006; Ord. O2003-001, Amended, 02/18/2003; Ord. O97-019, Amended, 06/17/1997; Ord. O95-035, Added, 12/19/1995)

Section 35. Section 18.42.010 of the Tumwater Municipal Code is hereby amended to read as follows:

18.42.010 Accessory dwelling units.

It is the specific purpose and intent of allowing accessory dwelling units within all residential districts, to provide the opportunity and encouragement for the development of small housing units designed, in particular, to meet the housing needs of persons of low and moderate incomes who might otherwise have difficulty finding homes within Tumwater. Furthermore, it is the purpose and intent of this provision to allow the more efficient use of Tumwater's existing stock of dwellings and accessory buildings to provide economic support of present resident families of limited income, and to protect and preserve property values. To help achieve these goals and to promote the other objectives of this title, the following specific standards are set forth for such accessory dwelling unit uses:

- A. There shall be no more than one accessory dwelling unit per lot in conjunction with a single-family structure.
- B. An accessory dwelling unit may be attached to, created within, or detached from a new or existing primary single-family dwelling unit.
- C. Off-street parking shall be provided according to the standards set forth in TMC Chapter 18.50.
- D. An accessory dwelling unit shall be designed to maintain the appearance of the main building of the single-family residence.
 - 1. If the accessory dwelling unit extends beyond the current footprint of the principal residence, such an addition shall be consistent with the existing roof pitch, siding, and windows.
 - 2. If an accessory unit is detached from the main building, it must also be consistent with the existing roof pitch, siding, and windows of the principal residence.

3. The primary entrance to an accessory dwelling unit ~~shall~~ are encouraged to not 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.

E. To ensure that the accessory dwelling unit is clearly secondary to the primary dwelling unit, the floor area for the accessory dwelling unit shall in no case exceed eight hundred square feet of finished living space excluding garages, unfinished attics, or unfinished basements nor be less than the international building code minimum residential building square footage for finished living space, and the accessory dwelling unit shall contain no more than two bedrooms. Garages shall be not more than three hundred square feet in size for single story accessory dwelling units and four hundred square feet in size for two story accessory dwelling units.

F. No more than one family, as defined in TMC Chapter 18.04, shall be allowed to occupy an accessory dwelling unit.

G. An accessory dwelling unit, together with the primary single-family dwelling unit with which it is associated, shall conform to the provisions of this chapter and all other applicable codes and ordinances.

(Ord. O2020-005, Amended, 03/16/2021; Ord. O2018-007, Amended, 10/16/2018; Ord. O2017-022, Amended, 12/05/2017; Ord. O2013-025, Amended, 01/07/2014; Ord. O2000-004, Amended, 07/18/2000; Ord. O99-001, Amended, 04/20/1999; Ord. O97-025, Amended, 12/02/1997; Ord. O95-035, Added, 12/19/1995)

(Ord. O2017-014, Amended, 07/18/2017; Ord. O2010-029, Added, 06/07/2011)

Section 36. Section 18.44.090 of the Tumwater Municipal Code is hereby amended to read as follows:

18.44.090 Existing signs.

Any existing sign may continue to be in operation and be maintained after the effective date of the ordinance codified in this chapter and shall be a legal nonconforming sign provided:

A. The burden of establishing a sign to be legally nonconforming under this section rests upon the person or persons, firm or corporation claiming legal status for a sign.

B. A nonconforming sign may not be structurally altered or relocated. However, if such alteration or relocation is required as a result of government action, then said action is exempt.

C. ~~A nonconforming sign will cease to be a legal nonconforming sign if a structural alteration or relocation increases its nonconforming status. An increase in nonconforming status will be construed to be a violation of this chapter and such sign will be subject to removal as provided in this chapter and TMC Chapter 18.54.~~ Changes in the sign face wording of a nonconforming sign shall not be deemed an alteration under this section.

D. A nonconforming sign will cease to be a legal nonconforming sign if improvements are made to the property on which the sign is located amounting to twenty-five percent or greater of the assessed valuation of the property within any twelve-month period. Improvements to single-family dwellings shall be exempt from this requirement. Improvements made to any residential structure due to fire, earthquake, or storm damage, or other natural disasters shall be exempt from this requirement.

E. Any permanent nonconforming sign located in an area annexed into the city after January 1, 1996, shall be brought into compliance within five years of the date of annexation. Any temporary nonconforming sign located in an area annexed into the city after January 1, 1996, shall be brought into compliance within ninety days of the date of annexation.

(Ord. O95-035, Amended, 12/19/1995; Ord. O94-018, Amended, 07/19/1994; Ord. 883, Added, 05/06/1984)

Section 37. Section 18.44.140 of the Tumwater Municipal Code is hereby amended to read as follows:

18.44.140 Residential zone districts.

The following regulations shall apply to all residential zone districts (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, and MHP manufactured home park zone districts):

A. Individual residences are allowed signs that when combined do not exceed six square feet in area;

B. A monument sign of up to thirty-two square feet in area may be permitted for each street frontage for a multiple-unit residential building of five units or more;

C. A monument sign of up to thirty-two square feet in area may be permitted for single-family residential developments of five units or more at each entrance;

D. Any sign located within the front or side yard area shall comply with fence height regulations, as outlined in TMC Chapter 18.46;

E. One sign having a total of twelve square feet in area may be permitted for each nonresidential and nongovernmental use per parcel, except home occupations, which are limited by subsection A of this section;

F. In all residential zone districts, the height of any freestanding sign shall not exceed six feet, except schools, public buildings, and churches are allowed one freestanding sign up to fifteen feet in height. Any additional freestanding signs for schools, public buildings, and churches must not be more than six feet in height; ~~and~~

G. Agriculture uses on lots less than one acre in size are allowed a single sign, twelve square feet in area. Agriculture uses on lots one acre and larger are allowed a single sign thirty-two square feet in area for each street frontage; and

H. Schools, public buildings, and churches located in residential zone districts are allowed up to fifty-five square feet of signage. Signs may be freestanding or wall mounted. The allowed square footage may be applied to more than one sign, but the overall amount may not exceed fifty-five square feet.

(Ord. O2017-007, Amended, 11/05/2018; Ord. O2014-020, Amended, 11/18/2014; Ord. O2010-029, Amended, 06/07/2011; Ord. O95-035, Amended, 12/19/1995; Ord. O94-018, Amended, 07/19/1994; Ord. 883, Added, 05/06/1984)

Section 38. 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;

I. Adult family homes;

J. Residential care facilities.

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

Section 39. Section 18.50.020 of the Tumwater Municipal Code is hereby amended to read as follows:

18.50.020 Parking, loading and bicycle facility general regulations.

A. Off-street parking, loading spaces, and bicycle facilities shall be provided in accordance with the provisions of this chapter when any of the following situations occur. These provisions apply to all uses and structures in all land use districts unless otherwise specified by this chapter.

1. When a principal or accessory building, except a storage shed smaller than five hundred square feet in the GB green belt, OS open space, RSR residential/sensitive resource, SFL single-family low density residential, or SFM single-family medium density residential zone districts, is erected.
2. When a principal or accessory building, except a storage shed smaller than five hundred square feet in the GB green belt, OS open space, RSR residential/sensitive resource, SFL single-family low density residential, or SFM single-family medium density residential GB, OS, RSR, SFL, or SFM zone districts, is relocated or expanded.
3. When a use is changed to one requiring more or less parking or loading spaces.

B. Required Plans. Building permits and city business licenses shall not be issued until there is an approved site plan identifying parking and loading facilities in accordance with this chapter.

C. Unlawful Removal. Parking, loading, and bicycle facilities meeting the requirements of this chapter shall not be discontinued unless alternative facilities are established. These facilities shall not be reduced in total unless approved alternatives are provided in compliance with this chapter, or a change in occupancy or use of a premises has occurred which results in a reduction of required parking.

D. Use of Facility. The property owner is responsible for ensuring that parking and loading facilities are only used by persons or uses for which the facilities are provided, including shared, combined, or leased parking.

E. Off-Site Parking. Parking lots may be established as a separate and primary land use in zones where they are listed as permitted or conditional uses.

F. Location. Off-street parking facilities may be provided either on site or within a one-quarter mile (one thousand three hundred twenty feet) walk of the primary entrance to the building unless otherwise specified. Off-street parking spaces shall not be allowed within yard areas except for residential off-street parking as provided in TMC 18.50.030(C) or ten feet from the property line in the front yard setback of the LI light industrial zone district.

G. Unlisted Uses. Any use clearly similar to any of the uses listed in TMC 18.50.070 as determined by the community development director shall meet the requirement for such use. If a similarity of use is not apparent, the community development director may require a parking demand study or determine the standards that should be applied to the use in question.

H. When the number of required parking spaces or bicycle spaces for a particular use or building results in a fractional space, any fraction less than one-half shall be disregarded and any fraction of one-half or greater shall be counted as one space, except for on-street credit wherein fractions shall be disregarded.

I. Maintenance. It shall be the duty of the owner(s) of a required parking area to maintain the area in a safe condition and in compliance with TMC 18.50.060.

J. Penalty. Any person found to have violated any of the provisions of this chapter shall be deemed to have committed a class 1 civil infraction pursuant to TMC Chapter 1.10.

Provided further, each day of continuing violation shall be considered a separate and distinct civil infraction.

(Ord. O2017-022, Amended, 12/05/2017; Ord. O2014-008, Amended, 10/07/2014; Ord. O2011-002, Amended, 03/01/2011; Ord. O98-009, Amended, 10/20/1998; Ord. O97-015, Added, 03/03/1998)

Section 40. Section 18.50.120 of the Tumwater Municipal Code is hereby amended to read as follows:

18.50.120 Required bicycle facilities.

The following requirements shall apply to any off-street parking area designed to accommodate ten or more vehicles and any non-single-family/duplex development over three thousand square feet. This requirement excludes auxiliary buildings that are not a primary arrival location for employees, visitors, or residents, such as storage buildings.

A. Bicycle parking spaces shall be provided in accordance with Figure 18.50.120(A). Bicycle facilities satisfying Figure 18.50.120(A) shall meet the following requirements. Bicycle facilities provided in excess of Figure 18.50.120(A) shall only be required to meet subsections (A)(4) through (6) of this section:

1. Covered to protect bicycles from weather;
2. Visible from primary entrances or provide signs indicating location;
3. Illuminated;
4. Secure to protect bicycles from theft through the use of racks, cages, lockers, or other approved methods;
5. Located within one hundred feet of primary entrances for employees, visitors, or residents unless combining with other uses on site for convenience, in which case bicycle facilities shall be located within two hundred feet of a primary entrance. Bicycle facilities should be located no farther away from the main entrance than the nearest nonaccessible space;
6. Accessible for bicycles, defined as the following:
 - a. Provide proper maneuvering space (usually a minimum of twenty-four inches) between landscaping, buildings, and other obstructions;
 - b. Not interfere with means of ingress or egress from the building; and
 - c. Accessible without using stairs.

B. Short-term (class 2) bicycle facilities shall provide a secure and quickly accessible space to lock a bicycle to a bicycle rack.

1. Racks shall enable the use of a u-lock between the bicycle frame and the rack. Additionally, racks shall support the bicycle frame in two or more places (e.g., “inverted U”).
2. Racks shall provide a bicycle parking space equal to twenty-two inches by six feet, unless placed side to side, in which case they may be placed thirty-six inches apart.
3. Prohibited racks include grid/comb/wheelbenders which only secure a wheel, and wave/ribbon racks.
4. Encouraged racks include inverted “U,” “A,” post and loop racks, and security rails.
5. Long-term bicycle facilities provided in excess of the minimum requirements shall serve to meet up to fifty percent of short-term bicycle facility requirements at the request of the land-owner.

C. Long-term (class 1) bicycle facilities shall protect bicycles and their components from theft, unauthorized access, and weather. Examples include a lockable bike cage or class 1 bicycle lockers.

1. Each bicycle must be able to be individually locked or secured unless the facility is designed to only be used by an individual or family (such as in a private garage). If racks are used, they must be compliant with subsection B of this section.
2. Bicycle lockers are encouraged, but no site should depend solely on bicycle lockers for long-term storage. Bicycle lockers should have a see-through window or view-hole to discourage improper use.
3. Each residential unit shall have access to ~~a~~ the required long-term bicycle ~~space~~ facilities.
4. Long term bicycle facilities shall be provided as specified in Figure 18.50.120(A).

D. All major employers or major worksites as defined by RCW 70.94.524 shall provide a minimum of one shower and changing facility per gender.

E. Administrative Modification. If, in the judgment of the community development director, required bicycle facilities are demonstrated by the project developer to be excessive for a particular development given its use (such as with a residential care facility or rest home), or if there are unusual circumstances which preclude the establishment of required bicycle facilities, the community development director may allow reduced standards. Administrative decisions may be appealed pursuant to TMC Chapter 14.08.

(Ord. O2014-008, Added, 10/07/2014)

Section 41. Section 18.53.020 of the Tumwater Municipal Code is hereby amended to read as follows:

18.53.020 Adult family home.

An adult family home shall be a permitted use in the following zoning districts: GB, OS, RSR, SFL, SFM, MFM, MFH, MHP, CBC, BD, NC, MU, GC, ~~LI~~, CS, HC, and TC and ARI.

(Ord. O2017-006, Amended, 07/18/2017; Ord. O97-025, Amended, 12/02/1997; Ord. O96-022, Amended, 12/17/1996; Ord. O95-035, Amended, 12/19/1995; Ord. 1289, Added, 06/04/1991)

Section 42. Section 18.53.030 of the Tumwater Municipal Code is hereby amended to read as follows:

18.53.030 Residential care facility.

A residential care facility shall be a permitted use in the following zoning districts: GB, OS, RSR, SFL, SFM, MFM, MFH, MHP, CBC, BD, NC, MU, GC, CS, HC, and TCL and ARI. It shall be a conditional use in the following zoning district: ~~HI.~~

(Ord. O97-025, Amended, 12/02/1997; Ord. O96-022, Amended, 12/17/1996; Ord. O95-035, Amended, 12/19/1995; Ord. 1289, Added, 06/04/1991)

Section 43. Section 18.56.180 of the Tumwater Municipal Code is hereby amended to read as follows:

18.56.180 “I” uses.

“Impound yards”

A. Minimum Conditions.

1. No off-street parking or loading areas will be allowed in any required yard area;
2. All outdoor storage or handling areas must be screened in accordance with the requirements of TMC Chapter 18.47;
3. All parking, storage, or maneuvering areas shall be paved with an impervious material such as asphalt or concrete;
4. The facility shall comply with all applicable federal, state, and county regulations concerning the handling, storage, or disposal of hazardous waste and/or materials. In addition, the requirements of TMC Chapter 18.40, Environmental Performance Standards, and TMC Title 16, Environment, shall be adhered to.

(Ord. O2013-025, Added, 01/07/2014)

Section 44. 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 45. Ratification. Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and affirmed.

Section 46. 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 47. 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:_____



2022 DEVELOPMENT CODE HOUSEKEEPING (O2022-013)
FINAL DOCKET
STAFF REPORT
GENERAL GOVERNMENT COMMITTEE BRIEFING

Issue

During 2020 and 2021, staff gathered information on proposed minor housekeeping amendments to the development code in the Tumwater Municipal Code to be considered collectively in 2022. TMC 18.60.025(A) establishes a process for such development code amendments that is similar to the one the City follows for annual Comprehensive Plan amendments.

A preliminary docket of proposed amendments was reviewed in the spring Planning Commission and approved by the City Council to be considered as the final docket. The final docket contains fifteen amendments recommended by the Planning Commission and expected to be approved by the City Council in the fall.

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Summary

The proposed amendments are intended make minor corrections to the City's development regulations to address the following:

- A. Accessory Dwelling Unit Entrances
- B. Adult Family Homes/Residential Care Facilities

- C. Bicycle Storage
- D. Capitol Boulevard Community – Multifamily Parking Requirements
- E. Car Washes
- F. Duplexes
- G. Impound Yards
- H. Mixed Use Overlay
- I. Nonconforming Signs
- J. Optometry Clinics
- K. Personal and Professional Services
- L. Residential Mechanical Equipment in Setbacks
- M. School, Public Building and Church Signs
- N. Storage Shed Access
- O. Subdivision Dedication Code Language Update

Background

TMC 18.60.025(A) establishes a process by which the preliminary docket of annual development code housekeeping amendments undergoes an initial review by the Planning Commission for recommendation to the City Council. The City Council made the final determination on which of the proposed amendments will be included in the final docket in the spring of 2022.

After the docket was final, staff reviewed and analyzed the proposed amendments and has come back to the Planning Commission with a draft ordinance to start the final review and recommendation process.

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

In response to questions raised at the Planning Commission briefing on July 12, 2022, staff added information related to the following for the Planning Commission's July 26, 2022 worksession:

- Accessory Dwelling Unit Entrances. Changed the primary entrance to an accessory dwelling unit from “should” to “are encouraged to” not 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.
- CBC – Parking Requirements. Raised the maximum parking ratios for multifamily dwellings from one space per dwelling to one off-street space per

2022 DEVELOPMENT CODE HOUSEKEEPING FINAL DOCKET (O2022-013)

studio apartment, 1.5 spaces per one to two bedroom dwelling unit, two spaces per three or more bedroom dwelling units, and one guest space for every ten unit, which are the minimum prescribed spaces in TMC Figure 18.50.70(A).

- Car Washes. Added “electric vehicle charging stations” as an accessory use to an “automobile service station.”

At the July 26, 2022 worksession, the Planning Commission requested the following changes to the ordinance:

- CBC – Parking Requirements. Further clarification of the amendment language proposed for TMC 18.21.060(N) in Section 20 of the ordinance.
- Optometry Clinics. Staff reviewed, added further background information to the staff report, but did not make any changes to the proposed amendments.
- School, Public Building and Church Signs. Staff reviewed, added further background information to the staff report, and made minor changes to the proposed amendments.
- Storage Shed Access. Clarified the size and location of storage shed access for low-density residential zone districts.

At the end of the July 26, 2022 worksession, the Planning Commission scheduled a public hearing on Ordinance No. O2022-013 for the Commission’s August 9, 2022 meeting.

At the August 9, 2022 public hearing, the Planning Commission requested the following changes to the ordinance and recommended approval of Ordinance No. O2022-013:

- Mixed Use Overlay. Staff added additional language to address building components on the first floor serving the residential uses above.
- School, Public Building and Church Signs. Staff reviewed, added further background information to the staff report, and made minor changes to the proposed amendments and added a definition of “public buildings.”

Development Code Housekeeping Final Docket

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

A. Accessory Dwelling Unit Entrances

Address accessory dwelling unit primary entrance language. Accessory dwelling unit shall be designed to maintain the appearance of the main building of the single-family residence. In some cases, it is not possible for the primary entrance to an accessory dwelling unit not to be visible from

2022 DEVELOPMENT CODE HOUSEKEEPING FINAL DOCKET (O2022-013)

the yard on the same side of the lot on which the primary entrance to the primary single-family dwelling unit is located. In addition, making the primary entrance to an accessory dwelling unit not to be visible from the yard can create unintended accessibility issues. The amendment would change this from a requirement to an option.

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

Code Section to be amended:

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

Proposed amendment language:

18.42.010 Accessory dwelling units.

It is the specific purpose and intent of allowing accessory dwelling units within all residential districts, to provide the opportunity and encouragement for the development of small housing units designed, in particular, to meet the housing needs of persons of low and moderate incomes who might otherwise have difficulty finding homes within Tumwater. Furthermore, it is the purpose and intent of this provision to allow the more efficient use of Tumwater's existing stock of dwellings and accessory buildings to provide economic support of present resident families of limited income, and to protect and preserve property values. To help achieve these goals and to promote the other objectives of this title, the following specific standards are set forth for such accessory dwelling unit uses:

[...]

D. An accessory dwelling unit shall be designed to maintain the appearance of the main building of the single-family residence.

- 1. If the accessory dwelling unit extends beyond the current footprint of the principal residence, such an addition shall be consistent with the existing roof pitch, siding, and windows.*
- 2. If an accessory unit is detached from the main building, it must also be consistent with the existing roof pitch, siding, and windows of the principal residence.*
- 3. The primary entrance to an accessory dwelling unit ~~shall be~~ encouraged to not 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.

[...]

B. Adult Family Homes/Residential Care Facilities

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

RCW 70.128.140 states:

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

(1) Each adult family home shall meet applicable local licensing, zoning, building, and housing codes, and state and local fire safety regulations as they pertain to a single-family residence. It is the responsibility of the home to check with local authorities to ensure all local codes are met.

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

TMC 18.04.010 defines an “adult family home” as:

“Adult family home” means the regular family abode of a person or persons who are providing personal care, room and board, under a license issued pursuant to RCW 70.128.060, to more than one but not more than six adults who are not related by blood or marriage to the person or persons providing the services; except that a maximum of eight adults may be permitted if the Washington State Department of Social and Health Services determines that the home and the provider are capable of meeting standards and qualifications provided for by law (RCW 70.128.010).

TMC 18.04.170 defines a “residential care facility” as:

“Residential care facility” means a facility, licensed by the state, that cares for at least five but not more than fifteen people with functional disabilities, that has not been licensed as an adult family home pursuant to RCW 70.128.060.

Code Sections to be amended:

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

Proposed amendment language:

- Added “Adult family homes, residential care facilities” as a permitted use to the MFP Manufactured Home Park zone district in Table 18.07.010 Residential Zone Districts Permitted and Conditional Uses and to TMC 18.49.020.
- Removed “Residential care facilities” as a permitted use to the LI Light Industrial and ARI Airport related Industry zone districts in Table 18.07.030 Industrial Zone Districts Permitted and Conditional Uses.
- Added “Adult family homes, residential care facilities” as a permitted use in existing residences and as a conditional use in a single-family residence located outside of the one-hundred-year floodplain on a parcel no smaller than five acres to the Greenbelt and Open Space zone districts in Table 18.07.040 Greenbelt and Open Space Zone Districts Permitted and Conditional Uses and to TMC 18.30.030, TMC 18.30.050, TMC 18.31.020, and TMC 18.31.040.

- Added “Residential care facilities” as a permitted use to the BD Brewery District zone district in Table 18.27.040.
- Amended TMC 18.53.020 as follows:

18.53.020 Adult family home.

An adult family home shall be a permitted use in the following zoning districts: GB, OS, RSR, SFL, SFM, MFM, MFH, MHP, CBC, BD, NC, MU, GC, ~~LI~~, CS, HC, and TC and ~~ARI~~.

- Amended TMC 18.53.030 as follows:

18.53.030 Residential care facility.

A residential care facility shall be a permitted use in the following zoning districts: GB, OS, RSR, SFL, SFM, MFM, MFH, MHP, CBC, BD, NC, MU, GC, CS, HC, and TC ~~LI and ARI.~~ ~~It shall be a conditional use in the following zone district: HI.~~

C. Bicycle Storage

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

Code Section to be amended:

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

Proposed amendment language:

18.50.120 Required bicycle facilities.

The following requirements shall apply to any off-street parking area designed to accommodate ten or more vehicles and any non-single-family/duplex development over three thousand square feet. This requirement excludes auxiliary buildings that are not a primary arrival location for employees, visitors, or residents, such as storage buildings.

[...]

C. Long-term (class 1) bicycle facilities shall protect bicycles and their components from theft, unauthorized access, and weather. Examples include a lockable bike cage or class 1 bicycle lockers.

1. *Each bicycle must be able to be individually locked or secured unless the facility is designed to only be used by an individual or family (such as in a private garage). If racks are used, they must be compliant with subsection B of this section.*
2. *Bicycle lockers are encouraged, but no site should depend solely on bicycle lockers for long-term storage. Bicycle lockers should have a see-through window or view-hole to discourage improper use.*
3. *Each residential unit shall have access to ~~the~~ the required long-term bicycle ~~space~~ facilities.*
4. Long term bicycle facilities shall be provided as specified in Figure 18.50.120(A).

[...]

D. Capitol Boulevard Community – Multifamily Parking Requirements

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

Code Section to be amended:

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

Proposed amendment language:

18.21.060 Development standards.

Development standards in the Capitol Boulevard Community zone district are intended to achieve a human-scale, pedestrian- and transit-oriented environment:

[...]

N. Notwithstanding the requirements of TMC 18.50.070 ~~notwithstanding~~, the number of required parking spaces for multifamily dwellings shall not be more than one off-street space per studio apartment, 1.5 spaces per one to two bedroom dwelling unit, two spaces per three or more bedroom dwelling units, and one guest space for every ten units dwelling.

E. Car Washes

Adding “carwash” to General Commercial uses through an amendment to the Title 18 *Zoning* definitions, instead of a specifically listed use.

Code Section to be amended:

- TMC 18.04.010 – A definitions – Definitions

Proposed amendment language:

18.04.010 A definitions.

[...]

“Automobile service station” means any area of land, including the structures thereon, that is used for the sale of gasoline or other motor fuels, oils, lubricants, and auto accessories, including but not limited to transmission and lube service, tire sales, electric vehicle charging stations, and car washes as an accessory use; and which may or may not include washing, lubricating, and other minor servicing as accessory uses with the exception of automobile body work.

[...]

F. Duplexes

Clarifying the language for when “duplexes” are a permitted use in the three single-family zone districts.

Code Sections to be amended:

- TMC 18.07.010 – Residential zone districts permitted and conditional uses – Summary Table of Uses.
- TMC 18.08.020 – Permitted uses – RSR Residential/ Sensitive Resource zone district
- TMC 18.10.020 – Permitted uses – SFL Single-Family Low Density Residential zone district
- TMC 18.12.020 – Permitted uses – SFM Single-Family Medium Density Residential zone district

Proposed amendment language:

- Amended TMC 18.07.010 as follows:

18.07.010 Residential zone districts permitted and conditional uses.

[...]

Table 18.07.010 Footnotes:

[...]

(2) “Duplexes” are allowed in the residential/sensitive resource (RSR) and single-family low density residential (SFL) zone districts on individual lots legally established before or on April 15, 2021. ~~Such uses~~ Duplexes 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 on individual lots legally established before or on April 15, 2021. ~~Such uses~~ Duplexes 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.

[...]

- Amended TMC 18.08.020 as follows:

18.08.020 Permitted uses.

Permitted uses in the RSR zone district are as follows:

[...]

B. Duplexes are allowed on individual lots legally established before or on April 15, 2021. ~~Duplexes~~ ~~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;

[...]

- Amended TMC 18.10.020 as follows:

18.10.020 Permitted uses.

Permitted uses in the SFL district are as follows:

[...]

I. Duplexes are allowed on individual lots legally established before or on April 15, 2021. Duplexes ~~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;

[...]

- Amended TMC 18.12.020 as follows:

18.12.020 Permitted uses.

Permitted uses in the SFM district are as follows:

[...]

C. Duplexes are allowed on individual lots legally established before or on April 15, 2021. Duplexes ~~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;

[...]

G. Impound Yards

Addressing the “impound yards” use, which is not currently permitted in any zone districts in the City.

Creating a new “impound yards” use with a new definition in TMC 18.04.090, adding as a conditional use to the zone districts listed below, and adding minimal conditions through the conditional use process.

Code Sections to be amended:

- TMC 18.04.090 – I Definitions – Definitions
- TMC 18.24.040 – Conditional uses – LI Light Industrial Zone District
- TMC 18.25.040 – Conditional uses – HI Heavy Industrial Zone District
- TMC 18.34.040 – Conditional uses – ARI Airport Related Industry Zone District
- TMC 18.56.180 – “I” Uses – Conditional Use Permits

Proposed amendment language:

- Amended TMC 18.04.090 as follows:

18.04.090 I definitions.

[...]

“Impound yards” means the private or public storage in a secure facility of a vehicle legally taken under RCW 46.55 for 30 days or less that does not involve the sale of vehicles and their parts.

[...]

- Added “impound yards” as a conditional use in the LI Light Industrial, HI Heavy Industrial and ARI Airport Related Industry zone districts in Table 18.07.030 Industrial Zone Districts Permitted and Conditional Uses and to TMC 18.24.040, TMC 18.25.040, and TMC 18.34.040.
- Amended TMC 18.56.180 as follows:

18.56.180 “I” uses.

“Impound yards”

A. Minimum Conditions.

1. No off-street parking or loading areas will be allowed in any required yard area;

2. All outdoor storage or handling areas must be screened in accordance with the requirements of TMC Chapter 18.47;

3. All parking, storage, or maneuvering areas shall be paved with an impervious material such as asphalt or concrete;

4. The facility shall comply with all applicable federal, state, and county regulations concerning the handling, storage, or disposal of hazardous waste and/or materials. In addition, the requirements of TMC Chapter 18.40, Environmental Performance Standards, and TMC Title 16, Environment, shall be adhered to.

H. Mixed Use Overlay

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

Code Section to be amended:

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

Proposed amendment language:

18.33.060 Development standards.

~~*Buildings entirely or partially located more than two hundred feet from the Tyee Drive/Israel Road intersection right-of-way and that contain a commercial and/or residential use shall meet the density standards below and the applicable development standards in TMC 18.20.060(B) through (H) of the underlying mixed use zone district. See Diagram 18.33.060. All other uses shall meet the applicable development standards of TMC 18.20.060(A) through (H).*~~

A. Each parcel in the mixed use overlay shall contain residential and commercial uses. The entire gross floor area of the first floor of building(s) facing existing or new public right-of-way frontage shall be dedicated to commercial uses with the exception of required building features serving the residential uses on the upper floors, such as a residential lobby, stairways, mechanical equipment, and elevators. A minimum of twenty percent of each building shall be commercial and a minimum of twenty percent shall be residential; provided, that n No less than eight thousand five hundred square feet of gross floor area of a building and no more than fifty thousand square feet of gross floor area of a building shall be dedicated to commercial uses. The percentage shall be calculated by determining the percent of square feet devoted to each type of use.

[...]

[Delete Diagram 18.33.060]

I. Nonconforming Signs

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

Code Section to be amended:

- TMC 18.44.090 – Existing signs – Signs

Proposed amendment language:

18.44.090 Existing signs.

Any existing sign may continue to be in operation and be maintained after the effective date of the ordinance codified in this chapter and shall be a legal nonconforming sign provided:

[...]

B. A nonconforming sign may not be structurally altered or relocated. However, if such alteration or relocation is required as a result of government action, then said action is exempt.

C. ~~A nonconforming sign will cease to be a legal nonconforming sign if a structural alteration or relocation increases its nonconforming status. An increase in nonconforming status will be construed to be a violation of this chapter and such sign will be subject to removal as provided in this chapter and TMC Chapter 18.54. Changes in the sign face wording of a nonconforming sign shall not be deemed an alteration under this section.~~

J. Optometry Clinics

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

A state Attorney General opinion determined that optometry services are not considered health care services, such as medical, surgical, hospital and other therapeutic services, so optometry clinics should not be classified as a medical clinic (Attorney General Opinion (AGO) 1960 No. 141- September 13,1960, Optometry - Services As Within The Definition Of Health Care

Services Under RCW 48.44.010. The services rendered by a licensed and qualified optometrist are not properly included as "health care services" within the definition of RCW 48.44.010.).

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

Code Sections to be amended:

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

Proposed amendment language:

- Amended TMC 18.04.150 as follows:

18.04.150 O definitions.
[...]

“Optometry clinic” means a health-care professional office concerned especially with examining the eye for defects and faults of refraction, with prescribing correctional lenses or eye exercises, with diagnosing diseases of the eye, and with treating such diseases or referring them for treatment.

[...]

- Added “optometry clinics” as a permitted use in all commercial zone districts in Table 18.07.020 Commercial Zone Districts Permitted and Conditional Uses and to TMC 18.18.020, TMC 18.19.020, TMC 18.20.030, TMC 18.21.030, TMC 18.22.020, TMC 18.23.020, and TMC 18.26.020.
- Added “optometry clinics” as a permitted use to the LI Light Industrial and ARI Airport related Industry zone districts in Table 18.07.030 Industrial Zone Districts Permitted and Conditional Uses and to TMC 18.24.020 and TMC 18.34.020.
- Added “optometry clinics” as a permitted use to all subdistricts except the Bluff subdistrict in the BD Brewery District zone district in Table 18.27.040.

K. 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.

Personal service is defined in TMC 18.04.160 as:

“Personal service” means a business which is neither the practice of a profession, nor dealing primarily with the sale of products as stock-in-trade on the premises. Such businesses include, but are not limited to, barber and beauty shops, tailoring, shoe repairing, photographic studios, tanning parlors, and pet grooming and obedience training.

Professional service is defined in TMC 18.04.160 as:

“Professional service” means a business which is operated by a profession or professional who receives compensation for the performance of that profession on an appointment/client basis rather than customer/sales basis. A professional client relationship would stress the professional in an advisory and counseling rather than purely transacting role. Such businesses include, but are not limited

to, law firms, architecture and/or engineering firms, real estate agencies, mortgage brokerages, accounting firms, and insurance agencies.

Code Sections to be amended:

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

Proposed amendment language:

- Amended TMC 18.04.160 as follows:

18.04.160 P definitions.

[...]

“Personal service” means a business which is neither the practice of a profession, nor dealing primarily with the sale of products as stock-in-trade on the premises. Product sales shall not occupy more than twenty-five percent of the gross floor area of the business. Such businesses include, but are not limited to, barber and beauty shops, tailoring, shoe repairing, photographic studios, tanning parlors, and pet grooming and obedience training.

[...]

- Changed “personal and professional services” to “personal services” and added the use to the NC Neighborhood Commercial zone district

and amended the name of the use in the CS Community Services, MU Mixed Use, CBC Capitol Boulevard Community, GC General Commercial, HC Historic Commercial, and TC Town Center zone districts in Table 18.07.020 Commercial Zone Districts Permitted and Conditional Uses and amended TMC 18.19.020, TMC 18.22.020, TMC 18.23.020, TMC 18.26.020, and TMC 18.27.040.

- Deleted the combined “personal and professional services or sales” from the NC Neighborhood Commercial and TC Town Center zone districts in Table 18.07.020 Commercial Zone Districts Permitted and Conditional Use.
- Changed “personal and professional services” to “personal services” in the LI Light Industrial and ARI Airport Related Industry zone districts in Table 18.07.030 Industrial Zone Districts Permitted and Conditional Uses and amended TMC 18.24.020 and TMC 18.34.020.
- Added “professional services” as a standalone permitted use in all commercial zone districts in Table 18.07.020 Commercial Zone Districts Permitted and Conditional Uses and to TMC 18.19.020, TMC 18.23.020, and TMC 18.26.020.
- Added “professional services” as a standalone permitted use in the LI Light Industrial and ARI Airport Related Industry zone districts in Table 18.07.030 Industrial Zone Districts Permitted and Conditional Uses and to TMC 18.24.020 and TMC 18.34.020.
- Added “professional services” as a permitted use to all subdistricts except the Bluff subdistrict in the BD Brewery District zone district in Table 18.27.040.

L. Residential Mechanical Equipment in Setbacks

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

Code Sections to be amended:

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

- TMC 18.12.050 – Development standards – SFM Single-Family Medium Density Residential zone district

Proposed amendment language:

- Amended TMC 18.08.050 as follows:

18.08.050 Development standards.

Development in the RSR zone district must meet the following requirements:

[...]

*I. Yards.**

- 1. For lots less than nine thousand five hundred square feet in area, yards shall be as follows:*

[...]

c. Rear: ten feet, minimum, from rear property line; twenty-five feet minimum from rear property line abutting streets classified in the Tumwater transportation plan as urban collectors, minor arterials, and major arterials. Exception: Storage, garden, and tool sheds two hundred square feet in area or less, and residential mechanical equipment may be located a minimum of ~~ten~~ five feet from the property line.

[...]

- 2. For lots greater than or equal to nine thousand five hundred square feet in area, yards shall be as follows:*

[...]

c. Rear: twenty feet, minimum, from rear property line; twenty-five feet minimum from rear property line abutting streets classified in the Tumwater transportation plan as urban collectors, minor arterials, and major arterials. Exception: Storage, garden, and tool sheds two hundred square feet in area or less, and residential mechanical equipment, may be located a minimum of ten feet from the property line.

[...]

- Amended TMC 18.10.050 as follows:

18.10.050 Development standards.

Development in the SFL zone district must meet the following requirements:

[...]

*I. Yards.**

[...]

3. Rear: twenty feet from property line, minimum. Exceptions: Structures on existing lots of record with rear structural setbacks or rear yards between five and twenty feet shall be considered conforming. Accessory dwelling units may be located a minimum of five feet from property line. Storage, garden, or tool sheds two hundred square feet or less in area, and a residential mechanical equipment may be located a minimum of five feet from property line.

[...]

- Amended TMC 18.12.050 as follows:

18.12.050 Development standards.

Development in the SFM zone district must meet the following requirements:

[...]

*I. Yards.**

[...]

3. Rear: twenty feet from property line, minimum. Exceptions: Structures on existing lots of record with rear structural setbacks or rear yards between five and twenty feet shall be considered conforming. Accessory dwelling units may be located a minimum of five feet from property line. Storage, garden, or tool sheds two hundred square feet or less in area, and residential mechanical equipment may be located a minimum of five feet from property line.

[...]

M. School, Public Building, and Church Signs

Adding exemptions for the size and number of signs for schools, public buildings, and churches located in residential zone districts.

“Church” is defined in TMC 18.04.030 as “...a building wherein persons regularly assemble for religious worship and which is primarily used for such purposes, and those accessory activities as are customarily associated therewith.”

“School” is defined in TMC 18.04.180 as “... an institution of learning, whether public or private, which offers instruction in those courses of study required by the Washington Education Code or which is maintained pursuant to standards set by the State Board of Education. This definition includes a nursery school, kindergarten, elementary school, junior high school, senior high school or any special institution of education, but it does not include a vocational or professional institution of higher education, including a community or junior college, or university.”

Code Sections to be amended:

- TMC 18.04.160 – P definitions
- TMC 18.44.140 – Residential zone districts – Signs

Proposed amendment language:

- Amended TMC 18.04.160 as follows:

18.04.160 P definitions.

[...]

“Public building” means any structure or facility owned or leased, and principally used by a governmental agency.

[...]

- Amended TMC 18.44.140 as follows:

18.44.140 Residential zone districts.

The following regulations shall apply to all residential zone districts (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, and MHP manufactured home park zone districts):

[...]

F. In all residential zone districts, the height of any freestanding sign shall not exceed six feet, except schools, public buildings, and churches are allowed one freestanding sign up to fifteen feet in height.

Any additional freestanding signs for schools, public buildings, and churches must not be more than six feet in height; ~~and~~

G. Agriculture uses on lots less than one acre in size are allowed a single sign, twelve square feet in area. Agriculture uses on lots one acre and larger are allowed a single sign thirty-two square feet in area for each street frontage; and

H. Schools, public buildings, and churches located in residential zone districts are allowed up to fifty-five square feet of signage. Signs may be freestanding or wall mounted. The allowed square footage may be applied to more than one sign, but the overall amount may not exceed fifty-five square feet.

N. Storage Shed Access

Addressing driveway surface for storage sheds in low-density residential zone districts. Currently, if a property owner wants to build a detached storage shed in a low density residential 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 property owner in a low density residential property to convert the driveway to a hard surface, such as asphalt or concrete

The amendment would add an exemption for storage sheds smaller than five hundred square feet in the Green Belt (GB), Open Space (OS), Residential/Sensitive Resource (RSR), Single-Family Low Density Residential (SFL), or Single-Family Medium Density Residential (SFM) zone districts from driveway surface requirements.

Code Section to be amended:

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

Proposed amendment language:

18.50.020 Parking, loading and bicycle facility general regulations.

A. Off-street parking, loading spaces, and bicycle facilities shall be provided in accordance with the provisions of this chapter when any of the following situations occur. These provisions apply to all uses and

structures in all land use districts unless otherwise specified by this chapter.

1. When a principal or accessory building, except a storage shed smaller than five hundred square feet in the GB green belt, OS open space, RSR residential/sensitive resource, SFL single-family low density residential, or SFM single-family medium density residential zone districts, is erected.

2. When a principal or accessory building, except a storage shed smaller than five hundred square feet in the GB green belt, OS open space, RSR residential/sensitive resource, SFL single-family low density residential, or SFM single-family medium density residential zone districts, is relocated or expanded.

[...]

O. Subdivision Dedication Code Language Update

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

Code Section to be amended:

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

Proposed amendment language:

17.24.030 Format and content of application.

[...]

D. Content.

[...]

2. Acknowledgments and Certificates. Acknowledgments and certificates required by this title shall be in language substantially indicated in the following subsections:

a. Dedications. The intention of the owner shall be evidenced by his/her presentation for filing of a final land division clearly showing the dedication thereof and bearing the following certificate signed by all real parties of interest:

Dedication Certificate:

Known to all ~~men~~ persons present that _____, the undersigned owner, in fee simple of the land hereby divided, and _____, the mortgagee thereof, hereby declare this land division and dedicate to the use of the public forever all streets, avenues, places and sewer easements or whatever public property there is shown on the division and the use for any and all public purposes not inconsistent with the use thereof for public highway purposes. Also, the right to make all necessary slopes for cuts and fills upon lots, blocks, tracts, etc. shown on this plat in the reasonable original grading of all the streets, avenues, places, etc. shown hereon. Also the right to drain all streets over and across any lot or lots where water might take a natural course after the street or streets are graded. Also, all claims for damage against any governmental authority are waived which may be occasioned to the adjacent land by the established construction, drainage, and maintenance of said roads.

IN WITNESS WHEREOF we set our hands and seals this _____ day of _____, 20____

In the event that a waiver of right of direct access is included, then the certificate shall contain substantially the following additional language:

Access to _____ street from lots numbered _____ is hereby waived, and dedication to the public shall in no way be construed to permit a right of direct access to _____ street from lots numbered _____, nor shall the City of Tumwater or any other local governmental agency within which the property is or may become located ever be required to grant a permit to build or construct an access of approach to said street from said lots.

[...]

Public Approval Process

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

The General Government Committee discussed the Planning Commission's recommendation on the items to go forward to the final docket for more review at

**2022 DEVELOPMENT CODE HOUSEKEEPING FINAL DOCKET
(O2022-013)**

their June 8, 2022 meeting. The General Government Committee recommended that the preliminary docket be placed on the City Council's consent agenda for their June 21, 2022 meeting. The City Council approved the items to go forward to the final docket on June 21, 2022.

An Environmental Checklist for a non-project action was prepared on June 10, 2022 under the State Environmental Policy Act (Chapter 43.21C RCW), pursuant to Chapter 197-11 WAC, and a Determination of Non-Significance was issued on July 7, 2022.

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

The Planning Commission received a briefing on the final docket of proposed code amendments on July 12, 2022. The Planning Commission held a worksession on the final docket July 26, 2022.

A Notice of Public Hearing for the Planning Commission was issued on July 29, 2022 prior to a public hearing. The notice was posted, published as a press release, distributed to interested individuals and entities that have requested such notices, and published in *The Olympian*.

The Planning Commission held a public hearing for the proposed amendments on August 9, 2022. Following the public hearing and deliberations, the Planning Commission made a recommendation that Council on the proposed amendments.

The General Government Committee is scheduled to review the proposed amendments in a briefing on September 14, 2022 and recommend that the ordinance be discussed at a City Council worksession. The City Council is scheduled to review the amendments at a worksession on September 27, 2022 and consider the amendments on October 4, 2022.

Public Notification

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

Staff Conclusions

1. The proposed text amendments are consistent with the goals of the Washington State Growth Management Act.
 - a. This ordinance will need to be consistent with Goal 7 of the Growth Management Act which states:

**2022 DEVELOPMENT CODE HOUSEKEEPING FINAL DOCKET
(O2022-013)**

“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.

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

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

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

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

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

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

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

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

Planning Commission Recommendation

The Planning Commission recommends approval of Ordinance No. O2022-013.

Effects of the Proposed Amendments

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

Staff Contact

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City of Tumwater Community Development Department
360-754-4180
bmedrud@ci.tumwater.wa.us

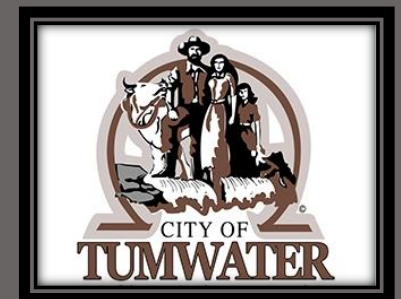
2022 Annual Housekeeping Amendments

Final Docket Amendments

Ordinance No. O2022-013

September 14, 2022

General Government Committee Briefing



Issue

- During 2020 and 2021, staff gathered information on proposed minor Tumwater Municipal Code housekeeping amendments to be considered collectively in 2022
- The proposed amendments are intended make minor corrections to the City's development regulations

Review Process

- TMC 18.60.025(A) establishes a process for **development code housekeeping amendments** that is similar to the one the City follows for annual Comprehensive Plan amendments
- On June 21, 2022, the City Council approved all the items on the **preliminary docket** of proposed amendments to move forward a part of the final docket

Review Process

- Staff prepared Ordinance No. O2022-013 for consideration by the Planning Commission and City Council
- The **other housekeeping amendments** that do not fall under the same TMC 18.60.025(A) process, will be considered as part of Ordinance O2022-015 at the same time as Ordinance No. O2022-013

Staff Report

For each amendment, the staff report includes:

- Summary of the amendment
- Code section(s) to be amended
- Proposed amendment language

Final Docket Amendments

- A. Accessory Dwelling Unit Entrances
- B. Adult Family Homes/Residential Care Facilities
- C. Bicycle Storage
- D. Capitol Boulevard Community – Multifamily
Parking Requirements
- E. Car Washes
- F. Duplexes
- G. Impound Yards

Final Docket Amendments

- H. Mixed Use Overlay
- I. Nonconforming Signs
- J. Optometry Clinics
- K. Personal and Professional Services
- L. Residential Mechanical Equipment in Setbacks
- M. School, Public Building and Church Signs
- N. Storage Shed Access
- O. Subdivision Dedication Code Language Update

Accessory Dwelling Entrances

Amendment to TMC 18.42.010(D)(3) would change a requirement to an option:

[...]

D. An accessory dwelling unit shall be designed to maintain the appearance of the main building of the single-family residence.

[...]

3. The primary entrance to an accessory dwelling unit ~~shall~~ are encouraged to not 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.

Functionally Disabled Housing

Amendments would address consistency of adult family home and residential care facilities as permitted and conditional uses with:

- RCW 70.128.140 *Compliance with local codes and state and local fire safety regulations*
- TMC Title 18 *Zoning* in individual zone districts
- TMC 18.53 *Housing for the Functionally Disabled*

Adult Family Homes

Amend TMC 18.53.020 as follows:

18.53.020 Adult family home.

An adult family home shall be a permitted use in the following zoning districts: GB, OS, RSR, SFL, SFM, MFM, MFH, MHP, CBC, BD, NC, MU, GC, ~~LI~~, CS, HC, and
TC ~~and ARI~~.

Amend TMC 18.53.030 as follows:

18.53.030 Residential care facility.

A residential care facility shall be a permitted use in the following zoning districts: GB, OS, RSR, SFL, SFM, MFM, MFH, MHP, CBC, BD, NC, MU, GC, CS, HC, and TC ~~LI and ARI. It shall be a conditional use in the following zone district: LI.~~

Bicycle Storage

Clarify bicycle storage requirements.

18.50.120 Required bicycle facilities.

[...]

C. Long-term (class 1) bicycle facilities shall protect bicycles and their components from theft, unauthorized access, and weather. Examples include a lockable bike cage or class 1 bicycle lockers.

[...]

3. Each residential unit shall have access to ~~a~~ the required long-term bicycle ~~space~~ facilities.

4. Long term bicycle facilities shall be provided as specified in Figure 18.50.120(A).

CBC – Parking Requirements

Adjust the 1.0 parking space per dwelling unit limit for multifamily dwellings to relieve off-street parking impacts on adjacent neighborhoods

18.21.060 Development standards.

Development standards in the Capitol Boulevard Community zone district are intended to achieve a human-scale, pedestrian- and transit-oriented environment:

[...]

N. Notwithstanding the requirements of TMC 18.50.070~~notwithstanding~~, the number of required parking spaces for multifamily dwellings shall not be more than one off-street space per studio apartment, 1.5 spaces per one to two bedroom dwelling unit, two spaces per three or more bedroom dwelling units, and one guest space for every ten units dwelling.

Car Washes

Add “carwash” as an amendment to the Title 17 *Zoning* definitions, instead of a specifically listed use.

18.04.010 A definitions.

[...]

“Automobile service station” means any area of land, including the structures thereon, that is used for the sale of gasoline or other motor fuels, oils, lubricants, and auto accessories, including but not limited to transmission and lube service, tire sales, electric vehicle charging stations, and car washes as an accessory use; and which may or may not include washing, lubricating, and other minor servicing as accessory uses with the exception of automobile body work.

[...]

Duplexes

Amended the permitted uses in the RSR and SFL:

“Duplexes” are allowed in the residential/sensitive resource (RSR) and single-family low density residential (SFL) zone districts on individual lots legally established before or on April 15, 2021. ~~Such uses~~ Duplexes 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.

Duplexes

Amended the permitted uses in the SFM:

“Duplexes” are allowed in the single-family medium density residential (SFM) zone district on individual lots legally established before or on April 15, 2021. ~~Such uses~~ Duplexes 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.

Impound Yards

Add “impound yards” use, which is not currently permitted in any zone districts in the City:

- Create a new definition in TMC 18.04.090
- Add as a conditional use to the LI, HI, and ARI zone districts
- Add minimal conditions through the conditional use process in TMC 18.56.180

Mixed Use Overlay

Clarifying that *MUO* requires commercial uses along primary roadways rather than 20% of every building

18.33.060 Development standards.

~~Buildings entirely or partially located more than two hundred feet from the Tyee Drive/Israel Road intersection right-of-way and that contain a commercial and/or residential use shall meet the density standards below and the applicable development standards in TMC 18.20.060(B) through (H) of the underlying mixed use zone district. See Diagram 18.33.060. All other uses shall meet the applicable development standards of TMC 18.20.060(A) through (H).~~

Mixed Use Overlay

A. Each parcel in the mixed use overlay shall contain residential and commercial uses. The entire gross floor area of the first floor of building(s) facing existing or new public right-of-way frontage shall be dedicated to commercial uses with the exception of required building features serving the residential uses on the upper floors, such as a residential lobby, stairways, mechanical equipment, and elevators. A minimum of twenty percent of each building shall be commercial and a minimum of twenty percent shall be residential.; ~~provided, that n~~ No less than eight thousand five hundred square feet of gross floor area of a building and no more than fifty thousand square feet of gross floor area of a building shall be dedicated to commercial uses. ~~The percentage shall be calculated by determining the percent of square feet devoted to each type of use.~~

[...]

[Delete Diagram 18.33.060]

Nonconforming Signs

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

18.44.090 Existing signs.

Any existing sign may continue to be in operation and be maintained after the effective date of the ordinance codified in this chapter and shall be a legal nonconforming sign provided:

[...]

B. A nonconforming sign may not be structurally altered or relocated. However, if such alteration or relocation is required as a result of government action, then said action is exempt.

Nonconforming Signs

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

18.44.090 Existing signs.

[...]

~~C. A nonconforming sign will cease to be a legal nonconforming sign if a structural alteration or relocation increases its nonconforming status. An increase in nonconforming status will be construed to be a violation of this chapter and such sign will be subject to removal as provided in this chapter and TMC Chapter 18.54. Changes in the sign face wording of a nonconforming sign shall not be deemed an alteration under this section.~~

Optometry Clinics

Address “optometry clinics”, which do not fit in the existing “medical clinic” or “professional services” uses

- Create a new “optometry clinics” use with a new definition in TMC 18.04.150
- Add as a permitted use to the NC, CS, MU, CBC, GC, TC, LI, HC, BD, and ARI zone districts

Personal/Professional Services

For consistency and understanding, split “personal and professional services” into “personal services” and “professional services” and remove “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*

Personal/Professional Services

18.04.160 P definitions.

[...]

“Personal service” means a business which is neither the practice of a profession, nor dealing primarily with the sale of products as stock-in-trade on the premises. Product sales shall not occupy more than twenty-five percent of the gross floor area of the business. Such businesses include, but are not limited to, barber and beauty shops, tailoring, shoe repairing, photographic studios, tanning parlors, and pet grooming and obedience training.

[...]

Personal/Professional Services

- Change “personal and professional services” to “personal services”
- Add the use to NC zone district and amend the name of the use in the CS, MU, CBC, GC, HC, and TC zone districts
- Delete the combined “personal and professional services or sales” from NC and TC zone districts
- Change “personal and professional services” to “personal services” in the LI and ARI zone districts

Personal/Professional Services

- Add “professional services” as a standalone permitted use in all commercial zone districts
- Add “professional services” as a standalone permitted use in the LI and ARI zone districts
- Add “professional services” as a permitted use to all subdistricts except the Bluff subdistrict in the BD zone district

Mechanical Equipment

- Allow “residential mechanical equipment” in the RSR, SFL, and SFM zone districts rear setbacks

School, Public Building, & Church Signs

Adding exemptions for the size and number of signs for schools, public buildings, and churches located in residential zone districts.

18.04.160 P definitions.

[...]

“Public building” means any structure or facility owned or leased, and principally used by a governmental agency.

[...]

School, Public Building, & Church Signs

18.44.140 Residential zone districts.

The following regulations shall apply to all residential zone districts (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, and MHP manufactured home park zone districts):

[...]

School, Public Building, & Church Signs

[...]

F. In all residential zone districts, the height of any freestanding sign shall not exceed six feet, except schools, public buildings, and churches are allowed one freestanding sign up to fifteen feet in height. Any additional freestanding signs for schools, public buildings, and churches must not be more than six feet in height;~~and~~

G. Agriculture uses on lots less than one acre in size are allowed a single sign, twelve square feet in area. Agriculture uses on lots one acre and larger are allowed a single sign thirty-two square feet in area for each street frontage; and

H. Schools, public buildings, and churches located in residential zone districts are allowed up to fifty-five square feet of signage. Signs may be freestanding or wall mounted. The allowed square footage may be applied to more than one sign, but the overall amount may not exceed fifty-five square feet.

Storage Shed Access

- Add an exemption for storage sheds smaller than five hundred square feet in the Green Belt (GB), Open Space (OS), Residential/Sensitive Resource (RSR), Single-Family Low Density Residential (SFL), or Single-Family Medium Density Residential (SFM) zone districts from driveway surface requirements

Storage Shed Access

- Currently, if a property owner wants to build a detached storage shed in a low density residential 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 property owner in a low density residential property to convert the driveway to a hard surface, such as asphalt or concrete

Subdivision Dedication Code

Update the subdivision dedication code language in TMC 17.24.030(D)(2) to change “men” to “persons”

Recommendation

- At their August 8, 2022 hearing, the Planning Commission recommended approval of Ordinance No. O2022-013

Next Steps

Final Docket Amendments (O2022-013)

City Council

- City Council worksession – September 27, 2022
- City Council consideration – October 4, 2022

TO: General Government Committee
FROM: Brad Medrud, Planning Manager
DATE: September 14, 2022
SUBJECT: Ordinance No. O2022-015, Other Housekeeping Amendments

1) Recommended Action:

Conduct a briefing on Ordinance No. O2022-015 and schedule a Worksession with the City Council for September 27, 2022 for Ordinance No. O2022-015.

2) Background:

Ordinance No. O2022-015 contains two proposed amendments to Title 2 *Administration and Personnel* and Title 15 *Building and Construction* that do not fall under the TMC 18.60.025(A) process, but will be considered at the same time as the housekeeping amendments in development code final docket considered in Ordinance No. O2022-013.

The Planning Commission held a public hearing on August 9, 2022 and recommended that the City Council approve Ordinance No. O2022-015.

In addition, while the Planning Commission did not recommend that specific amendments to Title 12 *Streets, Sidewalks and Public Places* move forward at this time as part of Ordinance No. O2022-015, Planning Commission recommended that the City Council consider a public engagement and a voluntary support program before proceeding with specific amendments to Title 12.

3) Policy Support:

Land Use Element Implementation Policy 11 of Section 3.3: "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) Alternatives:

- ☐ Modify and recommend the City Council approve Ordinance No. O2022-015
 - ☐ Recommend the City Council reject Ordinance No. O2022-015
-

5) Fiscal Notes:

This is an internally funded work program task.

6) Attachments:

- A. Ordinance O2022-015
- B. Staff Report – Other Housekeeping Amendments
- C. Presentation
- D. City of Olympia LUEC Sidewalk Presentation – February 2022

ORDINANCE NO. O2022-015

AN ORDINANCE of the City Council of the City of Tumwater, Washington, amending Titles 2 and 15 of the Tumwater Municipal Code to address minor housekeeping amendments to the City's regulations.

WHEREAS, during 2020 and 2021, staff gathered information on proposed minor housekeeping amendments to the Tumwater Municipal Code to be considered collectively in 2022; and

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

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

WHEREAS, this Ordinance is consistent with the City's Comprehensive Plan; and

WHEREAS, this Ordinance was sent to the Washington State Department of Commerce on June 10, 2022 at least sixty days before the proposed code amendments were adopted, in accordance with RCW 36.70A.106; and

WHEREAS, an Environmental Checklist for a non-project action was prepared under the State Environmental Policy Act (Chapter 43.21C RCW), pursuant to Chapter 197-11 WAC on June 10, 2022 and a Determination of Non-Significance (DNS) was issued on July 7, 2022; and

WHEREAS, the Attorney General Advisory Memorandum: Avoiding Unconstitutional Takings of Private Property (September 2018) on takings was reviewed and utilized by the City in objectively evaluating the proposed changes; and

WHEREAS, the Planning Commission received a briefing on the ordinance July 12, 2022, held a worksession the ordinance on July 26, 2022, and held a public hearing on the ordinance August 9, 2022; and

WHEREAS, following the public hearing and deliberations, the Planning Commission recommended approval of the ordinance to the City Council; and

WHEREAS, the General Government Committee discussed the Planning Commission's recommendation on the ordinance at their September 14, 2022 meeting; and

WHEREAS, the City Council discussed the ordinance at a worksession on September 27, 2022; and

WHEREAS, the City Council considered the ordinance on October 4, 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 citizens of the City.

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

Section 1. Section 2.58.110 of the Tumwater Municipal Code is hereby amended to read as follows:

2.58.110 Distribution of information.

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

(Ord. O2011-002, Amended, 03/01/2011; Ord. O2010-014, Amended, 06/15/2010; Ord. O96-004, Amended, 04/16/1996; Ord. 1259, Added, 11/06/1990)

Section 2. Section 15.48.060 of the Tumwater Municipal Code is hereby amended to read as follows:

15.48.060 Traffic study.

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

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

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

(Ord. O2010-017, Amended, 12/21/2010; Ord. O95-022, Added, 11/07/1995)

Section 3. 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 4. Ratification. Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and affirmed.

Section 5. 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 6. 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 B

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

2022 OTHER HOUSEKEEPING AMENDMENTS (O2022-015)

STAFF REPORT

GENERAL GOVERNMENT COMMITTEE BRIEFING

Issue

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

In addition, while the Planning Commission did not recommend that specific amendments to Title 12 *Streets, Sidewalks and Public Places* move forward at this time as part of Ordinance No. O2022-015, Planning Commission recommended that the City Council consider a public engagement and a voluntary support program before proceeding with specific amendments to Title 12 *Streets, Sidewalks and Public Places*.

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Summary

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

Background

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

Other Housekeeping Amendments (Ordinance No. O2022-015) Summary

The following is a summary of the two proposed amendments that were included in the other housekeeping amendments in Ordinance No. O2022-015:

A. Staff Reports for Hearing Examiner - Schedule

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

Code Section to be amended:

- TMC 2.58.110 – Distribution of information – Hearing Examiner

Proposed amendment language:

2.58.110 Distribution of information.

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

B. Traffic Study Requirements

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

2022 OTHER HOUSEKEEPING AMENDMENTS (O2022-015)

Code Section to be amended:

- TMC 15.48.060 – Traffic study – Transportation Concurrency Requirements

Proposed amendment language:

15.48.060 Traffic study.

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

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

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

Recommendation for City Council Further Action before Making Amendments

The following is a summary of an amendment to Title 12 *Streets, Sidewalks and Public Places* that was originally included in the other housekeeping amendments in Ordinance No. O2022-015, but the Planning Commission decided at their July 26, 2022 worksession to pull the proposed amendment from the ordinance and recommend that the City Council undertake other actions first.

C. Sidewalks – Obstructions, Maintenance, and Repair

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

New Code Sections to be created:

2022 OTHER HOUSEKEEPING AMENDMENTS (O2022-015)

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

Proposed amendment language, new sections added:

12.08.035 Removal of sidewalk obstructions.

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

[...]

12.12.070 Sidewalk maintenance and repair.

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

Planning Commission Discussion

At the Planning Commission briefing on July 12, 2022, the Commission raised a number of questions regarding the amendments proposed to address short- and long-term sidewalk maintenance responsibilities of the adjoining property owners.

Transportation Manager Mary Heather Ames attended the Planning Commission worksession on July 26, 2022 to help answer questions and discuss the proposed amendments.

Some of the issues raised by the Commissioners included:

- ***How will property owners in the City know about the proposed amendments and their responsibilities for short- and long-term maintenance after the code amendments are complete?***

Currently the City has regulations in the Tumwater Municipal Code that are related to the proposed amendments:

1. 8.04.030 Public nuisance defined.

A public nuisance consists of doing an act, or omitting to perform a duty, or permitting an action or condition to occur or exist which:

- A. *Unreasonably annoys, injures or endangers the comfort, repose, health or safety of others;*
- B. *Is unreasonably offensive to the senses;*
- C. *Unlawfully interferes with, obstructs or tends to obstruct, or renders dangerous for passage, any stream, public park, square, highway, public trail, or public right-of-way in the city;*
- D. *Unlawfully interferes with, damages or pollutes habitat areas, critical areas, open spaces, restoration sites, groundwater, creeks, lakes, wetlands, wetland buffers, and similar areas;*
- E. *In any way renders other persons insecure in life or the use of property;*
- F. *Interferes with the comfortable enjoyment of life and property;*
- G. *Creates or permits the existence or continuance of any of the specific nuisances identified in this chapter.*

(Ord. O2013-004, Amended, 10/15/2013; Ord. 616, Added, 04/18/1972. Formerly 8.04.010)

Ordinance No. 616 (1972) explicitly addressed removing snow and ice and vegetation from public sidewalks. Ordinance No. O2013-004 (2013) replaced the code sections dealing with these specific issues.

2. **12.08.010 Obstructing streets prohibited.**

No person shall deposit, place or put, nor suffer to be deposited, placed or put, by a person or persons in his or her employ, any goods, wares, firewood, coal, lumber, chattels or merchandise of any description whatsoever, in any of the streets, highways, alleys, or other public places of the city, except while counting or shipping the same, or actually removing the same into or out of some building or enclosure, or loading the same into or unloading the same out of some vehicle.

(Ord. O2011-007, Amended, 07/19/2011; Ord. 126, Added, 05/23/1922)

Ordinance No. 126 (1922) provided the language still used in TMC 12.08.010. Ordinance No. O2011-007 (2011) removed the specific penalties that were included in the section.

3. **12.24.030 Trees and shrubs endangering usefulness of streets and sidewalks – Public nuisance.**

Trees, plants, shrubs or vegetation, or parts thereof, which endanger the security or usefulness of any public street, sidewalk, sewer or other underground utility, are declared to be a public nuisance, except that

trees may extend over the sidewalk when kept trimmed to a height of eight feet above sidewalks and fourteen feet above a roadway.

(Ord. 909, Added, 08/15/1981)

12.24.040 Abatement of nuisance.

The public works director, or his/her designee, shall by written notice require the owner of such nuisances described in TMC 12.24.030, in addition or alternative to the penalties prescribed by TMC 12.24.090, to abate the nuisance by trimming, destroying or removal, at the owner's cost and expense within the time specified by the director; provided further, that if the destruction, trimming, or removal is not made by such owner within the time specified, the director may abate the same and render a bill covering the cost of such abatement.

(Ord. O2011-002, Amended, 03/01/2011; Ord. 909, Added, 08/15/1981)

Ordinance No. 909 (1981) provided the language still used in TMC 18.24.030 and TMC 12.24.040. Ordinance No. O2011-002 updated the department names.

There are also notes in specific approved final plats that reinforce these code sections.

Staff would need to work with our Communications team on a citywide notice to all residents about the updated ordinance followed by notices that are more detailed to property owners adjacent to known defects from the transition plan. There would likely be a lengthy notice period before the City starts enforcement, perhaps two to five years.

- ***How can the City help property owners who are elderly or have other challenges keep their sidewalks clear of vegetation and snow?***

This would be subject to further discussion with the City Council, as the City cannot assist with snow removal, as staff does not remove snow on any sidewalks in the City given our limited equipment and crews. Staff is not aware of any agency that handles snow removal for sidewalks. It is typically a “help your neighbor” situation, but some residents contact the City for emergency purposes and staff helps, as they are able. It is similar for vegetation removal but staff are able to help more often given the requests do not typically occur when all our staff are on roadway snow response.

- ***How does the City explain the long-term cost implications and who will pay: property owner directly or the property owner to the City to have the City do the work instead?***

This item remains open for further discussion. The City may have had a program in the past in which the property owner paid 25% and the City paid 75%. Property owners would proactively contact the City about sidewalk defects in front of their parcels and request that they be added to a City project. Staff would be in favor of restarting a similar program.

- ***Liability issue: if the City's code explicitly states that it is the adjoining property owner's responsibility to maintain sidewalks (snow, ice, vegetation, etc.), will it encourage lawsuits?***

The City can shift maintenance responsibility to abutting properties, but it is our understanding is the City cannot shift liability absent the property owner being the cause of the defect (See *MRSC - Sidewalk Construction, Maintenance, and Repair* and *MRSC - Sidewalk Trip and Fall . . . Who is at Fault? Who Pays? (2013)* at <https://mrsc.org/Home/Stay-Informed/MRSC-Insight/May-2013/Sidewalk-Trip-and-Fall-Who-is-at-Fault-Who-Pays.aspx>).

The City will generally always be liable, but staff would need to confirm this with our City Attorney.

According to Sophie Stimson, who is the Transportation Planning and Engineering Supervisor in the City of Olympia Public Works Department, Olympia requires adjacent property owners to maintain and repair sidewalks, but does not enforce those provisions outside of a soft encouragement. Some streets they take on the work themselves. However, they have a huge backlog of both types repairs (those they should do and those property owners should do). Olympia will examine their policy around sidewalk repair more thoroughly next year. The sidewalk repair presentation that Olympia staff gave their Land Use and Environment Committee in February 2022 is included in the packet as Attachment D.

The City of Lacey does not have any requirements.

After discussion at their worksession on July 26, 2022, the Planning Commissioners recommended that the proposed amendments be taken out of the ordinance. The Planning Commission asked that staff discuss the public engagement process that would be required to implement the amendments, as well as working to establish a volunteer support program for property owners unable to maintain their sidewalks with City Council first and then address amendments later.

Public Approval Process

An Environmental Checklist for a non-project action was prepared on June 10, 2022 under the State Environmental Policy Act (Chapter 43.21C RCW), pursuant to Chapter 197-11 WAC, and a Determination of Non-Significance was issued on July 7, 2022.

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

The Planning Commission received a briefing on the proposed other housekeeping amendments on July 12, 2022 and held a worksession on the ordinance on July 26, 2022.

A Notice of Public Hearing for the Planning Commission was issued on July 29, 2022 prior to a public hearing. The notice was posted, published as a press release, distributed to interested individuals and entities that have requested such notices, and published in *The Olympian*.

The Planning Commission held a public hearing for the amendments on August 9, 2022. Following the public hearing and deliberations, the Planning Commission made a recommendation that Council on the amendments and the next steps for sidewalk maintenance and repair.

The General Government Committee is scheduled to review the amendments in a briefing on September 14, 2022 and recommend that the ordinance be discussed at a City Council worksession. The City Council is scheduled to review the amendments at a worksession on September 27, 2022 and consider the amendments on October 4, 2022.

Public Notification

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

Staff Conclusions

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

2022 OTHER HOUSEKEEPING AMENDMENTS (O2022-015)

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

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

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

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

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

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

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

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

Planning Commission Recommendation

The Planning Commission recommends approval of Ordinance No. O2022-013.

In addition, while the Planning Commission did not recommend that specific amendments to Title 12 *Streets, Sidewalks and Public Places* move forward at this time as part of Ordinance No. O2022-015, Planning Commission recommended that the City Council consider a public engagement and a voluntary support program before proceeding with specific amendments to Title 12 *Streets, Sidewalks and Public Places*.

Effects of the Proposed Amendments

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

Staff Contact

Brad Medrud, Planning Manager
City of Tumwater Community Development Department
360-754-4180
bmedrud@ci.tumwater.wa.us

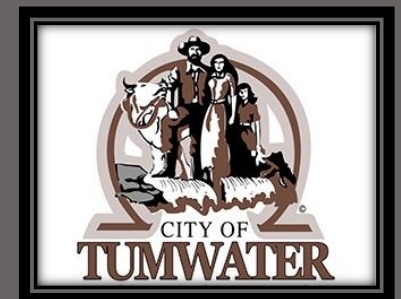
2022 Annual Housekeeping Amendments

Other Housekeeping Amendments

Ordinance No. O2022-015

September 14, 2022

General Government Committee



Issue

- During 2020 and 2021, staff gathered information on minor Tumwater Municipal Code housekeeping amendments to be considered collectively in 2022
- The proposed amendments are intended make minor corrections to the City's regulations

Review Process

- The **other housekeeping amendments** do not follow the TMC 18.60.025(A) process, but will be considered at the same time as the final docket of development code amendments in Ordinance No. O2022-013

Staff Report

For each of the two amendments, the staff report includes:

- Summary of the amendment
- Code section(s) to be amended
- Proposed amendment language

Other Amendments

The following amendments are a part of Ordinance O2022-015:

- A. Hearing Examiner Staff Reports – Schedule
- B. Traffic Study Requirements

Hearing Examiner Staff Reports

- Review when a staff report is needed for a hearing examiner hearing
- The hearing examiner has asked that the date when staff reports have to be available be changed from the current five working days prior to the public hearing to seven days
- Amend TMC 2.58.110 *Distribution of information*

Traffic Study Requirements

Update the criteria for when a traffic impact analysis is required

15.48.060 Traffic study.

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

A. Development that generates fifty or more vehicle trips in ~~the peak direction of~~ the peak hour on the adjacent streets and intersections; or

Traffic Study Requirements

B. Development that generates twenty-five percent or more of peak-hour traffic through a signalized intersection or the critical movement at an unsignalized intersection.

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

Recommendation

- At their August 8, 2022 hearing, the Planning Commission recommended approval of Ordinance No. O2022-015

Recommendation

- In addition, at their July 26, 2022 worksession, the Planning Commission removed the following amendment from Ordinance O2022-015:
 - C. Title 12 – Sidewalks – Obstructions, Maintenance, and Repair
- The Planning Commission recommended that the City Council consider a public engagement and a voluntary support program before moving forward with the amendments to Title 12

Next Steps

Other Housekeeping Amendments (O2022-015)

City Council

- City Council worksession – September 27, 2022
- City Council consideration – October 4, 2022

Sidewalk Repair

*Land Use and
Environment Committee*

February 17, 2022



Sophie Stimson, Planning and Engineering Supervisor, Public Works

Current Policy Guidance

- Sidewalk cleaning and repair is the responsibility of adjacent property owner (OMC 12.36)
- Code similar to other Washington cities
- Does not relieve the City from potential liability
- Involves many aspects of City government:
 - Public Works
 - Urban Forestry
 - Parks
 - Risk Management
 - Code Enforcement

Current Approach

Locations reported by public
Since 2014, 155 locations tracked

Notify property owner

Send letter explaining code
and providing repair guidance

City Repairs

Fix sidewalks Downtown and on
certain large streets where City
maintains street trees

Notify property owner

Letter and flyer:

- Explain code
- Urban Forestry help
- Types of repair
- Hiring a contractor
- Permit for work



Property Owner's Guide to Sidewalk Repairs

October 2019

Taking Care of Sidewalks

Sidewalks are a valuable part of our neighborhoods and enhance your property's value. When sidewalks lift up, sink, or have large cracks, they pose a trip hazard to pedestrians.

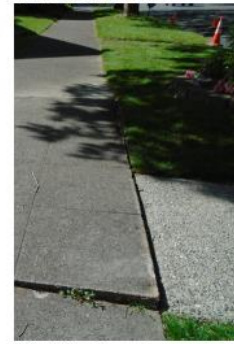
Sidewalk damage typically occurs over time and may be caused by tree roots, the ground settling or from cars parked on the sidewalk.



A sidewalk on San Francisco Avenue.



Cracks can be trip hazards.



Lifted sidewalks can also pose a hazard.

City Code

City code requires **property owners** to repair the sidewalk adjacent to their property (*Olympia Municipal Code 12.36.010- Unfit Sidewalk - Order to Repair*).

The code also states that the planter strip between the sidewalk and the street is the adjacent property owner's responsibility to maintain. (*Engineering Design and Development Standards, 2.040*)

Resources

For questions about the City's code, contact Code Enforcement at 360.753.8487.

Learn more about street trees at the City's Urban Forestry webpage or calling Community Planning and Development at 360.753.8301.

olympiawa.gov

The City of Olympia is committed to the nondiscriminatory treatment of persons in the employment and the delivery of services and resources.

Sidewalk Repairs (continued)

Property Owner Guide

You may repair your sidewalk by:

- grinding down the section that's lifted, or
- replacing the damaged panels.

Depending on the extent of the damage, you might do the work yourself or you may decide to hire a contractor.

Find a Contractor for Concrete Work

For grinding or replacement repairs, consider contacting three concrete contractors for estimates before you select one. For your protection, use contractors that are insured and bonded.

Address Tree Issues

Many damaged sidewalks are caused by tree roots. Trees in planter strips or in your yard may need to have the roots pruned. An certified arborist can evaluate tree maintenance measures by completing a Level 3 Soil and Vegetation Report. Contact cpdinfo@ci.olympia.wa.us to discuss your situation before you proceed.

Obtain a permit

For public safety, sidewalks must be built to City specifications. A permit is needed to do the tree and sidewalk work, but the permit fees will be waived for the sidewalk repair. Specifications and permits are available through the City's Community Planning & Development Department (CP&D) located on the 2nd floor of City Hall at 601 4th Avenue, 360.753.8314.



A sidewalk that's been repaired by grinding.



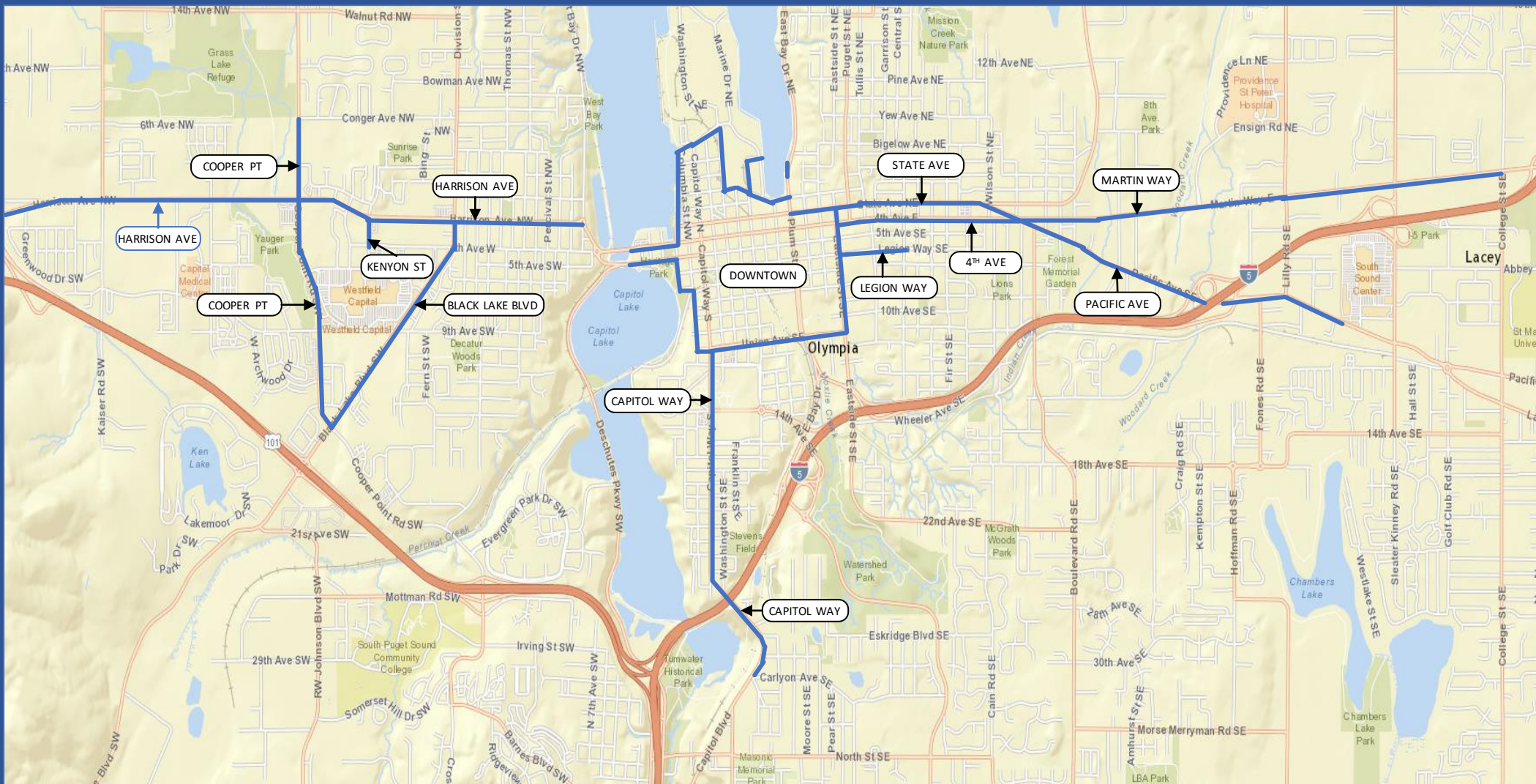
Sidewalk replacement work completed by a contractor, hired by homeowner.

olympiawa.gov

The City of Olympia is committed to the nondiscriminatory treatment of persons in the employment and the delivery of services and resources.

City Repairs

Sidewalk repair done by City:
Downtown and designated arterials
based on Street Tree Master Plan



Funding for repairs made by City

- Public Works Street Operations
- \$11,000 annually, some grants
- 3 to 6 repairs each year



Urban Forestry

- Many repairs involve street trees
- Tree removal or root pruning makes repair work more complex
- Standards for street tree planting improved, reduces future issues



Other cases of sidewalk repair

- Homeowners' associations make repairs
- Can be required by property owner's insurance
- Rebuilt sidewalks when redevelopment occurs



Conclusion

- Approach results in strategic repairs by City
- Limited repairs by property owners as a result of City letter
- Topic of concern for residents
- Sidewalk repair is in TMP “Future Policy Considerations”
- Last City Council discussion in 2005

