



**GENERAL GOVERNMENT COMMITTEE
MEETING AGENDA**

Online via Zoom

**Wednesday, April 13, 2022
2:00 PM**

1. Call to Order
2. Roll Call
- [3.](#) Approval of Minutes: General Government Committee, March 9, 2022
- [4.](#) Ordinance No. O2022-001, Eleven County Island Annexations (Brad Medrud)
- [5.](#) Urban Forestry Management Plan – Landscaping Regulation Update, Scope of Work (Brad Medrud)
6. Additional Items
7. Adjourn

Remote Meeting Information

To comply with Governor Inslee's Proclamation 20-28, the City of Tumwater meetings will be conducted remotely, not in-person, using a web-based platform. The public will have telephone and online access to all meetings.

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Post Meeting

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CityClerk@ci.tumwater.wa.us

Accommodations

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**TUMWATER GENERAL GOVERNMENT COMMITTEE
MINUTES OF VIRTUAL MEETING
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CONVENE: 3:00 p.m.

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

Staff: City Attorney Karen Kirkpatrick and Planning Manager Brad Medrud.

**APPROVAL OF MINUTES
FEBRUARY 9, 2022:**

MOTION: Councilmember Cathey moved, seconded by Councilmember Dahlhoff, to approve the General Government Committee meeting minutes of February 9, 2022 as published. A voice vote approved the motion unanimously.

**URBAN FORESTRY
MANAGEMENT PLAN –
STREET TREE PLAN
SCOPE OF WORK:**

Manager Medrud reported implementation actions this year included in the Urban Forestry Management Plan include street trees, tree protection, and landscaping requirements. Prior to releasing the scope of work for a consultant, staff is seeking feedback on the scope of work from the Tree Board, Planning Commission, and the General Government Committee. Staff applied for a grant from the Department of Natural Resources for urban forestry projects. The grant would help fund the Street Tree Plan update.

The Street Tree Plan guides maintenance, management, and improvements of street trees within public right-of-ways. The plan addresses many issues spanning City codes, development guidelines, and the responsibility for ongoing maintenance and upkeep of street trees. The Street Tree Plan is intended for many audiences to include large and small developers, property owners, and homeowner associations.

Completion of a street tree inventory in 2018 as part of the Urban Forestry Management Plan identified more than 3,500 existing street trees in the City by species, trunk measurement, height, canopy width, and health and condition. The data was inputted to the Public Works GIS system to manage and update moving forward.

Councilmember Cathey questioned whether the scopes of the work for the Street Tree Plan and tree preservation regulations overlap. Manager Medrud explained that there are some areas of overlap. Tree preservation regulations currently govern when a street tree can be removed and replacement requirements while the Street Tree Plan ensures appropriate trees are planted at the onset because the street tree inventory documented many instances of buckling sidewalks and other issues caused by the wrong species of tree planted in some locations. The intent is to establish a healthy network of street trees throughout the City by planting the

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appropriate species within appropriate locations. The review of tree preservation regulations addresses replacement of street trees when trees are removed. However, other issues could be addressed as well and combining the reviews might be too overwhelming, which is why the reviews are recommended on separate tracks.

Councilmember Cathey asked whether each update would be coordinated by a different consultant. Manager Medrud said the options could include separate consultants or one consultant dependent upon the capacity of the consultant firm. The Request for Proposals (RFP) is scheduled to be released at different times. The first RFP would likely be for tree preservation regulations. If the consultant indicates interest in pursuing the second RFP based on the firm's experience, staff is receptive to reviewing that possibility.

Councilmember Cathey advocated for beginning with the review of the tree preservation regulations rather than the update of the Street Tree Plan. Manager Medrud advised that the RFP for tree preservation regulations would likely be released first. The proposed schedule calls for the review of tree preservation regulations prior to beginning the review of landscaping codes.

Manager Medrud reported initial efforts will begin with public engagement. The consultant's scope of work includes preparation of a Public Engagement Plan. Recent input from the Tree Board and the Planning Commission resulted in modifying the scope of work. Stakeholders identified for the Street Tree Plan were expanded to include stakeholders from the environmental community, Puget Sound Energy and other private utilities, Tumwater Chamber of Commerce, and Olympia Master Builders.

Chair Althausen asked whether the Tree Board would be considered a stakeholder. Manager Medrud said the Tree Board serves as an internal stakeholder as the Board's role is more defined than a stakeholder. The review will begin with the Tree Board's review and discussion of ideas from the stakeholder group. The Board and the Planning Commission will conduct joint worksessions to take advantage of both the Tree Board's expertise and the Commission's knowledge of developing regulations and forwarding recommendations to the Council.

Councilmember Dahlhoff recommended including retailers and nurseries to the list of stakeholders. Manager Medrud agreed the addition of retail and wholesale nurseries should be included.

Councilmember Cathey asked whether parks are addressed in the update of the Street Tree Plan. Manager Medrud explained that the update is primarily focused on public right-of-ways and the type of trees and

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vegetation appropriate for planting in those areas. Parks are addressed individually as they are developed and are governed by the City's landscaping code requirements and the Parks and Recreation Commission's discussion and review on the park design for open space and active recreation. Parks are typically not addressed as part of this update. Councilmember Cathey replied that it speaks to the right tree in the right place, preservation, and the type of trees and understory within parks. She asked how the two updates could include parks and the City's vision for parks within the City. Manager Medrud responded that the Street Tree Plan applies to any improvements proposed as part of any park development abutting a street as one example. In terms of tree preservation and buffering for parks, the City adheres to specific regulations. Development of a park is an element of park planning completed by the Parks and Recreation Department in consultation with the Parks and Recreation Commission.

Councilmember Cathey asked about the purpose of including the addition of Masters Builders and the Chamber of Commerce. Manager Medrud said during the development of regulations, it is important to obtain feedback from a broad range of users. Their inclusion is a way to involve all users in any proposed changes as well as affording an opportunity for the City to promote awareness of City requirements and codes.

Discussion ensued on Councilmember Cathey's preference not to include those specific users because of the differences in philosophy as to the City's vision for promoting the protection of the environment. Manager Medrud emphasized the importance of pursuing an inclusive process during any update of regulations and planning processes. It is also important not to exclude those voices that might disagree.

Manager Medrud reported the consultant will be asked to address how the Street Tree Plan will promote equity and environmental justice, as all neighborhoods in the community should be treated equally and everyone should have an equal opportunity to experience the benefits of street trees and vegetation.

Manager Medrud addressed questions on the timing of both RFPs to inform consultants of both opportunities. Within the explanation of the first RFP, information is included about the implementation of the Urban Forestry Management Plan and how the City is seeking consultant assistance during 2022 to complete several updates.

Manager Medrud said the scope of work also includes project schedules for stakeholders, a community meeting, and Tree Board, Planning Commission, and City Council meetings. Staff seeks consultant support for sessions with the Tree Board, Planning Commission, and the City Council, as well as identifying deliverables in sufficient time to engage in

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thorough discussions. The scope also includes identifying materials for implementation of the Public Engagement Plan, City website, social media materials, and materials to support external and internal stakeholder groups.

The consultant will serve as the lead for conducting stakeholder meetings with staff involvement. The consultant will support a public open house and assist staff during worksessions and through the adoption process.

Councilmember Cathey cited previous plan development processes that involved interested Councilmembers prior to full Council worksessions or briefings. She asked about the opportunity for Councilmembers to participate during the public engagement process. Manager Medrud affirmed that the intent is keep the Mayor and the Council informed on each stage of the process likely through written summaries followed by worksessions early in the process with the consultant.

Manager Medrud outlined the elements of the Street Tree Plan:

- A. Introduction, describing the reasons why the City developed the Street Tree Plan, its benefits, and its purpose
- B. Background, referring to the process for creating the Street Tree Plan, public engagement process for updating regulations, and completed street tree surveys
- C. Street tree planning, describing the vision for future street tree plantings, including:
 - 1) Arterials and connectors
 - 2) Guidance for other street types
 - 3) Street tree design recommendations
- D. Street tree planting, containing recommendations for the following:
 - 1) Street tree planting and maintenance guidance
 - 2) Street tree management responsibilities
 - 3) Best management practices for street tree care
 - 4) Street tree planting list
 - 5) Street tree planting specifications and details
 - 6) Street tree pruning guidelines
- E. Shorter, individual documents derived from the Street Tree Plan for specific audiences and their needs
 - 1) Residential property owners and homeowner associations
 - 2) City maintenance staff
 - 3) Tree cutting/landscape maintenance companies

Councilmember Dahlhoff asked whether the plan addresses areas where trees should not be planted, such as roadway medians. Manager Medrud said the plan addresses that aspect as well. In September 2021, the Tree Board and the Planning Commission toured several locations in the City

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to view street tree plantings and existing conditions. In many instances, street trees are confined to a minimum amount of space between the curb and the sidewalk. The update will address those planting sizes, as well as areas that would not be conducive for a tree.

Councilmember Cathey commented on a number of studies completed on how human health is improved in areas with trees. Of additional importance is the type of trees and different levels of shade offered by different species of trees.

Manager Medrud reviewed potential amendments to existing codes and regulations:

- a. Tumwater Municipal Code Amendments:
 - 1) TMC Title 12 *Streets, Sidewalks and Public Places* (TMC 12.08 *Street and Sidewalk Obstructions*, TMC 12.12 *Construction of Curbs and Sidewalks*, and TMC 12.24 *Street Trees*)
 - 2) Title 16 Environment (TMC 16.08 *Protection of Trees and Vegetation*)
 - 3) Title 17 Land Division (TMC 17.04 *Definitions*)
- b. *Tumwater Development Guide*, Chapter 3 *General Engineering Considerations* and Chapter 4 *Transportation*, text and details
- c. *Littlerock Road Subarea Plan*, Chapter 5 *Implementation*
- d. *Tumwater Town Center Street Design Plan*
- e. *Capitol Boulevard Community Zone Design Guidelines*
- f. The ordinance should be assessed for compliance with the Growth Management Act (GMA) requirement to comply with the Attorney General's Guidance regarding takings

Manager Medrud reviewed the update schedule. During May through June 2022, the RFP process and selection of the consultant is scheduled with the project beginning in July 2022. It is anticipated the City will receive notification of the DNR grant award in early July. The project is scheduled for completion by the end of this year.

Manager Medrud added that staff is recommending the Tree Board and the Planning Commission participate in a worksession on a sample development proposal and what is required as the proposal works through the City's development review process to help create a better understanding on how staff applies numerous regulations and codes to a development proposal. At some point, staff anticipates offering a similar review to the City Council.

**URBAN FORESTRY
MANAGEMENT PLAN –
TREE PRESERVATION**

Manager Medrud reported the update includes contracting with a consultant to work with staff, stakeholders, Tree Board, Planning Commission, and the City Council to update the City's tree preservation

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**REGULATION UPDATE,
SCOPE OF WORK:**

regulations. The scope of work includes project administration, which will also be added to the scope of work for the update of the Street Tree Plan.

The update includes a similar public engagement plan as the Street Tree Plan. The Planning Commission recommended adding environmental stakeholders, private utilities, such as Puget Sound Energy because of their involvement in the right-of-way, Chamber of Commerce, and the Olympia Master Builders.

Manager Medrud reviewed an outline for the scope of work, which is similar to the Street Tree Plan. The consultant will lead the public engagement process and the development of the associated materials, as well as supporting staff during the development of the ordinances.

Councilmember Dahlhoff recommended exploring different and unique methods for engaging the public similar to the recent survey conducted for the Old Highway 99 Transportation Study as different demographics respond differently to outreach approaches. Manager Medrud said the consultant will be asked to provide input on different ways of engaging the public based on different demographics within the City. Councilmember Dahlhoff recommended the consultant provide different examples of public engagement and outreach methods. Manager Medrud said he would add the request to the RFP.

Councilmember Cathey referred to the section of the staff report on the *Purpose of the Regulations* and questioned whether the list of reasons would be included in the RFP to help to inform consultant applicants. Manager Medrud said the purpose of the section is an identification of issues that should be included to help guide the consultant to review those particular areas. If the consultant identifies additional issues, staff would be receptive to those additions as well. The primary focus of the update is to Tumwater Municipal Code 16.08, *Protection of Trees and Vegetation*. However, the update process would be an open process for consideration of changes to other sections of the code. Today, the section on the purpose of the regulations is typically provided to developers who question City requirements for tree protection for their development proposal. Developers are also directed to review other sections of the code, landscaping codes, development guidelines, and design guidelines.

Councilmember Cathey recommended adding “wetlands” to “G” and “Climate Action Plan and the Habitat Conservation Plan” to “M.”

Councilmember Dahlhoff asked whether the RFP would include a request for the consultant to provide content to assist the City in refreshing the website for approved tree species and tree care, etc. Manager Medrud affirmed the information could be included in the RFP.

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Manager Medrud reviewed the proposed work schedule as reviewed with the Tree Board and the Planning Commission:

- March – April 2022 – RFP process and consultant selection
- May 2022 – Consultant work starts

Tree Board Meetings

- May 9, 2022 – Tree Board worksession
- June 13, 2022 – Tree Board worksession
- July 11, 2022 – Tree Board worksession – schedule joint meeting with Planning Commission
- August 8, 2022 – Tree Board worksession – schedule joint meeting with Planning Commission

Notice of Intent and SEPA Review

- July 2022 – Submit Notice of Intent to Commerce
- July 2022 – SEPA Review Planning Commission

Planning Commission

- July 12, 2022 – Planning Commission worksession – schedule joint meeting with Tree Board
- July 26, 2022 – Planning Commission worksession
- August 9, 2022 – Planning Commission worksession – schedule joint meeting with Tree Board
- August 23, 2022 – Planning Commission public hearing

City Council

- March 9, 2022 – GGC briefing
- May 24, 2022 – City Council worksession
- September 14, 2022 – GGC briefing
- September 27, 2022 – City Council worksession
- October 11, 2022 – City Council worksession
- October 25, 2022 – City Council consideration

Project Completion

- October – November 2022

Councilmember Dahlhoff inquired as to whether a joint session with the Tree Board, Planning Commission, and Council might be necessary. Manager Medrud recommended retaining the option of a joint meeting as the schedule could be revised for a joint meeting during a Council worksession.

**INTERLOCAL
AGREEMENT FOR**

Manager Medrud reported the proposal involves the City's efforts with Thurston County and the Cities of Lacey and Olympia to implement the Thurston Climate Mitigation Plan. The Council approved Phase 4 to

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**ELECTRIFICATION
COST ASSESSMENT:**

implement the plan beginning in April. In support of those efforts, the jurisdictions are exploring completion of an electrification cost assessment to evaluate the costs associated with building and operating all-electric housing, commercial development, and mixed-use development in Thurston County. The assessment would focus on new development only and not consider retrofitting existing development. The City of Olympia is leading project management of the assessment. Staff recommends participating in the assessment. The City's cost would be \$7,619. Staff recommends the committee forward the interlocal agreement to the City Council's consent calendar for the first meeting in April.

Chair Althaus commented that for other regional activities, costs for each jurisdiction have been based on a per capita formula. He asked whether an equal split is because all partners would benefit equally from the assessment. Manager Medrud affirmed that was the intent but he would review the cost structure within the Thurston Climate Mitigation Plan, as he believes the costs were evenly split to fund support by the Thurston Regional Planning Council, as all jurisdictions would receive similar benefits.

Councilmember Dahlhoff noted that she forwarded a resolution from the City of Olympia to staff. She asked about the possibility of engaging in a discussion on the resolution in conjunction with consideration of the interlocal agreement. The resolution speaks to electrification of City of Olympia-owned buildings. Manager Medrud offered to copy the resolution to the City Council.

MOTION:

Councilmember Dahlhoff moved, seconded by Councilmember Cathey, to recommend approval of the Interlocal Agreement for Electrification Cost Assessment and forward the proposal to the April 5, 2022 City Council consent calendar for consideration. A voice vote approved the motion unanimously.

ADJOURNMENT:

With there being no further business, Chair Althaus adjourned the meeting at 4:11 p.m.

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

TO: General Government Committee
 FROM: Gary Cooper, Local Planning Solutions, and Brad Medrud, Planning Manager
 DATE: April 13, 2022
 SUBJECT: Ordinance No. O2022-001, Eleven County Island Annexations

1) Recommended Action:

Review the eleven County island annexations ordinance and schedule discussion of the ordinance with the City Council at their April 26, 2022 worksession.

2) Background:

Tumwater has twelve unincorporated “islands” within the City limits. These islands were formed over the last century as annexations occurred and some parcels were left out of the annexation for one reason or another. These parcels were usually excluded because the owner did not want to annex at that time. These islands continue to exist because there was no method available to annex them without a willing owner. The islands range in size from a single quarter acre residential lot to over a hundred acres. The largest island, Trospen Lake, has several hundred residents.

In 2020, the Washington Legislature enacted a new annexation process (Engrossed Senate Substitute Bill 5224) into that law specifically to address the issue of County islands, and City will be using this process for these annexations. This new legislation allows the City to annex County islands by entering into an Interlocal Agreement with the County.

The County Board of Commissioners and the City Council held a joint hearing on January 18, 2022 to approve an Interlocal Agreement setting out the process for annexing all twelve islands. The City Council approved the Interlocal Agreement on January 18, 2022 and the County Board of Commissioners approved the Interlocal Agreement on January 25, 2022.

Notice of Intent applications for the twelve annexations were submitted to the Boundary Review Board for Thurston County on February 16, 2022, by the City of Tumwater Thurston County Boundary Review Board Notice of Intent process.

The Boundary Review Board for Thurston County approved the waivers of the 45-day period allowed for the jurisdiction of the Boundary Review Board to be invoked and returned nine of the twelve annexations to the City of Tumwater for final action on March 7, 2022. The nine annexations included the following:

1. 984 Liberty Street Annexation
2. Dennis Street Annexation
3. Linwood Avenue Annexation
4. Pioneer Street North Annexation
5. Pioneer Street South Annexation
6. Quince Street North Annexation
7. Quince Street South Annexation
8. Rural Road South Annexation
9. Sapp Road Annexation

The Boundary Review Board for Thurston County returned the remaining three annexations to the City of Tumwater for final action on April 4, 2022 after the 45-day period allowed for

the jurisdiction of the Boundary Review Board to be invoked was completed. The three annexations included the following:

1. Liberty Street Annexation
2. Rural Road North Annexation
3. Trosper Lake Annexation

The next step in the process will be consideration and approval of the "Eleven County Islands" annexation ordinance for the following eleven annexation areas:

1. 984 Liberty Street Annexation
2. Dennis Street Annexation
3. Linwood Avenue Annexation
4. Pioneer Street North Annexation
5. Pioneer Street South Annexation
6. Quince Street North Annexation
7. Quince Street South Annexation
8. Rural Road South Annexation
9. Sapp Road Annexation
10. Liberty Street Annexation
11. Rural Road North Annexation

A second ordinance for the Trosper Lake Island annexation will be considered by the City Council later in the spring of 2022.

3) Policy Support:

City Council Goal: Annex the unincorporated islands to enhance public safety.

County-Wide Planning Policy III: Promotion of Contiguous and Orderly Development, Provision of Urban Services, and Protection of Rural Areas

Comprehensive Plan Land Use Element Policy LU-2.4: Ensure new annexations adhere to the goals and policies of the City's Annexation Policy.

4) Alternatives:

☐ None

5) Fiscal Notes:

This is an internally funded work program item

6) Attachments:

- A. Ordinance No. O2022-001, Eleven County Island Annexations
- B. Exhibit "A" of Ordinance O2022-001 – Legal Descriptions and Maps for the "Eleven County Islands"
- C. Exhibit "B" of Ordinance O2022-001 – Interlocal Agreement between the City of Tumwater and Thurston County, Related to the Annexation of County Islands Located within the Surrounding Jurisdictions of the City
- D. Presentation

ORDINANCE NO. O2022-001

AN ORDINANCE of the City Council of the City of Tumwater, Washington, annexing to the City of Tumwater certain contiguous properties referred to as the "Eleven County Islands" located within the Tumwater Urban Growth Area entirely surrounded by the City of Tumwater, in Thurston County, Washington, as more particularly described herein.

WHEREAS, County islands are those unincorporated Thurston County areas that are bounded on all sides by the City of Tumwater; and

WHEREAS, provision of services by the County to islands that are surrounded by the City results in an inefficient use of City and County resources; and

WHEREAS, there are currently twelve unincorporated County islands located within the boundaries of the City; and

WHEREAS, the annexation of these twelve unincorporated County islands will provide greater efficiency of services; and

WHEREAS, the City and County want to facilitate an orderly transition of services associated with the twelve unincorporated County islands proposed to be annexed, including, but not limited to emergency services, public works, and permit processing; and

WHEREAS, RCW 35A.14.296 authorizes any code city to annex unincorporated island areas pursuant to a jointly approved interlocal agreement with the county; and

WHEREAS, the legislative findings in RCW 35A.14.296 state, "The legislature finds that city annexations of unincorporated areas within urban growth areas will be more efficient and effective if the county and city develop a jointly approved interlocal agreement so as not to create illogical boundaries or islands of unincorporated territory"; and

WHEREAS, RCW 35A.14.296 requires that any affected adjacent jurisdictions, such as fire districts, be notified of the intent to annex any areas served by the fire district. Nine of the twelve County islands that the City are proposing to annex are within the service area of the McLane Black Lake Fire Department; and

WHEREAS, RCW 35A.14.296 empowered McLane Black Lake Fire Department to be a party to the interlocal agreement by providing written notice within 30 days of the May 20, 2021 letter from the City; and

WHEREAS, the McLane Black Lake Fire Department provided the City with written notice on September 5, 2021, that it does not wish to be a party to the interlocal agreement and had no objection to the annexation of the County islands; and

WHEREAS, on November 24, 2021, post cards were mailed to property owners and residents in all twelve of the proposed annexation areas letting them know about proposed interlocal agreement and the open house; and

WHEREAS, on December 1, 2021 the City and County held a virtual open house to present information regarding the proposed interlocal agreement and annexation process for all twelve of the proposed annexation areas; and

WHEREAS, on December 3, 2021 the City Clerk caused the Notice of Availability of the interlocal agreement to be posted, published four times in the manner provided by law, and mailed to all property owners and residents in all twelve of the proposed annexation areas; and

WHEREAS, on January 6, 2022 the Thurston County Clerk and the City Clerk caused Notice of Public Hearing on the interlocal agreement to be posted and published in the manner provided by law, and mailed to all property owners and residents in all twelve of the proposed annexation areas; and

WHEREAS, the Board of County Commissioners and the City Council held a duly noticed joint public hearing on the interlocal agreement on January 18, 2022 as required by RCW 35A.14.296(3); and

WHEREAS, the City Council approved the interlocal agreement on January 18, 2022; and

WHEREAS, the Board of County Commissioners approved the interlocal agreement on January 25, 2022; and

WHEREAS, Notice of Intent applications for all twelve annexations were submitted to the Boundary Review Board for Thurston County by the City on February 16, 2022; and

WHEREAS, the Boundary Review Board for Thurston County approved the waivers of the 45-day period allowed for the jurisdiction of the Boundary Review

Board to be invoked and returned nine of the twelve annexations to the City for final action on March 7, 2022. The nine annexations included the following:

1. 984 Liberty Street Annexation
2. Dennis Street Annexation
3. Linwood Avenue Annexation
4. Pioneer Street North Annexation
5. Pioneer Street South Annexation
6. Quince Street North Annexation
7. Quince Street South Annexation
8. Rural Road South Annexation
9. Sapp Road Annexation; and

WHEREAS, the Boundary Review Board for Thurston County returned the remaining three annexations to the City for final action on April 4, 2022 after the 45-day period allowed for the jurisdiction of the Boundary Review Board to be invoked was completed. The three annexations included the following:

1. Liberty Street Annexation
2. Rural Road North Annexation
3. Trosper Lake Annexation; and

WHEREAS, after the City and County approved the interlocal agreement and the Notice of Intent process for all twelve annexations was completed through the Boundary Review Board for Thurston County, the City Council considered adoption of annexation ordinances for the "Trosper Lake Island" and the remaining "Eleven County Islands"; and

WHEREAS, the "Eleven County Islands" annexation ordinance was considered first by the City and then the "Trosper Lake Island" annexation ordinance; and

WHEREAS, the "Eleven County Islands" annexation ordinance considered the following eleven annexation areas:

1. 984 Liberty Street Annexation
2. Dennis Street Annexation
3. Linwood Avenue Annexation
4. Pioneer Street North Annexation
5. Pioneer Street South Annexation
6. Quince Street North Annexation
7. Quince Street South Annexation
8. Rural Road South Annexation
9. Sapp Road Annexation
10. Liberty Street Annexation
11. Rural Road North Annexation; and

WHEREAS, the "Eleven County Islands" annexation is consistent with the City's adopted annexation policies, the County-wide Planning Policies, and the Joint Plan adopted by County and the City; and

WHEREAS, the General Government Committee held a briefing on the "Eleven County Islands" annexation ordinance on April 13, 2022; and

WHEREAS, the City Council discussed the annexation ordinance in a worksession on April 26, 2022; and

WHEREAS, on May 1, 2022, notices of the City Council consideration of the ordinance were mailed to property owners and residents in the annexation areas; and

WHEREAS, on May 11, 2022, the City Council considered the annexation ordinance; and

WHEREAS, on May 11, 2022, the City Council, having determined that the annexation of the hereinafter described properties to the City of Tumwater would be in the public interest and for the public welfare and in the best interest of the City of Tumwater and the citizens thereof, approved the ordinance.

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

Section 1. The Tumwater City Council hereby annexes the properties described and depicted of the "Eleven County Islands" in Exhibit A attached hereto and by this reference incorporated as if fully set forth herein as of the effective date of this ordinance.

Section 2. It is hereby further declared that upon annexation, the properties described in Section 1 above shall be subject to existing indebtedness of the City of Tumwater.

Section 3. Zoning and land use designations shall be applied which are consistent with the Tumwater Comprehensive Plan and the Interlocal Agreement approved by the City of Tumwater and Thurston County in January 2022 in Exhibit B attached hereto.

Section 4. The Floodplain Overlay Zone, the Airport Overlay Zone, and Aquifer Protection Overlay Zone shall be applied pursuant to the Tumwater Municipal Code and the Tumwater Comprehensive Plan.

Section 5. 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 6. Ratification. Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and affirmed.

Section 7. 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 8. Effective Date. This ordinance shall become effective five (5) 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:_____

Exhibit “A”

Legal Descriptions and Maps for the "Eleven County Islands"

[See attached Legal Descriptions and Maps.]

Exhibit “B”

***Interlocal Agreement between the City of Tumwater and Thurston County,
Related to the Annexation of County Islands Located within the
Surrounding Jurisdictions of the City***

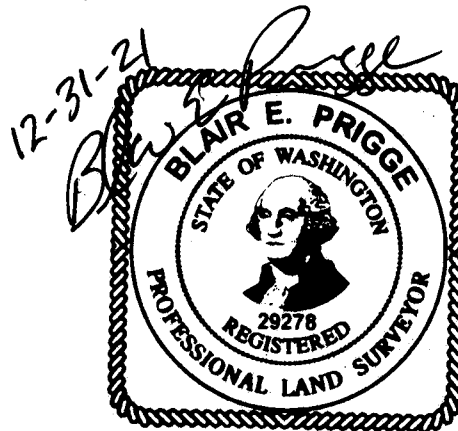
[See attached Interlocal Agreement.]

RURAL ROAD ISLAND - NORTH ANNEXATION DESCRIPTION

THAT PORTION OF THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 18 NORTH, RANGE 2 WEST, WM, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE WEST RIGHT-OF-WAY MARGIN OF RURAL ROAD SW AND THE SOUTH LINE OF PARCEL A OF BOUNDARY LINE ADJUSTMENT, BLA-0960 AS RECORDED UNDER AUDITOR'S FILE NUMBER 9010020017;
 THENCE WEST ALONG SAID SOUTH LINE, 289.49 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL A;
 THENCE NORTH ALONG THE WEST LINE OF SAID PARCEL A, 369.05 FEET TO THE NORTHWEST CORNER OF SAID PARCEL A;
 THENCE EAST ALONG THE NORTH LINE OF SAID PARCEL A, 289.49 FEET TO SAID WEST RIGHT-OF-WAY MARGIN;
 THENCE CONTINUING EAST, 60.00 FEET TO THE EAST RIGHT-OF-WAY MARGIN OF RURAL ROAD SW;
 THENCE NORTH ALONG SAID EAST RIGHT-OF-WAY MARGIN, 407.41 FEET TO THE NORTH LINE OF PARCEL A OF BOUNDARY LINE ADJUSTMENT, BLA-7281 AS RECORDED UNDER AUDITOR'S FILE NUMBER 9304090104;
 THENCE NORTHEASTERLY ALONG SAID NORTH LINE, 433.83 FEET TO THE EAST LINE OF SAID PARCEL A;
 THENCE SOUTH ALONG SAID EAST LINE AND THE EAST LINE PARCELS M AND N OF BOUNDARY LINE ADJUSTMENT BLA-7214 AS RECORDED UNDER AUDITOR'S FILE NUMBER 8910060001, 794.51 FEET TO THE NORTH RIGHT-OF-WAY MARGIN OF LINWOOD AVE SW;
 THENCE WEST ALONG SAID NORTH MARGIN, 434.13 FEET TO THE EAST RIGHT-OF-WAY MARGIN OF RURAL ROAD SW;
 THENCE SOUTH, 60.00 FEET TO THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY MARGIN OF LINWOOD AVENUE SW WITH THE EAST RIGHT-OF-WAY MARGIN OF RURAL ROAD SW;
 THENCE WEST, 60.00 FEET TO THE WEST RIGHT-OF-WAY MARGIN OF RURAL ROAD SW;
 THENCE NORTH ALONG SAID WEST MARGIN, 39.34 FEET TO THE BEGINNING;

CONTAINING 10.48 ACRES, MORE OR LESS.

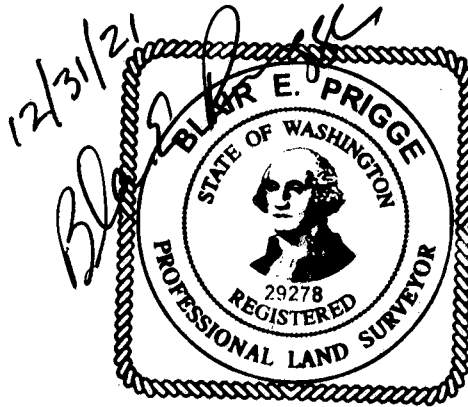


RURAL ROAD ISLAND - SOUTH ANNEXATION DESCRIPTION

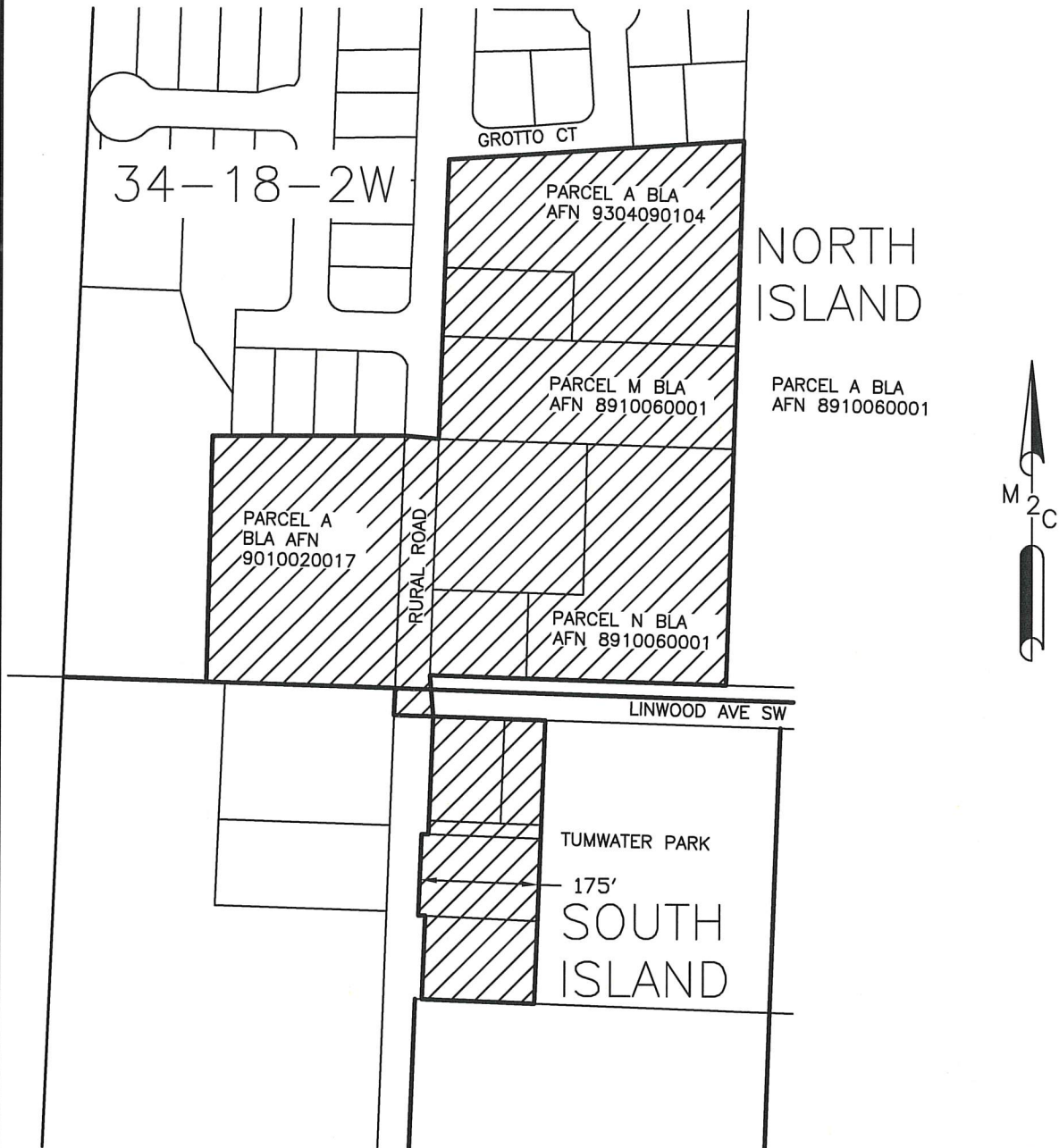
THAT PORTION OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 34,
TOWNSHIP 18 NORTH, RANGE 2 WEST, WM, DESCRIBED AS FOLLOWS:

THE WEST 175.00 FEET OF LOT 1 OF THE PLAT OF TUMWATER PARK AS RECORDED IN VOLUME 7
OF PLATS AT PAGE 6;

CONTAINING 1.52 ACRES, MORE OR LESS.



RURAL ROAD - ISLANDS



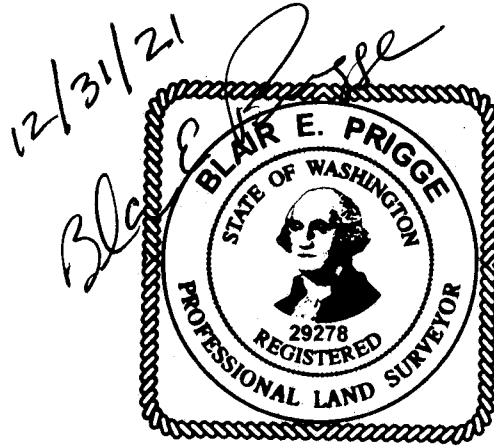
PROFESSIONAL LAND SURVEYORS
2320 MOTTMAN RD SW, STE 106
TUMWATER, WA 98512
360-688-1949

TUMWATER ANNEXATION
DATE: 12/22/2021
SCALE: 1"=250'
M2C PROJECT NO.: 21-728
SHEET NO. 1 OF 1

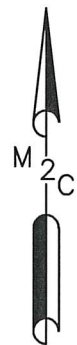
2247 SAPP ROAD ISLAND ANNEXATION DESCRIPTION

THE NORTH 290.4 FEET OF THE WEST 150 FEET OF THE EAST 600 FEET OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 33, TOWNSHIP 18 NORTH, RANGE 2 WEST, W.M., EXCEPTING THEREFROM COUNTY ROAD KNOWN AS SAPP ROAD ALONG THE NORTH BOUNDARY.

CONTAINING 0.93 ACRES, MORE OR LESS.



SAPP ROAD - ISLAND



PROFESSIONAL LAND SURVEYORS
2320 MOTTMAN RD SW, STE 106
TUMWATER, WA 98512
360-688-1949

TUMWATER ANNEXATION
DATE: 12/22/2021
SCALE: 1"=250'
M2C PROJECT NO.: 21-728
SHEET NO. 1 OF 1

1300-1500 BLOCK – LINWOOD AVENUE ISLAND ANNEXATION DESCRIPTION

THAT PORTION OF THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 18 NORTH, RANGE 2 WEST, WM, DESCRIBED AS FOLLOWS:

LOT 2, 3, 4 AND 5 OF THE PLAT OF TUMWATER PARK AS RECORDED IN VOLUME 7 OF PLATS AT PAGE 6;

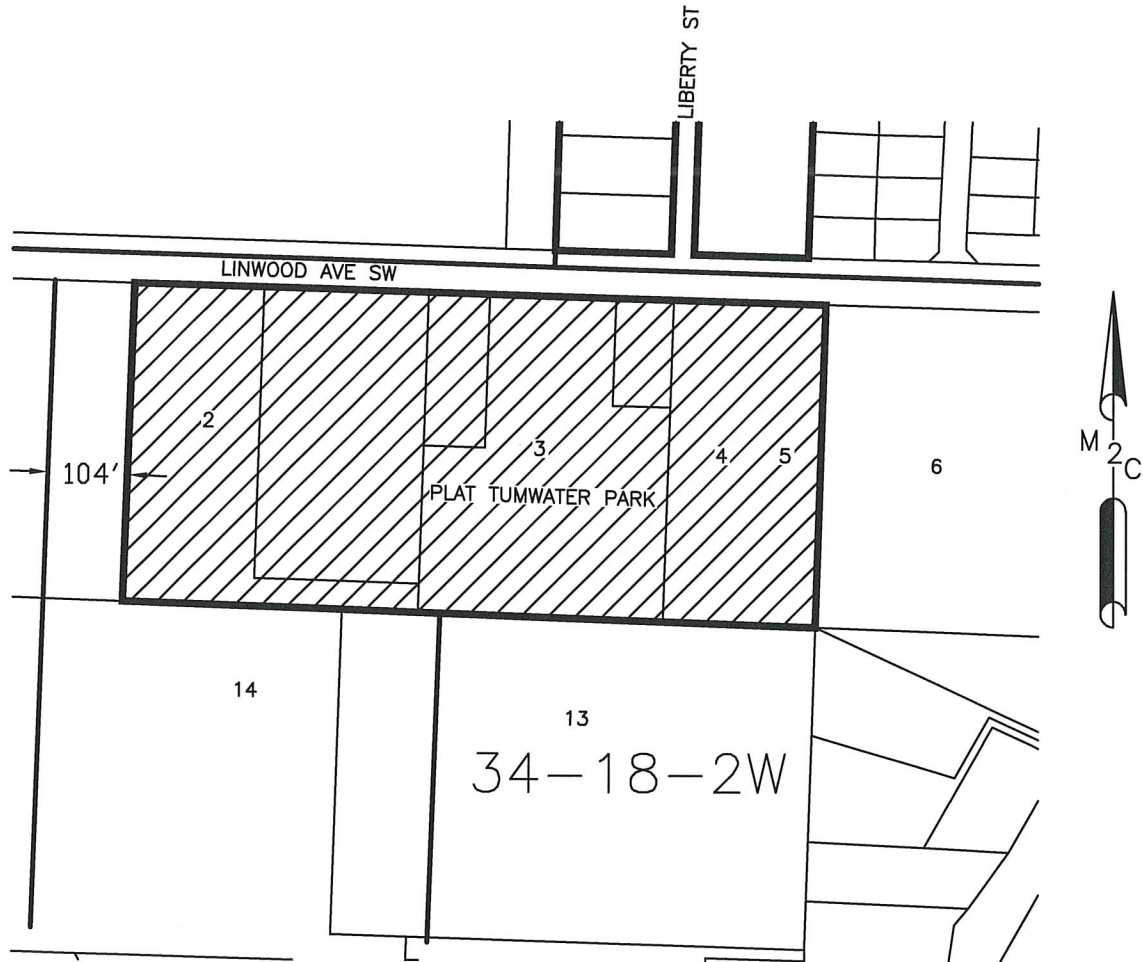
EXCEPTING THEREFROM THE WEST 104 FEET OF SAID LOT 2;

AND EXCEPTING THEREFROM ANY PORTION WITHIN LINWOOD AVE SW;

CONTAINING 8.69 ACRES, MORE OR LESS.



LINWOOD AVE-ISLAND



PROFESSIONAL LAND SURVEYORS
2320 MOTTMAN RD SW, STE 106
TUMWATER, WA 98512
360-688-1949

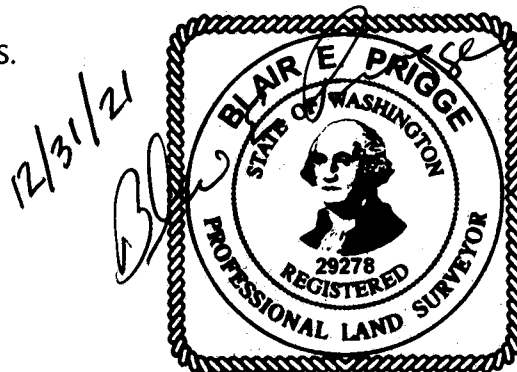
TUMWATER ANNEXATION
DATE:12/22/2021
SCALE: 1"=250'
M2C PROJECT NO.: 21-728
SHEET NO. 1 OF 1

LIBERTY STREET ISLAND ANNEXATION DESCRIPTION

THAT PORTION OF THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 18 NORTH, RANGE 2 WEST, WM, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 34;
 THENCE SOUTH ALONG THE WEST LINE OF SAID SECTION, 1323.59 FEET TO THE NORTH 1/16 CORNER ON THE WEST LINE OF SAID SECTION 34;
 THENCE EAST ALONG THE SOUTH LINE OF THE NORTH HALF OF SAID NORTHWEST QUARTER, 1705.58 FEET TO THE SOUTHERLY EXTENSION OF THE EAST LINE OF PARCEL B OF BLA-7214 AS RECORDED UNDER AUDITOR'S FILE NUMBER 8910060001;
 THENCE NORTH ALONG SAID EXTENSION OF SAID PARCEL B, 22.30 FEET TO THE NORTH RIGHT-OF-WAY MARGIN OF LINWOOD AVE SW AND THE SOUTHEAST CORNER OF SAID PARCEL B AND THE POINT OF BEGINNING;
 THENCE NORTH ALONG SAID EAST LINE OF PARCEL B AND THE WEST LINE OF PARCELS E, F, G, H, I AND J OF SAID BLA, 868.35 FEET TO THE NORTHWEST CORNER OF SAID PARCEL J;
 THENCE EAST ALONG THE NORTH LINE OF SAID PARCEL J, 170.87 FEET TO THE EAST LINE OF PARCEL A OF SAID BLA;
 THENCE NORTH ALONG SAID EAST LINE, 242.09 FEET TO THE NORTHEAST CORNER OF SAID PARCEL A AND THE NORTHWEST CORNER OF LOT 1 OF SHORT SUBDIVISION SS-2537 AS RECORDED UNDER AUDITOR'S FILE NUMBER 9303040346;
 THENCE EAST ALONG THE NORTH LINE OF SAID LOT 1, 114.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 1;
 THENCE SOUTH ALONG THE EAST LINE OF SAID LOT 1 AND LOT 2 OF SAID SUBDIVISION, 261.9 FEET TO THE NORTHEAST CORNER OF PARCEL A OF BLA-010624-TC AS RECORDED UNDER AUDITOR'S FILE NUMBER 3375676;
 THENCE SOUTH ALONG THE EAST LINE OF SAID BLA, 382 FEET TO THE SOUTHEAST CORNER OF PARCEL B OF SAID BLA;
 THENCE WEST ALONG THE SOUTH LINE OF SAID BLA, 197 FEET TO THE EAST LINE OF SAID BLA-7214;
 THENCE SOUTH ALONG SAID EAST LINE, 108.05 FEET TO A 15.00 FOOT ANGLE POINT IN THE EAST LINE OF SAID BLA;
 THENCE WEST 15.00 FEET ALONG SAID LINE TO ANOTHER ANGLE POINT IN THE EAST LINE AND THE WEST RIGHT-OF-WAY MARGIN OF LIBERTY AVENUE;
 THENCE SOUTH ALONG SAID EAST LINE AND WEST MARGIN, 357.93 FEET TO THE NORTH RIGHT-OF-WAY MARGIN OF LINWOOD AVE SW;
 THENCE WEST ALONG SAID NORTH MARGIN, 151.2 FEET TO THE POINT OF BEGINNING.

CONTAINING 6.11 ACRES, MORE OR LESS.



984 LIBERTY STREET ISLAND ANNEXATION DESCRIPTION

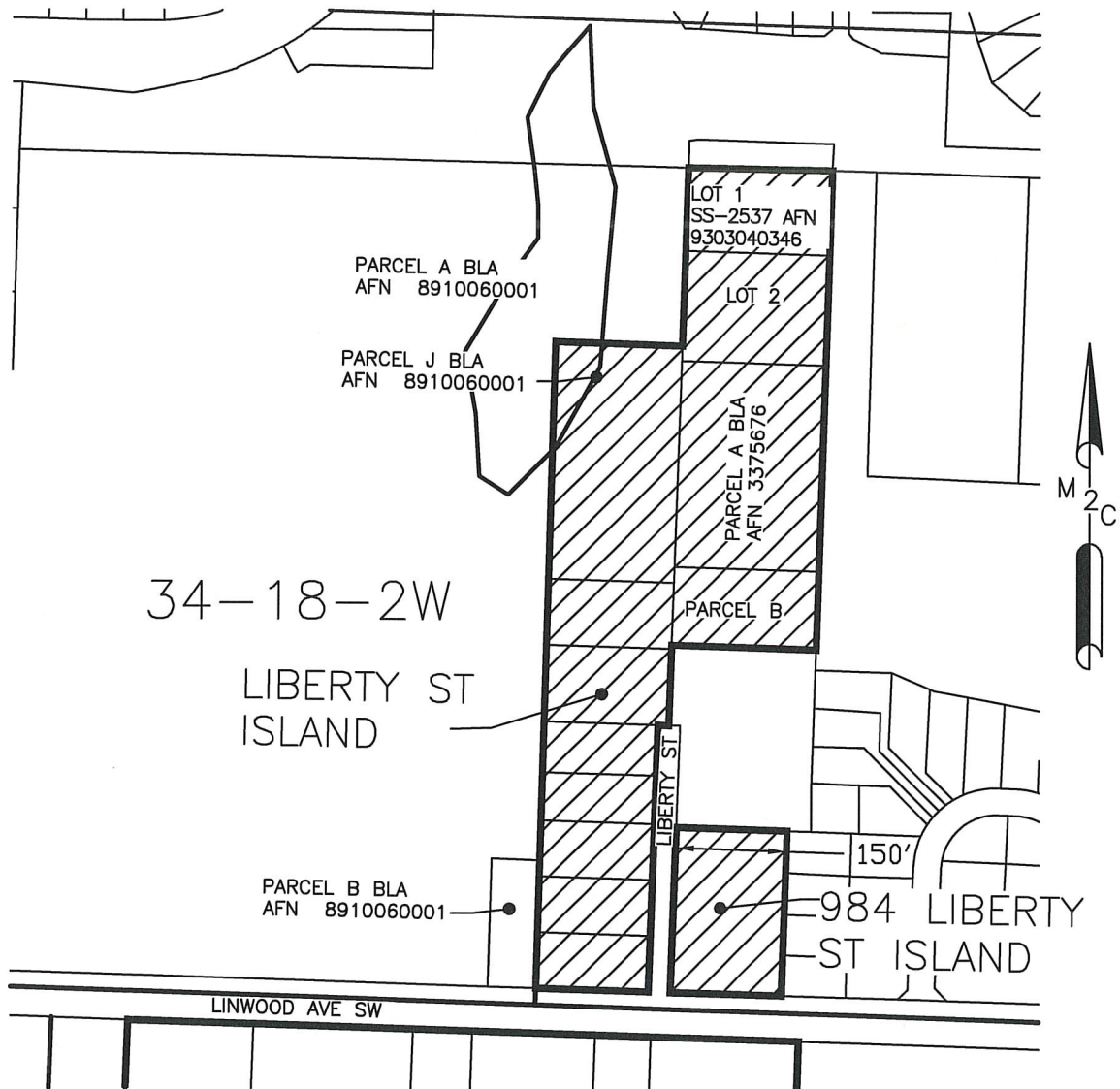
THAT PORTION OF THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 18 NORTH, RANGE 2 WEST, WM, DESCRIBED AS FOLLOWS:

THE WEST 150 FEET OF LOT 3 IN BLOCK 43 OF SUPPLEMENTAL PLAT OF BARNES ADDITION TO TUMWATER, AS RECORDED IN VOLUME 6 OF PLATS, PAGE 5; EXCEPT THE NORTH 550 FEET THEREOF.

CONTAINING 0.76 ACRES, MORE OR LESS.



LIBERTY ST-ISLANDS



PROFESSIONAL LAND SURVEYORS
 2320 MOTTMAN RD SW, STE 106
 TUMWATER, WA 98512
 360-688-1949

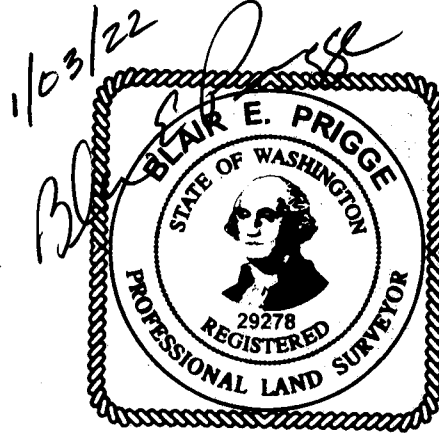
TUMWATER ANNEXATION
 DATE: 12/22/2021
 SCALE: 1"=250'
 M2C PROJECT NO.: 21-728
 SHEET NO. 1 OF 1

PIONEER AVENUE ISLANDS ANNEXATION DESCRIPTION

THAT PORTION OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER, AND THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 18 NORTH, RANGE 2 WEST, WM, DESCRIBED AS FOLLOWS:

LOTS 12 AND 13, BLOCK 2, AND LOTS 5, 6 AND 7, BLOCK 1, PLAT OF LINWOOD HOME SITES AS RECORDED IN VOLUME 11, PAGE 60 AND 61 AND RECORDED UNDER AUDITOR'S FILE NUMBER 423861;

CONTAINING 0.95 ACRES, MORE OR LESS.



PIONEER AVE—ISLANDS



PROFESSIONAL LAND SURVEYORS
2320 MOTTMAN RD SW, STE 106
TUMWATER, WA 98512
360-688-1949

TUMWATER ANNEXATION
DATE: 12/22/2021
SCALE: 1"=250'
M2C PROJECT NO.: 21-728
SHEET NO. 1 OF 1

QUINCE STREET ISLAND - NORTH ANNEXATION DESCRIPTION

THAT PORTION OF NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP 18 NORTH, RANGE 2 WEST, WM, DESCRIBED AS FOLLOWS:

LOT 1 OF SHORT SUBDIVISION NO. SS-1585, AS RECORDED NOVEMBER 24, 1980 UNDER AUDITOR'S FILE NUMBER 1129082;
CONTAINING 0.19 ACRES, MORE OR LESS.

QUINCE STREET ISLAND - SOUTH ANNEXATION DESCRIPTION

THAT PORTION OF NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP 18 NORTH, RANGE 2 WEST, WM, DESCRIBED AS FOLLOWS:

THAT PART OF THE EAST HALF OF LOT 2 IN BLOCK 3 OF WARD'S HOMESTEAD, AS RECORDED IN VOLUME 2 OF PLATS, PAGE 63, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EAST LINE OF SAID LOT 2, 420 FEET SOUTH OF THE NORTHEAST CORNER THEREOF;

RUNNING THENCE WEST 140 FEET;

THENCE SOUTH 120 FEET;

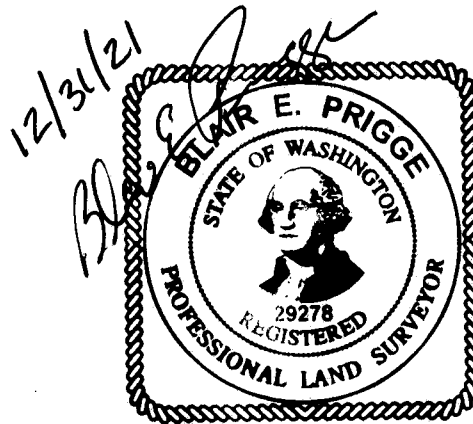
THENCE CONTINUING SOUTH 90 FEET TO THE NORTH LINE OF THE PLAT OF PARKWOOD SOUTH AS RECORDED UNDER IN VOLUME 20 OF PLATS AT PAGE 84, UNDER AUDITOR'S FILE NUMBER 1063408;

THENCE EAST ALONG SAID NORTH LINE, 140 FEET TO THE EAST LINE OF SAID LOT 2;

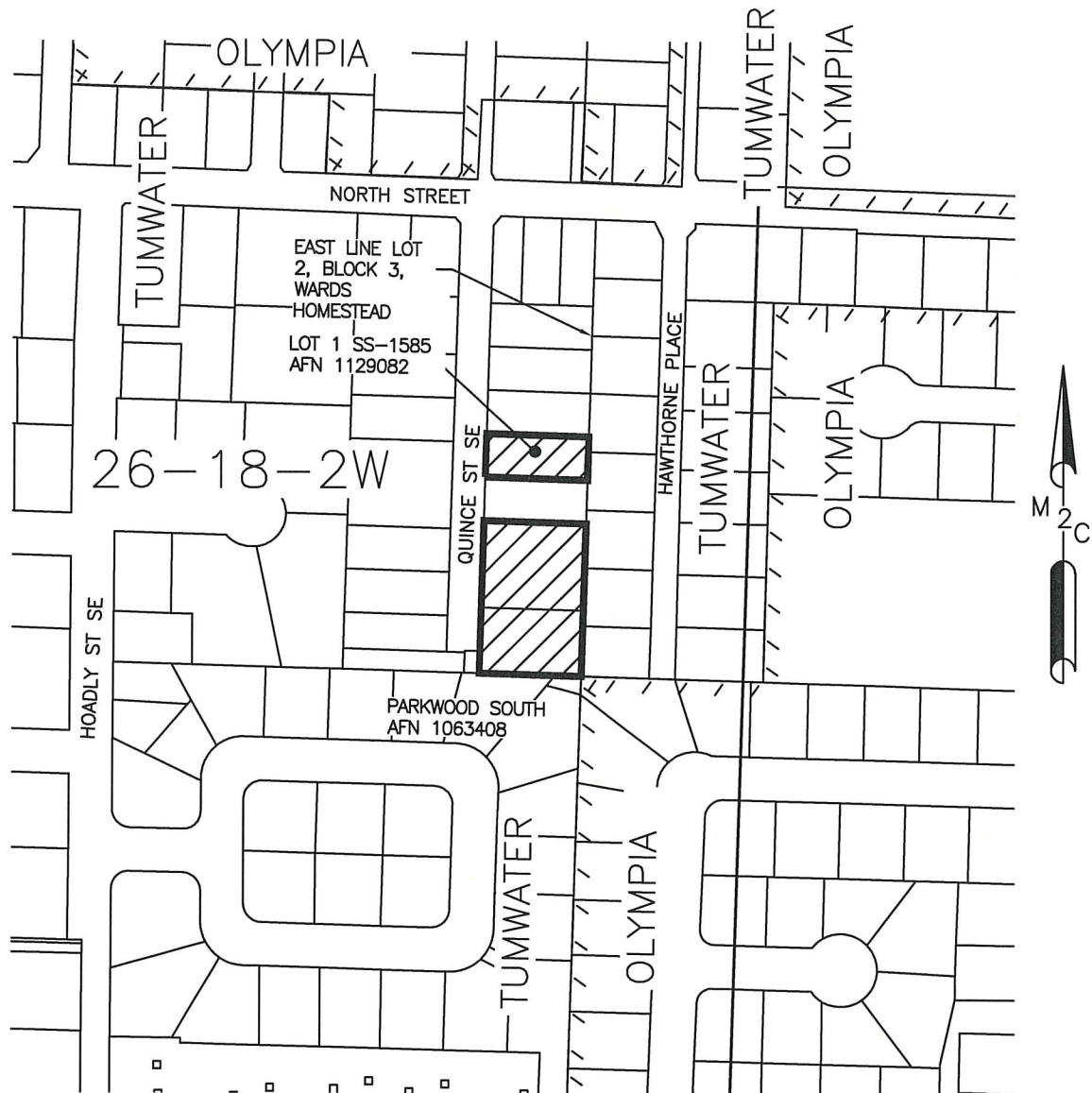
THENCE NORTH ALONG SAID EAST LINE, 210 FEET TO THE POINT OF BEGINNING.

SITUATED IN THE COUNTY OF THURSTON, STATE OF WASHINGTON.

CONTAINING 0.68 ACRES, MORE OR LESS.



QUINCY ST-ISLANDS



PROFESSIONAL LAND SURVEYORS
 2320 MOTTMAN RD SW, STE 106
 TUMWATER, WA 98512
 360-688-1949

TUMWATER ANNEXATION
 DATE: 12/22/2021
 SCALE: 1"=250'
 M2C PROJECT NO.: 21-728
 SHEET NO. 1 OF 1

DENNIS STREET ISLAND ANNEXATION DESCRIPTION

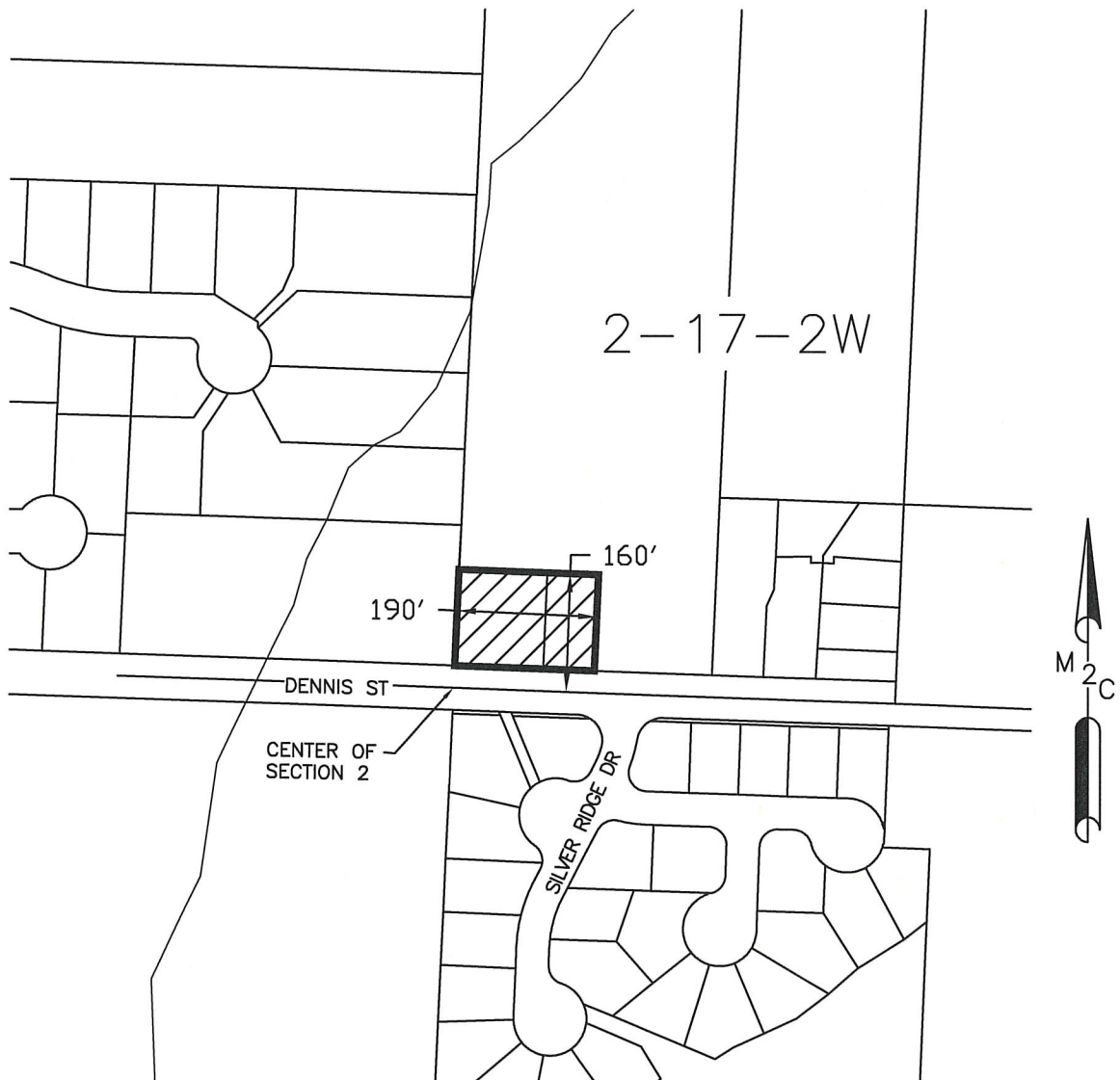
THAT PORTION OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 2, TOWNSHIP 17 NORTH, RANGE 2 WEST, WM, DESCRIBED AS FOLLOWS:

THE SOUTH 160.00 FEET OF THE WEST 190.00 FEET OF SAID SUBDIVISION; LESS THE SOUTH 30.00 FEET THEREOF FOR DENNIS STREET.

CONTAINING 0.57 ACRES, MORE OR LESS.



DENNIS ST-ISLAND



PROFESSIONAL LAND SURVEYORS
2320 MOTTMAN RD SW, STE 106
TUMWATER, WA 98512
360-688-1949

TUMWATER ANNEXATION
DATE: 12/22/2021
SCALE: 1"=250'
M2C PROJECT NO.: 21-728
SHEET NO. 1 OF 1

**INTERLOCAL AGREEMENT BETWEEN
THE CITY OF TUMWATER AND THURSTON COUNTY, RELATED TO THE ANNEXATION
OF COUNTY ISLANDS LOCATED WITHIN THE SURROUNDING JURISDICTION OF THE
CITY**

THIS INTERLOCAL AGREEMENT ("Agreement") is entered into pursuant to the authority of Chapter 39.34 RCW in duplicate originals between the City of Tumwater, a State of Washington municipal corporation ("City") and Thurston County, a political subdivision of the State of Washington ("County"); collectively referred to as "Jurisdictions" and individually as "Jurisdiction."

In consideration of the terms, conditions, covenants, and performances contained herein, it is mutually agreed by the Jurisdictions as follows:

WHEREAS, annexations are routinely applied for and put forth by the City; and

WHEREAS, County islands are those unincorporated County areas that are bounded on all sides by the City; and

WHEREAS, provision of services by the County to islands that are surrounded by the City results in an inefficient use of City and County resources; and

WHEREAS, there are currently 12 unincorporated County islands located within the boundaries of the City; and

WHEREAS, the annexation of these 12 County islands will provide greater efficiency of services; and

WHEREAS, the Jurisdictions want to facilitate an orderly transition of services associated with the islands proposed to be annexed, including, but not limited to emergency services, public works, and permit processing; and

WHEREAS, the City and County want to ensure a seamless transition of review of permit applications that were initiated in the County, but then transferred to the City upon annexation; and

WHEREAS, RCW 35A.14.296 authorizes any code city to annex unincorporated areas pursuant to a jointly approved interlocal agreement with the county; and

WHEREAS, the legislative findings in RCW 35A.14.296 state, "The legislature finds that city annexations of unincorporated areas within urban growth areas will be more efficient and effective if the county and city develop a jointly approved interlocal agreement so as not to create illogical boundaries or islands of unincorporated territory"; and

WHEREAS, RCW 35A.14.296 requires that any affected adjacent jurisdictions, such as fire districts, be notified of the intent to annex any areas served by the fire district. Nine of the twelve County islands that the City is proposing to annex are within the service area of the McLane Black Lake Fire Department; and

WHEREAS, RCW 35A.14.296 empowers McLane Black Lake Fire Department to be a party to the Interlocal Agreement by providing written notice within 30 days of the May 20, 2021 letter from the City of Tumwater; and

WHEREAS, the McLane Black Lake Fire Department provided the City with written notice on September 5, 2021, that it does not wish to be a party to this interlocal agreement; and

WHEREAS, the County and City held a duly noticed joint public hearing on this interlocal agreement on January 18, 2022 as required by RCW 35A.14.296(3).

NOW, THEREFORE, it is hereby agreed as follows:

1. Areas to be Annexed.

The Jurisdictions agree that the City shall annex all 12 of the unincorporated County islands as depicted on the maps attached to and incorporated into this agreement in two separate annexation processes. The Jurisdictions agree that the boundaries of the annexation areas shall be as described and depicted in the attached Exhibits:

- A. The County island referred to as the "Trosper Lake Island" shall be annexed on May 17, 2022 separately from the other 11 islands via an ordinance adopted by the City Council. The boundaries of the Trosper Lake Island are described and depicted on the attached Exhibit [See Pages 1 – 4 in Attachment "A" Tumwater Island Annexation ILA Legal Descriptions and Maps].
- B. The remaining 11 islands will be annexed as a group on March 15, 2022 via an ordinance adopted by the City Council. The boundaries of the islands are described and depicted on the attached Exhibits [See Pages 5 – 20 in Attachment "A" Tumwater Island Annexation ILA Legal Descriptions and Maps] and named as follows:
 - a. Rural Road Island – North.
 - b. Rural Road Island – South.
 - c. 2247 Sapp Road Island.
 - d. 1300-1500 Block – Linwood Avenue Island.
 - e. Liberty Street Island.

- f. 984 Liberty Street Island.
- g. Pioneer Street Islands, North.
- h. Pioneer Street Islands, South.
- i. Quince Street Island, North.
- j. Quince Street Island, South.
- k. Dennis Street Island.

2. Compliance with Previous Interlocal Agreements.

The City and County entered into an Interlocal Agreement on January 28, 2008 and amended the Interlocal Agreement on January 7, 2014, to establish the orderly transition of services following an annexation. These Interlocal Agreements address several areas, including land use review, permit processing, records transfer, etc. These Interlocal Agreements will remain in effect and are attached to and incorporated into this Agreement.

3. Public Works Projects.

The County will provide the City a list and project descriptions for any ongoing or pending public works projects within the proposed annexation areas.

4. Open Permits.

The County will compile and transfer to the City a list of ongoing permits within the proposed annexation areas, including but not limited to land use and building permits.

5. Unexpended SEPA Mitigation Fees.

The County will compile a list of projects within the proposed annexation areas with unspent SEPA mitigation fees. Upon annexation, such fees shall be transferred to the City, except for fees collected for other agencies and school district. The City shall assume the responsibility for expending these fees to address the impact or complete the mitigation appropriate to the project for which they were collected. This shall not apply to school mitigation fees or agency fees.

6. Development Bonds.

The County will identify any development bonds that are active within the proposed annexation areas. Upon annexation and when identified for transfer under the terms of the January 28, 2008 Interlocal Agreement as amended on January 7, 2014, these bonds will be transferred to the City for administration in accordance with the terms of the bond.

7. Notification of Potentially Affected Jurisdictions.

Consistent with the requirements of RCW 35A.14.296, the City transmitted this Agreement to any potentially affected adjacent jurisdiction, including the appropriate fire district, to allow for a 30-day comment period on May 20, 2021.

8. Maintenance of Residential Zoning.

Consistent with the requirements of RCW 35A.14.296, the City agrees that for a period of five years, any parcel zoned for residential development within the annexed areas shall:

- A. Maintain a zoning designation that provides for residential development; and
- B. Not have its minimum gross residential density reduced below the density allowed for by the zoning designation for that parcel prior to annexation.

9. Public Outreach.

The City shall assume responsibility for completing all required public notifications pursuant to RCW 35A.14.296. In addition, the City shall assume responsibility for holding any public meetings, open houses, drafting of Frequently Asked Question flyers and other informational materials, and public hearings. The County shall attend the annexations meetings in support of city staff. The joint County and City public hearing shall be on January 18, 2022.

10. Effective Date of Annexation.

The jurisdictions mutually agree that the effective date of the annexation, as described and agreed to in this agreement, shall be the date of the City's adoption of its annexation ordinance.

11. Term.

The term of this Agreement shall be effective upon the Effective Date and shall expire two years after the Effective Date unless extended by the agreement of the Jurisdictions.

12. Indemnification and Hold Harmless.

- A. To the extent permitted by law, each Jurisdiction agrees to indemnify, defend, and hold harmless the other Jurisdiction, their officers, officials, employees, agents, and volunteers from and against any and all claims, demands, damages, losses, actions, liabilities, expenses, and judgments of any nature whatsoever, including without limitation, court and appeal costs and attorneys' fees, to or by any and all persons or entities, including without limitation, their respective agents, licensees, or representatives, caused by or arising out of any negligent act, errors, or omissions, of that Jurisdiction, its employees, agents, or volunteers or arising out of, in connection with, or incident to that Jurisdiction's performance or failure to perform any aspect of this Agreement.

- B. The Jurisdictions waive their immunity under the Washington State Industrial Insurance Act, Title 51 RCW, to the extent required by this indemnification and hold harmless provision. Provided, however, the foregoing waiver shall not in any way preclude a Jurisdiction from raising such immunity as a defense against any claim brought against a Jurisdiction by any of the Jurisdiction's respective employees. This waiver has been mutually negotiated by the Jurisdictions.
- C. The provisions of this section shall survive the completion or expiration of this Agreement or termination whether termination is by one or all Jurisdictions.
- D. The Jurisdictions agree to support each other in pursuing these purposes and responsibilities and operate in good faith and partnership in carrying them out. Risk and accountability shall be shared to the extent possible by the Jurisdictions.

13. Amendments.

This Agreement may be amended as needed by mutual written agreement of the Jurisdictions as executed by each Jurisdiction's authorized governing authority as provided in Chapter 39.34 RCW.

14. Termination.

This Agreement may be terminated when the terminating Jurisdiction provides written notice to the other Jurisdiction at least 90 days prior to its intended withdrawal from this Agreement. Following a termination, the Jurisdictions are mutually responsible for fulfilling any outstanding obligations under this Agreement incurred prior to the effective date of the amendment or termination.

15. Dispute Resolution.

The Jurisdictions mutually agree to use a formal dispute resolution process such as mediation, through an agreed-upon mediator and process, if agreement cannot be reached regarding interpretation or implementation of any provision of this Agreement. All costs for mediation services would be divided equally between the Jurisdictions. Each Jurisdiction would be responsible for the costs of their own legal representation. The jurisdictions must first seek a remedy under this section in good faith prior to any legal action in court to enforce the terms of this Agreement.

16. Jurisdiction Representative.

The following are designated as representatives of the respective Jurisdictions. Notice provided for in this Agreement shall be sent to the designated representatives by certified mail to the addresses set forth below. Notice will be deemed received three business days following posting by the U.S. Postmaster.

City of Tumwater, c/o City Administrator, 555 Israel Road SW, Tumwater, WA 98501

Thurston County, c/o County Manager, 2000 Lakeridge Drive SW, Olympia, WA 98502

17. Governing Law and Venue.

This Agreement has been and shall be construed as having been made and delivered within the State of Washington and it is agreed by the Jurisdictions hereto that this Agreement shall be governed by the laws of the State of Washington both as to its interpretation and performance. Any action of lawsuit in equity, or judicial proceeding arising out of this Agreement shall be instituted and maintained only in a court of competent jurisdiction in Thurston County, Washington or in the superior court of either of the two nearest judicial districts pursuant to RCW 36.01.050.

18. Severability.

If one or more of the clauses of this Agreement is found to be unenforceable, illegal, or contrary to public policy, the Agreement will remain in full force and effect except for the clauses that are unenforceable, illegal, or contrary to public policy.

19. Entire Agreement.

The Jurisdictions agree that this Agreement is the complete expression of its terms and conditions. Any oral or written representations or understandings not incorporated in this Agreement are specifically excluded.

20. Non-Waiver of Rights.

The Jurisdictions agree that failure to declare any breach or default immediately upon the occurrence thereof, delay in taking any action in connection with, or the forgiveness of the nonperformance of any provision of this Agreement does not constitute a waiver of the provisions of this Agreement.

21. Equal Opportunity to Draft.

The Jurisdictions have participated and had an equal opportunity to participate in the drafting of this Agreement. No ambiguity shall be construed against any Jurisdiction upon a claim that that Jurisdiction drafted the ambiguous language.

IN WITNESS WHEREOF, the Jurisdictions hereto have caused this Agreement to be executed by the dates and signature herein under affixed. The persons signing this Agreement on behalf of the Jurisdictions represent that each has authority to execute this Agreement on behalf of the Jurisdiction entering into this Agreement.

Thurston County



Carolina Mejia, Chair of the Board of County
Commissioners

January 25, 2022

Date

Approved as to form:
Travis Burns, Deputy Prosecuting Attorney

By: 

City of Tumwater

DocuSigned by:

691AEF6684BC44E...

Debbie Sullivan, Mayor of City of Tumwater

2/11/2022

Date

Approved as to form:
Karen Kirkpatrick, City Attorney

DocuSigned by:

9F0E9D38F34249E...
By: _____

Attachment "A" Tumwater Island Annexation ILA Legal Descriptions and Maps

TROSPER LAKE ISLAND ANNEXATION DESCRIPTION

COMMENCING AT THE SECTION CORNER COMMON TO SECTIONS 33 AND 34, TOWNSHIP 18 NORTH, RANGE 2 WEST, WM AND SECTIONS 3 AND 4, TOWNSHIP 17 NORTH, RANGE 2 WEST, WM;
 THENCE WEST ALONG THE SOUTH LINE OF SAID SECTION 33, NORTH 88°25'40" WEST, 660.15 FEET TO THE EAST LINE OF TRACT B OF THE PLAT OF LAKESIDE ESTATES AS RECORDED UNDER AUDITOR'S FILE NUMBER 3102840 AND THE POINT OF BEGINNING;
 THENCE NORTH ALONG SAID EAST LINE, 579.29 FEET TO THE WESTERLY EXTENSION OF THE SOUTH LINE OF DRYER ADDITION AS RECORDED UNDER AUDITOR'S FILE NUMBER 8106090166;
 THENCE EASTERLY ALONG SAID SOUTH LINE AND ITS EXTENSION, 330.03 FEET TO THE EASTERLY LINE OF SAID DRYERS ADDITION;
 THENCE NORTHERLY ALONG SAID EASTERLY LINE, 560.57 FEET TO THE SOUTH RIGHT-OF-WAY MARGIN OF 54TH AVENUE SW;
 THENCE EASTERLY ALONG SAID SOUTH MARGIN, 329.99 FEET TO THE EAST LINE OF SAID SECTION 33;
 THENCE NORTHERLY ALONG SAID EAST LINE, 1346.58 FEET TO THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 34;
 THENCE EASTERLY ALONG SAID NORTH LINE, 461.52 FEET TO THE WEST RIGHT-OF-WAY MARGIN OF RURAL ROAD SW;
 THENCE SOUTHERLY ALONG SAID WEST MARGIN, 1345.55 FEET TO THE SOUTH RIGHT-OF-WAY MARGIN OF 54TH AVENUE SW;
 THENCE EASTERLY ALONG SAID SOUTH MARGIN, 129.71 FEET TO THE EAST LINE OF PARCEL C OF BOUNDARY LINE ADJUSTMENT RECORDED UNDER AUDITOR'S FILE NUMBER 4100655,
 THENCE SOUTHERLY ALONG SAID EAST LINE, 1237 FEET TO THE SOUTH LINE OF SAID PARCEL C;
 THENCE WESTERLY ALONG SAID SOUTH LINE, 137.58 FEET TO THE WEST LINE OF PARCEL B OF BOUNDARY LINE ADJUSTMENT RECORDED UNDER AUDITOR'S FILE NUMBER 4257426;
 THENCE SOUTHERLY ALONG SAID WEST LINE, 535.19 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL B, ALSO THE SOUTHEAST CORNER OF LOT 1 OF SHORT SUBDIVISION SS-1992 AS RECORDED UNDER AUDITOR'S FILE NUMBER 8411060022;
 THENCE WESTERLY ALONG THE SOUTH LINE OF SAID LOT 1, 803.65 FEET TO THE SOUTHWEST CORNER OF SAID LOT 1;
 THENCE NORTH ALONG THE WEST LINE OF SAID SHORT SUBDIVISION, 470.08 FEET TO THE NORTH LINE OF SAID SECTION 4;
 THENCE WEST ALONG SAID NORTH LINE, 53.51 FEET TO THE EAST LINE OF THE NORTHERLY EXTENSION OF THE EAST LINE OF THE PLAT OF GLENWOOD PARK AS RECORDED UNDER AUDITOR'S FILE NUMBER 350665;
 THENCE SOUTH ALONG SAID EAST LINE AND EXTENSION, 1329.24 FEET TO THE SOUTHEAST CORNER OF LOT 4, BLOCK 4 OF SAID GLENWOOD PARK AND THE SOUTHWEST CORNER OF PARCEL A OF BOUNDARY LINE ADJUSTMENT BLA-7327, RECORDED UNDER AUDITOR'S FILE NUMBER 3005757;
 THENCE EASTERLY ALONG THE SOUTH LINE OF SAID PARCEL A, 369.96 FEET TO THE EAST LINE OF SAID SECTION 4;
 THENCE SOUTH ALONG SAID EAST LINE, 804.48 FEET TO THE NORTH LINE OF THE FOLLOWING DESCRIBED PARCEL:

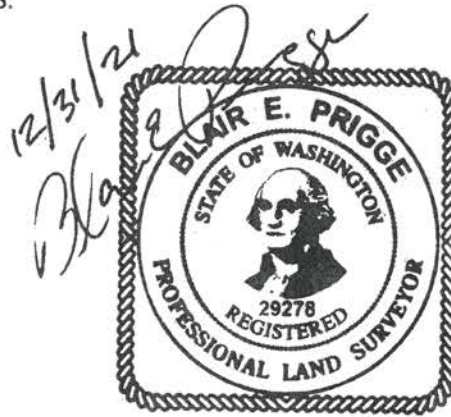
THAT PORTION OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 3, TOWNSHIP 17 NORTH, RANGE 2 WEST, W.M., DESCRIBED AS FOLLOWS:
 BEGINNING AT THE SOUTHWEST CORNER OF SAID SUBDIVISION; RUNNING THENCE EAST ALONG THE CENTERLINE OF SAID SECTION 235 FEET, MORE OR LESS, TO THE WESTERLY LINE OF

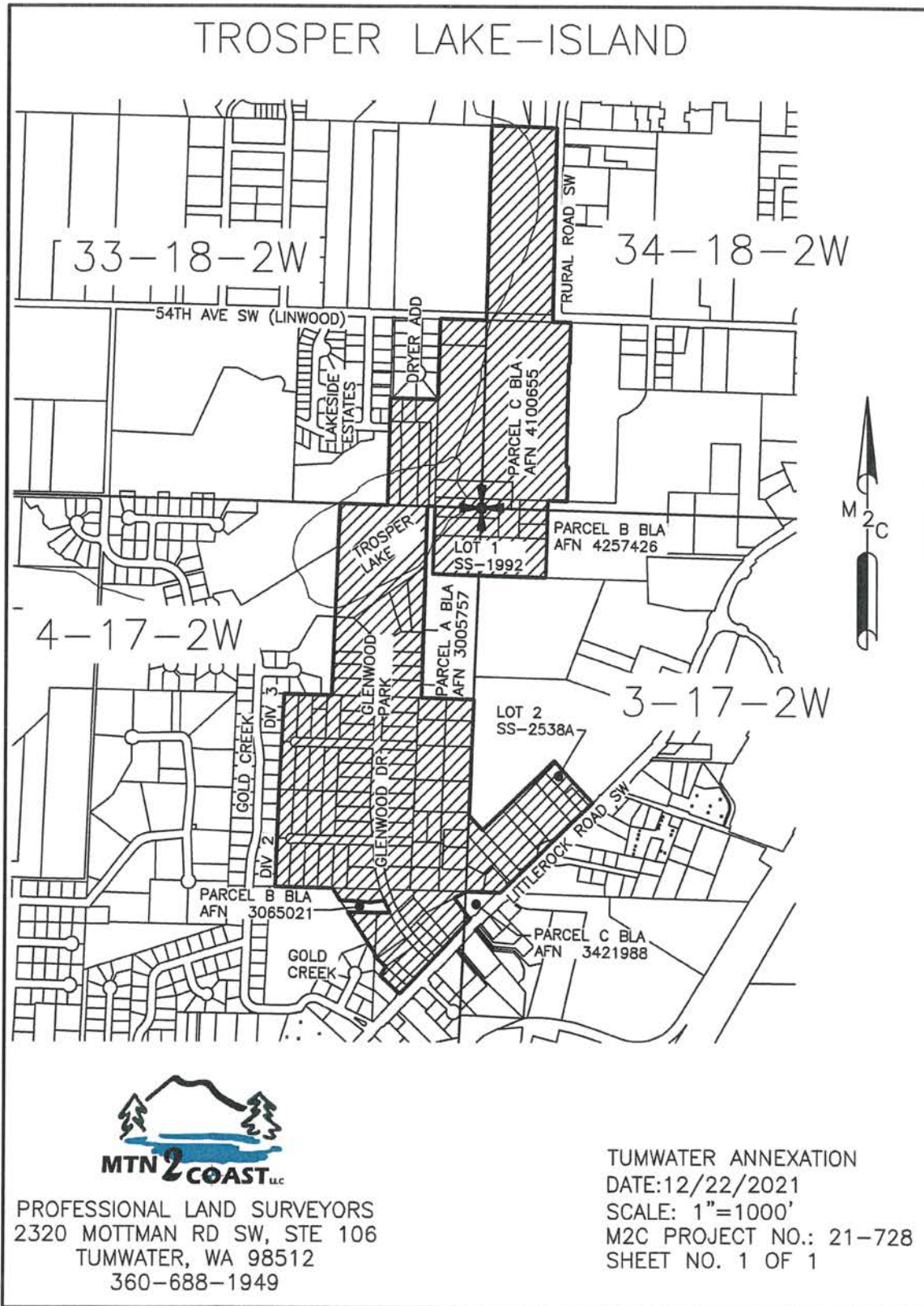
LITTLEROCK ROAD; THENCE NORTH 44° 30' EAST ALONG SAID WESTERLY LINE OF ROAD 100 FEET TO THE INITIAL POINT OF THIS DESCRIPTION; THENCE CONTINUING NORTH 44° 30' EAST ALONG SAID WESTERLY LINE OF ROAD 110 FEET; THENCE NORTH 45° 55' 57" WEST 400 FEET, MORE OR LESS, TO A POINT NORTH 44° 30' WEST 400 FEET FROM SAID WESTERLY LINE OF ROAD; THENCE NORTH 44° 30' WEST 125 FEET, MORE OR LESS, TO THE WEST LINE OF SAID SUBDIVISION; THENCE SOUTHERLY ALONG SAID WEST LINE OF SUBDIVISION TO A POINT NORTH 44° 30' WEST FROM SAID INITIAL POINT; THENCE SOUTH 44° 30' EAST 450 FEET, MORE OR LESS, TO SAID INITIAL POINT. EXCEPTING THAT PORTION CONVEYED TO CITY OF TUMWATER BY DEED RECORDED MARCH 12, 2006 UNDER AUDITOR'S FILE NO. 3815098;

THENCE SOUTHEASTERLY ALONG SAID NORTH LINE 137.70 FEET, MORE OR LESS, TO A POINT 400 FEET NORTHWESTERLY MEASURED PERPENDICULAR TO THE NORTHWESTERLY RIGHT-OF-WAY OF LITTLEROCK ROAD (WHEN LITTLEROCK ROAD RIGHT-OF-WAY WAS 60 FEET WIDE);
THENCE NORTHEASTERLY PARALLEL WITH SAID NORTHWESTERLY RIGHT-OF-WAY, 694.92 FEET TO THE MOST NORTHERLY CORNER OF LOT 2 OF SHORT SUBDIVISION SS-2538A AS RECORDED UNDER AUDITOR'S FILE NUMBER 9201240212;
THENCE SOUTHEASTERLY ALONG THE NORTHEASTERLY LINE OF SAID LOT 2, 400 FEET TO THE NORTHWESTERLY MARGIN OF LITTLEROCK ROAD;
THENCE SOUTHWESTERLY ALONG SAID NORTHWESTERLY MARGIN, 900 FEET TO THE NORTH LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 3 AND THE NORTH LINE OF PARCEL C OF BOUNDARY LINE ADJUSTMENT RECORDED UNDER AUDITOR'S FILE NUMBER 3421988;
THENCE WESTERLY ALONG SAID NORTH LINE, 235.48 FEET TO THE WEST QUARTER CORNER OF SAID SECTION 3 AND THE NORTHWEST CORNER OF SAID PARCEL C;
THENCE SOUTHWESTERLY ALONG THE NORTHWESTERLY LINE OF SAID PARCEL C, 83.51 FEET TO THE SOUTHWESTERLY CORNER OF SAID PARCEL C;
THENCE SOUTHEASTERLY ALONG THE SOUTHWESTERLY LINE OF SAID PARCEL C, 101.92 FEET TO AN ANGLE POINT IN SAID SOUTHWESTERLY LINE;
THENCE CONTINUING SOUTHEASTERLY ALONG THE SOUTHWESTERLY LINE OF SAID PARCEL C, 89.91 FEET TO THE NORTHWESTERLY RIGHT-OF-WAY OF LITTLEROCK ROAD;
THENCE SOUTHWESTERLY ALONG SAID NORTHWESTERLY MARGIN, 715.54 FEET TO THE SOUTHWESTERLY LINE OF LOT 2, BLOCK 7 OF SAID GLENWOOD PARK;
THENCE NORTHWESTERLY ALONG SAID SOUTHWESTERLY LINE, 195.00 FEET TO THE NORTHWESTERLY LINE OF THE SOUTHEASTERLY 195.00 FEET OF SAID LOT 2;
THENCE NORTHEASTERLY ALONG SAID NORTHWESTERLY LINE, 71.50 FEET TO THE MOST SOUTHERLY CORNER OF LOT 6, BLOCK 7 OF SAID GLENWOOD PARK;
THENCE NORTHWESTERLY ALONG THE SOUTHWESTERLY LINE OF SAID LOT 6, 120.89 FEET TO THE WESTERLY LINE OF SAID PLAT AND THE EASTERLY LINE OF THE PLAT OF GOLD CREEK, AS RECORDED IN VOLUME 19 OF PLATS, PAGE 80 AND UNDER AUDITOR'S FILE NUMBER 991456;
THENCE NORTHWESTERLY ALONG THE NORTHEASTERLY LINE OF SAID GOLD CREEK PLAT, 343.76 FEET TO THE SOUTH LINE OF PARCEL B OF BOUNDARY LINE ADJUSTMENT NO. BLA961418, AS RECORDED DECEMBER 5, 1996 UNDER AUDITORS FILE NO. 3065020 AND 3065021;
THENCE EAST ALONG THE SOUTH LINE OF SAID PARCEL B, 294.55 FEET TO THE WEST RIGHT-OF-WAY MARGIN OF GLENWOOD DRIVE;
THENCE NORTHERLY ALONG SAID WEST MARGIN, 94.4 FEET TO THE NORTH LINE OF SAID PARCEL B;
THENCE WESTERLY ALONG SAID NORTH LINE OF PARCEL B, SOUTH 80° WEST, 99.41 FEET;
THENCE CONTINUING WESTERLY ALONG SAID NORTH LINE OF PARCEL B, NORTH 87° WEST, 92.44 FEET;
THENCE CONTINUING WESTERLY ALONG SAID NORTH LINE OF PARCEL B, 110.47 FEET TO SAID EASTERLY LINE OF THE PLAT OF GOLD CREEK;

THENCE NORTHWESTERLY ALONG SAID EASTERLY LINE, 101.82 FEET TO THE NORTH LINE OF SAID PLAT OF GOLD CREEK;
THENCE WESTERLY ALONG SAID NORTH LINE, 398.87 FEET TO THE EAST LINE OF GOLD CREEK DIVISION 2 AS RECORDED IN VOLUME 20 OF PLATS, PAGE 110 AND UNDER AUDITOR'S FILE NUMBER 1080313;
THENCE NORTH ALONG SAID EAST LINE AND THE EAST LINE OF GOLD CREEK DIVISION 3 AS RECORDED IN VOLUME 22 OF PLATS, PAGE 177 AND UNDER AUDITOR'S FILE NUMBER 8610150125, 1335.91 FEET TO THE NORTHEAST CORNER OF LOT 26 OF SAID DIVISION 3;
THENCE EAST ALONG THE SOUTHERLY LINE OF SAID DIVISION 3, 327.59 FEET TO THE EAST LINE OF SAID DIVISION 3;
THENCE NORTH ALONG SAID EAST LINE OF DIVISION 3 AND ITS NORTHERLY EXTENSION, 1330.61 FEET TO THE NORTH LINE OF SAID SECTION 4;
THENCE EAST ALONG SAID NORTH LINE, 331.45 FEET TO THE POINT OF BEGINNING;

CONTAINING 133.1 ACRES, MORE OR LESS.





RURAL ROAD ISLAND - NORTH ANNEXATION DESCRIPTION

THAT PORTION OF THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 18 NORTH, RANGE 2 WEST, WM, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE WEST RIGHT-OF-WAY MARGIN OF RURAL ROAD SW AND THE SOUTH LINE OF PARCEL A OF BOUNDARY LINE ADJUSTMENT, BLA-0960 AS RECORDED UNDER AUDITOR'S FILE NUMBER 9010020017;
THENCE WEST ALONG SAID SOUTH LINE, 289.49 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL A;
THENCE NORTH ALONG THE WEST LINE OF SAID PARCEL A, 369.05 FEET TO THE NORTHWEST CORNER OF SAID PARCEL A;
THENCE EAST ALONG THE NORTH LINE OF SAID PARCEL A, 289.49 FEET TO SAID WEST RIGHT-OF-WAY MARGIN;
THENCE CONTINUING EAST, 60.00 FEET TO THE EAST RIGHT-OF-WAY MARGIN OF RURAL ROAD SW;
THENCE NORTH ALONG SAID EAST RIGHT-OF-WAY MARGIN, 407.41 FEET TO THE NORTH LINE OF PARCEL A OF BOUNDARY LINE ADJUSTMENT, BLA-7281 AS RECORDED UNDER AUDITOR'S FILE NUMBER 9304090104;
THENCE NORTHEASTERLY ALONG SAID NORTH LINE, 433.83 FEET TO THE EAST LINE OF SAID PARCEL A;
THENCE SOUTH ALONG SAID EAST LINE AND THE EAST LINE PARCELS M AND N OF BOUNDARY LINE ADJUSTMENT BLA-7214 AS RECORDED UNDER AUDITOR'S FILE NUMBER 8910060001, 794.51 FEET TO THE NORTH RIGHT-OF-WAY MARGIN OF LINWOOD AVE SW;
THENCE WEST ALONG SAID NORTH MARGIN, 434.13 FEET TO THE EAST RIGHT-OF-WAY MARGIN OF RURAL ROAD SW;
THENCE SOUTH, 60.00 FEET TO THE INTERSECTION OF THE SOUTH RIGHT-OF-WAY MARGIN OF LINWOOD AVENUE SW WITH THE EAST RIGHT-OF-WAY MARGIN OF RURAL ROAD SW;
THENCE WEST, 60.00 FEET TO THE WEST RIGHT-OF-WAY MARGIN OF RURAL ROAD SW;
THENCE NORTH ALONG SAID WEST MARGIN, 39.34 FEET TO THE BEGINNING;

CONTAINING 10.48 ACRES, MORE OR LESS.

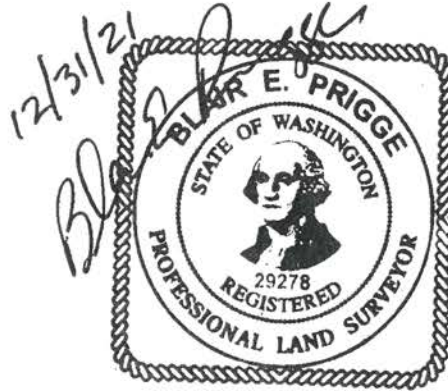


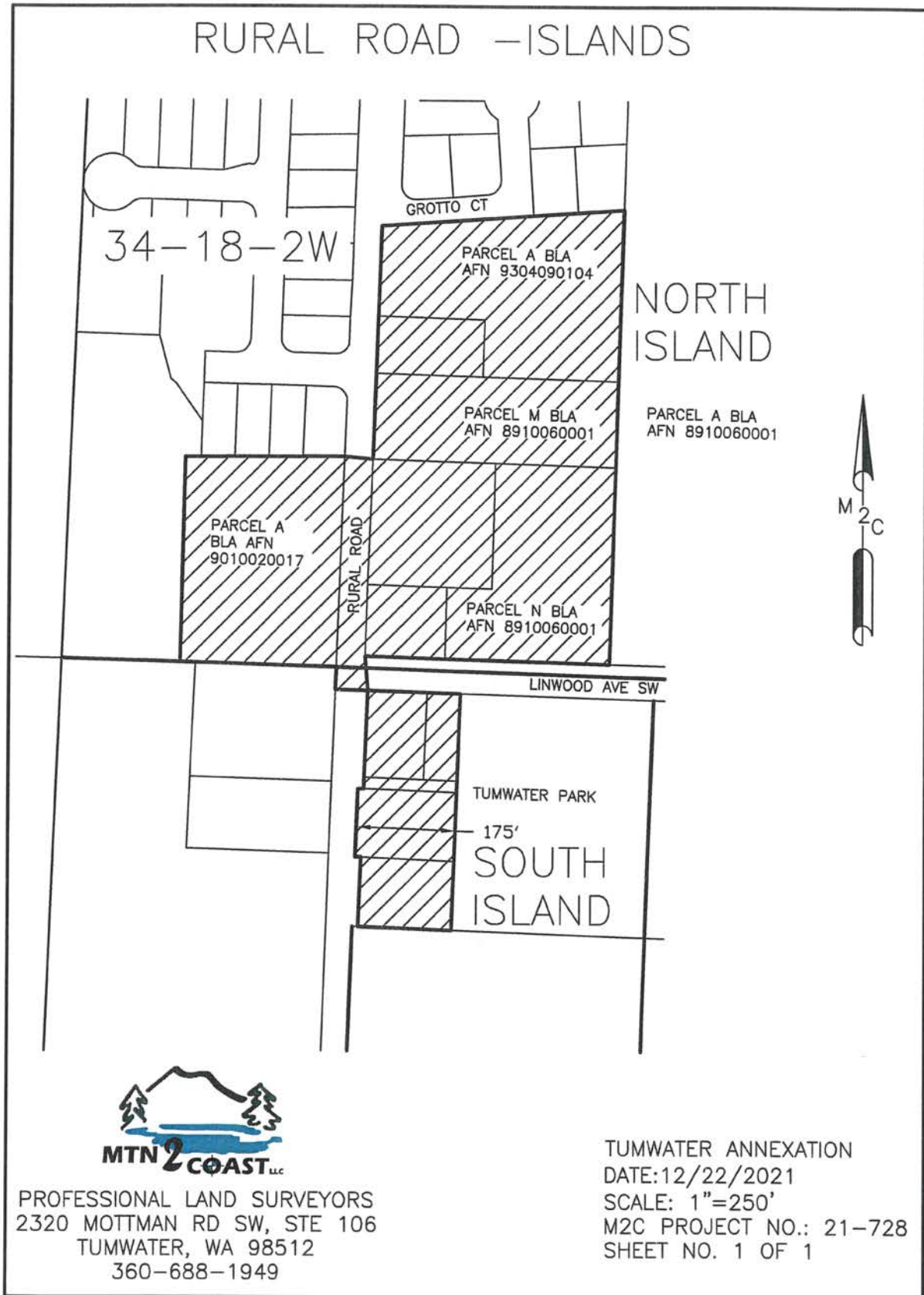
RURAL ROAD ISLAND - SOUTH ANNEXATION DESCRIPTION

THAT PORTION OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 34,
TOWNSHIP 18 NORTH, RANGE 2 WEST, WM, DESCRIBED AS FOLLOWS:

THE WEST 175.00 FEET OF LOT 1 OF THE PLAT OF TUMWATER PARK AS RECORDED IN VOLUME 7
OF PLATS AT PAGE 6;

CONTAINING 1.52 ACRES, MORE OR LESS.



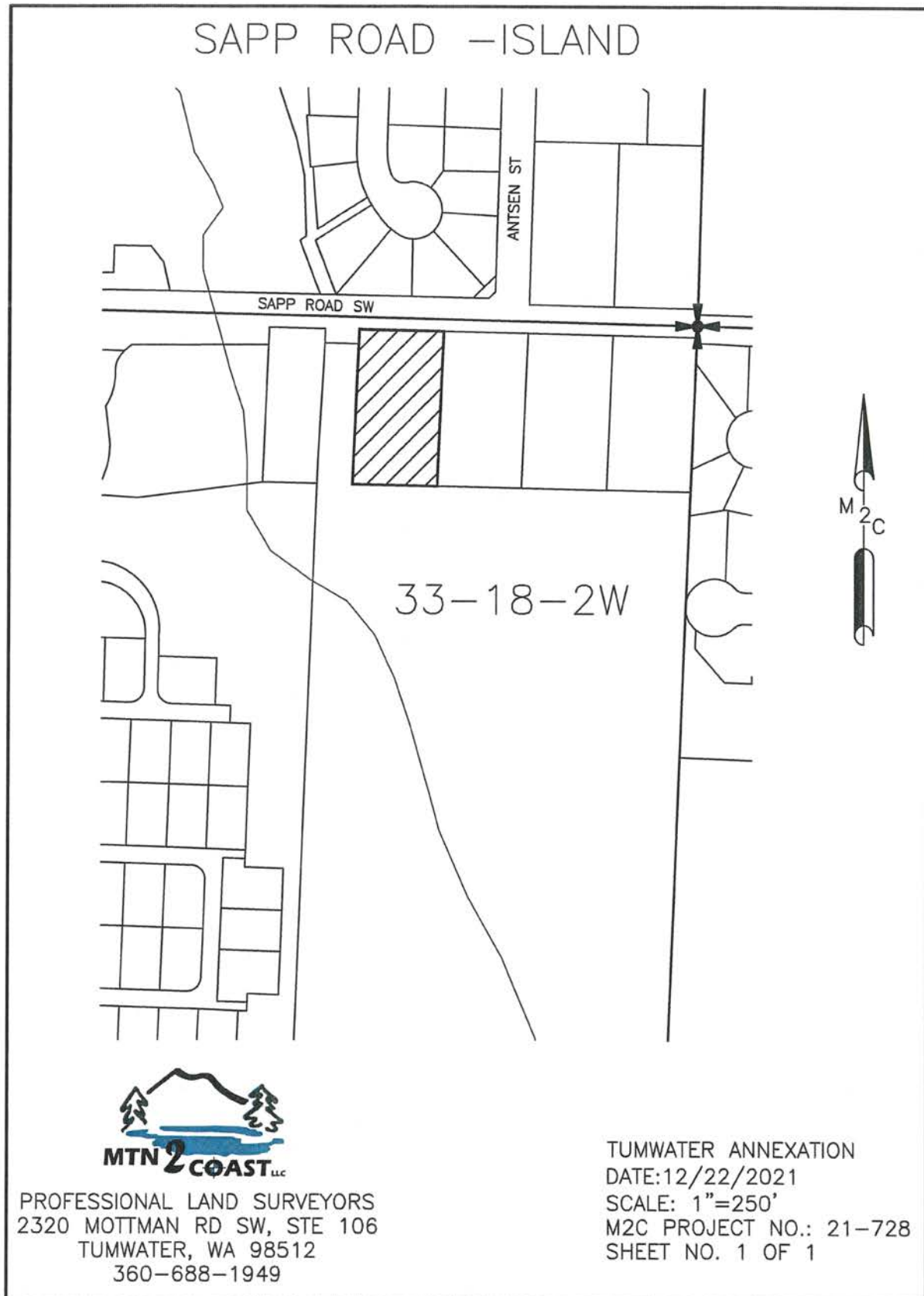


2247 SAPP ROAD ISLAND ANNEXATION DESCRIPTION

THE NORTH 290.4 FEET OF THE WEST 150 FEET OF THE EAST 600 FEET OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 33, TOWNSHIP 18 NORTH, RANGE 2 WEST, W.M., EXCEPTING THEREFROM COUNTY ROAD KNOWN AS SAPP ROAD ALONG THE NORTH BOUNDARY.

CONTAINING 0.93 ACRES, MORE OR LESS.





1300-1500 BLOCK – LINWOOD AVENUE ISLAND
ANNEXATION DESCRIPTION

THAT PORTION OF THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 18 NORTH, RANGE 2 WEST,
WM, DESCRIBED AS FOLLOWS:

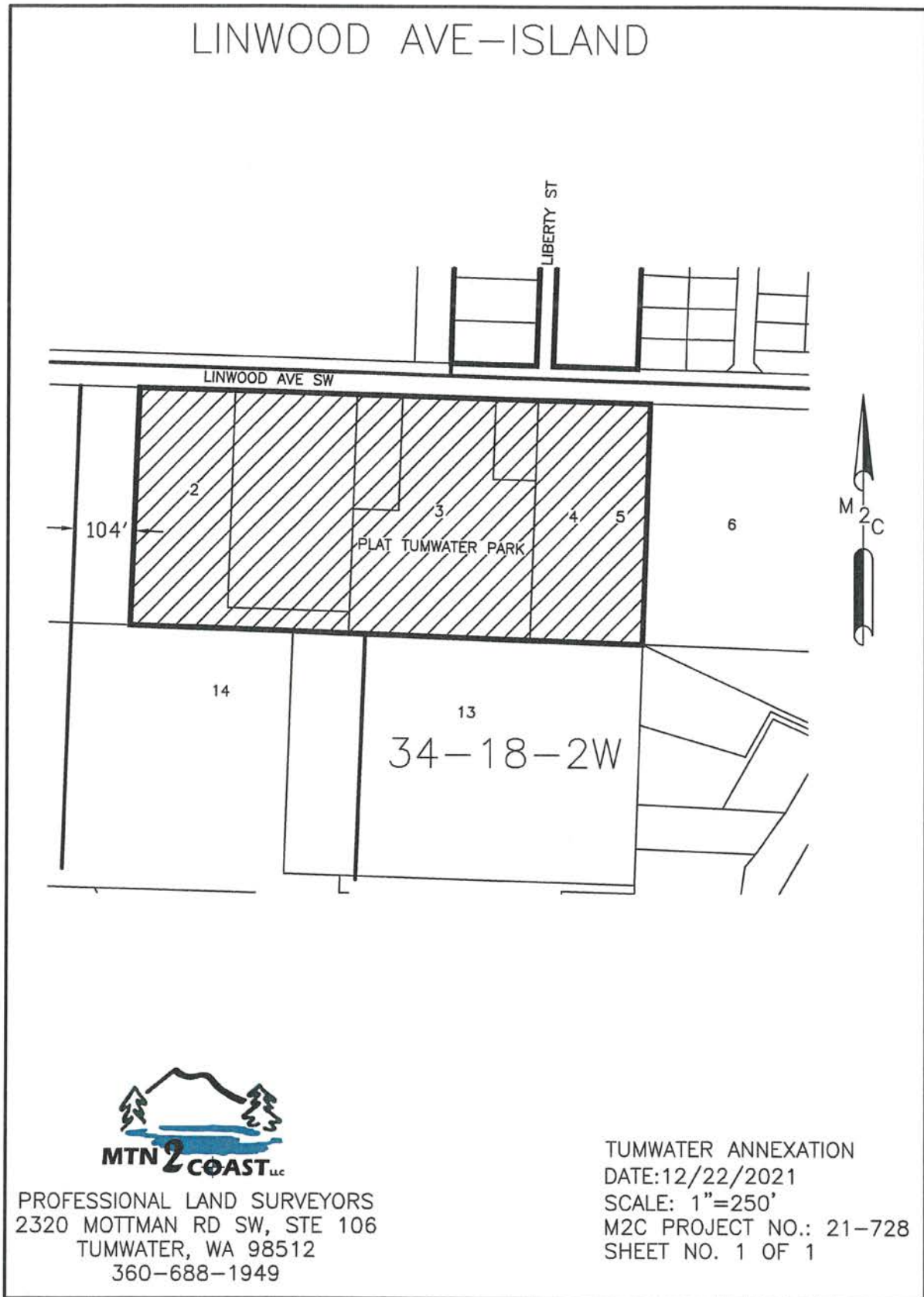
LOT 2, 3, 4 AND 5 OF THE PLAT OF TUMWATER PARK AS RECORDED IN VOLUME 7 OF PLATS AT
PAGE 6;

EXCEPTING THEREFROM THE WEST 104 FEET OF SAID LOT 2;

AND EXCEPTING THEREFROM ANY PORTION WITHIN LINWOOD AVE SW;

CONTAINING 8.69 ACRES, MORE OR LESS.





LIBERTY STREET ISLAND ANNEXATION DESCRIPTION

THAT PORTION OF THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 18 NORTH, RANGE 2 WEST, WM, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 34;
THENCE SOUTH ALONG THE WEST LINE OF SAID SECTION, 1323.59 FEET TO THE NORTH 1/16 CORNER ON THE WEST LINE OF SAID SECTION 34;
THENCE EAST ALONG THE SOUTH LINE OF THE NORTH HALF OF SAID NORTHWEST QUARTER, 1705.58 FEET TO THE SOUTHERLY EXTENSION OF THE EAST LINE OF PARCEL B OF BLA-7214 AS RECORDED UNDER AUDITOR'S FILE NUMBER 8910060001;
THENCE NORTH ALONG SAID EXTENSION OF SAID PARCEL B, 22.30 FEET TO THE NORTH RIGHT-OF-WAY MARGIN OF LINWOOD AVE SW AND THE SOUTHEAST CORNER OF SAID PARCEL B AND THE POINT OF BEGINNING;
THENCE NORTH ALONG SAID EAST LINE OF PARCEL B AND THE WEST LINE OF PARCELS E, F, G, H, I AND J OF SAID BLA, 868.35 FEET TO THE NORTHWEST CORNER OF SAID PARCEL J;
THENCE EAST ALONG THE NORTH LINE OF SAID PARCEL J, 170.87 FEET TO THE EAST LINE OF PARCEL A OF SAID BLA;
THENCE NORTH ALONG SAID EAST LINE, 242.09 FEET TO THE NORTHEAST CORNER OF SAID PARCEL A AND THE NORTHWEST CORNER OF LOT 1 OF SHORT SUBDIVISION SS-2537 AS RECORDED UNDER AUDITOR'S FILE NUMBER 9303040346;
THENCE EAST ALONG THE NORTH LINE OF SAID LOT 1, 114.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 1;
THENCE SOUTH ALONG THE EAST LINE OF SAID LOT 1 AND LOT 2 OF SAID SUBDIVISION, 261.9 FEET TO THE NORTHEAST CORNER OF PARCEL A OF BLA-010624-TC AS RECORDED UNDER AUDITOR'S FILE NUMBER 3375676;
THENCE SOUTH ALONG THE EAST LINE OF SAID BLA, 382 FEET TO THE SOUTHEAST CORNER OF PARCEL B OF SAID BLA;
THENCE WEST ALONG THE SOUTH LINE OF SAID BLA, 197 FEET TO THE EAST LINE OF SAID BLA-7214;
THENCE SOUTH ALONG SAID EAST LINE, 108.05 FEET TO A 15.00 FOOT ANGLE POINT IN THE EAST LINE OF SAID BLA;
THENCE WEST 15.00 FEET ALONG SAID LINE TO ANOTHER ANGLE POINT IN THE EAST LINE AND THE WEST RIGHT-OF-WAY MARGIN OF LIBERTY AVENUE;
THENCE SOUTH ALONG SAID EAST LINE AND WEST MARGIN, 357.93 FEET TO THE NORTH RIGHT-OF-WAY MARGIN OF LINWOOD AVE SW;
THENCE WEST ALONG SAID NORTH MARGIN, 151.2 FEET TO THE POINT OF BEGINNING.

CONTAINING 6.11 ACRES, MORE OR LESS.



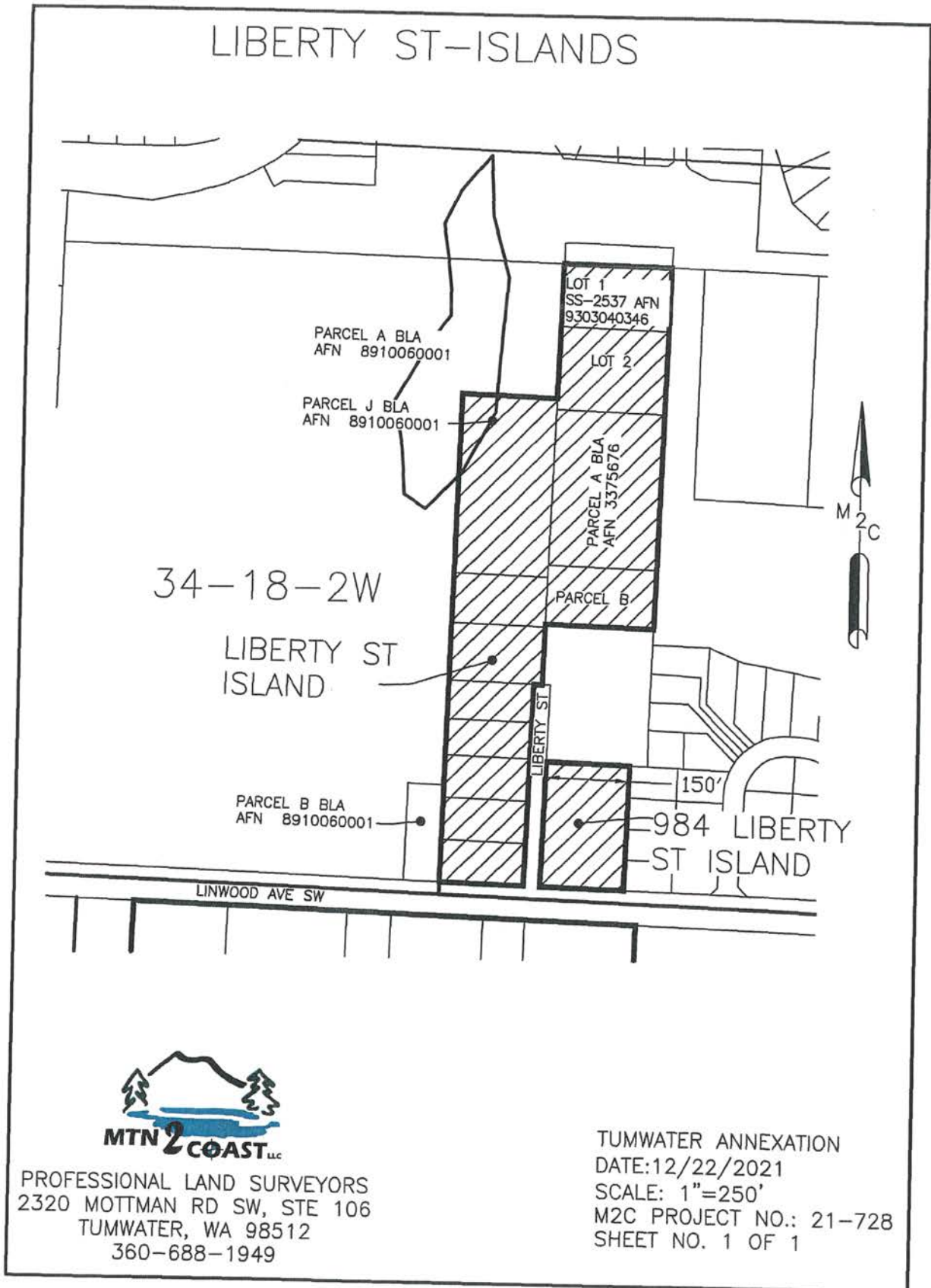
984 LIBERTY STREET ISLAND ANNEXATION DESCRIPTION

THAT PORTION OF THE NORTHWEST QUARTER OF SECTION 34, TOWNSHIP 18 NORTH, RANGE 2 WEST, WM, DESCRIBED AS FOLLOWS:

THE WEST 150 FEET OF LOT 3 IN BLOCK 43 OF SUPPLEMENTAL PLAT OF BARNES ADDITION TO TUMWATER, AS RECORDED IN VOLUME 6 OF PLATS, PAGE 5; EXCEPT THE NORTH 550 FEET THEREOF.

CONTAINING 0.76 ACRES, MORE OR LESS.





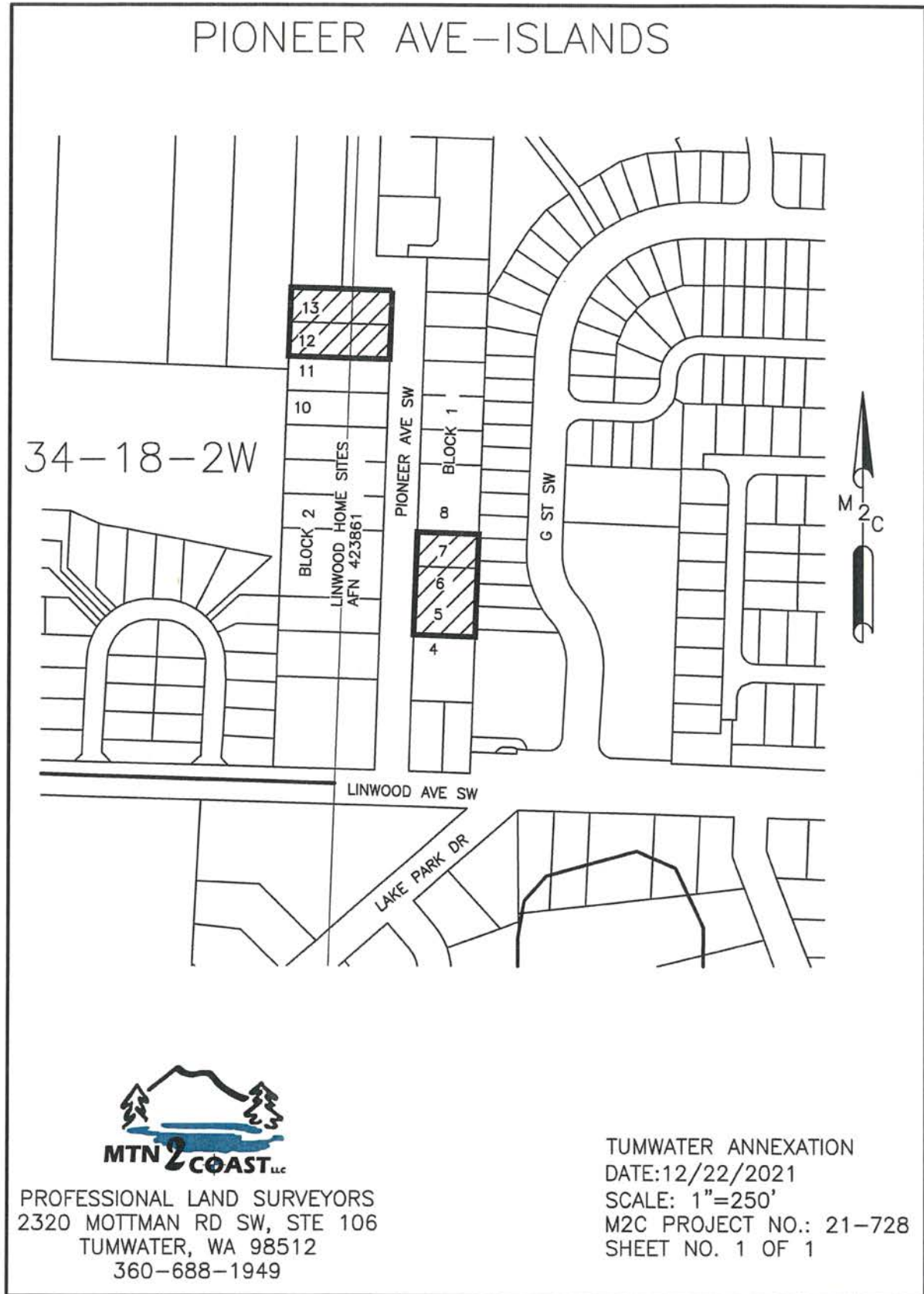
PIONEER AVENUE ISLANDS ANNEXATION DESCRIPTION

THAT PORTION OF THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER, AND THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 34, TOWNSHIP 18 NORTH, RANGE 2 WEST, WM, DESCRIBED AS FOLLOWS:

LOTS 12 AND 13, BLOCK 2, AND LOTS 5, 6 AND 7, BLOCK 1, PLAT OF LINWOOD HOME SITES AS RECORDED IN VOLUME 11, PAGE 60 AND 61 AND RECORDED UNDER AUDITOR'S FILE NUMBER 423861;

CONTAINING 0.95 ACRES, MORE OR LESS.





QUINCE STREET ISLAND - NORTH ANNEXATION DESCRIPTION

THAT PORTION OF NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP 18 NORTH, RANGE 2 WEST, WM, DESCRIBED AS FOLLOWS:

LOT 1 OF SHORT SUBDIVISION NO. SS-1585, AS RECORDED NOVEMBER 24, 1980 UNDER AUDITOR'S FILE NUMBER 1129082;
CONTAINING 0.19 ACRES, MORE OR LESS.

QUINCE STREET ISLAND - SOUTH ANNEXATION DESCRIPTION

THAT PORTION OF NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP 18 NORTH, RANGE 2 WEST, WM, DESCRIBED AS FOLLOWS:

THAT PART OF THE EAST HALF OF LOT 2 IN BLOCK 3 OF WARD'S HOMESTEAD, AS RECORDED IN VOLUME 2 OF PLATS, PAGE 63, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE EAST LINE OF SAID LOT 2, 420 FEET SOUTH OF THE NORTHEAST CORNER THEREOF;

RUNNING THENCE WEST 140 FEET;

THENCE SOUTH 120 FEET;

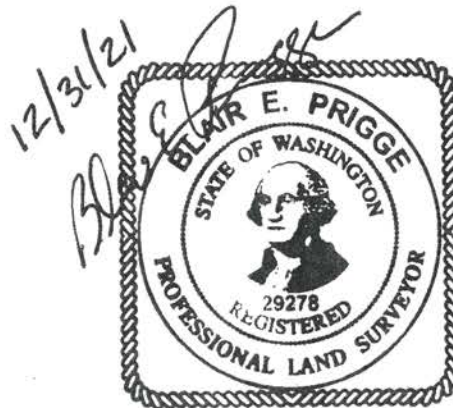
THENCE CONTINUING SOUTH 90 FEET TO THE NORTH LINE OF THE PLAT OF PARKWOOD SOUTH AS RECORDED UNDER IN VOLUME 20 OF PLATS AT PAGE 84, UNDER AUDITOR'S FILE NUMBER 1063408;

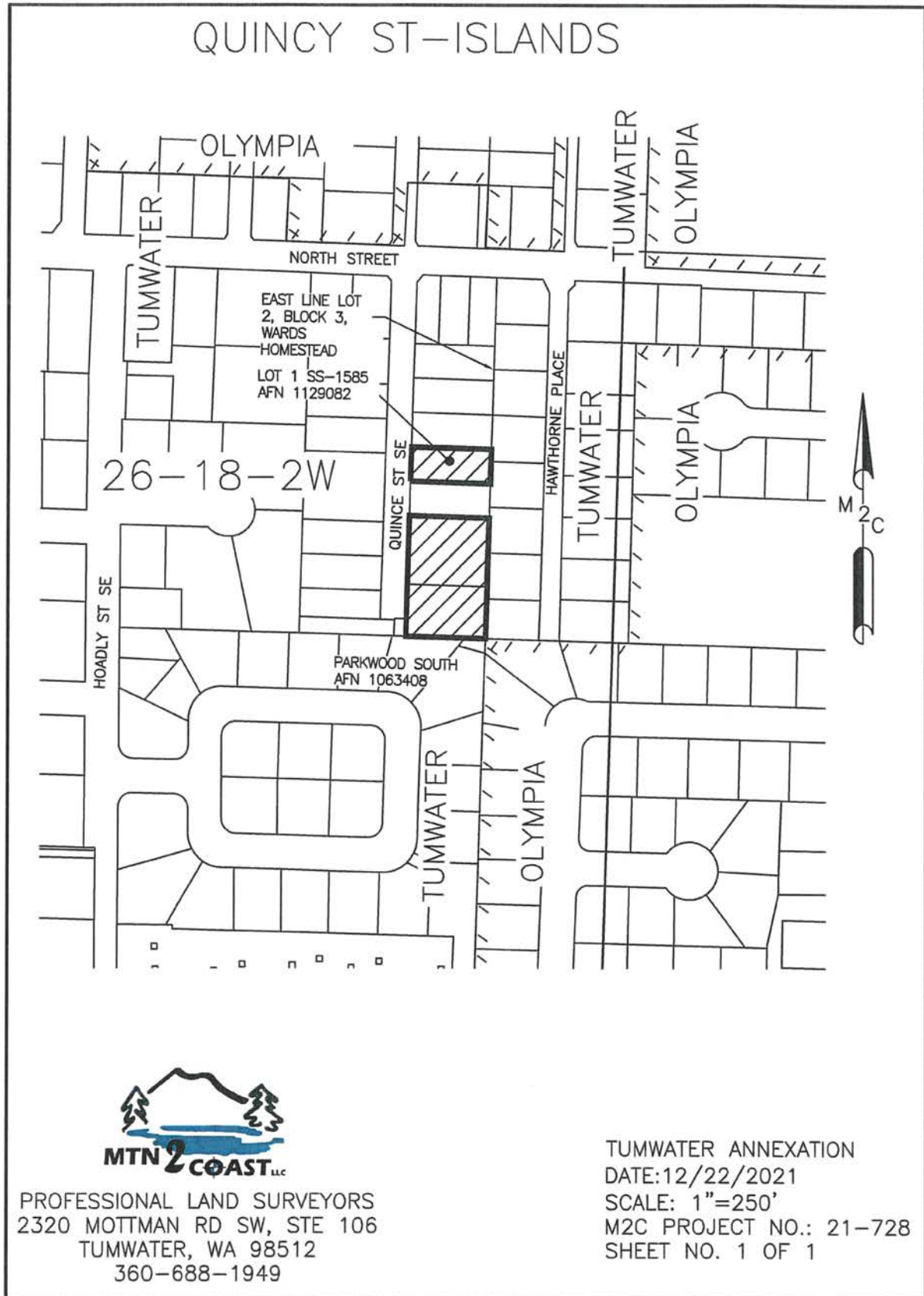
THENCE EAST ALONG SAID NORTH LINE, 140 FEET TO THE EAST LINE OF SAID LOT 2;

THENCE NORTH ALONG SAID EAST LINE, 210 FEET TO THE POINT OF BEGINNING.

SITUATED IN THE COUNTY OF THURSTON, STATE OF WASHINGTON.

CONTAINING 0.68 ACRES, MORE OR LESS.



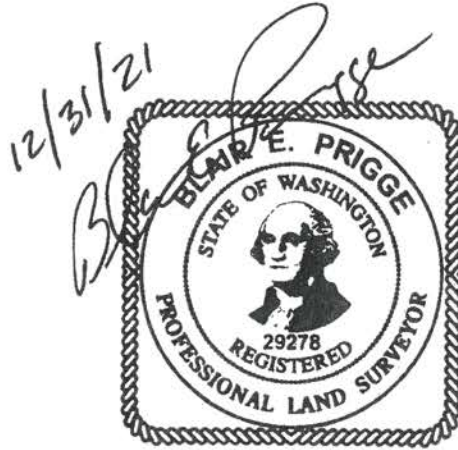


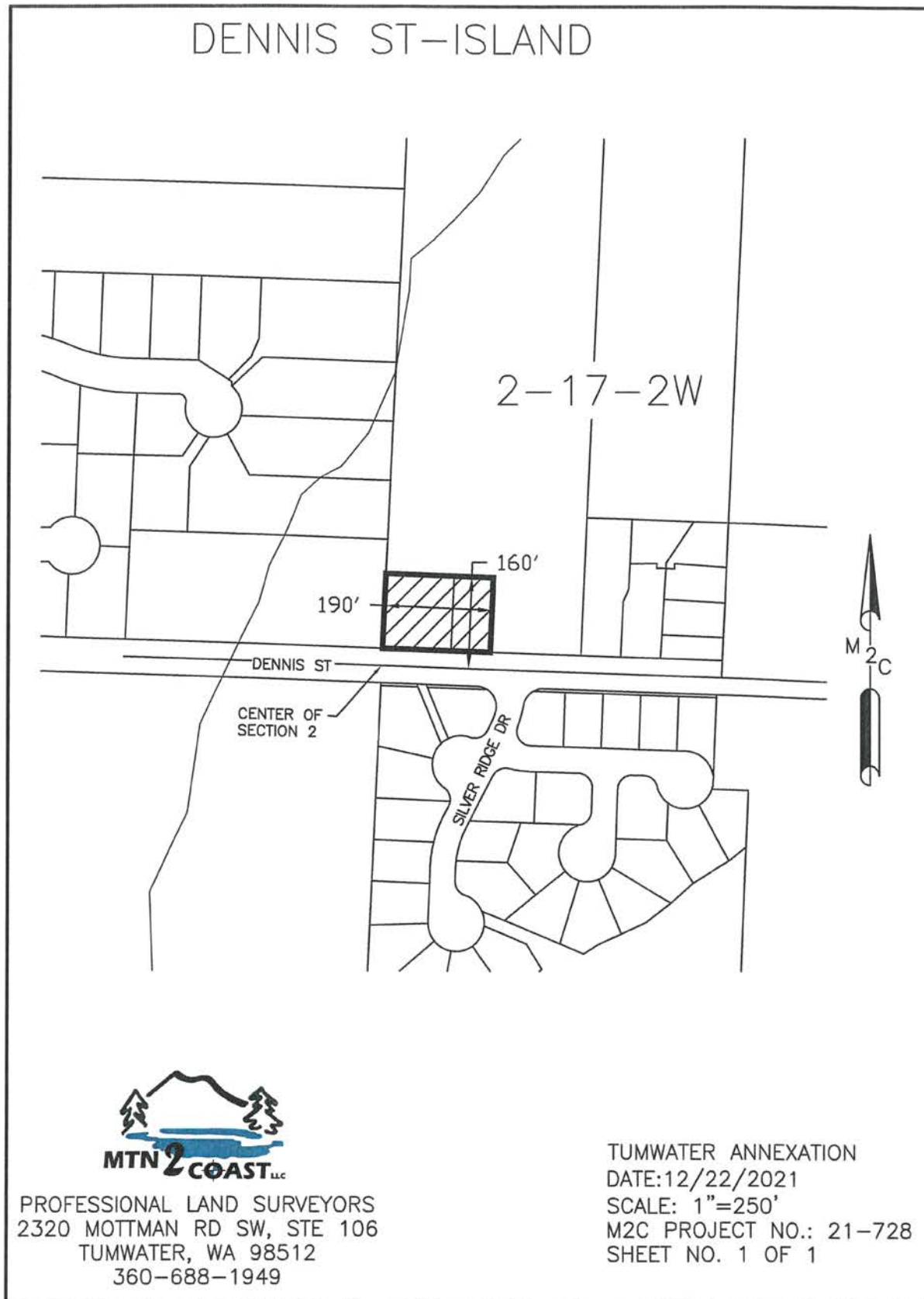
DENNIS STREET ISLAND ANNEXATION DESCRIPTION

THAT PORTION OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 2, TOWNSHIP
17 NORTH, RANGE 2 WEST, WM, DESCRIBED AS FOLLOWS:

THE SOUTH 160.00 FEET OF THE WEST 190.00 FEET OF SAID SUBDIVISION; LESS THE SOUTH
30.00 FEET THEREOF FOR DENNIS STREET.

CONTAINING 0.57 ACRES, MORE OR LESS.





City of Tumwater General Government Committee

Tumwater First 11 Islands Annexation - Ordinance No. O2022-001

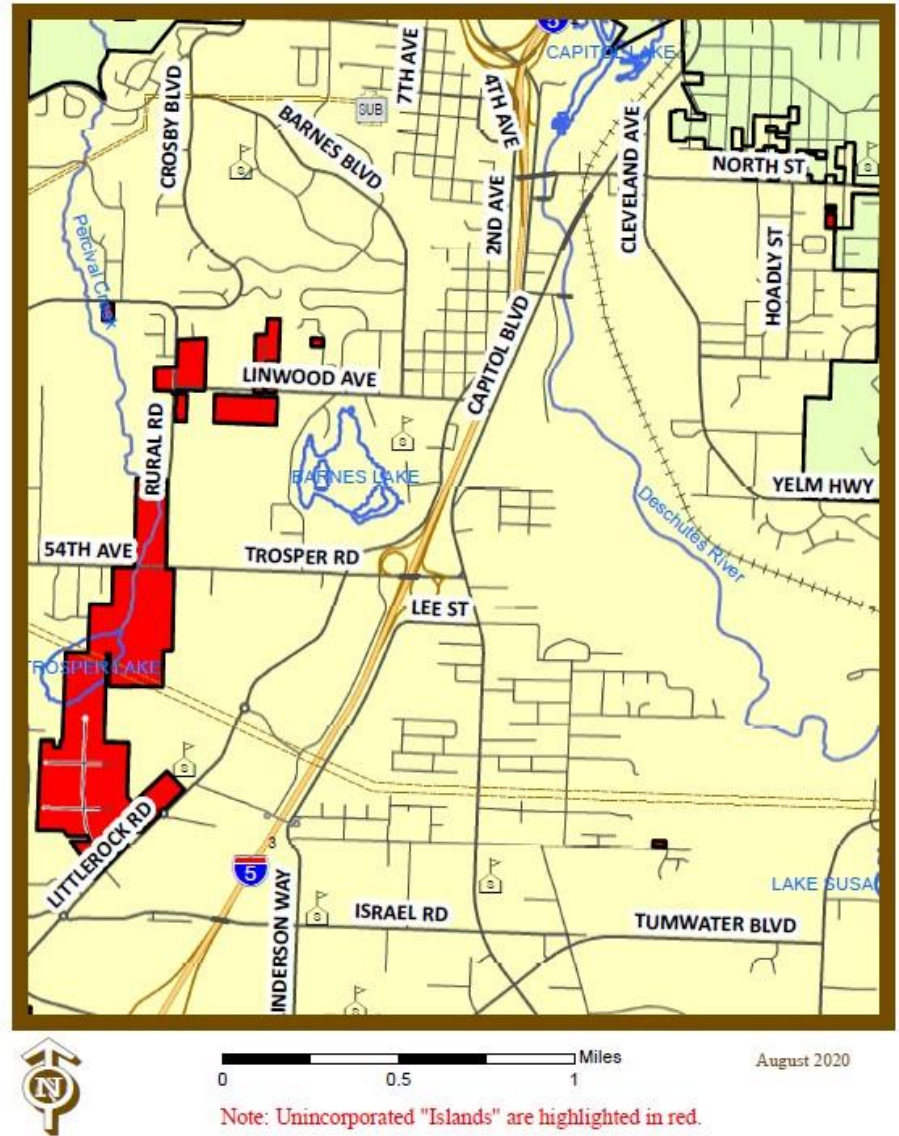
APRIL 13, 2022



Local Planning Solutions
Knowledge, Experience, Results

Tumwater surrounds 12 unincorporated County “islands”.

UNINCORPORATED "ISLANDS" IN TUMWATER



Profile of the 12 Unincorporated Islands



- 160 parcels
- 161 acres
- 7 islands have 2 lots or less
- Trosper Lake Island represents 111 parcels and 132 acres
- The First 11 Islands will be annexed by this ordinance.
- The Trosper Lake Island will be annexed by a second ordinance a month later.

County and Local Fire District Services

- Police and Fire
- Roads and Stormwater
- Building and Land Use Permits
- Code Enforcement
- Separate Voter Pamphlets

RCW 35A.14.296

Recognizing that County islands cause inefficiencies for the delivery of public services, in 2020 the Legislature passed a new law that allows cities and counties to annex these islands through a jointly approved Interlocal Agreement (ILA).

Legislative Findings

“The legislature finds that city annexations of unincorporated areas within urban growth areas will be more efficient and effective if the county and city develop a jointly approved interlocal agreement so as not to create illogical boundaries or islands of unincorporated territory.”

Key Milestones

- **September 5, 2021** – McLane Black Lake Fire Department does not object to the proposed annexations.
- **December 1, 2021** – Tumwater and Thurston County hold a joint Open House on the proposed annexations.

Key Milestones

- **November and December 2021 & January 2022** – The City issues public notices to inform residents and others of:
 - The Open House.
 - How to obtain a copy of the draft Interlocal Agreement.
 - How to participate in the public hearing on the Interlocal Agreement.

Key Milestones

- **January 18, 2022** – The City Council and the Board of County Commissioners hold a joint public hearing on the Interlocal Agreement.
- **January 18, 2022** – The City Council approves the Interlocal Agreement.
- **January 25, 2022** – The Board of County Commissioners approves the Interlocal Agreement.

Key Milestones

- **February 16, 2022** – Notices of Intent to Annex sent to the Thurston County Boundary Review Board for a state mandated review for each annexation area.
- **March 7, 2022** – The Boundary Review Board returned nine of the annexations to the City for final action after completing their 21-day period.
- **April 4, 2022** – The Boundary Review Board returned the remaining three annexations to the City for final action after completing their 45-day period.

What is “Final Action?”

- The Final Action will be if/when the City Council adopts the proposed annexation ordinance.
- After the effective date of the adopted ordinance, the annexation will be complete.

What's Next?

- **April 26, 2022** – City Council worksession to review Ordinance No. O2022-001 to annex the First 11 Islands.
- **May 17, 2022** – City Council considers and approves Ordinance No. O2022-001 to annex the First 11 Islands.

What's Next?

The larger Trosper Island Annexation will be annexed separately from the First 11 Islands and the process will be:

- **May 11, 2022** – General Government Committee briefing on Trosper Island annexation Ordinance No. O2022-002.
- **May 24, 2022** – City Council worksession to review Ordinance No. O2022-002 to annex the Trosper Lake Island.
- **June 7, 2022** – City Council considers and approves Ordinance No. O2022-002 to annex the Trosper Lake Island.

***Dates are tentative and may be subject to change.**

Public Comment Opportunities

City Contact: Brad Medrud, Planning Manager

- e-mail: bmedrud@ci.tumwater.wa.us
- Mail:

City of Tumwater

Community Development Department

555 Israel Road SW

Tumwater, WA 98501

Resources Available

City of Tumwater Annexation webpage

- Frequently Asked Questions
- Pre- and post-annexation cost comparisons
- Proposed annexation area legal descriptions and maps
- Dates of upcoming meetings or events

www.ci.Tumwater.wa.us/IslandAnnexation

TO: General Government Committee
FROM: Brad Medrud, Planning Manager
DATE: April 13, 2022
SUBJECT: Urban Forestry Management Plan – Landscaping Regulation Update, Scope of Work

1) Recommended Action:

Review attached memorandum and be prepared to discuss.

2) Background:

The next step in the implementation of the *Urban Forestry Management Plan* is the preparation of an update to the City's landscaping regulations. The process will involve hiring a consultant to work with staff, stakeholders, and the Tree Board, Planning Commission, and City Council to update the City's landscaping regulations (Tumwater Municipal Code (TMC) 18.47 *Landscaping*), as well as review and update other relevant regulations, plans, and handouts.

The attached draft scope of work for the consultant will be included in a Request for Proposals (RFP) that the City will be issuing for a consultant to work on the regulation update.

3) Policy Support:

Conservation Element Policy C-1.1: Protect the ecological integrity of the natural environment while allowing for compatible growth and development.

Land Use Element Implementation Policy 16: Implement the Urban Forestry Management Plan through the municipal code, Development Guidelines, City employee processes, and community education and engagement.

4) Alternatives:

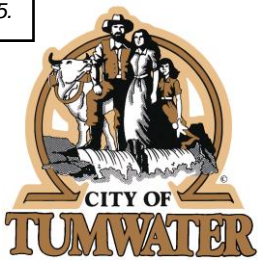
None.

5) Fiscal Notes:

Although City staff time is internally supported, the funding for the consultant is suggested to come from the Permit Reserve Fund. A budget amendment would be required at year's end. These funds are collected to support permit review activity, such as compliance with landscaping requirements. There are ample funds to pay for this project.

6) Attachment:

A. *Urban Forestry Management Plan – Landscaping Regulation Update Scope of Work Memorandum*



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

Memorandum

Date: April 13, 2022

To: General Government Committee

From: Brad Medrud, Planning Manager

Subject: Urban Forestry Management Plan –
Landscaping Regulations Update, Scope of Work

Issue

The next step in the implementation of the *Urban Forestry Management Plan* is the preparation of an update to the City's landscaping regulations. The process will involve hiring a consultant to work with staff, stakeholders, and the Tree Board, Planning Commission, and City Council to update the City's landscaping (Tumwater Municipal Code (TMC) 18.47 *Landscaping*), as well as review and update other relevant regulations, plans, and handouts.

The draft scope of work for the consultant below will be included in a Request for Proposals (RFP) that the City will be issuing later in April 2022 for a consultant to work on the regulation update.

Policy Support

Policy support for the update of the landscaping regulations is found in the *Conservation and Land Use Elements* of the *Comprehensive Plan*:

Conservation Element Policy C-1.1: Protect the ecological integrity of the natural environment while allowing for compatible growth and development.

Land Use Element Policy LU-2.5: Encourage development of architectural and landscape design standards.

Land Use Element Action LU-2.5.1: Implement Goals 5 and 6 of the *Economic Development Element*.¹

Land Use Element Policy LU-7.4: Provide a variety of open spaces including

¹ Economic Development Element Goal #5: Develop the City's craft food and beverage sector and Goal #6: Work with the Port of Olympia to develop the New Market Industrial Campus and the Olympia Regional Airport.

Urban Forestry Management Plan – Landscaping Regulations Update

Scope of Work

April 13, 2022

landscaped buffers, small parks, plazas, and other community areas to balance higher density development and enhance quality of living.

Land Use Element Policy LU-10.8: Ensure commercial and industrial structures, where practical, are low profile and provide landscaping including lawns, trees, and shrubs.

Land Use Element Policy LU-11.5: Encourage existing and new development to use landscaping to take advantage of the sun's warming rays in winter and to provide shade in summer.

Land Use Element Policy LU-11.7: Consider the impact of new development and landscaping on solar accessibility of adjoining lots and mitigate wherever feasible.

Land Use Element Implementation Policy 16: Implement the *Urban Forestry Management Plan* through the municipal code, Development Guidelines, City employee processes, and community education and engagement.

Purpose of the Regulations

Currently, TMC 18.47.010 establishes the intent of the landscaping regulations is to:

The intent of this chapter is to establish minimum requirements and standards for landscaping multifamily residential, commercial and industrial sites, and residential manufactured home parks, in order to maintain and protect property values, enhance the general appearance of the city and provide the residents of the city with a sense of place.

In general, these provisions will ensure landscaping criteria that will curtail soil erosion, reduce the hazards of flooding; absorb carbon dioxide and supply oxygen; reduce the effects of noise, glare, dust, heat, and other objectionable activities generated by some land uses; buffer and screen adjacent properties; provide shade; and promote the pleasant appearance and character of neighborhoods and the city.

The complete current version of TMC 18.47 *Landscaping* can be found at the end of this memorandum.

Draft Scope of Work

1. Prepare Public Engagement Plan, which will:
 - a. Define the stakeholders for the update process, their different information needs, and their role in the update process:
 - 1) Residential, commercial, industrial, and institutional developers
 - 2) Homeowner associations
 - 3) Commercial, industrial, and institutional property owners

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- 4) Professional consultants, such as landscape architects, foresters, and arborists
- 5) Environmental groups
- 6) Puget Sound Energy and other private utility providers
- 7) Chamber of Commerce and Olympia Master Builders
- 8) City development review staff, including planning, building and development engineering staff
- 1) City maintenance staff
- 2) City code enforcement staff
- b. Explicitly address how the Public Engagement Plan will promote equity and environmental justice
- c. Establish external and internal stakeholder groups
- d. Establish a project schedule for:
 - 1) Community and stakeholder meetings
 - 2) Staff stakeholder meetings
 - 3) Draft work product delivery schedule for review by staff, stakeholders, and the Tree Board, Planning Commission, and City Council
 - 4) Public worksessions with the Tree Board and the Planning Commission
 - 5) Formal adoption of the supporting regulations through the Tree Board, the Planning Commission, including a public hearing, General Government Committee briefing, City Council worksession, City Council consideration and adoption
- e. Identify materials for the implementation of the Public Engagement Plan
 - 1) City website and social media materials
 - 2) Materials to support the external and internal stakeholder groups
 - 3) Explanatory materials to support the community and stakeholder meetings, public worksessions with the Tree Board and Planning Commission, and adoption of the regulations
- f. Review of the draft Public Engagement Plan by City staff, Tree Board, Planning Commission, and City Council
2. Implementation of the Public Engagement Plan
 - a. Conduct stakeholder meetings
 - 1) External stakeholders
 - 2) Internal stakeholders
 - b. Conduct a public open house, if needed

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- c. Conduct public worksessions with the Tree Board and Planning Commission
- d. Conduct formal adoption of the regulations through the Tree Board, the Planning Commission, including a public hearing, General Government Committee briefing, City Council worksession, City Council consideration and adoption
- e. Prepare materials for the implementation of the Public Engagement Plan
- 3. Prepare scope for work products needed
 - a. Amendments to the following, as needed, in the final form of an ordinance:
 - 1) Municipal Code in Title 18 Zoning (TMC 18.47 *Landscaping*)
 - 2) Other relevant sections of the Tumwater Municipal Code as identified during the process
 - 3) *Tumwater Development Guide*, text and details as needed
 - 4) *Citywide Design Guidelines*, text and details as needed
 - 5) *Comprehensive Plan* and Subarea Plans as needed
 - 6) *Littlerock Road Subarea Plan*, Chapter 5 *Implementation* as needed
 - 7) *Capitol Boulevard Community Zone Design Guidelines* as needed
 - b. The ordinance should assessed for compliance with the Growth Management Act (GMA) requirement to comply with the Attorney General's Guidance regarding takings

Proposed Schedule

- January 18, 2022 – City Council approved 2022 long range planning work program – Completed
- February 14, 2022 – Tree Board input on draft scope of work – Completed
- March 8, 2022 – Planning Commission input on draft scope of work – Completed
- April 13, 2022 – General Government Committee input on draft scope of work
- April – May 2022 – RFP process and consultant selection
- June 2022 – Consultant work starts

Tree Board Meetings

- June 13, 2022 – Tree Board worksession
- July 11, 2022 – Tree Board worksession – Schedule joint meeting with Planning Commission

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Notice of Intent and SEPA Review

- July 2022 – Submit Notice of Intent to Commerce
- July 2022 – SEPA Review

Planning Commission

- June 14, 2022 – Planning Commission worksession
- July 12, 2022 – Planning Commission worksession – Schedule joint meeting with Tree Board
- July 26, 2022 – Planning Commission hearing

City Council

- August 10, 2022 – General Government Committee briefing
- September 13, 2022 – City Council worksession
- September 20, 2022 – City Council consideration
- October 2022 – Project completion

Other Notes

- The *Urban Forestry Management Plan* was reviewed for guidance in developing the scope of work.
- Staff has asked our Permitting Division staff if they could provide recent as-built plans and landscaping plans for recent projects such as Skyview to the Planning Commission and Tree Board. As part of this scope of work, staff will set up a worksession with the Planning Commission and Tree Board to take them through the development review process.
- Staff has reviewed materials related to the scope of work provided by Ben Thompson and his staff at the Washington State Department of Natural Resources.
- The new sustainability coordinator will be taking over as lead staff for the Tree Board and will be taking lead on urban forestry projects, but Planning Division staff will continue to lead the work on the code update.

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Chapter 18.47

LANDSCAPING

Sections:

- 18.47.010 Intent.
- 18.47.020 General requirements.
- 18.47.030 Minimum planting requirements.
- 18.47.040 Maintenance.
- 18.47.050 Types of landscaping.
- 18.47.060 Alternative landscaping plan.
- 18.47.070 Penalty provision.

18.47.010 Intent.

The intent of this chapter is to establish minimum requirements and standards for landscaping multifamily residential, commercial and industrial sites, and residential manufactured home parks, in order to maintain and protect property values, enhance the general appearance of the city and provide the residents of the city with a sense of place.

In general, these provisions will ensure landscaping criteria that will curtail soil erosion, reduce the hazards of flooding; absorb carbon dioxide and supply oxygen; reduce the effects of noise, glare, dust, heat, and other objectionable activities generated by some land uses; buffer and screen adjacent properties; provide shade; and promote the pleasant appearance and character of neighborhoods and the city.

(Ord. O97-024, Added, 03/03/1998)

18.47.020 General requirements.

A. A landscaping plan shall be prepared describing how the requirements of this chapter will be met for the following:

1. Any proposed commercial or industrial development or multifamily residential development consisting of five or more dwelling units with a new building or building expansion that amounts to or exceeds either four thousand square feet or twenty-five percent of the assessed valuation of the existing building within any twelve-month period;
2. Any proposed residential manufactured home park consisting of five or more dwelling units on a lot or expansion that amounts to or exceeds five additional dwelling units.

The plan should be prepared by a licensed Washington landscape architect, Washington certified nurseryman, or Washington certified landscaper. The community development department shall review a proposed plan for compliance with the requirements of this chapter. The city review shall be limited to compliance with city standards. A proposed plan may consist of a mutually agreed upon alternative plan in accordance with TMC 18.47.060. If the community development director believes a proposed plan does not meet the requirements of this chapter, the applicant shall be notified in writing of the director's findings.

Each landscaping plan shall be submitted with a fee established by resolution of the city council to help defray the cost of review by the city, no part of which fee is refundable.

B. Landscaping plans shall be drawn to scale and include existing and proposed pavement and structures, irrigation, vehicular use areas, significant trees and/or landscape features and topographic elevations.

C. Landscaping required pursuant to an approved site plan shall be installed or bonded for under an agreement approved by the city attorney prior to temporary occupancy, and installed before the issuance of final certificate of occupancy.

D. Table 18.47 indicates requirements for perimeter buffering in specific zoning categories.

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E. Where perimeter landscaping is located, breaks in vegetation and/or fencing for pedestrian access and transit passenger pads may be required as determined by the community development department during site plan review.

F. For sites not located in the ARI zone district: where a particular site abuts a zoning district(s) which requires type 2 landscaping, such landscaping shall be required in an amount which, when combined with other on-site landscaping requirements, does not exceed fifteen percent of the total site area (i.e., if other landscaping requirements exceed fifteen percent of the site area, no type 2 landscaping is required). Type 2 landscaping may be placed on the perimeter of the site adjacent to the abutting zoning district, or in other locations on the site, subject to site plan review.

G. For sites located in the ARI zone district: perimeter landscaping must conform to the siting requirements established in TMC Chapter 18.34. Refer to Table 18.47 for a determination of whether type 1 or 2 landscaping is required within the side and rear yards. Type 2 landscaping is required in the front yard unless other types of landscaping such as are described in TMC 18.47.050 are required.

H. Landscaping planted in setback areas and around the perimeter of stormwater retention areas can be applied to the required landscaping amounts consistent with these requirements.

I. Natural vegetation or stands of trees existing prior to site development should be used toward meeting all or part of the landscaping requirements. Incorporation of native species which have food or habitat value is encouraged.

J. Irrigation of landscaped areas is required, except for landscaping which incorporates native or drought-tolerant vegetation. An irrigation plan shall be submitted along with a proposed landscaping plan to the community development department for review and approval.

K. Required landscaping must comply with intersection sight obstruction requirements (Chapter 4 of the Tumwater Land Development Guide Manual).

L. Required landscaping must incorporate trees which do not have the potential of interfering with overhead power lines or penetrating 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.

M. Landscaped areas may be used for stormwater management if the landscaping requirements of this chapter for buffering, screening, or aesthetics are satisfied.

N. Species Choice. The applicant shall utilize plants that are adaptable to local climatic conditions. The use of drought tolerant species is recommended to reduce or eliminate the need for irrigation. It is also recommended that any vegetation retained or planted consist of noninvasive plant species to reduce future maintenance requirements and encroachment on other property. An invasive plant species is a nonnative plant species that escapes into the wild and displaces native vegetation. Noxious weeds are prohibited pursuant to TMC Chapter 8.04. English ivy (*Hedera helix*) is a particularly aggressive, invasive plant species and use of this species for landscaping is prohibited.

(Ord. O2017-022, Amended, 12/05/2017; Ord. O2016-037, Amended, 01/03/2017; Ord. O2011-002, Amended, 03/01/2011; Ord. O2004-009, Amended, 12/07/2004; Ord. O2003-001, Amended, 02/18/2003; Ord. O2000-004, Amended, 07/18/2000; Ord. O98-009, Amended, 10/20/1998; Ord. O97-024, Added, 03/03/1998)

18.47.030 Minimum planting requirements.

A. To provide a proper planting area, the minimum dimension of any required planting area must be no less than five feet in both length and width, except as specified in other sections of this chapter.

B. At the time of planting, deciduous trees must be at least two inches in diameter measured six inches above the base, and coniferous trees must be at least six feet in height.

C. Shrubs must be eighteen inches in height at time of planting. Shrubs and groundcover should be planted so that they attain a coverage of at least seventy-five percent of the planting area within four years.

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D. Any planting of grass or sod shall be established by using a turf grass developed for conditions of the Northwest.

E. Beauty bark use shall be minimized and shall not be a substitute for live ground cover. Organic compost materials are encouraged for use in mulching shrubs and groundcover beds.

(Ord. O97-024, Added, 03/03/1998)

18.47.040 Maintenance.

A. Any plant material used in the landscaping project shall be maintained in a healthy growing condition. The property owner shall bear responsibility for maintenance of required landscaping. The city will work with a property owner in establishing a realistic replanting plan when landscaping required by this chapter is lost due to situations beyond the control of the city or property owner, such as drought or other related circumstances.

B. The city shall require that a maintenance agreement be executed in order to ensure compliance with the requirements of this chapter.

C. Action upon noncompliance: failure, neglect or refusal of owner to perform the required maintenance action shall be taken in accordance with the enforcement section of this chapter.

(Ord. O97-024, Added, 03/03/1998)

18.47.050 Types of landscaping.

All multifamily residential, commercial, and industrial projects shall be required to provide landscaping that satisfies the functions and specific requirements of this section. Single-family housing, individual manufactured homes (not part of a manufactured home park), and duplex housing are specifically exempted from the requirements of this chapter.

A. Type 1 Landscaping – Sight Barrier Buffers.

1. Purpose. To provide a very dense sight barrier and physical barrier to significantly separate abutting incompatible zones (see Table 18.47). Landscaping of this type shall be used around the perimeter of the site, except where access for autos and pedestrians is required. Zones separated by public streets are not considered abutting and do not require vegetative separation in accordance with this section, except for proposed land uses listed under subsection C of this section that require type 1 landscaping on all sides.

2. Description.

a. A minimum of ten feet in width shall be required for each planting area.

b. A screen of at least six feet in height at time of planting, that results in a noise and sight obscuring buffer that is any one or a combination of the following methods:

i. A solid row of evergreen trees or shrubs.

ii. A solid row of evergreen trees and shrubs planted on an earthen berm an average of three feet high along its midline.

iii. A combination of trees or shrubs and fencing (metal or wood) or wall (brick, masonry or textured concrete).

c. Trees and shrubs should be spaced to grow together within four years from planting, and ground cover be provided to attain seventy-five percent coverage within four years.

B. Type 2 Landscaping – Visual Separation Buffers.

1. Purpose. To provide visual separation of compatible uses so as to soften the appearance of streets, parking areas and building elevation (see Table 18.47). Landscaping of this type may be used around the perimeter of the site, except where auto and pedestrian access is required. Zones separated by public streets are not

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considered abutting and do not require vegetative separation in accordance with this section, except for proposed land uses listed under subsections (C)(3) and (4) of this section that require type 2 landscaping on all sides. See TMC 18.47.020(F) for additional requirements that pertain to type 2 landscaping.

2. Description.

- a. Trees shall be any combination of deciduous and evergreen (with no more than fifty percent being deciduous). One tree shall be provided for each twenty-five lineal feet of landscaped area.
- b. A minimum planting area of eight feet in width shall be required.
- c. Evergreen shrubs and ground cover must provide seventy-five percent coverage of the designated area within four years from planting.

C. Planting Requirements for Specific Uses.

1. The following uses require type 1 landscaping on all sides when located aboveground and not housed within a building or accessory to another use; and if located outside the public right-of-way:

- a. Utility substation;
- b. Sewage pumping station;
- c. Water distribution facility;
- d. Wireless communication tower; and
- e. Wireless communication facility.

2. The following uses require type 1 landscaping on all sides not abutting a public street:

- a. Medical clinic or hospital;
- b. Mental health facility;
- c. Inpatient facility;
- d. Campgrounds/RV park;
- e. Transportation facility, large scale or regional; and
- f. Prison, jail, other corrections facilities, juvenile detention facility.

Note: Landscaping within fenced security areas and parking lots of facilities listed under subsection (C)(2)(f) of this section should not exceed a height of twenty-four inches at maturity. Proposed landscaping plans should be reviewed by facility personnel to ensure landscaping does not interfere with facility security measures.

3. The following uses require type 2 landscaping on all sides:

- a. School;
- b. Church; and
- c. Neighborhood community center.

4. The following uses require type 2 landscaping on all sides. Type 1 landscaping must be used in place of type 2 landscaping for any side bordering a mixed use zoning district or any residential zoning district:

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- a. Industrial uses (wholesaling, manufacturing, assembling, storing, repairing, fabricating and distribution of goods and other handling of products and equipment) within the LI and ARI zoning districts.

D. Landscaping between Parking Lots and Public Rights-of-Way.

1. Purpose. To provide visual relief and separation of parking areas from public rights-of-way. The following requirements apply to all parking lots located adjacent to a public right-of-way, except those provided for, and on the same lots with, single-family dwellings, and except for those land uses listed in subsection C of this section, which require type 1 landscaping on all sides. When a parking lot in any zone is located adjacent to a public right-of-way, a landscape strip as described below shall be provided on the property between the parking lot and the right-of-way. The landscaped strip may not include any paved area except pedestrian sidewalks or trails which cross the landscaped strip. Pedestrian access may be required to facilitate transit usage. Shrubs must be maintained at a maximum height of thirty-six inches. Any of the following landscaped strip treatments may be used singly or in combination:

- a. Provide a minimum ten-foot-wide landscape strip between the right-of-way and the parking lot to be planted with a minimum of one shade tree and ten shrubs per thirty-five linear feet of frontage, excluding driveway openings.
- b. Provide a berm, the top of which is at least two and one-half feet higher than the elevation of the adjacent parking lot pavement. The slope of the berm shall not exceed thirty-three percent for lawn areas. Berms planted with ground covers and shrubs may be steeper. However, no slope shall exceed fifty percent. Berms should be graded to appear smooth, rounded, naturalistic forms. Avoid narrow bumps, which result from creating too much height for width of the space. Plant with a minimum of one shade tree and five shrubs per thirty-five linear feet of frontage, excluding driveway openings.
- c. Provide a minimum six-foot-wide landscaped strip and a minimum three-foot grade drop from the right-of-way line to the adjacent parking lot pavement. Plant the resulting embankment with a minimum of one shade tree and five shrubs per thirty-five linear feet of frontage, excluding driveway openings. Ground cover or low shrubs shall be planted to attain seventy-five percent coverage within four years.
- d. Provide a minimum five-foot-wide landscaped strip between the right-of-way line and the parking lot, with a minimum three-foot-high brick, stone or finished concrete wall to screen the parking lot. The wall shall be located adjacent to but entirely outside the five-foot landscaped strip. Plant with a minimum of one shade tree per thirty-five linear feet of frontage, excluding driveway openings.
- e. Provide a minimum twenty-five-foot-wide strip of existing native vegetation, unless the creation of such a strip creates a hazard of existing trees as determined by a certified landscaper or forester.

E. Parking Area Interior Buffers.

1. Purpose. To provide visual relief and shade in parking areas. All parking areas with more than ten parking spaces are required to have landscaping as provided below.
2. Description.
 - a. Design.
 - i. Live planting material shall be provided throughout each landscaping area, and may be any combination of grass, shrubs and trees that provide the desired effect of providing visual relief and green space within the parking area.
 - ii. Each planting area shall contain at least one tree. Up to one hundred percent of the trees proposed for the planning area may be deciduous.
 - iii. Landscaping islands must be placed in every parking row at a maximum spacing of every ten parking spaces. Landscaping islands shall be a minimum of eight feet in width and shall extend the

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length of the parking stall. The minimum required width may be reduced for landscaping islands located in angled parking areas. In cases where no more than two parking rows wide are proposed for the entire parking lot, the maximum spacing requirement (ten spaces) may be varied as part of the site plan review process provided the total requirements for total landscaping area are met.

iv. To provide for vehicle overhang, curbs need to be located at least three feet from the trunk of the tree.

b. Required Amount.

i. If the parking area contains more than ten but no more than fifty parking spaces, at least seventeen and one-half square feet of landscape development must be provided for each parking stall proposed.

ii. If the area contains more than fifty but no more than one hundred parking spaces, at least twenty-five square feet landscape development must be provided for each parking stall proposed.

iii. If the parking area contains more than one hundred spaces, at least thirty-five square feet of landscape development must be provided for each parking stall proposed.

The above requirements are considered a minimum. Additional landscape area may be necessary to meet design requirements above.

F. Street Buffers.

1. Purpose. Provide visual relief along pedestrian corridors and to separate pedestrians from streets.

2. Description. Shall be in accordance with the development guide manual.

G. Outdoor Storage Buffers.

1. Purpose. Provide visual relief surrounding storage areas.

2. Description. A storage yard in connection with a permitted commercial or industrial use shall require visual screening from adjacent properties and public rights-of-way. Visual screening shall be required to consist of a continuous fence, wall, evergreen hedge, landscape planting or combination thereof so as to effectively screen the storage yard which it encloses, and be maintained in good condition. In cases where the physical characteristics of the parcel or surrounding parcels make actual screening from adjacent properties impossible or unreasonable, this requirement may be completely or partially waived by the hearing examiner after public hearing and review as required by the variance process.

H. Stormwater Facility Buffers.

1. Purpose. Provide buffers around aboveground stormwater detention/retention areas.

2. Description. The buffers must be provided according to the standards referenced and adopted in TMC Chapter 13.12.

(Ord. O2018-025, Amended, 12/18/2018; Ord. O2017-022, Amended, 12/05/2017; Ord. O2008-014, Amended, 10/21/2008; Ord. O99-001, Amended, 04/20/1999; Ord. O97-024, Added, 03/03/1998)

18.47.060 Alternative landscaping plan.

Alternative landscaping plans may be proposed where strict application of the requirements in this chapter would prohibit reasonable development of a property. The community development director may consider the topography, shape, size or other natural features of the property or design features of the development when considering the suitability of a proposed alternative landscaping plan.

Examples of situations where alternative landscaping plans are more likely to receive favorable consideration are mixed use buildings and developments that qualify for reduced parking under TMC Chapter 18.50. Another

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technique that can be used in alternative landscaping plans is the enhancement of landscaping in a nearby area to soften the overall effect of the development such as improvement of a nearby existing public right-of-way.

(Ord. O2011-002, Amended, 03/01/2011; Ord. O97-024, Added, 03/03/1998)

18.47.070 Penalty provision.

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. O2010-014, Amended, 06/15/2010; Ord. O97-024, Added, 03/03/1998)

TABLE 18.47: REQUIRED LANDSCAPING MATRIX

Zone Where Landscaping Is Required	Abutting Zone**																
	HI	LI	ARI	GC	TC	CS	HC	MU	CBC	BD	NC	MFH	MFM	MHP	SFM	SFL	RSR
RSR	1	1	1	1	1	1	1	1	1	1	1	2	2	2			
SFL	1	1	1	1	1	1	1	1	1	1	1	2	2	2			
SFM	1	1	1	1	1	1	1	1	1	1	1	2	2	2			
MHP	1	1	1	1	1	1	1	1	1	1	1	2	2	2	2	2	2
MFM	1	1	1	1	2	2	2	2	2	2	2			2	2	2	
MFH	1	1	1	1	2	2	2	2	2	2	2			2	2	2	
NC	1	1	1	2	2	2	2	2	2	2	2	2	2	1	1	1	1
MU	1	1	1	2	2	2	2	2	2	2	2	2	2	1	1	1	1
CBC	1	2	2	2	2	2	2	2	2	2	2	2	2	1	1	1	1
BD	1	2	2	2	2	2	2	2	2	2	2	2	2	1	1	1	1
HC	1	1		2	2	2	2	2	2	2	2	2	2	1	1	1	1
CS	1	2		2	2	2	2	2	2	2	2	2	2	1	1	1	1
TC	1	2	2	2	2	2	2	2	2	2	2	2	2	1	1	1	1
GC	1	2	2	2	2	2	2		2	2	2	1	1	1	1	1	1
ARI	2	2	2	2	2	2	1	1	2	2	1	1	1	1	1	1	1
LI	2	2	2	2	2	2	1	1	2	2	1	1	1	1	1	1	1
HI	2	2	2	1	1	1	1	1	2	2	1		1	1	1	1	1
Note: Type 1 and 2 landscaping are explained in TMC 18.47.050 preceding this matrix.																	

** Zones separated by public streets are not considered abutting and do not require vegetative separation, except as required in other sections of this chapter.

LEGEND**RSR**Residential/Sensitive
Resource**CS**

Community Service

HC

Historic Commercial

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LEGEND

SFL	Single-Family Low Density	MU	Mixed Use	ARI	Airport Related Industry
SFM	Single-Family Medium Density	GC	General Commercial	TC	Town Center
MFM	Multifamily Medium Density	LI	Light Industrial	CBC	Capitol Boulevard Community
MFH	Multifamily High Density	HI	Heavy Industrial	NC	Neighborhood Commercial
MHP	Manufactured Home Park	BD	Brewery District		

* Code reviser's note: A scrivener's error in the prior zoning code included the wrong requirements for buffers between MFM/MFH and MFM/MFM, an error that was inadvertently duplicated in Ordinance O2014-007. The Required Landscaping Matrix has been updated to include the correct provisions.

(Ord. O2018-007, Amended, 10/16/2018; Ord. O2014-007, Amended, 07/15/2014)