



**CITY COUNCIL**  
**\*\*AMENDED MEETING AGENDA\*\***

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

**Tuesday, October 04, 2022  
7:00 PM**

- 1. Call to Order**
- 2. Roll Call**
- 3. Flag Salute**
- 4. Special Items:**
  - a. Sergio's Shelter Facility Update - 3444 Martin Way (Interfaith Works Executive Director Meg Martin)
  - b. Proclamation: Fire Prevention Week, October 9-15
  - c. Proclamation: National Hispanic Heritage Month, September 15-October 15, 2022
- 5. Public Comment:** (for discussion of items not having a public hearing on tonight's agenda)
- 6. Consent Calendar:**
  - a. Approval of Minutes: City Council Worksession, September 13, 2022
  - b. Approval of Minutes: Special City Council Meeting, September 20, 2022
  - c. Approval of Minutes: City Council, September 20, 2022
  - d. Payment of Vouchers (Shelly Carter)
  - e. WSDOT Rights of Way Initiative – Process Memorandum of Understanding (Brad Medrud)
  - f. Interstate 5 / Trosper Road / Capitol Boulevard Reconfiguration; Award Contract and Authority to Sign Contract (Bill Lindauer)
- 7. Public Hearings:**
  - a. Ordinance No. O2022-021: Removal of Properties from Hopkins Drainage District (Dan Smith)
- 8. Council Considerations:**
  - a. Ordinance No. O2022-013, 2022 Development Code Housekeeping Amendments (Brad Medrud)
  - b. Ordinance No. O2022-015, Other Housekeeping Amendments (Brad Medrud)
- 9. Committee Reports**
  - a. Public Health and Safety Committee (Leatta Dahlhoff)

- b. General Government Committee (Michael Althausen)
- c. Public Works Committee (Eileen Swarthout)
- d. Budget and Finance Committee (Debbie Sullivan)

**10. Mayor/City Administrator's Report**

**11. Councilmember Reports**

**12. Any Other Business**

**13. Adjourn**

**Hybrid Meeting Information**

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

The City of Tumwater broadcasts and livestreams City Council meetings on cable television and the internet. Council meetings can be viewed on Comcast Channel 26 or on the TCMedia website.

**Watch Online**

<https://tcmmedia.org/stream.php>, select "Watch, Streaming Now, Channel 26."

OR

Go to <http://www.zoom.us/join> and enter the Webinar ID 878 3087 6408 and Passcode 154743.

**Listen by Telephone**

Call (253) 215-8782, listen for the prompts and enter the Webinar ID 878 3087 6408 and Passcode 154743.

**Public and Written Comment**

Attend in person to give public comment or register by 6:45 p.m. the day of the meeting to provide public comment using the web-based meeting platform:

[https://us02web.zoom.us/webinar/register/WN\\_2tDUzReuTDWa85yI7aQmqw](https://us02web.zoom.us/webinar/register/WN_2tDUzReuTDWa85yI7aQmqw)

After registering, you will receive a confirmation email with a login to join the online meeting.

As an alternative, prior to the meeting, the public may submit comments by sending an email to [council@ci.tumwater.wa.us](mailto:council@ci.tumwater.wa.us), no later than 5:00 p.m. on the day of the meeting. Comments are submitted directly to the Mayor and City Councilmembers and will not be read individually into the record of the meeting.

**Post Meeting**

Video recording of this meeting will be available within 24 hours of the meeting.

<https://tcmmedia.org/channels.php>

**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](mailto: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](mailto:ADACoordinator@ci.tumwater.wa.us)

# Proclamation

*WHEREAS*, the City of Tumwater is committed to ensuring the safety and security of all those living in and visiting our City. Fire is a serious public safety concern both locally and nationally. Homes are the locations where people are at greatest risk; and

*WHEREAS*, in 2020, U.S. fire departments responded to an estimated 1,388,500 fires. These fires caused 3,500 civilian deaths and 15,200 civilian injuries; and

*WHEREAS*, today's homes burn faster than ever. Occupants may have two minutes or less to safely escape a home fire from the time the smoke alarm sounds. The ability to get out of a home during a fire depends on early warning from smoke alarms and advance planning; and

*WHEREAS*, a home fire escape plan provides the skill set to quickly and safely escape a home fire situation. A home fire escape plan should include two exits from every room in the home, a path to the outside from each exit, smoke alarms in all required locations and a meeting place outside where everyone in the home will meet upon exiting; and

*WHEREAS*, the home fire escape plan should address everyone in the home including children, older adults, and people with disabilities who may need assistance to wake up and get out; and

*WHEREAS*, first responders are dedicated to reducing the occurrence of home fires and home fire injuries through prevention and protection education; and

*WHEREAS*, residents are able to take personal steps to increase their safety from fire, especially in their homes. The 2022 Fire Prevention Week theme, "Fire Won't Wait. Plan Your Escape" serves to educate the public about the vital importance of having a home fire escape plan - and practicing that plan.

*NOW THEREFORE*, I, Debbie Sullivan, Mayor of the City of Tumwater, do hereby proclaim the month of

*October 9, 2022 - October 15, 2022*

*Fire Prevention Week*

and I urge all residents and businesses in the City of Tumwater to heed these messages and to support the efforts of the Tumwater Fire Department and other emergency services to keep us safe from fires and in times of medical emergencies.

Signed in the City of Tumwater, Washington, this 4<sup>th</sup> day of October in the year, two thousand twenty-two.



*Debbie Sullivan*

Debbie Sullivan

Mayor

# Proclamation

*WHEREAS*, each year, Americans observe National Hispanic Heritage Month from September 15 to October 15, by celebrating the histories, cultures and contributions of those whose ancestors came from Spain, Mexico, the Caribbean and Central and South America; and

*WHEREAS*, National Hispanic Heritage Month celebrates and recognizes Hispanic American contributions to US society and culture. Designated in 1968 when Congress passed Public Law 90-498 authorizing and requesting the President to issue an annual proclamation of National Hispanic Heritage during mid-September. September 15th marks the anniversary of independence for the Latin American countries of Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua. Mexico celebrates its independence on September 16th and Chile celebrates its independence on September 18th; and

*WHEREAS*, National Hispanic Heritage Month is a time to honor the many ways Hispanics, Latinos, and Latinx contribute to Tumwater, celebrate diverse cultures, and work toward a stronger, more inclusive, and prosperous community for all; and

*WHEREAS*, Hispanic Americans have made exceptional contributions throughout our history in areas including science, medicine, business, law, sports, education, government and military. Our culture has been enriched by the art, food, music, literature, and creativity of Hispanic people; and

*WHEREAS*, understanding the lived experiences of Hispanics in Tumwater is critical to the creation of City services, development, infrastructure, programs, and investments with mutual benefits for all who reside in our community.

*NOW THEREFORE*, I, Debbie Sullivan, Mayor of the City of Tumwater, do hereby proclaim the month of

*National Hispanic Heritage Month*  
*September 15 - October 15, 2022*

and I urge people to join me in learning and participating in events that celebrate the rich Hispanic cultural traditions.

Signed in the City of Tumwater, Washington, this 4<sup>th</sup> day of October in the year, two thousand twenty-two.



A handwritten signature in blue ink that reads "Debbie Sullivan".

*Debbie Sullivan*  
*Mayor*



**TUMWATER CITY COUNCIL WORKSESSION  
MINUTES OF VIRTUAL MEETING  
September 13, 2022 Page 1**

**CONVENE:** 5:31 p.m.

**PRESENT:** Mayor Debbie Sullivan and Councilmembers Peter Agabi, Michael Althausen, Joan Cathey, Leatta Dahlhoff, Angela Jefferson, Charlie Schneider, and Eileen Swarthout.

Staff: City Administrator John Doan.

Others: Meagan Darrow and Tami Lathrop, TOGETHER!

**TOGETHER!  
RENTAL  
ASSISTANCE AND  
HOST HOMES  
PILOT PROGRAM/  
STAY HOME  
PROGRAM  
PROJECT UPDATE:**

City Administrator Doan reported TOGETHER! has partnered with the City to assist young people and families in the community for a number of years. Throughout the pandemic, two programs were offered through TOGETHER! The first was the rental assistance program for families and students through the Tumwater School District by identifying families at risk of losing their homes. The second program is the Host Homes Program. The City provided some start-up funding to reduce the frequency or occurrence of homeless youth. He introduced TOGETHER Executive Director Meagan Darrow.

Ms. Darrow reported TOGETHER, a non-profit organization, has been in existence for 33 years. The Host Homes Program has been in development over the last year and is ready to launch. Additionally, the Tumwater Community Schools Program in partnership with TOGETHER, Tumwater School District, and the City of Tumwater offers rental assistance to families to prevent eviction.

Tami Lathrop, Host Homes Program Director, provided an update on the program. The program provides safe, short-term housing for unaccompanied high school students experiencing housing instability. The program accepts students enrolled in high schools in the Tumwater School District or North Thurston Public Schools. The program matches students with families in Thurston County.

The program vets and trains hosts to provide youth with safe, affirming housing where they are supported. The program supports kinship reconciliation and works with students and their families at the student's discretion. Students are required to participate in their education to complete high school or obtain a GED. Youth case managers provide support to strengthen life skills, budgeting and financial education, job search and resume building, navigating the transit system, conflict resolution, and strengthening their voice and input when planning for their future. The program supports students to help them graduate from the program into independent housing after the student reaches 18 years of age

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**MINUTES OF VIRTUAL MEETING**  
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and has completed high school education or obtained a GED.

Funding received from the City afforded the program to leverage additional grants through the state enabling full staffing for the program. Ms. Lathrop reported she joined the program at the end of May as the program director. The program includes a program manager and two case managers. The program has also contracted for services to assist in the preparation of marketing materials, host and staff training, support from a licensed mental health counselor, and training on affirming LGBT+, gender, and racial identity.

The program launched in January 2022 and currently has enrolled two students. Both youths are Tumwater School District students and have been placed in housing. The program is working with a third student who is completing the intake and assessment process. The Community Schools Program has been instrumental in teaming with the program and supporting the goals of the program.

The program is seeking more host families. Currently, the program has one active family providing housing to two Tumwater students. Another family is working through training and documentation and should be in a position to house a student by the end of October. The host family houses a student and provides them with a room and meals. The program supports financial needs of the student, such as extracurricular activities, music lessons, and school dances, etc. The program works with host families to supplement transportation needs of the student and host families can submit bills to help offset some increased costs associated with hosting a student.

Ms. Darrow noted that students participating in the program fall under the McKinney-Vento Homeless Assistance Act. Within the state, students living in a host home continue to be eligible for support from the McKinney-Vento services from their home school district, which includes support to and from school for students.

Ms. Lathrop commented on the importance of the Community Schools Program working in support of the Host Homes Program because it is part of the integral success of the program. With support from Community Schools, the program is able to secure referrals through established relationships within the Tumwater School District.

Ms. Lathrop addressed questions from the Council. The program's current budget is able to support 30 host homes within the next 12 months. With full staffing, marketing of the program has been increased to include

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hosting informational sessions. Current host families have volunteered to participate in the training of new host families and provide information on the program.

Ms. Darrow said the funding level for the program this year is approximately \$500,000. A three-year grant was received for the program. The Department of Commence funding was a one-year commitment with options for renewal next year. Because of the focus by the state on youth homelessness, the program is included in the cohort of other similar providers in the state to offer innovative solutions to reduce youth homelessness.

Ms. Darrow responded to questions about the sustainability of the program and how TOGETHER plans to adjust the program or the budget if programs goals are not achieved. Following the establishment of the program, staffing was limited to the director position, which focused on developing the program. The program requires a substantial amount of policy, procedures, and risk management. The program represents the organization's first 24-hour/365-day program requiring additional efforts by the Board and staff of TOGETHER. The pandemic contributed to slowing some progress of the program with some initial host families withdrawing from the program.

Ms. Lathrop added that addressing and abolishing the biases of homeless youth contributes to successfully attracting host homes. Most of the youths have attended the same schools their entire life and want to attend school and have a stable situation so they can succeed and have some sense of permanency. Homeless youths entering the program are often a member of the LGBT+ community, have some gender identity issues that have created family issues, or have the support of a guardian or parent to enroll in the program. Many youths and their parents/guardians enter the program in lieu of participating in the foster care program to avoid losing dependency or parental rights.

Ms. Lathrop shared information on upcoming community outreach events to promote the program and inform the community of its existence.

Suggestions offered by the Council included connecting with active seniors who may be interested in becoming a host family.

Ms. Lathrop explained that youths who are minors must have a guardian or parent's permission to participate in the program. An initial meeting is held with the parent/guardian to discuss the program and its benefits to house their child without losing their parental rights. She has experience

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**MINUTES OF VIRTUAL MEETING**  
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working within the foster care system and answers questions from parents about the program, which serves as a supplemental resource for stabilizing a youth. Ms. Darrow added that the youths have experienced homelessness and are not from a stable home situation. Both of the youths were living in a shelter situation. Youths participating are not leaving their families for a different option. The program promotes stable housing for youth to help prevent homelessness when they become adults.

Ms. Darrow thanked the Council for the funding commitment to Host Homes to assist in building the program to provide a solution to homeless youth in the community.

Ms. Darrow updated the Council on the Tumwater Community Schools Program through TOGETHER and the home rental assistance program. This year, the program eliminated one staff position because of a smaller contract with the school district. The program is valuable and is viewed as a priority as funding and budgetary changes occur within the school district.

Tumwater Community Schools is an initiative based on the National Community Schools Model. The program places site coordinators or community schools managers in schools to leverage community support. Community school managers identify families who may be experiencing barriers that are impeding a student from participating in school, attending school, or succeeding in school. This year, the program is supported by four staff members comprised of a program director and three community schools managers serving six schools in the Tumwater School District. Schools not directly supported are provided with rental assistance and other district-wide support. This year, the budget totaled \$426,000. Staff members in schools were able to connect with 50 to 60 students or their families to provide rental assistance, snacks, referral to other providers, school supplies, food assistance, and car repair services.

Accomplishments during 2021 and 2022 included:

- Distribution of 137 turkey baskets to all 13 district schools through partnership with 4 the Love Foundation
- Kicks for Kids Program distributed 119 shoes to 9 district schools through partnership with Big 5 Sporting Goods and Thurston County staff
- Served 96 families at Back to Basics Immunization Event in partnership with Thurston County Public Health
- Summer Resource Centers at two schools supported 236 visits for basic needs supplies

**TUMWATER CITY COUNCIL WORKSESSION**  
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- Fourth annual TOGETHER! Fore Kids Golf Tournament attracted 130 golfers and over 20 sponsors.
- From January through September 2022, the rental assistance program distributed \$34,122 to 25 families with the average payment of \$1,421

Councilmember Dahlhoff asked whether TOGETHER has decided to no longer accept Thurston County funds and how the organization plans to supplement those lost funds. Ms. Darrow explained that Thurston County extended a contract without a competitive process. The organization does not foresee applying to Thurston County for funds despite the county's automatic extension of contracts. The organization will utilize less restrictive funding sources to help fund the organization's foundation and a donor-designated fund, the Swift Fund named after TOGETHER's founder, Earlyse Swift. TOGETHER also receives funds from the Building Changes Foundation to help support the Host Homes Program.

Ms. Darrow thanked the Council and Mayor for the many years of partnership and collaboration. The City of Tumwater has been a key partner in the Community Schools Program and in the development of the Host Homes Program. Host Homes would not be possible without the conversations with the City to vet different options for the program to house unaccompanied youth. Throughout the pandemic, the City of Tumwater was the primary funding source in Tumwater to help families stay housed and address challenges over the course of the pandemic. TOGETHER is seeking continued funding of approximately \$100,000 to help support the Tumwater Community Schools Program. The contract with the school district includes provisions for the school district providing half of the funds with TOGETHER committed to raising the other half. However, this year because of financial difficulties encountered by the Tumwater School District, the contract has been reduced substantially. Additional funds are necessary to fill the gap to retain the existing staffing model through 2022 and 2023. The Host Homes Program is fully funded for the next three years.

Ms. Darrow addressed questions on how TOGETHER has utilized funding from Thurston County in the past. All county funds have been used for direct client services. The request to the City is for funding to maintain staffing levels. All funding for client services is deployed through Community Schools staff. Client services funding for this fiscal year (22-23) include the continued funding from Thurston County and private foundation funding. No new funds have been designated by Tumwater as all 1406 funds have been expended as well as the American Rescue Plan Act (ARPA) funds the City received.

**TUMWATER CITY COUNCIL WORKSESSION  
MINUTES OF VIRTUAL MEETING  
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City Administrator Doan advised that the next round of Community Development Block Grant (CDBG) funding for the City is not until 2024 (September). The budget includes an annual allocation of \$150,000 for housing and human services programs beyond what is contributed to the county and through small local human services grants.

Councilmember Althausen added that the \$150,000 allocation is the only amount available that the City could tap for any contributions to Regional Housing Council projects.

Mayor Sullivan asked for clarification as to Thurston County funds not allowing for administrative fees as most grants include a percentage for administrative costs to cover staffing requirements. Ms. Darrow replied that TOGETHER receives only \$15,000 from the county and that amount is not sufficient to fund staff costs.

City Administrator Doan said the City has an established long-standing relationship with TOGETHER in supporting Tumwater Community Schools, which was built around a Tumwater philosophy of addressing homelessness as it occurs. The last Community Summit also served as the genesis of Host Homes as an idea for combating youth homelessness.

Mayor Sullivan acknowledged and thanked Ms. Darrow and Ms. Lathrop for attending and presenting the updates.

City Administrator Doan encouraged the Council to provide some preliminary guidance in support of staff exploring funding options and any remaining ARPA funds. A majority of the Council supported pursuing another conversation on the funding request with staff providing additional information on funding sources and availability.

**CAPITOL LAKE –  
DESCHUTES  
ESTUARY LONG-  
TERM  
MANAGEMENT  
PROJECT UPDATE:**

City Administrator Doan reported the fate and future of Capitol Lake and the Deschutes Estuary has been a long process with the most recent efforts initiated in 2016 with a commitment by the Department of Enterprise Services (DES) and the State Legislature to proceed with identifying a shared governance model. In 2016, the Legislature authorized a budget proviso to fund the planning process. As part of the proviso, the process directed shared participation in future governance and funding for the Capitol Lake system.

The planning process included a series of work groups tasked to complete an Environmental Impact Statement (EIS) on a set of alternatives with the goal to select the preferred alternative and a model for long-term

**TUMWATER CITY COUNCIL WORKSESSION**  
**MINUTES OF VIRTUAL MEETING**  
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governance and funding.

The Funding and Governance Work Group developed a draft memorandum of understanding between the affected parties of Thurston County, City of Tumwater, City of Olympia, Port of Olympia, Squaxin Island Tribe, local marinas, and the LOTT Clean Water Alliance.

Additionally, the Port of Olympia is working with the U.S. Army Corps of Engineers and the Department of Ecology to address contaminated sediments in West Bay. A follow-on action requires dredging of Capitol Lake to remove sediments that have accumulated and are contaminated with toxins and invasive species (New Zealand Mud Snails) complicating the method of sediment disposal. Following completion of the first two processes, the next step is removal of the Fifth Avenue Dam to allow the river to flow unabated into West Bay with sediment depositing into West Bay. Construction of some recreational amenities would follow surrounding the estuary to include boardwalks in the City of Tumwater and City of Olympia, as well as establishment of a maintenance-dredging schedule to dredge West Bay every six years to maintain shipping capabilities. The state has acknowledged that the construction costs associated with the first dredge of the lake, removal of the dam, rebuilding the Fourth Avenue Bridge, and construction of the recreational amenities would be funded by the state of an estimated \$250 million. A formula was developed for the parties to pay a portion of the ongoing maintenance dredging. For the City of Tumwater, that amount in 2022 dollars would be approximately \$2.7 million for a maintenance dredging until 2050.

Staff has explored options for the City to pay its share recognizing that the amount is not due at one time but would entail a payment schedule to pay the \$2.7 million or \$5 million (based on escalation) over a 35-year period. Staff drafted a plan proposing the use of the Stormwater Utility to generate those funds. The proposal includes a 0.5% increase, increasing to 1% in the fourth year followed by a reduction to .5% with the amount alternating between .5% to zero during the timeline to generate sufficient revenue to make payments. City Administrator Doan invited questions on whether the strategy would be effective to fund the amount.

Councilmember Swarthout asked how the costs for the boardwalk would be covered. City Administrator Doan explained that the City would be responsible for the maintenance of the boardwalk. The boardwalk would likely not be constructed until five to ten years. The boardwalk would be included as another facility maintenance obligation by the City. Provisions in the agreement stipulate that the boardwalk design will be approved and accepted by the City.



**TUMWATER CITY COUNCIL WORKSESSION  
MINUTES OF VIRTUAL MEETING  
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Councilmember Schneider asked whether the Olympia Yacht Club and the other parties would be contributing funds. City Administrator Doan said the U.S. Army Corps of Engineers is considered a 35% participant (\$10 million) and LOTT and Thurston County would pay \$2.7 million with City of Olympia paying a higher share. The yacht clubs would be responsible for funding based on a different calculation.

Councilmember Schneider commented that over that period the City's stormwater bill would increase 15% not including annual increases in stormwater bills. City Administrator Doan noted that inflation would occur during the same period increasing the stormwater bill even higher. The annual increase attributed to funding maintenance dredging is a cumulative increase.

Councilmember Althausen noted that one entity that does not have a fiscal obligation is the Squaxin Island Tribe. The Funding and Governance Work Group considered the tribe's equity component as the historical stewards of the land.

City Administrator Doan said the next step for the memorandum of understanding will lead to the development of an interlocal agreement between the jurisdictions establishing the amount each jurisdiction will be assessed. Additionally, the proposed Mayor's budget includes the .5% increase in the Stormwater Utility Fund budget.

**MAYOR/CITY  
ADMINISTRATOR'S  
REPORT:**

City Administrator Doan reported the Thurston County Commission scheduled an October 18, 2022 public hearing on a proposal to suspend operations of the Hopkins Drainage District. The County Commission is not able to dissolve the district but is allowed to suspend the district indefinitely. Mayor Sullivan testified in support of the scheduling the public hearing, as well as the proposal to suspend the drainage district. The City plans to testify on October 18, 2002 in support of the suspension.

**ADJOURNMENT:** **With there being no further business, Mayor Sullivan adjourned the meeting at 7:03 p.m.**

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

## **TUMWATER CITY COUNCIL SPECIAL MEETING**

### **MINUTES OF VIRTUAL MEETING**

**September 20, 2022 Page 1**

**CONVENE:** 5:45 p.m.

**PRESENT:** Mayor Debbie Sullivan and Councilmembers Peter Agabi, Michael Althausen, Joan Cathey, Leatta Dahlhoff, Angela Jefferson, Charlie Schneider, and Eileen Swarthout.

Staff: City Administrator John Doan, Administrative Services Director James Trujillo, and City Clerk Melody Variant.

**EXECUTIVE SESSION:** Mayor Sullivan convened and recessed the meeting at 5:46 p.m. to conduct an executive session on collective bargaining pursuant to RCW 42.30.140(4)(B) for approximately 15 minutes.

**COLLECTIVE  
BARGAINING  
PURSUANT TO  
RCW  
42.30.140(4)(B):**

**RECONVENE &  
ADJOURNMENT:** Mayor Sullivan reconvened and adjourned the special City Council meeting at 7:01 p.m.

Prepared by Valerie L. Gow, Recording Secretary/President  
Puget Sound Meeting Services, [psmsoly@earthlink.net](mailto:psmsoly@earthlink.net)

**TUMWATER CITY COUNCIL MEETING  
MINUTES OF HYBRID MEETING  
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**CONVENE:** 7:07 p.m.

**PRESENT:** Mayor Debbie Sullivan and Councilmembers Peter Agabi, Michael Althaus, Joan Cathey, Leatta Dahlhoff, Angela Jefferson, Charlie Schneider, and Eileen Swarthout.

Staff: City Administrator John Doan, Economic Development Manager Austin Ramirez, and City Clerk Melody Valiant.

**SPECIAL ITEMS:**

**PROCLAMATION:  
NATIONAL VOTER  
REGISTRATION  
DAY, SEPTEMBER  
20, 2022:** Councilmember Cathey emphasized the importance of all eligible voters to vote on election day. She read a proclamation encouraging all eligible City of Tumwater residents to register to vote and to make it a priority to vote on Election Day.

**ASSOCIATION OF  
WASHINGTON  
CITIES ADVANCED  
CERTIFICATE OF  
MUNICIPAL  
LEADERSHIP  
PROGRAM:** Alicia Seegers Martinelli, Deputy CEO/COO, Association of Washington Cities (AWC) presented Advanced Certificates of Municipal Leadership Program to Councilmembers Swarthout and Dahlhoff.

AWC serves elected officials and city employees through its mission of supporting members through advocacy, education, and services. AWC serves all 281 cities and towns in Washington State. Working through members and the Board of Directors, AWC serves as the voice of municipalities to the Legislature, Executive Branch, and regulatory agencies. The Council is encouraged to remain updated on the AWC's advocacy news and announcements by reviewing AWC's Legislative Bulletin, as well as participate in webinars, and participate in city action days on February 15-16, 2023.

Ms. Martinelli cited several programs AWC offers municipalities. AWC has sponsored the Municipal Leadership Program for 25 years. The program recognizes mayors and councilmembers for accomplishing training in five competency areas. The core requirements include the categories of roles and responsibilities and legal requirements, public sector resource management, community planning and development, effective local leadership, and diversity, equity, and inclusion.

Ms. Martinelli congratulated Councilmembers Dahlhoff and Swarthout for achieving the Advanced Certificate of Municipal Leadership.

Councilmembers Swarthout and Dahlhoff commented on the ability to take advantage of the classes and seminars as many were held virtually enabling them to participate. They thanked AWC for the opportunity to participate in the program.

**TUMWATER CITY COUNCIL MEETING  
MINUTES OF HYBRID MEETING  
September 20, 2022 Page 2**

**PUBLIC COMMENT:** There were no public comments.

**CONSENT  
CALENDAR:**

- a. Approval of Minutes: City Council, September 6, 2022
- b. Contract Renewal – Tumwater Prosecution Services
- c. Bush Prairie Habitat Conservation Plan (HCP) Phase 2 Second Amendment to Service Provider Agreement
- d. Audit Engagement Letter
- e. Contract Salary Changes

**MOTION:** **Councilmember Swarthout moved, seconded by Councilmember Agabi, to approve the consent calendar as presented. A voice vote approved the motion unanimously.**

**COUNCIL  
CONSIDERATIONS:**

**SERVICE PROVIDER  
AGREEMENT WITH  
THE THURSTON  
EDC FOR  
THURSTON  
STRONG PHASE II:**

Economic Development Manager Austin Ramirez reported the Council previously approved allocating \$350,000 of federal American Recovery Plan Act (ARPA) funds to support Thurston Strong Phase II efforts. Since then, staff and others have been working on ways to invest the funds for the community.

Jason Robertson with J. Robertson & Company reported he has been coordinating the Thurston Strong program over the last several years. The program is resetting following the last several years of the pandemic. At the onset of the pandemic, he was scheduled to develop an economic development plan for the City of Olympia when the first case of COVID was diagnosed in Seattle. Soon after, efforts changed focus with contacts to other cities and community development organizations to form Thurston Strong, comprised of the largest cities in Thurston County, Thurston County, Port of Olympia, Pacific Mountain Workforce Development, Thurston Economic Development Council (EDC) serving as the fiscal agent, Thurston County Chamber of Commerce, and later South Puget Sound Community College, and the Community Foundation. All parties played instrumental roles in assisting with recovery efforts for businesses and employees.

When the pandemic first hit, no one knew what to think or what would be coming next, as there was much disinformation and different efforts on how to operate in a pandemic environment. Thurston Strong served to assist businesses and workers in recovery efforts with the Department of Health leading health efforts. The EDC established a 1-800 hotline and received 15,000 points of contact through the hotline, via online, or by visiting EDC's office. The Thurston Strong website was established with 19,000 unique users. The website served as a grant portal for applicants and an informational source on how to reopen, ways to convert a business, and ways to receive credits for retaining employees, etc.

**TUMWATER CITY COUNCIL MEETING  
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Thurston Strong Phase 1 received \$9 million in federal CARES funding contributed through the county and from local cities. At that time, the focus was on childcare with three funding rounds of childcare grants to help different types of providers. Data helped drive other decisions. The program supported microbusinesses, such as restaurants, retail, non-profits, food systems, as well as providing scholarship training for businesses to help convert to an online presence with delivery service.

Councilmember Dahlhoff questioned the possibility of highlighting Tumwater examples in terms of workers and businesses assisted during Phase I efforts. Mr. Robertson advised that he can query the database to document businesses and workers receiving assistance in Tumwater.

Efforts on Phase II coincide with the release of federal American Recovery Plan Act (ARPA) funds. The new funding program is somewhat different as it is more difficult to release the funds to organizations although the grant term is longer than the CARES funding program. The county's funding program includes a non-profit grant with a target of \$900,000, which has been received and expended. The microbusiness grant program was relaunched with over \$1 million remaining in the program. It is more difficult to qualify for the funds because businesses must show proof of loss. The Ag Market Program was reset with a goal to release 100 grants to food system operators involving farmers, processors, or retailers of honey.

Another \$100,000 was provided to food assistance on behalf of non-profits receiving food deliveries to retail to their specific customers.

Since April 1, 2022 most grants were awarded to businesses most impacted by the absence of workers, such as personal services, food services, and other businesses. As part of the reset of the plan, emphasis has been on BIPOC (Black, Indigenous, and People of Color) community engagement and support. As businesses reopened, efforts were explored on how to facilitate workers returning to work. One action was through the Job Champions Network, which places dislocated workers into jobs with non-profit agencies gaining the ability for workers to change their career trajectory by paying for a year's worth of salary enabling a worker to gain experience and the non-profit benefitting by having additional personnel providing services to the community. The program is a partnership with PACMountain and the Community Foundation. Mr. Robertson displayed a list of non-profit organizations receiving one or two employees through the program.

Worker training pivoted to the City of Olympia after the city contributed some funds to form the Olympia Career HUB, which is currently operating and expanding. The HUB offers a construction corps program where people can receive training on basic building skills and receive certification with connection to local builders constructing affordable housing. Other programs include hospitality training and other certificate programs. The City of Olympia is exploring a program enabling homeless individuals to work a

**TUMWATER CITY COUNCIL MEETING**  
**MINUTES OF HYBRID MEETING**  
**September 20, 2022 Page 4**

limited hour work schedule to gain work experience and transition to other well-established programs. Thurston County allocated \$100,000 to support entertainment recovery efforts.

Thurston EDC secured a \$100,000 grant from the U.S. Economic Development Administration (EDA) to enable the completion of a Comprehensive Economic Development Strategy for the region encompassing Grays Harbor, Thurston, Mason, and Pacific Counties. Once certified by the EDA as an Economic Development District, the region is able to seek other types of larger grants for infrastructure, broadband, and other large projects.

Resiliency training was expanded to help businesses with different technical, financial, and access to capital needs. Many businesses are taking advantage of the program.

The EDC hired a BIPOC business community liaison, Mayra Pena, who operates from the EDC office. The office provides information in Spanish. She visits BIPOC businesses to assess needs and help businesses grow. The Thurston County Chamber of Commerce also sponsors an informal networking BIPOC group for mutual support and to learn about marketing goods and services.

Thurston County committed to providing \$500,000 Target Zone start-up grants. The program assists in helping launch businesses in census districts that are disproportionately impoverished or at risk of socioeconomic issues. The program received many applications. The county agreed to increase the funding to \$1 million enabling the distribution of 10 grants of \$100,000.

EDC Executive Director Michael Cade introduced Sean Moore, Director, Center for Business Innovation. The EDC consists of two non-profits, the EDC and the Center for Business Innovation. Mr. Moore has served as the director for approximately 18 months and has assumed many of the responsibilities for the Thurston Strong Program.

Mr. Moore shared information on some of the Target Zone grant winners and the businesses they opened.

Councilmember Dahlhoff reemphasized an ongoing request by several Councilmembers for the EDC to provide the Council information pertinent to businesses in Tumwater or how funds contributed by the City benefit the community. Mr. Robertson said the information with respect to outcomes in Phase II did not include any Tumwater funds. The programs have been funded by Thurston County and City of Olympia to serve as many community members throughout the community as possible. During Phase 1 efforts, the EDC provided a table of the funding level from Tumwater and the benefits the community received. Councilmember Dahlhoff asked that the

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information identify the businesses that benefitted in Tumwater to enable the City to work with and partner with those companies in the future.

Councilmember Cathey asked about the status of work underway in Tumwater to utilize the \$350,000 allocation the Council previously authorized..

Mr. Cade explained that funding received by the program does not exclude the community of Tumwater and that work continues. As the work program was developed last year, EDC worked with City staff to ensure the strategies were in keeping with the direction of the efforts. Some of the work was temporarily delayed to ensure cohesiveness with Tumwater staffing. Today, the City has a new Economic Development Manager. During the next phase of work, a better network is in place to work with City staff.

City Administrator Doan added that the conversation with EDC has been ongoing since the Council allocated \$350,000 in terms of how to expend funds in Tumwater that would benefit the community. The intent was not adding the funds to the regional pool but discuss what funding allocations might benefit the City. It took some time to hire Manager Ramirez, who has been working on the program to determine what makes the most sense to Tumwater. When the \$350,000 was approved, the Council reviewed and agreed to follow the pattern of Thurston Strong. Since then, City and EDC staff have been meeting to develop a recommendation on how to allocate those funds within the City.

Councilmember Cathey responded that she believes funding for childcare continues to be important; however some of the recommendations are nebulous and not clearly defined. She asked how the City knows that some of the proposed projects are relevant a year later.

Manager Ramirez explained that when he joined the City, it was the first question he discussed with the EDC and some of the projects reflect an extension of Phase I, as well as addressing some foundational gaps in the economic development ecosystem today. The amount set-aside for non-profit support would not meet current needs that it would have met last October, which speaks to why the scope of services with the EDC totals \$300,000 rather than \$350,000 as staff continues to discuss with partners to determine the best investment of limited resources.

Councilmember Dahlhoff proposed deferring the proposal to a Council worksession. Councilmember Cathey supported the recommendation to revisit how the funds should be expended.

Councilmember Althaus said he reviewed the plan and is confident of the plan but prefers not acting if some Councilmembers are not ready to act on the plan. The plan calls for allocating \$205,000 for childcare, which he



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supports as the licensing capacity for childcare in the City is more than prior to the pandemic; however, fewer children are receiving childcare services, which is reflective of a staffing capacity issue for childcare providers. He supported the suggestion to convene a worksession to discuss the merits of the plan and acknowledged the efforts for development of a plan that makes sense to him.

Councilmember Schneider supported deferring action until the Council conducts a worksession.

Councilmember Swarthout asked that staff provide more information on how some of the funding recommendations were developed.

Manager Ramirez explained that the role childcare plays in the regional economy is reflective of an industry that allows all other sectors to be possible. Phase I continued to reflect much unfunded needs based both on data and anecdotally when discussing the issue with parents and businesses who are struggling. Childcare providers continue to struggle with staffing, increased costs, and capacity issues.

The Council agreed to defer the proposal to a worksession for additional review and discussion.

**COMMITTEE  
REPORTS:**

**PUBLIC HEALTH &  
SAFETY:**  
*Leatta Dahlhoff*

At the last meeting on September 13, 2022, the committee received updates from the Thurston County Prosecutor's Office. Data from the therapeutic courts will not be provided until the end of September. Other data on referrals for domestic violence reflect 119 referrals in 2020 and 415 referrals for non-domestic violence. Of those, 75% were charged. Data reflects that in Tumwater the trend in domestic violence is increasing. Jail booking priorities are limited to violent and person-on-person crimes. Thefts and other lesser offenses are not booked in jail based on caps and restrictions, which should be lifted on October 31, 2022 based on the Governor's emergency orders. The next meeting is on October 11, 2022. The agenda includes a discussion on School Resource Officer roles and responsibilities and reviewing the 2023 to 2025 School Resource Officers contract.

**GENERAL  
GOVERNMENT:**  
*Michael Althaus*

The committee met on September 14, 2022 and reviewed two ordinances on general housekeeping amendments to the code. The committee referred the ordinances to the Council worksession on September 27, 2022.

**PUBLIC WORKS:**  
*Eileen Swarthout*

The next meeting is scheduled on Thursday, September 22, 2022 to discuss the Percival Creek Fish Passage Barrier Replacement Scope Amendment #1, Somerset Stormwater Project, and an ordinance on removal of properties from the Hopkins Drainage District.

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**BUDGET AND  
FINANCE:**

*Debbie Sullivan*

The Council is scheduled to continue to review the City's budget over the course of several worksessions.

**MAYOR/CITY  
ADMINISTRATOR'S  
REPORT:**

Mayor Sullivan recognized Bob Neal with TCTV, who is retiring, for his many years of support providing media services for the Council.

**COUNCILMEMBER  
REPORTS:**

*Angela Jefferson:*

During the recent meeting of Experience Olympia and Beyond, members discussed moving the retreat from October to November 15, 2022 to enable additional planning time. The hotel occupancy for July 2022 fell below rates during July 2019 and 2021. Daily occupancy continues to perform well. The website is receiving a high number of unique visits compared to previous years. Social media audiences have increased significantly as well. Consumer E-newsletters and mail outs of visitor guides continue to increase. The organization is seeking an increase in lodging tax funds for 2023. The organization's budget was reduced by \$100,000, and the organization has identified priorities and work that can be completed or delayed until 2023.

*Joan Cathey:*

Councilmember Cathey reported on her attendance to the General Government Committee, Regional Housing Council, Solid Waste Advisory Committee, and the Olympic Region Clean Air Authority meetings.

*Charlie Schneider:*

Councilmember Schneider plans to attend the next Public Works Committee meeting on September 22, 2022 and the Climate Action Steering Committee meeting.

Tumwater's annual Clean-Up Drop-Off Event is on Saturday, September 24, 2022 from 9 a.m. to noon. The event features a prescription medication drop off area, Thurston County Food Bank Booth for food donations, shredding services, and a booth featuring the Stream Team.

The Senior monthly picnic was held at Tumwater Historical Park with 60 seniors participating in addition to Mayor Sullivan.

Councilmember Schneider attended events sponsored by the Olympia Yacht Club and the Thurston County Chamber of Commerce honoring 250 service personnel during a day of fun, food, and relaxation on a private island.

The Tumwater Area Chamber of Commerce held its Business After Hours Social at Inferno's Pizza. The monthly forum on September 21, 2022 at Inferno's Pizza will feature Don Trosper as the keynote speaker.

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The Tumwater Youth Program begins on Friday, September 30, 2022 for grade school students at Tumwater Middle School from 7 p.m. to 9:30 pm. for an entry fee of \$10.

The first annual Falls Fest will be held at Brewery Park at Tumwater Falls from 10 a.m. to 3 p.m. on Saturday, October 1, 2022. The event will feature viewing of the return of Chinook salmon.

Councilmember Schneider requested an update on status of the community gardens at United Methodist Church.

***Leatta Dahlhoff:***

The Law Enforcement Assisted Diversion (LEAD) group recently held a meeting and discussed dashboard statistics on progress of diversion activities. From January 1, 2022 to August 31, 2022, 183 referrals were received, 157 individuals were served, and 1,435 total services were provided. The majority of referrals involved males aged 25 to 54 years with the majority of individuals identified as Caucasians. Members identified a need to identify the number of veterans referred. With the work of the Thurston County Opioid Response Task Force, some questions were raised about the high number of fentanyl overdoses in the community. Members discussed Naloxone Leave Behind Program containing Narcan and dependent upon the demographic, some drug users do not use fentanyl while others purposely use fentanyl. Fentanyl test strips are available to include in the kits as well as a list of resources. The task force is researching the price of Naloxone Leave Behind Kits and seeking a series of free informational brochures.

The Regional Fire Authority Planning Committee appreciated the Council's questions and input during the last several meetings as it assisted the planning committee in reviewing the different kinds of questions the Council is receiving from the community. She asked the Council to continue forwarding questions and maintain a non-bias position in terms of a regional solution that may help both Tumwater and Olympia. The planning committee plans to provide updated information for the Council to make an informed decision as to whether the regional solution will benefit the community.

***Peter Agabi:***

At the last meeting of the Joint Animal Services Commission (JASCOM), members received a presentation from City of Lacey staff on a plan to renovate the animal services facility. JASCOM plans to spend several million of dollars upgrading the facility.

Councilmember Agabi reported on his ride-along with a Tumwater Police Officer throughout the City during a seven-hour period.

At the last Transportation Policy Board, members received a briefing on the 2023-2026 Draft Regional Transportation Improvement Program (RTIP) and the criteria for submitting a project for funding. TRPC staff presented information on the Human Services Transportation Plan (HSTP) Update.

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The goals set forth in the last several versions of the Plan still resonate with the community and include increase mobility options, improve individual service, increase coordination with other systems and programs, improve efficiency, identify and obtain sustainable funding to close gaps, and broadly distribute information about available transportation options.

***Michael Althausen:***

Councilmember Althausen reported on his attendance to the Regional Fire Authority Planning Committee on September 12, 2022.

The Capitol Lake-Deschutes Estuary Funding and Governance Work Group is scheduled to meet on Thursday, September 22, 2022 to review and discuss the memorandum of understanding.

Councilmember Althausen attended the Regional Housing Council meeting in conjunction with Councilmember Cathey. The Community Action Council did not renew the contract for Housing and Essential Needs Program. Thurston County is working to ensure constituents will not fall through the cracks as the program transitions to new service providers. Thurston County has entered into an interim contract to continue to provide services, as well as issue checks as the county issues an RFP for a new provider. Members scored applicants and acknowledged the high scorer as Catholic Community Services for providing Rapid Re-Housing (RRH) Program services and the HEN (Housing and Essential Needs) program. Thurston County is required to certify the approval of the application. Members also discussed governance of the RHC. Results from the recent retreat acknowledged the desire to build in more lived-in and community expertise in the decision-making process. Members considered an interim governance proposal for creation of several subcommittees for different types of services and providers and adding some community members to the subcommittees. Members discussed whether to incorporate two members of the Housing Action Team to the RHC and whether they should be considered as voting members. Members deferred action to the later date.

***Eileen Swarthout:***

Councilmember Swarthout chaired the Tumwater HOPES meeting on September 14, 2022. The director has moved to a new position with the state. The organization is participating in the Clean-Up Drop-Off Event on Saturday, 24, 2022.

Councilmember Swarthout attended the September 12, 2022 Regional Fire Authority Planning Committee meeting.

Councilmember Swarthout is chairing the Lodging Tax Advisory Committee meeting on September 21, 2022 to consider 16 applicants requesting funding totaling \$278,088 with only \$190,000 available to distribute.

**ADJOURNMENT:**

**With there being no further business, Mayor Sullivan adjourned the meeting at 8:39 p.m.**

**TUMWATER CITY COUNCIL MEETING  
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September 20, 2022 Page 10**

Prepared by Valerie L. Gow, Recording Secretary/President  
Puget Sound Meeting Services, [psmsoly@earthlink.net](mailto:psmsoly@earthlink.net)

TO: City Council  
 FROM: Shelly Carter, Assistant Finance Director  
 DATE: October 4, 2022  
 SUBJECT: Payment of Vouchers

1) Recommended Action:

Staff is seeking City Council ratification of the payment of vouchers 171199 to 171282 in the amount of \$507,112.55 dated September 2, 2022 and electronic payments 901986 to 901999 in the amount of \$33,847.28; and the payment of vouchers 171283 to 171332 in the amount of \$140,473.39 dated September 9, 2022 and electronic payments 902001 to 902018 in the amount of \$152,199.26; and the payment of vouchers 171333 to 171341 in the amount of \$283,122.33 dated September 16, 2022 and electronic payments 902019 to 902031 in the amount of \$138,935.86 and wire payments of \$205,832.76; and the payment of vouchers 171342 to 171468 in the amount of \$466,926.96 dated September 23, 2022 and electronic payments 902032 to 902059 in the amount of \$167,657.00.

2) Background:

The City pays vendors monthly for purchases approved by all departments. The Finance Director has reviewed and released the payments as certified on the attached Exhibit(s). The full voucher listings are available by request to the Assistant Finance Director. The most significant payments\* were:

Vendor	\$	Description
Camp Solomon Schechter Inc.	175,732.88	Payment for Latecomers Agreement
CDW LLC	55,680.18	Darktrace Cyber Security Subscription
Tumwater School District #33	176,843.00	Impact Fees Collected
South Sound YMCA	22,244.00	Recreation Market Study
Thurston County	46,434.04	2022Q2 Indigent Defense
CXT Incorporated	67,566.04	Restroom Structure for Tumwater Hill Park
Nisqually Indian Tribe	20,120.00	August Incarceration & Booking Fees
Olympia Sheet Metal Inc	43,132.05	Facilities HVAC Replacement
OSW Equipment & Repair, LLC	32,536.69	Freightliner Dump Truck Replacement
WA ST Dept of Revenue	73,163.50	Monthly Excise Tax Return
Shea Carr & Jewell, Inc.	67,853.11	Professional Services Jul 31 to Sep 3, 2022 – Capitol Blvd to Israel to M St Design
Shea Carr & Jewell, Inc.	34,161.56	Professional Services Jul 31 to Sep 3, 2022 – Old Hwy 99 Corridor

\* Includes vouchers in excess of \$20,000, excluding routine utility payments.

3) Policy Support:

- Strategic Goals and Priorities: Fiscally responsible and develop sustainable financial strategies.
  - Vision Mission Beliefs-Excellence: Efficient stewards of public resources, building public trust through transparency.
- 

4) Alternatives:

- ☐ Ratify the vouchers as proposed.
  - ☐ Develop an alternative voucher review and approval process.
- 

5) Fiscal Notes:

The vouchers are for appropriated expenditures in the respective funds and departments.

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6) Attachments:

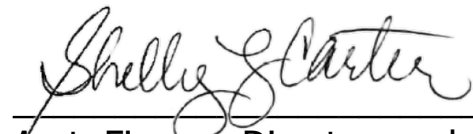
- A. Exhibit A – Payment of Vouchers – Review and Approval
- B. Exhibit B – Payment of Vouchers – Review and Approval
- C. Exhibit C – Payment of Vouchers – Review and Approval
- D. Exhibit D – Payment of Vouchers – Review and Approval



## EXHIBIT "A"

I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered or the labor performed as described herein and that the claim is a just, due and unpaid obligation against the City of Tumwater, and that I am authorized to authenticate and certify to said claim.

Voucher/Check Nos 171199 through 171282 in the amount of \$507,112.55  
Electronic payment No 901986 through 901999 in the amount of \$33,847.28

A handwritten signature in cursive script, reading "Shelly G. Carter". The signature is written in black ink and is positioned above a horizontal line.

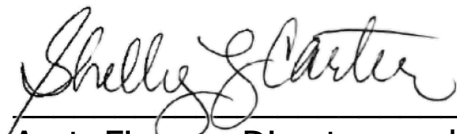
Asst. Finance Director, on behalf of the Finance Director

Checks dated 09/02/2022

## EXHIBIT "B"

I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered or the labor performed as described herein and that the claim is a just, due and unpaid obligation against the City of Tumwater, and that I am authorized to authenticate and certify to said claim.

Voucher/Check Nos 171283 through 171332 in the amount of \$140,473.39  
Electronic payment No 902001 through 902018 in the amount of \$152,199.26



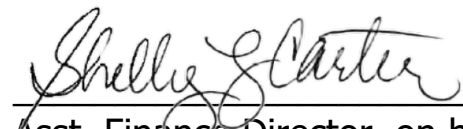
Asst. Finance Director, on behalf of the Finance Director

Checks dated 09/09/2022

## EXHIBIT "C"

I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered or the labor performed as described herein and that the claim is a just, due and unpaid obligation against the City of Tumwater, and that I am authorized to authenticate and certify to said claim.

Voucher/Check Nos 171333 through 171341 in the amount of \$283,122.33  
Electronic payment No 902019 through 902031 in the amount of \$138,935.86  
Wire payments of \$205,832.76

A handwritten signature in cursive script, reading "Shelly Carter", written over a horizontal line.


Asst. Finance Director, on behalf of the Finance Director

Checks dated 09/16/2022

## EXHIBIT "D"

I, the undersigned, do hereby certify under penalty of perjury that the materials have been furnished, the services rendered or the labor performed as described herein and that the claim is a just, due and unpaid obligation against the City of Tumwater, and that I am authorized to authenticate and certify to said claim.

Voucher/Check Nos 171342 through 171468 in the amount of \$466,926.96  
Electronic payment No 902032 through 902059 in the amount of \$167,657.00

  
\_\_\_\_\_  
Asst. Finance Director, on behalf of the Finance Director

Checks dated 09/23/2022

TO: City Council  
FROM: Brad Medrud, Planning Manager  
DATE: October 4, 2022  
SUBJECT: WSDOT Rights of Way Initiative – Process Memorandum of Understanding

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1) Recommended Action:

Approve the Mayor to sign the revised, final version of the Memorandum of Understanding – Transitioning People Out Of State Rights Of Way in Thurston County

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2) Background:

The WSDOT Rights of Way Initiative Process, the Memorandum of Understanding – Transitioning People Out of State Rights of Way in Thurston County is the first of a series of agreements expected between the Washington State Department of Commerce, the Washington State Department of Transportation, the Washington State Patrol, the cities of Lacey, Olympia, and Tumwater, and Thurston County to work in a collaborative fashion to achieve the short-term goal of transitioning people from specific prioritized state rights-of-way into housing.

The General Government Committee held a briefing to discuss an earlier version of memorandum on July 13, 2022 and the City Council approved the Mayor to sign an earlier version of the Memorandum of understanding at their July 19, 2022 meeting.

The July 19, 2022 version of the memorandum has been updated to address state agency issues.

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3) Policy Support:

Housing Element Goal H-3: To provide adequate, affordable housing for residents of all income groups, including sufficient housing affordable to low and moderate-income groups.

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4) Alternatives:

☐ None

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5) Fiscal Notes:

This is an internally funded work program task, although individual actions may have a cost if eventually pursued.

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6) Attachments:

A. Memorandum of Understanding – Transitioning People Out of State Rights of Way in Thurston County

WSP Contract No.: K18077

COM Contract No.:

WSDOT Contract No.:

## **MEMORANDUM OF UNDERSTANDING**

### **Transitioning people out of state rights of way in Thurston County**

#### **PARTIES**

This is an agreement of the following parties:

- Washington State Department of Commerce (“COM”)
- Washington State Department of Transportation (“WSDOT”)
- Washington State Patrol (“WSP”)
- City of Olympia
- City of Lacey
- City of Tumwater
- Thurston County

#### **PURPOSE**

This memorandum establishes an understanding between the parties regarding the resources and processes that will be deployed to assist people in moving out of state rights of way and into housing.

#### **AUTHORITY**

The authority to enter this agreement includes, but is not limited to:

1. The [Operating Budget bill](#) (page 106, Section 132);
2. 39.34 RCW for Interlocal Agreements between city, state, and county governments;
3. RCW 43.43.03 which provides authority for WSP to exercise throughout the state police powers and duties as are vested in sheriffs and peace officers generally (authority to act outside state highways); and/or
4. RCW 47.46.040(3) which provides authority for WSDOT to facility maintenance services.

#### **GUIDING PRINCIPLES**

The signatories understand that it will require working in a collaborative fashion to achieve the short-term goal of transitioning people from specific prioritized state rights of way into housing by implementing the following strategies:

- Promptly identifying shelter and housing that people living in rights of way can be referred to.
- Engaging people living in rights of way to assess their needs and refer them to identified emergency and other housing and other available services with their selected belongings prior to the clearing of rights of way.
- Identify and implement strategies to keep cleared sites uninhabited.
- Identify strengths and weaknesses in the short-term strategy to implement a more comprehensive long-term approach to individuals and families living in public places.

#### **GOALS AND OBJECTIVES**

The signatories understand that it will require working in a collaborative fashion to achieve the short-term goal of transitioning people from specific prioritized state rights of way into housing by implementing the following strategies:

- Promptly identifying existing emergency and other housing that people living in rights of way can be referred to.

WSP Contract No.: K18077

COM Contract No.:

WSDOT Contract No.:

- Engaging people living in rights of way to assess their needs through coordinated entry or other assessments and refer them to identified emergency and other housing and other available services.
- Immediately begin to create additional emergency and other housing dedicated to people living in rights of way.
- Identify and implement strategies to keep cleared sites uninhabited.
- Identify strengths and weaknesses in the short-term strategy to implement a more comprehensive long-term approach to individuals and families living in public places.

### **COMPLIANCE WITH COVID-19 REQUIREMENTS**

The Parties hereto affirm that they will comply with all current and future COVID-19 proclamations, regulations, requirements and/or related guidance issued by the Office of the Governor of Washington State, or the Washington State Legislature. Additional resources information may be found on the Governor's website at the following link: <https://coronavirus.wa.gov/>

### **STRUCTURE**

- **COMMERCE** shall be represented by Diane Klontz, Assistant Director, Telephone: (360) 725-4142, Email: [diane.klontz@commerce.wa.gov](mailto:diane.klontz@commerce.wa.gov).
- **WSDOT** shall be represented by Amy Scarton, Deputy Secretary - Transportation, Telephone: (206) 515-3401, Email: [scartoa@wsdot.wa.gov](mailto:scartoa@wsdot.wa.gov).
- **WSP** shall be represented by Dan Atchison, Assistant Chief for the Field Operations Bureau, Telephone: (360) 596-4111, Email: [dan.atchison@wsp.wa.gov](mailto:dan.atchison@wsp.wa.gov).
- **Thurston County** shall be represented by Tom Webster, Office of Housing and Homeless Prevention, Telephone: (360) 867-2531, Email: [thomas.webster@co.thurston.wa.us](mailto:thomas.webster@co.thurston.wa.us).
- **City of Lacey** shall be represented by Rick Walk, Director of Community and Economic Development, Telephone: (360) 438-2638, Email: [RWALK@ci.lacey.wa.us](mailto:RWALK@ci.lacey.wa.us).
- **City of Olympia** shall be represented by Darian Lightfoot, Housing Programs Manager, Telephone: (360) 753-8033, Email: [dlightfo@ci.olympia.wa.us](mailto:dlightfo@ci.olympia.wa.us).
- **City of Tumwater** shall be represented by Brad Medrud, Long Range Planning Manager, Telephone: (360) 754-4180, Email: [BMedrud@ci.tumwater.wa.us](mailto:BMedrud@ci.tumwater.wa.us).

### **COMMITMENTS**

The Parties to this MOU agree that:

COM, WSP, and WSDOT should prioritize available appropriations and other state capacities with available resources at the scale necessary to perform the services under this contract..

Local governments may expand and prioritize local capacity to perform outreach and provide housing to individuals and families living in state rights of way identified by WSDOT.

With available resources at the scale necessary, WSDOT and WSP will work with local governments to maintain and secure occupied sites in the state rights of way that have been relocated.

It is the intent of the parties to this agreement to pursue specific agreements to implement the following to address people living in state rights of way identified by WSDOT, subject to change as needed to address changing circumstances. Commitments to projects and funding beyond the first year are subject to review under the required stakeholder feedback process, the results of which may necessitate changes to the agreement and related contracts. The specifics of how funding will flow from the state and who will execute the work will be determined later, specified in contracts separate from this agreement.



General objectives are as follows:

1. Outreach to people living in WSDOT identified state rights of way, including offering them coordinated entry intake and assessment and referrals and/or placement in emergency or other housing starting in June 2022, funded by the state for three years.
2. Prioritization of at least 24 existing shelter beds for people living in WSDOT identified state rights of way starting June 2022, funded by the state for three years.
3. Expansion of existing hotel leasing, case management, and support services for domestic violence survivors, homeless youth, and other people living in identified state rights of way for which regular shelter placements are not appropriate, starting in July 2022; funded by the state for three years.
4. Siting, site improvements, and acquisition or building of fifty new tiny homes (capacity for about sixty people) prioritized for people living in WSDOT identified state rights of way, each with a window and locking door, with ready access to hygiene and food, occupancy goal of September 2022, or as soon as possible thereafter; funded by the state.
5. State capital and long-term operating and service funding, increased or decreased based on the number of units available, agreed to, and provided, for the purchase and renovation of a hotel, or other existing high-density housing, that would provide approximately 100 units with an initial occupancy availability goal of September 2022, or as soon as possible thereafter. Up to half of the units will be prioritized for people living in or relocated from WSDOT-identified state rights of way, in alignment with the portion of project funding derived from sources dedicated to housing people living in state rights of way.
6. State capital and long-term operating and service funding, increased or decreased based on the number of units available, agreed to, and provided, for the siting and construction of approximately 50 new units of permanent housing with necessary services. At least half of the units will be prioritized for people living in or relocated from WSDOT-identified state rights of way, in alignment with the portion of project funding derived from sources dedicated to housing people living in state rights of way
7. Additional state capital and long-term operating and service funding for the project(s), based on the number of units available, agreed to, and provided, currently under development to address funding gaps and that is associated with people living in or relocated from WSDOT identified state rights of way.
8. Adequate funding for staff time associated with coordination and administration of rights of way activities; funded by the state for three years.
9. WSP engaged with serving notice to and removal as needed of people on WSDOT identified state rights of way.
10. With available resources at the scale necessary, WSP will assist WSDOT and local government agencies with individuals living on WSDOT-identified rights of way.\
11. WSDOT cleans sites after people have been relocated and makes site improvements to prevent future occupancy. WSDOT will respond to requests for additional or ongoing site changes identified by local governments to help prevent re-occupancy.
12. With available resources at the scale necessary, WSDOT and WSP will coordinate with local governments to monitor and maintain cleared state rights of way sites. Add the KWW language here (WSP is required to adhere to the following and input language here). Goal is to reference the language that we are required to adhere to.

**KEEP WASHINGTON WORKING**

Under Washington's recently passed Keep Washington Working (KWW) law, the WSP is generally prohibited from enforcing federal immigration law. See RCW 10.93.160. This prohibition is in recognition of the fact that, standing alone, an individual's unauthorized presence in the United States is not a violation of state or local law. Thus, neither WSP nor any of its members may contract in any way to provide civil or non-criminal immigration enforcement assistance, including through agreements for task force participation, mutual aid, data sharing, communications dispatch, or any other agreement that shares resources and/or provides data as described herein. Therefore, WSP will follow this prohibition when performing services hereunder.

**.GOVERNOR'S PROCLAMATION 22-12**

Pursuant to the provisions of RCW 9.02.110, RCW 9.02.120, and the Governor's Directive 22-12 dated June 30, 2022, the WSP is generally prohibited from cooperating with or providing assistance to out-of-state abortion and other reproductive health care investigations, prosecutions or other legal actions. Therefore, WSP will follow this prohibition when performing services hereunder.

**COVERAGE**

This agreement covers WSDOT-identified state rights of way sites located in Thurston County that will be mutually agreed to by the parties to this agreement. The number of sites and people addressed through this agreement is subject to increase or decrease based on a good faith review of the adequacy of committed and available resources and what is needed to address the identified sites and the individuals and families living on them.

**AMENDMENTS**

Any amendments to this Agreement shall be in writing and agreed to by all parties.

**TERMS**

The parties to this agreement are required to give 90 days advance notice of their intent to withdraw from the agreement. At this time the term of this Memorandum is open-ended and will remain so until the majority of signatories decide to terminate the partnership.

**[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]**

**SIGNATURES**

Washington State Department of Commerce	_____ <i>Signature of Diane Klontz</i>	_____ <i>Date</i>
Washington State Department of Transportation	_____ <i>Signature of Amy Scarton</i>	_____ <i>Date</i>
Washington State Patrol	_____ <i>Signature of John Batiste</i>	_____ <i>Date</i>
Thurston County	_____ <i>Signature of Ramiro Chavez</i>	_____ <i>Date</i>
City of Lacey	_____ <i>Signature of Scott Spence</i>	_____ <i>Date</i>
City of Olympia	_____ <i>Signature of Steven J. Burney</i>	_____ <i>Date</i>
City of Tumwater	_____ <i>Signature of Debbie Sullivan</i>	_____ <i>Date</i>

TO: City Council  
 FROM: Bill Lindauer, Engineering Services Manager  
 DATE: October 4, 2022  
 SUBJECT: Interstate 5 / Trosper Road / Capitol Boulevard Reconfiguration;  
 Award Contract and Authority to Sign Contract

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1) Recommended Action:

Staff recommends the City Council award and authorize the Mayor to sign a Public Works contract with Active Construction, Inc. of Tacoma Washington, in the amount of \$12,150,150.00, for the Interstate 5 / Trosper Road / Capitol Boulevard Reconfiguration project.

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2) Background:

The I-5 / Trosper Road / Capitol Boulevard Reconfiguration Project is intended to address traffic congestion, provide multimodal facilities that do not currently exist, and remove mobility barriers. It is the first and most expensive capital project derived from the Capitol Boulevard Corridor Plan. The project will include construction of three roundabouts, an extension of Trosper Road linking Capitol Boulevard to Linda Street, and a new road alignment called 6<sup>th</sup> Avenue connecting Lee Street directly to the I-5 ramp terminal and Trosper Road. The project will upgrade all existing utilities, provide street lighting, and landscaping and irrigation, within the project limits.

Bids for the project were originally opened on August 25, 2022. The estimate range for that bid was approximately \$12.33 to \$14.12 million; however, the lowest qualified bid was approximately \$13.22 million. The engineer's estimate at that time was approximately \$10.90 million. As recommended by staff at the September 6, 2022, City Council meeting, City Council rejected the original bids and authorized staff to re-advertise the project and solicit bids after value engineering, to reduce costs.

Bids for the project with minor value engineering were opened on September 21, 2022. Five (5) bids were received ranging from approximately \$12.15 to \$12.69 million. The Engineer's estimate was \$11.75 million.

Although the low bid is still approximately \$400,000 above the engineer's estimate, the results are favorable for the City. The lowest qualified bid was reduced from \$13.22 million to \$12.15 million. Further, staff requested additional grant funding from the Transportation Improvement Board (TIB) after the initial bid, and the City was awarded another \$3.2 million.

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3) Policy Support:

Strategic Priorities and Goals 2021-2026:

Pursue Targeted Community Development Opportunities - Implement the transformation of Capitol Boulevard.

Create and Maintain a Transportation System Safe for All Modes of Travel - Construct an inter-connected bicycle and pedestrian system, including developing improved

neighborhood connections and enhancing overall bicycle and pedestrian safety.

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4) Alternatives:

- ☐ Reject the bids and re-advertise.
- 

5) Fiscal Notes:

The funds are available in the Transportation CFP, Water CFP, Sewer CFP, and Storm CFP.

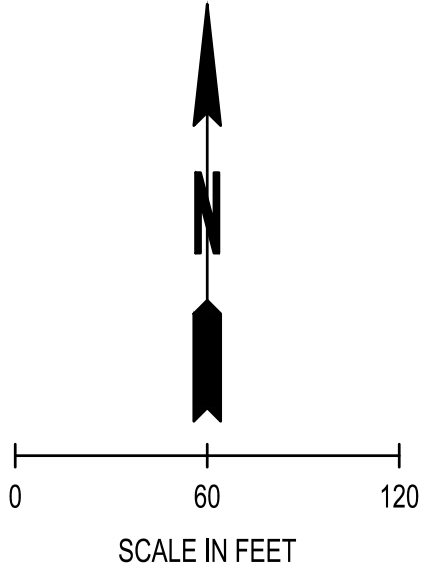
The City has received a total of \$9,829,120 in grant funding from the Transportation Improvement Board for this project, which includes approximately \$6.7 million for the construction phase.

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6) Attachments:

- A. Project Overview
- B. Bid Tabulation





EXISTING POLES  
(POLES SHOWN ARE FIRST INSIDE  
AND OUTSIDE OF PROJECT LIMITS)  
PROJECT LIMITS

CAPITOL BLVD

**1 of 01**



Item 6f.

BID TABULATION SHEET (Page 1 of 4)  
I-5/Troster Road/Capitol Boulevard Reconfiguration  
Project No. 2017023

Official Bid Tabulation

Bid Opening 9/21/2022

				Engineer's Estimate		Active Construction, Inc.		Miles Resources, LLC		SCI Infrastructure, LLC		Pivetta Brother's Construction, Inc.		Ceccanti, Inc.	
ITEM	Schedule A - Transportation	QTY	UNIT	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL
1 A	Construction Staking and Survey Work	1	L.S.	\$120,000.00	\$120,000.00	\$125,000.00	\$125,000.00	\$124,200.00	\$124,200.00	\$160,000.00	\$160,000.00	\$136,850.00	\$136,850.00	\$135,750.00	\$135,750.00
2 A	SPCC Plan	1	L.S.	\$1,500.00	\$1,500.00	\$250.00	\$250.00	\$500.00	\$500.00	\$750.00	\$750.00	\$1,000.00	\$1,000.00	\$350.00	\$350.00
3 A	Type B Progress Schedule	1	L.S.	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$500.00	\$500.00	\$5,000.00	\$5,000.00	\$500.00	\$500.00	\$10,350.00	\$10,350.00
4 A	Fuel Cost Adjustment	1	CALC	\$1.00	\$1.00	\$1.00	\$1.00	\$1.00	\$1.00	\$1.00	\$1.00	\$1.00	\$1.00	\$1.00	\$1.00
5 A	Mobilization	1	L.S.	\$591,100.28	\$591,100.28	\$1,011,345.00	\$1,011,345.00	\$600,230.00***	\$600,230.00	\$957,000.00***	\$957,000.00	\$476,500.00***	\$476,500.00	\$654,000.00***	\$654,000.00
6 A	Minor Change	1	CALC	\$40,000.00	\$40,000.00	\$40,000.00	\$40,000.00	\$40,000.00	\$40,000.00	\$40,000.00	\$40,000.00	\$40,000.00	\$40,000.00	\$40,000.00	\$40,000.00
7 A	Project Temporary Traffic Control	1	L.S.	\$400,000.00	\$400,000.00	\$315,000.00	\$315,000.00	\$548,650.00	\$548,650.00	\$175,000.00	\$175,000.00	\$183,350.00	\$183,350.00	\$384,455.00	\$384,455.00
8 A	Flaggers	9,000	HR	\$68.00	\$612,000.00	\$70.00	\$630,000.00	\$65.00	\$585,000.00	\$70.00	\$630,000.00	\$90.45	\$814,050.00	\$52.00	\$468,000.00
9 A	Electronic Message Board	1	L.S.	\$95,700.00	\$95,700.00	\$65,000.00	\$65,000.00	\$105,000.00	\$105,000.00	\$67,500.00	\$67,500.00	\$162,000.00	\$162,000.00	\$44,500.00	\$44,500.00
10 A	Clearing, Grubbing, and Roadside Cleanup	1	L.S.	\$125,000.00	\$125,000.00	\$60,000.00	\$60,000.00	\$122,300.00	\$122,300.00	\$75,000.00	\$75,000.00	\$635,000.00	\$635,000.00	\$266,500.00	\$266,500.00
11 A	Removal of Structures and Obstructions	1	L.S.	\$250,000.00	\$250,000.00	\$300,000.00	\$300,000.00	\$305,000.00	\$305,000.00	\$270,000.00	\$270,000.00	\$438,220.00	\$438,220.00	\$449,300.00	\$449,300.00
12 A	Removal of Concrete Pavement	1,650	S.Y.	\$27.00	\$44,550.00	\$27.00	\$44,550.00	\$35.00	\$57,750.00	\$15.50	\$25,575.00	\$16.85	\$27,802.50	\$15.00	\$24,750.00
13 A	Adjustment of Existing Groundwater Monitoring Well	2	EACH	\$2,000.00	\$4,000.00	\$2,000.00	\$4,000.00	\$1,050.00	\$2,100.00	\$4,500.00	\$9,000.00	\$1,185.00	\$2,370.00	\$3,365.00	\$6,730.00
14 A	Roadway Excavation Incl. Haul	21,465	C.Y.	\$25.00	\$536,625.00	\$15.00	\$321,975.00	\$27.00	\$579,555.00	\$35.00	\$751,275.00	\$12.15	\$260,799.75	\$39.00	\$837,135.00
15 A	Gravel Borrow Incl. Haul	12,100	TON	\$30.00	\$363,000.00	\$11.00	\$133,100.00	\$31.50	\$381,150.00	\$22.00	\$266,200.00	\$20.00	\$242,000.00	\$33.00	\$399,300.00
16 A	Potholing at Connections and Existing Utility Crossings	9	EACH	\$500.00	\$4,500.00	\$600.00	\$5,400.00	\$500.00	\$4,500.00	\$880.00	\$7,920.00	\$870.00	\$7,830.00	\$570.00	\$5,130.00
17 A	Trench Safety System For Storm Sewer	1	L.S.	\$8,000.00	\$8,000.00	\$2,500.00	\$2,500.00	\$7,500.00	\$7,500.00	\$7,500.00	\$7,500.00	\$14,000.00	\$14,000.00	\$7,744.00	\$7,744.00
18 A	Dust Control	500	MGAL	\$20.00	\$10,000.00	\$40.00	\$20,000.00	\$155.00	\$77,500.00	\$1,000.00****	\$500,000.00	\$108.00	\$54,000.00	\$78.00	\$39,000.00
19 A	Construction Geotextile for Soil Stabilization	44	S.Y.	\$20.00	\$880.00	\$10.00	\$440.00	\$16.00	\$704.00	\$10.00	\$440.00	\$3.20	\$140.80	\$35.00	\$1,540.00
20 A	Crushed Surfacing Base Course	10,905	TON	\$35.00	\$381,675.00	\$31.00	\$338,055.00	\$37.00	\$403,485.00	\$30.00	\$327,150.00	\$46.35	\$505,446.75	\$31.00	\$338,055.00
21 A	Asphalt Cost Price Adjustment	1	CALC	\$1.00	\$1.00	\$1.00	\$1.00	\$1.00	\$1.00	\$1.00	\$1.00	\$1.00	\$1.00	\$1.00	\$1.00
22 A	Commercial HMA	850	TON	\$180.00	\$153,000.00	\$265.00	\$225,250.00	\$247.50	\$210,375.00	\$150.00	\$127,500.00	\$81.92	\$69,632.00	\$137.00	\$116,450.00
23 A	HMA Class 1/2 In. PG 58H-22	2,800	TON	\$145.00	\$406,000.00	\$136.00	\$380,800.00	\$116.85	\$327,180.00	\$132.00	\$369,600.00	\$136.66	\$382,648.00	\$144.00	\$403,200.00
24 A	HMA Class 1/2 In. PG 58V-22	6,480	TON	\$145.00	\$939,600.00	\$160.00	\$1,036,800.00	\$130.30	\$844,344.00	\$152.00	\$984,960.00	\$156.60	\$1,014,768.00	\$160.00	\$1,036,800.00
25 A	Plane Bituminous Asphalt Pavement	1,100	S.Y.	\$15.00	\$16,500.00	\$22.00	\$24,200.00	\$11.75	\$12,925.00	\$10.00	\$11,000.00	\$7.20	\$7,920.00	\$13.00	\$14,300.00
26 A	Textured and Pigmented Cement Concrete Truck Apron	1,109	S.Y.	\$190.00	\$210,710.00	\$178.00	\$197,402.00	\$166.40	\$184,537.60	\$210.00	\$232,890.00	\$159.85	\$177,273.65	\$178.00	\$197,402.00
27 A	Textured and Pigmented Cement Concrete Median and Buffer Strip	1,568	S.Y.	\$170.00	\$266,560.00	\$178.00	\$279,104.00	\$171.00	\$268,128.00	\$168.00	\$263,424.00	\$159.85	\$250,644.80	\$168.00	\$263,424.00
28 A	8 Inch Diameter HDPE Storm Sewer Pipe	333	L.F.	\$95.00	\$31,635.00	\$70.00	\$23,310.00	\$86.00	\$28,638.00	\$55.00	\$18,315.00	\$160.85	\$53,563.05	\$70.00	\$23,310.00
29 A	12 Inch Diameter HDPE Storm Sewer Pipe	1,645	L.F.	\$110.00	\$180,950.00	\$70.00	\$115,150.00	\$95.00	\$156,275.00	\$75.00	\$123,375.00	\$149.95	\$246,667.75	\$116.00	\$190,820.00
30 A	15 Inch Diameter HDPE Storm Sewer Pipe	116	L.F.	\$120.00	\$13,920.00	\$113.00	\$13,108.00	\$105.00	\$12,180.00	\$115.00	\$13,340.00	\$232.15	\$26,929.40	\$111.00	\$12,876.00
31 A	18 Inch Diameter HDPE Storm Sewer Pipe	750	L.F.	\$125.00	\$93,750.00	\$115.00	\$86,250.00	\$110.00	\$82,500.00	\$85.00	\$63,750.00	\$146.25	\$109,687.50	\$120.00	\$90,000.00
32 A	24 Inch Diameter HDPE Storm Sewer Pipe	560	L.F.	\$190.00	\$106,400.00	\$180.00	\$100,800.00	\$186.50	\$104,440.00	\$145.00	\$81,200.00	\$254.85	\$142,716.00	\$160.00	\$89,600.00
33 A	30 Inch Diameter HDPE Storm Sewer Pipe	12	L.F.	\$350.00	\$4,200.00	\$240.00	\$2,880.00	\$330.00	\$3,960.00	\$450.00	\$5,400.00	\$1,034.80	\$12,417.60	\$269.00	\$3,228.00
34 A	36 Inch Diameter HDPE Storm Sewer Pipe	620	L.F.	\$265.00	\$164,300.00	\$307.00	\$190,340.00	\$194.00	\$120,280.00	\$235.00	\$145,700.00	\$396.35	\$245,737.00	\$218.00	\$135,160.00
35 A	8 Inch Diameter D.I. Storm Sewer Pipe	57	L.F.	\$140.00	\$7,980.00	\$84.00	\$4,788.00	\$140.00	\$7,980.00	\$120.00	\$6,840.00	\$277.95	\$15,843.15	\$106.00	\$6,042.00
36 A	12 Inch Diameter D.I. Storm Sewer Pipe	32	L.F.	\$170.00	\$5,440.00	\$125.00	\$4,000.00	\$163.00	\$5,216.00	\$275.00	\$8,800.00	\$288.35	\$9,227.20	\$168.00	\$5,376.00
37 A	Catch Basin Type 1	18	EACH	\$2,000.00	\$36,000.00	\$1,650.00	\$29,700.00	\$2,010.00	\$36,180.00	\$1,700.00	\$30,600.00	\$2,242.40	\$40,363.20	\$2,190.00	\$39,420.00
38 A	Catch Basin Type 1L	2	EACH	\$2,200.00	\$4,400.00	\$2,000.00	\$4,000.00	\$2,290.00	\$4,580.00	\$1,975.00	\$3,950.00	\$2,340.00	\$4,680.00	\$2,242.00	\$4,484.00
39 A	Catch Basin Type 1 with Curb Inlet	3	EACH	\$2,200.00	\$6,600.00	\$2,100.00	\$6,300.00	\$2,295.00	\$6,885.00	\$1,700.00	\$5,100.00	\$2,400.00	\$7,200.00	\$2,201.00	\$6,603.00
40 A	Catch Basin Type 2 48 In. Diam.	18	EACH	\$5,000.00	\$90,000.00	\$4,300.00	\$77,400.00	\$6,025.00	\$108,450.00	\$2,950.00	\$53,100.00	\$4,600.00	\$82,800.00	\$8,157.00	\$146,826.00
41 A	Catch Basin Type 2 48 In. Diam. With Curb Inlet	3	EACH	\$6,000.00	\$18,000.00	\$4,400.00	\$13,200.00	\$5,370.00	\$16,110.00	\$4,900.00	\$14,700.00	\$4,175.00	\$12,525.00	\$6,411.00	\$19,233.00
42 A	Catch Basin Type 2 54 In. Diam.	1	EACH	\$8,500.00	\$8,500.00	\$6,200.00	\$6,200.00	\$9,305.00	\$9,305.00	\$7,500.00	\$7,500.00	\$7,310.00	\$7,310.00	\$12,577.00	\$12,577.00
43 A	Catch Basin Type 2 60 In. Diam.	3	EACH	\$9,000.00	\$27,000.00	\$7,800.00	\$23,400.00	\$8,495.00	\$25,485.00	\$7,100.00	\$21,300.00	\$7,905.00	\$23,715.00	\$12,930.00	\$38,790.00
44 A	Catch Basin Type 2 72 In. Diam.	1	EACH	\$11,000.00	\$11,000.00	\$10,750.00	\$10,750.00	\$11,510.00	\$11,510.00	\$13,000.00	\$13,000.00	\$12,205.00	\$12,205.00	\$12,920.00	\$12,920.00
45 A	Catch Basin Type 2 84 In. Diam. w/ Curb Inlet (Flow Control Facility)	1	EACH	\$17,500.00	\$17,500.00	\$17,000.00	\$17,000.00	\$16,905.00	\$16,905.00	\$17,000.00	\$17,000.00	\$19,495.00	\$19,495.00	\$18,044.00	\$18,044.00
46 A	Saddle Catch Basin Type 2 54 In. Diam.	1	EACH	\$13,500.00	\$13,500.00	\$13,000.00	\$13,000.00	\$9,000.00	\$9,000.00	\$8,500.00	\$8,500.00	\$20,405.00	\$20,405.00	\$15,838.00	\$15,838.00
47 A	Saddle Catch Basin Type 2 60 In. Diam.	2	EACH	\$12,500.00	\$25,000.00	\$14,500.00	\$29,000.00	\$9,500.00	\$19,000.00	\$6,500.00	\$13,000.00	\$12,595.00	\$25,190.00	\$16,458.00	\$32,916.00
48 A	Catch Basin Type 2 60 In. Diam. w/ Downturned Elbow	1	EACH	\$11,000.00	\$11,000.00	\$12,300.00	\$12,300.00	\$11,725.00	\$11,725.00	\$6,000.00	\$6,000.00	\$7,385.00	\$7,385.00	\$14,108.00	\$14,108.00
49 A	Concrete Inlet	2	EACH	\$1,800.00	\$3,600.00	\$2,100.00	\$4,200.00	\$1,825.00	\$3,650.00	\$900.00	\$1,800.00	\$2,100.00	\$4,200.00	\$1,627.00	\$3,254.00
50 A	Stormwater Treatment Vault	1	L.S.	\$45,000.00	\$45,000.00	\$36,000.00	\$36,000.00	\$40,500.00	\$40,500.00	\$42,000.00	\$42,000.00	\$33,175.00	\$33,175.00	\$45,413.00	\$45,413.00

Item 6f.	ID TABULATION SHEET (Page 2 of 4)														Bid Opening		9/21/2022
I-5/Trospers Road/Capitol Boulevard Reconfiguration Project No. 2017023																	
				Engineer's Estimate		BID #1 Active Construction, Inc.		BID #2 Miles Resources, LLC		BID #3 SCI Infrastructure, LLC		BID #4 Pivetta Brother's Construction, Inc.		BID #5 Ceccanti, Inc.			
ITEM	Schedule A - Transportation	QTY	UNIT	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL		
51 A	Adjust Catch Basin	1	EACH	\$800.00	\$800.00	\$850.00	\$850.00	\$630.00	\$630.00	\$750.00	\$750.00	\$1,340.00	\$1,340.00	\$517.00	\$517.00		
52 A	Connect to Existing Catch Basin	1	EACH	\$ 2,000.00	\$2,000.00	\$1,750.00	\$1,750.00	\$765.00	\$765.00	\$2,500.00	\$2,500.00	\$3,640.00	\$3,640.00	\$3,986.00	\$3,986.00		
53 A	Connect to Existing Storm Main	7	EACH	\$ 2,000.00	\$14,000.00	\$1,450.00	\$10,150.00	\$825.00	\$5,775.00	\$1,500.00	\$10,500.00	\$1,825.00	** \$12,775.00	\$4,069.00	\$28,483.00		
54 A	Abandon Small Pipe	12	EACH	\$150.00	\$1,800.00	\$350.00	\$4,200.00	\$650.00	\$7,800.00	\$500.00	\$6,000.00	\$260.00	\$3,120.00	\$341.00	\$4,092.00		
55 A	Abandon Large Pipe	170	C.Y.	\$300.00	\$51,000.00	\$400.00	\$68,000.00	\$330.00	\$56,100.00	\$260.00	\$44,200.00	\$215.00	\$36,550.00	\$382.00	\$64,940.00		
56 A	Controlled Density Fill	100	C.Y.	\$180.00	\$18,000.00	\$250.00	\$25,000.00	\$150.00	** \$15,000.00	\$160.00	\$16,000.00	\$215.00	\$21,500.00	\$195.00	\$19,500.00		
57 A	Adjust Valve Box	25	EACH	\$600.00	\$15,000.00	\$550.00	\$13,750.00	\$450.00	\$11,250.00	\$450.00	\$11,250.00	\$775.00	\$19,375.00	\$414.00	\$10,350.00		
58 A	Erosion Control and Water Pollution Prevention	1	L.S.	\$100,000.00	\$100,000.00	\$248,583.10	\$248,583.10	\$83,000.00	\$83,000.00	\$90,000.00	\$90,000.00	\$104,955.00	\$104,955.00	\$233,822.00	\$233,822.00		
59 A	ESC Lead	1	L.S.	\$10,000.00	\$10,000.00	\$150.00	\$150.00	\$10,150.00	\$10,150.00	\$7,500.00	\$7,500.00	\$1,000.00	\$1,000.00	\$23,579.00	\$23,579.00		
60 A	Compost Amended Vegetated Filter Strip	1,135	S.Y.	\$12.00	\$13,620.00	\$7.50	\$8,512.50	\$17.50	\$19,862.50	\$9.00	\$10,215.00	\$8.00	\$9,080.00	\$10.00	\$11,350.00		
61 A	Seeding, Fertilizing, and Mulching	1	L.S.	\$15,000.00	\$15,000.00	\$15,000.00	\$15,000.00	\$13,125.00	\$13,125.00	\$13,500.00	\$13,500.00	\$13,500.00	\$13,500.00	\$15,220.00	\$15,220.00		
62 A	Topsoil Type A	1,000	C.Y.	\$55.00	\$55,000.00	\$51.00	\$51,000.00	\$48.30	\$48,300.00	\$50.00	\$50,000.00	\$49.70	\$49,700.00	\$70.00	\$70,000.00		
63 A	Bark or Wood Chip Mulch	500	C.Y.	\$60.00	\$30,000.00	\$100.00	\$50,000.00	\$53.55	\$26,775.00	\$55.00	\$27,500.00	\$55.10	\$27,550.00	\$75.00	\$37,500.00		
64 A	Sod Installation	250	S.Y.	\$20.00	\$5,000.00	\$6.50	\$1,625.00	\$18.90	\$4,725.00	\$20.00	\$5,000.00	\$19.45	\$4,862.50	\$21.00	\$5,250.00		
65 A	Landscaping Plants	1	L.S.	\$140,000.00	\$140,000.00	\$100,000.00	\$100,000.00	\$136,675.00	\$136,675.00	\$140,000.00	\$140,000.00	\$140,575.00	\$140,575.00	\$138,915.00	\$138,915.00		
66 A	Irrigation System	1	L.S.	\$170,000.00	\$170,000.00	\$182,000.00	\$182,000.00	\$207,700.00	\$207,700.00	\$230,000.00	\$230,000.00	\$213,625.00	\$213,625.00	\$219,844.00	\$219,844.00		
67 A	Cement Conc. Traffic Curb	530	L.F.	\$35.00	\$18,550.00	\$35.00	\$18,550.00	\$44.85	\$23,770.50	\$31.00	\$16,430.00	\$30.25	\$16,032.50	\$27.00	\$14,310.00		
68 A	Cement Conc. Traffic Curb and Gutter	4,350	L.F.	\$35.00	\$152,250.00	\$36.00	\$156,600.00	\$44.45	\$193,357.50	\$28.00	\$121,800.00	\$30.25	\$131,587.50	\$21.00	\$91,350.00		
69 A	Cement Conc. Pedestrian Curb	1,157	L.F.	\$35.00	\$40,495.00	\$43.00	\$49,751.00	\$50.55	\$58,486.35	\$31.00	\$35,867.00	\$35.65	\$41,247.05	\$27.00	\$31,239.00		
70 A	Roundabout Cement Concrete Curb and Gutter	3,730	L.F.	\$35.00	\$130,550.00	\$40.00	\$149,200.00	\$44.75	\$166,917.50	\$30.00	\$111,900.00	\$30.25	\$112,832.50	\$27.00	\$100,710.00		
71 A	Roundabout Truck Apron Cem. Conc. Curb and Gutter	815	L.F.	\$45.00	\$36,675.00	\$58.00	\$47,270.00	\$67.35	\$54,890.25	\$33.00	\$26,895.00	\$48.60	\$39,609.00	\$30.00	\$24,450.00		
72 A	Roundabout Central Island Cement Concrete Curb	450	L.F.	\$65.00	\$29,250.00	\$76.00	\$34,200.00	\$81.20	\$36,540.00	\$56.00	\$25,200.00	\$64.80	\$29,160.00	\$53.00	\$23,850.00		
73 A	Roundabout Curb and Gutter Type 2A	1,670	L.F.	\$35.00	\$58,450.00	\$40.00	\$66,800.00	\$46.55	\$77,738.50	\$30.00	\$50,100.00	\$30.25	\$50,517.50	\$27.00	\$45,090.00		
74 A	Roundabout Curb and Gutter Type 2B	140	L.F.	\$35.00	\$4,900.00	\$58.00	\$8,120.00	\$60.30	\$8,442.00	\$35.00	\$4,900.00	\$43.20	\$6,048.00	\$30.00	\$4,200.00		
75 A	Raised Pavement Marker Type 1	9	HUN	\$450.00	\$4,050.00	\$425.00	\$3,825.00	\$420.00	\$3,780.00	\$425.00	\$3,825.00	\$540.00	\$4,860.00	\$414.00	\$3,726.00		
76 A	Raised Pavement Marker Type 2	5	HUN	\$500.00	\$2,500.00	\$600.00	\$3,000.00	\$603.75	\$3,018.75	\$625.00	\$3,125.00	\$675.00	\$3,375.00	\$595.00	\$2,975.00		
77 A	Beam Guardrail Type 31	100	L.F.	\$50.00	\$5,000.00	\$90.00	\$9,000.00	\$90.00	\$9,000.00	\$90.00	\$9,000.00	\$54.00	\$5,400.00	\$87.00	\$8,700.00		
78 A	Beam Guardrail Type 31 Non-Flared Terminal	1	EACH	\$5,000.00	\$5,000.00	\$6,000.00	\$6,000.00	\$6,000.00	\$6,000.00	\$6,000.00	\$6,000.00	\$2,700.00	\$2,700.00	\$5,902.00	\$5,902.00		
79 A	Beam Guardrail Anchor Type 10	1	EACH	\$1,700.00	\$1,700.00	\$1,800.00	\$1,800.00	\$2,000.00	\$2,000.00	\$2,000.00	\$2,000.00	\$1,620.00	\$1,620.00	\$1,754.00	\$1,754.00		
80 A	Chain Link Fence Type 4	710	L.F.	\$45.00	\$31,950.00	\$44.00	\$31,240.00	\$52.60	\$37,346.00	\$43.00	\$30,530.00	\$57.75	\$41,002.50	\$43.00	\$30,530.00		
81 A	Coated Chain Link Fence Type 3	382	L.F.	\$55.00	\$21,010.00	\$54.00	\$20,628.00	\$65.65	\$25,078.30	\$60.00	\$22,920.00	\$62.70	\$23,951.40	\$52.00	\$19,864.00		
82 A	Double 16 FT. Coated Chain Link Gate	1	EACH	\$2,500.00	\$2,500.00	\$2,500.00	\$2,500.00	\$6,888.00	\$6,888.00	\$13,000.00	\$13,000.00	\$2,930.00	\$2,930.00	\$2,485.00	\$2,485.00		
83 A	Monument Case and Cover	7	EACH	\$1,500.00	\$10,500.00	\$2,700.00	\$18,900.00	\$1,575.00	\$11,025.00	\$1,500.00	\$10,500.00	\$1,450.00	\$10,150.00	\$3,313.00	\$23,191.00		
84 A	Cement Conc. Sidewalk and Curb Ramps	4,550	S.Y.	\$80.00	\$364,000.00	\$98.00	\$445,900.00	\$108.00	\$491,400.00	\$60.00	\$273,000.00	\$85.35	\$388,342.50	\$64.00	\$291,200.00		
85 A	Quarry Spalls	130	C.Y.	\$45.00	\$5,850.00	\$100.00	\$13,000.00	\$85.00	\$11,050.00	\$115.00	\$14,950.00	\$96.00	\$12,480.00	\$55.00	\$7,150.00		
86 A	Mailbox Support Type 1	2	EACH	\$600.00	\$1,200.00	\$550.00	\$1,100.00	\$550.00	\$1,100.00	\$2,000.00	\$4,000.00	\$3,400.00	\$6,800.00	\$1,035.00	\$2,070.00		
87 A	Survey Monuments	5	EACH	\$1,500.00	\$7,500.00	\$1,300.00	\$6,500.00	\$4,515.00	\$22,575.00	\$5,000.00	\$25,000.00	\$1,450.00	\$7,250.00	\$2,899.00	\$14,495.00		
88 A	RRFB System at Capitol & Trospers, Complete	1	L.S.	\$145,000.00	\$145,000.00	\$145,000.00	\$145,000.00	\$136,500.00	\$136,500.00	\$150,000.00	\$150,000.00	\$146,340.00	\$146,340.00	\$140,570.00	\$140,570.00		
89 A	RRFB System at Trospers & 6th, Complete	1	L.S.	\$100,000.00	\$100,000.00	\$92,000.00	\$92,000.00	\$94,500.00	\$94,500.00	\$95,000.00	\$95,000.00	\$93,420.00	\$93,420.00	\$89,492.00	\$89,492.00		
90 A	Illumination System - City of Tumwater, Complete	1	L.S.	\$1,200,000.00	\$1,200,000.00	\$1,200,000.00	\$1,200,000.00	\$1,136,520.00	\$1,136,520.00	\$1,125,000.00	\$1,125,000.00	\$1,234,980.00	\$1,234,980.00	\$1,218,735.00	\$1,218,735.00		
91 A	Illumination System - WSDOT, Complete	1	L.S.	\$125,000.00	\$125,000.00	\$125,000.00	\$125,000.00	\$126,000.00	\$126,000.00	\$125,000.00	\$125,000.00	\$127,440.00	\$127,440.00	\$124,668.00	\$124,668.00		
92 A	Permanent Signing	1	L.S.	\$120,000.00	\$120,000.00	\$165,000.00	\$165,000.00	\$138,500.00	\$138,500.00	\$180,000.00	\$180,000.00	\$124,000.00	\$124,000.00	\$131,483.00	\$131,483.00		
93 A	Monument Signage	1	L.S.	\$10,000.00	\$10,000.00	\$25,000.00	\$25,000.00	\$5,250.00	\$5,250.00	\$14,0							



Item 6f.		ID TABULATION SHEET (Page 3 of 4)												Bid Opening		9/21/2022	
		I-5/Trosper Road/Capitol Boulevard Reconfiguration Project No. 2017023															
				Engineer's Estimate		Active Construction, Inc.		Miles Resources, LLC		SCI Infrastructure, LLC		Pivetta Brother's Construction, Inc.		Ceccanti, Inc.			
ITEM	Schedule A - Transportation	QTY	UNIT	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL		
102 A	Plastic Access Parking Space Symbol	2	EACH	\$300.00	\$600.00	\$350.00	\$700.00	\$341.25	\$682.50	\$500.00	\$1,000.00	\$400.00	\$800.00	\$336.00	\$672.00		
103 A	Plastic Yield Line Symbol	101	EACH	\$75.00	\$7,575.00	\$70.00	\$7,070.00	\$68.25	\$6,893.25	\$75.00	\$7,575.00	\$77.25	\$7,802.25	\$67.00	\$6,767.00		
104 A	Plastic Wide Dotted Entry Line	435	L.F.	\$5.00	\$2,175.00	\$8.00	\$3,480.00	\$8.15	\$3,545.25	\$8.00	\$3,480.00	\$9.25	\$4,023.75	\$8.00	\$3,480.00		
105 A	Plastic Crosshatch Marking	160	L.F.	\$8.00	\$1,280.00	\$11.00	\$1,760.00	\$10.50	\$1,680.00	\$11.00	\$1,760.00	\$12.00	\$1,920.00	\$10.00	\$1,600.00		
Schedule A Total				\$9,851,671.28		\$10,113,450.00		\$10,266,667.80		\$10,234,882.00		** \$10,511,767.15		\$10,559,156.00			
ITEM	Schedule B - Water	QTY	UNIT	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL		
1 B	Mobilization	1	L.S.	\$54,852.26	\$54,852.26	\$104,000.00	\$104,000.00	\$59,269.41 ***	\$59,269.41	\$104,566.21 ***	\$104,566.21	\$51,141.55 ***	\$51,141.55	\$66,612.09 ***	\$66,612.09		
2 B	Minor Change	1	CALC	\$40,000.00	\$40,000.00	\$40,000.00	\$40,000.00	\$40,000.00	\$40,000.00	\$40,000.00	\$40,000.00	\$40,000.00	\$40,000.00	\$40,000.00	\$40,000.00		
3 B	Potholing at Connections and Existing Utility Crossings	26	EACH	\$500.00	\$13,000.00	\$550.00	\$14,300.00	\$500.00	\$13,000.00	\$880.00	\$22,880.00	\$865.00	\$22,490.00	\$570.00	\$14,820.00		
4 B	Trench Safety System For Water Main	1	L.S.	\$5,000.00	\$5,000.00	\$1.00	\$1.00	\$20,475.00	\$20,475.00	\$7,500.00	\$7,500.00	\$7,100.00	\$7,100.00	\$1,925.00	\$1,925.00		
5 B	Abandon Small Pipe	25	EACH	\$150.00	\$3,750.00	\$300.00	\$7,500.00	\$430.00	\$10,750.00	\$500.00	\$12,500.00	\$250.00	\$6,250.00	\$341.00	\$8,525.00		
6 B	Abandon Large Pipe	5	C.Y.	\$350.00	\$1,750.00	\$480.80	\$2,404.00	\$640.00	\$3,200.00	\$650.00	\$3,250.00	\$221.00	\$1,105.00	\$414.00	\$2,070.00		
7 B	Connect to Existing 6 In. Diam. Water Main (Inc. Potholing)	4	EACH	\$3,000.00	\$12,000.00	\$3,850.00	\$15,400.00	\$5,200.00	\$20,800.00	\$2,950.00	\$11,800.00	\$5,655.00	\$22,620.00	\$3,520.00	\$14,080.00		
8 B	Connect to Existing 8 In. Diam. Water Main (Incl. Potholing)	8	EACH	\$3,500.00	\$28,000.00	\$1.00	\$8.00	\$5,600.00	\$44,800.00	\$3,000.00	\$24,000.00	\$7,560.00	\$60,480.00	\$12,385.00	\$99,080.00		
9 B	Connect to Existing 12 In. Diam. Water Main (Incl. Potholing)	3	EACH	\$5,000.00	\$15,000.00	\$4,814.00	\$14,442.00	\$11,150.00	\$33,450.00	\$6,000.00	\$18,000.00	\$9,445.00	\$28,335.00	\$12,103.00	\$36,309.00		
10 B	Adjust Valve Box	5	EACH	\$650.00	\$3,250.00	\$650.00	\$3,250.00	\$420.00	\$2,100.00	\$600.00	\$3,000.00	\$750.00	\$3,750.00	\$465.00	\$2,325.00		
11 B	Blowoff Assembly	5	EACH	\$3,000.00	\$15,000.00	\$4,700.00	\$23,500.00	\$3,600.00	\$18,000.00	\$5,200.00	\$26,000.00	\$4,525.00	\$22,625.00	\$4,646.00	\$23,230.00		
12 B	6 In. Diam. Ductile Iron Pipe Class 52 for Water Main	41	L.F.	\$142.00	\$5,822.00	\$125.00	\$5,125.00	\$155.00	\$6,355.00	\$320.00	\$13,120.00	\$227.30	\$9,319.30	\$118.00	\$4,838.00		
13 B	8 In. Diam. Ductile Iron Pipe Class 52 for Water Main	340	L.F.	\$142.00	\$48,280.00	\$135.00	\$45,900.00	\$120.00	\$40,800.00	\$125.00	\$42,500.00	\$170.65	\$58,021.00	\$114.00	\$38,760.00		
14 B	12 In. Diam. Ductile Iron Pipe Class 52 for Water Main	1,620	L.F.	\$162.00	\$262,440.00	\$150.00	\$243,000.00	\$151.50	\$245,430.00	\$168.00	\$272,160.00	\$155.30	\$251,586.00	\$148.00	\$239,760.00		
15 B	16 In. Diam. Ductile Iron Pipe Class 52 for Water Main	1,024	L.F.	\$190.00	\$194,560.00	\$230.00	\$235,520.00	\$220.00	\$225,280.00	\$225.00	\$230,400.00	\$269.80	\$276,275.20	\$210.00	\$215,040.00		
16 B	18 In. Diam. Ductile Iron Sleeve for Water Main	40	L.F.	\$250.00	\$10,000.00	\$435.00	\$17,400.00	\$310.00	\$12,400.00	\$550.00	\$22,000.00	\$478.00	\$19,120.00	\$420.00	\$16,800.00		
17 B	Gate Valve 8 In.	12	EACH	\$2,000.00	\$24,000.00	\$2,500.00	\$30,000.00	\$1,900.00	\$22,800.00	\$3,050.00	\$36,600.00	\$2,607.00	\$31,284.00	\$1,829.00	\$21,948.00		
18 B	Gate Valve 12 In.	12	EACH	\$4,000.00	\$48,000.00	\$4,000.00	\$48,000.00	\$3,330.00	\$39,960.00	\$4,800.00	\$57,600.00	\$4,280.00	\$51,360.00	\$3,250.00	\$39,000.00		
19 B	Butterfly Valve 16 In.	12	EACH	\$3,500.00	\$42,000.00	\$5,000.00	\$60,000.00	\$4,000.00	\$48,000.00	\$5,100.00	\$61,200.00	\$4,952.00	\$59,424.00	\$3,893.00	\$46,716.00		
20 B	Hydrant Assembly	7	EACH	\$5,000.00	\$35,000.00	\$8,250.00	\$57,750.00	\$8,400.00	\$58,800.00	\$7,500.00	\$52,500.00	\$8,575.00	\$60,025.00	\$9,347.00	\$65,429.00		
21 B	0.75" Service Connection	3	EACH	\$2,500.00	\$7,500.00	\$2,300.00	\$6,900.00	\$2,500.00	\$7,500.00	\$2,600.00	\$7,800.00	\$2,156.00	\$6,468.00	\$3,667.00	\$11,001.00		
22 B	1" Service Connection	2	EACH	\$3,000.00	\$6,000.00	\$2,500.00	\$5,000.00	\$2,800.00	\$5,600.00	\$2,850.00	\$5,700.00	\$2,315.00	\$4,630.00	\$4,274.00	\$8,548.00		
23 B	1.50" Service Connection	3	EACH	\$5,000.00	\$15,000.00	\$5,700.00	\$17,100.00	\$5,200.00	\$15,600.00	\$4,550.00	\$13,650.00	\$4,605.00	\$13,815.00	\$5,760.00	\$17,280.00		
24 B	2" Service Connection	3	EACH	\$5,500.00	\$16,500.00	\$6,500.00	\$19,500.00	\$4,875.00	\$14,625.00	\$4,700.00	\$14,100.00	\$5,135.00	\$15,405.00	\$5,863.00	\$17,589.00		
25 B	Reducing Pressure Backflow Assembly Relocation	3	EACH	\$2,500.00	\$7,500.00	\$8,000.00	\$24,000.00	\$1,575.00	\$4,725.00	\$5,000.00	\$15,000.00	\$1,350.00	\$4,050.00	\$6,811.00	\$20,433.00		
Schedule B Subtotal				\$914,204.26		\$1,040,000.00		\$1,013,719.41		\$1,117,826.21		\$1,126,679.05		\$1,072,118.09			
Sales Tax 9.5%				\$86,849.40		\$98,800.00		\$96,303.34		\$106,193.49		\$107,034.51		\$101,851.22			
Schedule B Total				\$1,001,053.66		\$1,138,800.00		\$1,110,022.75		\$1,224,019.70		\$1,233,713.56		\$1,173,969.31			
ITEM	Schedule C - Sewer	QTY	UNIT	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL		
1 C	Mobilization	1	L.S.	\$31,459.15	\$31,459.15	\$60,000.00	\$60,000.00	\$31,324.20 ***	\$31,324.20	\$44,340.18 ***	\$44,340.18	\$22,785.40 ***	\$22,785.40	\$33,242.01 ***	\$33,242.01		
2 C	Minor Change	1	CALC	\$40,000.00	\$40,000.00	\$40,000.00	\$40,000.00	\$40,000.00	\$40,000.00	\$40,000.00	\$40,000.00	\$40,000.00	\$40,000.00	\$40,000.00	\$40,000.00		
3 C	Potholing at Connections and Existing Utility Crossings	18	EACH	\$600.00	\$10,800.00	\$550.00	\$9,900.00	\$500.00	\$9,000.00	\$880.00	\$15,840.00	\$835.00	\$15,030.00	\$570.00	\$10,260.00		
4 C	Trench Safety System for Sanitary Sewer	1	L.S.	\$7,000.00	\$7,000.00	\$2,562.97	\$2,562.97	\$10,500.00	\$10,500.00	\$3,500.00	\$3,500.00	\$4,320.00	\$4,320.00	\$2,568.00	\$2,568.00		
5 C	Adjust Manhole	3	EACH	\$800.00	\$2,400.00	\$950.00	\$2,850.00	\$630.00	\$1,890.00	\$700.00	\$2,100.00	\$1,425.00	\$4,275.00	\$673.00	\$2,019.00		
6 C	Abandon Small Pipe	13	EACH	\$150.00	\$1,950.00	\$325.00	\$4,225.00	\$600.00	\$7,800.00	\$500.00	\$6,500.00	\$250.00	\$3,250.00	\$341.00	\$4,433.00		
7 C	Abandon Large Pipe	25	C.Y.	\$500.00	\$12,500.00	\$400.00	\$10,000.00	\$660.00	\$16,500.00	\$500.00	\$12,500.00	\$209.35	\$5,233.75	\$382.00	\$9,550.00		
8 C	Connect to Existing Sanitary Sewer Main	1	EACH	\$2,500.00	\$2,500.00	\$2,700.00	\$2,700.00	\$3,100.00	\$3,100.00	\$3,000.00	\$3,000.00	\$7,275.00	\$7,275.00	\$1,776.00	\$1,776.00		
9 C	8 In. Diam. Solid Wall PVC Sanitary Sewer Pipe	809	L.F.	\$150.00	\$121,350.00	\$215.00	\$173,935.00	\$166.50	\$134,698.50	\$140.00	\$113,260.00	\$142.70	\$115,444.30	\$108.00	\$87,372.00		
10 C	10 In. Diam. Solid Wall PVC Sanitary Sewer Pipe	658	L.F.	\$170.00	\$111,860.00	\$233.00	\$153,314.00	\$171.50	\$112,847.00	\$150.00	\$98,700.00	\$221.30	\$145,615.40	\$116.00	\$76,328.00		
11 C	Sewer Manhole 48 In. Diam.	8	EACH	\$10,000.00	\$80,000.00	\$6,750.00	\$54,000.00	\$8,735.00	\$69,880.00	\$9,000.00	\$72,000.00	\$8,300.00	\$66,400.00	\$10,212.00	\$81,696.00		
12 C	Side Sewer Stubout	1	EACH	\$4,000.00	\$4,000.00	\$4,400.00	\$4,400.00	\$1,350.00	\$1,350.00	\$4,200.00	\$4,200.00	\$3,075.00	\$3,075.00	\$20,350.00	\$20,350.00		
13 C	Side Sewer Stubout and Connect to Existing Sewer Line	7	EACH	\$4,50													

Item 6f.		ID TABULATION SHEET (Page 4 of 4)												Bid Opening		9/21/2022	
I-5/Trosper Road/Capitol Boulevard Reconfiguration Project No. 2017023																	
				Engineer's Estimate		BID #1 Active Construction, Inc.		BID #2 Miles Resources, LLC		BID #3 SCI Infrastructure, LLC		BID #4 Pivetta Brother's Construction, Inc.		BID #5 Ceccanti, Inc.			
Schedule C Subtotal				\$524,319.15		\$600,000.00		\$535,584.70		\$477,340.18		\$502,083.85		\$536,535.01			
Sales Tax 9.5%				\$49,810.32		\$57,000.00		\$50,880.55		\$45,347.32		\$47,697.97		\$50,970.83			
Schedule C Total				\$574,129.47		\$657,000.00		\$586,465.25		\$522,687.50		\$549,781.82		\$587,505.84			
ITEM	Schedule D - Schedule 74 Utility Trenching			QTY	UNIT	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL	UNIT PRICE	TOTAL		
1 D	Mobilization			1	L.S.	\$17,521.28	\$17,521.28	\$22,000.00	\$22,000.00	\$13,480.60***	\$13,480.60	\$24,200.92***	\$24,200.92	\$12,028.10***	\$12,028.10	\$20,913.25***	\$20,913.25
2 D	Minor Change			1	CALC	\$40,000.00	\$40,000.00	\$40,000.00	\$40,000.00	\$40,000.00	\$40,000.00	\$40,000.00	\$40,000.00	\$40,000.00	\$40,000.00	\$40,000.00	\$40,000.00
3 D	Trench Safety System for Joint Utility Trench			1	L.S.	\$2,500.00	\$2,500.00	\$1.00	\$1.00	\$1,575.00	\$1,575.00	\$5,000.00	\$5,000.00	\$12,960.00	\$12,960.00	\$9,050.00	\$9,050.00
4 D	Vault Excavation			1	L.S.	\$20,000.00	\$20,000.00	\$15,747.93	\$15,747.93	\$7,350.00	\$7,350.00	\$10,000.00	\$10,000.00	\$7,140.00	\$7,140.00	\$32,110.00	\$32,110.00
5 D	Joint Utility Trench			1,600	L.F.	\$60.00	\$96,000.00	\$40.00	\$64,000.00	\$39.90	\$63,840.00	\$45.00	\$72,000.00	\$57.00	\$91,200.00	\$76.00	\$121,600.00
6 D	Install Conduits and Vaults			1	L.S.	\$60,000.00	\$60,000.00	\$28,001.07	\$28,001.07	\$68,250.00	\$68,250.00	\$68,500.00	\$68,500.00	\$59,400.00	\$59,400.00	\$59,330.00	\$59,330.00
7 D	Service Trench			250	L.F.	\$30.00	\$7,500.00	\$25.00	\$6,250.00	\$21.00	\$5,250.00	\$22.00	\$5,500.00	\$26.50	\$6,625.00	\$66.00	\$16,500.00
8 D	City 4 Inch Conduit and Vaults in Joint Utility Trench			700	L.F.	\$35.00	\$24,500.00	\$20.00	\$14,000.00	\$30.45	\$21,315.00	\$32.00	\$22,400.00	\$32.40	\$22,680.00	\$32.00	\$22,400.00
9 D	Electric Service Conversion			3	EACH	\$8,000.00	\$24,000.00	\$10,000.00	\$30,000.00	\$3,150.00	\$9,450.00	\$3,750.00	\$11,250.00	\$4,860.00	\$14,580.00	\$5,177.00	\$15,531.00
Schedule D Subtotal				\$292,021.28		\$220,000.00		\$230,510.60		\$258,850.92		\$266,613.10		\$337,434.25			
Sales Tax 9.5%				\$27,742.02		\$20,900.00		\$21,898.51		\$24,590.84		\$25,328.24		\$32,056.25			
Schedule D Total				\$319,763.30		\$240,900.00		\$252,409.11		\$283,441.76		\$291,941.34		\$369,490.50			
Schedule A Total				\$9,851,671.28		\$10,113,450.00		\$10,266,667.80		\$10,234,882.00		\$10,511,767.15		\$10,559,156.00			
Schedule B Total				\$1,001,053.66		\$1,138,800.00		\$1,110,022.75		\$1,224,019.70		\$1,233,713.56		\$1,173,969.31			
Schedule C Total				\$574,129.47		\$657,000.00		\$586,465.25		\$522,687.50		\$549,781.82		\$587,505.84			
Schedule D Total				\$319,763.30		\$240,900.00		\$252,409.11		\$283,441.76		\$291,941.34		\$369,490.50			
Project Total				\$11,746,617.72		\$12,150,150.00		\$12,215,564.91		\$12,265,030.95****		\$12,587,203.87**		\$12,690,121.65			

\* Bid #3 was submitted on an incorrect Proposal Form with an outdated quantity for an item. The extension was adjusted holding the price per unit consistent with WSDOT Standard Specification 1-03.1, which resulted in the bid dropping from low to third. Ultimately, the bid has been deemed irregular because the correct Proposal Form was not used, and as such, would have been rejected had it remained low after the quantity and extension correction.

\*\* Mathematical error corrected.

\*\*\* Mobilization amounts have been adjusted per instructions provided in the bid documents - referenced in the Mobilization Rate Spreadsheet (Attachment A page 8 of 10).

\*\*\*\* Calculated from official quantity of 500 MGAL per Addendum No. 2. Bid total was revised due to this revision.



9/27/2022

TO: City Council  
 FROM: Dan Smith, Water Resources & Sustainability Director  
 DATE: October 4, 2022  
 SUBJECT: Ordinance No. O2022-021: Removal of Properties from Hopkins Drainage District

---

1) Recommended Action:

Staff recommends City Council adopt Ordinance No. O2022-021 following public testimony, which shall remove all properties annexed in 2022 to the Hopkins Drainage Ditch District No. 2 and located within the boundaries of the City of Tumwater.

---

2) Background:

On July 9, 2022, the Hopkins Drainage District (District) convened a series of public hearings to annex 605 properties into the District, 599 of which lie within the boundary of the City of Tumwater. During these public hearings, over 47 letters of objection representing most, if not all, of the properties proposed for annexation, were reviewed and rejected by the District. The hearings closed on September 2, 2022, with the adoption of the proposed new roll for tax year 2023. The District completed the annexation process with its adoption of a resolution and certification of the adopted "Roll for Tax Year 2023," on September 24, 2022 and has delivered the roll to Thurston County.

The proposed Ordinance is authorized by RCW 85.38.217 and will remove the properties located within the City of Tumwater from the District, as these properties are served by the City's stormwater utility operating pursuant to RCW 35.67.030. This emergency ordinance is responsive to the quick timeframe necessary to counter actions taken by the District.

---

3) Policy Support:

- Refine and sustain a great organization – be fiscally responsible.
- 

4) Alternatives:

- ☐ Allow the District to assess property owners within City limits.
- 

5) Fiscal Notes:

While it remains unclear exactly what the District will charge for each of the City's two parcels in the District's annexation area, the District has previously noted an initial assessment of \$750 for non-commercial properties, \$2,500 for commercial properties, and an on-going maintenance assessment of 10% of the initial assessment annually.

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6) Attachments:

- A. Ordinance O2022-021, Removal of City Properties from Hopkins Drainage Dist. No. 2

**ORDINANCE NO. O2022-021**

**AN ORDINANCE** of the City Council of the City of Tumwater, Washington, removing properties located within the boundaries of the City of Tumwater from Hopkins Drainage Ditch District No. 2 as more particularly described herein.

**WHEREAS**, RCW 85.38.217 provides that any portion of a drainage district or drainage improvement district located within the boundaries of a first-class city operating a storm drain utility pursuant to RCW 35.67.030 may be removed from the drainage district or drainage improvement district by ordinance of the city; and

**WHEREAS**, the City of Tumwater is a code city authorized by RCW 35A.11.020 and RCW 35A.21.160 to exercise the powers of any class of city not specifically denied to a code city; and

**WHEREAS**, the City of Tumwater operates a storm drain utility pursuant to Chapter 35.67 RCW; and

**WHEREAS**, Hopkins Drainage Ditch District No. 2 (the “District”) is a special purpose district organized under RCW 85.06 for the purpose of operating a drainage system known as Hopkins Ditch since 1904; and

**WHEREAS**, the District passed Resolution 2022-0019 on September 24, 2022, expanding the boundaries of the District by annexing properties within the City of Tumwater (“the Tumwater Properties”) into the District; and

**WHEREAS**, the District’s certified roll excluded certain properties within the City of Tumwater that were originally proposed to be included in the annexation area due to a clerical error and has stated its intent to include said properties in the future; and

**WHEREAS**, the District has stated its intent to assess the Tumwater Properties over \$400,000 to pay for District improvements located outside the City and deferred maintenance on facilities that do not serve the Tumwater Properties; and

**WHEREAS**, the District has failed to provide evidence that the Tumwater Properties are receiving services or benefits from the facilities of the District as required by Chapter 85.32 RCW; and

**WHEREAS**, the City maintains sufficient capacity to manage and maintain stormwater utility services for all of the Tumwater Properties in compliance with local, state, and federal requirements, and in conformance with the City’s 2018 Comprehensive Stormwater Management plan; and

**WHEREAS**, the Tumwater Properties pay stormwater utility charges to the City of Tumwater to maintain the stormwater management facilities serving the properties; and

**WHEREAS**, the removal of the Tumwater Properties will not result in the impairment of any contract nor remove any existing liability or obligation to finance district improvements that serve the area so removed; and

**WHEREAS**, the Public Works Committee discussed the removal of the Tumwater Properties from the District at its September 22, 2022 meeting and recommended a public hearing be held; and

**WHEREAS**, the City provided written notice of the public hearing to the general public including residents of the District to be removed on September 26, 2022; and

**WHEREAS**, the City Council discussed the matter at its September 27, 2022 meeting and approved the Ordinance move forward to a public hearing; and

**WHEREAS**, a public hearing was held by the City Council on October 4, 2022, giving the public, including residents of the District to be removed, the opportunity to respond to the action; and

**WHEREAS**, action must be taken by the City to remove the Tumwater Properties immediately from the District to promote the objectives of this Ordinance and preserve the health, safety, property, and general welfare of the residents of the City because the District intends to approve an assessment upon the Tumwater Properties prior to November 1st;

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

**Section 1.** The Tumwater Properties as described and depicted on Exhibit A attached hereto and incorporated herein by reference are hereby permanently removed from the District.

**Section 2.** The Water Resources & Sustainability Director and City Attorney are authorized to take any and all actions necessary to carry out the removal of the Tumwater Properties located within the boundaries of the City from the District.

**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.

Ordinance No. O2022-021 - Page 2 of 3

**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. Declaration of Emergency — Effective Date.** For the reasons set forth above, and to promote the objectives stated herein, the City Council finds that a public emergency exists, necessitating that this Ordinance take effect immediately upon its passage by unanimous vote of the City Council in order to protect the public health, safety, property, and general welfare. This Ordinance shall take effect and be in force immediately upon unanimous passage by the City Council.

**Section 7. Alternate Effective Date.** If this Ordinance does not become effective immediately as provided in Section 6, then this Ordinance shall become effective thirty days after passage, approval, and publication as provided by law.

ADOPTED this 4<sup>th</sup> day of October, 2022.

CITY OF TUMWATER

\_\_\_\_\_  
Debbie Sullivan, Mayor

ATTEST:

\_\_\_\_\_  
Melody Valiant, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Karen Kirkpatrick, City Attorney

Published:\_\_\_\_\_

Effective Date:\_\_\_\_\_

## DISTRICT DESCRIPTION

THAT PORTION OF THE WEST HALF OF SECTION 13 AND THE SOUTH HALF OF SECTION 14, TOWNSHIP 17 NORTH, RANGE 2 WEST, WILLAMETTE MERIDIAN, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOTS 1 THROUGH 188 INCLUSIVE, TRACTS A THROUGH L INCLUSIVE AND TRACT N OF THE PLAT OF THE PRESERVE AT TUMWATER PLACE DIVISION 1, AS RECORDED JANUARY 22, 2014 UNDER AUDITOR'S FILE NUMBER 4377508, RECORDS OF THURSTON COUNTY, WASHINGTON;

TOGETHER WITH LOTS 189 THROUGH 222 INCLUSIVE AND TRACTS T AND U, OF THE PLAT OF THE PRESERVE AT TUMWATER PLACE DIVISION 2, AS RECORDED MARCH 1, 2019 UNDER AUDITOR'S FILE NUMBER 4671836, RECORDS OF THURSTON COUNTY, WASHINGTON;

TOGETHER WITH LOTS 223 THROUGH 405 INCLUSIVE, TRACTS V THROUGH Z INCLUSIVE, TRACT AA AND TRACT BB OF THE PLAT OF THE PRESERVE AT TUMWATER PLACE DIVISION 3, AS RECORDED DECEMBER 31, 2019 UNDER AUDITOR'S FILE NUMBER 4728495, RECORDS OF THURSTON COUNTY, WASHINGTON;

TOGETHER WITH LOTS 406 THROUGH 545 INCLUSIVE AND TRACTS CC THROUGH MM INCLUSIVE OF THE PLAT OF THE PRESERVE AT TUMWATER PLACE DIVISION 4, AS RECORDED JANUARY 22, 2021 UNDER AUDITOR'S FILE NUMBER 4819429, RECORDS OF THURSTON COUNTY, WASHINGTON;

TOGETHER WITH LOTS 1 THROUGH 13 INCLUSIVE AND TRACTS A THROUGH C INCLUSIVE OF THE PLAT OF TUMWATER COMMERCE PLACE, AS RECORDED JULY 9, 2010 UNDER AUDITOR'S FILE NUMBER 4159577, RECORDS OF THURSTON COUNTY, WASHINGTON;

TOGETHER WITH LOTS 1 THROUGH 7 INCLUSIVE AND TRACT A OF THE PLAT OF TILLEY CORPORATE CENTER, AS RECORDED MARCH 1, 2019 UNDER AUDITOR'S FILE NUMBER 4671840, RECORDS OF THURSTON COUNTY, WASHINGTON;

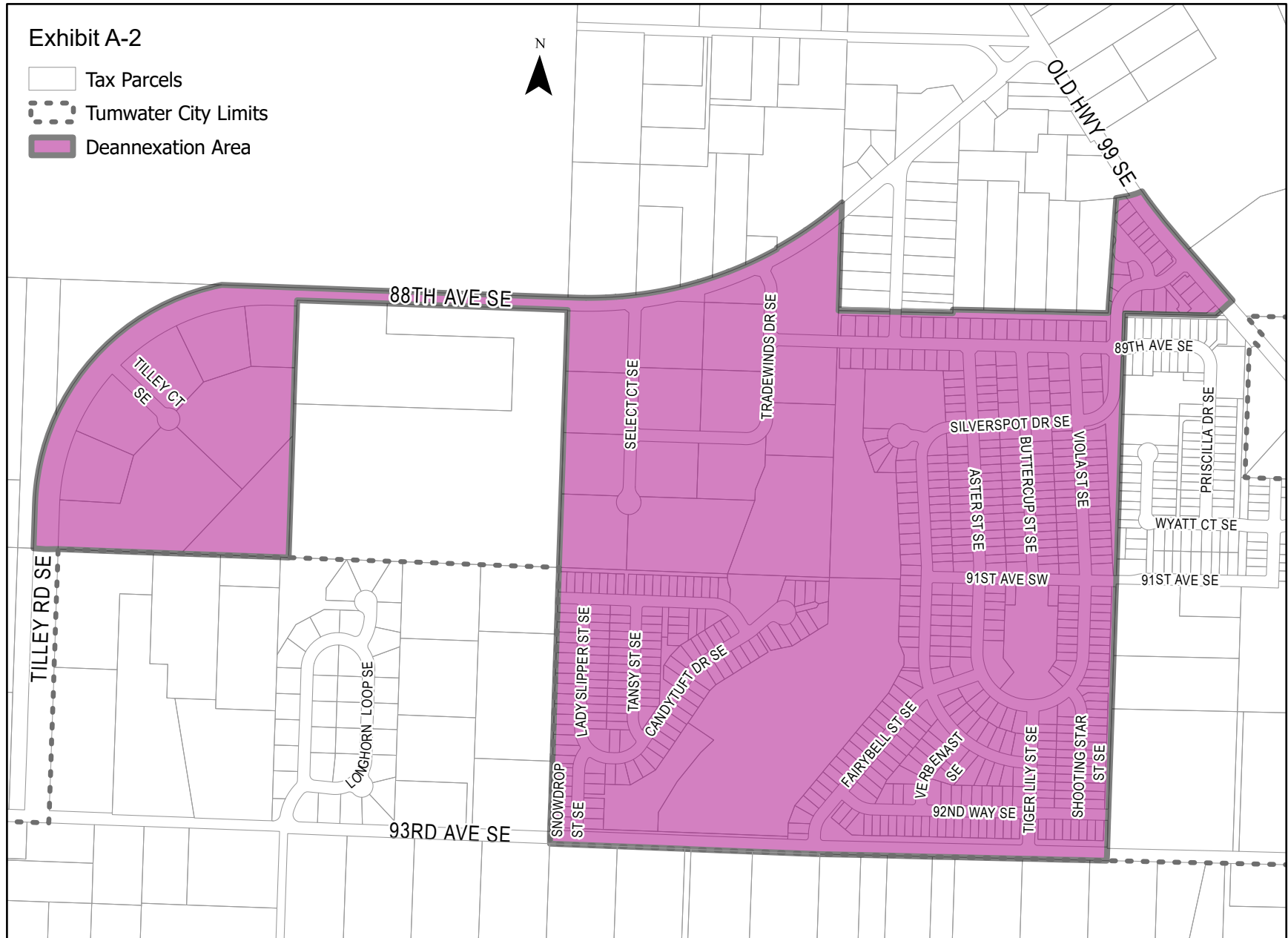
TOGETHER WITH THE FULL RIGHTS-OF-WAY ADJACENT TO THE ROADS WITHIN AND ADJACENT TO THE ABOVE REFERENCED PLATS AND THE FULL RIGHT-OF-WAY OF 88<sup>TH</sup> AVENUE SOUTHEAST BETWEEN THE PLAT OF TUMWATER COMMERCE PLACE, AS RECORDED JULY 9, 2010 UNDER AUDITOR'S FILE NUMBER 4159577 AND THE PLAT OF TILLEY CORPORATE CENTER, AS RECORDED MARCH 1, 2019 UNDER AUDITOR'S FILE NUMBER 4671840

SITUATE IN THE CITY OF TUMWATER, THURSTON COUNTY, WASHINGTON.

PREPARED BY: BLAIR E. PRIGGE, PLS  
MTN2COAST, LLC  
22-272  
Revised 09/28/2022

# Exhibit A-2

- Tax Parcels
- Tumwater City Limits
- Deannexation Area





TO: City Council  
 FROM: Brad Medrud, Planning Manager  
 DATE: October 4, 2022  
 SUBJECT: Ordinance No. O2022-013, 2022 Development Code Housekeeping Amendments

---

1) Recommended Action:

Approve Ordinance No. O2022-013, 2022 Development Code Housekeeping Amendments.

---

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 No. O2022-013 on June 21, 2022.

The development code housekeeping preliminary docket staff report contains summaries of the 15 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.

The Planning Commission held a public hearing on August 9, 2022 and recommended that the City Council approve Ordinance No. O2022-013. The General Government Committee held a briefing on Ordinance No. O2022-013 on September 14, 2022. The General Government Committee had questions on two of the 15 amendments for the City Council to discuss at their worksession. The City Council held a worksession on September 27, 2022, agreed with the General Government Committee's recommendation on 13 of the 15 amendments, and recommended changes to two of the amendments to address the concerns of the General Government Committee, which are discussed in the staff report.

---

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 Ordinance No. O2022-013 and approve
  - ☐ Continue discussion of Ordinance No. O2022-013 at a future worksession
-

5) Fiscal Notes:

This is an internally funded work program task.

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4) Attachments:

- A. Ordinance No. O2022-013
- B. Staff Report – Development Code Housekeeping Preliminary Docket
- C. Presentation – Development Code Housekeeping Preliminary Docket

**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.

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THURSTON COUNTY AUDITOR

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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. 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

<b>RESIDENTIAL DISTRICTS</b> <b>Note: See Figure 18.23.020</b> <b>for residential uses allowed</b> <b>in the TC town center zone</b> <b>district; and Table 18.27.040</b> <b>for residential uses allowed</b> <b>in the BD brewery district</b> <b>zone</b>	<b>RSR</b>	<b>SFL</b>	<b>SFM</b>	<b>MFH</b>	<b>MFH</b>	<b>MHP</b>	<b>Applicable Regulations</b>
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 <sup>1</sup>	C <sup>1</sup>	C <sup>1</sup>	P		C <sup>1</sup>	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 <sup>2</sup>	P <sup>2</sup>	P <sup>3</sup>	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

<b>RESIDENTIAL DISTRICTS</b> <b>Note: See Figure 18.23.020</b> <b>for residential uses allowed</b> <b>in the TC town center zone</b> <b>district; and Table 18.27.040</b> <b>for residential uses allowed</b> <b>in the BD brewery district</b> <b>zone</b>	<b>RSR</b>	<b>SFL</b>	<b>SFM</b>	<b>MFM</b>	<b>MFH</b>	<b>MHP</b>	<b>Applicable Regulations</b>
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 <sup>4</sup>			

<b>RESIDENTIAL DISTRICTS</b> <b>Note: See Figure 18.23.020</b> <b>for residential uses allowed</b> <b>in the TC town center zone</b> <b>district; and Table 18.27.040</b> <b>for residential uses allowed</b> <b>in the BD brewery district</b> <b>zone</b>	<b>RSR</b>	<b>SFL</b>	<b>SFM</b>	<b>MFM</b>	<b>MFH</b>	<b>MHP</b>	<b>Applicable Regulations</b>
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 <sup>56</sup>	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

MFM = Multifamily Medium Density Residential

MFH = Multifamily High Density Residential

MHP = Manufactured Home Park

Table 18.07.010 Footnotes:

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

(2) “Duplexes” are allowed in the residential/sensitive resource (RSR) and single-family low density residential (SFL) zone districts [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

<b>COMMERCIAL DISTRICTS</b> <b>Note: See Figure 18.23.020</b> <b>for commercial uses</b> <b>allowed in the TC town</b> <b>center zone district; and</b> <b>Table 18.27.040 for</b> <b>commercial uses allowed in</b> <b>the BD brewery district</b> <b>zone</b>	NC	CS	MU	CBC	GC	HC	TC <sup>1</sup>	<b>Applicable</b> <b>Regulations</b>
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 <sup>2</sup>		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



<b>COMMERCIAL DISTRICTS</b> <b>Note: See Figure 18.23.020</b> <b>for commercial uses</b> <b>allowed in the TC town</b> <b>center zone district; and</b> <b>Table 18.27.040 for</b> <b>commercial uses allowed in</b> <b>the BD brewery district</b> <b>zone</b>	NC	CS	MU	CBC	GC	HC	TC <sup>1</sup>	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								

<b>COMMERCIAL DISTRICTS</b> <b>Note: See Figure 18.23.020</b> <b>for commercial uses</b> <b>allowed in the TC town</b> <b>center zone district; and</b> <b>Table 18.27.040 for</b> <b>commercial uses allowed in</b> <b>the BD brewery district</b> <b>zone</b>	NC	CS	MU	CBC	GC	HC	TC <sup>1</sup>	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 <sup>3</sup>		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	
<a href="#">Optometry clinics</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	
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;

<b>COMMERCIAL DISTRICTS</b> <b>Note: See Figure 18.23.020</b> <b>for commercial uses</b> <b>allowed in the TC town</b> <b>center zone district; and</b> <b>Table 18.27.040 for</b> <b>commercial uses allowed in</b> <b>the BD brewery district</b> <b>zone</b>	NC	CS	MU	CBC	GC	HC	TC <sup>1</sup>	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 <del>and professional</del> services	<u>P</u>	P	P	P	P	P	P	
<del>Personal and professional services or sales</del>	<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 <sup>4</sup>	P	P	P	P	P	P	
Recreational vehicle park					P			
Residential uses	P <sup>5</sup>		P	P			P	18.20.030; 18.21.060; 18.23.020
Restaurants		P	P <sup>6</sup>	P	P	P	P	
Restaurants (without drive-in windows)	P <sup>7</sup>		P <sup>8</sup>				P	
Retail sales			P	P	P	P	P	

<b>COMMERCIAL DISTRICTS</b> <b>Note: See Figure 18.23.020</b> <b>for commercial uses</b> <b>allowed in the TC town</b> <b>center zone district; and</b> <b>Table 18.27.040 for</b> <b>commercial uses allowed in</b> <b>the BD brewery district</b> <b>zone</b>	NC	CS	MU	CBC	GC	HC	TC <sup>1</sup>	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 <sup>9</sup>	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 <sup>10</sup>	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			

<b>COMMERCIAL DISTRICTS</b> <b>Note: See Figure 18.23.020</b> <b>for commercial uses</b> <b>allowed in the TC town</b> <b>center zone district; and</b> <b>Table 18.27.040 for</b> <b>commercial uses allowed in</b> <b>the BD brewery district</b> <b>zone</b>	NC	CS	MU	CBC	GC	HC	TC <sup>1</sup>	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**

<b>INDUSTRIAL DISTRICTS</b> <b>Note: See Table 18.27.040 for</b> <b>industrial uses allowed in the BD</b> <b>brewery district zone</b>	<b>LI</b>	<b>HI</b>	<b>ARI</b>	<b>Applicable Regulations</b>
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

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



<b>INDUSTRIAL DISTRICTS</b> <b>Note: See Table 18.27.040 for industrial uses allowed in the BD brewery district zone</b>	<b>LI</b>	<b>HI</b>	<b>ARI</b>	<b>Applicable Regulations</b>
Permanent supportive housing			P	18.42.150
Personal <del>and professional</del> 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
<del>Residential care facilities</del>	<del>P</del>		<del>P</del>	<del>18.34.020(O)</del>
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	

<b>INDUSTRIAL DISTRICTS</b> <b>Note: See Table 18.27.040 for industrial uses allowed in the BD brewery district zone</b>	<b>LI</b>	<b>HI</b>	<b>ARI</b>	<b>Applicable Regulations</b>
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 <sup>3</sup>	P <sup>3</sup>			
Uses having to do with buying, selling, <del>and personal and professional services or offices</del> , or of a general commercial nature	P			
Warehouse distribution centers <sup>4</sup>	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 <sup>4</sup>	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**

<b>GREENBELT/OPEN SPACE DISTRICTS</b>	<b>GB</b>	<b>OS</b>	<b>Applicable Regulations</b>
<a href="#"><u>Adult family homes and residential care facilities in a residence existing prior to January 1, 1996</u></a>		<a href="#"><u>P</u></a>	<a href="#"><u>18.53</u></a>
<a href="#"><u>Adult family homes and residential care facilities in a residence existing prior to the adoption of TMC Chapter 18.30</u></a>	<a href="#"><u>P</u></a>		<a href="#"><u>18.53</u></a>
<a href="#"><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></a>	<a href="#"><u>C</u></a>	<a href="#"><u>C</u></a>	<a href="#"><u>18.53</u></a>

<b>GREENBELT/OPEN SPACE DISTRICTS</b>	<b>GB</b>	<b>OS</b>	<b>Applicable Regulations</b>
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		

<b>GREENBELT/OPEN SPACE DISTRICTS</b>	<b>GB</b>	<b>OS</b>	<b>Applicable Regulations</b>
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**

<b>Acres</b>	<b>Max Impervious Surface (in Sq. Ft.)</b>
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.

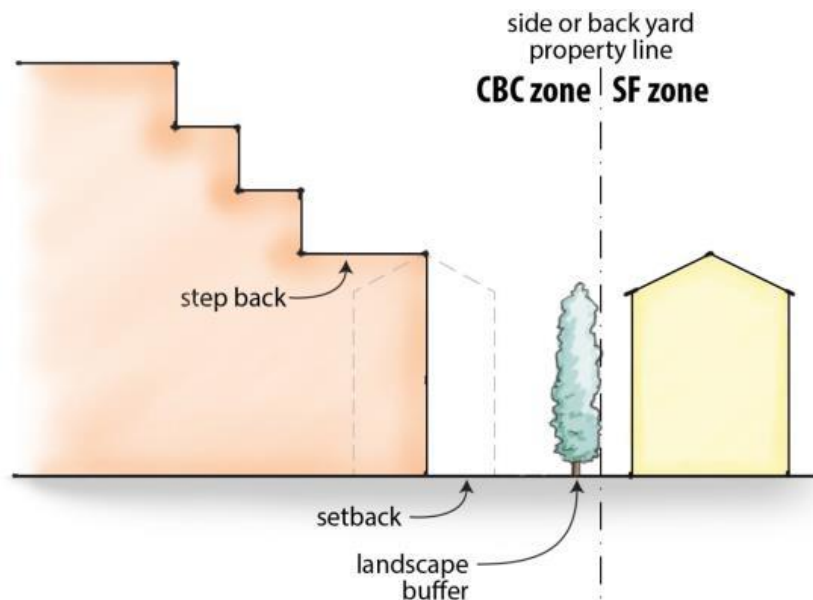
H. **Conversion of Existing Structures.** An existing residential structure may be converted to a commercial or office use within the existing footprint of the structure without triggering the FAR or minimum residential density requirements if the structure is brought into conformance with the building 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

LAND USES	TOWN CENTER ZONE SUBDISTRICTS			
	Town Center Mixed Use	Town Center Professional Office	Town Center Residential	Town Center Civic
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			
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

LAND USES	TOWN CENTER ZONE SUBDISTRICTS			
	Town Center Mixed Use	Town Center Professional Office	Town Center Residential	Town Center Civic
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
<a href="#">Optometry clinics</a>	<a href="#">P</a>	<a href="#">P</a>		<a href="#">P</a>
Parking lots	A7	A	A	A
Parking structures	P8	P	P	P
Parks and open space areas	P	P	P	P
Permanent supportive housing	P15, A16		P15, A16	
Personal <del>and professional</del> 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	
<a href="#">Professional services</a>	<a href="#">P</a>	<a href="#">P</a>		<a href="#">P</a>
Recreational facilities	P	P	P	P

LAND USES	TOWN CENTER ZONE SUBDISTRICTS			
	Town Center Mixed Use	Town Center Professional Office	Town Center Residential	Town Center Civic
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
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**

<b>Land Uses (5)</b>	<b>Triangle (1)</b>	<b>Deschutes</b>	<b>Bates North</b>	<b>Bates South</b>	<b>Knoll (7)</b>	<b>Valley</b>	<b>Bluff</b>
Accessory dwelling units	A	A	A	A	A	A	A
Accessory wireless communication antenna (2)	A	A	A	A	A		A
Adult family homes, <a href="#">residential care facilities (13)</a>	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	

<b>Land Uses (5)</b>	<b>Triangle (1)</b>	<b>Deschutes</b>	<b>Bates North</b>	<b>Bates South</b>	<b>Knoll (7)</b>	<b>Valley</b>	<b>Bluff</b>
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
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

Land Uses (5)	Triangle (1)	Deschutes	Bates North	Bates South	Knoll (7)	Valley	Bluff
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 residential use which include but are not limited to swimming pools and recreational ball courts	A	A	A	A	A	A	A
Off-street parking and loading	A	A	A	A	A	A	A
<a href="#">Optometry clinics</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	
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 <a href="#">and professional</a> 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



Land Uses (5)	Triangle (1)	Deschutes	Bates North	Bates South	Knoll (7)	Valley	Bluff
<a href="#">Professional Services</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	<a href="#">P</a>	
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	
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; ~~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**  
**CITY COUNCIL CONSIDERATION**

**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 after a public hearing on August 9, 2022.

The General Government Committee held a briefing on Ordinance No. O2022-013 on September 14, 2022. The City Council held a worksession on September 27, 2022, agreed with the General Government Committee's recommendation on 13 of the 15 amendments, and recommended changes to the two amendments below to address the concerns of the General Government Committee:

- K. Personal and Professional Services (See pages 17-20 of the staff report)
- M. School, Public Building, and Church Signs (See pages 22-24 of the staff report)

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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.

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

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 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."

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

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

After reviewing the Planning Commission's August 9, 2022 recommendation at their September 14, 2022 briefing, the General Government Committee had questions on two of the 15 amendments for the City Council to discuss at their worksession:

- K. Personal and Professional Services (See pages 17-20 of the staff report)
- M. School, Public Building, and Church Signs (See pages 22-24 of the staff report)

After a discussion at their September 27, 2022 worksession, the City Council recommended changes to two of the 15 amendments for the City Council to discuss at their worksession:

- K. Personal and Professional Services (See pages 17-20 of the staff report)
- M. School, Public Building, and Church Signs (See pages 22-24 of the staff report)

### **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 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

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

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~~ 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.*

[...]

**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: III.*~~

### 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 ~~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. 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 – “T” 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 18.07.020 – 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

Planning Commission 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.

General Government Committee September 14, 2022 discussion:

- The General Government Committee asked that the City Council discuss the following at their September 27, 2022 worksession:
  - The General Government Committee questioned the need for limiting product sales for Personal Services to no more than twenty-five percent of the gross floor area of the business.
  - The General Government Committee asked if the Retail Sales use could be added to the Neighborhood Commercial (NC) and Community Services (CS) zone districts. Retail Sales are permitted in the other commercial zone districts in the City.

City Council September 27, 2022 discussion:

- City Council recommended the following changes to the ordinance at their September 27, 2022 worksession:
  - The City Council asked that the limit of product sales for Personal Services to no more than 25 percent of the gross floor area of the business be removed from the ordinance.
  - The City Council asked that the Retail Sales use be added to the Neighborhood Commercial (NC) and Community Services (CS) zone districts be added to the ordinance. Retail Sales are permitted in the other commercial zone districts in the City.

Staff review after the City Council September 27, 2022 discussion:

- After the City Council worksession, staff reviewed the current code more closely. Staff found that in the Neighborhood Commercial (NC) zone district “Retail sales (no more than 3,000 square feet) (6:00 a.m. – 10:00 p.m.)” is a permitted use and “Retail Sales (no more than 3,000 square feet) (10:00 p.m. – 6:00 a.m.)” is a conditional use.
- In addition, staff found that in the Community Service (CS) zone district “Retail sales (no more than 15,000 square feet)” is a permitted use.
- Because of this, staff believes the City Council intent is already met and staff does not recommend any changes to how Retail Sales are addressed currently in the Neighborhood Commercial (NC) and Community Service (CS) zone districts.

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; ~~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.*

General Government Committee September 14, 2022 discussion:

- The General Government Committee asked that the City Council discuss the following at their September 27, 2022 worksession:



- The General Government Committee questioned whether the recommended increase in height to 15 feet and size to 55 square feet for signs allowed for schools, public buildings, and churches in residential zone districts was too much.
- The General Government Committee asked if churches should have reduced standards for sign regulations in residential zone districts than schools and public buildings.
- The General Government Committee asked for examples of signage for comparison.

City Council September 27, 2022 discussion:

- City Council recommended the following changes at their September 27, 2022 worksession:
  - The City Council asked that the proposed height for freestanding signs in residential zone districts be limited to six feet for all uses, including schools, public buildings, and churches.
  - The City Council did not recommend changing the proposed 55 total square footage limit for all signs for schools, public buildings, and churches.

#### 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:

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

- 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 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 reviewed the proposed amendments in a briefing on September 14, 2022 and recommended that the ordinance be discussed at a City Council worksession. The City Council reviewed the amendments at a worksession on September 27, 2022. The City Council will 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:

*“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**

Brad Medrud, Planning Manager  
City of Tumwater Community Development Department  
360-754-4180  
bmedrud@ci.tumwater.wa.us

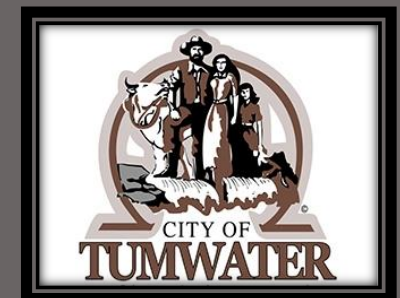
# 2022 Annual Housekeeping Amendments

## Final Docket Amendments

Ordinance No. O2022-013

October 4, 2022

City Council Consideration



# Issue

- During 2020 and 2021, staff gathered information on housekeeping amendments to be considered collectively in 2022 that make minor corrections to the City's 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

- The **other housekeeping amendments** that do not fall under the same TMC 18.60.025(A) process, will be considered as part of Ordinance No. O2022-015 at the same time as Ordinance No. O2022-013

# 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

# GGC Questions for Council

After reviewing the recommendation of the Planning Commission, the General Government Committee had questions on two of the 15 amendments for further City Council discussion:

K. Personal and Professional Services

M. School, Public Building, and Church Signs

# Personal/Professional Services

- For consistency and understanding, use the same terms for “personal services” and “professional services” throughout the zoning code

# Further Discussion

The City Council recommended the following changes to the ordinance at their September 27, 2022 worksession:

- Remove the proposed limit on product sales for “personal services” to no more than 25 percent of the gross floor area of the business
- Add the “retail sales” use to the Neighborhood Commercial (NC) and Community Services (CS) zone districts

# Further Discussion

After the City Council worksession, staff reviewed the current code more closely and found:

- In the Neighborhood Commercial (NC) zone district “Retail sales (no more than 3,000 square feet) (6:00 a.m. – 10:00 p.m.)” is a permitted use and “Retail Sales (no more than 3,000 square feet) (10:00 p.m. – 6:00 a.m.)” is a conditional use
- In the Community Service (CS) zone district “Retail sales (no more than 15,000 square feet)” is a permitted use



# Further Discussion

- Because of this, staff believes the City Council intent is already addressed
- Staff does not recommend any changes to how Retail Sales are addressed currently in the Neighborhood Commercial (NC) and Community Service (CS) zone districts

# School, Public Building, & Church Signs

- Add exemptions for the height and size of signage for schools, public buildings, and churches located in residential zone districts

# Further Discussion

The City Council recommended the following at their September 27, 2022 worksession for signs for schools, public buildings, and churches in residential zone districts:

- The current height limit should remain six feet
- The proposed total size limit for signage of 55 square feet should not change

# Recommendation

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

# Recommendation

- The General Government Committee agreed with the Planning Commission recommendation on 13 of the amendments and recommended the City Council discuss further changes to the remaining two
- The City Council held a worksession on September 27, 2022 and made changes to two of the 15 amendments

# Recommended Action

- Approve Ordinance No. O2022-013, *Annual Housekeeping Amendments*

TO: City Council  
 FROM: Brad Medrud, Planning Manager  
 DATE: October 4, 2022  
 SUBJECT: Ordinance No. O2022-015, Other Housekeeping Amendments

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1) Recommended Action:

Approve Ordinance No. O2022-015, Other Housekeeping Amendments.

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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. Ordinance No. O2022-015 will be considered at the same time as the housekeeping amendments in development code final docket 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.

At their September 14, 2022 briefing on Ordinance No. O2022-015, the General Government Committee agreed with the Planning Commission recommendation on the ordinance and how the City should address sidewalks. The City Council held a worksession on September 27, 2022 and did not recommend any changes to the General Government Committee recommendation.

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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."

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4) Alternatives:

- ☐ Modify Ordinance No. O2022-015 and approve
  - ☐ Continue discussion of Ordinance No. O2022-015 at a future worksession
- 

5) Fiscal Notes:

This is an internally funded work program task.

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6) Attachments:

- A. Ordinance No. O2022-015
- B. Staff Report – Other Housekeeping Amendments
- C. Presentation – Other Housekeeping Amendments



**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

#### CITY COUNCIL CONSIDERATION

##### 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*. At their September 14, 2022 briefing, the General Government Committee agreed with the Planning Commission recommendation on the ordinance and how the City should address sidewalks. At their September 27, 2022 worksession, the City Council did not recommend any changes to the General Government Committee recommendation.

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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.*

### Traffic Study Requirements

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

Code Section to be amended:

- TMC 15.48.060 – Traffic study – Transportation Concurrency Requirements

Proposed amendment language:

***15.48.060 Traffic study.***

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

*A. Development that generates fifty or more vehicle trips in ~~the peak direction of the peak hour~~ on the adjacent streets and intersections; or*

*B. Development that generates twenty-five percent or more of peak-hour traffic through a signalized intersection or the critical movement at an unsignalized intersection.*

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

### **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.

**B. 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.

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### **2022 OTHER HOUSEKEEPING AMENDMENTS (O2022-015)**

New Code Sections to be created:

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

Proposed amendment language, new sections added:

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

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

*[...]*

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

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

### **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 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.

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## **2022 OTHER HOUSEKEEPING AMENDMENTS (O2022-015)**

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 reviewed the amendments in a briefing on September 14, 2022 and recommended that the ordinance be discussed at a City Council worksession. The City Council reviewed the amendments at a worksession on September 27, 2022 and agreed with the General Government Committee recommendation. The City Council will 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.

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## **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. O2022-015.

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 *Streets, Sidewalks and Public Places*.

### **Effects of the Proposed Amendments**

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

### **Staff Contact**

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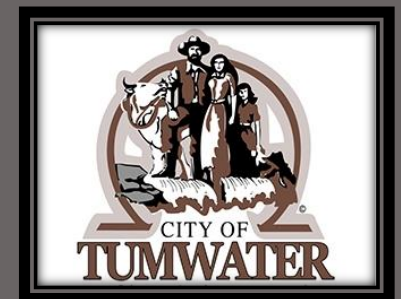
# 2022 Annual Housekeeping Amendments

## Other Housekeeping Amendments

Ordinance No. O2022-015

October 4, 2022

City Council Consideration



# Issue

- During 2020 and 2021, staff gathered information on housekeeping amendments to be considered collectively in 2022 that make minor corrections to the City's regulations
- 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

# Other Amendments

The following amendments are a part of Ordinance O2022-015:

- A. Hearing Examiner Staff Reports – Schedule
- B. Traffic Study Requirements



# Recommendation

- At their August 8, 2022 hearing, the Planning Commission recommended approval of Ordinance No. O2022-015
- 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

# Recommendation

- 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

# Recommendation

- The General Government Committee agreed with the Planning Commission recommendation on the ordinance and how the City should address sidewalks
- The City Council held a worksession on September 27, 2022 and did not recommend any changes to the ordinance

# Recommended Action

- Approve Ordinance No. O2022-015, *Other Housekeeping Amendments*