



**CITY OF
TUMWATER
CITY COUNCIL
MEETING AGENDA**

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

**Tuesday, March 19, 2024
7:00 PM**

- 1. Call to Order**
- 2. Roll Call**
- 3. Flag Salute**
- 4. Special Items:**
 - a. LOTT State of the Utility by Matt Kennelly, Executive Director
- 5. Public Comment:** (for discussion of items not having a public hearing on tonight's agenda)
- 6. Consent Calendar:**
 - [a.](#) Approval of Minutes: City Council, March 5, 2024
 - [b.](#) Payment of Vouchers (Finance Department)
 - [c.](#) Resolution No. R2024-007, Amending the 2024 Fee Resolution (General Government Committee)
 - [d.](#) Fire Mobilization Interagency Agreement with the Washington State Patrol (Public Health and Safety Committee)
 - [e.](#) Intergovernmental EMS Contract with Thurston County for Basic Life Support Funding 2024 Extension (Public Health and Safety Committee)
- 7. Council Considerations:**
 - [a.](#) Ordinance No. O2023-017, TMC 18.38 FP Floodplain Overlay (Erika Smith-Erickson and Brad Medrud)
- 8. Committee Reports**
 - a. Public Health and Safety Committee (Peter Agabi)
 - b. General Government Committee (Michael Althausen)
 - c. Public Works Committee (Eileen Swarhout)
 - d. Budget and Finance Committee (Debbie Sullivan)
- 9. Mayor/City Administrator's Report**
- 10. Councilmember Reports**

11. Any Other Business

12. Adjourn

Hybrid Meeting Information

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

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OR

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Public and Written Comment

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

https://us02web.zoom.us/webinar/register/WN_FL_iBJ8SShq6dDjBk1wbUA

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

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

Post Meeting

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Accommodations

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MINUTES OF HYBRID MEETING
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CONVENE: 7:00 p.m.

PRESENT: Mayor Debbie Sullivan and Councilmembers Peter Agabi, Michael Althaus, Joan Cathey, Leatta Dahlhoff, Angela Jefferson, Eileen Swarthout, and Kelly Von Holtz.

Staff: City Administrator Lisa Parks, City Attorney Karen Kirkpatrick, Finance Director Troy Niemeyer, Fire Chief Brian Hurley, Community Development Director Michael Matlock, Transportation and Engineering Director Brandon Hicks, Water Resources and Sustainability Director Dan Smith, Transportation and Engineering Assistant Director Mary Heather Ames Economic Development Program Manager Austin Ramirez, Planning Manager Brad Medrud, Communications Manager Ann Cook, Housing and Land Use Planner Erika Smith-Erickson, and City Clerk Melody Valiant.

**PROCLAMATION:
WOMEN'S HISTORY
MONTH, MARCH
2024:** Councilmember Swarthout read a proclamation declaring March 2024 as *Women's History Month*. The proclamation urges people to take actions against gender bias and inequity and join in recognizing women's contributions to culture, history, and society.

Councilmember Cathey commented on the strides women have achieved with the support of both men and women except in the area of equal pay. Continued inequity in pay affects a woman's income level and retirement income.

PUBLIC COMMENT: There were no public comments.

- CONSENT
CALENDAR:**
- a. Approval of Minutes: City Council, February 20, 2024
 - b. Approval of Minutes: City Council Strategic Priority Discussion, February 24, 2024
 - c. Payment of Vouchers
 - d. Resolution No. R2024-006, Surplus Property
 - e. Interlocal Agreement with Thurston County, Cities of Lacey & Olympia for 2024 Thurston Climate Mitigation Collaborative Regional Initiatives
 - f. Grant Agreement with the WA Dept of Commerce for the City Hall Solar plus Storage Feasibility and Design Project
 - g. Grant Agreement with the WA Dept of Commerce for the Tumwater Library Solar plus Storage Feasibility and Design Project
 - h. Forestland Response Agreement Amendment No. 1 with the Department of Natural Resources

MOTION: Councilmember Dahlhoff moved, seconded by Councilmember Swarthout, to approve the consent calendar as published. The

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motion carried unanimously.

Mayor Sullivan reviewed the items approved on the consent calendar.

PUBLIC HEARINGS:

**RESOLUTION NO.
R2024-003,
AMENDING THE
2024-2029 SIX-YEAR
TRANSPORTATION
IMPROVEMENT
PROGRAM:**

Assistant Director Ames presented the proposal to amend the 2024-2029 Six-Year Transportation Improvement Program (TIP). The Six-Year TIP process serves as the foundation for transportation funding within the state each year when each jurisdiction/city prepares a list of transportation projects for the next six years serving as the local TIP. The lists are submitted through local planning organizations (Thurston Regional Planning Council {TRPC}) to the state. The state bundles all local TIPs to form the Statewide Transportation Improvement Program (STIP).

The current TIP was approved by the City Council in June 2023 covering the period of 2024 through 2029. Approval of the amendment following the public hearing will enable submittal of the new TIP to TRPC to forward to the state.

The proposed amendment adds a project to enable the City to accept potential funding for a project. The project is the Somerset Hill Fish Passage Barrier Removal. Staff submitted an application for \$4 million in PROTECT funding.

Similar to a previous project, the project site sits within Percival Creek with high salmonoid potential but with less than ideal conditions. The entire creek has many fish passage barriers, high stream temperatures, lack of large woody debris, and a lack of habitat. The project addresses those factors in a location at Somerset Hill Drive. The existing culvert is listed as a partial barrier to fish-passage because of flow velocities.

The stream currently passes through corrugated metal culvert five-feet in diameter and 103 feet in length creating a barrier because of velocity. As a result of a bankfull width survey completed in January 2023, the need for a 24-foot wide crossing was identified totaling four times more than the existing culvert width. In June 2023, a consultant evaluated three crossing types and recommended a 60' to 100' prefabricated bridge as the preferred option.

After funding is secured, design will begin and the specific size of the bridge will be identified. Construction is planned to begin in 2028. If the grant, Promoting Resilient Operations for Transformative Efficient and Cost-Saving Transportation (PROTECT) is approved, the funds would cover the cost of the project.

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Following the public hearing, staff recommends adoption of Resolution No. R2024-003, amending the 2024-2029 Six-Year Transportation Improvement Program.

Councilmember Cathey asked whether the bridge option creates more disruption at the project site as the bridge must be anchored on both sides of the bank. Assistant Director Ames advised that the design of the bridge would be a wider span of at least 60 to 100 feet dependent upon the final design. The bridge location is outside of the bankfull width and avoids any disruption. The bankfull width is the width a stream requires to meander and flood during high flows. The stream requires a minimum of 24 feet and any width larger than 24 feet would provide the stream with sufficient room to function. Bridge construction only occurs outside of the fish window to avoid disruption to the creek.

Councilmember Dahlhoff inquired as to how the purchase of a prefabricated bridge supports the City’s Green Team and environmentally preferred purchasing. Assistant Director Ames responded that in this instance, the project must meet the City’s environmental requirements as well as the requirements from the funding source, such as buying American requirements and limitations on how the funds are expended.

Mayor Sullivan opened the public hearing at 7:17 p.m. There was no public testimony. Mayor Sullivan closed the public hearing at 7:18 p.m.

MOTION: Councilmember Swarthout moved, seconded by Councilmember Cathey, to adopt Resolution No. R2024-003, amending the 2024-2029 Six-Year Transportation Improvement Program. A voice vote approved the motion unanimously.

**COUNCIL
CONSIDERATIONS:**

RESOLUTION NO. R2024-001, HAZARDS MITIGATION PLAN FOR THE THURSTON REGION FOURTH EDITION: Planner Smith-Erickson presented the Hazards Mitigation Plan for the Thurston Region Fourth Edition.

The Plan for the region includes strategies to reduce the risks of natural hazards of earthquakes, landslides, severe storms, floods, wildland fires, volcanic events, and other hazards causing lengthy disruptions and damage to communities. The Plan’s goals, policies, and actions minimize losses and protect the people and community assets from future disasters. To manage risks, contain costs, and promote sustainable communities, the federal government enacted the

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Disaster Mitigation Act of 2000. Local governments are required to adopt a federally approved Hazards Mitigation Plan to apply for and receive federal hazard mitigation assistance funds. The Plan's mitigation strategy includes regional actions serving as the Core Plan to improve multiagency coordination, build mitigation capabilities, and strengthen the resiliency across Thurston County. Additionally each participating jurisdiction produces an Annex prioritizing actions to minimize losses within each jurisdiction.

The City's Annex identifies City-specific projects designed to mitigate the impacts of hazards that could be completed in the future depending on funding, direction, and need. The Plan must be updated every five years.

The Core Plan contains regional mitigation initiatives. The City has identified 20 initiatives, such as public outreach, development regulations, hazard damage reduction, and critical facilities and replacement retrofits. The City Annex must contain at least one initiative for each mapped hazard of earthquakes, landslides, severe storms, floods, wildland fires, and lahar.

Planner Smith-Erickson reviewed the format of a mitigation initiative, the City Annex development process, mitigation strategies, mitigation initiatives, and the prioritization process. A new Federal Emergency Management Agency (FEMA) requirement requires the Plan to document all work and sources for all mitigation initiatives. Staff will frequently review and track the status of initiatives through the Capital Facilities Plan update, tree and vegetation code update, the 2025 Development Code Periodic Update, adoption of the Washington Wildland-Urban Interface Code, and the 2025 Comprehensive Plan Periodic Update.

The Hazards Mitigation Planning Work Group initiated meetings in February 2022. For the last year several years, the meetings were facilitated by TRPC serving as the lead agency for creating the regional plan. The City's Annex and the Core Plan were forwarded on November 27, 2023 to the Washington Emergency Management Division, which completed its review in January 2024. Subsequently, FEMA notified planning partners of one minor required revision. Each Annex must reference and adopt regional mitigation initiatives. On February 8, 2024, FEMA notified TRPC of its tentative approval to forward a letter of adoption.

Planner Smith-Erickson asked the Council to adopt Resolution No. R2024-001, Hazards Mitigation Plan for the Thurston Region Fourth Edition.

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Councilmember Swarthout asked about the membership of the work group. Planner Smith-Erickson advised that the planning work group included other jurisdictions, Thurston County, The Evergreen State College, local fire districts, and school districts. The work group worked closely with the Washington Emergency Management Division and pursued public outreach efforts.

MOTION:

Councilmember Swarthout moved, seconded by Councilmember Von Holtz, to adopt Resolution No. R2024-001, Hazards Mitigation Plan for the Thurston Region Fourth Edition. A voice vote approved the motion unanimously.

**AGREEMENT WITH
THE DEPARTMENT
OF ECOLOGY FOR
INTEGRATED
PLANNING GRANT:**

Manager Ramirez advised that Resolution No. R2024-005 would be included within the briefing. The two grants are for inventorying, characterizing, assessing, and conducting a range of planning activities to assist the City in developing clean-up plans and community engagement in the two project areas of the Brewery District and Capitol Boulevard corridor. A \$500,000 grant was received from the Environmental Protection Agency (EPA) and a \$200,000 grant was received from the Department of Ecology.

The timeline of the EPA grant is through September 30, 2027 with funds expected to be spent before the deadline. The Department of Ecology grant, a site-specific grant for the former Washington Department of Transportation site on Capitol Boulevard, has a shorter spending timeline of June 30, 2025.

Approximately 60% of the Department of Ecology grant will fund environmental work with \$20,000 dedicated to clean-up feasibility and \$60,000 for planning activities to identify uses for the site, as well as a smaller portion for grant administration. The EPA grant is intended to support environmental work. Approximately \$430,000 is dedicated for environmental work, \$12,000 for community engagement, \$50,000 for planning activities, and approximately \$9,000 for grant project administration. The majority of the funding will fund an environmental consultant with any remaining funds for staff resources and grant management.

The City's internal selection committee reviewed Requests for Qualifications and tentatively selected a consultant subject to the Council's approval.

Next steps include working with the consultant team to develop a scope of work for review by the General Government Committee and the City Council. Staff has initiated steps for grant implementation with most efforts beginning this spring when the consultant is contracted.

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Manager Ramirez cited the two separate requests to approve the Department of Ecology and the EPA Community-Wide Assessment Grant.

MOTION: Councilmember Dahlhoff moved, seconded by Councilmember Von Holtz, to approve and authorize the Mayor to sign the grant agreement with the Department of Ecology (Ecology) for a \$200,000 Integrated Planning Grant (IPG). A voice vote approved the motion unanimously.

**RESOLUTION NO.
R2024-005,
AGREEMENT WITH
THE
ENVIRONMENTAL
PROTECTION
AGENCY FOR
BROWNFIELD
ASSESSMENT
GRANT:**

MOTION: Councilmember Von Holtz moved, seconded by Councilmember Dahlhoff, to adopt Resolution No. R2024-005, approving the terms and conditions of an Environmental Protection Agency (EPA) Cooperative Agreement and accepting a \$500,000 Brownfield Community-Wide Assessment Grant. A voice vote approved the motion unanimously.

**COMMITTEE
REPORTS:**

**PUBLIC HEALTH &
SAFETY:** The next meeting is on Tuesday, March 12, 2024 at 8 a.m.
Peter Agabi

**GENERAL
GOVERNMENT:** The next meeting is on Wednesday, March 13, 2024 at 8 a.m.
Michael Althausser

PUBLIC WORKS: The next meeting is scheduled on Thursday, March 7, 2024 at 8 a.m.
Eileen Swarthout The agenda includes a review of the Barnes Lake Management District (BLMD) 2024 Budget and Work Plan.

**BUDGET AND
FINANCE:** The next meeting is scheduled in April 2024.
Debbie Sullivan

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

City Administrator Parks reported on April 9, 2024, the Council is scheduled to participate in a City Council/Planning Commission housing tour as a component of the 2025 Comprehensive Plan Periodic Update.

The Washington Surveying and Rating Bureau rated the City of Tumwater from a Class 4 to a Class 3. The Community Protection Class Program from the Bureau is how insurance companies rate communities to assess and price fire protection insurance policies. The rating is reviewed every five years and is comprised of an evaluation of the City's water system, Fire Department operations, fire safety control, and the dispatch center. The improvement in the City's rating is generally attributed to investments over the last several years in staffing and equipment, as well as fire safety control programs of fire inspections and public education programs. The evaluation also identifies areas for future improvement to be addressed during the Fire Department's strategic planning process.

Building permit activity is experiencing a significant increase in application submittals. The State of Washington adopted an updated Energy Code effective March 15, 2024. The updates add complexity and costs to building construction, which is causing the construction industry to vest in projects under current energy codes. Permitting timelines will likely experience an increase from the time of permit application to issuance. Currently, a single family building permit application requires approximately four weeks to issue. The timeline will likely extend over the next several months.

The City's lobbyist has advised that the City's budget request of \$2 million to assist the City in purchasing habitat mitigation land was included in the final compromised budget before the Legislature. The budget bill has not passed at this point, but it appears the funds will be awarded to the City.

Mayor Sullivan reported on February 21-22, 2024, she participated in the Association of Washington Cities (AWC) Mayors Forum along with 50 other city mayors from the state. During the forum, the program included a tour of the Brewery District. Manager Ramirez assisted in highlighting the Brewery District to many other city mayors. Hosts of the forum included the mayors from the City of Olympia, City of Lacey, and the City of Tumwater.

Mayor Sullivan acknowledged with appreciation the attendance of the Council to the recent Council retreat on February 24, 2024.

On February 28, 2024, Mayor Sullivan attended the Emergency

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Management Executive meeting along with Councilmember Dahlhoff and Fire Chief Hurley.

Mayor Sullivan participated in a signing ceremony on February 28, 2024 for the Teamsters contract. She acknowledged the work and support by Administrative Services Director Michelle Sutherland and staff in their efforts with the unions to finalize contracts.

The next meeting of the Intercity Transit Authority is on Wednesday, March 6, 2024. Intercity Transit hosts a Bus Buddy Program comprised of volunteers who assist individuals who have never used public transit. On Saturday, March 16, 2024, Intercity Transit is hosting a Bus Buddy Program recognition event at the Olympia Transit Center from 1 p.m. to 2 p.m.

Councilmember Cathey asked about any takeaways from the other mayors participating in the AWC forum and tour. Mayor Sullivan said there were some takeaways acknowledging how a one-size mythology is not effective for most jurisdictions in terms of Eastern versus Western Washington and urban versus rural communities. Another discussion topic was tracking the impacts and costs of state legislation and state decisions. All jurisdictions experience struggles and achievements. The forum provided a good opportunity to network with other mayors. Approximately one-third of the mayors were women.

**COUNCILMEMBER
REPORTS:**

Angela Jefferson:

At the February 21, 2024 Emergency Medical Services Council meeting, the discussion focused on the shortfall of paramedics in Thurston County reflecting a nationwide trend since the pandemic. The shortfall creates stress on the workforce with many teams experiencing overtime. An eighth medic unit is needed in the community as it expands. However, meeting the timeline is problematic, as the shortfall of paramedic applicants has created an expensive solution in the future. Today, recruitment benefits include travel expenses for qualified out-of-state candidates to participate in EMS testing on April 10-11, 2024. Individuals submitting applications prior to Thursday, March 21, 2024 will receive travel expenses for participating in the testing process based on the current per diem rate.

The next meeting of Tumwater HOPES is on March 21, 2024 followed by a meeting with the HOPES Coalition Leader on March 28, 2024.

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Councilmember Jefferson participated in a Black History Month event as the keynote speaker on February 23, 2024 at Madigan Army Community Hospital. Councilmember Jefferson said she is pursuing efforts to form a partnership with Army paramedics and Thurston County Medic One, Department of Health, and South Puget Sound Community College to create a medic to paramedic program between Madigan and Thurston County Medic One.

Michael Althaus: Councilmember Althaus said he was not able to attend the last meeting of the Regional Housing Council (RHC). Councilmember Cathey attended on his behalf.

Peter Agabi: There were no meetings and no report.

Joan Cathey: Councilmember Cathey reported on her attendance to the meeting of the RHC. Two groups represent affordable housing and homeless services serving on the RHC committees for submitting recommendations to the RHC. Several individuals were approved to serve as members of the committees.

Councilmember Cathey reported on the opening of the City's Community Development Block Grant to accept applications for funding.

A larger segment of the RHC meeting was a discussion on policy generating many comments and different suggestions. The discussion prompted opening the door for other activities the RHC should support and promote. Councilmember Althaus was acknowledged as one of the advocates for seeking other opportunities and convening more discussions on the purpose of the policy group, which could result in broader impacts and more consistency in the Council's actions and processes.

Councilmember Cathey encouraged Tumwater students to participate in the Earth Day celebration at Historical Park on April 20, 2024. Schools with the most student participation will receive \$1,000 donation to the Lions Club for student scholarships.

The next meeting of the Solid Waste Advisory Committee is scheduled on Wednesday, March 6, 2024. The agenda includes a discussion on issues associated with recycling. Many residents place recycled materials in plastic bags before depositing them in their recycle bin. All recycled items should be placed separately within the recycle bins.

Kelly Von Holtz: Councilmember Von Holtz encouraged the community to participate in the City's annual Easter Egg Dash.

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Leatta Dahlhoff:

At the February 22, 2040 meeting of the LOTT Clean Water Alliance Board of Directors, members welcomed new members. Thurston County Commissioner Tye Menser was elected to serve as President and Councilmember Dahlhoff was elected to serve as Vice President.

Thurston County Opioid Response Task Force Prevention Subcommittee members discussed 2024 SMART goals. Two of the goals speak to partnerships with other community groups to expand resources to local communities with an emphasis on pure education and youth led substance use prevention work. Opportunities exist if a meeting is scheduled with the Tumwater School Board to ascertain what is occurring in the community and what other organizations are experiencing and how any efforts could tie to funding from the Thurston County Opioid Response Task Force. Another goal is to expand availability of fact-based drug education and information about harm reduction approaches to substance use for youth, which also aligns with the efforts of other non-profits working closely with the school district and Tumwater HOPES.

Eileen Swarthout:

During the March 1, 2024 TRPC meeting, members discussed the Growth Management Act housing need allocations report. TRPC has been tasked with approving the housing allocation across the county. Members discussed the allocation and approved the allocation for Thurston County. The next step is scoping the next phase of the project by completing land capacity analysis. The result of the analysis may require revisions to the preferred housing need allocation. Members received a presentation on the Thurston County Economic Journey Current Conditions and Exciting Opportunities from Michael Cade with the Thurston Economic Development Council.

ADJOURNMENT:

With there being no further business, Mayor Sullivan adjourned the meeting at 8:07 p.m.

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

TO: City Council
 FROM: Shelly Carter, Assistant Finance Director
 DATE: March 19, 2024
 SUBJECT: Payment of Vouchers

1) Recommended Action:

Staff is seeking City Council ratification of:

- March 1, 2024, payment of Eden vouchers 173885 to 173901 in the amount of \$198,776.56 and electronic payments 902944 to 902951 in the amount of \$77,942.71; and Enterprise vouchers 182726 to 182808 in the amount of \$481,083.23 and electronic payments 904006 to 904032 in the amount of \$843,262.69; and wire payments in the amount of \$228,834.49.
- March 8, 2024, payment of Eden vouchers 173902 to 173910 in the amount of \$1,162.70; and Enterprise vouchers 182809 to 182864 in the amount of \$414,728.42 and electronic payments 904033 to 904056 in the amount of \$107,964.15.

2) Background:

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

Vendor		
AWC EMPLOYEE BENEFIT TRUST	146,261.40	March premiums
CDW LLC	36,459.23	Microsoft 365 Business Premium 11/1/23 – 6/13/24
DAVEY RESOURCE GROUP, INC	27,077.50	Tree inventory and management plan
CAROLLO ENGINEERS, INC	22,857.00	Source development planning phase 1
CLARY LONGVIEW	33,767.92	Ford Maverick XLT 4x2 HEV – Fire Dept.
LEOFF HEALTH & WELFARE TRUST	55,771.10	March premiums
LOTT WASTEWATER ALLIANCE	634,986.37	January 2024 LOTT fees
ACUSHNET COMPANY	43,303.82	Titleist Golf Balls
CITY OF TUMWATER	63,794.38	LERMS Billing 2024 LERMS Central Square Expense
THURSTON COUNTY COMMUNICATIONS	175,325.00	TCOMM Annual agreement for LERMS
BOBBIE & AMANDA'S CLEANING SVC	20,011.65	Janitorial services – FEB 2024

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

3) Policy Support:

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

4) Alternatives:

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

5) Fiscal Notes:

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

6) Attachments:

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

EXHIBIT "A"

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

Enterprise ERP

Voucher/Check Nos 182726 through 182808 in the amount of \$481,083.23

Electronic payment Nos 904006 through 904032 in the amount of \$843,262.69

Eden

Voucher/Check Nos 173885 through 173901 in the amount of \$198,776.56

Electronic payment Nos 902944 through 902951 in the amount of \$77,942.71

Wire Payments in the amount of \$228,834.49



Asst. Finance Director, on behalf of the Finance Director

Checks dated 03/01/2024

EXHIBIT "B"

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

Enterprise ERP

Voucher/Check Nos 182809 through 182864 in the amount of \$414,728.42

Electronic payment Nos 904033 through 904056 in the amount of \$107,964.15

Eden

Voucher/Check Nos 173902 through 173910 in the amount of \$1,162.70.



Asst. Finance Director, on behalf of the Finance Director

Checks dated 03/08/2024

TO: City Council
FROM: Troy Niemeyer, Finance Director
DATE: March 19, 2024
SUBJECT: Resolution No. R2024-007, Amending the 2024 Fee Resolution

1) Recommended Action:

Adopt Resolution R2024-007 amending the 2024 Fee Schedule.

The General Government Committee recommended this Resolution be approved and be placed on the consent calendar at their March 13, 2024 regular meeting.

2) Background:

The City annually adjusts fees via a fee resolution that applies to all City service areas. The Council adopted Resolution R2023-011 on November 21, 2023. Staff found minor errors in Table II and Table IV of the Fee Schedule. Some fees, including retail development fees, connection fees, and school impact fees, did not get updated by mistake. This resolution corrects those errors.

3) Policy Support:

Be a Leader in Environmental Sustainability.
Refine and Sustain a Great Organization.
Purse Targeted Community Development Opportunities.
Create and Maintain a Transportation System Safe for All Modes of Travel.

4) Alternatives:

Send back to staff for changes.

5) Fiscal Notes:

Fees proposed will be effective March 19, 2024. The most important change is to properly update the Tumwater School District Impact Fees. These fees are collected by the City on new development and passed through to the District.

6) Attachments:

- A. Resolution No. R2024-007 Fee Schedule
- B. Revised Fees - Redline

Section 5. Effective Date. This Resolution shall become effective immediately upon adoption and signature as provided by law.

RESOLVED this 19th day of March 2024.

CITY OF TUMWATER

ATTEST:

Debbie Sullivan, Mayor

Melody Valiant, City Clerk

APPROVED AS TO FORM:

Karen Kirkpatrick, City Attorney

2024 Table I			
BUSINESS LICENSES, ADMINISTRATIVE & PUBLICATIONS			
Primary Department	Title	Rate/Fee/Charge	Code Reference (if applicable)
Various Departments	Blueprints and Photocopies		\$3.48.020
	Blueprints	\$0.50 per square foot	
	Photocopies	\$0.15 per page over 10	
Transportation & Engineering	GIS Maps (Including Zoning Maps)		
	• City Street Map (36" x 48")	\$12.00	
	• E Size (34" x 44")	\$11.00	
	• D Size (22" x 34")	\$6.00	
	• C Size (17" x 22")	\$5.00	
<i>Note: Any map printed at a different size than listed here, will be billed to the closest matching size from the list above.</i>			
Community Development	Comprehensive Plan Document, Volume I		\$3.48.030
	• Land Use Plan	\$15.00	
	• Housing Plan	\$8.00	
	• Parks & Recreation Plan	\$5.00	
	• Lands for Public Purpose/EPF Plan	\$5.00	
	• Utilities Plan	\$12.00	
	• Capital Facilities Plan	\$10.00	
Complete Volume I	\$55.00		
Community Development	Comprehensive Plan Document, Volume II		
	• Conservation Plan	\$6.00	
	• Economic Development Plan	\$5.00	
	• Transportation Plan	\$18.00	
	• Joint Plan	\$25.00	
	• <i>Shoreline Master Program (SMP)</i>	\$25.00	
	– SMP for the Thurston Region	\$9.00	
	– Deschutes Riparian Habitat Plan	\$5.00	
	– Deschutes River Special Area	\$5.00	
	– New Market Historic District Plan	\$6.00	
	Complete Volume II	\$79.00	
Community Development	Development Guide		
	Disk Copy	\$25.00	
	Paper Copy	\$30.00	
Various Departments	Notary Fee for Non-City related documents	\$10.00 each	n/a
Administrative Services	Public Records		\$2.88.060
	• Photocopying	\$0.15 per page over 10	
	• Copies on Compact Discs or DVDs	\$2.00 per CD or DVD	
	• Flash Drives, USB & Other Portable Devices	Actual cost	
	• Postage - if customer requests delivery by U.S.P.S	Actual cost based on weight	
	• Any size manila envelope	\$0.45	
	• Duplicating records in non-routine formats such as photographs, cassettes, videotapes	Actual cost from outside vendor	
	• Scanned records, or use of agency equipment for scanning	\$0.10 per page	
Community Development	Public Notice Cost		\$ 3.48.040
	• Sign Posting	\$35.00 per site sign	
	• Other than Site Signs	\$15.00	
Community Development	Recording Costs	\$35.00 + auditor fee	\$3.48.010
Finance	Returned Item (check) for any reason	\$30.00	\$3.48.050
2024 Table I			
BUSINESS LICENSES, ADMINISTRATIVE & PUBLICATIONS			
Primary Department	Title	Rate/Fee/Charge	Code Reference (if applicable)
	Business Licenses		
	• Original License	\$50.00	

Finance	<ul style="list-style-type: none"> • Annual Renewal <p><i>Note: City business licenses paid through the WA Department of Licensing will be subject to additional state fees, as applicable.</i></p>	\$20.00	\$5.04.060
Community Development	Business Licenses - (Request for Certificate of Occupancy) <ul style="list-style-type: none"> • Inspection fee for new location or change-in-use (per inspection) 	\$85.00	n/a
Finance	Occupational Permits <ul style="list-style-type: none"> • Original Permit • Annual Renewal (second & third years) <p><i>Note: The original permit fee includes the cost of fingerprinting and background check.</i></p>	\$70.00	\$5.06.050
		\$30.00	
Finance	Sexually Oriented Businesses <ul style="list-style-type: none"> • Permit Application, and • Annual Fee <p><i>Adult Cabaret Business</i></p> <p><i>Adult Cabaret Managers</i></p> <ul style="list-style-type: none"> • Processing Fee, and • Annual Fee <p><i>Models and Escorts</i></p> <ul style="list-style-type: none"> • Processing fee, and • Annual fee 	\$400.00	\$5.50.040
		\$640.00 annually	\$5.50.070
		\$1,320.00 annually	
		\$50.00	\$5.50.080
		\$150.00 annually	
		\$50.00	\$5.50.090

2024 Table II				
ZONING, LAND DIVISION & ENVIRONMENTAL				
Primary Department	Title	Rate/Fee/Charge per...	Unit	Code Reference (If Applicable)
Community Development	Appeals			
	• Hearing Examiner			
	– Administrative Appeal*	\$1,500.00		\$18.62.020
	– SEPA Appeal*	\$2,000.00		\$16.04.160
	– Appeal of Impact Fee with Independent Fee Calculation	\$260.00	calculation	\$3.50.140
	*Reimbursed if appeal is substantially upheld			
Community Development	Transportation Impact Fees			\$3.50.130
	<u>Type of Development</u>			ITE Land Use Code
	<i>Residential</i>			
	• Single Family / Duplex (Detached)	\$4,401.78	dwelling	
	Single Family Detached and Attached (including duplexes) that are less than 1200 square feet floor area. Not to be used with any other impact or permit fee discounts.	\$3,301.33	dwelling	
	Single Family detached and attached (including duplexes) located within one-half mile walking distance on a sidewalk or improved path from regular InterCity bus service and meets the federal definition of "Low Income Housing". For example, if a single family home then it must be affordable to those making 80% of the median income. An affidavit must be submitted with the building permit application stating that the home meets the definition of low income and that a deed/title restriction will be placed on the home and recorded so that future sales, rental, or lease of the home will also abide by the requirements of this section and be affordable to those making 80% of the median income.	\$2,200.89	dwelling	210
	• Multifamily – Apartment	\$2,856.47	dwelling	
	Multi-family dwellings located within one-half mile walking distance on a sidewalk or improved path from regular InterCity bus service and meets the federal definition of "Low Income Housing". For example, if a single family home then it must be affordable to those making 80% of the median income. An affidavit must be submitted with the building permit application stating that the home meets the definition of low income and that a deed/title restriction will be placed on the home and recorded so that future sales, rental, or lease of the home will also abide by the requirements of this section and be affordable to those making 80% of the median income.	\$1,428.29	dwelling	220
	• Mobile Home Park	\$2,571.32	dwelling	240
	• Senior Adult Housing – Detached	\$941.36	dwelling	251
	• Senior Adult Housing – Attached	\$557.84	dwelling	252
	• Congregate Care	\$592.72	dwelling	253
	• Accessory Dwelling Unit	\$2,142.99	dwelling	
	Accessory dwelling units located within one-half mile walking distance on a sidewalk or improved path from regular InterCity bus service and meets the federal definition of "Low Income Housing." For example, if a single family home then it must be affordable to those making 80% of the median income. An affidavit must be submitted with the building permit application stating that the home meets the definition of low income and that a deed/title restriction will be placed on the home and recorded so that future sales, rental, or lease of the home will also abide by the requirements of this section and be affordable to those making 80% of the median income.	\$1,428.30	dwelling	
	• Assisted Living	\$493.11	bed	254

2024 Table II

ZONING, LAND DIVISION & ENVIRONMENTAL

2024 Table II				
ZONING, LAND DIVISION & ENVIRONMENTAL				
	<i>Industrial</i>			
	• Light Industrial	\$6.22	SF / GFA	110
	• Industrial Park	\$5.75	SF / GFA	130
	• Manufacturing	\$4.86	SF / GFA	140
	• Warehousing	\$2.21	SF / GFA	150
	• Mini-Warehouse	\$1.65	SF / GFA	151
	• High-Cube Warehouse	\$0.76	SF / GFA	152
	<i>Commercial – Services</i>			
	• Hotel	\$2,938.66	room	310
	• Motel	\$2,340.97	room	320
	• Walk-in Bank	\$12.01	SF / GFA	911
	• Drive-through Bank	\$25.55	SF / GFA	912
	• Day Care Center	\$31.05	SF / GFA	565
	• Quick Lubrication Vehicle Shop	\$6,262.20	VSP	941
	• Automobile Care Center	\$5.28	SF / GFA	942
	• Gasoline/Service Station	\$17,052.80	VFP	944
	• Service Station/Minimart	\$12,462.18	VFP	945
	• Service Station/Minimart/Carwash	\$12,983.78	VFP	946
	• Carwash – Self Serve	\$6,215.44	VSP	947
	• Carwash – Automated	\$86,948.72	VSP	948
	• Movie Theater	\$257.74	seat	444, 445
	• Health/Fitness Club	\$18.34	SF / GFA	492, 493
	<i>Commercial – Institutional</i>			
	• Elementary School	\$3.01	SF / GFA	520
	• Middle School/Junior High School	\$2.97	SF / GFA	522
	• High School	\$2.42	SF / GFA	530
	• Community/Junior College	\$448.26	student	540
	• College/University	\$784.48	student	550
	• Church	\$2.52	SF / GFA	560
	• Hospital	\$7.08	SF / GFA	609
	• Nursing Home	\$2.57	SF / GFA	620
	<i>Commercial - Restaurant</i>			
	• Quality Restaurant	\$17.76	SF / GFA	931
	• High Turnover (sit down) Restaurant	\$26.91	SF / GFA	931
	• Fast Food Restaurant w/out Drive Thru	\$32.57	SF / GFA	933
	• Fast Food Restaurant with Drive Thru	\$42.99	SF / GFA	934
	• Tavern/Drinking Place	\$31.20	SF / GFA	935
	• Coffee/Donut Shop w/out Drive Thru	\$50.74	SF / GFA	936
	• Coffee/Donut Shop with Drive Thru	\$53.46	SF / GFA	937
	• Coffee/Donut Shop with Drive Thru and with no inside seating	\$20.54	SF / GFA	938
Community Development	<u>Type of Development</u>			ITE Land Use Code
	<i>Commercial – Office</i>			
	• General Office Building	\$9.46	SF / GFA	710
	• Government Office Building	\$11.87	SF / GFA	730
	• Medical-Dental Office/Clinic	\$20.68	SF / GFA	720
Community Development	<i>Commercial –</i>			
	• Retail Shopping Center -			
	up to 49,999 sq. ft.	\$6.83	SF / GLA	820
	50,000 – 99,999	\$7.58	SF / GLA	820
	100,000 – 199,999	\$7.65	SF / GLA	820
	200,000 – 299,999	\$7.79	SF / GLA	820
	300,000 – 399,999	\$8.03	SF / GLA	820
	400,000 sq. ft. or more	\$8.54	SF / GLA	820
	• Automobile Parts Sales	\$8.91	SF / GFA	843
	• Car Sales – New/Used	\$11.12	SF / GFA	841
	• Convenience Market	\$33.07	SF / GFA	851
	• Discount Club	\$8.50	SF / GFA	861
	• Electronic Superstore	\$8.91	SF / GFA	863
	• Toy Superstore	\$7.85	SF / GFA	864
	• Furniture Store	\$0.46	SF / GFA	890
	• Hardware/Paint Store	\$9.35	SF / GFA	816
	• Home Improvement Superstore	\$3.22	SF / GFA	862
	• Nursery/Garden Center	\$7.45	SF / GFA	817
	• Pharmacy/Drugstore w/out Drive Thru	\$8.39	SF / GFA	880
	• Pharmacy/Drugstore with Drive Thru	\$11.18	SF / GFA	881
	• Supermarket	\$17.58	SF / GFA	850
	• Tire Store	\$7.82	SF / GFA	848
	• Tire Superstore	\$3.98	SF / GFA	849

2024 Table II

ZONING, LAND DIVISION & ENVIRONMENTAL

2024 Table II				
ZONING, LAND DIVISION & ENVIRONMENTAL				
	Cost per New Trip Generated:	\$3,735.58		
SOURCE: ITE, "Trip Generation, 8th Edition"				
Notes: ¹ Abbreviations:				
SF = Square Feet		VSP = Vehicle Service Position		
GFA = Gross Floor Area		VFP = Vehicle Fueling Position		
GLA = Gross Leasable Area				
² Annual Escalator: Transportation Impact Fees will be adjusted annually, based on the Engineering News Record Construction Cost Index for the Seattle, Washington, area as reported for July to establish the fee schedules effective January 1st of the subsequent year.				
Community Development	Olympia School District No. 111 School Impact Fees		\$3.50.135 and Olympia School District Resolution No. 653	
	<i>Type of Residential Development</i>			
	• Single Family (includes townhouses, duplexes, and manufactured homes).	\$6,812.00		dwelling
	• Multi Family (three units or more and accessory dwelling units).	\$2,606.00		dwelling
	• Multi Family Downtown	\$2,040.00	dwelling	
Community Development	Tumwater School District No. 33 School Impact Fees		\$3.50.135 and Tumwater School District Resolution No. 02-23-24	
	<i>Type of Residential Development</i>			
	• Single Family (includes townhouses, duplexes, and manufactured homes).	\$5,565.00		dwelling
	• Multi Family (three units or more and accessory dwelling units).	\$1,114.00	dwelling	
Community Development	Independent Fee Calculations		\$3.50.140	
	• Applicant chooses to prepare IFC			
	– Administrative Processing fee	\$500.00		
	– Deposit on Review Costs of IFC*	\$500.00		
	*Balance refunded or additional costs collected as a precondition to building permit issuance.			
Community Development	Park Impact Fees		\$3.52.070	
	<i>Type of Residential Development</i>			
	• Single Family, Detached	\$3,726.86	housing unit	
Community Development	• Single Family Detached. If an active park/open space area at least one-half acre in size is included in the development in which the dwelling is being built or the dwelling unit is within one-half mile of a park at least one-half acre in size. The home must meet the federal definition of "Low Income Housing". The home must be affordable to those making 80% of the median income. An affidavit must be submitted with the building permit application stating that the home meets the definition of low income and that a deed/title restriction will be placed on the home and recorded so that future sales, rental, or lease of the home will also abide by the requirements of this section and be affordable to those making 80% of the median income.	\$1,863.43	housing unit	
	• Single Family Detached and Attached (including duplexes) that are less than 1200 square feet floor area. Not to be used with any other impact or permit fee discounts.	\$2,795.15	housing unit	
	• Single Family, Attached (and duplexes)	\$2,784.68	housing unit	
Community Development	• Single Family Detached. If an active park/open space area at least one-half acre in size is included in the development in which the dwelling is being built or the dwelling unit is within one-half mile of a park at least one-half acre in size. The home must meet the federal definition of "Low Income Housing". The home must be affordable to those making 80% of the median income. An affidavit must be submitted with the building permit application stating that the home meets the definition of low income and that a deed/title restriction will be placed on the home and recorded so that future sales, rental, or lease of the home will also abide by the requirements of this section and be affordable to those making 80% of the median income.	\$1,392.34	housing unit	
	• Manufactured Home (mobile home)	\$2,227.71	housing unit	
	• Multi Family (3-4 units per structure)	\$2,746.11	housing unit	

2024 Table II				
ZONING, LAND DIVISION & ENVIRONMENTAL				
Development	<ul style="list-style-type: none"> Multi Family (3-4 units per structure). If an active park/open space area at least one-half acre in size is included in the development in which the dwelling is being built or the dwelling is within one-half mile of a park at least one-half acre in size. The home must meet the federal definition of "Low Income Housing". The home must be affordable to those making 80% of the median income. An affidavit must be submitted with the building permit application stating that the home meets the definition of low income and that a deed/title restriction will be placed on the home and recorded so that future sales, rental, or lease of the home will also abide by the requirements of this section and be affordable to those making 80% of the median income. 	\$1,373.06	housing unit	
	Park Impact Fees (Continued)			
	<ul style="list-style-type: none"> Multi Family (5+ units per structure) 	\$2,413.12	housing unit	
Community Development	<ul style="list-style-type: none"> Multi Family (5+ units per structure). If an active park/open space area at least one-half acre in size is included in the development in which the dwelling is being built or within one-half mile of a public park at least one-half acre in size. The home must meet the federal definition of "Low Income Housing". The home must be affordable to those making 80% of the median income. An affidavit must be submitted with the building permit application stating that the home meets the definition of low income and that a deed/title restriction will be placed on the home and recorded so that future sales, rental, or lease of the home will also abide by the requirements of this section and be affordable to those making 80% of the median income. 	\$1,373.06	housing unit	
	<ul style="list-style-type: none"> Accessory Dwelling Unit 	\$1,670.78	housing unit	
Community Development	<ul style="list-style-type: none"> Accessory Dwelling Unit. If an active park/open space area at least one-half acre in size is included in the development in which the dwelling is being built or the dwelling is within one-half mile of a public park that is at least one-half acre in size. The home must meet the federal definition of "Low Income Housing". The home must be affordable to those making 80% of the median income. An affidavit must be submitted with the building permit application stating that the home meets the definition of low income and that a deed/title restriction will be placed on the home and recorded so that future sales, rental, or lease of the home will also abide by the requirements of this section and be affordable to those making 80% of the median income. 	\$1,113.86	housing unit	\$3.52.070
Community Development	Impact Fee Deferral Program			
	<ul style="list-style-type: none"> Administrative Application Fee 	\$100.00	application	\$3.50.130
				\$3.52.070
	Wireless Communication Antennas			
	<ul style="list-style-type: none"> Wireless Communication (WCF) Permits <ul style="list-style-type: none"> Accessory (requiring WCF permit) Attached WCF Freestanding WCF Co-location on freestanding WCF 	\$110.00 \$330.00 \$1,100.00 \$330.00	antenna carrier structure carrier	\$11.20.050
Community Development	<ul style="list-style-type: none"> WCF Administrative Site Plan Review 	Same as regular SPR fees		
	<ul style="list-style-type: none"> Conditional Use Permit 	Same as zoning CUP fees		
	<ul style="list-style-type: none"> Request for Administrative Deviation 	\$247.50	request	
	Telecommunications in Rights-of-Way			
	<ul style="list-style-type: none"> Telecommunications Right-of-Way Use <ul style="list-style-type: none"> Right-of-Way (ROW) Use Authorization 	\$1,700.00		\$11.06.010
	<ul style="list-style-type: none"> Telecommunications Franchise/Master Permit Application 	\$5,550.00		\$11.06.020
Community Development	<ul style="list-style-type: none"> Master Permit Renewal Application <ul style="list-style-type: none"> Annual Fee Supplemental Site Permit 	\$2,800.00 \$500.00 \$500.00 (up to 5)		\$11.06.120 \$11.06.160 \$11.06.110

2024 Table II				
ZONING, LAND DIVISION & ENVIRONMENTAL				
		\$100.00 (after 5)		
		\$1,000.00	new pole	
		\$270.00 pole rent	year	
Community Development	Telecommunications in Rights-of-Way (continued)			\$3.52.069
	• Telecommunications Facilities Lease			
	– Lease Application	\$500.00		\$11.08.020
	– Renewal of Lease	\$225.00		\$11.08.120
Community Development	Site Plan Review			\$14.02.080
	• Feasibility Site Plan Review*			
	– One Acre or less	\$80.00		
	– Greater than 1 Acre	\$137.50		
	*Credited toward Preliminary Site Plan Fee			
	• Preliminary Site Plan Review			
	– One Acre or less	\$330.00		
	– Greater than 1 Acre	\$440.00		
	• Preliminary Site Plan Resubmittal			
	– One Acre or less	\$165.00		
	– Greater than 1 Acre	\$275.00		
	• Formal Site Plan Review			
	– One Acre or less	\$220.00		
	– Greater than 1 Acre	\$385.00		
	• Formal Site Plan Review Resubmittal			
	– One Acre or less	\$80.00		
	– Greater than 1 Acre	\$220.00		
	Multi-Family Tax Exemption	\$100.00		
Community Development	• Design Plan Review	2.5% of the Building Permit		\$18.43.010
	• Landscape Plan Review**	\$220.00		\$18.47.020
	**Applies only to landscape plans required under §18.47.020			
	• Exterior Illumination***			
	– Issuance and Inspection Fee	\$55.00 +...	\$7.50 per fixture	\$18.40.035
	– Plan Review Fee	65% of above lighting fee		
	***Applies to non-residential applications 4,000 square feet or larger in area			
	• Request for Parking Modification	\$275.00		\$18.50.075
Water Resources & Sustainability	Drainage Manual Administration			\$13.12.015
	• Adjustment application	\$500.00		
	• Variance and Exception application	\$1,000.00		
Community Development	Protection of Trees & Vegetation			\$16.08.050
	• Land clearing application & review	\$110.00		
	• Work by City Tree Professional	Consultant Cost	hour	
	• Land Clearing Permit			
	– Less than 30 Trees	\$135.00		
	– 30 Trees or more	\$220.00		
	• Add'l Review or Inspections after one hour	\$66.00	hour	
	• Investigation Charge for Land Clearing without required Permit	Double application and permit fee for tree cutting without a permit		
	• Request for Land Clearing Modification	\$385.00		
	• Replacement Tree Mitigation Fee	\$400.00		\$16.08.070
Community Development	Environmental Policy			\$16.04.190
	• Environmental SEPA Checklist	\$880.00		
	• Expanded Environmental Checklist	\$880.00, plus consultant cost		
	• Environmental Impact Statement (EIS)	\$880.00, plus consultant		
	• Addendum to Environmental Documents	\$220.00		
Community Development	Wetland Protection Standards			\$16.28.140
	• Wetland Permit Application	\$440.00		
	• Reasonable Use Exception	\$880.00		
Community Development	Fish and Wildlife Habitat Protection			\$16.32.097
	• Reasonable Use Exception	\$880.00		
	Land Divisions			
	• Boundary Line Adjustment	\$450.00		
	• Lot Consolidation	\$450.00		
	• Preliminary Binding Site Plan	\$770.00 +...	\$27.50 per lot	

2024 Table II				
ZONING, LAND DIVISION & ENVIRONMENTAL				
Community Development	• Final Binding Site Plan	\$440.00 +...	\$27.50 per lot	\$17.02.160
	• Preliminary Plat	\$2,750.00 +...	\$38.50 per lot	
	• Final Plat	\$1,650.00 +...	\$38.50 per lot	
	• Preliminary Short Plat	\$1,100 +...	\$55.00 per lot	
	• Final Short Plat	\$440.00 +...	\$55.00 per lot	
Community Development	Land Divisions (Continued)			\$17.26.040
	• Preliminary PUD (includes limited overlay zone)	\$1,320 +...	\$33.00 per lot	
	• Final PUD	\$935.00		
	• Preliminary Plat Extension	\$550.00		
	• Replats, Vacations, and Alterations			
	– Replats	Same as Preliminary and		
	– Vacations	\$450.00		
– Alterations	\$450.00			
Community Development	Zoning			\$2.62.060
	• Certificate of Appropriateness	\$110.00		
	• Zoning Certification Letter	\$82.50		
	• Planned Unit Development	Same as preliminary and final PUD		\$18.36.030
	• Home Occupation	See Business Licenses		\$18.42.030
	• Mobile Home Installation*			\$18.48.010
	– Single	\$150.00 + plumbing fees		
	– Double	\$175.00 + plumbing fees		
	– Triple	\$200.00 + plumbing fees		
	Community Development	• Title Elimination Inspection Fee	\$170.00	
• Title Elimination Review		\$85.00		
* plus footing, foundation, skirting, and tie downs				
• Mobile Home Park – Site Plan				\$18.48.130
– Preliminary		\$1,00.00 +...	\$30 per unit	
– Final		\$750.00 +...	\$30 per unit	
• Conditional Use Permit		\$2,090.00		\$18.56.020
• Variance		\$1,000.00		\$18.58.020
• Rezone	\$1,500.00		\$18.60.065	
Community Development	Zoning			
	• Comprehensive Plan			
	– Map Amendment	\$1,500.00		\$18.60.065
Community Development	• Annexations			
	– Not in an Unincorporated Island	\$200.00	acre, Maximum of \$4,000	
	– In Unincorporated Islands	No fee (\$0.00)		
	• Sign			
	– Application for Conditional Exemption	\$20.00	sign	\$18.44.075
	Shoreline Management Act			Resolution 250
	• Shoreline Exemption Letter	\$200.00		
	• Substantial Development Permit	\$1,600.00		
	• Conditional Use	\$1,750.00		
	• Variance	\$1,750.00		
• Shoreline Permit Time Extension	\$500.00			
Community Development	Transportation Concurrency			\$15.48.040
	• Concurrency Application	\$170.00		
	• Traffic Impact Analysis (TIA) Review	\$260.00		

2024 Table III			
BUILDING & FIRE SAFETY			
Primary Department	Title	Rate/Fee/Charge	Code Reference (If Applicable)
Community Development	Building Code		
	Building Permit Fee Schedule (including signs)		\$15.01.070
	Total Valuation	Fee	
	Single family (detached and attached), Accessory Dwelling Units, and multi-family housing that meets the federal definition of "Low Income Housing". The home must be affordable to those making 80% of the median income. An affidavit must be submitted with the building permit application stating that the home meets the definition of low income and that a deed/title restriction will be placed on the home and recorded so that future sales, rental, or lease of the home will also abide by the requirements of this section and be affordable to those making 80% of the median income.	50% of the calculated building permit fee using the table of fees in this section	
	\$1.00 to \$500	\$43.48	
	\$501 to \$2,000	\$43.48 for the first \$500 plus \$5.64 for each additional \$100 or fraction thereof, to and including \$2,000	
	\$2,001 to \$25,000	\$151.04 for the first \$2,000 plus \$25.90 for each additional \$1,000 or fraction thereof, to and including \$25,000	
	\$25,001 to \$50,000	\$742.50 for the first \$25,000 plus \$18.69 for each additional \$1,000 or fraction thereof, to and including \$50,000	
	\$50,001 to \$100,000	\$1,203.89 for the first \$50,000 plus \$12.95 for each additional \$1,000 or fraction thereof, to and including \$100,000	
	\$100,001 to \$500,000	\$3,291.80 for the first \$100,000 plus \$18.55 for each additional \$1,000 or fraction thereof, to and including \$500,000	
\$500,001 to \$1,000,000	\$10,664.10 for for the first \$500,000 plus \$15.74 for each additional \$1,000 or fraction thereof, to and including \$1,000,000		
\$1,000,001 and up	\$18,578.99 for the first \$1,000,000 plus \$12.10 for each additional \$1,000 or fraction thereof		
Community Development	Other Inspection and Fees		
	1. Commercial building plan review fee	65% of the building permit fee	
	2. One and two family, garages and accessory buildings < 1400 sq. ft.	25% of the building permit fee	
	2.a. One and two family and accessory dwelling units < 1400 sq. ft. that meet the federal definition of "Low Income Housing". For example, if single family then the home must be affordable to those making 80% of the median income. An affidavit must be submitted with the building permit application stating that the home meets the definition of low income and that a deed/title restriction will be placed on the home and recorded so that future sales, rentals, or leases of the home will also abide by the requirements of this section and be affordable to those making 80% of the median income.	12.5% of the building permit fee	
	Other Inspection and Fees (continued)		
	3. One and two family > 1400 sq. ft. and pole barns	50% of the building permit fee	

2024 Table III

BUILDING & FIRE SAFETY

Community Development	3.a. Both single family housing > 1400 sq. ft. and multi-family housing that meet the federal definition of "Low Income Housing". For example, if single family then the home must be affordable to those making 80% of the median income. An affidavit must be submitted with the building permit application stating that the home meets the definition of low income and that a deed/title restriction will be placed on the home and recorded so that future sales, rentals, or leases of the home will also abide by the requirements of this section and be affordable to those making 80% of the median income. Not to be used with any other impact fee discounts except the building permit fee discount for low income housing listed above.	25% of the building permit fee	
	4. 1 st Plan Review Extension Fee	5% of plan review fee	
	2 nd Plan Review Extension Fee	10% of plan review fee	
	5. 1 st Permit Extension Fee	5% of permit fee	
	2 nd Permit Extension Fee	10% of permit fee	
	6. Fee for working without a permit	\$85.00 + double the permit fee	
	7. Demolition permit	Based on valuation and the fee schedule	
	8. One-and-Two Family Re-Roof permit.	\$170	
	9. Commercial Re-Roof permit.	Based on valuation and the fee schedule	
	10. Inspections outside of normal inspection hours (minimum charge - 1 hour)	\$85.00 per hour	
	11. Reinspection fees assessed under provisions of Section 108	\$85.00 per hour	
	12. Inspections for which no fee is specifically indicated (minimum charge – 1 hour)	\$85.00 per hour	
	13. Additional plan review required by changes, additions or revisions to approved plans (minimum charge - 1 hour)	\$85.00 per hour	
	14. For use of outside consultants for plan checking or inspection	Actual cost plus 8% administrative fees	
Community Development	ENERGY CODE FEES		
	Energy Code Plan Check Fee		
	Single Family	\$110.00	
	Residential Remodel/Addition	\$60.00	
	Multi-Family	\$210.00	
	New Commercial Building		
	0 to 12,000 sq. ft.	\$210.00	
	12,001 to 60,000 sq. ft.	\$395.00	
	60,001 to 200,000 sq. ft.	\$770.00	
	200,000 sq. ft. and over	\$1,520.00	
Remodels and Tenant Improvements	50% of the new commercial fee		
Warehouses	50% of the new commercial building fee		
Community Development	GRADING PERMIT FEES		
	Grading Plan Review Fees		
	100 cubic yards or less (no cut\fill greater than 12 inches)	\$47.00	
	101 to 500 cubic yards	\$94.00	
	501 to 1,000 cubic yards	\$187.00	
	1,001 to 5,000 cubic yards	\$280.00	
	5,001 to 10,000 cubic yards	\$374.00	
10,001 to 100,000 cubic yards	\$375.00 for 1st 10,000 cubic yards plus \$24.50 for each additional 10,000 cubic yards or fraction thereof		
	Grading Permit Fees (continued)		
	100,001 cubic yards or more	\$1,000.00 for the 1st 100,000 cubic yards plus \$13.25 for each additional 10,000 cubic yards or fraction thereof	
	Other Fees		

2024 Table III			
BUILDING & FIRE SAFETY			
Community Development	Additional plans review required by changes, additions or revisions to approved plans (minimum charge - 1 hour)	\$85.00 per hour	
	Grading Permit Fees		
	For the issuance of each permit	\$30.00	
	100 cubic yards or less (no cut\fill greater than 12 inches)	\$55.00	
	101 to 500 cubic yards	\$170.00	
	501 to 1,000 cubic yards	\$340.00	
	1,0001 to 5,000 cubic yards	\$680.00	
	5,001 to 10,000 cubic yards	\$1,360.00	
10,001 cubic yards or more	\$1,360.00 for 1st 10,000 cubic yards plus \$42.50 for each additional 10,000 yards or fraction thereof		
Community Development	Certificates of Occupancy		
	°Temporary Certificates of Occupancy		
	-One or Two Family	\$25.00	
	-Commercial/Industrial/Multi-family	\$100.00	
	-Renewal	\$200.00	
	°Final Certificates of Occupancy		
	- One or Two-Family	No fee	
	- Commercial/Industrial/Multi-family	No fee	
Community Development	Business License		
	- Request for Certificate of Occupancy	\$85.00	
	Mechanical Code		
	• Mechanical Permit		
	• Mechanical Plan Review		
	For the issuance of each permit	\$40.00	
	For issuing each supplemental permit for which the original permit has not expired, been canceled or finaled	\$35.00	
	Unit Fee Schedule		
Furnaces			
For the installation or relocation of each forced air or gravity-type furnace, floor furnace, suspended heater, or burner, including ducts and vents attached to such appliance, up to and including 100,000 Btu/h	\$25.00		
For the installation or relocation of each forced air or gravity-type furnace, floor furnace, suspended heater, or burner, including ducts and vents attached to such an appliance over 100,000Btu/h	\$30.00		
Community Development	Boilers, Compressors and Refrigeration Units		
	For the installation or relocation of each boiler or compressor to and including three horsepower or for each absorption system to and including 100,000 Btu/h	\$25.00	
	For the installation or relocation of each boiler or compressor over three horsepower to and including 15 horsepower or for each absorption system over 100,000 Btu/h to and including 500,000 Btu/h	\$40.00	
	For the installation or relocation of each boiler or compressor over 15 horsepower to and including 30 horsepower or for each absorption system over 500,000 Btu/h to and including 1,000,000Btu/h	\$45.00	
Community Development	Boilers, Compressors and Refrigeration Units (continued)		
	For the installation or relocation of each boiler or compressor over 30 horsepower to and including 50 horsepower, or for each absorption system over 1,000,000 Btu/h to and including 1,750,000 Btu/h	\$65.00	

2024 Table III			
BUILDING & FIRE SAFETY			
	For the installation or relocation of each boiler or compressor over 50 horsepower, or for each absorption system over 1,750,000 Btu/h	\$110.00	
Community Development	Air Handlers		
	For each air-handling unit to 10,000 cubic feet per minute	\$25.00	
	For each air-handling unit over 10,000 cubic feet per minute	\$30.00	
	Photo-Voltaic Solar Panels		
	Roof mounted; One-and-Two Family Dwellings	\$260.00	
	Photo-Voltaic Solar Panels; Commercial	Based on valuation and the fee schedule	
	Evaporative Coolers		
	For each evaporative cooler other than the portable type	\$20.00	
	Ventilation and Exhaust		
	For each vent fan connected to a single duct	\$15.00	
	For each system not a part of a permitted HVAC system	\$20.00	
For each non-residential type I hood (grease)	\$175.00		
Community Development	Ventilation and Exhaust		
	For each non-residential type II hood (steam)	\$95.00	
	Water Heaters		
	Residential	\$25	
	Commercial	\$50.00	
	Gas Piping		
	For each gas pipe system of one to four outlets	\$15.00	
For each gas piping system additional outlets over 5	\$2.00 each		
Community Development	Miscellaneous		
	For each appliance or piece of equipment regulated by the Mechanical Code but not classed in other appliance categories, or for which no other fee is listed in the Code	\$20.00	
	Other Inspections and Fees		
	1. Mechanical plan review fee	65% of the mechanical permit fee	
	2. Inspection fees outside normal inspection hours (minimum charge – 1 hour)	\$85.00	
	3. 1 st Plan Review Extension Fee	5% of plan review fee	
	2 nd Plan Review Extension Fee	10% of plan review fee	
	4. 1 st Permit Extension Fee	5% of permit fee	
	2 nd Permit Extension fee	10% of permit fee	
	5. Reinspection fees per inspection	10% of permit fee	
Community Development	6. Inspection for which no fee is specifically indicated (minimum charge – 1 hour)	\$85.00 per hour	
	7. Additional plan review required by changes, additions, or revisions to plans or to plans for which an initial review has been completed (minimum charge – 1 hour)	\$85.00 per hour	
Community Development	8. For use of outside consultants for plan checking or inspection, or both	Actual cost + 8% administrative fee	
	Plumbing Code		
	• Plumbing Permit		
	• Plumbing Plan Review		
Community Development	• Backflow Protection Device	\$40.00	
	For the issuance of each permit		
Community Development	Plumbing Code (continued)		
	For issuing each supplemental permit for which the original permit has not expired, been canceled or finalized	\$35.00	
	Fee for review of septic system applications from County Health Department	\$35.00	
	Unit Fee Schedule		

2024 Table III			
BUILDING & FIRE SAFETY			
Community Development	For each plumbing fixture or trap or set of fixtures on one trap (including water, drainage, piping and backflow protection therefore)	\$20.00	
	For each building sewer and each trailer park sewer	\$35.00	
	Rainwater systems - per drain	\$20.00	
	For each residential sewer grinder	\$30.00	
	For each commercial sewer grinder	\$95.00	
	For each electric water heater	\$25.00	
	For each pre-treatment grease or oil interceptor including its trap and vent	\$30.00	
	For each installation, alteration or repair of water piping and/or water treating equipment	\$15.00	
	For repair or alteration of drainage or vent piping, each fixture	\$15.00	
	For each commercial lawn sprinkler system on any one meter	\$25.00	
	For atmospheric type vacuum breakers		
	– 1 to 5	\$20.00	
	– Over 5, each	\$5.00	
	For each backflow device other than atmospheric type vacuum type breakers		
	– 2 inches and smaller	\$15.00	
– Over 2 inches	\$30.00		
Expansion Tank	\$20.00		
Community Development	Other Inspections and Fees		
	1. Plumbing plan review fee	65% of the plumbing permit fee	
	2. Inspection fees outside normal inspection hours (minimum charge – 1 hour)	\$85.00 per hour	
	3. Reinspection fees per inspection (minimum charge – 1 hour)	\$85.00 per hour	
	4. 1 st Plan Review Extension Fee	5% of plan review fee	
	2 nd Plan Review Extension Fee	10% of plan review fee	
	5. 1 st Permit Extension Fee	5% of permit fee	
	2 nd Permit Extension Fee	10% of permit fee	
	6. Inspection for which no fee is specifically indicated (minimum charge – 1 hour)	\$85.00 per hour	
7. Additional plan review required by changes, additions, or revisions to plans or to plans for which an initial review has been completed (minimum charge – 1 hour)	\$85.00 per hour		
8. For use of outside consultants for plan checking or inspection, or both	Actual cost + 8% administrative fee		
Community Development	Moving of Buildings		
	• Permit Application	\$500.00 + building and demolition permits, as applicable	
	• Traffic Officer Fee	Fully-based rate + materials	
Community Development	Fire Code		
	Fire Safety		
	• Fire Safety – Inspection Fee & Permitting	Based on Valuation	
	• Underground Storage Tank Removal		
	– Residential		
	– Commercial		
	• Fire Sprinkler Permit	Based on Valuation	
Community Development	Fire Code (Continued)		
	• Fire Sprinkler Plan Check	65% of permit fee	
	Fire Alarm Systems		
	• Fire Alarm Installation Permit	Based on Valuation	
	• System Retest	\$85.00 per hour	
	• Fire Alarm Plan Check	65% of permit fee	
	Fire Hydrant (fireflow) Test	\$180.00	
	Fire Inspection Fees		
	Square Footage Factor:		

2024 Table III

BUILDING & FIRE SAFETY

Fire & Emergency Services	1 = 0 - 2,500 square feet	\$20.00	
	2 = 2,501 - 7,500 square feet	\$40.00	
	3 = 7,501 - 50,000 square feet	\$60.00 + hourly rate of \$80.00	
	4 = 50,001 square feet + >	\$80.00 + hourly rate of \$80.00	
	Non-compliance and Reinspection Fee	\$80.00 per hour	

2024 Table IV				
TRANSPORTATION, ENGINEERING, UTILITIES & UTILITY CONNECTIONS				
Primary Department	Title	Rate/Fee/Charge	Unit	Code Reference (If Applicable)
Transportation & Engineering	Right-of-Way License (includes projections over ROW)			
	• Application Fee	\$275.00 + license rate		§3.40.010
	• Five-Year License Rate			
	– 1 to 1,000 square feet	\$155.00		§3.40.020
	– 1,001 to 5,000 square feet	\$208.00		
– 5,001 to 20,000 square feet	\$260.00			
– More than 20,000 square feet	Negotiable			
Community Development	Right-of-Way Access/Utility Permit			
	• General	\$115.00		§12.16.050
	• Residential (1-single family or duplex; lots of record; includes erosion control)			
	– Street Only or 1 Utility Use	\$145.00		
	– Multiple	\$285.00		
	• Private Utility			
	– Overhead			
	Plan Check	\$186 for 1st 150' +\$0.10 per 1' thereafter		
	Inspection	\$186 for 1st 150' +\$0.10 per 1' thereafter		
	– Underground			
	Plan Check	\$415.00 + \$0.36 per ...	linear foot	
Inspection	\$2.00 per...	linear foot		
– Single Service	\$57.00			
Transportation & Engineering	Street & Alley Vacation			§12.04.020
	• Application Fee	\$515.00		
	• Publishing Notice	\$182.00		
	• Acquisition Cost	Up to 50% of the assessed or appraised value		
Community Development	Street Construction and Restoration			§12.18.030
	• Street, Curbs, and Sidewalks			
	– Plan Check	\$415 + \$0.57 per...	linear foot	
	– Inspections	\$2.50 per linear foot	linear foot	
	• Street Lighting			
	– Plan Check	\$415.00 + \$0.57 per ...	linear foot	
	– Inspections	\$1.25 per...	linear foot	
	• Street Signals			
– Plan Check	\$1,255.00 per...	Signal		
– Inspections	\$1,710.00 per...	Signal		
Community Development	Street Disruption Fee			§12.16.060
	• 1 st year	5 times construction cost		
	• 2 nd year	4 times construction cost		
	• 3 rd year	3 times construction cost		
	• 4 th year	2 times construction cost		
	• 5 th year	1 times construction cost		
Water Resources & Sustainability	Notice Required to Have Water Disconnected			§13.04.060
	• Disconnection of water service on a temporary or permanent basis	\$30.00		
Water Resources & Sustainability	Water Service			§13.04.080
	• Occupant turning on penalty	\$30.00		
Water Resources & Sustainability	Hydrant Meter Rental			§13.04.140
	• (2½") – for construction	\$1,500.00 deposit + 3" meter monthly fee + consumption		
Water Resources & Sustainability	Sewer Service - Lateral Extension			§13.08.100
	• Gravity Tap	\$280.00		
	• Force Main Tap	\$3,300.00		
	Utility Billing Late Penalty			
	• If bill not paid until after the due date	1% of late balance per utility or...		
	- minimum penalty	Water - \$5.00		

2024 Table IV				
TRANSPORTATION, ENGINEERING, UTILITIES & UTILITY CONNECTIONS				
Finance		Sewer - \$4.00		\$13.18.020
		Stormwater - \$1.00		
	• If past due bill is not paid 20 days after the due date	\$10.00 penalty - water		
Water Resources & Sustainability	Water Utility	\$30.00 weekdays, \$100.00 weekdays after 4:30 PM, all day weekends, & holidays		\$13.18.040
	• Reconnection Fee			
Finance	Utility Account Set-up Fees			\$13.18.055
	• Owner Account Setup	\$15.00 (Water \$8.00, Sewer \$5.00, Stormwater \$2.00)		
Community Development	Utility Plan Check & Inspection Fees			\$13.20.030
	• Watermain			
	– Plan Check	\$415.00 + \$0.52 per...	linear foot	
	– Inspections	\$2.85 per ...	linear foot	
	• Sewermain, Gravity			
	– Plan Check	\$415.00 + \$0.52 per...	linear foot	
	– Inspections	\$2.85 per ...	linear foot	
	• Sewermain, Pressure			
	– Plan Check	\$415.00 + \$0.52 per...	linear foot	
	– Inspections	\$2.85 per ...	linear foot	
	• Sewer Pump Station, Community System			
	– Plan Check	\$1,212.00 for each		
	– Inspections	\$1,212.00 for each		
	• Stormwater System			
	– Plan Check	\$415.00 + \$45.00 per...	acre	
	– Storm Pipe Plan Check	\$415.00 + \$0.52 per...	linear foot	
	– Stormwater Report Review	\$455.00 per...	report	
	– Inspections	\$3.80 per...	linear foot	
		\$600.00 per...	system	
	– Resubmittals (1 hour minimum)	\$98.50 per hour starting with 2nd		
• High Groundwater Reviews	\$2,500.00 + \$95.00 per...	hour		
• Latecomers – Streets/Utilities	\$800.00 + \$95.00 per hour after 10 hours + 8%		Resolution 494	
• Bonding Agreements, Letters of Credit (providing forms and reviewing documents, once complete)	\$120.00			
Water Resources & Sustainability	Water Meter Testing	\$140.00		\$13.04.400
Water Resources & Sustainability	Water – Installation charge (service line & meter)	<u>Installation</u>	<u>Meter Size</u>	\$13.04.360
		\$3,000.00	3/4"	
		\$3,400.00	1"	
		\$7,000.00	1-1/2"	
		\$7,500.00	2"	
	* For meters larger than 2" the charge will be the actual cost of labor & materials for furnishing and installing the meter, plus an amount equal to 25% of the cost of labor and materials for overhead expenses.	*	3"	
		*	4"	
		*	6"	
		*	9"	
		*	10"	
Water Resources & Sustainability	Water – Drop-In Meter charge (charge if the service line has been installed by the developer or property owner)	<u>Installation</u>	<u>Meter Size</u>	\$13.04.360
		\$650.00	3/4"	
		\$760.00	1"	
		\$1,300.00	1-1/2"	
		\$1,600.00	2"	
	* Drop-in charges for meters larger than 2" will be the actual costs of labor and materials for furnishing & installing the meter plus an amount equal to 25% of the cost of labor and materials for overhead expenses.	*	3"	
		*	4"	
		*	6"	
		*	8"	
		*	10"	
Water Resources & Sustainability	Water – Connection Charges in the General Service Area	<u>Connection Fee</u>	<u>Connection Size</u>	\$13.04.360
		\$5,079.39	3/4"	
		\$8,635.73	1"	
		\$16,479.29	1-1/2"	

2024 Table IV				
TRANSPORTATION, ENGINEERING, UTILITIES & UTILITY CONNECTIONS				
		\$26,920.42	2"	\$13.04.370
		\$50,793.09	3"	
		\$84,653.59	4"	
		\$169,138.51	6"	
Water Resources & Sustainability	Water - Connection Charges in General (Continued)			\$13.04.370
		\$423,141.46	8"	
		\$643,577.89	10"	
		\$981,838.51	12"	
Water Resources & Sustainability	Single Family, Accessory Dwelling units, and Multi-family housing that meets the federal definition of "Low Income Housing". An affidavit must be submitted with the building permit application stating that the housing meets the definition of low income and that a deed and title restriction will be placed on the property and recorded so that future sales or rental/lease of the property will also abide by the requirements of this section and be affordable to those making 80% of the median income.	50% of the applicable connection charge based on connection size.		
Water Resources & Sustainability	Sewer – Connection Charges	<u>Charge</u>		\$13.08.090
	• Equivalent Residential Unit (ERU)	\$3,018.58		
	• Accessory Dwelling Unit	\$2,113.01		
	• Multi-Family Unit	\$2,113.01		
Water Resources & Sustainability	Single Family, Accessory Dwelling units, and Multi-family housing that meets the federal definition of "Low Income Housing." An affidavit must be submitted with the building permit application stating that the housing meets the definition of low income and that a deed and title restriction will be placed on the property and recorded so that future sales or rental/lease of the property will also abide by the requirements of this section and be affordable to those making 80% of the median income.	50% of the applicable connection charge based on ERU calculation.		
Water Resources & Sustainability	Sewer – Capacity Development Charge (CDC) *Change effective January 1, 2021	\$7,080.94 per...	ERU*	\$13.08.090 and LOTT Resolution No. 20-002

2024 Table V			
PUBLIC SAFETY			
Primary Department	Title	Rate/Fee/Charge	Code Reference (If Applicable)
Police	Records		
	• Accident Reports to Insurance Company	\$4.00	
	• Incident Reports	\$0.15 per page over 10	
	Animal Services	Pursuant to a posted schedule of fees adopted by the joint animal services comission (www.jointanimalservices.org)	\$6.04.040
			\$6.04.060
			\$6.04.070
Police	Police Alarm Systems		
	• Installer ID Card/Renewal	\$25.00 every 5 years	§8.20.070
	• Alarm Permit Reinstatement		
	• False Alarm		§8.20.100
	– 3rd within 90-day continual period	\$50.00	
– 4th within 90-day continual period	\$75.00		
– 5th and thereafter within 90-days	\$150.00		
Fire	Fire Alarm Systems		
	• False Alarm		
	– 2nd within a calendar year	\$25.00	
	– 3rd alarm and thereafter in a calendar year	\$393.00 - as per WSAOFC for equipment; labor shall be charged at city costs	
Fire	Fireworks		
	• Display Fireworks Application (effective February 21, 2007)	\$100.00	§8.30.030

2024 Table VI

RECREATION

Primary Department	Title	Rate/Fee/Charge	Code Reference (If Applicable)
Parks & Recreation	Recreation Services		
	• All classes that require an outside instructor	City's fee 30% overhead of class instructor's fee	n/a
	• All classes provided that utilize in-house staff	City's fee shall be in excess of out-of-expense costs by an overhead of 30%	n/a
	• Athletic field use	\$20.00 per hour	n/a
	• Public parks – private event shelter rental		n/a
	• 9:00am – 2:00pm	\$50.00	
	• 3:00pm – 8:00pm	\$50.00	
	• 9:00am – 8:00pm	\$75.00	
	• Youth Baseball League	\$100.00 \$10.00 additional for late registrations	n/a
	• Youth Basketball League	\$110.00 \$10 additional for late registrations	n/a
	• Public Events Permit	\$10.00	\$12.28.020
	• Public Parks – concession/merchandise sales		\$12.32.040
	0-4 hours	\$30.00	
	4-8 hours	\$60.00	
	Executive	Street Banners	
• Banner Permit Fee		\$300.00	

2024 Table VII					
UTILITY RATES					
Primary Department	Title	Rate/Fee/Charge		Code Reference (If Applicable)	
Water Resources & Sustainability	Water Base Rate Monthly per meter – within the General Service Area. *User fee base rates shall be established based on AWWA Standards for meter equivalency. A three-quarter inch (3/4") meter shall be used as the multiplier base.	<u>Meter Size</u>	<u>Current User Fee Base</u>	\$13.04.210	
		3/4"	\$10.28		
		1"	\$17.39		
		1-1/2"	\$33.92		
		2"	\$54.45		
		3"	\$102.71		
		4"	\$171.59		
		6"	\$341.97		
		8"	*		
	10"	*			
	12"	*			
	Water Base Rate Monthly per meter – in the unincorporated areas of Thurston County, provided that no power of attorney agreement with the City to petition in favor of annexation has been filed.	140% of water base rate		\$13.04.220	
	Water Monthly Consumption Rate – Single Family & Duplex units & within the General Service Area		Volume of Water Used (Cubic Feet)	Charge per each 100 Cubic Feet	\$13.04.210
		Block 1	0 to 600	\$3.02	
		Block 2	601 to 1,200	\$3.34	
Block 3		1,201 to 2,400	\$3.99		
Block 4		2,401 & greater	\$5.24		
Water Monthly Consumption Rate – Multi-family units (per unit) & within the General Service Area		Volume of Water Used (Cubic Feet)	Charge per each 100 Cubic Feet	\$13.04.210	
	Block 1	0 to 500	\$3.02		
	Block 2	501 to 1,000	\$3.34		
	Block 3	1,001 to 2,000	\$3.99		
	Block 4	2,001 & greater	\$5.24		
Water Monthly Consumption Rate – Non-Residential & within General Service Area	\$3.34 per each 100 cubic feet consumed (Block 2)				
Water Monthly Consumption Rate – Irrigation & within the General Service Area	\$3.99 per each 100 cubic feet consumed (Block 3)				
Water Fill Station Consumption Rate	\$5.24 per each 100 cubic feet consumed (Block 4)				
Water Monthly Consumption Rate – for all users in the unincorporated areas of Thurston County, provided that no power of attorney agreement with City to petition in favor of annexation has been filed	140% of water consumption rate all category types (single family & duplex, multi-family units, non-residential and irrigation)		\$13.04.220		
Sewer – Monthly City Wastewater Service Rate & within General Service Area		<u>Type</u>	<u>Monthly Rate</u>	\$13.08.160	
		Single-family	\$23.11 (1.0 ERU)		
		Individual mobile home	\$23.11 (1.0 ERU)		
		Residential Duplex	\$23.11 (1.0 ERU)		
		Multifamily (>2 units)	\$16.18 (0.7 ERU)		
Sewer – Monthly City Wastewater Service Rate & within General Service Area		Mobile home (>2 units)	\$23.11 (1.0 ERU)	\$13.08.160	
	Uses other than or only partially residential (Minimum charge not less than 1.0 ERU)	Charge computed at a rate equal to the monthly discharge of sewage / 900 cubic feet (measured at the source either by water consumption or sewage discharge) x \$23.11			
Sewer – Monthly City Wastewater Service Rate for all rate payers – in the unincorporated areas of Thurston County, provided that no power of attorney agreement with City to petition in favor of annexation has been filed	140% of the sewer monthly operations & maintenance use		\$13.08.170		
Water Resources & Sustainability	Sewer (continued) – Monthly LOTT Wastewater Service Charge		<u>Type</u>	<u>Monthly Rate</u>	\$13.08.160 and LOTT Resolution No. 20-002
			Single-family	\$46.37 (1.0 ERU)	
			Individual mobile home	\$46.37 (1.0 ERU)	
			Residential Duplex	\$46.37 (1.0 ERU)	
			Multifamily (>2 units)	\$32.46 (0.7 ERU)	
	Mobile home (>2 units)	\$46.37 (1.0 ERU)			

2024 Table VII

UTILITY RATES

	Sewer – Monthly LOTT Wastewater Service Charge	Type	Monthly Rate	\$13.08.160 and LOTT Resolution No. 20-002
		Uses other than or only partially residential (Minimum charge not less than 1.0 ERU)	Charge computed at a rate equal to the monthly discharge of sewage / 900 cubic feet (measured at the source either by water consumption or sewage discharge) x \$46.37	
Water Resources & Sustainability	Stormwater – Monthly Account Fee	\$2.10 on every developed property within the city limits		\$13.12.040
	Stormwater - Monthly Service Charge *Provided that if the amount of impervious area on any such property shall exceed 50% of the gross property area, the service charge shall be computed as other property not included in the single-family or duplex category.	Unit Type		Charge
		Single-family residential		\$11.97*
		Each duplex-family	\$11.97*	\$13.12.050
	Stormwater - Monthly Service Charge	All other developed properties not defined as single-family residential and duplex family	\$11.97 x Gross Impervious Area/3,250 square feet	\$13.12.060
Stormwater – Monthly Service Charge	All mobile residence communities	\$11.97 x 1,800 x available Residence Site / 3,250 feet + \$11.97 x Other Gross Impervious Area / 3,250 square feet	\$13.12.070	

2024 Table II				
ZONING, LAND DIVISION & ENVIRONMENTAL				
Primary Department	Title	Rate/Fee/Charge per...	Unit	Code Reference (If Applicable)
Community Development	Appeals			
	• Hearing Examiner			
	– Administrative Appeal*	\$1,500.00		\$18.62.020
	– SEPA Appeal*	\$2,000.00		\$16.04.160
	– Appeal of Impact Fee with Independent Fee Calculation	\$260.00	calculation	\$3.50.140
	*Reimbursed if appeal is substantially upheld			
Community Development	Transportation Impact Fees			\$3.50.130
	<u>Type of Development</u>			ITE Land Use Code
	<i>Residential</i>			
	• Single Family / Duplex (Detached)	\$4,401.78	dwelling	
	Single Family Detached and Attached (including duplexes) that are less than 1200 square feet floor area. Not to be used with any other impact or permit fee discounts.	\$3,301.33	dwelling	
	Single Family detached and attached (including duplexes) located within one-half mile walking distance on a sidewalk or improved path from regular InterCity bus service and meets the federal definition of "Low Income Housing". For example, if a single family home then it must be affordable to those making 80% of the median income. An affidavit must be submitted with the building permit application stating that the home meets the definition of low income and that a deed/title restriction will be placed on the home and recorded so that future sales, rental, or lease of the home will also abide by the requirements of this section and be affordable to those making 80% of the median income.	\$2,200.89	dwelling	210
	• Multifamily – Apartment	\$2,856.47	dwelling	
	Multi-family dwellings located within one-half mile walking distance on a sidewalk or improved path from regular InterCity bus service and meets the federal definition of "Low Income Housing". For example, if a single family home then it must be affordable to those making 80% of the median income. An affidavit must be submitted with the building permit application stating that the home meets the definition of low income and that a deed/title restriction will be placed on the home and recorded so that future sales, rental, or lease of the home will also abide by the requirements of this section and be affordable to those making 80% of the median income.	\$1,428.29	dwelling	220
	• Mobile Home Park	\$2,571.32	dwelling	240
	• Senior Adult Housing – Detached	\$941.36	dwelling	251
	• Senior Adult Housing – Attached	\$557.84	dwelling	252
	• Congregate Care	\$592.72	dwelling	253
	• Accessory Dwelling Unit	\$2,142.99	dwelling	
	Accessory dwelling units located within one-half mile walking distance on a sidewalk or improved path from regular InterCity bus service and meets the federal definition of "Low Income Housing." For example, if a single family home then it must be affordable to those making 80% of the median income. An affidavit must be submitted with the building permit application stating that the home meets the definition of low income and that a deed/title restriction will be placed on the home and recorded so that future sales, rental, or lease of the home will also abide by the requirements of this section and be affordable to those making 80% of the median income.	\$1,428.30	dwelling	
	• Assisted Living	\$493.11	bed	254

2024 Table II

ZONING, LAND DIVISION & ENVIRONMENTAL

2024 Table II				
ZONING, LAND DIVISION & ENVIRONMENTAL				
	<i>Industrial</i>			
	• Light Industrial	\$6.22	SF / GFA	110
	• Industrial Park	\$5.75	SF / GFA	130
	• Manufacturing	\$4.86	SF / GFA	140
	• Warehousing	\$2.21	SF / GFA	150
	• Mini-Warehouse	\$1.65	SF / GFA	151
	• High-Cube Warehouse	\$0.76	SF / GFA	152
	<i>Commercial – Services</i>			
	• Hotel	\$2,938.66	room	310
	• Motel	\$2,340.97	room	320
	• Walk-in Bank	\$12.01	SF / GFA	911
	• Drive-through Bank	\$25.55	SF / GFA	912
	• Day Care Center	\$31.05	SF / GFA	565
	• Quick Lubrication Vehicle Shop	\$6,262.20	VSP	941
	• Automobile Care Center	\$5.28	SF / GFA	942
	• Gasoline/Service Station	\$17,052.80	VFP	944
	• Service Station/Minimart	\$12,462.18	VFP	945
	• Service Station/Minimart/Carwash	\$12,983.78	VFP	946
	• Carwash – Self Serve	\$6,215.44	VSP	947
	• Carwash – Automated	\$86,948.72	VSP	948
	• Movie Theater	\$257.74	seat	444, 445
	• Health/Fitness Club	\$18.34	SF / GFA	492, 493
	<i>Commercial – Institutional</i>			
	• Elementary School	\$3.01	SF / GFA	520
	• Middle School/Junior High School	\$2.97	SF / GFA	522
	• High School	\$2.42	SF / GFA	530
	• Community/Junior College	\$448.26	student	540
	• College/University	\$784.48	student	550
	• Church	\$2.52	SF / GFA	560
	• Hospital	\$7.08	SF / GFA	609
	• Nursing Home	\$2.57	SF / GFA	620
	<i>Commercial - Restaurant</i>			
	• Quality Restaurant	\$17.76	SF / GFA	931
	• High Turnover (sit down) Restaurant	\$26.91	SF / GFA	931
	• Fast Food Restaurant w/out Drive Thru	\$32.57	SF / GFA	933
	• Fast Food Restaurant with Drive Thru	\$42.99	SF / GFA	934
	• Tavern/Drinking Place	\$31.20	SF / GFA	935
	• Coffee/Donut Shop w/out Drive Thru	\$50.74	SF / GFA	936
	• Coffee/Donut Shop with Drive Thru	\$53.46	SF / GFA	937
	• Coffee/Donut Shop with Drive Thru and with no inside seating	\$20.54	SF / GFA	938
Community Development	<u>Type of Development</u>			ITE Land Use Code
	<i>Commercial – Office</i>			
	• General Office Building	\$9.46	SF / GFA	710
	• Government Office Building	\$11.87	SF / GFA	730
	• Medical-Dental Office/Clinic	\$20.68	SF / GFA	720

2024 Table II

ZONING, LAND DIVISION & ENVIRONMENTAL

Community Development	<i>Commercial –</i>			
	• Retail Shopping Center - up to 49,999 sq. ft.	\$6.63 \$6.83	SF / GLA	820
	50,000 – 99,999	\$7.36 \$7.58	SF / GLA	820
	100,000 – 199,999	\$7.43 \$7.65	SF / GLA	820
	200,000 – 299,999	\$7.57 \$7.79	SF / GLA	820
	300,000 – 399,999	\$7.80 \$8.03	SF / GLA	820
	400,000 sq. ft. or more	\$8.29 \$8.54	SF / GLA	820
	• Automobile Parts Sales	\$8.65 \$8.91	SF / GFA	843
	• Car Sales – New/Used	\$10.80 \$11.12	SF / GFA	841
	• Convenience Market	\$32.12 \$33.07	SF / GFA	851
	• Discount Club	\$8.29 \$8.50	SF / GFA	861
	• Electronic Superstore	\$6.85 \$8.91	SF / GFA	863
	• Toy Superstore	\$7.62 \$7.85	SF / GFA	864
	• Furniture Store	\$9.45 \$0.46	SF / GFA	890
	• Hardware/Paint Store	\$9.98 \$9.35	SF / GFA	816
• Home Improvement Superstore	\$3.13 \$3.22	SF / GFA	862	
• Nursery/Garden Center	\$7.24 \$7.45	SF / GFA	817	
• Pharmacy/Drugstore w/out Drive Thru	\$8.15 \$8.39	SF / GFA	880	
• Pharmacy/Drugstore with Drive Thru	\$10.86 \$11.18	SF / GFA	881	
• Supermarket	\$17.97 \$17.58	SF / GFA	850	
• Tire Store	\$7.60 \$7.82	SF / GFA	848	
• Tire Superstore	\$3.86 \$3.98	SF / GFA	849	
Cost per New Trip Generated:	\$3,628.19 \$3,735.58			

SOURCE: ITE, "Trip Generation, 8th Edition"

Notes: ¹ Abbreviations:

SF = Square Feet VSP = Vehicle Service Position
 GFA = Gross Floor Area VFP = Vehicle Fueling Position
 GLA = Gross Leasable Area

² Annual Escalator: Transportation Impact Fees will be adjusted annually, based on the Engineering News Record Construction Cost Index for the Seattle, Washington, area as reported for July to establish the fee schedules effective January 1st of the subsequent year.

Community Development	Olympia School District No. 111 School Impact Fees			\$3.50.135 and Olympia School District Resolution No. 653
	<i>Type of Residential Development</i>			
	• Single Family (includes townhouses, duplexes, and manufactured homes).	\$6,812.00	dwelling	
	• Multi Family (three units or more and accessory dwelling units).	\$2,606.00	dwelling	
Community Development	• Multi Family Downtown	\$2,040.00	dwelling	
	Tumwater School District No. 33 School Impact Fees			\$3.50.135 and Tumwater School District Resolution No. 02-23-24
	<i>Type of Residential Development</i>			
• Single Family (includes townhouses, duplexes, and manufactured homes).	\$5,498.00 \$5,565.00	dwelling		
Community Development	• Multi Family (three units or more and accessory dwelling units).	\$1,114.00 \$1,114.00	dwelling	
	Independent Fee Calculations			\$3.50.140
	• Applicant chooses to prepare IFC			
	– Administrative Processing fee	\$500.00		
– Deposit on Review Costs of IFC*	\$500.00			
• *Balance refunded or additional costs collected as a precondition to building permit issuance.				
Community Development	Park Impact Fees			\$3.52.070
	<i>Type of Residential Development</i>			
• Single Family, Detached	\$3,726.86	housing unit		

2024 Table II				
ZONING, LAND DIVISION & ENVIRONMENTAL				
Community Development	<ul style="list-style-type: none"> Single Family Detached. If an active park/open space area at least one-half acre in size is included in the development in which the dwelling is being built or the dwelling unit is within one-half mile of a park at least one-half acre in size. The home must meet the federal definition of "Low Income Housing". The home must be affordable to those making 80% of the median income. An affidavit must be submitted with the building permit application stating that the home meets the definition of low income and that a deed/title restriction will be placed on the home and recorded so that future sales, rental, or lease of the home will also abide by the requirements of this section and be affordable to those making 80% of the median income. 	\$1,863.43	housing unit	\$3.52.070
	<ul style="list-style-type: none"> Single Family Detached and Attached (including duplexes) that are less than 1200 square feet floor area. Not to be used with any other impact or permit fee discounts. 	\$2,795.15	housing unit	
	<ul style="list-style-type: none"> Single Family, Attached (and duplexes) 	\$2,784.68	housing unit	
Community Development	<ul style="list-style-type: none"> Single Family Detached. If an active park/open space area at least one-half acre in size is included in the development in which the dwelling is being built or the dwelling unit is within one-half mile of a park at least one-half acre in size. The home must meet the federal definition of "Low Income Housing". The home must be affordable to those making 80% of the median income. An affidavit must be submitted with the building permit application stating that the home meets the definition of low income and that a deed/title restriction will be placed on the home and recorded so that future sales, rental, or lease of the home will also abide by the requirements of this section and be affordable to those making 80% of the median income. 	\$1,392.34	housing unit	
	<ul style="list-style-type: none"> Manufactured Home (mobile home) 	\$2,227.71	housing unit	
	<ul style="list-style-type: none"> Multi Family (3-4 units per structure) 	\$2,746.11	housing unit	
	<ul style="list-style-type: none"> Multi Family (3-4 units per structure). If an active park/open space area at least one-half acre in size is included in the development in which the dwelling is being built or the dwelling is within one-half mile of a park at least one-half acre in size. The home must meet the federal definition of "Low Income Housing". The home must be affordable to those making 80% of the median income. An affidavit must be submitted with the building permit application stating that the home meets the definition of low income and that a deed/title restriction will be placed on the home and recorded so that future sales, rental, or lease of the home will also abide by the requirements of this section and be affordable to those making 80% of the median income. 	\$1,373.06	housing unit	
	<ul style="list-style-type: none"> Park Impact Fees (Continued) 			
Community Development	<ul style="list-style-type: none"> Multi Family (5+ units per structure) 	\$2,413.12	housing unit	
	<ul style="list-style-type: none"> Multi Family (5+ units per structure). If an active park/open space area at least one-half acre in size is included in the development in which the dwelling is being built or within one-half mile of a public park at least one-half acre in size. The home must meet the federal definition of "Low Income Housing". The home must be affordable to those making 80% of the median income. An affidavit must be submitted with the building permit application stating that the home meets the definition of low income and that a deed/title restriction will be placed on the home and recorded so that future sales, rental, or lease of the home will also abide by the requirements of this section and be affordable to those making 80% of the median income. 	\$1,373.06	housing unit	

2024 Table II				
ZONING, LAND DIVISION & ENVIRONMENTAL				
Community Development	• Accessory Dwelling Unit	\$1,670.78	housing unit	\$3.52.070
	• Accessory Dwelling Unit. If an active park/open space area at least one-half acre in size is included in the development in which the dwelling is being built or the dwelling is within one-half mile of a public park that is at least one-half acre in size. The home must meet the federal definition of "Low Income Housing". The home must be affordable to those making 80% of the median income. An affidavit must be submitted with the building permit application stating that the home meets the definition of low income and that a deed/title restriction will be placed on the home and recorded so that future sales, rental, or lease of the home will also abide by the requirements of this section and be affordable to those making 80% of the median income.	\$1,113.86	housing unit	
Community Development	Impact Fee Deferral Program			
	• Administrative Application Fee	\$100.00	application	\$3.50.130
				\$3.52.070
Community Development	Wireless Communication Antennas			\$11.20.050
	• Wireless Communication (WCF) Permits			
	– Accessory (requiring WCF permit)	\$110.00	antenna	
	– Attached WCF	\$330.00	carrier	
	– Freestanding WCF	\$1,100.00	structure	
	– Co-location on freestanding WCF	\$330.00	carrier	
	• WCF Administrative Site Plan Review	Same as regular SPR fees		
• Conditional Use Permit	Same as zoning CUP fees			
	• Request for Administrative Deviation	\$247.50	request	
Community Development	Telecommunications in Rights-of-Way			
	• Telecommunications Right-of-Way Use			
	– Right-of-Way (ROW) Use Authorization	\$1,700.00		\$11.06.010
	• Telecommunications Franchise/Master Permit Application	\$5,550.00		\$11.06.020
	• Master Permit Renewal Application	\$2,800.00		\$11.06.120
	– Annual Fee	\$500.00		\$11.06.160
	– Supplemental Site Permit	\$500.00 (up to 5)		\$11.06.110
		\$100.00 (after 5)		
	\$1,000.00	new pole		
	\$270.00 pole rent	year		
Community Development	Telecommunications in Rights-of-Way (continued)			\$3.52.069
	• Telecommunications Facilities Lease			
	– Lease Application	\$500.00		\$11.08.020
	– Renewal of Lease	\$225.00		\$11.08.120
Community Development	Site Plan Review			\$14.02.080
	• Feasibility Site Plan Review*			
	– One Acre or less	\$80.00		
	– Greater than 1 Acre	\$137.50		
	*Credited toward Preliminary Site Plan Fee			
	• Preliminary Site Plan Review			
	– One Acre or less	\$330.00		
	– Greater than 1 Acre	\$440.00		
	• Preliminary Site Plan Resubmittal			
	– One Acre or less	\$165.00		
	– Greater than 1 Acre	\$275.00		
	• Formal Site Plan Review			
	– One Acre or less	\$220.00		
– Greater than 1 Acre	\$385.00			
• Formal Site Plan Review Resubmittal				
– One Acre or less	\$80.00			
– Greater than 1 Acre	\$220.00			
	Multi-Family Tax Exemption	\$100.00		

2024 Table II				
ZONING, LAND DIVISION & ENVIRONMENTAL				
Community Development	• Design Plan Review	2.5% of the Building Permit		\$18.43.010
	• Landscape Plan Review**	\$220.00		\$18.47.020
	**Applies only to landscape plans required under \$18.47.020			
	• Exterior Illumination***			
	– Issuance and Inspection Fee	\$55.00 +...	\$7.50 per fixture	\$18.40.035
	– Plan Review Fee	65% of above lighting fee		
	***Applies to non-residential applications 4,000 square feet or larger in area			
	• Request for Parking Modification	\$275.00		\$18.50.075
Water Resources & Sustainability	Drainage Manual Administration			\$13.12.015
	• Adjustment application	\$500.00		
	• Variance and Exception application	\$1,000.00		
Community Development	Protection of Trees & Vegetation			\$16.08.050
	• Land clearing application & review	\$110.00		
	• Work by City Tree Professional	Consultant Cost	hour	
	• Land Clearing Permit			
	– Less than 30 Trees	\$135.00		
	– 30 Trees or more	\$220.00		
	• Add'l Review or Inspections after one hour	\$66.00	hour	
	• Investigation Charge for Land Clearing without required Permit	Double application and permit fee for tree cutting without a permit		
	• Request for Land Clearing Modification	\$385.00		
• Replacement Tree Mitigation Fee	\$400.00		\$16.08.070	
Community Development	Environmental Policy			\$16.04.190
	• Environmental SEPA Checklist	\$880.00		
	• Expanded Environmental Checklist	\$880.00, plus consultant cost		
	• Environmental Impact Statement (EIS)	\$880.00, plus consultant		
	• Addendum to Environmental Documents	\$220.00		
Community Development	Wetland Protection Standards			
	• Wetland Permit Application	\$440.00		\$16.28.140
	• Reasonable Use Exception	\$880.00		\$16.28.190
Community Development	Fish and Wildlife Habitat Protection			\$16.32.097
	• Reasonable Use Exception	\$880.00		
Community Development	Land Divisions			\$17.02.160
	• Boundary Line Adjustment	\$450.00		
	• Lot Consolidation	\$450.00		
	• Preliminary Binding Site Plan	\$770.00 +...	\$27.50 per lot	
	• Final Binding Site Plan	\$440.00 +...	\$27.50 per lot	
	• Preliminary Plat	\$2,750.00 +...	\$38.50 per lot	
	• Final Plat	\$1,650.00 +...	\$38.50 per lot	
	• Preliminary Short Plat	\$1,100 +...	\$55.00 per lot	
• Final Short Plat	\$440.00 +...	\$55.00 per lot		
Community Development	Land Divisions (Continued)			\$17.26.040
	• Preliminary PUD (includes limited overlay zone)	\$1,320 +...	\$33.00 per lot	
	• Final PUD	\$935.00		
	• Preliminary Plat Extension	\$550.00		
	• Replats, Vacations, and Alterations			
	– Replats	Same as Preliminary and		
– Vacations	\$450.00			
– Alterations	\$450.00			
Community Development	Zoning			\$2.62.060
	• Certificate of Appropriateness	\$110.00		
	• Zoning Certification Letter	\$82.50		
	• Planned Unit Development	Same as preliminary and final PUD		\$18.36.030
	• Home Occupation	See Business Licenses		\$18.42.030
	• Mobile Home Installation*			
	– Single	\$150.00 + plumbing fees		\$18.48.010
– Double	\$175.00 + plumbing fees			

2024 Table II				
ZONING, LAND DIVISION & ENVIRONMENTAL				
Community Development	– Triple	\$200.00 + plumbing fees		
	• Title Elimination Inspection Fee	\$170.00		
	• Title Elimination Review	\$85.00		
	* plus footing, foundation, skirting, and tie downs			
	• Mobile Home Park – Site Plan			
	– Preliminary	\$1,00.00 +...	\$30 per unit	\$18.48.130
	– Final	\$750.00 +...	\$30 per unit	
	• Conditional Use Permit	\$2,090.00		\$18.56.020
	• Variance	\$1,000.00		\$18.58.020
• Rezone	\$1,500.00		\$18.60.065	
Community Development	Zoning			
	• Comprehensive Plan – Map Amendment	\$1,500.00		\$18.60.065
Community Development	• Annexations			
	– Not in an Unincorporated Island	\$200.00	acre, Maximum of \$4,000	
	– In Unincorporated Islands	No fee (\$0.00)		
	• Sign			
	– Application for Conditional Exemption	\$20.00	sign	\$18.44.075
	Shoreline Management Act			
	• Shoreline Exemption Letter	\$200.00		Resolution 250
	• Substantial Development Permit	\$1,600.00		
	• Conditional Use	\$1,750.00		
• Variance	\$1,750.00			
• Shoreline Permit Time Extension	\$500.00			
Community Development	Transportation Concurrency			
	• Concurrency Application	\$170.00		\$15.48.040
	• Traffic Impact Analysis (TIA) Review	\$260.00		

2024 Table IV

TRANSPORTATION, ENGINEERING, UTILITIES & UTILITY CONNECTIONS

Primary Department	Title	Rate/Fee/Charge	Unit	Code Reference (If Applicable)
Transportation & Engineering	Right-of-Way License (includes projections over ROW)			
	• Application Fee	\$275.00 + license rate		\$3.40.010
	• Five-Year License Rate			
	– 1 to 1,000 square feet	\$155.00		\$3.40.020
	– 1,001 to 5,000 square feet	\$208.00		
– 5,001 to 20,000 square feet	\$260.00			
– More than 20,000 square feet	Negotiable			
Community Development	Right-of-Way Access/Utility Permit			
	• General	\$115.00		\$12.16.050
	• Residential (1-single family or duplex; lots of record; includes erosion control)			
	– Street Only or 1 Utility Use	\$145.00		
	– Multiple	\$285.00		
	• Private Utility			
	– Overhead			
	Plan Check	\$186 for 1st 150' +\$0.10 per 1' thereafter		
	Inspection	\$186 for 1st 150' +\$0.10 per 1' thereafter		
	– Underground			
	Plan Check	\$415.00 + \$0.36 per ...	linear foot	
Inspection	\$2.00 per...	linear foot		
– Single Service	\$57.00			
Transportation & Engineering	Street & Alley Vacation			\$12.04.020
	• Application Fee	\$515.00		
	• Publishing Notice	\$182.00		
	• Acquisition Cost	Up to 50% of the assessed or appraised value		
Community Development	Street Construction and Restoration			\$12.18.030
	• Street, Curbs, and Sidewalks			
	– Plan Check	\$415 + \$0.57 per...	linear foot	
	– Inspections	\$2.50 per linear foot	linear foot	
	• Street Lighting			
	– Plan Check	\$415.00 + \$0.57 per ...	linear foot	
	– Inspections	\$1.25 per...	linear foot	
	• Street Signals			
– Plan Check	\$1,255.00 per...	Signal		
– Inspections	\$1,710.00 per...	Signal		
Community Development	Street Disruption Fee			\$12.16.060
	• 1 st year	5 times construction cost		
	• 2 nd year	4 times construction cost		
	• 3 rd year	3 times construction cost		
	• 4 th year	2 times construction cost		
• 5 th year	1 times construction cost			
Water Resources & Sustainability	Notice Required to Have Water Disconnected			\$13.04.060
	• Disconnection of water service on a temporary or permanent basis	\$30.00		
Water Resources & Sustainability	Water Service			\$13.04.080
	• Occupant turning on penalty	\$30.00		
Water Resources & Sustainability	Hydrant Meter Rental			\$13.04.140
	• (2½") – for construction	\$1,500.00 deposit + 3" meter monthly fee + consumption		

2024 Table IV				
TRANSPORTATION, ENGINEERING, UTILITIES & UTILITY CONNECTIONS				
Water Resources & Sustainability	Sewer Service - Lateral Extension			\$13.08.100
	• Gravity Tap	\$280.00		
	• Force Main Tap	\$3,300.00		
Finance	Utility Billing Late Penalty			\$13.18.020
	• If bill not paid until after the due date	1% of late balance per utility or...		
	- minimum penalty	Water - \$5.00		
		Sewer - \$4.00		
	• If past due bill is not paid 20 days after the due date	Stormwater - \$1.00		
		\$10.00 penalty - water		
Water Resources & Sustainability	Water Utility	\$30.00 weekdays, \$100.00 weekdays		\$13.18.040
	• Reconnection Fee	after 4:30 PM, all day weekends, & holidays		
Finance	Utility Account Set-up Fees			\$13.18.055
	• Owner Account Setup	\$15.00		
		(Water \$8.00, Sewer \$5.00, Stormwater \$2.00)		
Community Development	Utility Plan Check & Inspection Fees			\$13.20.030
	• Watermain			
	- Plan Check	\$415.00 + \$0.52 per...	linear foot	
	- Inspections	\$2.85 per ...	linear foot	
	• Sewermain, Gravity			
	- Plan Check	\$415.00 + \$0.52 per...	linear foot	
	- Inspections	\$2.85 per ...	linear foot	
	• Sewermain, Pressure			
	- Plan Check	\$415.00 + \$0.52 per...	linear foot	
	- Inspections	\$2.85 per ...	linear foot	
	• Sewer Pump Station, Community System			
	- Plan Check	\$1,212.00 for each		
	- Inspections	\$1,212.00 for each		
	• Stormwater System			
	- Plan Check	\$415.00 + \$45.00 per...	acre	
	- Storm Pipe Plan Check	\$415.00 + \$0.52 per...	linear foot	
	- Stormwater Report Review	\$455.00 per...	report	
	- Inspections	\$3.80 per...	linear foot	
		\$600.00 per...	system	
		- Resubmittals (1 hour minimum)	\$98.50 per hour starting with 2nd	
• High Groundwater Reviews	\$2,500.00 + \$95.00 per...	hour		
• Latecomers - Streets/Utilities	\$800.00 + \$95.00 per hour after 10 hours + 8%			
• Bonding Agreements, Letters of Credit (providing forms and reviewing documents, once complete)	\$120.00		Resolution 494	
Water Resources & Sustainability	Water Meter Testing	\$140.00		\$13.04.400
Water Resources & Sustainability	Water - Installation charge (service line & meter)	Installation	Meter Size	\$13.04.360
		\$3,000.00	3/4"	
		\$3,400.00	1"	
		\$7,000.00	1-1/2"	
		\$7,500.00	2"	
	* For meters larger than 2" the charge will be the actual cost of labor & materials for furnishing and installing the meter, plus an amount equal to 25% of the cost of labor and materials for overhead expenses.	*	3"	
		*	4"	
		*	6"	
		*	9"	
		*	10"	
	*	12"		
Water - Drop-In Meter charge (charge if the service line has been installed by the developer or property owner)	Installation	Meter Size	\$13.04.360	

2024 Table IV				
TRANSPORTATION, ENGINEERING, UTILITIES & UTILITY CONNECTIONS				
Water Resources & Sustainability		\$650.00	3/4"	\$13.04.360
		\$760.00	1"	
		\$1,300.00	1-1/2"	
		\$1,600.00	2"	
	* Drop-in charges for meters larger than 2" will be the actual costs of labor and materials for furnishing & installing the meter plus an amount equal to 25% of the cost of labor and materials for overhead expenses.	*	3"	
		*	4"	
		*	6"	
		*	8"	
		*	10"	
		*	12"	
Water Resources & Sustainability	Water – Connection Charges in the General Service Area	Connection Fee	Connection Size	\$13.04.370
		\$5,079.91 \$5,079.39	3/4"	
		\$8,635.73	1"	
		\$16,479.29	1-1/2"	
		\$26,920.42	2"	
		\$50,793.09	3"	
		\$84,653.59	4"	
	\$169,138.51	6"		
Water Resources & Sustainability	Water - Connection Charges in General (Continued)			\$13.04.370
		\$423,141.46	8"	
		\$643,577.89	10"	
		\$981,38.51 \$981,838.51	12"	
Water Resources & Sustainability	Single Family, Accessory Dwelling units, and Multi-family housing that meets the federal definition of "Low Income Housing". An affidavit must be submitted with the building permit application stating that the housing meets the definition of low income and that a deed and title restriction will be placed on the property and recorded so that future sales or rental/lease of the property will also abide by the requirements of this section and be affordable to those making 80% of the median income.	50% of the applicable connection charge based on connection size.		
Water Resources & Sustainability	Sewer – Connection Charges	Charge		\$13.08.090
	• Equivalent Residential Unit (ERU)	\$3,018.58		
	• Accessory Dwelling Unit	\$2,113.01		
	• Multi-Family Unit	\$2,055.46 \$2,113.01		
Water Resources & Sustainability	Single Family, Accessory Dwelling units, and Multi-family housing that meets the federal definition of "Low Income Housing." An affidavit must be submitted with the building permit application stating that the housing meets the definition of low income and that a deed and title restriction will be placed on the property and recorded so that future sales or rental/lease of the property will also abide by the requirements of this section and be affordable to those making 80% of the median income.	50% of the applicable connection charge based on ERU calculation.		
Water Resources & Sustainability	Sewer – Capacity Development Charge (CDC) *Change effective January 1, 2021	\$7,080.94 per...	ERU*	\$13.08.090 and LOTT Resolution No. 20-002

TO: City Council
 FROM: Brian Hurley, Fire Chief
 DATE: March 19, 2024
 SUBJECT: Fire Mobilization Interagency Agreement with the Washington State Patrol

1) Recommended Action:

Authorize the Mayor to sign the Fire Mobilization Interagency Agreement with the Washington State Patrol.

This item was recommended by the Public Health and Safety Committee to be placed on the consent agenda at the March 19, 2024 City Council meeting.

2) Background:

For many years, the City has had a Fire Mobilization Response Agreement with the State of Washington through the Washington State Patrol (WSP). The purpose of this agreement is to provide for the reimbursement of allowable City costs incurred while its assets are mobilized in accordance the Washington State Fire Services Resource Mobilization Plan. The Tumwater Fire Department currently participates in statewide mobilizations through Rescue Emergency Support Module (REMS) deployment. Personnel on these deployments support firefighting crews with technical rescue and emergency medical expertise. The Department is investing in enhanced wildland fire training and equipment and may participate more widely in firefighting mobilization as resources permit.

3) Policy Support:

Strategic Priorities and Goals 2023-24: Provide and Sustain Quality Public Safety Services

4) Alternatives:

Do not recommend

5) Fiscal Notes:

None

6) Attachments:

A. Fire Mobilization Interagency Agreement with the Washington State Patrol

WSP Contract No: K19888

FIRE MOBILIZATION INTERAGENCY AGREEMENT
BETWEEN
STATE OF WASHINGTON
WASHINGTON STATE PATROL
AND
CITY OF TUMWATER

This Interagency Agreement (Agreement), pursuant to RCW 43.43.960 through RCW 43.43.964 (State Fire Service Mobilization) and Chapter 39.34 RCW (Interlocal Cooperation Act), is made and entered into by and between the Washington State Patrol, hereinafter referred to as "WSP," and **City Of Tumwater**, a statutorily authorized fire agency within the State of Washington, hereinafter referred to as "Fire Agency."

The purpose of this Agreement is to provide for the reimbursement of allowable Fire Agency costs incurred while its assets are mobilized in accordance with RCW 43.43.960 through RCW 43.43.964 and the Washington State Fire Services Resource Mobilization Plan (Mobilization Plan). The Mobilization Plan and any subsequent versions adopted pursuant to RCW 43.43.962 are incorporated herein by this reference and can be found at: <https://www.wsp.wa.gov/all-risk-mobilization/>

Therefore, it is mutually agreed that:

- 1. Mobilization Plan.** The Mobilization Plan provides a process to quickly notify, assemble and deploy fire service personnel and equipment to any local fire jurisdiction in Washington State that has expended all local and mutual aid resources in attempting to manage, mitigate and control an emergency incident or situation for the protection of life and property. If the Fire Agency responds with its available assets to an incident mobilization, both parties shall comply with the procedures detailed in the Mobilization Plan.
- 2. Period of Performance.** The period of performance of this Agreement begins on **1/01/2024** and ends on **1/01/2029** unless terminated sooner as provided herein.
- 3. Billing Procedures.** WSP shall reimburse the Fire Agency upon the receipt of properly executed claim forms submitted by the Fire Agency according to the Mobilization Plan. Claims for payment submitted by the Fire Agency to WSP for costs due and payable under this Agreement shall be paid by WSP if received by WSP within 45 days from the end of each respective fire mobilization. The Fire Agency is required to be registered as a Statewide Payee prior to submitting a request for payment under this Contract. The Washington State Office of Financial Management (OFM) maintains the Statewide Payee Registration System; to obtain registration materials go to <https://ofm.wa.gov/it-systems/statewide-vendorpayee-services>
- 4. Compliance with Civil Rights Laws.** During the period of performance for this Agreement, both parties shall comply with all federal and state nondiscrimination laws.
- 5. Records Maintenance.** Both parties shall maintain books, records, documents and other evidence which sufficiently and properly reflect all direct and indirect costs expended by either party in the performance of the services described herein. These records shall be subject to inspection, review or audit by personnel of both parties, other personnel duly authorized by either party, the Office of the State Auditor, and federal officials so authorized by law. Both parties shall retain all books, records, documents, and other material relevant to this Agreement for six (6) years after expiration, and the Office of the State Auditor, federal auditors, and any persons duly authorized by the parties shall have full access and the right to examine any of these materials during this period.
- 6. Agreement Management.** The work described herein shall be performed under the coordination of the parties' Contract Managers listed below, or their successors. They shall provide assistance and guidance to the other party necessary for the performance of this Agreement. The parties shall notify each other within ten (10) business days of a change in Contract Manager.

Contract Manager for CITY OF TUMWATER:	Contract Manager for the WASHINGTON STATE PATROL:
Brian Hurley Chief 555 Israel RD SW Tumwater WA 98501 (360) 754-4170 bhurley@ci.tumwater.wa.us	Brian Briscoe State Deputy Fire Marshal PO Box 42642 Olympia WA 98504-2642 (360) 596-3925 Brian.Briscoe@wsp.wa.gov

- 7. Hold Harmless.** Each party shall defend, protect and hold harmless the other party from and against all claims, suits and/or actions arising from any negligent or intentional act or omission of that party's employees, agents, and/or authorized subcontractor(s) while performing under this Agreement.
- 8. Agreement Alterations and Amendments.** This Agreement may be amended by mutual agreement of the parties. Such amendments shall not be binding unless they are in writing and signed by personnel authorized to bind each of the parties.
- 9. Termination.** Either party may terminate this Agreement upon thirty (30) calendar days' written notification to the other party. If this Agreement is so terminated, the terminating party shall be liable only for performance in accordance with the terms of this Agreement for performance prior to the effective date of termination.
- 10. Appeals of Denied Claims.** In the event that WSP denies payment of claim(s) submitted by the Fire Agency under this Agreement, the Fire Agency may appeal the denial according to the Mobilization Plan. The process contained in the Mobilization Plan is the sole administrative recourse available to the Fire Agency for the appeal of denied claims.
- 11. Order of Precedence.** In the event of any inconsistency in the terms of this Agreement, the inconsistency shall be resolved by giving precedence in the following order:
1. Applicable federal and state statutes and regulations;
 2. Terms and Conditions contained in this Agreement
 3. Any other provisions of the Agreement, whether incorporated by reference or otherwise.
- 12. All Writings Contained Herein.** This Agreement contains all the terms and conditions agreed upon by the parties. No other understandings, oral or otherwise, regarding the subject matter of this Agreement shall be deemed to exist or to bind any of the parties hereto.

IN WITNESS WHEREOF, the parties have executed this Agreement.

City of Tumwater		WASHINGTON STATE PATROL	
Signature	Date	Signature	Date
Debbie Sullivan, Mayor		For: John R. Batiste, Chief	

ATTEST:

Melody Valiant, City Clerk

APPROVED AS TO FORM:

Karen Kirkpatrick, City Attorney

APPROVED AS TO FORM BY THE OFFICE OF THE ATTORNEY GENERAL 2/5/2008

TO: City Council
 FROM: Brian Hurley, Fire Chief
 DATE: March 19, 2024
 SUBJECT: Intergovernmental EMS Contract with Thurston County for Basic Life Support Funding 2024 Extension

1) Recommended Action:

Authorize the Mayor to sign the 2024 Basic Life Support Funding Agreement Letter of Acknowledgement with Medic One.

This item was recommended by the Public Health and Safety Committee to be placed on the consent agenda at the March 19, 2024 City Council meeting.

2) Background:

The City of Tumwater has partnered with Thurston County Medic One since 1974 for the provision of emergency medical services in Tumwater and Thurston County. The City has an Advanced Life Support agreement with Medic One to provide paramedic services in the City and County. The City also receives financial support for the provision of Basic Life Support (BLS) services through a Basic Life Support intergovernmental agreement. These funds are used to purchase medical supplies and equipment as well as support training programs. The BLS intergovernmental agreement with Medic One was signed in 2020 and automatically renews for up to 5 years. Medic One requires an annual acknowledgement letter to be signed for renewal.

3) Policy Support:

Strategic Priorities and Goals 2023-24: Provide and Sustain Quality Public Safety Services

4) Alternatives:

Do not authorize

5) Fiscal Notes:

Under the Basic Life Support Contract with Medic One, the City receives an annual allocation of funds to support the delivery of emergency medical services in the City. The total amount of support received in 2023 was \$117,872. The 2024 allocation amount has not yet been finalized.

6) Attachments:

- A. 2024 Basic Life Support Funding Agreement Acknowledgement with Medic One.
- B. Basic Life Support Intergovernmental EMS Contract



MEDIC ONE



March 4, 2024

Tumwater Fire Department
 311 Israel Rd
 Tumwater, WA 98501

RE: Letter of Acknowledgement - BLS Funding Agreement

The term of the current agreement, which commenced on January 1, 2020, shall automatically renew every year up to 5 years from the original contract effective date, upon mutual agreement between parties.

This letter acknowledges Thurston County Medic One’s agreement to automatically renew the current BLS Funding Agreement, for an additional (1) year, beginning January 1, 2024.

If Tumwater Fire Department agrees to this renewal, Tumwater Fire Department shall sign and date below, and return within 30 days from the date of this letter.

 Date

 Date

 AGENCY

Ben Miller-Todd
[Ben Miller-Todd \(Mar 6, 2024 10:37 PST\)](#)
 Ben Miller-Todd, Director
 Thurston County Emergency Services

INTERGOVERNMENTAL EMS CONTRACT
Basic Life Support (BLS) Funding

THIS CONTRACT is made and entered into in duplicate originals this 1st day of January, 2020, by and between the **COUNTY OF THURSTON**, a municipal corporation, hereinafter referred to as the 'COUNTY' and the City of Tumwater, a municipal corporation, hereinafter referred to as the 'AGENCY';

WHEREAS, Chapter 39.34 RCW authorizes local governments to enter into agreements for joint and cooperative undertakings; and

WHEREAS, regulations over the provision of emergency medical services include Chapters 18.71, 18.73, 70.168 RCW and Chapter 246-976 WAC; and

WHEREAS, RCW 70.168.120 authorizes the County to establish local emergency medical services care councils; and

WHEREAS, Thurston County Medic One is supported by a county wide levy in order to provide county wide emergency medical services as provided by law; and

WHEREAS, certain local agencies have the Basic Life Support (BLS) resources, as defined in State Statute available to provide such services at the requisite level of quality and training; and

WHEREAS, the COUNTY desires to have the AGENCY perform BLS services as hereinafter set forth; requiring specialized skills and other supportive capabilities; and

WHEREAS, sufficient COUNTY resources are not available to provide such services; and

WHEREAS, the AGENCY represents that it is qualified and possesses sufficient skills and the necessary capabilities, including technical and professional expertise where required, to perform the BLS services set forth in this Contract;

THEREFORE, in consideration of the terms, conditions, covenants, and performance, contained herein, the parties hereto mutually agree as follows:

I. SERVICES

- A. The AGENCY shall perform such services and accomplish such tasks, as are identified and designated as AGENCY responsibilities in Exhibit 'A', and throughout this Contract.
- B. The COUNTY, through the Thurston County Emergency Medical Services Fund, shall provide the AGENCY with financial support and medical supplies, based on prior year call volume for said agency.

COUNTY BLS Supply Funds shall be used to provide emergency medical care or emergency medical services, including training for such personnel and related equipment, supplies, vehicles, structures needed to provide this care or service, and/or encourage preventative health measures. Expenses shall be consistent with the level of the public agency's State Department of Health Certification. These funds may be expended directly by COUNTY on behalf of the providing agency, or by the providing agency with reimbursement requested from COUNTY. The expended amount shall not exceed the amount allocated for each providing agency, as described in Exhibit 'B'.

COUNTY Financial Support is provided directly to each jurisdiction to cover a portion of the

costs for the provision of their BLS service delivery.

- C. The COUNTY shall provide funding for the provision of certain occupational health vaccination and testing services, to include Hepatitis B vaccination series, Titer tests, Tuberculosis tests, Tetanus/Diphtheria/pertussis (Td or Tdap) and influenza vaccines for all Thurston County Fire agency EMS providers in addition to the Supply and Direct Support amounts.
- D. COUNTY shall provide and manage modems, for the ePCR system, as well as ePCR hardware/software, and associated support. AGENCY is responsible for providing a point of contact to COUNTY's Medic One Business Application Administrator. AGENCY is responsible for providing unlimited cellular data for each modem it uses.
- E. AGENCY shall provide COUNTY with access to COUNTY provided hardware.
- F. AGENCY shall not abuse or misuse COUNTY equipment.

II. **EFFECTIVE DATE; DURATION**

The term of this Contract and the performance of the AGENCY shall commence on January 1, 2020. and shall automatically renew every year up to 5 years from the original contract effective date, upon mutual agreement between the parties hereto and pursuant to the terms and conditions herein.

III. **THE EMERGENCY MEDICAL SERVICES COUNCIL**

- A. The EMS Council is formally established by Thurston County Board of Commissioners Resolution No. 6131, and the EMS Council is recognized by the Washington State Department of Health.
- B. The EMS Council shall advise the COUNTY with regard to the formulation and implementation of an Emergency Medical Services System consistent with State and Federal guidelines, including budget allocations. The EMS Council is not a party to this Contract, and nothing herein shall serve to create third party rights in favour of the EMS Council, or any other person, or entity not specifically identified as a party to this Contract.

IV. **COMPENSATION AND METHOD OF PAYMENT**

- A. No payment by the COUNTY shall be made for any service rendered by AGENCY except for services identified and set forth in this Contract.
- B. No payment by the COUNTY shall be made for any service rendered by AGENCY without a signed Intergovernmental EMS Contract, for BLS funding.
- C. If AGENCY is merged with another agency, allocated funds will remain in the County budget, only through the current County budget period.
- D. Purchase requests over \$49,999.00 requires prior approval from Thurston County Board of County Commissioners ("BoCC"). Purchase requests over \$49,999.00 must be received at least 30 calendar days prior to ordering the item or service.
- E. Goods and services shall be ordered by November 30th of each year and must be received by December 31st.

- F. Invoices and reimbursement requests need to be submitted within 30 days from the date item is received.
- G. Invoices and requests for reimbursement for goods and services delivered in December must be received in the COUNTY's Medic One office no later than January 15th of the following year.
- H. In the rare circumstance where a Medic One Paramedic accompanies a patient on a BLS transport capable unit due to emergency circumstances, the Fire Agency shall bill Medic one according to the Fire Agency's respective rate schedules. Medic One will set their reimbursement rate schedule according to the Centers for Medicare & Medicaid Services (CMS) rate schedule and shall publish this no later than January 1st, of each year. These transport charges shall be reimbursed utilizing the ALS budget and shall not utilize BLS funds. No additional fees, charges, or other costs shall be submitted to the patient or their health care provider.

V. ESTABLISHMENT AND MAINTENANCE OF RECORDS

- A. The AGENCY agrees to maintain books, records and documents and accounting procedures and practices which accurately reflect all direct and indirect costs related to the performance of this Contract. Such fiscal books, records, documents, reports and other data shall be maintained in a manner consistent with the "Budgeting, Accounting, Reporting System for Counties and Cities, and Other Local Governments," referred to as "BARS," as issued by the Office of the State Auditor, State of Washington.

The AGENCY further agrees that the COUNTY and/or State/Federal officials shall have the right to monitor and audit at their own expense the fiscal components of the AGENCY to ensure that actual expenditures remain consistent with the terms of this Contract.

- B. The AGENCY shall retain all books, records, documents and other material relevant to this Contract for the amount of time required by the State of Washington. The AGENCY agrees that the COUNTY or its designee shall have full access and right to examine any of said materials at all reasonable times during said period.
- C. The AGENCY'S fiscal management system shall include the capability to provide accurate, current and complete disclosure of the financial status of this Contract upon request.
- D. The patient care records of the Agency as submitted per Exhibit 'A' shall be accessible by the AGENCY for planning, quality control and all applicable public records requests.
- E. If it is determined that a Business Associate Agreement (BAA) is required, it shall be completed as an addendum to this Agreement and incorporated herein.

VI. ASSIGNMENT/SUBCONTRACTING

- A. The AGENCY shall not assign any portion of this Contract without the written consent of the COUNTY, and it is further agreed that said consent must be sought in writing by the AGENCY not less than fifteen (15) days prior to the date of any proposed assignment.
- B. Any work or services assigned hereunder shall be subject to each provision of this Contract and proper bidding procedures where applicable as set forth by local, State and/or Federal statutes, ordinances and guidelines.

- C. The COUNTY will not unreasonably withhold consent. If the COUNTY fails to respond to a request by the AGENCY to assign all or any portion of this Contract within fifteen (15) calendar days, consent shall be deemed to have been given.

VII. FUTURE SUPPORT

The COUNTY makes no commitment to future support and assumes no obligation for future support of the activity contracted for herein, except as may be expressly set forth in this Contract. All compensation methods and formulas shall be reviewed for appropriateness, annually.

VIII. COMPLIANCE WITH LAWS

The parties, in performance of this Contract, agrees to comply with all applicable local, State and/or Federal laws and ordinances, including standards for licensing, certification and operation of facilities, programs and accreditation, and licensing of individuals and any other standards or criteria as described in this Contract to assure quality of services.

IX. NON-DISCRIMINATION IN EMPLOYMENT AND SERVICES

- A. The COUNTY and the AGENCY are equal opportunity employers.
- B. The AGENCY agrees that it shall not discriminate against any employee or applicant on the grounds of race, color, religion, sex, sexual orientation, national origin, creed, marital status, age, veteran status, or the presence of any disability; provided that the prohibition against discrimination in employment because of disability shall not apply if the particular disability prevents the particular worker involved from performing the occupational requirements of the job. The AGENCY shall take such action with respect to this Contract as may be required to ensure full compliance with state and federal law.
- C. The AGENCY shall not, on the grounds of race, color, sex, sexual orientation, religion, national origin, creed, marital status, age, veteran status or the presence of any disability deny any individual any services or other benefits provided under this Contract.

X. RELATIONSHIP OF PARTIES

- A. No agent, employee, servant or representative of the AGENCY shall be deemed to be an employee, agent, servant or representative of the COUNTY for any purpose, and the employees of the AGENCY are not entitled to any of the benefits the COUNTY provides for COUNTY employees. The AGENCY shall be solely and entirely responsible for its acts and for the acts of its agents, and employees during the performance of this Contract.
- B. The COUNTY will not exercise control and direction over the work of the AGENCY, with the exception of agency personnel operating under Department of Health's approved protocol, and is interested primarily in the results to be achieved. However, the services contemplated herein must meet the general financial approval of the COUNTY and shall be subject to the COUNTY'S general rights of financial inspection and review to secure the satisfactory completion hereof.
- C. In the event that any of the AGENCY'S employees or agents, carry on activities or conduct themselves in any manner which may jeopardize the funding of this Contract, the AGENCY shall be responsible for taking adequate measures to prevent said employee or agent from performing or providing any of the services contained in this Contract.

- D. Communications between the AGENCY and the COUNTY shall be addressed to the regular place of business:

THURSTON COUNTY
c/o MEDIC ONE DIRECTOR
2703 PACIFIC AVE SE, SUITE C
OLYMPIA, WA 98501

CITY OF TUMWATER
c/o FIRE CHIEF
555 ISRAEL ROAD SW
TUMWATER, WA 98501

XI. POLITICAL ACTIVITY PROHIBITED

None of the funds, materials, property or services provided directly or indirectly under this Contract shall be used for the purpose of assisting a campaign for election of any person to any office or for the promotion of or opposition to any ballot proposition.

XII. INDEMNIFICATION; HOLD HARMLESS

- A. All services to be rendered or performed under this Contract shall be performed or rendered entirely at the AGENCY'S own risk and the AGENCY expressly agrees to indemnify and hold harmless the COUNTY and all of its officers, agents, employees, or otherwise, from any and all liability, loss or damage including reasonable costs of defense that they may suffer as a result of claims, demands, actions, or damages to any and all persons or property, costs or judgments against the COUNTY which result from or arise out of the services to be performed by the AGENCY under this Contract; provided, this section shall not apply to liability resulting exclusively from errors or omissions of the COUNTY, its officers, or employees.
- B. The COUNTY expressly agrees to indemnify and hold harmless the AGENCY and all of its officers, agents, employees, or otherwise, from any and all liability, loss or damage including reasonable costs of defense that they may suffer as a result of claims, demands, actions, or damages to any and all persons or property, costs or judgments against the AGENCY which result from or arise out of the failure of products or equipment provided by the COUNTY to the extent such failure results from the negligence of the COUNTY, or the services to be performed by the AGENCY as a result of acting under the express and negligent direction or control of a COUNTY agent or representative, excluding the Medical Program Director or any other medical doctor.
- C. In the event that a claim and/or lawsuit is brought against a party to this Agreement, or against any party's officers, officials or employees for actions arising out of their conduct in responding to a request for assistance, it shall be the duty of each such party to promptly notify the other party .it that the same has been initiated.
- D. Solely for purposes of enforcing the indemnification obligations of a party under this Section XII, each party expressly waives, by mutual negotiation, its immunity under Title 51 of the Revised Code of Washington, the Industrial Insurance Act, and agrees that the obligation to indemnify, defend, and hold harmless provided for in this Section XII extends to any such claim brought against the indemnified party by or on behalf of any employee of the indemnifying party. The foregoing waiver shall not in any way preclude the Indemnifying party from raising such immunity as a defense against any claim brought against the indemnifying party by any of its employees.

XIII. INSURANCE

The AGENCY shall maintain insurance coverage sufficient to insure its operations, including professional legal liability and general liability either through membership in a Washington State approved government risk pool or through commercial insurance. Commercial coverage must meet the following minimum requirements:

- A. **Professional Legal Liability:** The coverage shall apply to liability for a professional error, act or omission arising out of the scope of the AGENCY'S services provided subject to this Contract. Coverage shall not exclude bodily injury, property damage or hazards within the scope of the AGENCY'S services subject to this Contract.
- B. **Commercial General Liability:** The AGENCY shall maintain Commercial General Liability coverage for bodily injury, personal injury and property damage, subject to limits of not less than \$1,000,000 per loss, or equivalent coverage provided through a joint self-insurance program approved by the Washington State Risk Manager.
- C. The AGENCY'S general liability insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.

D. Other Commercial Insurance Provisions

1. The AGENCY'S liability insurance provisions shall be primary with respect to any insurance or self-insurance programs covering the COUNTY, its elected and appointed officers, officials, employees and agents.

2. The AGENCY shall place insurance with insurers licensed to do business in the State of Washington and having A.M. Best Company ratings of no less than A-, with the exception that excess and umbrella coverage used to meet the requirements for limits of liability or gaps in coverage need not be placed with insurers or re-insurers licensed in the State of Washington, or equivalent coverage provided through a joint self-insurance program approved by the Washington State Risk Manager.

3. Certificates of Insurance or other reasonable notices of coverage shall be provided to the Office or Department issuing the Contract. The address of the Certificate Holder shall be shown as the current address of the Office or Department. Written notice of cancellation or change shall be mailed to the COUNTY at the following address:

Attn: Risk Analyst
Human Resources
2000 Lakeridge Drive S.W.
Olympia, Washington 98502

XIV. SUSPENSION, TERMINATION AND CLOSE-OUT

If the AGENCY fails to comply with the terms and conditions of this Contract, the COUNTY may pursue such remedies as are legally available including, but not limited to, the suspension or termination of this Contract in the manner specified herein.

- A. **Suspension:** If the AGENCY fails to comply with the terms of this Contract, or whenever the AGENCY is unable to substantiate full compliance with the provisions of this Contract, the COUNTY may suspend the Contract pending corrective action or investigation, after first allowing a reasonable period for the AGENCY'S cure. The COUNTY shall provide written

notice of intent to suspend the Contract, and shall set forth the actions the AGENCY must take, and the time frame within which such action must occur to avoid suspension. If, following such reasonable period for cure the AGENCY fails to cure, the COUNTY may suspend the Contract pending corrective action or investigation by COUNTY employees or their agents. The effective date of suspension shall not be less than seven (7) business days following written notification of suspension to the AGENCY. The suspension shall remain in full force and effect until the AGENCY has taken corrective action to the satisfaction of the COUNTY and is able to substantiate its full compliance with the terms and conditions of this Contract. No obligation incurred by the AGENCY during the period of suspension shall be allowable under the Contract except any reasonable, proper and otherwise allowable costs which the AGENCY could not avoid during the period of suspension. If the AGENCY has corrected its action(s) to the satisfaction of the COUNTY, the COUNTY shall immediately notify the AGENCY in writing that the period of suspension has ended, and shall specify the effective date of the end of such suspension.

- B. **Termination for Cause by County:** If the AGENCY fails to cure the non-compliance issues that resulted in a suspension of the Contract by the COUNTY, and any of the below-listed conditions exist, the COUNTY may terminate this Contract in whole or in part. If the COUNTY exercises its right to terminate the Contract, it shall notify the AGENCY in writing of the effective date of the termination, and shall set forth the reasons for termination. The COUNTY shall not give less than 21 days' notice of intent to terminate the Contract. After the effective date of termination, no charges incurred by the AGENCY under any terminated portions of the Contract are allowable as against the COUNTY, except for any charges reasonably incurred or encumbered prior to the AGENCY receiving notice of intent to terminate.

Non-compliance, and one of the following conditions provides cause for termination:

1. The lack of compliance with the provisions of this Contract are of such scope and nature that the COUNTY deems continuation of this Contract to be substantially detrimental to the interests of the COUNTY;
 2. The AGENCY has failed to take satisfactory action to correct non-compliance as directed by the COUNTY or its authorized representative within the time specified by same and as set forth in the request to cure notice in Section XIV. A.
- C. **Termination for Cause by AGENCY:** In the event the COUNTY fails to comply with the terms and conditions of this Contract, the AGENCY shall give notice of such failure and allow a reasonable period for the COUNTY'S cure. Thereafter, in the event the COUNTY fails to cure, the AGENCY may terminate part or all of this Contract upon sixty (60) days written notice to the COUNTY.
- D. **Termination for Other Grounds:** This Contract may also be terminated in whole or in part as follows:
1. By either party with the mutual consent of the other party, in which case the two parties shall devise by mutual written agreement, the conditions of termination including the effective date thereof and in case of termination in part, that portion to be terminated;
 2. By the COUNTY, if the funds allocated by the COUNTY via this Contract are from anticipated sources of revenue, and if the anticipated sources of revenue do not become available for use in purchasing said services.
- E. **Close-Out:** In the event that this Contract is terminated in whole or in part for any reason, the following provisions shall apply:

1. Upon written request by the AGENCY, the COUNTY shall make or arrange for payment to the AGENCY of allowable reimbursable costs not covered by previous payments;
2. The AGENCY shall immediately refund to the COUNTY any monies paid in advance for services not performed;
3. The AGENCY shall submit, within thirty (30) days after the date of expiration of this Contract, all financial, performance and other reports required by this Contract;
4. In the event a financial audit has not been performed prior to close out of this Contract, the COUNTY retains the right to withhold a just and reasonable sum from the final payment to the AGENCY after fully considering the recommendations on disallowed costs resulting from the final audit.

XV. JURISDICTION

- A. This Contract has been and shall be construed as having been made and delivered within the State of Washington, and it is agreed by each party hereto that this Contract shall be governed by the laws of the State of Washington, both as to interpretation and performance.
- B. Any action of law, suit in equity, or judicial proceeding for the enforcement of this Contract or any provisions thereof, shall be instituted and maintained only in any of the courts of competent jurisdiction in Thurston County or in the superior court of the two nearest judicial districts as determined pursuant to RCW 36.01.050.

XVI. SEVERABILITY

- A. It is understood and agreed by the parties hereto that if any part, term or provision of this Contract is held by the courts to be illegal, the validity of the remaining provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the Contract did not contain the particular provision held to be invalid.
- B. If it should appear that any provision hereof is in conflict with a statute of the State of Washington, said provision which may conflict therewith shall be deemed modified to conform to such statutory provision.

XVII. ENTIRE AGREEMENT

The parties agree that this Contract is the complete expression of the terms hereto and any oral representations or understandings not incorporated herein are excluded. This agreement replaces all prior interlocal agreements regarding the subject matter contained in this agreement. Further, any modification of this Contract shall be in writing and signed by both parties. Failure to comply with any of the provisions stated herein shall constitute material breach of contract and is cause for termination. Both parties recognize time is of the essence in the performance of the provision of this Contract. It is also agreed by the parties that the forgiveness of the non-performance of any provision of this Contract does not constitute a waiver of the provisions of this Contract.

XVIII. NO THIRD PARTY LIABILITY

This Contract shall not be construed to provide any benefits to or create a cause of action for or on behalf of any third parties. Specifically and without limiting the foregoing, this

Agreement shall not create or be construed as creating an exception to the Public Duty Doctrine.

XIX. DISPUTE RESOLUTION

The parties shall use reasonable efforts to mediate any dispute arising under this Contract. In the event of such a dispute, each party may, upon mutual agreement of both parties, designate, in writing, not more than three (3) candidates it proposes to act as a non-binding mediator within ten (10) days following notification of a dispute. If the parties cannot agree on one of the mediators from the combined list within five (5) days, then the parties shall promptly meet and select a mediator by blind draw. Upon selection of the mediator, the parties shall within forty-five (45) days or as soon thereafter as possible, meet and engage in a mediation of the dispute with the assistance of the mediator. The cost for the mediation services shall be borne equally between the parties, each party paying one-half of the cost. The mediator shall determine reasonable procedures. Testimony and briefing, if any, provided to the mediator shall be inadmissible in any subsequent court proceedings. If mediation fails to resolve the dispute, the parties may thereafter seek redress in a court of competent jurisdiction. Nothing in this section shall be construed to prohibit either party from exercising its right to terminate this Agreement as otherwise provided in this Agreement or be construed as a pre-condition to the exercise of such right to terminate.

XX. EQUAL OPPORTUNITY TO DRAFT

Each party has had opportunity to consult with counsel in connection with the negotiation, execution and delivery of this Contract. Each of the provisions of this Contract has been reviewed and negotiated, and represents the combined work product of both parties hereto. No presumption or other rules of construction which would render the provisions of this Contract in favor of or against the party preparing the same will apply in connection with the construction or interpretation of any of the provisions of this Contract.

XXI. MISCELLANEOUS

Successors. All of the terms, covenants, and conditions in this Contract shall extend to and bind any approved legal successors and assigns of the parties hereto.

Effect of Recitals The headings and recitals in this Contract are for convenience only and do not in any way limit or amplify the provisions of this Contract

Recording. The parties shall ensure that copy of this Contract is filed with the Thurston County Recorder's Office or posted by subject on either party's website.

This Agreement does not establish a separate legal entity, joint board, or administrative section for the purpose of acquiring, managing, or disposing of property, or any other financial obligation allowed under the Act.

This Agreement does not provide for jointly owned property. All property presently owned or hereafter acquired by one party to enable it to perform the services required under this Agreement, shall remain the property of the acquiring party in the event of the termination of this agreement.

Contract Administration. This Contract shall be administered by the Fire Chief of the AGENCY and the COUNTY's Emergency Services Director.

DATED: 1/28/2020

City of Tumwater

Pete Kmet
Mayor Pete Kmet

DATED: 2-4-2020

Thurston County Washington

Kent All
Director of Emergency Services

ATTEST

Melody Valiant
Melody Valiant, City Clerk

JON TUNHEIM
PROSECUTING ATTORNEY

Rick Peters
By: Rick Peters, Deputy Prosecuting Attorney

APPROVED AS TO FORM

Karen Kirkpatrick
Karen Kirkpatrick, City Attorney

EXHIBIT A: SERVICES

I. SERVICE AREA

The following services shall be provided within Thurston County during the term of this Contract.

II. SERVICES

- A. The AGENCY shall provide BLS patient care as dispatched and following all applicable COUNTY Medic One protocols. The COUNTY, through the Thurston County Emergency Medical Services Fund, shall provide the AGENCY with financial support and medical supplies, based on prior year call volume for said agency. Medic One BLS Supply Funds shall be used to provide emergency medical care or emergency medical services, including related personnel costs, training for such personnel and related equipment, supplies, vehicles, structures needed to provide this care or service, and/or encourage preventative health measures. Expenses shall be consistent with the level of the public agency's State Department of Health Certifications. These funds may be expended directly by Medic One on behalf of the providing agency, or by the providing agency with reimbursement requested from Medic One. The expended amount shall not exceed the amount allocated for each providing agency (Exhibit "B"). Medic One Financial Support is provided directly to each jurisdiction to cover a portion of the costs for the provision of their BLS service delivery.
- a. For non-transporting units, AGENCY shall submit the patient care reporting data as required by the COUNTY's current patient care data management system to the COUNTY within one (1) hour of the EMS run.
 - b. For transporting units, AGENCY shall submit the patient care reporting data before the unit leaves the hospital. If the ePCR system has failed, and patient care reporting data must be submitted in paper form, AGENCY shall be submit data within 24 hours.
- B. The AGENCY assumes all responsibility for equipment/supplies received.
- C. COUNTY shall have supply orders filled and ready for pickup on the date requested by the Agency. Orders must be submitted no later than 2 business days prior to pick up. Orders not picked up by the Agency on the date requested will be returned to stock, unless prior notification is given for a delayed pick up.
- D. AGENCY shall notify COUNTY within 30 days of supplies/equipment purchased/received, for reimbursement requests.
- E. County shall provide monthly BLS supply fund expenditure reports within 15 business days following the last day of the previous month.
- F. AGENCY shall reconcile accounts within 30 days of receiving COUNTY's monthly BLS supply fund expended report.
- G. AGENCY shall use COUNTY ePCR in the field for patient care, and perform periodic updates as required.

- H. AGENCY shall leave modems, utilized by ePCR, powered on at all times.
- I. AGENCY shall report ePCR outages upon recognition of failure.
- J. AGENCY shall conduct OTEP, in accordance with COUNTY requirements.
- K. AGENCY shall establish, in writing, a BLS POC (point of contact), and provide this to the COUNTY.
- L. Agency shall provide BLS level of service in accordance with State Statute and Department of Health approved protocols.

EXHIBIT B: PAYMENT

1. The formula for BLS funding may be updated by the Emergency Medical Services Council (EMSC) as needed without affecting other terms and conditions of this agreement.
2. The formula will take into consideration each individual AGENCY's relative share of run (incident) volume for the given fiscal year (January – December). This volume is calculated from the number of EMS runs that have occurred in that AGENCY's jurisdiction, and not include runs made by the AGENCY for mutual aid outside its jurisdiction.
3. The EMS run volume statistics shall be prepared by Thurston 911 Communications and provided to the COUNTY. This information shall be provided by February of each year.
4. The funding is based on the annual budget for BLS Direct Support (financial and supplies & equipment) as approved by the EMSC. The total amount is then allocated by the COUNTY to each AGENCY based on its individual share (or percentage).
5. Each year, the COUNTY shall prepare an annual allocation form based on the EMSC approved budget. The form shall identify the following:
 - a. Each AGENCY's run volume;
 - b. The percentage of the total Thurston County run volume that AGENCY responded to;
 - c. The total approved budget for financial support for each AGENCY;
 - d. The financial support base compensation for each AGENCY (same for all AGENCYS);
 - e. The financial support compensation per run (call);
 - f. The financial support compensation for reimbursement of AGENCY mobile computer terminal costs per run (call);
 - g. The total approved budget for supplies & equipment for AGENCYS;
 - h. The supply & equipment support base compensation for each AGENCY (same for all AGENCYS);
 - i. The supply & equipment support compensation per run (call); and
 - j. The total compensation to be provided to each AGENCY.
6. The terms and conditions for compensation are covered in Section IV "Compensation and Methods of Payment" of this agreement.

TO: City Council
 FROM: Erika Smith-Erickson, Land Use and Housing Planner, and Brad Medrud, Planning Manager
 DATE: March 19, 2024
 SUBJECT: Ordinance No. O2023-017, TMC 18.38 FP Floodplain Overlay

1) Recommended Action:

Approve Ordinance No. O2023-017 amending Chapter 18.38, FP Flood Plain Overlay, of the Tumwater Municipal Code.

This item was presented at the City Council Work Session on March 11, 2024 to be reviewed under the Consideration items of the March 19, 2024 Regular City Council Meeting.

2) Background:

Close to three hundred towns, cities, counties, and tribes within the State of Washington participate in the Federal Emergency Management Agency’s (FEMA) National Flood Insurance Program (NFIP). Continued enforcement of the City’s floodplain management regulations (TMC 18.38 FP Floodplain Overlay) allows FEMA to make federally backed flood insurance available to property owners within the City of Tumwater. As a condition of participation in the NFIP, communities are required to adopt and enforce flood hazard reduction regulations that meet the minimum requirements of the NFIP.

In May 2023, City staff completed a FEMA floodplain community assistance visit (CAV) with State Department of Ecology staff to review the City’s participation in the National Flood Insurance Program. It was determined that TMC 18.38 *FP Floodplain Overlay* should be updated to reflect current FEMA standards.

On November 8, 2023, FEMA notified the City of the final flood determinations for Thurston County, Washington, and Incorporated Areas, which includes the City of Tumwater. The FEMA flood hazard determinations for the City are considered final. The Flood Insurance Study (FIS) report and Flood Insurance Rate Maps (FIRM) covering the City will be effective May 8, 2024.

Prior to the May 8, 2024, effective date of the FIS and FIRM, the City must amend its existing floodplain regulations to be more consistent with the Model Ordinance for Floodplain Management under the NFIP, the Endangered Species Act, and to maintain its eligibility in the NFIP.

The Planning Commission received a briefing on the ordinance on January 9, 2024, held a work session on January 23, 2024, and held a public hearing on February 13, 2023. At the conclusion of the hearing, the Planning Commission recommended that the ordinance move forward to the City Council for approval. The City Council conducted a work session on March 11, 2024, and placed the ordinance on consideration at their March 19, 2024 meeting.

3) Policy Support:

Land Use Goal LU-6: Reduce impacts from flooding; encourage efficient stormwater

management; and ensure the groundwater of Tumwater is protected and preserved.

4) Alternatives:

None

5) Fiscal Notes:

Internally funded.

6) Attachments:

- A. Staff Report
- B. Ordinance No. O2023-017
- C. Presentation

STAFF REPORT



Date: March 19, 2024
To: City Council
From: Erika Smith-Erickson, Land Use and Housing Planner, and Brad Medrud,
Planning Manager

Ordinance No. O2023-017 – TMC 18.38 FP – Floodplain Overlay

On November 8, 2023, the Federal Emergency Management Agency (FEMA) notified staff of the final flood determinations for Thurston County, Washington, and Incorporated Areas, which includes the City of Tumwater. The FEMA flood hazard determinations for the City are considered final. The Flood Insurance Study (FIS) report and Flood Insurance Rate Maps (FIRM) will be effective May 8, 2024.

Prior to the May 8, 2024, effective date of the FIS and FIRM, the City must amend its existing floodplain regulations to be more consistent with the Model Ordinance for Floodplain Management under the National Flood Insurance Program (NFIP), the Endangered Species Act, and to maintain its eligibility in the NFIP.

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Summary

The proposed amendments are intended to make alterations to the City’s floodplain ordinance to bring it into compliance with NFIP and Washington state standards.

Background

Close to three hundred towns, cities, counties, and tribes within the State of Washington participate in the NFIP. Continued enforcement of the floodplain management ordinance allows FEMA to make federally backed flood insurance available to property owners within the City of Tumwater.

As a condition of participation in the NFIP, communities are required to adopt and enforce a flood hazard reduction ordinance that meets the minimum requirements of the NFIP.

The purpose of *TMC 18.38 FP Floodplain Overlay* is to:

“...promote the public health, safety, and general welfare by managing development in order to:

- A. *Protect human life, health and property from the dangers of flooding;*
- B. *Minimize the need for publicly funded and hazardous rescue efforts to save those who are isolated by flood waters;*
- C. *Minimize expenditure of public money for costly flood damage repair and flood control projects;*
- D. *Minimize disruption of commerce and governmental services;*
- E. *Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in the floodplain;*
- F. *Maintain a stable tax base by providing for the sound use of floodprone areas so as to minimize future flood blight areas;*
- G. *Encourage those who occupy areas subject to flooding and channel migration to assume responsibility for their actions;*
- H. *Qualify the city of Tumwater for participation in the National Flood Insurance Program, thereby giving citizens and businesses the opportunity to purchase flood insurance;*
- I. *Maintain the quality of water in rivers, streams, lakes, estuaries, and marine areas and their floodplains so as to protect public water supplies, areas of the public trust, and wildlife habitat protected by the Endangered Species Act;*
- J. *Retain the natural channel, shoreline, and floodplain creation processes and other natural floodplain functions that protect, create, and maintain habitat for threatened and endangered species;*
- K. *Prevent or minimize loss of hydraulic, geomorphic, and ecological functions of floodplains and stream channels.”¹*

In May 2023, City staff completed a FEMA floodplain community assistance visit (CAV) with State Department of Ecology staff to review the City’s participation in the National Flood Insurance Program. It was determined that TMC 18.38 *FP Floodplain Overlay* should be updated to reflect current standards.

To maintain eligibility in the NFIP, the City must update its ordinance to meet minimum Federal and State Standards by the time the updated FIS and FIRM become effective on May 8, 2024.

The amendments are a part of the approved 2024 Long Range Planning work program.

Floodplain Overlay Amendments

The following is a summary of the proposed amendments that make up the floodplain overlay code.

¹ TMC 18.38.010 *Purpose*.

1. Definitions

Clarify and add definitions as needed for enhanced interpretation of floodplain regulations.

Code Section to be amended:

- TMC 18.38.070 – Definitions.

Proposed amendment language:

18.38.070 Definitions.

[...]

“Alteration of watercourse” means any action that will change the location of the channel occupied by water within the banks of any portion of a riverine waterbody.

[...]

“Area of special flood hazard” means the land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. It is shown on the flood insurance rate map (FIRM) as zone A, AO, AH, A1-30, AE, A99, AR (V, VO, V1-30, VE).

“Special flood hazard area” is synonymous in meaning with the phrase “area of special flood hazard”.

[...]

“Development” means any manmade change to improved or unimproved real estate in the special flood hazard area (SFHA), including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, storage of equipment or materials, subdivision of land, removal of more than five percent of the native vegetation on the property, ~~or~~ alteration of natural site characteristics, or storage of equipment or materials.

[...]

“Flood” or “flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- A. The overflow of inland or tidal waters; and/or
- B. The unusual and rapid accumulation of runoff of surface waters from any source.
- C. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (A) of this definition.

“Flood elevation study (FES)” means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards. Also known as a flood insurance study (FIS).

“Flood insurance rate map (FIRM)” means the official map on which the Federal Emergency Management Agency (FEMA) has delineated both the special flood hazard areas and the risk premium zones applicable to the city of Tumwater.

“Flood insurance study (FIS)” means the official report provided by the Federal Emergency Management Agency that includes flood profiles, the flood insurance rate map (FIRM), and the water surface elevation of the base flood.

[...]

“Floodplain administrator” means the community official designated by title to administer and enforce the floodplain management regulations.

“Flood proofing” means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents. Flood proofed structures are those that have the structural integrity and design to be impervious to floodwater below the base flood elevation.

“Floodway” means the channel of a stream or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot at any point. Also referred to as “regulatory floodway”.

“Functionally dependent use” means a use that must be located or carried out close to water, e.g., docking or port facilities necessary for the unloading of cargo or passengers or shipbuilding and ship repair, and does not include long term storage or related manufacturing facilities.

“Highest adjacent grade” means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

[...]

“Mean sea level” means for the purposes of the National Flood Insurance Program, the vertical datum to which base flood elevations shown on a community's flood insurance rate map are referenced.

[...]

“New construction” means structures for which the “start of construction” commenced on or after the effective date of this chapter and includes any subsequent improvements to such structures. For floodplain management purposes, “new construction” means structures for which the “start of construction” commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

[...]

“Special flood hazard area (SFHA)” means the land subject to inundation by the base flood. Special flood hazard areas are designated on flood insurance rate maps (FIRMs) with the letters “A” or “V” including AE, AO, AH, A1-99 and VE. The special flood hazard area is also referred to as the area of special flood hazard or SFHA.

[...]

“Structure” means a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

[...]

“Substantial improvement” means any repair, reconstruction, rehabilitation, addition, replacement, or other improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage,” regardless of the actual repair work performed. The term does not include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, any alteration of a “historic structure”, provided that the alteration will not preclude the structure’s continued designation as a “historic structure.”

[...]

“Zone” means one or more areas delineated on the FIRM. The following zones may be used on the adopted FIRM. The special flood hazard area (SFHA) is comprised of the A and V zones.

“A” means SFHA where no base flood elevation (BFE) is provided.

“A#” means numbered A zones (e.g., A7 or A14), SFHA with a ~~base flood elevation~~ BFE.

“AE” means SFHA with a ~~base flood elevation~~ BFE.

“AO” means SFHA subject to inundation by shallow flooding usually resulting from sheet flow on sloping terrain, with average depths between one and three feet. Average flood depths are shown.

“AH” means SFHA subject to inundation by shallow flooding (usually areas of ponding) with average depths between one and three feet. ~~Base flood elevations~~ BFEs are shown.

“B” means the area between the SFHA and the five-hundred-year flood of the primary source of flooding. It may also be an area with a local, shallow flooding problem or an area protected by a levee.

“C” means an area of minimal flood hazard, as above the five-hundred-year flood level of the primary source of flooding. B and C zones may have flooding that does not meet the criteria to be mapped as a special flood hazard area, especially ponding and local drainage problems.

“D” means area of undetermined but possible flood hazard.

“V” means the SFHA subject to coastal high hazard flooding including waves of three feet or greater in height. There are three types of V zones: V, V#, and VE, and they correspond to the A zone designations.

“X” means the area outside the mapped SFHA.

“Shaded X” means the same as a zone B, above.

2. Special Flood Hazard Areas

The intent of this amendment is to update the FIS areas and FIRM identified by FEMA to the most current versions effective May 8, 2024.

Code Section to be amended:

- 18.38.090 – Special flood hazard areas.

Proposed amendment language:

18.38.090 Special flood hazard area.

A. The special flood hazard area (SFHA) is the area subject to flooding by the base flood and subject to the provisions of this chapter. It is identified by the Federal Emergency Management Agency in a scientific and engineering report entitled, “Flood Insurance Study for Thurston County, Washington and Incorporated Areas,” dated ~~October 16, 2012~~ May 8, 2024 and any revisions thereto, with an accompanying Flood Insurance Rate Map (FIRM) for Thurston County, Washington and Incorporated Areas, dated ~~October 16, 2012~~ May 8, 2024, and any revisions thereto, which are hereby adopted by reference and declared to be a part of this chapter. The flood insurance study and the FIRM are on file at Tumwater City Hall, 555 Israel Road SW, Tumwater, Washington 98501.

B. Upon receipt of a floodplain development permit application, the floodplain administrator shall compare the elevation of the site to the base flood elevation. A development project is not subject to the requirements of this chapter if it is located on land that can be shown to be:

- 1. Outside the protected area; and*
- 2. Higher than the ~~base flood elevation~~ BFE as demonstrated by an elevation certificate.*

The floodplain administrator shall inform the applicant that the project will still be subject to the flood insurance purchase requirements unless the owner receives a letter of map amendment from FEMA.

C. The floodplain administrator shall make interpretations where needed, as to the exact location of the boundaries of the SFHA and the protected area (e.g., where there appears to

be a conflict between the mapped SFHA boundary and actual field conditions as determined by the ~~base flood elevation-BFE~~ and ground elevations). The applicant may appeal the floodplain administrator's interpretation of the location of the boundary to the hearing examiner.

3. Flood Hazard Data

This code section amendment is intended to clarify the source of the most current flood data and maps.

Code Sections to be amended:

- TMC 18.38.100 – Flood hazard data.

Proposed amendment language:

18.38.100 Flood hazard data.

A. *The base flood elevation (BFE) for the SFHAs of the city of Tumwater shall be as delineated on the one-hundred-year flood profiles in the Flood Insurance Study for Thurston County, Washington and Incorporated Areas.*

B. *The ~~base flood elevation~~ BFE for each SFHA delineated as a "zone AH" or "zone AO" shall be that elevation (or depth) delineated on the flood insurance rate map (FIRM). Where base flood depths are not available in zone AO, the base flood elevation shall be considered to be two feet above the highest grade adjacent to the structure.*

C. *The ~~base flood elevation~~ BFE for all other SFHAs shall be as defined in subsection F of this section and 18.38.120(C).*

D. *The flood protection elevation (FPE) shall be the base flood elevation plus one foot.*

E. *The floodway shall be as delineated on the ~~flood insurance rate map~~ FIRM or in accordance with subsection F of this section and TMC 18.38.120(D).*

F. *Where ~~base flood elevation~~ BFE and floodway data have not been provided in special flood hazard areas in accordance with 18.38.090, the floodplain administrator shall obtain, review, and reasonably utilize any ~~base flood elevation~~ BFE and floodway data available from a federal, state, or other source.*

4. Floodplain Development Permit Required

This code section amendment is intended to clarify when and where a floodplain development permit is required.

Code Sections to be amended:

- TMC 18.38.130 – Floodplain development permit required.

Proposed amendment language:

18.38.130 ~~Establishment of~~ Floodplain development permit required.

A floodplain development permit ~~shall be obtained~~ is required before construction or development begins within the special flood hazard area (SFHA) established in TMC 18.38.090. The permit shall be for all development as set forth in TMC 18.38.070, Definitions.

5. Floodplain Development Permit

This code section amendment is intended to add new permit application requirements such as elevation certificate information requirements, elevations related to mean sea level, and engineering analysis requirements.

Code Sections to be amended:

- TMC 18.38.140 – Floodplain development permit application.

Proposed amendment language:

18.38.140 Floodplain development permit application.

Application for a floodplain development permit shall be made on forms furnished by the floodplain administrator and shall include, but are not limited to:

[...]

C. If the proposed project includes a new structure, substantial improvement, or repairs to a substantially damaged structure that will be elevated, the application shall include the flood protection elevation (FPE) for the building site and the proposed elevations of the following:

- 1. The top of bottom floor (including basement, crawlspace, or enclosure floor).*
- 2. The top of the next higher floor.*
- 3. The bottom of the lowest horizontal structural member (in V zones only).*
- 4. The top of the slab of an attached garage.*
- 5. The lowest elevation of machinery or equipment servicing the structure.*
- 6. The lowest adjacent (finished) grade next to structure.*
- 7. The highest adjacent (finished) grade next to structure.*

8. *The lowest adjacent grade at the lowest elevation of a deck or stairs, including structural support.*

[...]

E. *If a project will alter the base flood elevation data (BFE) or boundaries of the SFHA, the project applicant shall provide the floodplain administrator with engineering documentation and analysis regarding the proposed change. If the change to the BFE or boundaries of the SFHA would normally require a Letter of Map Change, the project approval shall be conditioned accordingly.*

~~FE.~~ *The proposed project must be designed and located so that new structural flood protection is not needed.*

GF. *The application shall include a description of the extent to which a stream, lake, or other water body, including its shoreline, will be altered or relocated as a result of the proposed development.*

1. *Bank stabilization measures along salmonid-bearing streams, channel migration zones, and along estuarine and marine shorelines must be minimized to the maximum extent possible. If bank stabilization measures are necessary, bioengineered armoring of streambanks and shorelines must be used.*

2. *Channel Migration. No activity is allowed that limits the natural meandering pattern of the channel migration zone; however, natural channel migration patterns may be enhanced or restored.*

~~HG.~~ *The application shall include documentation that the applicant will apply for all necessary permits required by federal, state, or local law. The application shall include written acknowledgment that the applicant understands that the final certification of use or certificate of occupancy will be issued only if the applicant provides copies of the required federal, state, and local permits or letters stating that a permit is not required. The floodplain permit is not valid if those other permits and approvals are not obtained prior to any ground disturbing work or structural improvements.*

~~IH.~~ *The application shall include acknowledgment by the applicant that representatives of any federal, state or local unit of government with regulatory authority over the project are authorized to enter upon the property to inspect the development.*

J. *The application shall include the elevation in relation to mean sea level, of the lowest floor (including basement) of all structures recorded on a current elevation certificate with section B completed by the floodplain administrator.*

K. *The application shall include the elevation relation to mean sea level to which any structure has been flood proofed.*

L. *The application shall include, where development is proposed in a floodway, an engineering analysis indicating no rise of the base flood elevation (BFE).*

M. *The application shall include any other such information that may be reasonably required by the floodplain administrator in order to review the application.*

6. Duties of the Floodplain Administrator

This code section amendment is intended to update language from protected area to floodway and add an additional role to the duties of the floodplain administrator.

Code Sections to be amended:

- TMC 18.38.170 – Duties of the floodplain administrator.

Proposed amendment language:

18.38.170 Duties of the floodplain administrator.

Duties of the floodplain administrator shall include, but not be limited to:

[...]

C. Review all floodplain development permits to determine if the proposed development is located in the ~~protected area~~ floodway. If located in the ~~protected area~~ floodway, ensure that the provisions of TMC 18.38.320 through 18.38.400 are met.

D. Ensure that all development activities within the special flood hazard area (SFHA) of the jurisdiction of the city of Tumwater meet the requirements of this chapter.

[...]

G. Submit reports to include the projects for which they issue floodplain development permits, including effects to flood storage, fish habitat, and all indirect effects of development and mitigation provided to FEMA as required for the National Flood Insurance Program (NFIP).

[...]

J. Interpretations as to exact location of the boundaries of the areas of special flood hazards where needed (e.g., where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation. Such appeals shall be granted consistent with the standards of 44 CFR 60.6 of the Rules and Regulations of the NFIP.

7. Records

This code section amendment is intended clarify what information is to be retained and what specific elevations are required for records.

Code Sections to be amended:

- TMC 18.38.180 – Records.

Proposed amendment language:

18.38.180 Records.

A. *Where base flood elevation data (BFE) have been obtained pursuant to TMC 18.38.100 and 18.38.120, the floodplain administrator shall obtain, record, and maintain the actual “finished construction” elevations (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, for the locations listed in TMC 18.38.140(C), and whether or not the structure contains a basement. This information shall be recorded on a current FEMA Elevation Certificate (~~FEMA Form 81-31~~), signed and sealed by a professional land surveyor, currently licensed in the state of Washington.*

B. *For all new or substantially improved dry floodproofed nonresidential structures, where ~~base flood elevation~~ BFE data has been obtained pursuant to TMC 18.38.100 and 18.38.120, the floodplain administrator shall: ~~obtain~~*

1. Obtain, record and maintain the elevation (in relation to ~~the datum of the effective FIRM~~ mean sea level) to which the structure was floodproofed.

2. This information shall be recorded on a current FEMA floodproofing certificate (~~FEMA FORM 81-65~~) by a professional engineer currently licensed in the state of Washington.

C. Where elevation data is not available, either through the FIS, FIRM, or from another authoritative source (as required by TMC 18.38.100(F)), the floodplain administrator shall review applications for floodplain development to assure that proposed construction will be reasonably safe from flooding based on the use of historical data, high water marks, photographs of past flooding, etc., where available.

Failure to elevate habitable buildings at least two feet above the highest adjacent grade in these zones may result in higher insurance rates.

D. The floodplain administrator shall obtain, record, and maintain the records for public inspection of the following:

1. Certification required by TMC 18.38.360(1).

2. Records of all variance actions, including justification for their issuance.

3. Improvement and damage calculations.

4. All records pertaining to the provisions of this ordinance.

8. Development and Subdivisions

The proposed amendments clarify which types of land division proposals are subject to the requirements of this section and add requirements for projects over a certain size.

Code Section to be amended:

- TMC 18.38.210 – Development and subdivisions.

Proposed amendment language:

18.38.210 Development and subdivisions.

This section applies to all development and subdivision proposals, Subdivision proposals include short subdivisions, short plats, binding site plans, planned developments, and new and expansions to manufactured housing parks.

- A. *All proposals shall be consistent with the need to minimize flood damage.*
- B. *~~The A~~ proposed subdivision must have one or more new lots in the special flood hazard area (SFHA) set aside for open space use through deed restriction, easement, subdivision covenant, or donation to a public agency.*
 1. *In the ~~special flood hazard area (SFHA)~~ outside the protected area, zoning must maintain a low density of floodplain development.*
 2. *In the ~~special flood hazard area (SFHA)~~ outside the protected area in which the current zoning is less than five acres must maintain the current zoning.*
 3. *The density of the development in the portion of the development outside the ~~special flood hazard area (SFHA)~~ may be increased to compensate for the amount of land in the ~~special flood hazard area (SFHA)~~ preserved as open space in accordance with TMC Title 18.*
- C. *If a parcel has a buildable site outside the special flood hazard area, it shall not be subdivided to create a new lot, tract, or parcel within a binding site plan that does not have a buildable site outside the special flood hazard area. This provision does not apply to lots set aside from development and preserved as open space.*
- D. *All proposals shall have utilities and facilities, such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage.*
- E. *All subdivision proposals shall ensure that ~~all subdivisions have~~ there is at least one access road connected to land outside the ~~special flood hazard area (SFHA)~~ with the surface of the road at or above the FPE wherever possible.*
- F. *All proposals shall have adequate drainage provided to avoid exposure to water damage.*

G. ~~The~~ A final recorded subdivision plat shall include a notice that part of the property is in the SFHA, riparian habitat zone and/or channel migration area, as appropriate.

H. Where subdivision proposals and other proposed developments contain greater than fifty lots or five acres (whichever is the lesser) base flood elevation data (BFE) shall be included as part of the application.

9. Flood Protection Standards

An amendment to clarify standards for construction within specific flood zones.

Code Section to be amended:

- TMC 18.38.184 – Flood protection standards.

Proposed amendment language:

18.38.260 Flood protection standards.

A. In AE and A1-30 zones or other A zoned areas where the base flood elevation data (BFE) has been determined or can be reasonably obtained, A all new structures and substantial improvements of any structure shall have the lowest floor, including basement, elevated at least one foot above the FPE BFE.

B. The structure shall be aligned parallel with the direction of flood flows where practicable.

C. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

D. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

E. ~~The structure~~ All new construction and substantial improvements, including those related to manufactured homes, shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads including the effects of buoyancy.

~~FD.~~ All materials below the FPE shall be resistant to flood damage and firmly anchored to prevent flotation. Materials harmful to aquatic wildlife, such as creosote, are prohibited below the FPE.

~~GE.~~ Electrical, heating, ventilation, duct work, plumbing, and air-conditioning equipment and other service facilities shall be elevated above the FPE. Water, sewage, electrical, and other utility lines below the FPE shall be constructed so as to prevent water from entering or accumulating within them during conditions of flooding.

HF. Fully enclosed areas below the lowest floor that are subject to flooding shall be used only for parking, storage, or building access and shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement shall either be certified by a registered professional engineer or licensed architect and/or meet or exceed the following minimum criteria:

- 1. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.*
- 2. The bottom of all openings shall be no higher than one foot above grade.*
- 3. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.*

IG. In zones V, V1-30 and VE, new structures and substantial improvements shall be elevated on pilings or columns so that:

- 1. The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated above the FPE.*
- 2. The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Wind and water loading values shall each have a one percent chance of being equaled or exceeded in any given year (one-hundred-year mean recurrence interval).*
- 3. The areas below the lowest floor that are subject to flooding shall be free of obstruction.*
- 4. The structure or improvement shall be located landward of the reach of mean high tide.*
- 5. The use of fill for structural support of a structure or addition is prohibited.*
- 6. A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting these provisions.*

J. New construction and substantial improvement of any residential structure in an Unnumbered A zone for which a BFE is not available and cannot be reasonably obtained shall be reasonably safe from flooding, but in all cases the lowest floor shall be at least two feet above the highest adjacent grade.

K. A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry and exit of floodwaters.

10. Nonresidential construction

The amendment to this section is to make clear the nonresidential development and standards within certain flood zones.

Code Section to be amended:

- TMC 18.38.270- Nonresidential construction.

Proposed amendment language:

18.38.270 Nonresidential construction.

~~New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall be elevated in accordance with TMC 18.38.260. As an alternative to elevation, a new or substantial improvement to a nonresidential structure and its attendant utility and sanitary facilities may be dry floodproofed in A zones. The project must meet the following:~~

~~A. The structure is not located in zones V, V1-30, or VE; and~~

~~B. Below the FPE the structure is watertight with walls substantially impermeable to the passage of water; and~~

~~C. The structural components are capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and~~

~~D. The plans are certified by a registered professional engineer or licensed architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the floodplain administrator as set forth in TMC 18.38.180(B) and 18.38.190(A)(1).~~

New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet the requirements of TMC 18.38.270(A) or (B), below.

A. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet all of the following requirements:

1. In AE and A1-30 zones or other A zoned areas where the base flood elevation data (BFE) has been determined or can be reasonably obtained:

New construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall have the lowest floor, including basement, elevated one foot or more above the BFE, or elevated as required by ASCE 24, whichever is greater. Mechanical equipment and utilities shall be waterproofed or elevated at least one foot above the BFE, or as required by ASCE 24, whichever is greater.

2. If located in an unnumbered A zone for which a BFE is not available and cannot be reasonably obtained, the lowest floor shall be at least two feet above the highest adjacent grade.

3. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited or shall meet the requirements of TMC 18.38.210.

B. If the requirements of TMC 18.38.270(A) are not met, new construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet all of the following requirements:

1. Be dry flood proofed so that below one foot or more above the base flood level the structure is watertight with walls substantially impermeable to the passage of water or dry flood proofed to the elevation required by ASCE 24, whichever is greater;

2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

3. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in TMC 18.38.180.

11. Manufactured Homes

The amendments proposed specify methods and practices to minimize flood damage.

Code Section to be amended:

- TMC 18.38.280- Manufactured homes.

Proposed amendment language:

18.38.280 Manufactured homes.

All manufactured homes to be placed or substantially improved on sites shall be:

- A. *Elevated on a permanent foundation in accordance with TMC 18.38.260; and*
- B. *Securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors, and shall be installed using methods and practices that minimize flood damage. This requirement is in addition to other applicable anchoring requirements for resisting wind forces.*

12. Detached Accessory Structures

A new section specific to detached accessory structures and standards for developing in the floodway.

Code Section to be added:

- TMC 18.38.285- Detached accessory structures.

Proposed amendment language:

18.38.285 Detached accessory structures.

A. Detached accessory structures used solely for parking of vehicles or limited storage may be constructed such that the floor is below the base flood elevation data (BFE), provided the structure is designed and constructed in accordance with the following requirements:

- 1. In special flood hazard areas other than coastal high hazard areas (Zones A, AE, AH, AO, and A1-30), the structure is not larger than a one-story two-car garage;*
- 2. In coastal high hazard areas (Zones V, VE, V1 30, and VO), the structure is not larger than 100 sq. ft. in area;*
- 3. The portions of the structure located below the BFE must be built using flood resistant materials;*
- 4. The structure must be adequately anchored to prevent flotation, collapse, and lateral movement;*
- 5. Any machinery or equipment servicing the structure must be elevated or floodproofed to or above the BFE;*
- 6. The structure must comply with floodway encroachment provisions in TMC 18.38.360(1);*
- 7. The structure must be designed to allow for the automatic entry and exit of flood waters in accordance with TMC 18.38.240(F);*
- 8. The structure shall have low damage potential;*
- 9. If the structure is converted to another use, it must be brought into full compliance with the standards governing such use; and*
- 10. The structure shall not be used for human habitation.*

13. Storage of Materials and Equipment

A new section proposed for the storage of certain materials in the floodway.

Code Section to be added:

- TMC 18.38.325- Storage of materials and equipment.

Proposed amendment language:

18.38.325 Storage of materials and equipment.

- A. *The storage or processing of materials that could be injurious to human, animal, or plant life if released due to damage from flooding is prohibited in special flood hazard areas.*
- B. *Storage of other material or equipment may be allowed if not subject to damage by floods and if firmly anchored to prevent flotation, or if readily removable from the area within the time available after flood warning.*

14. Floodway Standards

An amendment to clarify standards for projects within the floodway and state all construction shall comply with all flood hazard reduction provisions of TMC 18.38.

Code Section to be amended:

- TMC 18.38.360 – Floodway standards.

Proposed amendment language:

18.38.360 Floodway standards.

A. *In addition to the other requirements of this chapter, a project to develop in the floodway as delineated pursuant to TMC 18.38.100(E) and (F) or 18.38.120(D) shall meet the following criteria:*

1. *Encroachments, including fill, new construction, substantial improvements, and other development is prohibited unless the applicant shall provide a certification by a registered professional engineer demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed development would not result in any increase in flood levels during the occurrence of the base flood discharge.*
2. *Construction or reconstruction of residential structures is prohibited within designated floodways, except for the following repairs, reconstruction, or improvements to a residential structure which do not increase the ground floor area. The following exceptions must still meet all other requirements in the chapter, including subsection (A)(1) of this section:*

- a. Repairs, reconstruction, or improvements to a residential structure that do not increase the ground floor area, providing the cost of which does not exceed fifty percent of the market value of the structure either:*
- i. Before the repair, or reconstruction is started; or*
 - ii. If the structure has been damaged, and is being restored, before the damage occurred. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications that have been identified by a local code enforcement official, and which are the minimum necessary to assure safe living conditions, or to an historic structure, may be excluded from the fifty percent calculations;*
- b. Repairs, replacement, reconstruction, or improvements to existing farmhouses located in designated floodways and located on designated agricultural lands that do not increase the building's total square footage of encroachment and are consistent with all requirements of WAC 173-158-075;*
- c. Repairs, replacement, reconstruction, or improvements to substantially damaged residential dwellings other than farmhouses that do not increase the building's total square footage of encroachment and are consistent with all requirements of WAC 173-158-076; or*
- d. Repairs, reconstruction, or improvements to residential structures identified as historic structures that do not increase the building's dimensions.*
- B. In riverine special flood hazard areas where a floodway has not been delineated pursuant to TMC 18.38.100(E) and (F) or 18.38.120(D), the applicant for a project to develop in the SFHA shall provide a certification by a registered professional engineer demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed development and all other past or future similar developments would not cumulatively result in an increase of flood levels during the occurrence of the base flood discharge by more than one foot.*
- C. If TMC 18.38.360(A)(1) is satisfied or construction is allowed pursuant to TMC 18.38.360(A)(2), all new construction and substantial improvements in the floodway shall comply with all applicable flood hazard reduction provisions of this chapter.*

15. Penalties

A new section establishing penalties for noncompliance with TMC 18.38. This section establishes a fine for violations. This section was amended after the Planning Commission work session to remove maximum fine and/or jail term for noncompliance as they are addressed in City's code enforcement procedures in TMC Title 1 *General Provisions*.

Code Section to be added.

- TMC 18.38.450- Penalties for noncompliance.

Proposed amendment language:

18.38.450 Penalties for noncompliance.

A. *No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violations of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions), shall constitute a misdemeanor. Nothing herein contained shall prevent the city of Tumwater from taking such other lawful action as is necessary to prevent or remedy any violation.*

B. *Enforcement under this section is in addition to and does not preclude or limit any other forms of enforcement available to the city including, but not limited to, enforcement under any provision of TMC Chapter 1.10, nuisance actions, actions for injunctions, or any other civil or equitable actions to abate, discontinue, or correct, acts in violation of this code.*

Public Approval Process

An Environmental Checklist for a non-project action was prepared on December 13, 2023, under the State Environmental Policy Act (Chapter 43.21C RCW), pursuant to Chapter 197-11 WAC, and a Determination of Non-Significance was issued on December 29, 2023.

The ordinance was sent to the Washington State Department of Commerce on December 14, 2023, for their required 60-day review before the proposed text amendments are adopted, in accordance with RCW 36.70A.106.

The Planning Commission received a briefing on proposed code amendments on January 9, 2024, and held a work session on January 23, 2024. A Notice of Public Hearing for the Planning Commission was issued on February 2, 2024, ten days prior to a public hearing. The notice was posted, published as a press release, distributed to interested individuals and entities that have requested such notices, and published in *The Olympian*.

The Planning Commission held a public hearing on the final proposed amendments on February 13, 2024. Following the public hearing and deliberations, the Planning Commission recommended that the City Council consider the proposed amendments.

The City Council conducted a work session on March 11, 2024, and placed the ordinance on consideration at their March 19, 2024 meeting.

Public Notification

A Notice of Public Hearing for the February 13, 2024, Planning Commission public hearing was issued, posted, mailed to interested parties, and published in *The Olympian* ten days prior to

the public hearing on February 2, 2024, after the Planning Commission set the public hearing date on January 23, 2024.

Staff Conclusions

1. The proposed text amendments will need to be consistent with the goals of the Washington State Growth Management Act.

- a. The ordinance will need to be consistent with Goal 7 of the Growth Management Act which states:

Permits. Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability.

The ordinance will establish concise requirements for developments and allowed uses in the floodway. It will establish clear permitting application requirements.

- b. This ordinance will need to be consistent with Goal 10 of the Growth Management Act which states:

Protect and enhance the environment and enhance the state's high quality of life, including air and water quality, and the availability of water.

The ordinance will establish concise requirements and protections in the floodway.

- c. This ordinance will need to be consistent with Goal 14 of the Growth Management Act which states:

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

The ordinance will establish concise development regulations to protect development and people from natural flood hazards and protect and enhance the environment.

2. The proposed amendments will need to be consistent with the Conservation Element of the Comprehensive Plan because the proposed amendments address permitting, development regulations, allowable uses, and critical areas.

- a. Goal 2 of the Conservation Element states:

Designate and protect critical areas including wetlands, critical aquifer recharge areas, frequently flooded areas, geologically hazardous areas, and fish and wildlife habitat conservation areas in accordance with the Growth Management Act to protect the functions and values of these areas as well as to protect against threats to health, safety, and property.

- b. Action item C-2.1 of the Conservation Element states:

Include best available science in developing policies and development regulations to protect the functions and values of critical areas and consider conservation or protection measures necessary to preserve or enhance anadromous fisheries, consistent with the Growth Management Act.

3. The proposed amendments will need to be consistent with the Land Use Element by improving and updating the existing regulations for floodways, permitted uses in flood zones, and update the review and approval of applications for development in floodways.

- a. Goal LU-2 of the Land Use Element states:

Ensure development takes place in an orderly and cost-efficient manner in order to best utilize available land and public services, conserve natural resources, protect critical areas, preserve open space, and reduce sprawl.

- b. Goal LU-8 of the Land Use Element states:

Ensure physical limitations of the land are observed during the development process.

4. Based on the above review and analysis, staff will need to conclude that the proposed text amendments are consistent with the requirements of the Washington State Growth Management Act and the Tumwater Comprehensive Plan.

Planning Commission Recommendation

After a public hearing, the Planning Commission recommended that the City Council approve the ordinance.

Effects of the Proposed Amendments

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

Staff Contacts

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ORDINANCE NO. O2023-017

AN ORDINANCE of the City Council of the City of Tumwater, Washington, amending Chapter 18.38, FP Flood Plain Overlay, of the Tumwater Municipal Code to address updates needed to bring the regulations into compliance with National Flood Insurance Program and State of Washington standards.

WHEREAS, the Legislature of the State of Washington has delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare; and

WHEREAS, areas of the City are subject to periodic inundation and channel migration which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for protection and relief from flooding and channel migration, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare; and

WHEREAS, when floodplains and watersheds are developed without taking appropriate care and precautions, flood heights, frequencies, and velocities increase, causing a greater threat to humans, damage to property, destruction of natural floodplain functions, and adverse impacts to water quality and habitat; and

WHEREAS, rivers, streams, lakes, estuarine and marine areas, and their floodplains are major elements of healthy aquatic and riparian habitats and conveyance of flood waters. If watersheds, rivers, streams, lakes, estuaries, floodplains and other systems are not viewed holistically as biological and geomorphologic units, it can lead to serious degradation of habitat and increased flood hazards to people and human development; and

WHEREAS, over the years, natural processes have evolved that manage flood waters and channel flows in the most effective and efficient manner. Disruption of these processes through alterations to land cover, stream channels, wetlands, and other water bodies leads to increased flood hazards, loss of life and property, threats to public health, and loss of habitat; and

WHEREAS, State Department of Ecology staff completed a Federal Emergency Management Agency floodplain community assistance visit with City staff in May 2023 to review the City's participation in the National Flood Insurance Program (NFIP); and

WHEREAS, State Department of Ecology staff and City staff reviewed the City's NFIP community profile; and

WHEREAS, State Department of Ecology staff prepared a field report and completed an ordinance review based on 44 CFR 60, the Washington Model Ordinance and the checklist used to review local ordinances for NFIP compliance; and

WHEREAS, it was determined that Tumwater Municipal Code (TMC) 18.38 *FP Floodplain Overlay* should be updated to reflect current standards; and

WHEREAS, the Federal Emergency Management Agency has produced a new digital Flood Insurance Study and Flood Insurance Rate Map for the Deschutes River that will become effective on May 8, 2024; and

WHEREAS, the City is required to adopt the new digital Flood Insurance Study and Flood Insurance Rate Map for the Deschutes River and to regulate development within flood prone areas by the effective date using up to date regulations; and

WHEREAS, it is timely to amend the City's existing floodplain regulations to be more consistent with the Model Ordinance for Floodplain Management under the NFIP and the Endangered Species Act prior to May 8, 2024; and

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

WHEREAS, the proposed amendments to the City's existing floodplain regulations are consistent with the City's Comprehensive Plan; and

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

WHEREAS, this Ordinance was sent to the Washington State Department of Commerce on December 14, 2023 at least sixty days before the proposed code amendments were adopted, in accordance with RCW 36.70A.106; and

WHEREAS, on December 14, 2023, the Washington State Department of Commerce notified the City of Tumwater that the requirements for State Agency notification for the proposed amendments had been met, as required by RCW 36.70A.106; and

WHEREAS, an Environmental Checklist for a non-project action was prepared under the State Environmental Policy Act (Chapter 43.21C RCW),

pursuant to Chapter 197-11 WAC on December 13, 2023, and a Determination of Non-Significance (DNS) was issued on December 29, 2023; and

WHEREAS, the Planning Commission had a briefing on the code amendments on January 9, 2024, and a work session on the code amendments on January 23, 2024; and

WHEREAS, the Planning Commission held a public hearing on the code amendments on February 13, 2024; and

WHEREAS, following the public hearing and deliberations, the Planning Commission recommended approval of the code amendments by the City Council; and

WHEREAS, the City Council discussed the Planning Commission's recommendation on the code amendments at a work session on March 12, 2024; and

WHEREAS, the City Council considered the proposed code amendments on March 19, 2024; and

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

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

Section 1. Section 18.38.070, Definitions, of the Tumwater Municipal Code is hereby amended to read as follows:

18.38.070 Definitions.

Unless specifically defined below, terms or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

“Adversely affect/adverse effect” means effects that are a direct or indirect result of the proposed action, or its interrelated or interdependent actions, and the effect is not discountable, insignificant or beneficial. Discountable effects are extremely unlikely to occur. Insignificant effects relate to the size of the impact and should never reach the scale where a take occurs. Based on best judgment, a person would not: (A) be able to meaningfully measure, detect, or evaluate insignificant effects; or (B) expect discountable effects to occur. Beneficial effects are contemporaneous positive effects without any adverse effects. In the event that the overall effect of the proposed action is beneficial, but is also likely to cause some adverse effects, then the proposed action is considered to result in an adverse effect.

“Alteration of watercourse” means any action that will change the location of the channel occupied by water within the banks of any portion of a riverine waterbody.

“Appurtenant structure” means a structure which is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.

“Area of special flood hazard” means the land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. It is shown on the flood insurance rate map (FIRM) as zone A, AO, AH, A1-30, AE, A99, AR (V, VO, V1-30, VE). “Special flood hazard area” is synonymous in meaning with the phrase “area of special flood hazard”.

“Base flood” means the flood having a one percent chance of being equaled or exceeded in any given year (also referred to as the “one-hundred-year flood”). The area subject to the base flood is the special flood hazard area (SFHA) designated on flood insurance rate maps (FIRMs) as zones “A” or “V” including AE, AO, AH, A1-99 and VE.

“Base flood elevation (BFE)” means the elevation of the base flood above the datum of the effective FIRM.

“Basement” means any area of the structure having its floor sub-grade (below ground level) on all sides.

“Channel migration zone” means the area within the lateral extent of likely stream channel movement due to stream bank destabilization and erosion, rapid stream incision, aggradation, avulsions, and shifts in location of stream channels.

“Critical facility” means a facility necessary to protect the public health, safety and welfare during a flood. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire and emergency operations installations, water and wastewater treatment plants, electric power stations, and installations which produce, use, or store hazardous materials or hazardous waste (other than consumer products containing hazardous substances or hazardous waste intended for household use).

“Development” means any manmade change to improved or unimproved real estate in the special flood hazard area (SFHA), including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, storage of equipment or materials, subdivision of land, removal of more than five percent of the native vegetation on the property, ~~or~~ alteration of natural site characteristics, or storage of equipment or materials.

“Dry floodproofing” means any combination of structural and nonstructural measures that prevent flood waters from entering a structure.

“Elevation certificate” means the official form (~~FEMA Form 81-31~~) used to provide elevation information necessary to ensure compliance with provisions of this chapter and determine the proper flood insurance premium rate.

“FEMA” means the Federal Emergency Management Agency, the agency responsible for administering the National Flood Insurance Program (NFIP).

“Fish and wildlife habitat conservation area” means lands needed to maintain species in suitable habitats within their natural geographic distribution so that isolated subpopulations are not created. These areas are designated by the city of Tumwater pursuant to the Washington State Growth Management Act and implementing regulations.

“Flood” or “flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- A. The overflow of inland or tidal waters; and/or
- B. The unusual and rapid accumulation of runoff of surface waters from any source.
- C. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (A) of this definition.

“Flood elevation study (FES)” means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards. Also known as a flood insurance study (FIS).

“Flood insurance rate map (FIRM)” means the official map on which the Federal Emergency Management Agency (FEMA) has delineated both the special flood hazard areas and the risk premium zones applicable to the city of Tumwater.

“Flood insurance study (FIS)” means the official report provided by the Federal Emergency Management Agency that includes flood profiles, the flood insurance rate map (FIRM), and the water surface elevation of the base flood.

“Flood protection elevation (FPE)” means the elevation above the datum of the effective FIRM to which new and substantially improved structures must be protected from flood damage.

“Floodplain administrator” means the community official designated by title to administer and enforce the floodplain management regulations.

“Flood proofing” means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents. Flood proofed structures are those that have the structural integrity and design to be impervious to floodwater below the base flood elevation (BFE).

“Floodway” means the channel of a stream or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot at any point. Also referred to as “regulatory floodway”.

“Functionally dependent use” means a use that must be located or carried out close to water, e.g., docking or port facilities necessary for the unloading of cargo or passengers or shipbuilding and ship repair, and does not include long term storage or related manufacturing facilities.

“Highest adjacent grade” means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

“Historic structure” means a structure that:

- A. Is listed on the National Register of Historic Places, the Washington Heritage Register, or the Washington Heritage Barn Register; or
- B. Has been certified to contribute to the historical significance of a registered historic district.

“Hyporheic zone” means a saturated layer of rock or sediment beneath and/or adjacent to a stream channel that contains some proportion of channel water or that has been altered by channel water infiltration.

“Impervious surface” means a hard surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled, macadam or other surfaces which similarly impede the natural infiltration of stormwater.

“Lowest floor” means the lowest floor of the lowest enclosed area (including basement or crawlspace). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a structure’s lowest floor; provided, that such enclosure is compliant with TMC 18.38.260(F) (i.e., provided there are adequate openings to allow floodwaters into the area).

“Manufactured home” means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured home” does not include a “recreational vehicle.”

“Manufactured home park or subdivision” means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

“Mean sea level” means for the purposes of the National Flood Insurance Program (NFIP), the vertical datum to which base flood elevations (BFEs) shown on a community's flood insurance rate map (FIRM) are referenced.

“Native vegetation” means plant species that are indigenous to the community’s area and that reasonably could be expected to naturally occur on the site.

“Natural floodplain functions” means the contribution that a floodplain makes to support habitat, including, but not limited to, providing flood storage and conveyance, reducing flood velocities, reducing sedimentation, filtering nutrients and impurities from runoff, processing organic wastes, moderating temperature fluctuations, and providing breeding and feeding grounds, shelter, and refugia for aquatic or riparian species.

“New construction” means structures for which the “start of construction” commenced on or after the effective date of this chapter and includes any subsequent improvements to such structures. For floodplain management purposes, “new construction” means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

“Protected area” means the lands that lie within the boundaries of the floodway, the riparian habitat zone, and the channel migration area. Because of the impact that development can have on flood heights and velocities and habitat, special rules apply in the protected area.

“Recreational vehicle” means a vehicle:

- A. Built on a single chassis; and
- B. Four hundred square feet or less when measured at the largest horizontal projection; and
- C. Designed to be self-propelled or permanently towable by an automobile or light duty truck; and
- D. Designed primarily for use as temporary living quarters for recreational, camping, travel, or seasonal use, not as a permanent dwelling.

“Riparian” means of, adjacent to, or living on the bank of a river, lake, pond, ocean, sound, or other water body.

“Riparian habitat zone” means the water body and adjacent land areas that are likely to support aquatic and riparian habitat as detailed in TMC 18.38.110(C).

“Special flood hazard area (SFHA)” means the land subject to inundation by the base flood. Special flood hazard areas are designated on flood insurance rate maps (FIRMs) with the letters “A” or “V” including AE, AO, AH, A1-99 and VE. The special flood hazard area is also referred to as the area of special flood hazard or SFHA.

“Start of construction” includes substantial improvement, and means the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement that occurred before the permit’s expiration date. The actual

start is either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory structures not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

“Structure” means a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

“Substantial damage” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent of the market value of the structure before the damage occurred. Substantial damage also means flood-related damage sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds twenty-five percent of the market value of the structure before the damage occurred.

“Substantial improvement” means any repair, reconstruction, rehabilitation, addition, replacement, or other improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage,” regardless of the actual repair work performed. The term does not include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, any alteration of a “historic structure”, provided that the alteration will not preclude the structure's continued designation as a “historic structure.”

“Variance” means a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

“Water typing” means a system for classifying water bodies according to their size and fish habitat characteristics. The Washington Department of Natural Resources’ Forest Practices Water Typing classification system is hereby adopted by reference. The system defines four water types:

A. Type “S” = shoreline: streams that are designated “shorelines of the state,” including marine shorelines.

B. Type “F” = fish: streams that are known to be used by fish or meet the physical criteria to be potentially used by fish.

C. Type “Np” = nonfish perennial streams.

D. Type “Ns” = nonfish seasonal streams.

“Zone” means one or more areas delineated on the FIRM. The following zones may be used on the adopted FIRM. The special flood hazard area (SFHA) is comprised of the A and V zones.

“A” means SFHA where no base flood elevation (BE) is provided.

“A#” means numbered A zones (e.g., A7 or A14), SFHA with a ~~base flood elevation~~ BE.

“AE” means SFHA with a ~~base flood elevation~~ BE.

“AO” means SFHA subject to inundation by shallow flooding usually resulting from sheet flow on sloping terrain, with average depths between one and three feet. Average flood depths are shown.

“AH” means SFHA subject to inundation by shallow flooding (usually areas of ponding) with average depths between one and three feet. ~~Base flood elevations~~ BEs are shown.

“B” means the area between the SFHA and the five-hundred-year flood of the primary source of flooding. It may also be an area with a local, shallow flooding problem or an area protected by a levee.

“C” means an area of minimal flood hazard, as above the five-hundred-year flood level of the primary source of flooding. B and C zones may have flooding that does not meet the criteria to be mapped as a special flood hazard area, especially ponding and local drainage problems.

“D” means area of undetermined but possible flood hazard.

“V” means the SFHA subject to coastal high hazard flooding including waves of three feet or greater in height. There are three types of V zones: V, V#, and VE, and they correspond to the A zone designations.

“X” means the area outside the mapped SFHA.

“Shaded X” means the same as a zone B, above.

(Ord. O2015-007, Amended, 02/02/2016)

Section 2. Section 18.38.090, Special flood hazard area, of the Tumwater Municipal Code is hereby amended to read as follows:

18.38.090 Special flood hazard area.

A. The special flood hazard area (SFHA) is the area subject to flooding by the base flood and subject to the provisions of this chapter. It is identified by the Federal Emergency Management Agency in a scientific and engineering report entitled,

“Flood Insurance Study for Thurston County, Washington and Incorporated Areas,” dated ~~October 16, 2012~~ May 8, 2024 and any revisions thereto, with an accompanying Flood Insurance Rate Map (FIRM) for Thurston County, Washington and Incorporated Areas, dated ~~October 16, 2012~~ May 8, 2024, and any revisions thereto, which are hereby adopted by reference and declared to be a part of this chapter. The flood insurance study (FIS) and the FIRM are on file at Tumwater City Hall, 555 Israel Road SW, Tumwater, Washington 98501.

B. Upon receipt of a floodplain development permit application, the floodplain administrator shall compare the elevation of the site to the base flood elevation (BFE). A development project is not subject to the requirements of this chapter if it is located on land that can be shown to be:

1. Outside the protected area; and
2. Higher than the ~~base flood elevation~~ BFE as demonstrated by an elevation certificate.

The floodplain administrator shall inform the applicant that the project will still be subject to the flood insurance purchase requirements unless the owner receives a letter of map amendment from FEMA.

C. The floodplain administrator shall make interpretations where needed, as to the exact location of the boundaries of the SFHA and the protected area (e.g., where there appears to be a conflict between the mapped SFHA boundary and actual field conditions as determined by the ~~base flood elevation~~ BFE and ground elevations). The applicant may appeal the floodplain administrator’s interpretation of the location of the boundary to the hearing examiner.

(Ord. O2016-009, Amended, 07/09/2016; Ord. O2015-007, Amended, 02/02/2016)

Section 3. Section 18.38.100, Flood hazard data, of the Tumwater Municipal Code is hereby amended to read as follows:

18.38.100 Flood hazard data.

A. The base flood elevation (BFE) for the SFHAs of the city of Tumwater shall be as delineated on the one-hundred-year flood profiles in the Flood Insurance Study for Thurston County, Washington and Incorporated Areas.

B. The ~~base flood elevation~~ BFE for each SFHA delineated as a “zone AH” or “zone AO” shall be that elevation (or depth) delineated on the flood insurance rate map (FIRM). Where base flood depths are not available in zone AO, the base flood elevation shall be considered to be two feet above the highest grade adjacent to the structure.

C. The ~~base flood elevation~~ BFE for all other SFHAs shall be as defined in subsection F of this section and 18.38.120(C).

D. The flood protection elevation (FPE) shall be the base flood elevation plus one foot.

E. The floodway shall be as delineated on the ~~flood insurance rate map~~ FIRM or in accordance with subsection F of this section and TMC 18.38.120(D).

F. Where ~~base flood elevation~~ BFE and floodway data have not been provided in special flood hazard areas in accordance with 18.38.090, the floodplain administrator shall obtain, review, and reasonably utilize any ~~base flood elevation~~ BFE and floodway data available from a federal, state, or other source.

(Ord. O2015-007, Amended, 02/02/2016)

Section 4. Section 18.38.130, Establishment of floodplain development permit, of the Tumwater Municipal Code is hereby amended to read as follows:

18.38.130 ~~Establishment of~~ Floodplain development permit required.

A floodplain development permit ~~shall be obtained~~ is required before construction or development begins within the special flood hazard area (SFHA) established in TMC 18.38.090. The permit shall be for all development as set forth in TMC 18.38.070, Definitions.

(Ord. O2015-007, Amended, 02/02/2016)

Section 5. Section 18.38.140, Floodplain development permit application, of the Tumwater Municipal Code is hereby amended to read as follows:

18.38.140 Floodplain development permit application.

Application for a floodplain development permit shall be made on forms furnished by the floodplain administrator and shall include, but are not limited to:

- A. One or more site plans, drawn to scale, showing:
1. The nature, location, dimensions, and elevations of the property in question;
 2. Names and location of all lakes, water bodies, waterways and drainage facilities within three hundred feet of the site;
 3. The elevations of the ten-, fifty-, one-hundred-, and five-hundred-year floods, where such data are available;
 4. The boundaries of the SFHA, floodway, riparian habitat zone, and channel migration area, delineated in accordance with TMC 18.38.080 through 18.38.120;
 5. The proposed drainage system including, but not limited to, storm sewers, overland flow paths, detention facilities and roads;
 6. Existing and proposed structures, fill, pavement and other impervious surfaces, and sites for storage of materials;
 7. All wetlands;
 8. Designated fish and wildlife habitat conservation areas, and habitat areas identified for conservation or protection under state or federal or local laws or regulations (e.g., Endangered Species Act, Magnuson-Stevens Fishery

Conservation and Management Act, Growth Management Act, Shorelines Management Act, Priority Habitat and Species List); and

9. Existing native vegetation and proposed revegetation.

B. If the proposed project involves grading, excavation, or filling, the site plan shall include proposed post-development terrain at one-foot contour intervals.

C. If the proposed project includes a new structure, substantial improvement, or repairs to a substantially damaged structure that will be elevated, the application shall include the flood protection elevation (FPE) for the building site and the proposed elevations of the following:

1. The top of bottom floor (including basement, crawlspace, or enclosure floor).
2. The top of the next higher floor.
3. The bottom of the lowest horizontal structural member (in V zones only).
4. The top of the slab of an attached garage.
5. The lowest elevation of machinery or equipment servicing the structure.
6. The lowest adjacent (finished) grade next to structure.
7. The highest adjacent (finished) grade next to structure.
8. The lowest adjacent grade at the lowest elevation of a deck or stairs, including structural support.

D. If the proposed project includes a new structure, substantial improvement, or repairs to a substantially damaged nonresidential structure that will be dry floodproofed, the application shall include the FPE for the building site, the elevation in relation to the datum of the effective FIRM to which the structure will be dry floodproofed, and a certification by a registered professional engineer or licensed architect that the dry floodproofing methods meet the floodproofing criteria in TMC 18.38.270.

E. If a project will alter the base flood elevation data (BFE) or boundaries of the SFHA, the project applicant shall provide the floodplain administrator with engineering documentation and analysis regarding the proposed change. If the change to the BFE or boundaries of the SFHA would normally require a Letter of Map Change, the project approval shall be conditioned accordingly.

FE. The proposed project must be designed and located so that new structural flood protection is not needed.

GF. The application shall include a description of the extent to which a stream, lake, or other water body, including its shoreline, will be altered or relocated as a result of the proposed development.

1. Bank stabilization measures along salmonid-bearing streams, channel migration zones, and along estuarine and marine shorelines must be minimized

to the maximum extent possible. If bank stabilization measures are necessary, bioengineered armoring of streambanks and shorelines must be used.

2. Channel Migration. No activity is allowed that limits the natural meandering pattern of the channel migration zone; however, natural channel migration patterns may be enhanced or restored.

HG. The application shall include documentation that the applicant will apply for all necessary permits required by federal, state, or local law. The application shall include written acknowledgment that the applicant understands that the final certification of use or certificate of occupancy will be issued only if the applicant provides copies of the required federal, state, and local permits or letters stating that a permit is not required. The floodplain permit is not valid if those other permits and approvals are not obtained prior to any ground disturbing work or structural improvements.

IH. The application shall include acknowledgment by the applicant that representatives of any federal, state or local unit of government with regulatory authority over the project are authorized to enter upon the property to inspect the development.

J. The application shall include the elevation in relation to mean sea level, of the lowest floor (including basement) of all structures recorded on a current elevation certificate with section B completed by the floodplain administrator.

K. The application shall include the elevation relation to mean sea level to which any structure has been flood proofed.

L. The application shall include, where development is proposed in a floodway, an engineering analysis indicating no rise of the base flood elevation (BFE).

M. The application shall include any other such information that may be reasonably required by the floodplain administrator in order to review the application.

(Ord. O2015-007, Amended, 02/02/2016)

Section 6. Section 18.38.170, Duties of the floodplain administrator, of the Tumwater Municipal Code is hereby amended to read as follows:

18.38.170 Duties of the floodplain administrator.

Duties of the floodplain administrator shall include, but not be limited to:

A. Review all floodplain development permits to determine that the permit requirements of this chapter have been satisfied.

B. Review all floodplain development permits to determine that all necessary permits have been obtained from those federal, state, or local governmental agencies from which prior approval is required, including those local, state or federal permits that may be required to assure compliance with the Endangered Species Act and/or other appropriate state or federal laws.

- C. Review all floodplain development permits to determine if the proposed development is located in the ~~protected area~~ floodway. If located in the ~~protected area~~ floodway, ensure that the provisions of TMC 18.38.320 through 18.38.400 are met.
- D. Ensure that all development activities within the special flood hazard area (SFHA) of the jurisdiction of the city of Tumwater meet the requirements of this chapter.
- E. Inspect all development projects before, during and after construction to ensure compliance with all provisions of this chapter, including proper elevation of the structure.
- F. Maintain for public inspection all records pertaining to the provisions of this chapter.
- G. Submit reports to include the projects for which they issue floodplain development permits, including effects to flood storage, fish habitat, and all indirect effects of development and mitigation provided to FEMA as required for the National Flood Insurance Program (NFIP).
- H. Notify FEMA of any proposed amendments to this chapter.
- I. Cooperate with state and federal agencies to improve flood and other technical data and notify FEMA of any new data that would revise the FIRM.
- J. Interpretations as to exact location of the boundaries of the areas of special flood hazards where needed (e.g., where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation. Such appeals shall be granted consistent with the standards of 44 CFR 60.6 of the Rules and Regulations of the NFIP.
- (Ord. O2015-007, Amended, 02/02/2016)

Section 7. Section 18.38.180, Records, of the Tumwater Municipal Code is hereby amended to read as follows:

18.38.180 Records.

A. Where base flood elevation data (BFE) have been obtained pursuant to TMC 18.38.100 and 18.38.120, the floodplain administrator shall obtain, record, and maintain the actual “finished construction” elevations (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, for the locations listed in TMC 18.38.140(C), and whether or not the structure contains a basement. This information shall be recorded on a current FEMA Elevation Certificate (~~FEMA Form 81-31~~), signed and sealed by a professional land surveyor, currently licensed in the state of Washington.

B. For all new or substantially improved dry floodproofed nonresidential structures, where ~~base flood elevation~~ BFE data has been obtained pursuant to TMC 18.38.100 and 18.38.120, the floodplain administrator shall: ~~obtain~~

1. Obtain, record and maintain the elevation (in relation to ~~the datum of the effective FIRM mean sea level~~) to which the structure was floodproofed.
2. This information shall be recorded on a current FEMA floodproofing certificate (~~FEMA FORM 81-65~~) by a professional engineer currently licensed in the state of Washington.

C. Where elevation data is not available, either through the FIS, FIRM, or from another authoritative source (as required by TMC 18.38.100(F)), the floodplain administrator shall review applications for floodplain development to assure that proposed construction will be reasonably safe from flooding based on the use of historical data, high water marks, photographs of past flooding, etc., where available.

Failure to elevate habitable buildings at least two feet above the highest adjacent grade in these zones may result in higher insurance rates.

D. The floodplain administrator shall obtain, record, and maintain the records for public inspection of the following:

1. Certification required by TMC 18.38.360(1).
2. Records of all variance actions, including justification for their issuance.
3. Improvement and damage calculations.
4. All records pertaining to the provisions of this ordinance.

(Ord. O2015-007, Amended, 02/02/2016)

Section 8. Section 18.38.210, Subdivisions, of the Tumwater Municipal Code is hereby amended to read as follows:

18.38.210 Development and S subdivisions.

This section applies to all development and subdivision proposals. Subdivision proposals include short subdivisions, short plats, binding site plans, planned developments, and new and expansions to manufactured housing parks.

A. All proposals shall be consistent with the need to minimize flood damage.

B. ~~The A~~ proposed subdivision must have one or more new lots in the special flood hazard area (SFHA) set aside for open space use through deed restriction, easement, subdivision covenant, or donation to a public agency.

1. In the ~~special flood hazard area~~ (SFHA) outside the protected area, zoning must maintain a low density of floodplain development.
2. In the ~~special flood hazard area~~ (SFHA) outside the protected area in which the current zoning is less than five acres must maintain the current zoning.

3. The density of the development in the portion of the development outside the ~~special flood hazard area (SFHA)~~ may be increased to compensate for the amount of land in the ~~special flood hazard area (SFHA)~~ preserved as open space in accordance with TMC Title 18.

C. If a parcel has a buildable site outside the special flood hazard area, it shall not be subdivided to create a new lot, tract, or parcel within a binding site plan that does not have a buildable site outside the special flood hazard area. This provision does not apply to lots set aside from development and preserved as open space.

D. All proposals shall have utilities and facilities, such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage.

E. All subdivision proposals shall ensure that ~~all subdivisions have~~ there is at least one access road connected to land outside the ~~special flood hazard area (SFHA)~~ with the surface of the road at or above the FPE wherever possible.

F. All proposals shall have adequate drainage provided to avoid exposure to water damage.

G. ~~The~~ A final recorded subdivision ~~plat~~ shall include a notice that part of the property is in the SFHA, riparian habitat zone and/or channel migration area, as appropriate.

H. Where subdivision proposals and other proposed developments contain greater than fifty lots or five acres (whichever is the lesser) base flood elevation data (BFE) shall be included as part of the application.

(Ord. O2015-007, Amended, 02/02/2016)

Section 9. Section 18.38.260, Flood protection standards, of the Tumwater Municipal Code is hereby amended to read as follows:

18.38.260 Flood protection standards.

A. In AE and A1-30 zones or other A zoned areas where the base flood elevation data (BFE) has been determined or can be reasonably obtained, -A all new structures and substantial improvements of any structure shall have the lowest floor, including basement, elevated at least one foot above the -FPE BFE.

B. The structure shall be aligned parallel with the direction of flood flows where practicable.

C. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

D. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

~~The structure~~ All new construction and substantial improvements, including those related to manufactured homes, shall be anchored to prevent flotation,

collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads including the effects of buoyancy.

F~~D~~. All materials below the FPE shall be resistant to flood damage and firmly anchored to prevent flotation. Materials harmful to aquatic wildlife, such as creosote, are prohibited below the FPE.

G~~E~~. Electrical, heating, ventilation, duct work, plumbing, and air-conditioning equipment and other service facilities shall be elevated above the FPE. Water, sewage, electrical, and other utility lines below the FPE shall be constructed so as to prevent water from entering or accumulating within them during conditions of flooding.

H~~F~~. Fully enclosed areas below the lowest floor that are subject to flooding shall be used only for parking, storage, or building access and shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement shall either be certified by a registered professional engineer or licensed architect and/or meet or exceed the following minimum criteria:

1. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
2. The bottom of all openings shall be no higher than one foot above grade.
3. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

I~~G~~. In zones V, V1-30 and VE, new structures and substantial improvements shall be elevated on pilings or columns so that:

1. The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated above the FPE.
2. The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Wind and water loading values shall each have a one percent chance of being equaled or exceeded in any given year (one-hundred-year mean recurrence interval).
3. The areas below the lowest floor that are subject to flooding shall be free of obstruction.
4. The structure or improvement shall be located landward of the reach of mean high tide.
5. The use of fill for structural support of a structure or addition is prohibited.
6. A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify

that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting these provisions.

J. New construction and substantial improvement of any residential structure in an Unnumbered A zone for which a BFE is not available and cannot be reasonably obtained the lowest floor shall be at least two feet above the highest adjacent grade.

K. A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry and exit of floodwaters.

(Ord. O2015-007, Amended, 02/02/2016)

Section 10. Section 18.38.270, Nonresidential construction, of the Tumwater Municipal Code is hereby amended to read as follows:

18.38.270 Nonresidential construction.

~~New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall be elevated in accordance with TMC 18.38.260. As an alternative to elevation, a new or substantial improvement to a nonresidential structure and its attendant utility and sanitary facilities may be dry floodproofed in A zones. The project must meet the following:~~

~~A. The structure is not located in zones V, V1-30, or VE; and~~

~~B. Below the FPE the structure is watertight with walls substantially impermeable to the passage of water; and~~

~~C. The structural components are capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and~~

~~D. The plans are certified by a registered professional engineer or licensed architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the floodplain administrator as set forth in TMC 18.38.180(B) and 18.38.190(A)(1).~~

New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet the requirements of TMC 18.38.270(A) or (B), below.

A. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet all of the following requirements:

1. In AE and A1-30 zones or other A zoned areas where the base flood elevation data (BFE) has been determined or can be reasonably obtained:

New construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall have the lowest floor, including basement, elevated one foot or more above the BFE, or elevated as required by ASCE 24,

whichever is greater. Mechanical equipment and utilities shall be waterproofed or elevated at least one foot above the BFE, or as required by ASCE 24, whichever is greater.

2. If located in an unnumbered A zone for which a BFE is not available and cannot be reasonably obtained, the lowest floor shall be at least two feet above the highest adjacent grade.

3. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited or shall meet the requirements of TMC 18.38.210.

B. If the requirements of TMC 18.38.270(A) are not met, new construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet all of the following requirements:

1. Be dry flood proofed so that below one foot or more above the base flood level the structure is watertight with walls substantially impermeable to the passage of water or dry flood proofed to the elevation required by ASCE 24, whichever is greater;

2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

3. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in TMC 18.38.180.

(Ord. O2015-007, Amended, 02/02/2016)

Section 11. Section 18.38.280, Manufactured homes, of the Tumwater Municipal Code is hereby amended to read as follows:

18.38.280 Manufactured homes.

All manufactured homes to be placed or substantially improved on sites shall be:

A. Elevated on a permanent foundation in accordance with TMC 18.38.260; and

B. Securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors, and shall be installed using methods and practices that minimize flood damage. This requirement is in addition to other applicable anchoring requirements for resisting wind forces.

(Ord. O2015-007, Amended, 02/02/2016)

Section 12. A new Section TMC 18.38.285, Detached accessory structures, is hereby added to the Tumwater Municipal Code to read as follows:

18.38.285 Detached accessory structures.

A. Detached accessory structures used solely for parking of vehicles or limited storage may be constructed such that the floor is below the base flood elevation data (BFE), provided the structure is designed and constructed in accordance with the following requirements:

1. In special flood hazard areas other than coastal high hazard areas (Zones A, AE, AH, AO, and A1-30), the structure is not larger than a one-story two-car garage;
2. In coastal high hazard areas (Zones V, VE, V1 30, and VO), the structure is not larger than 100 sq. ft. in area;
3. The portions of the structure located below the BFE must be built using flood resistant materials;
4. The structure must be adequately anchored to prevent flotation, collapse, and lateral movement;
5. Any machinery or equipment servicing the structure must be elevated or floodproofed to or above the BFE;
6. The structure must comply with floodway encroachment provisions in TMC 18.38.360(1);
7. The structure must be designed to allow for the automatic entry and exit of flood waters in accordance with TMC 18.38.240(F);
8. The structure shall have low damage potential;
9. If the structure is converted to another use, it must be brought into full compliance with the standards governing such use; and
10. The structure shall not be used for human habitation.

Section 13. A new Section TMC 18.38.325, Storage of materials and equipment, is hereby added to the Tumwater Municipal Code to read as follows:

18.38.325 Storage of materials and equipment.

A. The storage or processing of materials that could be injurious to human, animal, or plant life if released due to damage from flooding is prohibited in special flood hazard areas.

B. Storage of other material or equipment may be allowed if not subject to damage by floods and if firmly anchored to prevent flotation, or if readily removable from the area within the time available after flood warning.

Section 14. Section 18.38.360, Floodway standards, of the Tumwater Municipal Code is hereby amended to read as follows:

18.38.360 Floodway standards.

A. In addition to the other requirements of this chapter, a project to develop in the floodway as delineated pursuant to TMC 18.38.100(E) and (F) or 18.38.120(D) shall meet the following criteria:

1. Encroachments, including fill, new construction, substantial improvements, and other development is prohibited unless the applicant shall provides a certification by a registered professional engineer demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed development would not result in any increase in flood levels during the occurrence of the base flood discharge.

2. Construction or reconstruction of residential structures is prohibited within designated floodways, except for the following repairs, reconstruction, or improvements to a residential structure which do not increase the ground floor area. The following exceptions must still meet all other requirements in the chapter, including subsection (A)(1) of this section:

a. Repairs, reconstruction, or improvements to a residential structure that do not increase the ground floor area, providing the cost of which does not exceed fifty percent of the market value of the structure either:

i. Before the repair, or reconstruction is started; or

ii. If the structure has been damaged, and is being restored, before the damage occurred. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications that have been identified by a local code enforcement official, and which are the minimum necessary to assure safe living conditions, or to an historic structure, may be excluded from the fifty percent calculations;

b. Repairs, replacement, reconstruction, or improvements to existing farmhouses located in designated floodways and located on designated agricultural lands that do not increase the building's total square footage of encroachment and are consistent with all requirements of WAC 173-158-075;

c. Repairs, replacement, reconstruction, or improvements to substantially damaged residential dwellings other than farmhouses that do not increase the building's total square footage of encroachment and are consistent with all requirements of WAC 173-158-076; or

d. Repairs, reconstruction, or improvements to residential structures identified as historic structures that do not increase the building's dimensions.

B. In riverine special flood hazard areas where a floodway has not been delineated pursuant to TMC 18.38.100(E) and (F) or 18.38.120(D), the applicant for a project to develop in the SFHA shall provide a certification by a registered professional engineer demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed development and

all other past or future similar developments would not cumulatively result in an increase of flood levels during the occurrence of the base flood discharge by more than one foot.

C. If TMC 18.38.360(A)(1) is satisfied or construction is allowed pursuant to TMC 18.38.360(A)(2), all new construction and substantial improvements in the floodway shall comply with all applicable flood hazard reduction provisions of this chapter.

(Ord. O2015-007, Amended, 02/02/2016)

Section 15. A new Section TMC 18.38.450, Penalties for noncompliance, is hereby added to the Tumwater Municipal Code to read as follows:

18.38.450 Penalties for noncompliance.

A. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violations of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions), shall constitute a misdemeanor. Nothing herein contained shall prevent the city of Tumwater from taking such other lawful action as is necessary to prevent or remedy any violation.

B. Enforcement under this section is in addition to and does not preclude or limit any other forms of enforcement available to the city including, but not limited to, enforcement under any provision of TMC Chapter 1.10, nuisance actions, actions for injunctions, or any other civil or equitable actions to abate, discontinue, or correct, acts in violation of this code.

Section 16. Corrections. The City Clerk and codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 17. Ratification. Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and affirmed.

Section 18. Severability. The provisions of this ordinance are declared separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of the ordinance, or the validity of its application to other persons or circumstances.

Section 19. Effective Date. This ordinance shall become effective thirty (30) days after passage, approval and publication as provided by law.

ADOPTED this _____ day of _____, 2024.

CITY OF TUMWATER

Debbie Sullivan, Mayor

ATTEST:

Melody Valiant, City Clerk

APPROVED AS TO FORM:

Karen Kirkpatrick, City Attorney

Published:_____

Effective Date:_____

Ordinance No. 02023-017

FP Floodplain Overlay Amendments

March 19, 2024

City Council Consideration



Background

- Close to three hundred towns, cities, counties, and tribes in the state participate in the Federal Emergency Management Agency's (FEMA) National Flood Insurance Program (NFIP)
- Continued enforcement of the City's floodplain management regulations (TMC 18.38 *FP Floodplain Overlay*) allows FEMA to make federally backed flood insurance available to property owners within the City



Background

- As a condition of participation in the NFIP, communities are required to adopt and enforce flood hazard reduction regulations that meet the minimum requirements of the NFIP
- In May 2023, City staff completed a FEMA floodplain community assistance visit (CAV) with State Department of Ecology staff to review the City's participation in the National Flood Insurance Program
- The CAV determined that TMC 18.38 *FP Floodplain Overlay* should be updated to reflect FEMA current standards



Background

- On November 8, 2023, FEMA notified the City of the final flood determinations for Thurston County, Washington, and Incorporated Areas, which includes the City of Tumwater
- The FEMA flood hazard determinations for the City are considered final
- The Flood Insurance Study (FIS) report and Flood Insurance Rate Maps (FIRM) covering the City will be effective May 8, 2024



FEMA Requirements

- Prior to the May 8, 2024, effective date of the FIS and FIRMs, the City must amend its existing floodplain regulations to be more consistent with the Model Ordinance for Floodplain Management under the NFIP, the Endangered Species Act, and to maintain its eligibility in the NFIP



Staff Report

The staff report includes:

- Summaries of the fifteen proposed amendments
- The code sections amended or added
- Proposed amendment language



TMC 18.38.017 – Definitions

- Clarify and add definitions as needed for enhanced interpretation of floodplain regulations.
- Eight new definitions added addressing:
 1. Alteration of watercourse
 2. Area of special flood hazard
 3. Flood elevation study (FES)
 4. Floodplain administrator
 5. Flood proofing
 6. Highest adjacent grade
 7. Mean sea level
 8. Structure



18.38.090 – Special Flood Hazard Areas

- Updating language to reflect most current versions of the FIS and FIRMs that are effective May 8, 2024
- For consistency with the definitions section, used the acronym “BFE” for Base Flood Elevation



TMC 18.38.100 – Flood Hazard Data

- For consistency with the definitions section, used FIRM as acronym
- Added reference to TMC 18.38.090 for BFE and Floodway areas when data has not been provided or is not available in the Flood Insurance Study and Flood Insurance Rate Maps



TMC 18.38.130 – Floodplain Development Permit Required

- Revised the section name to be more clear
- Removed passive language
- States a permit is required in special flood hazard areas (SFHAs) defined in TMC 18.39.090



TMC 18.38.140 – Floodplain Development Permit Application

- Updated acronyms to be consistent with the definitions section
- Added five subsections addressing additional elements required for applications



TMC 18.38.180 – Records

- Code requirements for regulating development and collection of records
- Updated acronyms
- Clarified information required to be obtained for record
- Removed passive language
- Provided a process for floodplain administrator to ensure proposed construction will be safe from flooding when elevation data is not available
- Added a list of information the floodplain administrator shall obtain and make available to the public



TMC 18.38.210 – Development and Subdivisions

- Clarified short subdivisions, short plats, and binding site plans are subject to TMC 18.38.210
- Updated language to acronyms
- Subdivisions or developments with over 50 lots or 5 acres must provide base flood elevation data with the application



TMC 18.38.184 – Flood Protection Standards

- In areas where the BFE data has been determined or obtained (A zones), all new development must be elevated at least one-foot above BFE
- Materials used shall be resistant to flood damage
- Construction methods that minimize flood damage
- All structures, including manufactured homes and substantial improvements, shall be anchored properly
- New construction and substantial improvement of any residential structure in an Unnumbered A zone and BFE is not available shall be raised two feet above highest adjacent grade
- An attached garage constructed with the floor slab below the BFE, must be designed to allow for the automatic entry and exit of floodwaters



TMC 18.38.270 – Nonresidential Construction

- Reformatted the whole section
- Created clear standards for non-residential development
- In AE and A1-30 zones or other A zoned areas: New construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall have the lowest floor, including basement, elevated one foot or more above the BFE



TMC 18.38.280 – Manufactured Homes

- Added clarifying requirements for anchoring of manufactured homes that minimize flood damage
- States other anchoring requirements throughout TMC 18.38 are applicable



TMC 18.38.285 – Detached Accessory Structures

- New section
- Adds standards to allow for structures to be built below the BFE for used solely for parking of vehicles or limited storage
- Different flood zones have different requirements for detached structure such as size, elevation, materials, item stored, and anchoring



TMC 18.38.325 – Storage of Materials and Equipment

- New section
- The storage or processing of materials that could be injurious to human, animal, or plant life if released due to damage from flooding is prohibited in special flood hazard areas
- Storage of other material or equipment may be allowed if not subject to damage by floods and if firmly anchored to prevent flotation, or if readily removable from the area within the time available after flood warning



TMC 18.38.360 – Floodway Standards

- Encroachments, including fill, new construction, substantial improvements, and other development is prohibited unless a certification by a registered professional engineer demonstrating development would not result in any increase in flood levels during the occurrence of the base flood discharge
- Clarifies that repairs, reconstruction, or improvements to a residential structure which do not increase the ground floor area may be allowed subject to outlined requirements
- TMC 18.38.360(A)(1) is satisfied, or construction is allowed pursuant to TMC 18.38.360(A)(2), all new construction and substantial improvements in the floodway shall comply with all applicable flood hazard reduction provisions of TMC 18.38



TMC 18.38.450- Penalties for Noncompliance

- New section
- Ties into the civil and criminal enforcement processes in TMC Title 1



SEPA and Notice of Intent

- 60-Day Notice of Intent for Ordinance No. 02023-017 was sent to the State Department of Commerce December 14, 2023, and that process is complete with no comments received
- SEPA Checklist for Ordinance No. 02023-017 was completed December 13, 2023, and a determination of nonsignificance was issued on December 29, 2023, and that process is complete



FEMA Notification – Draft Maps

- FEMA is required to publish two notices in the newspaper of record for the communities affected by the map change
- There was a 90-day appeal period, no appeals were received



FEMA Notification – Draft Maps

- [Thurston County Lakes Flood Map Update \(arcgis.com\)](#) – Map Updates through TC Lakes Flood Map Update
- [Thurston County Lakes Preliminary Flood Hazard Map Update Comparison Viewer \(arcgis.com\)](#) – View comparison of current maps and maps effective May 8, 2024



Planning Commission Recommendation

Approve Ordinance No. 02023-017 FP Floodplain Overlay Amendments

