



CITY OF  
**TUMWATER**

**GENERAL GOVERNMENT COMMITTEE  
MEETING AGENDA**

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

**Wednesday, October 11, 2023  
8:00 AM**

1. Call to Order
2. Roll Call
3. Approval of Minutes: General Government Committee, September 13, 2023
4. 2025 Comprehensive Plan Periodic Update – Development Code (Brad Medrud)
5. Letter of Commitment with State Department of Commerce for 2025 Comprehensive Plan Periodic Update Climate Planning Grant Application (Brad Medrud)
6. Third Amendment to the Phase 2 Service Provider Agreement for the Bush Prairie Habitat Conservation Plan (HCP) (Brad Medrud)
7. Additional Items
8. Adjourn

**Meeting Information**

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

**Watch Online**

<https://us02web.zoom.us/j/84277080584?pwd=djdOdTRNOVR3U2VXeEZFeKZReTZnUT09>

**Listen by Telephone**

Call (253) 215-8782, listen for the prompts and enter the Webinar ID 842 7708 0584 and Passcode 269886.

**Public Comment**

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

**Post Meeting**

Audio of the meeting will be recorded and later available by request, please email [CityClerk@ci.tumwater.wa.us](mailto:CityClerk@ci.tumwater.wa.us).

**Accommodations**

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

**TUMWATER GENERAL GOVERNMENT COMMITTEE  
MINUTES OF VIRTUAL MEETING  
September 13, 2023 Page 1**

**CONVENE:** 8:00 a.m.

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

Staff: City Attorney Karen Kirkpatrick, Community Development Director Michael Matlock, Finance Director Troy Niemeyer, Planning Manager Brad Medrud, Communications Manager Ann Cook, and Housing and Land Use Planner Erika Smith-Erickson.

**APPROVAL OF MINUTES:  
GENERAL  
GOVERNMENT  
COMMITTEE,  
AUGUST 9, 2023:**

**MOTION:** Councilmember Dahlhoff moved, seconded by Councilmember Cathey, to approve the minutes of August 9, 2023 as published. A voice vote approved the motion unanimously.

**2025 COMPREHENSIVE  
PLAN PERIODIC UPDATE -  
LAND USE:** Manager Medrud reported the update would cover the 15 Growth Management Act (GMA) Goals, the current version of the Land Use Element, specific issues related to the Element, new requirements to incorporate diversity, equity, and inclusion, and a review of state guidance materials.

Manager Medrud reviewed the 15 Growth Management Act Goals:

1. **Urban growth.** Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.
2. **Reduce sprawl.** Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.
3. **Transportation.** Encourage efficient multimodal transportation systems that will reduce greenhouse gas emissions and per capita vehicle miles traveled, and are based on regional priorities and coordinated with county and city comprehensive plans.
4. **Housing.** Plan for and accommodate housing affordable to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.
5. **Economic development.** Encourage economic development throughout the state that is consistent with adopted comprehensive plans, promote economic opportunity for all citizens of this state, especially for unemployed and for disadvantaged persons, promote the retention and expansion

**TUMWATER GENERAL GOVERNMENT COMMITTEE**  
**MINUTES OF VIRTUAL MEETING**  
**September 13, 2023 Page 2**

of existing businesses and recruitment of new businesses, recognize regional differences impacting economic development opportunities, and encourage growth in areas experiencing insufficient economic growth, all within the capacities of the state's natural resources, public services, and public facilities.

- 6. Property rights.** Private property shall not be taken for public use without just compensation having been made. The property rights of landowners shall be protected from arbitrary and discriminatory actions.
- 7. Permits.** Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability.
- 8. Natural resource industries.** Maintain and enhance natural resource-based industries, including productive timber, agricultural, and fisheries industries. Encourage the conservation of productive forestlands and productive agricultural lands, and discourage incompatible uses.
- 9. Open space and recreation.** Retain open space and green space, enhance recreational opportunities, enhance fish and wildlife habitat, increase access to natural resource lands and water, and develop parks and recreation facilities.
- 10. Environment.** Protect and enhance the environment and enhance the state's high quality of life, including air and water quality, and the availability of water.
- 11. Citizen participation and coordination.** Encourage the involvement of citizens in the planning process, including the participation of vulnerable populations and overburdened communities, and ensure coordination between communities and jurisdictions to reconcile conflicts.
- 12. Public facilities and services.** Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards.
- 13. Historic preservation.** Identify and encourage the preservation of lands, sites, and structures that have historical or archaeological significance.
- 14. Climate change and resiliency.** Ensure that comprehensive plans, development regulations, and regional policies, plans and strategies under RCW 36.70A.210 and chapter 47.80 RCW adapt to and mitigate the effects of a changing climate; support reductions in greenhouse gas emissions and per capita vehicle miles traveled; prepare for climate impact scenarios; foster resiliency to climate impacts and natural hazards; protect and

**TUMWATER GENERAL GOVERNMENT COMMITTEE**  
**MINUTES OF VIRTUAL MEETING**  
**September 13, 2023 Page 3**

enhance environmental, economic, and human health and safety; and advance environmental justice.

- 15. Shorelines of the state.** For shorelines of the state, the goals and policies of the shoreline management act as set forth in RCW 90.58.020 shall be considered an element of the county's or city's comprehensive plan.

In addition to meeting GMA goals, the City's Land Use Element will need to address the following:

1. Designate the proposed general distribution and general location and extent of the uses of land.
2. Include population densities, building intensities, and estimates of future population growth.
3. Provide for protection of the quality and quantity of groundwater used for public water supplies.
4. Give special consideration to achieving environmental justice in its goals and policies, including efforts to avoid creating or worsening environmental health disparities.

Other state requirements for the Land Use Element:

- Consider utilizing urban planning approaches that promote physical activity and reduce per capita vehicle miles traveled within the jurisdiction, but without increasing greenhouse gas emissions elsewhere in the state.
- Review drainage, flooding, and stormwater runoff in the area and nearby jurisdictions and provide guidance for corrective actions to mitigate or cleanse those discharges that pollute waters of the state, including Puget Sound or waters entering Puget Sound.
- Reduce and mitigate the risk to lives and property posed by wildfires by using land use planning tools.

Manager Medrud reviewed the format of the Land Use Element:

- Introduction
  - Vision and Mission Statements
  - Strategic Planning Goals – will be changing based on current Council Strategic Goals and Planning Goals
  - Compliance with Individual GMA Goals
  - Compliance with County-wide Planning Policies
  - Compliance with Sustainability Thurston Plan Goals
  - Amendment Process
- Designations & Definitions
  - Introduction, including Citywide Future Land Use Map
  - Use Categories

**TUMWATER GENERAL GOVERNMENT COMMITTEE**  
**MINUTES OF VIRTUAL MEETING**  
**September 13, 2023 Page 4**

- Design Review
- Maximum and Minimum Densities
- Clustering
- Modular and Manufactured Housing
- Innovative Housing and Urban Planning Approaches promoting Physical Activity
- Land Use Goals, Policies, and Actions
  - Introduction
  - Goals, Policies, and Actions
  - Implementation Policies
- Land Supply Analysis
  - Introduction
  - Partially Used and Under Utilized Land Supply Analysis
  - Partially Used and Under Utilized Land Supply Analysis
  - Analysis of Population Accommodation
- Appendices
- Land Use Maps
- Subarea Plans

Manager Medrud shared information on available resources for more information on the update and the requirements. A link to the current Land Use Element is at:

<https://www.ci.tumwater.wa.us/departments/community-development-department/tumwater-comprehensive-plan>.

Department of Commerce Land Use Guidance Materials include:

- Urban Growth Area Guidebook
- Periodic Update Checklist for Fully-Planning Cities

The Department of Commerce has provided guidance specific to the periodic update on its Periodic Update webpages:

<https://www.commerce.wa.gov/serving-communities/growth-management/periodic-update/>

[www.commerce.wa.gov/serving-communities/growth-management/growth-management-topics](https://www.commerce.wa.gov/serving-communities/growth-management/growth-management-topics)

The Department of Commerce published an Urban Growth Area Guide to explain the necessary steps in updating the Land Use Element and describing the process for reviewing, updating, and implementing urban growth areas, which comprises the City and its associated urban growth area, including population forecasts and conducting a fiscal analysis for urban services.

**TUMWATER GENERAL GOVERNMENT COMMITTEE**  
**MINUTES OF VIRTUAL MEETING**  
**September 13, 2023 Page 5**

A Periodic Update Checklist helps cities that are planning under the Growth Management Act to conduct the periodic review and update of comprehensive plans and development regulations required by RCW 36.70A.130(4). The checklist identifies what needs to be updated to reflect local conditions or to comply with changes in law since the last periodic update.

Additionally, Puget Sound Regional Council is conducting a series of workshops on a variety of topics related to the periodic update at: [www.psrc.org/our-work/passport-2044-comprehensive-plan-workshop-series](http://www.psrc.org/our-work/passport-2044-comprehensive-plan-workshop-series), and Municipal Research Services Center has a Comprehensive Planning webpage at: <https://mrsc.org/getdoc/d7964de5-4821-4c4d-8284-488ec30f8605/Comprehensive-Planning.aspx>.

Manager Medrud reported the update process is in Phase 1 with community outreach scheduled in the fall. The committee will receive additional information on the schedule at its October meeting. Staff continues to work on the gap analysis and data collection. The gap analysis will include a review of the checklist and periodic update materials to ensure staff is addressing all requirements, as well as some concerns raised throughout the year.

Topics for upcoming meetings include the development code update process, which is required in addition to the Comprehensive Plan Periodic Update to reflect any changes in the plan. The committee will review the new Climate Element and existing Conservation Elements at the November meeting. At the December meeting, staff will brief the committee on the Economic Development Plan and pending updates, as well as Lands for Public Purposes (Water, Sewer, & Stormwater), and the Utilities Element (private). At the January meeting, Assistant Transportation and Engineering Director Ames will provide a report on the Transportation Plan Update.

Next year, staff will continue public outreach with individual briefings on the Elements as new language is drafted to the General Government Committee and the Planning Commission.

Phase 3 is the legislative process that begins in fall 2024 to initiate the adoption process. The schedule is aggressive with a deadline of June 30, 2025 to achieve.

For the October 24, 2023 City Council work session, staff will provide an update on the status of the update and larger issues of importance.

**TUMWATER GENERAL GOVERNMENT COMMITTEE**  
**MINUTES OF VIRTUAL MEETING**  
**September 13, 2023 Page 6**

Manager Medrud invited members to forward comments and questions or send to the periodic email at: [compplan@ci.twater.wa.us](mailto:compplan@ci.twater.wa.us). The Comprehensive Plan Update website contains all guidance material, meeting materials, presentations, and staff reports published to date, as well as a calendar for upcoming events.

Chair Althausen asked whether the goal to shorten and simplify the Comprehensive Plan for greater accessibility to the public would satisfy all the new legislative requirements the plan must address. Manager Medrud explained that the City has specific requirements by the state. The overall Comprehensive Plan will be of a similar size as the current plan; however, the format and layout will be conducive for future use, such as for the policies and goals. Those elements will be separated from the main plan to benefit the Council, Commissions, Boards, and staff and to ensure easier action and serve as a way to monitor progress on actions. Staff are exploring different options to produce a user guide explaining the document.

Councilmember Dahloff suggested providing the Council with separate Elements rather than the entire document at one time to assist the Council in becoming more engaged and responsive. She asked how changes to the plan, which is often inevitable, would affect the timeline to meet the submittal deadline. Manager Medrud explained that the website for the plan would include all the guidance materials. Staff have discussed creating folders for both the Council and the Planning Commission. Taking advantage of a file sharing system should ensure the Council remains updated without inundating the Council with hundreds of pages of the document. The preferable way to submit comments is electronically to staff. As much as possible, staff will work to provide early drafts on each Element. One joint meeting with the Planning Commission is scheduled in December to discuss the next steps of the update. In the case of housing and land use designations, joint meetings between the Council and Planning Commission would benefit the process.

**2025 Comprehensive Plan**  
**Periodic Update – Housing:**

Manager Medrud reported that in 2018, the Council advocated for affordable housing as a priority and goal in the community. Recent information from the Department of Commerce indicates that the entire state will need one million new homes in the next 20 years. Thurston County represents slightly less than 10% of that total or 30,000 housing units in the entire county to include emergency housing. The problem is not only local, but it is a statewide issue of not having sufficient affordable housing for everyone who lives in the community.

In December, Puget Sound Regional Council and the Department of



**TUMWATER GENERAL GOVERNMENT COMMITTEE**  
**MINUTES OF VIRTUAL MEETING**  
**September 13, 2023 Page 7**

Commerce completed a housing statewide survey. The survey was segregated by Central Puget Sound, Eastern Washington, and Western Washington. Thurston County is within the Western Washington category. Responses were comparable across all regions. Approximately 83% of respondents said reasonably priced housing was needed in the community. Respondents also indicated that more housing options were needed. Housing costs were by far the biggest issue than traffic or transportation. Respondents said rents were too high by more than 77% and 75% indicated it was too costly to purchase a home. The surprising aspect of the survey was the degree housing has become such a large issue. More respondents agree that more diverse and affordable housing types should be provided in the community, to include middle housing.

The GMA sets out the requirements for housing, as well as the County-Wide Planning Policies. The City's Comprehensive Plan includes the policies and land use designations that set the broad framework. Housing is an area where the Council and the Planning set the direction for the community. Within the permitting realm, housing becomes constrained under state law. The goals for affecting change or pursuing a vision are issues that need to be included in the discussion as part of the update of the Comprehensive Plan. The discussion will include the Housing Element and development regulations.

Manager Medrud reviewed a diagram provided by the Department of Commerce outlining the new GMA framework for updating the Housing Element. The new requirements address housing needs, requirements, and new equity requirements to address racially disparate impacts. A set of requirements will need to be satisfied as part of the update to the Housing Element. Many aspects of the Housing Element also affect other elements of the Comprehensive Plan.

The Office of Financial Management (OFM) provides population projections by county. The Department of Commerce provides housing need projections by county, as well as an allocation tool and guidance. The City received its population projection from Thurston Regional Planning Council as part of the allocation process completed in 2018 and 2020. The forecast is currently valid for the City. Staff is determining the City's housing need based on the population forecast and existing needs. The City's responsibilities include a public participation plan as a guiding document for the entire update. The City is in the first phase of assessing housing needs consistent with the allocation to be received by the end of October. The City must also demonstrate the availability of sufficient land for housing needs and for different types of housing

**TUMWATER GENERAL GOVERNMENT COMMITTEE  
MINUTES OF VIRTUAL MEETING  
September 13, 2023 Page 8**

units. Another element of the new equity requirements is identifying areas where there is a higher risk of displacement. The City will also allocate housing for future needs, which will result in changing neighborhoods, as well as identifying changes to the neighborhoods and who might be displaced. The middle phase will identify barriers and limitations to housing production. Recent direction from the state is removal of barriers to development of housing.

Concurrently, staff will review policies and regulations to identify any policies or regulations that contribute to racially disparate, displacement, and exclusions in housing. Language will be reviewed that could be construed as problematic.

The last phase of the update process includes documenting programs and actions required to achieve housing availability for all income levels, connections to employment, and development of goals, policies, and objectives for single family to moderate density housing. In terms of equity, the update will identify and implement policies and regulations to undo racially disparate impacts, displacement, and exclusion. The City is also required to establish anti-displacement policies.

Manager Medrud referred to the guidance document on racially disparate impacts. The Department of Commerce has developed a detailed process the City will follow to document the work.

State requirements for the Housing Element are outlined in the RCWs and include an inventory analysis of all existing and projected housing needs for all income groups, as well as for emergency shelters and permanent supportive housing. The City must also address housing preservation in addition to new housing to accommodate growth. The population allocation today is approximately 27,000 people with the population forecast in 20 years close to 37,000 people.

The Legislature emphasized the importance of accessory dwelling units (ADUs) to meet housing needs. The new requirement will require the City to reevaluate densities, intensities, and zones. New state regulations add ADUs per lot, which have not been counted by the City towards density. Current zoning of Single Family Low Density can range from six to nine dwelling units per acre. Adding ADUs could exceed the density range, which will require the City to plan for services based on the highest density possible and the potential of adding ADUs.

Manager Medrud reviewed a graphic of the process. Currently, the update is at the first step of public engagement and the process of

**TUMWATER GENERAL GOVERNMENT COMMITTEE**  
**MINUTES OF VIRTUAL MEETING**  
**September 13, 2023 Page 9**

gathering and analyzing data. Next steps include evaluating policies followed by revision of development regulations and completing the review and updating of the development regulations.

In terms of SEPA review, any adoption of actions increasing housing capacity, housing affordability, or mitigating displacement that apply outside of critical areas are not subject to SEPA appeals.

In terms of supporting policies, the County-Wide Planning Policies were updated in 2015; however, the policies are consistent with current state legislation pertaining to the accommodation of low and moderate income housing throughout each jurisdiction rather than isolating in certain areas and exploring ways to reduce cost of housing. The policies speak to accomplishing a fair distribution of affordable housing among the jurisdictions.

Sustainable Thurston goals focus on the connection between housing and land use, such as increasing housing along urban corridors and centers.

Much of the work completed to date on the Housing Action Plan will be incorporated within the update. The Housing Action Plan will help guide changes to policies and regulations. The Housing Action Plan supports the process by informing the Comprehensive Plan Update, Housing Element, Capital Facilities, and Land Use Elements, as well as guiding implementation.

Manager Medrud reported the structure of the Housing Element is similar to the Land Use Element. He outlined some of the different sections.

Manager Medrud reviewed guidance materials provided by the Department of Commerce. He recommended reviewing the following materials:

- Periodic Update Checklist for Fully-Planning Cities (March 2023)
- Guidance to Address Racially Disparate Impacts (April 2023)
- Establishing Housing Targets for Your Community (July 2023)
- Guidance for Updating Your Housing Element (2022)
- Missing Middle

A senior planner with the Department of Commerce is scheduled to brief the Planning Commission on September 26, 2023. A copy of the presentation can be provided to the committee.

**TUMWATER GENERAL GOVERNMENT COMMITTEE  
MINUTES OF VIRTUAL MEETING  
September 13, 2023 Page 10**

Phase I – Community Engagement

*Summer 2023 – Fall 2023*

- Community Outreach – Initial Actions
- Gap Analysis – To be completed September 2023
- Data Collection – To be completed Spring 2024
- Format of the Updated Plan – To be completed September 2023

Councilmember Dahlhoff asked whether the checklist would be shared with the committee. Manager Medrud said staff is currently completing the checklist by identifying the status of compliance with the code and required updates. The document will be shared with the Council and the Commission throughout the process to track how issues are being addressed.

Chair Althausen noted that according to some statistics, every \$100 increase in rent results in a corresponding increase in homelessness, which is relevant because the tighter the housing market becomes, the more expensive housing becomes, which increases the number of homeless. He suggested the element should speak to homelessness by paying particular attention to the cost of housing.

Manager Medrud shared that he participated in a meeting on homelessness in the state. The presentation was from a demographer from the University of Washington who reviewed data from the state and throughout the country on the levels of and causes of homelessness. In terms of a tight housing market, an increase in rents was by far the strongest correlation to a person becoming homeless, especially in our state.

Councilmember Cathey noted that the City is essentially restricted in addressing rental rates. Manager Medrud affirmed the City is unable under state law to address rent controls; however, it is possible to address issues that limit supply and the development of new housing.

Discussion ensued on how the vacancy of older units as tenants move on to newer and often higher priced housing frees up lower cost units for the population. Councilmember Cathey expressed ongoing concerns that the market will continue to dictate costs and increase the cost of housing regardless of the amount of supply. Manager Medrud commented on the importance of the City considering measures that would help address the issue.

**ADJOURNMENT:**

**With there being no further business, Chair Althausen adjourned the meeting at 9:04 a.m.**

**TUMWATER GENERAL GOVERNMENT COMMITTEE  
MINUTES OF VIRTUAL MEETING  
September 13, 2023 Page 11**

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

TO: General Government Committee  
FROM: Brad Medrud, Planning Manager  
DATE: October 11, 2023  
SUBJECT: 2025 Comprehensive Plan Periodic Update – Development Code

---

1) Recommended Action:

This is a discussion item about the state required development code updates that will be a part of the 2025 Comprehensive Plan periodic update. Please review the attached memorandum and other materials and be prepared to discuss.

---

2) Background:

On a ten-year cycle, the City must conduct a Growth Management Act periodic update of its Comprehensive Plan and related development regulations. For the current cycle, the City is required to complete work on the periodic update by June 30, 2025. Work on the periodic update started last fall.

[2025 Comprehensive Plan Update | City of Tumwater, WA](#) has links to guidance material and information about the update.

The intent of this General Government Committee briefing is to present and discuss the state requirements for development code updates for the 2025 periodic update process.

---

3) Policy Support:

Goal LU-1: Ensure the Land Use Element is implementable and coordinated with all applicable City plans and the plans of other jurisdictions in the Thurston region.

Policy LU-1.9: Ensure consistency between the Land Use Element and the Tumwater Zoning Code.

---

4) Alternatives:

☐ None.

---

5) Fiscal Notes:

This is primarily an internally funded work program task. The City has filed an application for a Washington State Department of Commerce grant for \$125,000 to update the Transportation Plan and Economic Development Plan. The City has filed an application for a Washington State Department of Commerce grant for \$75,000 to address the new state middle housing requirements. The City is preparing a Washington State Department of Commerce grant application for \$500,000 to support the development of a Climate Element and supporting implementation actions.

---

6) Attachments:

- A. Staff Report
- B. Presentation
- C. Commerce Periodic Update Checklist March 2023

# STAFF REPORT



Date: October 11, 2023  
To: General Government Committee  
From: Brad Medrud, Planning Manager

## 2025 Comprehensive Plan Periodic Update – Development Code

On a ten-year cycle, the City must conduct a Growth Management Act periodic update of its Comprehensive Plan and related development regulations. For the current cycle, the City is obligated to complete work on the periodic update by June 30, 2025. Work on the periodic update started last fall.

The intent of the General Government Committee meeting on Wednesday, October 11, 2023, is to discuss the state requirements for updating the City’s Municipal Code.

### Contents

1. State Required Development Code Updates.....	2
A. Accessory Dwelling Units.....	2
B. Clean Energy Siting .....	3
C. Climate Change .....	4
D. Condominiums and Smaller Residential Units .....	4
E. Critical Area Regulations Update .....	5
F. Design Review Standards .....	5
G. Floodplain Ordinance Update .....	5
H. Impact Fees for Early Learning Facilities .....	6
I. Impact Fees for Bicycle and Pedestrian Facilities .....	6
J. Manufactured Housing.....	7
K. Middle Housing.....	7
L. Organic Materials Management .....	9
M. Parking for Affordable and Multifamily Housing Near Transit.....	9
N. Permit Review Process .....	11
O. Religious Sponsored Housing Density Bonus .....	12



P. Religious Sponsored Temporary Housing .....	12
Q. Residential Density Review .....	13
R. SEPA Catagorical Exemptions .....	13
S. Use of Existing Buildings for Residential Purposes .....	14
2. City Sponsored Development Code Updates.....	15
A. Density Bonus Requirements .....	15
B. General Amendments to Support Comprehensive Plan Update .....	15
C. Inpatient Substance Abuse Facilities in Essential Public Facilities.....	15
Appendix A. Resources and Guidance .....	16
1. City of Tumwater .....	16

## 1. State Required Development Code Updates

### A. Accessory Dwelling Units

Accessory Dwelling Units (EHB 1337)		
Summary	Code to be Amended	Notes
Expand housing options by easing barriers to the construction and use of accessory dwelling units.	Sections throughout Title 18 Zoning, especially TMC 18.42.010 Accessory Dwelling Units	<p>Ensure accessory dwelling unit development regulations address the following state requirements:</p> <ul style="list-style-type: none"> <li>• Impact fees for accessory dwelling units may not be greater than 50% of single-family homes.</li> <li>• Allow two accessory dwelling units per lot.</li> <li>• Maximum size of accessory dwelling units may be no less than 1,000 square feet.</li> <li>• No development or design standards for accessory dwelling units that are more restrictive than on the principal home.</li> <li>• Must allow conversion of existing building to an accessory dwelling unit even if nonconforming.</li> </ul> <p>Actions to implement EHB 1337 are exempt from appeal under SEPA and to the Growth Management Hearings Board.</p> <p>MRSC Article: <a href="#">MRSC – Major Changes to Washington's Housing Laws</a></p>

Accessory Dwelling Units (EHB 1337)		
Summary	Code to be Amended	Notes
		Effective no later than six months after 2025 Comprehensive Plan update deadline (December 31, 2025), or EHB 1337 supersedes City code.

## B. Clean Energy Siting

Reducing Light Pollution Associated with Certain Energy Infrastructure (ESHB 1173)		
Summary	Code to be Amended	Notes
Reduce light pollution associated with wind energy infrastructure.	TMC 18.40.035 Exterior Illumination	The bill includes requirements for installation of FAA-approved light-mitigation systems on both existing and new wind energy facilities.  Effective July 1, 2023.

Clean Energy Siting (E2SHB 1216)		
Summary	Code to be Amended	Notes
New state clean energy siting standards.	Chapter 16.04 Environmental Policy and Title 18 Zoning	Creates a fully coordinated permitting process for clean energy facilities of statewide significance.  The City must enter into an agreement with Ecology to implement this expedited process.  The legislation defines a unique SEPA process.  MRSC Article: <a href="#">MRSC – New Legislation Related to Climate and the Natural Environment</a>  Effective July 23, 2023. All requirements apply to new clean energy facilities permitting after that.

## C. Climate Change

Climate (E2SHB 1170/E2SHB 1181)		
Summary	Code to be Amended	Notes
Improve City response to climate change by updates to the development code in support of new Climate Element.	Sections throughout Title 18 Zoning	<p>Address the following:</p> <ul style="list-style-type: none"> <li>New amended Growth Management Act goals: Climate Change &amp; Resiliency, Transportation, Open Space &amp; Recreation, Environment, Citizen Participation and Coordination.</li> </ul> <p>Add designations for greenspaces and urban forests in zone districts.</p> <p>MRSC Article: <a href="#">MRSC – New Legislation Related to Climate and the Natural Environment</a></p> <p>The City's deadline is June 30, 2025.</p>

## D. Condominiums and Smaller Residential Units

Condominiums and Smaller Residential Units (E2SSB 5258)		
Summary	Code to be Amended	Notes
Increase the supply and affordability of small residential units such as condominium units and townhouses.	<p>Chapter 3.50 Impact Fees</p> <p>Title 17 Land Division</p>	<p>Address the following:</p> <ul style="list-style-type: none"> <li>Impact fee schedule must reflect the proportionate impact of new housing units, including multifamily and condominium units, based on the square footage, number of bedrooms, or trips generated, in the housing unit to produce a proportionally lower impact fee for smaller housing units.</li> <li>Amend short plat regulations procedures for unit lot subdivisions to allow division of a parent lot into separately owned unit lots (unit lot subdivision). Portions of the parent lot not subdivided for individual unit lots would be owned in common by the owners of the individual unit lots, or by a homeowners' association made up of the owners of the individual unit lots.</li> </ul> <p>Impact fee requirements effective no later than six months after 2025 Comprehensive Plan update deadline (December 31, 2025),</p>

		Unit lot subdivision requirements effective July 23, 2023.
--	--	--

## E. Critical Area Regulations Update

Critical Area Regulations Update		
Summary	Code to be Amended	Notes
Update critical areas regulations for wetlands, critical aquifer recharge areas, frequently flooded areas, geologically hazardous areas, and fish wildlife conservation areas.	Title 16 Environment	Guided by the State Department of Commerce Critical Areas Checklist, update Title 16 Environment to reflect current state requirements.  Due by June 30, 2025.

## F. Design Review Standards

Design Review Standards (ESHB 1293)		
Summary	Code to be Amended	Notes
Apply only clear and objective design review standards to the exterior of new development.	Chapter 18.43 Citywide Design Standards	Review all design standards to ensure they meet the bill's definition of 'clear and objective.'  Ensure that the City's design review process is concurrent with the land use permit process and has no more than one public design review meeting.  Effective no later than six months after 2025 Comprehensive Plan update deadline (December 31, 2025)

## G. Floodplain Ordinance Update

Floodplain Ordinance Update		
Summary	Code to be Amended	Notes
Update the City's Floodplain Ordinance to reflect current FEMA and State Department of Ecology standards.	Chapter 18.38 FP Floodplain Overlay	City Staff took part in the Community Assistance Visit (CAV) process with Washington State Department of Ecology in the spring of 2023.

Floodplain Ordinance Update		
Summary	Code to be Amended	Notes
		<p>The primary purpose of the CAV was to review the procedures for administering and enforcing the City's flood damage prevention ordinance. The CAV also provided current information about the National Flood Insurance Program, and discussed items of concern that the City may have with the administration of the local floodplain management program.</p> <p>Chapter 18.38 Floodplain Overlay was reviewed during the CAV. The City's ordinance was overall in fair standing, with minor updates needed to bring the ordinance into compliance with NFIP and State of Washington standards. It was discussed during the CAV that the City will complete all needed updates and adopt a compliant ordinance to close out the CAV.</p>

## H. Impact Fees for Early Learning Facilities

Impact Fees for Early Learning Facilities (SHB 1331)		
Summary	Code to be Amended	Notes
Limits impact fees that may be collected for early learning facilities	Chapter 3.50 Impact Fees	Determine if impact fees for early learning facilities are not more than commercial retail or offices of a similar size.

## I. Impact Fees for Bicycle and Pedestrian Facilities

Impact Fee Study for Bicycle and Pedestrian Facilities (SB 5452)		
Summary	Code to be Amended	Notes
Authorize impact fee revenue to fund improvements to bicycle and pedestrian facilities.	Chapter 3.50 Impact Fees	<p>Ensure impact fee study includes assessment of impacts to bike and pedestrian facilities and includes in impact fee calculation.</p> <p>MRSC Article: <a href="#">MRSC – New Legislation Related to Climate and the Natural Environment</a></p>

## J. Manufactured Housing

Manufactured Housing (SB 5452)		
Summary	Code to be Amended	Notes
Update manufactured housing codes to meet state requirements.	Chapter 18.48 Designated Manufactured Homes – Manufactured Homes – New Manufactured Homes – Mobile Homes – Manufactured Home Parks	<p>Starting in 2019, manufactured housing is regulated the same as site-built housing (RCW 35.21.684 amended in 2019, RCW 35.63.160, RCW 35A.21.312 amended in 2019 and RCW 36.01.225 amended in 2019).</p> <p>The City may require that manufactured homes: (1) are new, (2) are set on a permanent foundation, and (3) comply with local design standards applicable to other homes in the neighborhood but may not discriminate against consumer choice in housing.</p>

## K. Middle Housing

Middle Housing (E2SHB 1110)		
Summary	Code to be Amended	Notes
Increase middle housing in areas traditionally dedicated to single-family detached housing	Throughout Title 18 Zoning  Title 17 Land Division	<p>Address the following:</p> <ul style="list-style-type: none"> <li>At least two units per lot in residential zones except on lots less than 1,000 square foot), unless higher-density zoning applies.</li> <li>At least four units per lot in residential zones except lots less than 1,000 square foot, unless higher-density zoning applies, if at least one unit is affordable housing.</li> <li>Tumwater does not have any major transit stops that meet the bill's definition. According to the legislation:  <i>"Major transit stop" means:</i>  <i>(a) A stop on a high-capacity transportation system funded or expanded under the provisions of chapter 81.104 RCW;</i>  <i>(b) Commuter rail stops;</i>  <i>(c) Stops on rail or fixed guideway systems; or</i>  <i>(d) Stops on bus rapid transit routes.</i> </li> <li>Note that the requirements for accessory dwelling units, parking, and transit availability are broader than what is in E2SHB 1110.</li> </ul>

Middle Housing (E2SHB 1110)		
Summary	Code to be Amended	Notes
		<ul style="list-style-type: none"> <li>As an alternative to first two bullets above, meet their density requirements on 75% of City lots that are primarily dedicated to single-family. Also, meet criteria for the other 25%.</li> <li>Meeting the two accessory dwelling unit per lot requirements of EHB 1337 may address some of these requirements.</li> <li>Allow at least six of the nine types of middle housing in residential zones.</li> <li>Allow zero lot line short plats.</li> <li>Limit design review for middle housing to administrative process, and not apply any development standards that do not apply to single-family houses.</li> <li>Limit parking requirements for middle housing to one parking space on lots less than 6,000 square feet and two spaces on lots greater than 6,000 square feet. There is a possibility to submit a transportation safety study to Commerce.</li> <li>Actions on all the above bullets are exempt from appeal under SEPA.</li> <li>There is a possibility for Commerce approval of 'substantially similar' plans and regulations to those required in this bill.</li> <li>There is a possibility for Commerce to give a timeline extension if will result in displacement or overburdened infrastructure. The Capital Facilities Plan update can also be delayed by the City if an extension is granted.</li> <li>Actions to remove parking requirements for infill development in an urban growth area categorically exempt from SEPA.</li> </ul> <p>Common Interest Communities (e.g., condominium or homeowners' associations) cannot prohibit implementation of this bill.</p> <p>MRSC Article: <a href="#">MRSC – Major Changes to Washington's Housing Laws</a></p> <p>MRSC Article: <a href="#">MRSC – Missing Middle Housing</a></p>

Middle Housing (E2SHB 1110)		
Summary	Code to be Amended	Notes
		<p>MAKERS Article: <a href="#">How Washington's Middle Housing Legislation Applies in Your Community – MAKERS architecture and urban design</a></p> <p>Effective no later than six months after 2025 Comprehensive Plan update deadline (December 31, 2025).</p>

## L. Organic Materials Management

Organic Materials Management (ESSHB 1799)		
Summary	Code to be Amended	Notes
Update essential public facilities code to address compost handling to help meet climate commitment goals by reducing the emissions of methane, a potent greenhouse gas, through the diversion of organic materials from landfills.	TMC 18.56.140 Essential Public Facilities	Add compost handling facilities as a category of essential public facilities allowed in the City requiring a conditional use permit.

## M. Parking for Affordable and Multifamily Housing Near Transit

Parking for Affordable and Multifamily Housing Near Transit (E2SHB 1923/SHB 2343)		
Summary	Code to be Amended	Notes
Update parking code to reflect recent state legislation	Chapter TMC 18.50 Parking	<p>(1) For housing units that are affordable to very low-income or extremely low-income individuals and that are located within one-quarter mile of a transit stop that receives transit service at least two times per hour for twelve or more hours per day, minimum residential parking requirements may be no greater than one parking space per bedroom or 0.75 space per unit.</p> <p>The City may establish a requirement for the provision of more than one parking space per bedroom or 0.75 space per unit if the</p>



Parking for Affordable and Multifamily Housing Near Transit (E2SHB 1923/SHB 2343)		
Summary	Code to be Amended	Notes
		<p>jurisdiction has determined a particular housing unit to be in an area with a lack of access to street parking capacity, physical space impediments, or other reasons supported by evidence that would make on-street parking infeasible for the unit.</p> <p>This would affect such developments along the Intercity Transit 12 and 13 lines.</p> <p>(2) For housing units that are specifically for seniors or people with disabilities, which are located within one-quarter mile of a transit stop that receives transit service at least four times per hour for twelve or more hours per day, the City may not impose minimum residential parking requirements for the residents of such housing units.</p> <p>The City may establish parking requirements for staff and visitors of such housing units and consider other special conditions.</p> <p>This would affect developments along the Intercity Transit 13 lines.</p> <p>(3) For market rate multifamily housing units that are located within one-quarter mile of a transit stop that receives transit service from at least one route that provides service at least four times per hour for twelve or more hours per day, minimum residential parking requirements may be no greater than one parking space per bedroom or 0.75 space per unit.</p> <p>The City may establish a requirement for the provision of more than one parking space per bedroom or 0.75 space per unit if it has determined a particular housing unit to be in an area with a lack of access to street parking capacity, physical space impediments, or other reasons supported by evidence that would make on-street parking infeasible for the unit.</p>

Parking for Affordable and Multifamily Housing Near Transit (E2SHB 1923/SHB 2343)		
Summary	Code to be Amended	Notes
		This would affect developments along the Intercity Transit 13 lines.

## N. Permit Review Process

Project Permit Review (2SSB 5290)		
Summary	Code to be Amended	Notes
Merge local permit review processes	Title 14 Development Code Administration	<p>There are new permit review timelines for project permit applications submitted to the City after January 1, 2025:</p> <ul style="list-style-type: none"> <li>For projects that do not require public notice, the final decision must be issued within 65 days of the determination of completeness.</li> <li>For projects that do require public notice, the final decision must be issued within one hundred days of the determination of completeness.</li> <li>For project permits which require both notice and a public hearing, the final decision must be issued within 170 days of the determination of completeness.</li> </ul> <p>Failure to adhere to the established permit review timelines would result in the City refunding an applicant's permit fees on a pro-rated basis — up to a 20% refund depending on the length of the delay.</p> <p>Address the following:</p> <ul style="list-style-type: none"> <li>Review permits to decide what can be excluded from RCW 36.70B timelines.</li> <li>Exclude interior alterations from site plan review.</li> <li>Commerce will have new grant programs for permitting process improvements.</li> <li>Review Title 18 permit procedures for compliance with the bill's amendments to RCW 36.70B.</li> </ul>

Project Permit Review (2SSB 5290)		
Summary	Code to be Amended	Notes
		<p>Update annual report on permit timelines as described in the bill (Commerce to develop report template).</p> <p>MRSC Article: <a href="#">MRSC – 2023 Legislative Updates to Modernize and Streamline Local Project Review</a></p> <p>Effective January 1, 2025, except second bullet is effective July 23, 2023.</p>

## O. Religious Sponsored Housing Density Bonus

Religious Sponsored Housing Density Bonus (SB 1377)		
Summary	Code to be Amended	Notes
Provide an increased density bonus for affordable housing development (either single-family or multifamily) on property owned or controlled by a religious organization, provided certain conditions are met.	Title 18 Zoning	<p>The housing must be affordable for households earning less than 80% of the area median income and must remain affordable for at least 50 years—regardless of whether the religious organization continues to own the property.</p> <p>Supported by the Tumwater Housing Action Plan.</p>

## P. Religious Sponsored Temporary Housing

Religious Sponsored Homeless Housing (ESHB 1754)		
Summary	Code to be Amended	Notes
Review existing regulations on outdoor encampments, safe parking efforts, indoor overnight shelters, and temporary small houses if on property owned or controlled by a religious organization	TMC 18.59.050 Homeless encampments	The legislation limits City requirements on outdoor encampments, safe parking efforts, indoor overnight shelters, and temporary small houses on property owned or controlled by a religious organization.

## Q. Residential Density Review

Review Residential Densities Citywide (E2SHB 1220)		
Summary	Code to be Amended	Notes
Review the minimum and maximum residential densities in all zone districts that allow residential uses to ensure there is adequate capacity for affordable housing for all income groups.	Title 18 Zoning	<p>Identified in the 2019 City Council Housing Affordability Work Plan – Housing Text Implementation and the Tumwater Housing Action Plan.</p> <p>Considered as a 2020 Annual Comprehensive Plan amendment. The City deferred action on the amendment to the 2025 Comprehensive Plan update.</p> <p>E2SHB 1220 contains extensive new requirements for removing barriers to providing affordable housing to all income groups in the City. The City must plan and allow for the development of new housing units affordable to all income groups.</p> <p>Amendments to Comprehensive Plan land use designations text and map and the Zoning Map and Title 18 Zoning would occur simultaneously.</p> <p>Could include reducing the number of Comprehensive Plan land use designations to streamline rezone permit processes.</p>

## R. SEPA Catagorical Exemptions

SEPA (SSB 5818/2SSB 5412)		
Summary	Code to be Amended	Notes
Authorize City adoption of SEPA categorical exemption for project actions that develop housing within a UGA.	Chapter 16.04 Environmental Policy	<p>Adoption of higher categorical exemptions for all housing in UGA. Must follow the specific process to do 'up-front' environmental analysis when adopting.</p> <p>MRSC Article: <a href="#">MRSC – New Legislation Related to Climate and the Natural Environment</a></p> <p>MRSC Article: <a href="#">MRSC – Major Changes to Washington's Housing Laws</a></p>

### SEPA (SSB 5818/2SSB 5412)

Summary	Code to be Amended	Notes
		Effective July 23, 2023.

## S. Use of Existing Buildings for Residential Purposes

### Existing Buildings for Residential Use (ESHB 1142)

Summary	Code to be Amended	Notes
Use of existing commercial, industrial, or institutional buildings for residential purposes.	Title 15 Buildings and Construction  Title 18 Zoning	<p>Addresses the following:</p> <ul style="list-style-type: none"> <li>• In zone districts that allow multifamily residential, allows internal units up to 50% of maximum zoning density.</li> <li>• Does not require more parking for internal units.</li> <li>• Does not impose permitting or development standards beyond those that apply to all residential uses in that zone district.</li> <li>• Makes design standards not applicable to residential conversions in existing buildings.</li> <li>• Allows residential units in all areas of buildings except defined ground floor retail on 'major pedestrian corridors.'</li> </ul> <p>For creation of units within an existing building, need to ensure that the following does not happen:</p> <ul style="list-style-type: none"> <li>• Require unchanged units meet new energy code. The State Building Code Council required to amend the Washington State Energy Code.</li> <li>• Deny building permit due to existing nonconformities.</li> <li>• Require a transportation concurrency study or environmental study.</li> </ul> <p>An existing building is a building that has had a Certificate of Occupancy at least three years prior.</p> <p>Amendments to implement this bill are SEPA exempt.</p>

Existing Buildings for Residential Use (ESHB 1142)		
Summary	Code to be Amended	Notes
		Effective no later than six months after 2025 Comprehensive Plan update deadline (December 31, 2025).

## 2. City Sponsored Development Code Updates

### A. Density Bonus Requirements

Density Bonus Requirements		
Summary	Code to be Amended	Notes
Update the City's density bonus requirements for permanently affordable housing and the transfer of development rights.	Title 18 Zoning	Consider changing the City's current affordable housing requirement bonus to a 1 to 1 instead of 2 to 1.  Remove transfer of development requirement to achieve highest residential densities.

### B. General Amendments to Support Comprehensive Plan Update

General Amendments to Support Comprehensive Plan Update		
Summary	Code to be Amended	Notes
Update development code as needed to support the Comprehensive Plan update process.	Title 17 Land Division  Title 18 Zoning	Specific development code amendments will be identified as the Comprehensive Plan update process proceeds.

### C. Inpatient Substance Abuse Facilities in Essential Public Facilities

Inpatient Substance Abuse Facilities in Essential Public Facilities		
Summary	Code to be Amended	Notes
Update essential public facilities code to address expansion of drug and alcohol treatment facilities.	TMC 18.56.140 Essential Public Facilities	The Planning Commission and City Council started discussions as part of the 2022 Comprehensive Plan Amendments about the expansion of existing inpatient substance abuse facilities. Both the Planning Commission and City Council supported continuing those discussions as part of our state-mandated 2025 Comprehensive Plan update process.

## **Appendix A. Resources and Guidance**

### 1. City of Tumwater

[2025 Comprehensive Plan Update | City of Tumwater, WA](#) contains links to guidance material and information about the update.

# Development Code Update for the City of Tumwater's 2025 Comprehensive Plan Update

*Balancing Nature and Community:  
Tumwater's Path to Sustainable Growth*

General Government Committee, October 11, 2023



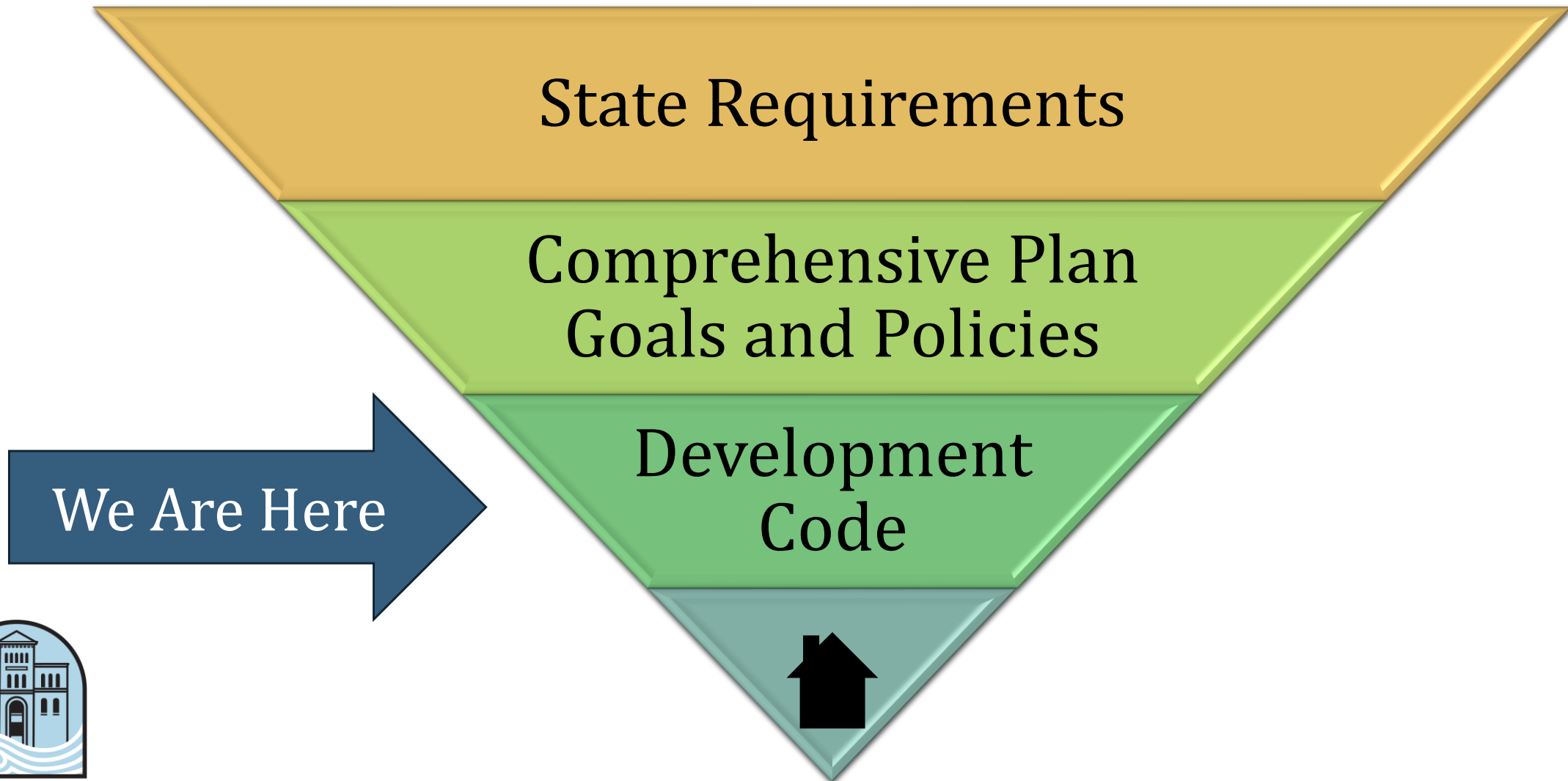


# Intent

Discuss state requirements for development code updates and proposed local amendments



# How Requirements Are Related



# Required State Amendments

- Affordable Housing
- Clean Energy
- Climate Change
- Critical Areas
- Impact Fees
- Organic Materials Management



# Affordable Housing Amendments

- Accessory Dwelling Units
- Condominiums and Small Residential Units
- Design Review Standards
- Manufactured Housing
- Middle Housing
- Parking for Affordable and Multifamily Housing Near Transit
- Religious Sponsored Housing Density Bonus and Temporary Housing



# Affordable Housing Amendments

- Residential Density Review
- SEPA Categorical Exemptions
- Use of Existing Buildings for Residential Purposes



# Accessory Dwelling Units

Accessory Dwelling Units (EHB 1337)		
Summary	Code to be Amended	Notes
Expand housing options by easing barriers to the construction and use of accessory dwelling units.	Sections throughout Title 18 Zoning, especially TMC 18.42.010 Accessory Dwelling Units	<p>Ensure accessory dwelling unit development regulations address the following state requirements:</p> <ul style="list-style-type: none"> <li>• Impact fees for accessory dwelling units may not be greater than 50% of single-family homes.</li> <li>• Allow two accessory dwelling units per lot.</li> <li>• Maximum size of accessory dwelling units may be no less than 1,000 square feet.</li> <li>• No development or design standards for accessory dwelling units that are more restrictive than on the principal home.</li> <li>• Must allow conversion of existing building to an accessory dwelling unit even if nonconforming.</li> </ul> <p>Actions to implement EHB 1337 are exempt from appeal under SEPA and to the Growth Management Hearings Board.</p>



# Condominiums and Small Residential Units

Condominiums and Smaller Residential Units (E2SSB 5258)		
Summary	Code to be Amended	Notes
Increase the supply and affordability of small residential units such as condominium units and townhouses.	Chapter 3.50 Impact Fees  Title 17 Land Division	<p>Address the following:</p> <ul style="list-style-type: none"> <li>Impact fee schedule must reflect the proportionate impact of new housing units, including multifamily and condominium units, based on the square footage, number of bedrooms, or trips generated, in the housing unit to produce a proportionally lower impact fee for smaller housing units.</li> <li>Amend short plat regulations procedures for unit lot subdivisions to allow division of a parent lot into separately owned unit lots (unit lot subdivision). Portions of the parent lot not subdivided for individual unit lots would be owned in common by the owners of the individual unit lots, or by a homeowners' association made up of the owners of the individual unit lots.</li> </ul>



# Design Review Standards

Design Review Standards (ESHB 1293)		
Summary	Code to be Amended	Notes
Apply only clear and objective design review standards to the exterior of new development.	Chapter 18.43 Citywide Design Standards	<p>Review all design standards to ensure they meet the bill's definition of 'clear and objective.'</p> <p>Ensure that the City's design review process is concurrent with the land use permit process and has no more than one public design review meeting.</p>





# Manufactured Housing

Manufactured Housing (SB 5452)		
Summary	Code to be Amended	Notes
Update manufactured housing codes to meet state requirements.	Chapter 18.48 Designated Manufactured Homes – Manufactured Homes – New Manufactured Homes – Mobile Homes – Manufactured Home Parks	<p>Starting in 2019, manufactured housing is regulated the same as site-built housing (<a href="#">RCW 35.21.684</a> amended in 2019, RCW 35.63.160, <a href="#">RCW 35A.21.312</a> amended in 2019 and <a href="#">RCW 36.01.225</a> amended in 2019).</p> <p>The City may require that manufactured homes: (1) are new, (2) are set on a permanent foundation, and (3) comply with local design standards applicable to other homes in the neighborhood but may not discriminate against consumer choice in housing.</p>



# Middle Housing

Middle Housing (E2SHB 1110)		
Summary	Code to be Amended	Notes
Increase middle housing in areas traditionally dedicated to single-family detached housing	<p>Throughout Title 18 Zoning</p> <p>Title 17 Land Division</p>	<p>Address the following:</p> <ul style="list-style-type: none"> <li>At least two units per lot in residential zones except on lots less than 1,000 square foot), unless higher-density zoning applies.</li> <li>At least four units per lot in residential zones except lots less than 1,000 square foot, unless higher-density zoning applies, if at least one unit is affordable housing.</li> <li>Tumwater does not have any major transit stops that meet the bill's definition. According to the legislation:               <p><i>"Major transit stop" means:</i></p> <p>(a) A stop on a high-capacity transportation system funded or expanded under the provisions of chapter 81.104 RCW;</p> <p>(b) Commuter rail stops;</p> <p>(c) Stops on rail or fixed guideway systems; or</p> <p>(d) Stops on bus rapid transit routes.</p> </li> </ul>



# Middle Housing

Middle Housing (E2SHB 1110)		
Summary	Code to be Amended	Notes
Increase middle housing in areas traditionally dedicated to single-family detached housing	<p>Throughout Title 18 Zoning</p> <p>Title 17 Land Division</p>	<p>Address the following:</p> <ul style="list-style-type: none"> <li>Note that the requirements for accessory dwelling units, parking, and transit availability are broader than what is in E2SHB 1110.</li> <li>As an alternative to first two bullets above, meet their density requirements on 75% of City lots that are primarily dedicated to single-family. Also, meet criteria for the other 25%.</li> <li>Meeting the two accessory dwelling unit per lot requirements of EHB 1337 may address some of these requirements.</li> <li>Allow at least six of the nine types of middle housing in residential zones.</li> <li>Allow zero lot line short plats.</li> <li>Limit design review for middle housing to administrative process, and not apply any development standards that do not apply to single-family houses.</li> </ul>



# Middle Housing

Middle Housing (E2SHB 1110)		
Summary	Code to be Amended	Notes
Increase middle housing in areas traditionally dedicated to single-family detached housing	<p>Throughout Title 18 Zoning</p> <p>Title 17 Land Division</p>	<p>Address the following:</p> <ul style="list-style-type: none"> <li>• Limit parking requirements for middle housing to one parking space on lots less than 6,000 square feet and two spaces on lots greater than 6,000 square feet. There is a possibility to submit a transportation safety study to Commerce.</li> <li>• Actions on all the above bullets are exempt from appeal under SEPA.</li> <li>• There is a possibility for Commerce to give a timeline extension if will result in displacement or overburdened infrastructure. The Capital Facilities Plan update can also be delayed by the City if an extension is granted.</li> <li>• Actions to remove parking requirements for infill development in an urban growth area categorically exempt from SEPA.</li> <li>• Common Interest Communities (e.g., condominium or homeowners' associations) cannot prohibit implementation.</li> </ul>



# Parking for Affordable and Multifamily Housing

Parking for Affordable and Multifamily Housing Near Transit (E2SHB 1923/SHB 2343)		
Summary	Code to be Amended	Notes
Update parking code to reflect recent state legislation	Chapter TMC 18.50 Parking	<p>(1) For housing units that are affordable to very low-income or extremely low-income individuals and that are located within one-quarter mile of a transit stop that receives transit service at least two times per hour for twelve or more hours per day, minimum residential parking requirements may be no greater than one parking space per bedroom or 0.75 space per unit.</p> <p>The City may establish a requirement for the provision of more than one parking space per bedroom or 0.75 space per unit if the City has determined a particular housing unit to be in an area with a lack of access to street parking capacity, physical space impediments, or other reasons supported by evidence that would make on-street parking infeasible for the unit.</p> <p>This would affect such developments along the Intercity Transit 12 and 13 lines.</p>



# Parking for Affordable and Multifamily Housing

Parking for Affordable and Multifamily Housing Near Transit (E2SHB 1923/SHB 2343)		
Summary	Code to be Amended	Notes
Update parking code to reflect recent state legislation	Chapter TMC 18.50 Parking	<p>(2) For housing units that are specifically for seniors or people with disabilities, which are located within one-quarter mile of a transit stop that receives transit service at least four times per hour for twelve or more hours per day, the City may not impose minimum residential parking requirements for the residents of such housing units.</p> <p>The City may establish parking requirements for staff and visitors of such housing units and consider other special conditions.</p> <p>This would affect developments along the Intercity Transit 13 lines.</p>

# Parking for Affordable and Multifamily Housing

Parking for Affordable and Multifamily Housing Near Transit (E2SHB 1923/SHB 2343)		
Summary	Code to be Amended	Notes
Update parking code to reflect recent state legislation	Chapter TMC 18.50 Parking	<p>(3) For market rate multifamily housing units that are located within one-quarter mile of a transit stop that receives transit service from at least one route that provides service at least four times per hour for twelve or more hours per day, minimum residential parking requirements may be no greater than one parking space per bedroom or 0.75 space per unit.</p> <p>The City may establish a requirement for the provision of more than one parking space per bedroom or 0.75 space per unit if it has determined a particular housing unit to be in an area with a lack of access to street parking capacity, physical space impediments, or other reasons supported by evidence that would make on-street parking infeasible for the unit.</p> <p>This would affect developments along the Intercity Transit 13 lines.</p>



# Permit Review Process

Project Permit Review (2SSB 5290)		
Summary	Code to be Amended	Notes
Merge local permit review processes	Title 14 Development Code Administration	<p>There are new permit review timelines for project permit applications submitted to the City after January 1, 2025:</p> <ul style="list-style-type: none"> <li>• For projects that do not require public notice, the final decision must be issued within 65 days of the determination of completeness.</li> <li>• For projects that do require public notice, the final decision must be issued within one hundred days of the determination of completeness.</li> <li>• For project permits which require both notice and a public hearing, the final decision must be issued within 170 days of the determination of completeness.</li> </ul> <p>Failure to adhere to the established permit review timelines would result in the City refunding an applicant's permit fees on a pro-rated basis — up to a 20% refund depending on the length of the delay.</p>





# Religious Sponsored Housing

Religious Sponsored Housing Density Bonus (SB 1377)		
Summary	Code to be Amended	Notes
Provide an increased density bonus for affordable housing development (either single-family or multifamily) on property owned or controlled by a religious organization, provided certain conditions are met.	Title 18 Zoning	<p>The housing must be affordable for households earning less than 80% of the area median income and must remain affordable for at least 50 years—regardless of whether the religious organization continues to own the property.</p> <p>Supported by the Tumwater Housing Action Plan.</p>

Religious Sponsored Homeless Housing (ESHB 1754)		
Summary	Code to be Amended	Notes
Review existing regulations on outdoor encampments, safe parking efforts, indoor overnight shelters, and temporary small houses if on property owned or controlled by a religious organization	TMC 18.59.050 Homeless encampments	The legislation limits City requirements on outdoor encampments, safe parking efforts, indoor overnight shelters, and temporary small houses on property owned or controlled by a religious organization.



# Residential Density Review

Review Residential Densities Citywide (E2SHB 1220)		
Summary	Code to be Amended	Notes
Review the minimum and maximum residential densities in all zone districts that allow residential uses to ensure there is adequate capacity for affordable housing for all income groups.	Title 18 Zoning	<p>Identified in the 2019 City Council Housing Affordability Work Plan – Housing Text Implementation and the Tumwater Housing Action Plan.</p> <p>Considered as a 2020 Annual Comprehensive Plan amendment. The City deferred action on the amendment to the 2025 Comprehensive Plan update.</p> <p>E2SHB 1220 contains extensive new requirements for removing barriers to providing affordable housing to all income groups in the City. The City must plan and allow for the development of new housing units affordable to all income groups.</p> <p>Amendments to Comprehensive Plan land use designations text and map and the Zoning Map and Title 18 Zoning would occur simultaneously. Could include reducing the number of Comprehensive Plan land use designations to streamline rezone permit processes.</p>



# SEPA Categorical Exemptions

SEPA (SSB 5818/2SSB 5412)		
Summary	Code to be Amended	Notes
Authorize City adoption of SEPA categorical exemption for project actions that develop housing within a UGA.	Chapter 16.04 Environmental Policy	Adoption of higher categorical exemptions for all housing in UGA. Must follow the specific process to do 'up-front' environmental analysis when adopting.

# Use of Existing Buildings for Residential Purposes

Existing Buildings for Residential Use (ESHB 1142)		
Summary	Code to be Amended	Notes
Use of existing commercial, industrial, or institutional buildings for residential purposes.	Title 15 Buildings and Construction  Title 18 Zoning	Addresses the following: <ul style="list-style-type: none"> <li>• In zone districts that allow multifamily residential, allows internal units up to 50% of maximum zoning density.</li> <li>• Does not require more parking for internal units.</li> <li>• Does not impose permitting or development standards beyond those that apply to all residential uses in that zone district.</li> <li>• Makes design standards not applicable to residential conversions in existing buildings.</li> <li>• Allows residential units in all areas of buildings except defined ground floor retail on 'major pedestrian corridors.'</li> </ul>



# Use of Existing Buildings for Residential Purposes

Existing Buildings for Residential Use (ESHB 1142)		
Summary	Code to be Amended	Notes
Use of existing commercial, industrial, or institutional buildings for residential purposes.	<p>Title 15 Buildings and Construction</p> <p>Title 18 Zoning</p>	<p>For creation of units within an existing building, need to ensure that the following does not happen:</p> <ul style="list-style-type: none"> <li>• Require unchanged units meet new energy code. The State Building Code Council required to amend the Washington State Energy Code.</li> <li>• Deny building permit due to existing nonconformities.</li> <li>• Require a transportation concurrency study or environmental study.</li> </ul> <p>An existing building is a building that has had a Certificate of Occupancy at least three years prior.</p> <p>Amendments to implement this bill are SEPA exempt.</p> <p>Effective no later than six months after 2025 Comprehensive Plan update deadline (December 31, 2025).</p>



# Clean Energy Amendments

- Reducing Light Pollution Associated with Certain Energy Infrastructure
- Clean Energy Siting



# Clean Energy

Clean Energy Siting (E2SHB 1216)		
Summary	Code to be Amended	Notes
New state clean energy siting standards.	Chapter 16.04 Environmental Policy and Title 18 Zoning	<p>Creates a fully coordinated permitting process for clean energy facilities of statewide significance.</p> <p>The City must enter into an agreement with Ecology to implement this expedited process.</p> <p>The legislation defines a unique SEPA process.</p>

Reducing Light Pollution Associated with Certain Energy Infrastructure (ESHB 1173)		
Summary	Code to be Amended	Notes
Reduce light pollution associated with wind energy infrastructure.	TMC 18.40.035 Exterior Illumination	The bill includes requirements for installation of FAA-approved light-mitigation systems on both existing and new wind energy facilities.



# Climate Change Amendments

Climate (E2SHB 1170/E2SHB 1181)		
Summary	Code to be Amended	Notes
Improve City response to climate change by updates to the development code in support of new Climate Element.	Sections throughout Title 18 Zoning	<p>Address the following:</p> <ul style="list-style-type: none"><li>New amended Growth Management Act goals: Climate Change &amp; Resiliency, Transportation, Open Space &amp; Recreation, Environment, Citizen Participation and Coordination.</li></ul> <p>Add designations for greenspaces and urban forests in zone districts.</p>





# Critical Areas Amendments

- Critical Areas Regulations Update
- Floodplain Ordinance Update



# Critical Areas Regulations Update

Critical Area Regulations Update		
Summary	Code to be Amended	Notes
Update critical areas regulations for wetlands, critical aquifer recharge areas, frequently flooded areas, geologically hazardous areas, and fish wildlife conservation areas.	Title 16 Environment	Guided by the State Department of Commerce Critical Areas Checklist, update Title 16 Environment to reflect current state requirements.

# Floodplain Ordinance Update

Floodplain Ordinance Update		
Summary	Code to be Amended	Notes
Update the City's Floodplain Ordinance to reflect current FEMA and State Department of Ecology standards.	Chapter 18.38 FP Floodplain Overlay	<p>City Staff took part in the Community Assistance Visit (CAV) process with Washington State Department of Ecology in the spring of 2023.</p> <p>The primary purpose of the CAV was to review the procedures for administering and enforcing the City's flood damage prevention ordinance.</p> <p>Chapter 18.38 Floodplain Overlay was reviewed during the CAV. The City's ordinance was overall in fair standing, with minor updates needed to bring the ordinance into compliance with NFIP and State of Washington standards. It was discussed during the CAV that the City will complete all needed updates and adopt a compliant ordinance to close out the CAV.</p>



# Impact Fee Amendments

Impact Fees for Early Learning Facilities (SHB 1331)		
Summary	Code to be Amended	Notes
Limits impact fees that may be collected for early learning facilities	Chapter 3.50 Impact Fees	Determine if impact fees for early learning facilities are not more than commercial retail or offices of similar size.

Impact Fee Study for Bicycle and Pedestrian Facilities (SB 5452)		
Summary	Code to be Amended	Notes
Authorize impact fee revenue to fund improvements to bicycle and pedestrian facilities.	Chapter 3.50 Impact Fees	Ensure impact fee study includes assessment of impacts to bike and pedestrian facilities and includes in impact fee calculation.



# Organic Materials Management Amendments

Organic Materials Management (ESSHB 1799)		
Summary	Code to be Amended	Notes
Update essential public facilities code to address compost handling to help meet climate commitment goals by reducing the emissions of methane, a potent greenhouse gas, through the diversion of organic materials from landfills.	TMC 18.56.140 Essential Public Facilities	Add compost handling facilities as a category of essential public facilities allowed in the City requiring a conditional use permit.

# City Sponsored Amendments

- Density Bonus Requirements
- General Amendments to Support Comprehensive Plan Update
- Inpatient Substance Abuse Facilities in Essential Public Facilities



# Density Bonus Requirements

Density Bonus Requirements		
Summary	Code to be Amended	Notes
Update the City’s density bonus requirements for permanently affordable housing and the transfer of development rights.	Title 18 Zoning	Consider changing the City’s current affordable housing requirement bonus to a 1 to 1 instead of 2 to 1.  Remove transfer of development requirement to achieve highest residential densities.

# General Amendments

General Amendments to Support Comprehensive Plan Update		
Summary	Code to be Amended	Notes
Update development code as needed to support the Comprehensive Plan update process.	Title 17 Land Division  Title 18 Zoning	Specific development code amendments will be identified as the Comprehensive Plan update process proceeds.



# Inpatient Substance Abuse Facilities

Inpatient Substance Abuse Facilities in Essential Public Facilities		
Summary	Code to be Amended	Notes
Update essential public facilities code to address expansion of drug and alcohol treatment facilities.	TMC 18.56.140 Essential Public Facilities	The Planning Commission and City Council started discussions as part of the 2022 Comprehensive Plan Amendments about the expansion of existing inpatient substance abuse facilities. Both the Planning Commission and City Council supported continuing those discussions as part of our state-mandated 2025 Comprehensive Plan update process.



# Next Steps

- October 24, 2023 – City Council Work Session on Comprehensive Plan Update
- November 8, 2023 – General Government Committee Briefings on:
  - Climate Element
  - Conservation Element
  - Growth Management Act Housing Needs Allocation

# Comments and Contact information

Written comments are welcome at any time during the periodic update process and staff will address and publish all formal comments

## City of Tumwater Contact:

Brad Medrud, AICP  
City of Tumwater Planning Manager  
Community Development Department  
555 Israel Road SW  
Tumwater, WA 98501  
Phone: 360-754-4180  
Email: [bmedrud@ci.tumwater.wa.us](mailto:bmedrud@ci.tumwater.wa.us)

- The periodic update email is [compplan@ci.tumwater.wa.us](mailto:compplan@ci.tumwater.wa.us)
- All documents related to the periodic update will be located on the [City's periodic update webpage](#)





## LOCAL GOVERNMENT DIVISION GROWTH MANAGEMENT SERVICES

# Periodic Update Checklist for Fully-Planning Cities

**Overview:** This checklist is intended to help cities that are fully planning under the Growth Management Act (GMA) conduct the “periodic review and update” of ***comprehensive plans*** and ***development regulations*** required by [RCW 36.70A.130 \(4\)](#). This checklist identifies components of comprehensive plans and development regulations that may need updating to reflect the latest local conditions or to comply with GMA changes since the last periodic update cycle (2015-2018).

Statutory changes adopted since 2015 are emphasized in highlighted text to help identify new GMA requirements that may not have been addressed during the last update or through other amendments outside of the required periodic update process.

**What’s new:** For the 2024-2027 update cycle, Commerce has updated and streamlined periodic update resources including checklists, guidebooks and a [webpage](#) to serve you better. A checklist and guidebook for *partially-planning jurisdictions* will be available prior to their 2026-2027 updates. A separate checklist is available for counties.

2021-2022 Legislative Session:

[HB 1220](#) substantially amends housing-related provisions of the GMA, [RCW 36.70A.070\(2\)](#). Please refer to the following Commerce housing webpages for further information about the new requirements: [Updating GMA Housing Elements](#) and [Planning for Housing](#).

[HB 1241](#) changes the periodic update cycle described in RCW 36.70A.130. Jurisdictions required to complete their update in 2024 now have until December 31, 2024 to finalize their review and submit to Commerce. Jurisdictions required to complete their updates in 2025-2027 are still required to submit prior to June 30<sup>th</sup> of their respective year. Additionally, jurisdictions that meet the new criteria will be required to submit an implementation progress report five years after the review and revision of their comprehensive plan.

[HB 1717](#) adds new requirements in [RCW 36.70A.040](#) and [RCW 36.70A.190](#) regarding tribal participation in planning efforts with local and regional jurisdictions.

[HB 1799](#) adds a new section to the GMA, [RCW 36.70A.142](#), requiring some local governments to begin providing separated organic material collection services within their jurisdictions in order to increase volumes of organic materials collected and delivered to composting and other organic material management facilities.

[SB 5593](#) adds new elements to RCW [36.70A.130\(3\)](#) regarding changes to planning and/or modifying urban growth areas.

City

Staff contact, phone + email

[SB 5818](#) promotes housing construction in cities through amendments to and limiting appeals under the state environmental policy act (SEPA) and the GMA, amending [RCW 36.70A.070\(2\)](#).

Local governments should review local comprehensive plan policies, countywide planning policies and multicounty planning policies (where applicable) to be consistent with the new requirements.

## Checklist Instructions

With the most recent versions of your comprehensive plan and development regulations in hand, fill out each item in the checklist, answering the following questions:

**Is this item addressed in your current plan or development regulations?** If YES, fill in the form with citation(s) to where in the plan or regulation the item is addressed. Where possible, we recommend citing policy or goal numbers by element rather than page numbers, since these can change. If you have questions about the requirement, follow the hyperlinks to the relevant statutory provision or rules. If you still have questions, visit the Commerce [Periodic Update webpage](#) or contact the [Commerce planner assigned to your region](#).

**Is amendment needed to meet current statute?** Check YES to indicate a change to your plan will be needed. Check NO to indicate that the GMA requirement has already been met. Local updates may not be needed if the statute hasn't changed since your previous update, if your jurisdiction has kept current with required inventories, or if there haven't been many changes in local circumstances.

**Use the "Notes" column** to add additional information to note where your city may elect to work on or amend sections of your plan or development regulations, to call out sections that are not strictly required by the GMA, or to indicate if the item is not applicable to your jurisdiction.

**Submit your checklist!** This will be the first deliverable under your periodic update grant.

**PlanView system and instructions:** Completed checklists can be submitted through Commerce's PlanView portal. The PlanView system allows cities and counties to submit and track amendments to comprehensive plans or development regulations online, with or without a user account. You can also submit via email: [reviewteam@commerce.wa.gov](mailto:reviewteam@commerce.wa.gov) Fill out and attach a [cover sheet](#), a copy of your submittal and this checklist. *Please be advised that Commerce is no longer accepting paper submittals.*

For further information about the submittal process please visit Commerce's [Requirements and procedures for providing notice to the state](#) webpage.

### Need help?

Please visit Commerce's [periodic update webpage](#) for additional resources

or contact:

Suzanne Austin, AICP

Senior Planner

Growth Management Services

WA Department of Commerce

509.407.7955

[suzanne.austin@commerce.wa.gov](mailto:suzanne.austin@commerce.wa.gov)

# Checklist Navigation

(Ctrl + Click each element)

## Section I: Comprehensive Plan

LAND USE

HOUSING

CAPITAL FACILITIES

UTILITIES

TRANSPORTATION

SHORELINE

ESSENTIAL PUBLIC FACILITIES

TRIBAL PLANNING

ECONOMIC DEVELOPMENT

PARKS & RECREATION

OPTIONAL ELEMENTS

CONSISTENCY

PUBLIC PARTICIPATION

## Section II: Development Regulations

CRITICAL AREAS

ZONING CODE

SHORELINE MASTER PROGRAM

RESOURCE LANDS

ESSENTIAL PUBLIC FACILITIES

SUBDIVISION CODE

STORMWATER

ORGANIC MATERIALS MANAGEMENT

IMPACT FEES

CONCURRENCY & TDM

TRIBAL PARTICIPATION

OPTIONAL REGULATIONS

PROJECT REVIEW PROCEDURES

PLAN & REGULATION AMENDMENTS

## Section I: Comprehensive Plan Elements

### Land Use Element

Consistent with countywide planning policies (CWPPs) and RCW 36.70A.070(1)

	In Current Plan? Yes/No  If yes, cite section	Changes needed to meet current statute?  Yes/No	Notes
<p>New 2021-2022 legislation <a href="#">ESSB 5593</a>: changes to <a href="#">RCW 36.70A.130</a> regarding UGA size, patterns of development, suitability and infrastructure.</p> <p>Coordinate these efforts with your county</p>			
<p>a. The element integrates relevant county-wide planning policies into the local planning process, and ensures local goals and policies are consistent. For jurisdictions in the central Puget Sound region, the plan is consistent with applicable multicounty planning policies. <a href="#">RCW 36.70A.210</a> <a href="#">WAC 365-196-305</a></p> <p>Coordinate these efforts with your county</p>			
<p>b. A future land use map showing city limits and UGA boundaries. <a href="#">RCW 36.70A.070(1)</a> and <a href="#">RCW 36.70A.110(6)</a> <a href="#">WAC 365-196-400(2)(d)</a>, <a href="#">WAC 365-196-405(2)(i)(ii)</a></p>			
<p>c. Consideration of urban planning approaches that increase physical activity. <a href="#">RCW 36.70A.070(1)</a> and <a href="#">WAC 365-196-405(2)(j)</a>. Additional resources: <a href="#">Transportation Efficient Communities</a>, <a href="#">The Washington State Plan for Healthy Communities</a>, <a href="#">Active Community Environment Toolkit</a></p>			
<p>d. A consistent population projection throughout the plan which should be consistent with the county's sub-county allocation of that forecast and housing needs. <a href="#">RCW 36.70A.115</a>, <a href="#">RCW 43.62.035</a> and <a href="#">WAC 365-196-405(f)</a></p>			

	In Current Plan? Yes/No  If yes, cite section	Changes needed to meet current statute?  Yes/No	Notes
<p>e. Estimates of population densities and building intensities based on future land uses and housing needs. <a href="#">RCW 36.70A.070(1)</a>, <a href="#">WAC 365-196-405(2)(i)</a></p> <ul style="list-style-type: none"> <li>For cities required to plan under the Buildable Lands Program, <a href="#">RCW 36.70A.215</a> amended in 2017, some jurisdictions may need to identify reasonable measures to reconcile inconsistencies. See <a href="#">Commerce's Buildable Lands Program page</a>.</li> </ul>			
<p>f. Provisions for protection of the quality and quantity of groundwater used for public water supplies. <a href="#">RCW 36.70A.070(1)</a>; <a href="#">WAC 365-196-405(1)(c)</a>; <a href="#">WAC 365-196-485(1)(d)</a></p>			
<p>g. Identification of lands useful for public purposes such as utility corridors, transportation corridors, landfills, sewage treatment facilities, storm water management facilities, recreation, schools, and other public uses. <a href="#">RCW 36.70A.150</a> and <a href="#">WAC 365-196-340</a></p>			
<p>h. Identification of open space corridors within and between urban growth areas, including lands useful for recreation, wildlife habitat, trails, and connection of critical areas. <a href="#">RCW 36.70A.160</a> and <a href="#">WAC 365-196-335</a></p>			



	In Current Plan? Yes/No If yes, cite section	Changes needed to meet current statute? Yes/No	Notes
<p>i. If there is an airport within or adjacent to the city: policies, land use designations (and zoning) to discourage the siting of incompatible uses adjacent to general aviation airports. <a href="#">RCW 36.70A.510</a>, <a href="#">RCW 36.70.547</a></p> <p>Note: The plan (and associated regulations) must be filed with the <a href="#">Aviation Division of WSDOT</a>. <a href="#">WAC 365-196-455</a></p>			
<p>j. Where applicable, a review of drainage, flooding, and stormwater run-off in the area and nearby jurisdictions and provide guidance for corrective actions to mitigate or cleanse those discharges that pollute waters of the state. <a href="#">RCW 36.70A.070(1)</a> and <a href="#">WAC 365-196-405(2)(e)</a></p> <p>Note: <a href="#">RCW 90.56.010(27)</a> defines waters of the state.</p> <p>Additional resources: <a href="#">Protect Puget Sound Watersheds</a>, <a href="#">Building Cities in the Rain</a>, <a href="#">Ecology Stormwater Manuals</a>, <a href="#">Puget Sound Partnership Action Agenda</a></p>			
<p>k. Policies to designate and protect critical areas including wetlands, fish and wildlife habitat protection areas, frequently flooded areas, critical aquifer recharge areas, and geologically hazardous areas. In developing these policies, the city must have included the best available science (BAS) to protect the functions and values of critical areas, and give “special consideration” to conservation or protection measures necessary to preserve or enhance anadromous fisheries.</p> <p><a href="#">RCW 36.70A.030(6)</a>, <a href="#">RCW 36.70A.172</a>, <a href="#">WAC 365-190-080</a></p> <p>Best Available Science: see <a href="#">WAC 365-195-900 through -925</a></p>			

	In Current Plan? Yes/No  If yes, cite section	Changes needed to meet current statute?  Yes/No	Notes
l. If forest or agricultural lands of long-term commercial significance are designated inside city: a program authorizing Transfer (or Purchase) of Development Rights. <a href="#">RCW 36.70A.060(4)</a> , <a href="#">RCW 36.70A.170</a>			
m. If there is a Military Base within or adjacent to the jurisdiction employing 100 or more personnel: policies, land use designations, (and consistent zoning) to discourage the siting of incompatible uses adjacent to military bases. <a href="#">RCW 36.70A.530(3)</a> , <a href="#">WAC 365-196-475</a>			
n. <b>New section <a href="#">RCW 36.70A.142</a>; new 2021-2022 legislation <a href="#">HB 1799</a>:</b> Development regulations newly developed, updated, or amended <i>after January 1, 2025</i> allow for the siting of organic materials (OM) management facilities as identified in local solid waste management plans (SWMP) to meet OM reduction and diversion goals. Siting must meet criteria described in <a href="#">RCW 70A.205.040(3)</a>  See also <a href="#">RCW 36.70.330</a> . For applicability, see <a href="#">RCW 70A.205.540</a>			

## Housing Element

In the 2021 legislative session, HB 1220 substantially amended the housing-related provisions of the Growth Management Act (GMA), RCW 36.70A.070 (2). Local governments should review local comprehensive plan policies and countywide planning policies to be consistent with the updated requirements. Please refer to Commerce's housing webpages for further information about the new requirements:

**Updating GMA Housing Elements and Planning for Housing**

a. Goals, policies, and objectives for the preservation, improvement, and development of housing. <a href="#">RCW 36.70A.070(2)(b)</a> and <a href="#">WAC 365-196-410(2)(a)</a>			
--	--	--	--

	In Current Plan? Yes/No  If yes, cite section	Changes needed to meet current statute?  Yes/No	Notes
b. Within an urban growth area boundary, consideration of duplexes, triplexes, and townhomes. <a href="#">RCW 36.70A.070(2)(c)</a> amended in 2021, <a href="#">WAC 365-196-300</a>			
c. Consideration of housing locations in relation to employment locations and the role of ADUs. <a href="#">RCW 36.70A.070(2)(d)</a> amended in 2021			
d. An inventory and analysis of existing and projected housing needs over the planning period, by income band, consistent with the jurisdiction's share of housing need, as provided by Commerce. <a href="#">RCW 36.70A.070(2)(a)</a> amended in 2021, <a href="#">WAC 365-196-410(2)(b)</a> and (c)			
e. Identification of capacity of land for housing including, but not limited to, government-assisted housing, housing for moderate, low, very low, and extremely low-income households, manufactured housing, multifamily housing, group homes, foster care facilities, emergency housing, emergency shelters, permanent supportive housing. <a href="#">RCW 36.70A.070(2)(c)</a> amended in 2021, <a href="#">WAC 365-196-410(e)</a> and (f)			
f. Adequate provisions for existing and projected housing needs for all economic segments of the community. <a href="#">RCW 36.70A.070(2)(d)</a> amended in 2021, <a href="#">WAC 365-196-010(g)(ii)</a> , <a href="#">WAC 365-196-300(f)</a> , <a href="#">WAC 365-196-410</a> and see Commerce's Housing Action Plan (HAP) guidance: <a href="#">Guidance for Developing a Housing Action Plan</a>			

	In Current Plan? Yes/No If yes, cite section	Changes needed to meet current statute? Yes/No	Notes
<p>g. Identify local policies and regulations that result in racially disparate impacts, displacement, and exclusion in housing, including:</p> <ul style="list-style-type: none"> <li>• Zoning that may have a discriminatory effect;</li> <li>• Disinvestment; and</li> <li>• Infrastructure availability</li> </ul> <p><u>RCW 36.70A.070(e)</u> new in 2021</p>			
<p>h. Establish policies and regulations to address and begin to undo racially disparate impacts, displacement, and exclusion in housing caused by local policies, plans, and actions.</p> <p><u>RCW 36.70A.070(2)(f)</u> new in 2021</p>			
<p>i. Identification of areas that may be at higher risk of displacement from market forces that occur with changes to zoning development regulations and capital investments.<sup>1</sup></p> <p><u>RCW 36.70A.070(2)(g)</u> new in 2021</p> <p>Establish anti-displacement policies, with consideration given to the preservation of historical and cultural communities as well as investments in low, very low, extremely low, and moderate-income housing; equitable development initiatives; inclusionary zoning; community planning requirements; tenant protections; land disposition policies; and consideration of land that may be used for affordable housing.</p> <p><u>RCW 36.70A.070(2)(h)</u> new in 2021</p>			

<sup>1</sup> This work should identify areas where anti-displacement tools may be applied, but may not need to be in the comprehensive plan. See Commerce's housing guidance: [Updating GMA Housing Elements - Washington State Department of Commerce](#)

## Capital Facilities Plan (CFP) Element

To serve as a check on the practicality of achieving other elements of the plan, covering all capital facilities planned, provided, and paid for by public entities including local government and special districts, etc. including water systems, sanitary sewer systems, storm water facilities, schools, parks and recreational facilities, police and fire protection facilities. Capital expenditures from park and recreation elements, if separate, should be included in the CFP Element. The CFP Element must be consistent with CWPPs, and [RCW 36.70A.070\(3\)](#), and include:

	In Current Plan? Yes/No If yes, cite section	Changes needed to meet current statute? Yes/No	Notes
a. Policies or procedures to ensure capital budget decisions are in conformity with the comprehensive plan. <a href="#">RCW 36.70A.120</a>			
b. An inventory of existing capital facilities owned by public entities. <a href="#">RCW 36.70A.070(3)(a)</a> and <a href="#">WAC 365-196-415(1)(a)</a>			
c. A forecast of needed capital facilities. <a href="#">RCW 36.70A.070(3)(b)</a> and <a href="#">WAC 365-196-415(1)(b)</a>  Note: The forecast of future need should be based on projected population and adopted levels of service (LOS) over the planning period.			
d. Proposed locations and capacities of expanded or new capital facilities. <a href="#">RCW 36.70A.070(3)(c)</a> and <a href="#">WAC 365-196-415 (1)(c) and (3)(c)</a> <sup>2</sup>			
e. A six-year plan (at least) that will finance such capital facilities within projected funding capacities and identify sources of public money to finance planned capital facilities. <a href="#">RCW 36.70A.070(3)(d)</a> , <a href="#">RCW 36.70A.120</a> , <a href="#">WAC 365-196-415(1)(d)</a>			

<sup>2</sup> Infrastructure investments should consider equity and plan for any potential displacement impacts.

	In Current Plan? Yes/No If yes, cite section	Changes needed to meet current statute? Yes/No	Notes
f. A policy or procedure to reassess the Land Use Element if probable funding falls short of meeting existing needs. <a href="#">RCW 36.70A.070(3)(e)</a> <a href="#">WAC 365-196-415(2)(d)</a>  Note: park and recreation facilities shall be included in the capital facilities plan element			
g. If impact fees are collected: identification of public facilities on which money is to be spent. <a href="#">RCW 82.02.050(5)</a> and <a href="#">WAC 365-196-850(3)</a>			

## Utilities Element

Consistent with relevant CWPPs and RCW 36.70A.070(4). Utilities include, but are not limited to: sanitary sewer systems, water lines, fire suppression, electrical lines, telecommunication lines, and natural gas lines.

The general location, proposed location and capacity of all existing and proposed utilities. <a href="#">RCW 36.70A.070(4)</a> and <a href="#">WAC 365-196-420</a>			
--	--	--	--

## Transportation Element

Consistent with relevant CWPPs and RCW 36.70A.070(6)

a. An inventory of air, water, and ground transportation facilities and services, including transit alignments, state-owned transportation facilities, and general aviation airports. <a href="#">RCW 36.70A.070(6)(a)(iii)(A)</a> and <a href="#">WAC 365-196-430(2)(c)</a> .			
b. Adopted levels of service (LOS) standards for all arterials, transit routes and highways. <a href="#">RCW 36.70A.070(6)(a)(iii)(B) and (C)</a> , <a href="#">WAC 365-196-430</a>			
c. Identification of specific actions to bring locally-owned transportation facilities and services to established LOS. <a href="#">RCW 36.70A.070(6)(a)(iii)(D)</a> , <a href="#">WAC 365-196-430</a>			

	In Current Plan? Yes/No  If yes, cite section	Changes needed to meet current statute?  Yes/No	Notes
d. A forecast of traffic for at least 10 years including land use assumptions used in estimating travel. <a href="#">RCW 36.70A.070(6)(a)(i)</a> , <a href="#">RCW 36.70A.070(6)(a)(iii)(E)</a> , <a href="#">WAC 365-196-430(2)(f)</a>			
e. A projection of state and local system needs to meet current and future demand. <a href="#">RCW 36.70A.070(6)(a)(iii)(F)</a> and <a href="#">WAC 365-196-430(1)(c)(vi)</a>			
f. A pedestrian and bicycle component to include collaborative efforts to identify and designate planned improvements for pedestrian and bicycle facilities and corridors that address and encourage enhanced community access and promote healthy lifestyles. <a href="#">RCW 36.70A.070(6)(a)(vii)</a> , <a href="#">WAC 365-196-430(2)(j)</a>			
g. A description of any existing and planned transportation demand management (TDM) strategies, such as HOV lanes or subsidy programs, parking policies, etc. <a href="#">RCW 36.70A.070(6)(a)(vi)</a> and <a href="#">WAC 365-196-430(2)(i)(i)</a>			
h. An analysis of future funding capability to judge needs against probable funding resources. <a href="#">RCW 36.70A.070(6)(a)(iv)(A)</a> , <a href="#">WAC 365.196-430(2)(k)(iv)</a>			
i. A multi-year financing plan based on needs identified in the comprehensive plan, the appropriate parts of which serve as the basis for the 6-year street, road or transit program. <a href="#">RCW 36.70A.070(6)(a)(iv)(B)</a> and <a href="#">RCW 35.77.010</a> , <a href="#">WAC 365-196-430(2)(k)(ii)</a>			

	In Current Plan? Yes/No  If yes, cite section	Changes needed to meet current statute?  Yes/No	Notes
j. If probable funding falls short of meeting identified needs: a discussion of how additional funds will be raised, or how land use assumptions will be reassessed to ensure that LOS standards will be met. <a href="#">RCW 36.70A.070(6)(a)(iv)(C)</a> , <a href="#">WAC 365-196-430(2)(l)(iii)</a>			
k. A description of intergovernmental coordination efforts, including an assessment of the impacts of the transportation plan and land use assumptions on the transportation systems of adjacent jurisdictions and how it is consistent with the regional transportation plan. <a href="#">RCW 36.70A.070(6)(a)(v)</a> ; <a href="#">WAC 365-196-430(1)(e)</a> and <a href="#">430(2)(a)(iii)</a>			

## Shoreline

For shorelines of the state, the goals and policies of the shoreline management act as set forth in [RCW 90.58.020](#) are added as one of the goals of the Growth Management Act (GMA) as set forth in [RCW 36.70A.480](#). The goals and policies of a shoreline master program for a county or city approved under [RCW 90.58](#) shall be considered an element of the county or city's comprehensive plan.

a. The policies, goals, and provisions of <a href="#">RCW 90.58</a> and applicable guidelines shall be the sole basis for determining compliance of a shoreline master program with this chapter except as the shoreline master program is required to comply with the internal consistency provisions of <a href="#">RCW 36.70A.070</a> , <a href="#">36.70A.040(4)</a> , <a href="#">35.63.125</a> , <a href="#">35A.63.105</a> , <a href="#">36.70A.480</a>			
b. Shoreline master programs shall provide a level of protection to critical areas located within shorelines of the state that assures no net loss of shoreline ecological functions necessary to sustain shoreline natural resources as defined by department of ecology guidelines adopted pursuant to <a href="#">RCW 90.58.060</a> .			



	In Current Plan? Yes/No If yes, cite section	Changes needed to meet current statute? Yes/No	Notes
c. Shorelines of the state shall not be considered critical areas under this chapter except to the extent that specific areas located within shorelines of the state qualify for critical area designation based on the definition of critical areas provided by <a href="#">RCW 36.70A.030(5)</a> and have been designated as such by a local government pursuant to <a href="#">RCW 36.70A.060(2)</a> .			
d. If a local jurisdiction's master program does not include land necessary for buffers for critical areas that occur within shorelines of the state, as authorized by <a href="#">RCW 90.58.030(2)(f)</a> , then the local jurisdiction shall continue to regulate those critical areas and their required buffers pursuant to <a href="#">RCW 36.70A.060(2)</a> .			

### Provisions for siting essential public facilities (EPFs)

Consistent with CWPPs and [RCW 36.70A.200](#), amended 2021. This section can be included in the Capital Facilities Element, Land Use Element or in its own element. Sometimes the identification and siting process for EPFs is part of the CWPPs.

a. A process or criteria for identifying and siting essential public facilities (EPFs). <a href="#">RCW 36.70A.200</a> and <a href="#">WAC 365-196-550(1)</a>  Notes: <a href="#">RCW 36.70A.200, amended 2021</a> regarding reentry and rehabilitation facilities. EPFs are defined in <a href="#">RCW 36.70A.200</a> .  Regional transit authority facilities are included in the list of essential public facilities.			
b. Policies or procedures that ensure the comprehensive plan does not preclude the siting of EPFs. <a href="#">RCW 36.70A.200(5)</a>  Note: If the EPF siting process is in the CWPPs, this policy may be contained in the comprehensive plan as well. <a href="#">WAC 365-196-550(3)</a>			

## Tribal Participation in Planning new in 2022 (see [HB 1717](#))

A federally recognized Indian tribe may voluntarily choose to participate in the local and regional planning processes.

	In Current Plan? Yes/No  If yes, cite section	Changes needed to meet current statute?  Yes/No	Notes
a. Mutually agreeable memorandum of agreement between local governments and tribes in regard to collaboration and participation in the planning process unless otherwise agreed at the end of a mediation period. <a href="#">RCW 36.70A.040(8)(a)</a> new in 2022, <a href="#">RCW 36.70A.190</a> new in 2022			
b. <i>Port elements</i> , if adopted, are developed collaboratively between the city, the applicable port and the applicable tribe(s), which shall comply with <a href="#">RCW 36.70A.040(8)</a> . <a href="#">RCW 36.70A.085</a> amended in 2022			
c. <i>Urban Growth Areas</i> : counties and cities coordinate planning efforts for any areas planned for urban growth with applicable tribe(s). <a href="#">RCW 36.70A.110(1)</a> amended 2022, <a href="#">RCW 36.70A.040(8)</a>			

## Future required elements: pending state funding

As of 2022, these elements have not received state funding to aid local jurisdictions in implementation. Therefore, these elements are not required to be added to comprehensive plans at this time. Commerce encourages jurisdictions to begin planning for these elements, pending the future mandate.

	In Current Plan? Yes/No  If yes, cite section	Notes
<b>Economic Development</b> Although included in <a href="#">RCW 36.70A.070</a> “mandatory elements” an economic development element is not currently required because funding was not provided to assist in developing local elements when this element was added to the GMA. However, provisions for economic growth, vitality, and a high quality of life are important, and supporting strategies should be integrated with the land use, housing, utilities, and transportation elements. <a href="#">RCW 36.70A.070(7)</a> amended 2017		
<b>Parks and Recreation</b> Although included in <a href="#">RCW 36.70A.070</a> “mandatory elements” a parks and recreation element is not required because the state did not provide funding to assist in developing local elements when this provision was added to the GMA. However, park, recreation, and open space planning are GMA goals, and it is important to plan for and fund these facilities. <a href="#">RCW 36.70A.070(8)</a>		

## Optional Elements

Pursuant to [RCW 36.70A.080](#), a comprehensive plan may include additional elements, items, or studies dealing with other subjects relating to the physical development within its jurisdiction, including, but not limited to:

	In Current Plan? Yes/No If yes, cite section	Notes
<b>Climate Change Mitigation &amp; Resilience</b> As of 2022, this optional element has not yet received state funding to aid local jurisdictions in implementation. Please visit <a href="#">Commerce's Climate Program page</a> for resources and assistance if interested in developing climate mitigation and resilience plans for your jurisdiction.		
<b>Sub-Area Plans</b>		
<b>Other</b>		

## Consistency is required by the GMA

	In Current Plan? Yes/No  If yes, cite section	Changes needed to meet current statute?  Yes/No	Notes
a. All plan elements must be consistent with relevant county-wide planning policies (CWPPs) and, where applicable, multi-county planning policies (MPPs), and the GMA. <a href="#">RCW 36.70A.100</a> and <a href="#">210</a> , <a href="#">WAC 365-196-305</a> ; <a href="#">400(2)(c)</a> ; <a href="#">510</a> and <a href="#">520</a>			
b. All plan elements must be consistent with each other. <a href="#">RCW 36.70A.070 (preamble)</a> and <a href="#">WAC 365-197-040</a>			
c. The plan must be coordinated with the plans of adjacent jurisdictions. <a href="#">RCW 36.70A.100</a> and <a href="#">WAC 365-196-520</a>			

## Public Participation

a. Plan ensures public participation in the comprehensive planning process. <a href="#">RCW 36.70A.020(11)</a> , <a href="#">.035</a> , and <a href="#">.140</a> , <a href="#">WAC 365-196-600(3)</a> provide possible public participation choices.			
b. If the process for making amendments is included in the comprehensive plan: <ul style="list-style-type: none"> <li>• The plan provides that amendments are to be considered no more often than once a year, not including the exceptions described in <a href="#">RCW 36.70A.130(2)</a>, <a href="#">WAC365-196-640</a></li> <li>• The plan sets out a procedure for adopting emergency amendments and defines emergency. <a href="#">RCW 36.70A.130(2)(b)</a> and <a href="#">RCW 36.70A.390</a>, <a href="#">WAC 365-196-650(4)</a></li> </ul>			

	In Current Plan? Yes/No If yes, cite section	Changes needed to meet current statute? Yes/No	Notes
<p>c. Plan or program for monitoring how well comprehensive plan policies, development regulations, and other implementation techniques are achieving the comp plan's goals and the goals of the GMA. <a href="#">WAC 365-196-660</a> discusses a potential review of growth management implementation on a systematic basis.</p> <p>New 2021-2022 legislation <a href="#">HB 1241</a> provides that those jurisdictions with a periodic update due in 2024 have until December 31, 2024 to submit. The legislation also changed the update cycle to every ten years after the 2024-2027 cycle. Jurisdictions that meet the new criteria described in <a href="#">RCW 36.70A.130(9)</a> will be required to submit an implementation progress report five years after the review and revision of their comprehensive plan.</p>			
<p>d. Considerations for preserving property rights. Local governments must evaluate proposed regulatory or administrative actions to assure that such actions do not result in an unconstitutional taking of private property. <a href="#">RCW 36.70A.370</a>. For further guidance see the <a href="#">2018 Advisory Memo on the Unconstitutional Taking of Private Property</a></p>			

## Section II: Development Regulations

Must be consistent with and implement the comprehensive plan. [RCW 36.70A.040](#), [WAC 365-196-800](#) and [810](#)

### Critical Areas

Regulations protecting critical areas are required by [RCW 36.70A.060\(2\)](#), [RCW 36.70A.172\(1\)](#), [WAC 365-190-080](#) and [WAC 365-195-900 through 925](#).

Please visit Commerce's [Critical Areas webpage](#) for resources and to complete the [Critical Areas Checklist](#). Critical areas regulations must be reviewed and updated, as necessary, to incorporate legislative changes and best available science. Jurisdictions using periodic update grant funds to update critical areas regulations must submit the critical areas checklist as a first deliverable, in addition to this periodic update checklist.

### Zoning Code

	In Current Regs? Yes/No  If yes, cite section	Changes needed to meet current statute?  Yes/No	Notes
a. Zoning designations are consistent and implement land use designations that accommodate future housing needs by income bracket as allocated through the countywide planning process ( <a href="#">RCW 36.70A.070(2)(c)</a> - <a href="#">Amended in 2021 with HB 1220</a> )			
b. Permanent supportive housing or transitional housing must be allowed where residences and hotels are allowed. <a href="#">RCW 36.70A.390</a> New in 2021, (HB 1220 sections 3-5) "permanent supportive housing" is defined in <a href="#">RCW 36.70A.030</a> ; "transitional housing" is defined in <a href="#">RCW 84.36.043(2)(c)</a>			
c. Indoor emergency shelters and indoor emergency housing shall be allowed in any zones in which hotels are allowed, except in cities that have adopted an ordinance authorizing indoor emergency shelters and indoor emergency housing in a majority of zones within one-mile of transit. Indoor emergency housing must be allowed in areas with hotels. <a href="#">RCW 35A.21.430</a> amended in 2021, <a href="#">RCW 35.21.683</a> , amended in 2021, (HB 1220 sections 3-5) "emergency housing" is defined in <a href="#">RCW 84.36.043(2)(b)</a>			

	In Current Regs? Yes/No  If yes, cite section	Changes needed to meet current statute?  Yes/No	Notes
d. The number of unrelated persons that occupy a household or dwelling unit except as provided in state law, for short term rentals, or occupant load per square foot shall not be regulated or limited by cities. <a href="#">(HB 5235)</a> , <a href="#">RCW 35.21.682</a> new in 2021, <a href="#">RCW 35A.21.314</a> new in 2022, <a href="#">RCW 36.01.227</a> new in 2021			
e. Limitations on the amount of parking local governments can require for low-income, senior, disabled and market-rate housing units located near high-quality transit service. <a href="#">RCW 36.70A.620</a> amended in 2020 and <a href="#">RCW 36.70A.600</a> amended in 2019			
f. Family day care providers are allowed in all residential dwellings located in areas zoned for residential or commercial <a href="#">RCW 36.70A.450</a> . Review <a href="#">RCW 43.216.010</a> for definition of family day care provider and <a href="#">WAC 365-196-865</a> for more information.			
g. Manufactured housing is regulated the same as site built housing. <a href="#">RCW 35.21.684</a> amended in 2019, <a href="#">RCW 35.63.160</a> , <a href="#">RCW 35A.21.312</a> amended in 2019 and <a href="#">RCW 36.01.225</a> amended in 2019. A local government may require that manufactured homes: (1) are new, (2) are set on a permanent foundation, and (3) comply with local design standards applicable to other homes in the neighborhood, but may not discriminate against consumer choice in housing.  See: <a href="#">National Manufactured Housing Construction and Safety Standards Act of 1974</a>			



	In Current Regs? Yes/No  If yes, cite section	Changes needed to meet current statute?  Yes/No	Notes
<p>h. Accessory dwelling units: cities (and counties) must adopt or amend by ordinance, and incorporate into their development regulations, zoning regulations and other official controls the requirements of <a href="#">RCW 36.70A.698</a> amended in 2021; Review <a href="#">RCW 36.70A.696</a> amended in 2021 through 699 and <a href="#">RCW 43.63A.215(3)</a></p> <p>Watch for new guidance from Commerce on the <a href="#">Planning for Housing webpage</a>.</p>			
<p>i. Residential structures occupied by persons with handicaps, and group care for children that meets the definition of “familial status” are regulated the same as a similar residential structure occupied by a family or other unrelated individuals. No city or county planning under the GMA may enact or maintain ordinances, development regulations, or administrative practices which treat a residential structure occupied by persons with handicaps differently than a similar residential structure occupied by a family or other unrelated individuals.</p> <p><a href="#">RCW 36.70A.410</a>, <a href="#">RCW 70.128.140</a> and <a href="#">150</a>, <a href="#">RCW 49.60.222-225</a> and <a href="#">WAC 365-196-860</a></p>			

	In Current Regs? Yes/No If yes, cite section	Changes needed to meet current statute? Yes/No	Notes
<p>j. Affordable housing programs enacted or expanded under <a href="#">RCW 36.70A.540 amended in 2022</a> comply with the requirements of this section. Examples of such programs may include: density bonuses within urban growth areas, height and bulk bonuses, fee waivers or exemptions, parking reductions, expedited permitting conditioned on provision of low-income housing units, or mixed-use projects. <a href="#">WAC 365-196-300</a></p> <p>See also <a href="#">RCW 36.70A.545</a> and <a href="#">WAC 365-196-410(2)(e)(i)</a></p> <p>“affordable housing” is defined in <a href="#">RCW 84.14.010</a></p> <p>Review <a href="#">RCW 36.70A.620 amended in 2020</a> for minimum residential parking requirements</p>			
<p>k. Limitations on regulating: outdoor encampments, safe parking efforts, indoor overnight shelters and temporary small houses on property owned or controlled by a religious organization. <a href="#">RCW 36.01.290 amended in 2020</a></p>			
<p>l. Regulations discourage incompatible uses around general aviation airports. <a href="#">RCW 36.70.547</a> and <a href="#">WAC 365-196-455</a>. Incompatible uses include: high population intensity uses such as schools, community centers, tall structures, and hazardous wildlife attractants such as solid waste disposal sites, wastewater or stormwater treatment facilities, or stockyards. For more guidance, see <a href="#">WSDOT’s Aviation Land Use Compatibility Program</a>.</p>			

	In Current Regs? Yes/No  If yes, cite section	Changes needed to meet current statute?  Yes/No	Notes
m. If a U.S. Department of Defense (DoD) military base employing 100 or more personnel is within or adjacent to the jurisdiction, zoning should discourage the siting of incompatible uses adjacent to military base. <a href="#">RCW 36.70A.530(3)</a> and <a href="#">WAC 365-196-475</a> . Visit <a href="#">Military One Source</a> to locate any bases in your area and help make determination of applicability. If applicable, inform the commander of the base regarding amendments to the comprehensive plan and development regulations on lands adjacent to the base.			
n. Electric vehicle infrastructure (jurisdiction specified: adjacent to Interstates 5, 90, 405 or state route 520 and other criteria) must be allowed as a use in all areas except those zoned for residential, resource use or critical areas. <a href="#">RCW 36.70A.695</a>			
<b>Shoreline Master Program</b> Consistent with <a href="#">RCW 90.58</a> Shoreline Management Act of 1971			
a. Zoning designations are consistent with Shoreline Master Program (SMP) environmental designations. <a href="#">RCW 36.70A.480</a>			
b. If updated to meet <a href="#">RCW 36.70A.480</a> (2010), SMP regulations provide protection to critical areas in shorelines that is at least equal to the protection provided to critical areas by the critical areas ordinance. <a href="#">RCW 36.70A.480(4)</a> and <a href="#">RCW 90.58.090(4)</a>  See <a href="#">Ecology's shoreline planners' toolbox</a> for the SMP Checklist and other resources and <a href="#">Ecology's Shoreline Master Programs Handbook webpage</a>			

## Natural Resource Lands

Defined in [RCW 36.70A.030\(3\), \(12\) and \(17\)](#) and consistent with [RCW 36.70A.060](#) and [RCW 36.70A.170](#)

	In Current Regs? Yes/No  If yes, cite section	Changes needed to meet current statute?  Yes/No	Notes
a. Zoning is consistent with natural resource lands designations in the comprehensive plan and conserves natural resource lands. <a href="#">RCW 36.70A.060(3)</a> , <a href="#">WAC 365-196-815</a> and <a href="#">WAC 365-190-020(6)</a> . Consider innovative zoning techniques to conserve agricultural lands of long-term significance <a href="#">RCW 36.70A.177(2)</a> . See also <a href="#">WAC 365-196-815(3)</a> for examples of innovative zoning techniques.			
b. Regulations to assure that use of lands adjacent to natural resource lands does not interfere with natural resource production. <a href="#">RCW 36.70A.060(1)(a)</a> and <a href="#">WAC 365-190-040</a>  Regulations require notice on all development permits and plats within 500 feet of designated natural resource lands that the property is within or near a designated natural resource land on which a variety of commercial activities may occur that are regulations to implement comprehensive plan			
c. For designated agricultural land, regulations encourage nonagricultural uses to be limited to lands with poor soils or otherwise not suitable for agricultural purposes. Accessory uses should be located, designed and operated to support the continuation of agricultural uses. <a href="#">RCW 36.70A.177(3)(b)</a>			
d. Designate mineral lands and associated regulations as required by <a href="#">RCW 36.70A.131</a> and <a href="#">WAC 365-190-040(5)</a> . For more information review the <a href="#">WA State Dept. of Natural Resources (DNR)'s Geology Division site</a>			

## Siting Essential Public Facilities

Regulations for siting essential public facilities should be consistent with [RCW 36.70A.200](#) and consider [WAC 365-196-550](#). Essential public facilities include those facilities that are typically difficult to site, such as airports, state education facilities, state or regional transportation facilities, state and local correctional facilities, solid waste handling facilities, and in-patient facilities including substance abuse facilities, mental health facilities, group homes, and secure community transition facilities. Regulations may be specific to a local jurisdiction, but may be part of county-wide planning policies (CWPPs).

	In Current Regs? Yes/No  If yes, cite section	Changes needed to meet current statute?  Yes/No	Notes
Regulations or CWPPs include a process for siting EPFs and ensure EPFs are not precluded. <a href="#">RCW 36.70A.200(2), (3), (5)</a> . <a href="#">WAC 365-196-550(6)</a> lists process for siting EPFs. <a href="#">WAC 365-196-550(3)</a> details preclusions. EPFs should be located outside of known hazardous areas.  Visit <a href="#">Commerce's Behavioral Health Facilities Program page</a> for information on establishing or expanding new capacity for behavioral health EPFs.			

## Subdivision Code

a. Subdivision regulations are consistent with and implement comprehensive plan policies. <a href="#">RCW 36.70A.030(5)</a> and <a href="#">36.70A.040(4)</a> .			
b. Written findings to approve subdivisions establish adequacy of public facilities. <a href="#">RCW 58.17.110 amended in 2018</a> <ul style="list-style-type: none"> <li>Streets or roads, sidewalks, alleys, other public ways, transit stops, and other features that assure safe walking conditions for students.</li> <li>Potable water supplies, sanitary wastes, and drainage ways. <a href="#">RCW 36.70A.590 amended 2018</a></li> <li>Open spaces, parks and recreation, and playgrounds</li> <li>Schools and school grounds</li> </ul> Other items related to the public health, safety and general welfare <a href="#">WAC 365-196-820(1)</a> .			

	In Current Regs? Yes/No  If yes, cite section	Changes needed to meet current statute?  Yes/No	Notes
<p>c. Preliminary subdivision approvals under <a href="#">RCW 58.17.140</a> and <a href="#">RCW 58.17.170</a> are valid for a period of five or seven years (previously five years).</p> <p>Note: preliminary plat approval is valid for: seven years if the date of preliminary plat approval is on or before December 31, 2014; five years if the preliminary plat approval is issued on or after January 1, 2015; and ten years if the project is located within city limits, not subject to the shoreline management act, and the preliminary plat is approved on or before December 31, 2007.</p>			
<b>Stormwater</b>			
<p>a. Regulations protect water quality and implement actions to mitigate or cleanse drainage, flooding, and storm water run-off that pollute waters of the state, including Puget Sound or waters entering Puget Sound. <a href="#">RCW 36.70A.070(1)</a> Regulations may include: adoption of a stormwater manual consistent with Ecology's latest manual for Eastern or Western Washington, adoption of a clearing and grading ordinance –See <a href="#">Commerce's 2005 Technical Guidance Document for Clearing and Grading in Western Washington</a>.</p> <p>Adoption of a low impact development ordinance. See <a href="#">Puget Sound Partnership's 2012 Low Impact Development guidance</a> and Ecology's <a href="#">2013 Eastern Washington Low Impact Development guidance</a>.</p> <p>Additional Resources: <a href="#">Federal Grants to Protect Puget Sound Watersheds</a>, <a href="#">Building Cities in the Rain</a>, <a href="#">Ecology Stormwater Manuals</a>, <a href="#">Puget Sound Partnership Action Agenda</a></p>			

	In Current Regs? Yes/No  If yes, cite section	Changes needed to meet current statute?  Yes/No	Notes
b. Provisions for corrective action for failing septic systems that pollute waters of the state. <a href="#">RCW 36.70A.070(1)</a> . See also: <a href="#">DOH Wastewater Management, Ecology On-Site Sewage System Projects &amp; Funding</a>			

## Organic Materials Management Facilities

New in 2022, HB 1799 added a section to the GMA aimed at reducing the volumes of organic materials collected in conjunction with other solid waste and delivered to landfills, supporting productive uses of organic material waste and reduction of methane gas (a greenhouse gas).

<p>New section <a href="#">RCW 36.70A.142</a>; new 2021-2022 legislation <a href="#">HB 1799</a>: Development regulations newly developed, updated, or amended <i>after January 1, 2025</i> allow for the siting of organic materials (OM) management facilities as identified in local solid waste management plans (SWMP) to meet OM reduction and diversion goals. Siting to meet criteria described in <a href="#">RCW 70A.205.040(3)</a>.</p> <p>See also <a href="#">RCW 36.70.330</a>. For applicability, see <a href="#">RCW 70A.205.540</a></p>			
--	--	--	--

## Impact Fees

May impose impact fees on development activity as part of the financing for public facilities, provided that the financing for system improvements to serve new development must provide for a balance between impact fees and other sources of public funds; cannot rely solely on impact fees.

a. If adopted, impact fees are applied consistent with <a href="#">RCW 82.02.050</a> amended in 2016, <a href="#">.060</a> amended in 2021, <a href="#">.070</a> , <a href="#">.080</a> , <a href="#">.090</a> amended in 2018 and <a href="#">.100</a> . <a href="#">WAC 365-196-850</a> provides guidance on how impact fees should be implemented and spent.			
---	--	--	--

	In Current Regs? Yes/No  If yes, cite section	Changes needed to meet current statute?  Yes/No	Notes
b. Jurisdictions collecting impact fees must adopt and maintain a system for the deferred collection of impact fees for single-family detached and attached residential construction, consistent with <a href="#">RCW 82.02.050(3)</a> amended in 2016			
c. If adopted, limitations on impact fees for early learning facilities <a href="#">RCW 82.02.060</a> amended in 2021			
d. If adopted, exemption of impact fees for low-income and emergency housing development <a href="#">RCW 82.02.060</a> amended in 2021. See also definition change in <a href="#">RCW 82.02.090(1)(b)</a> amended in 2018			



## Concurrency and Transportation Demand Management (TDM)

Ensures consistency in land use approval and the development of adequate public facilities as plans are implemented, maximizes the efficiency of existing transportation systems, limits the impacts of traffic and reduces pollution.

	In Current Regs? Yes/No  If yes, cite section	Changes needed to meet current statute?  Yes/No	Notes
<p>a. The transportation concurrency requirement includes specific language that prohibits development when level of service standards for transportation facilities cannot be met. <a href="#">RCW 36.70A.070(6)(b)</a>, <a href="#">WAC 365-196-840</a>.</p> <p>Note: Concurrency is required for transportation, but may also be applied to park facilities, etc.</p>			
<p>b. Measures exist to bring into compliance locally owned transportation facilities or services that are below the levels of service established in the comprehensive plan. <a href="#">RCW 36.70A.070(6)(a)(iii)(B) and (D)</a>. Levels of service can be established for automobiles, pedestrians and bicycles. See <a href="#">WAC 365-196-840(3)</a> on establishing an appropriate level of service.</p>			
<p>c. Highways of statewide significance (HSS) are exempt from the concurrency ordinance. <a href="#">RCW 36.70A.070(6)(a)(iii)(C)</a></p>			
<p>d. Traffic demand management (TDM) requirements are consistent with the comprehensive plan. <a href="#">RCW 36.70A.070(6)(a)(vi)</a>. Examples may include requiring new development to be oriented towards transit streets, pedestrian-oriented site and building design, and requiring bicycle and pedestrian connections to street and trail networks. <a href="#">WAC 365-196-840(4)</a> recommends adopting methodologies that analyze the transportation system from a comprehensive, multimodal perspective.</p>			

	In Current Regs? Yes/No  If yes, cite section	Changes needed to meet current statute?  Yes/No	Notes
e. If required by <a href="#">RCW 82.70</a> , a commute trip reduction (CTR) ordinance to achieve reductions in the proportion of single-occupant vehicle commute trips has been adopted. The ordinance should be consistent with comprehensive plan policies for CTR and Department of Transportation rules.			
<b>Tribal Participation in Planning</b> new in 2022 (see <a href="#">HB 1717</a> ) A federally recognized Indian tribe may voluntarily choose to participate in the county or regional planning process.			
a. Mutually agreeable memorandum of agreement between local governments and tribes in regard to collaboration and participation in the planning process unless otherwise agreed at the end of a mediation period <a href="#">RCW 36.70A.040(8)(a)</a> new in 2022			
b. Policies consistent with countywide planning policies that address the protection of tribal cultural resources in collaboration with federally recognized Indian tribes that are invited, provided that a tribe, or more than one tribe, chooses to participate in the process. <a href="#">RCW 36.70A.210(3)(i)</a> new in 2022			
<b>Regulations to Implement Optional Elements</b>			
a. New fully contained communities are consistent with comprehensive plan policies, <a href="#">RCW 36.70A.350</a> and <a href="#">WAC 365-196-345</a>			
b. If applicable, master planned resorts are consistent with comprehensive plan policies, <a href="#">RCW 36.70A.360</a> , <a href="#">RCW 36.70A.362</a> and <a href="#">WAC 365-196-460</a>			

	In Current Regs? Yes/No  If yes, cite section	Changes needed to meet current statute?  Yes/No	Notes
c. If applicable, major industrial developments and master planned locations outside of UGAs are consistent with comprehensive plan policies, <a href="#">RCW 36.70A.365</a> , <a href="#">RCW 36.70A.367</a> and <a href="#">WAC 365-196-465</a>			
d. Regulations include procedures to identify, preserve, and/or monitor historical or archaeological resources. <a href="#">RCW 36.70A.020(13)</a> , <a href="#">WAC 365-196-450</a>			
e. Other development regulations needed to implement comprehensive plan policies such as energy, sustainability or design are adopted. <a href="#">WAC 365-196-445</a>			
f. Design guidelines for new development are clear and easy to understand; administration procedures are clear and defensible.			

## Project Review Procedures

<p>Project review processes integrate permit and environmental review. <a href="#">RCW 36.70A.470</a>, <a href="#">RCW 36.70B</a> and <a href="#">RCW 43.21C</a>.</p> <p>Also: <a href="#">WAC 365-196-845</a>, <a href="#">WAC 197-11</a>(SEPA Rules), <a href="#">WAC 365-197</a> (Project Consistency Rule, Commerce, 2001) and <a href="#">Ecology SEPA Handbook</a>.</p> <p>Integrated permit and environmental review procedures for:</p> <ul style="list-style-type: none"> <li>• Notice of application</li> <li>• Notice of complete application</li> <li>• One open-record public hearing</li> <li>• Combining public hearings &amp; decisions for multiple permits</li> <li>• Notice of decision</li> <li>• One closed-record appeal</li> </ul>			
---	--	--	--

## an & Regulation Amendments

If procedures governing comprehensive plan amendments are part of the code, then assure the following are true:

	In Current Regs? Yes/No  If yes, cite section	Changes needed to meet current statute?  Yes/No	Notes
a. Regulations limit amendments to the comprehensive plan to once a year (with statutory exceptions). <a href="#">RCW 36.70A.130(2)</a> and <a href="#">WAC 365-196-640(3)</a> .			
b. Regulations define <i>emergency</i> for an emergency plan amendment. <a href="#">RCW 36.70A.130(2)(b)</a> and <a href="#">WAC 365-196-640(4)</a> .			
c. Regulations include a docketing process for requesting and considering plan amendments. <a href="#">RCW 36.70A.130(2)</a> , <a href="#">RCW 36.70A.470</a> , and <a href="#">WAC 365-196-640(6)</a> .			
d. A process has been established for early and continuous public notification and participation in the planning process. <a href="#">RCW 36.70A.020(11)</a> , <a href="#">RCW 36.70A.035</a> and <a href="#">RCW 36.70A.140</a> . See <a href="#">WAC 365-196-600</a> regarding public participation and <a href="#">WAC 365-196-610(2)</a> listing recommendations for meeting requirements.			
e. A process exists to assure that proposed regulatory or administrative actions do not result in an unconstitutional taking of private property <a href="#">RCW 36.70A.370</a> . See the <a href="#">2018 Advisory Memo on the Unconstitutional Taking of Private Property</a>			
f. Provisions ensure adequate enforcement of regulations, such as zoning and critical area ordinances (civil or criminal penalties). See implementation strategy in <a href="#">WAC 365-196-650(1)</a> .			

TO: General Government  
 FROM: Brad Medrud, Planning Manager  
 DATE: October 11, 2023  
 SUBJECT: Letter of Commitment with State Department of Commerce for 2025 Comprehensive Plan Periodic Update Climate Planning Grant Application

---

1) Recommended Action:

Place on the October 17, 2023, City Council consent calendar to authorize the Mayor to sign the Letter of Commitment with the State Department of Commerce for 2025 Comprehensive Plan Periodic Update Climate Planning Grant Application

---

2) Background:

On a ten-year cycle, the City is required to conduct a Growth Management Act periodic update of its Comprehensive Plan and related development regulations. For the current cycle, the City is required to complete work on the periodic update by June 30, 2025. Work on the periodic update started last fall.

The State Department of Commerce Climate Planning Grant allocation is \$500,000. The grant would allow the City to hire consultants to assist with the state requirement to prepare a Climate Element as part of the 2025 Comprehensive Plan update, as well as make other related updates to other elements of the Plan.

---

3) Policy Support:

Goal LU-1: Ensure the Land Use Element is implementable and coordinated with all applicable City plans and the plans of other jurisdictions in the Thurston region.

Policy LU-1.14 Coordinate the Land Use Element with the strategies in the most recent version of the Thurston Climate Mitigation Plan.

---

4) Alternatives:

☐ None.

---

5) Fiscal Notes:

The City will be filing an application for a State Department of Commerce grant for \$500,000 before October 31, 2023, to support this work as part of the 2025 Comprehensive Plan. There is no City match for this grant.

---

6) Attachments:

A. Letter of Commitment – Climate Planning Grant Application



October 17, 2023

Sara Fox, Climate Planning Manager  
Washington State Department of Commerce  
1011 Plum Street SE  
Olympia, WA 98504

Dear Recipient:

I, Debbie Sullivan, Mayor of the City of Tumwater, authorize the City to propose the attached scope of work and budget request for grant funding to prepare and adopt amendments to implement the requirements of HB 1181 related to climate planning.

We understand that the City is required under the Growth Management Act to adopt goals and policies related to addressing climate change. These goals and policies will be considered and adopted as part of our scheduled periodic review update to our Comprehensive Plan, which is due June 30, 2025.

The City intends to use the funds provided by the grant to offset the costs of consultants needed to assist City staff with the update of the City's Comprehensive Plan and supporting implementation work. The City will use any remaining funds from the allocation to conduct implementation activities related to the adopted Plan after 2025.

Work on the City's Growth Management Act periodic update started last fall. The updated Comprehensive Plan will address diversity, equity, and inclusion throughout the Plan and incorporate a number of state required changes.

I urge the State Department of Commerce to support the City's Comprehensive Plan update by providing funds to support our work on the requirements of HB 1181. Please feel free to contact me at (360) 754-5855 or by emailing [dsullivan@ci.tumwater.wa.us](mailto:dsullivan@ci.tumwater.wa.us) if you have questions regarding my comments and support.

---

Tumwater City Hall  
555 Israel Road SW  
Tumwater WA 98501

[www.ci.tumwater.wa.us](http://www.ci.tumwater.wa.us)

City of Tumwater

Warm regards,

Debbie Sullivan  
Mayor, City of Tumwater

Cc: Tumwater City Council  
Lisa Parks, City Administrator  
Michael Matlock, Community Development Director

TO: General Government Committee  
 FROM: Brad Medrud, Planning Manager  
 DATE: October 11, 2023  
 SUBJECT: Third Amendment to the Phase 2 Service Provider Agreement for the Bush Prairie Habitat Conservation Plan (HCP)

---

1) Recommended Action:

Recommend that the City Council add the Third Amendment to Phase 2 Service Provider Agreement for the Bush Prairie Habitat Conservation Plan (HCP) to the consent agenda for approval at their October 17, 2023 meeting.

---

2) Background:

The streaked horned lark, the Olympia pocket gopher, and the Oregon spotted frog were listed for protection under the federal Endangered Species Act (ESA) in 2013, 2014, and 2016, respectively. The Oregon vesper sparrow is not federally listed under the ESA yet, but it is anticipated to be listed in the future. All four species occur within the City.

Under the ESA, the U.S. Fish and Wildlife Service (USFWS) may issue an incidental take permit to private and public landowners to allow for limited “take” of these species. One of the requirements for an incidental take permit to be issued is that USFWS approve a habitat conservation plan (HCP).

Working together with the Port of Olympia, a large group of stakeholders, and consultants, the City is preparing the Bush Prairie HCP to identify appropriate mitigation for impacts to the three endangered prairie species, as well as the Oregon spotted frog. The HCP will allow City and Port operations and maintenance, as well as public and private development to occur in some areas frequented by endangered species, in exchange for the development of contiguous mitigation sites that offset any impacts.

The goal of the HCP is to allow responsible growth to occur in the City, as required under the state Growth Management Act, while providing superior species protection over what the ad-hoc, case-by-case federal permitting approach currently provides. It is the intent of the HCP to cover all development actions by private and public landowners that require municipal approvals.

The City and Port approved an Interlocal Agreement in 2016 to prepare the Bush Prairie HCP. The City and Port worked together to apply for the Bush Prairie HCP Phase 2 grant from USFWS in March 2017 and were awarded the grant in April 2018. The Bush Prairie HCP Phase 2 Service Provider Agreement with ICF Jones & Stokes was completed in 2018.

The proposed Third Amendment to the Phase 2 Service Provider Agreement with ICF Jones & Stokes would extend the term of the Phase 2 Service Provider Agreement twelve months from current expiration date of December 21, 2023 to December 31, 2024.

The proposed Third Amendment to the Phase 2 Service Provider Agreement would also adjust the amounts allocated to the tasks of the Phase 2 Service Provider Agreement to reflect the current funding allocations for the grant objectives in WDFW Phase 2 Grant Contract 18-11088. The total compensation in the Phase 2 Service Provider Agreement



would remain \$1,144,653.00.

All other terms and conditions of the Phase 2 Service Provider Agreement not modified by the Third Amendment to the Phase 2 Service Provider Agreement would remain in full force and effect.

---

3) Policy Support:

Comprehensive Plan Conservation Element Goal C-1: Recognize the significant role played by natural features and systems in determining the overall environmental quality and livability of Tumwater.

Comprehensive Plan Conservation Element Policy C-2.16: Protect and preserve habitats for species, which have been identified as endangered, threatened, or sensitive by the state or federal government, giving "special consideration: to conservation or protection measures necessary to preserve or enhance anadromous fisheries.

---

4) Alternatives:

☐ None.

---

5) Fiscal Notes:

Work on this project is funded by federal grants and City general government funds.

---

6) Attachments:

A. Third Amendment to Phase 2 Service Provider Agreement for the Bush Prairie Habitat Conservation Plan (HCP)

**THIRD AMENDMENT  
TO  
CITY OF TUMWATER  
SERVICE PROVIDER AGREEMENT**

**BUSH PRAIRIE HABITAT CONSERVATION PLAN, PHASE 2**

THIS THIRD AMENDMENT (“Amendment”) is dated effective this \_\_\_\_\_ day of \_\_\_\_\_, 2023, and is entered into by and between the CITY OF TUMWATER, a Washington municipal corporation (“CITY”), and ICF JONES & STOKES, INC., a Washington corporation, hereinafter referred to as the “SERVICE PROVIDER.”

A. The CITY and SERVICE PROVIDER entered into a Service Provider Agreement (“Agreement”) dated effective September 4, 2018, whereby the SERVICE PROVIDER agreed to provide technical expertise, where required, to perform the services and/or tasks set forth by the Agreement.

B. Section 14 of the Agreement provided that the Agreement may only be amended by written agreement signed by the parties.

C. The CITY and the SERVICE PROVIDER amended the Agreement to continue the Services described in Section 1 of the Agreement by extending the term of the Agreement until September 30, 2022, by a first amendment on April 7, 2021.

D. The CITY and the SERVICE PROVIDER amended the Agreement to continue the Services described in Section 1 of the Agreement by extending the term of the Agreement until December 31, 2023, by a second amendment on September 30, 2022.

E. The CITY and the State of Washington, Department of Fish and Wildlife (“WDFW”) amended WDFW Grant Contract 18-11088 dated September 29, 2018, by a second amendment dated March 13, 2022, to remove the amount of \$191,932 from Grant Objective 4 and transfer to Grant Objective 3. The second amendment adjusted the cost of Grant Objective 3 to \$348,458 and Grant Objective 4 to \$127,955.

F. The CITY and the SERVICE PROVIDER are making progress towards completing the Bush Prairie Habitat Conservation Plan and desire to amend the Agreement to continue the Services described in Section 1 of the Agreement, adjust the task budget allocations to conform to the Grant Contract amendments, and extend the term of the Agreement.

NOW, THEREFORE, the parties agree to the following terms and conditions:

1. Term.

Section 2 of the Agreement shall be amended to extend the term of the Agreement until December 31, 2024.

2. Compensation.

Exhibit A, Section 4 – Budget, Table 3 Bush Prairie HCP and EIS Budget Summary, of the Agreement shall be amended as follows:

<b>Task</b>	<b>Total</b>
Task 1. Project Management, Coordination, and Meetings	<del>\$210,920</del> <u>\$258,593</u>
Task 2. Prepare Working Draft HCP	<del>\$220,610</del> <u>\$243,330</u>
Task 3. Complete HCP	<del>\$182,760</del> <u>\$477,267</u>
Task 4. Prepare Draft and Final NEPA/SEPA EIS	<del>\$373,500</del> <u>\$139,052</u>
Direct Expenses	\$26,411
Annual Cost of Living Increases for 2019-2020 Labor	<del>\$60,157</del> <u>\$0</u>
Contingency	<del>\$72,295</del> <u>\$0</u>
<b>Grand Total</b>	<b><u>\$1,144,653</u></b>

The total compensation in Section 4 of the Agreement remains \$1,144,653.00.

3. Full Force and Effect.

All other terms and conditions of the Agreement not modified by this Amendment shall remain in full force and effect.

IN WITNESS WHEREOF the parties hereto have caused this Agreement to be executed the day and year first hereinabove written.

CITY:

CITY OF TUMWATER  
555 Israel Road SW  
Tumwater, WA 98501

SERVICE PROVIDER:

ICF Jones & Stokes, Inc.  
Address: 1200 6<sup>th</sup> Ave., Suite 1800  
City/State/Zip: Seattle, WA 98101  
Tax ID #: 94-1730361  
Phone Number: (703) 934-3709

DEBBIE SULLIVAN  
Mayor

Signature (Notarized – see below)

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

ATTEST:

Melody Valiant, City Clerk

APPROVED AS TO FORM:

Karen Kirkpatrick, City Attorney

STATE OF \_\_\_\_\_

COUNTY OF \_\_\_\_\_

I certify that I know or have satisfactory evidence that \_\_\_\_\_ (name) is the person who appeared before me, and said person acknowledged that (he/she) signed this instrument, on oath stated that (he/she) was authorized to execute the instrument and acknowledged it as the \_\_\_\_\_ (title) of ICF Jones & Stokes, Inc. (company) to be the free and voluntary act of such party for the uses and purposes mentioned in the instrument.

Dated: \_\_\_\_\_

Notary Public in and for the State of \_\_\_\_\_,  
My appointment expires: \_\_\_\_\_