PLANNING COMMISSION
MEETING AGENDA

Online via Zoom and In Person at
Tumwater Fire Department
Headquarters, Training Room, 311 Israel
Rd. SW, Tumwater, WA 98501

Tuesday, August 09, 2022
7:00 PM

1. Call to Order
2. Roll Call
3. Changes to Agenda
4. Approval of Minutes
   a. Tumwater Planning Commission Minutes July 26, 2022
   b. Tumwater Planning Commission Minutes July 12, 2022
5. Commissioner's Reports
6. Manager's Report
7. Public Comment
8. Ordinance No. O2022-013, 2022 Development Code Housekeeping Amendments
9. Ordinance No. O2022-015, Other Housekeeping Amendments
10. Ordinance No. O2022-003, Final Docket for 2022 Comprehensive Plan Amendments
11. Next Meeting Date - 08/23/2022
12. Adjourn

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

Watch Online
https://us02web.zoom.us/webinar/register/WN_I-6ZN0HFTTilDEGjtjNEVw

Listen by Telephone
Call (253) 215-8782, listen for the prompts, and enter the Webinar ID 815 7047 9214 and Passcode 177164.

Public Comment
The public is invited to attend the meeting and offer comment. The public may register in advance for this webinar to provide comment:

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After registering, you will receive a confirmation email containing information about joining the webinar.

The public may also submit comments prior to the meeting by sending an email to: cdd@ci.tumwater.wa.us. Please send the comments by 1:00 p.m. on the date of the meeting. Comments are submitted directly to the Commission Members and will not be read individually into the record of the meeting.

If you have any questions, please contact Planning Manager, Brad Medrud at (360) 754-4180 or bmedrud@ci.tumwater.wa.us.

Post Meeting
Audio of the meeting will be recorded and later available by request, please email CityClerk@ci.tumwater.wa.us.

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

What is the Planning Commission?

> *The Tumwater Planning Commission is a citizen advisory commission that is appointed by and advisory to the City Council on the preparation and amendment of land use plans and implementing ordinances such as zoning. Actions by the Planning Commission are not final decisions; they are Commission recommendations to the City Council who must ultimately make the final decision. If you have any questions or suggestions on ways the Commission can serve you better, please contact the Community Development Department at (360) 754-4180.*

TUMWATER PLANNING COMMISSION
MINUTES OF HYBRID MEETING
July 26, 2022 Page 1

CONVENE: 7:04 p.m.

PRESENT: Chair Elizabeth Robbins and Commissioners Terry Kirkpatrick, Nathan Peters, Brian Schumacher, Michael Tobias, and Anthony Varela.

Excused: Commissioners Grace Edwards and Meghan Sullivan.

Staff: Planning Manager Brad Medrud and Transportation Manager Mary Heather Ames.

CHANGES TO AGENDA: Agenda items 8 and 9 were reordered.

APPROVAL OF MINUTES: TUMWATER PLANNING COMMISSION MEETING MINUTES JUNE 28, 2022:

MOTION: **Commissioner Peters moved, seconded by Commissioner Kirkpatrick, to approve the June 28, 2022 minutes as published. Motion carried unanimously.**

COMMISSIONER REPORTS: Chair Robbins acknowledged and thanked the Parks and Recreation Department for hosting movie nights at various locations throughout the City.

Councilmember Peters reported on an event hosted at the Lacey Maker Space. Mayor Sullivan, Councilmember Charlie Schneider, Economic Development Manager Austin Ramirez also attended the regional partnership event focused on promoting workforce development.

MANAGER'S REPORT: Manager Medrud reported Manager Ramirez plans to attend the September 13, 2022 meeting. In addition to overseeing economic development opportunities for the City, Manager Ramirez is responsible for assisting with the implementation of the City's Habitat Conservation Plan.

The totem pole at the Tumwater Town Center has been removed.

Manager Medrud referred to an updated meeting schedule. Staff met with the consultant for the vegetation and tree protection ordinance update. The consultant is working on the public engagement strategy and is identifying stakeholders and outlining the update process. The Commission's first meeting with the Tree Board is scheduled for the first meeting in October. Staff plans to coordinate meetings with the City Council, Tree Board, and the

Planning Commission to review and attain consensus on the intent of the update before proceeding. The same approach will be pursued with all other stakeholders to achieve some level of agreement prior to recommending specific changes to codes.

The consultant contract should be executed for the update of the street tree plan in the next several days.

The landscaping ordinance RFP closes at the end the month. It appears several firms are planning to submit proposals.

The annual 2022 Comprehensive Plan Amendment review process is scheduled for the Commission's first meeting in August. One of the proposals pertains to neighborhood character. The Commission will be asked to review current language in the Comprehensive Plan Land Use and Housing Elements and provide some reflection on how current language supports other City goals and policies.

PUBLIC COMMENT:

There were no public comments.

ORDINANCE NO. O2022-015, OTHER HOUSEKEEPING AMENDMENTS:

Manager Medrud introduced Transportation Manager Mary Heather Ames.

Manager Medrud reported the Commission received a briefing on Ordinance No. O2022-015 at the July 12, 2022 meeting. The three proposed amendments are to Title 2 Administration and Personnel, Title 12 Streets, Sidewalks and Public Places, and Title 15 Building and Construction that do not fall under the Tumwater Municipal Code (TMC) 18.60.025(A) process but considered concurrently with the development code final docket in Ordinance No. O2022-013. The staff report includes a summary of the amendments, code section(s) to be amended, and proposed amendment language.

Manager Medrud referred to the proposed amendments to Title 12 Streets, Sidewalks and Public Places. The briefing will focus on short- and long-term sidewalk maintenance responsibilities and verifying the responsible party for the maintenance with the understanding that the current TMC and the Tumwater Development Guide do not clearly address those issues. The staff report includes some history on the ordinances.

Prior to 2010, provisions in City ordinances identified adjoining property owners as the responsible party for clearing snow and for ongoing maintenance of sidewalks. Those provisions were removed in 2010. Staff is proposing several amendments to address removal of sidewalk obstructions (snow, ice, & vegetation) and ongoing sidewalk maintenance and repair.

At the last meeting, Commissioners asked a series of questions regarding the proposed amendments pertaining to sidewalks:

1. **How will property owners in the City know about the proposed amendments and their responsibilities for short- and long-term maintenance after the code amendments are complete?** Manager Medrud reviewed and cited a series of codes within the staff report that speak to the amendment. They include:
    a. ***8.04.030 Public nuisance defined.*** *A public nuisance consists of doing an act, or omitting to perform a duty, or permitting an action or condition to occur or exist which…*

       Ordinance No. 616 (1972) explicitly addressed removing snow and ice and vegetation from public sidewalks. Ordinance No. O2013-004 (2013) replaced the code sections dealing with those specific issues.

    b. ***TMC 12.08.010 Obstructing streets prohibited****. No person shall deposit, place or put, nor suffer to be deposited, placed or put, by a person or persons in his or her employ, any goods, wares, firewood, coal, lumber, chattels or merchandise of any description whatsoever, in any of the streets, highways, alleys, or other public places of the city, except while counting or shipping the same, or actually removing the same into or out of some building or enclosure, or loading the same into or unloading the same out of some vehicle.*
    c. ***12.24.030 Trees and shrubs endangering usefulness of streets and sidewalks – Public nuisance.*** *Trees, plants, shrubs or vegetation, or parts thereof, which endanger the security or usefulness of any public street, sidewalk, sewer or other underground utility, are declared to be a public nuisance, except that trees may extend over the sidewalk when kept trimmed to a height of eight feet above sidewalks and fourteen feet above a roadway.*
    d. ***12.24.040 Abatement of nuisance****. The public works director, or his/her designee, shall by written notice require the owner of such nuisances described in TMC 12.24.030, in addition or alternative to the penalties prescribed by TMC 12.24.090, to abate the nuisance by trimming, destroying or removal, at the owner's cost and expense within the time specified by the director; provided further, that if the destruction, trimming, or removal is not made by such owner within the time specified, the director may abate the same and render a bill covering the cost of such abatement.*

       Additionally, notes in specific approved final plats reinforce those code sections.

Manager Medrud explained that staff would need to work with the City's Communications team on a Citywide notice to all residents about the updated ordinance followed by notices that are more detailed to property owners adjacent to known defects from the transition plan. There would likely be a lengthy notice period before the City starts enforcement, perhaps two to five years.

Transportation Manager Ames stressed the importance of communicating the action to the community through a public campaign, especially when the City begins enforcement of maintenance of sidewalks. The two to five year timeframe is important as it speaks to a major change that would take time to implement the changes both for the public's perception and in City processes.

Manager Medrud responded to questions and explained that the City's code enforcement is through the Tumwater Police Department with two positions devoted to code enforcement actions in the City spanning all types of violations. The City's code enforcement is a complain-driven process with officers not actively seeking issues but investigating complaints received by the City.

Commissioner Kirkpatrick pointed out that the proposal would require assumption of maintenance of street curb and possibly trees planted within the middle of a sidewalk. The proposed amendment speaks to much more complexity than just a sidewalk. Manager Medrud offered that in some cases, neighborhood associations or business districts would address the requirements rather than individual property owners.

Manager Ames said several homeowner associations are tracking the proposal because of interest in repairing sidewalks damaged by tree roots. Some groups would work jointly to address issues on a larger scale rather than individually.

Commissioner Varela questioned the different forms of communication to the community. Manager Ames replied that the City's Communications team uses many social media platforms. The communications plan has not been defined at this point, but based on other campaigns; the City pursues a variety of methods and formats to communicate information.

Commissioner Kirkpatrick offered that since the underlying liability of sidewalks is the responsibility of the City, he supports revising language that encourages the homeowner rather than requires the homeowner to maintain sidewalks.

Chair Robbins suggested the City should recognize its values in terms of walkability and the aesthetics of neighborhoods and business districts by assuming responsibility for maintenance of sidewalks and budgeting costs to

achieve those values. She supported the recommendation to revise language reflecting, "to encourage."

Manager Medrud replied that the option "to encourage" is worth further discussion recognizing that many property owners are willing to maintain their property appropriately with or without enforcement codes while other instances of owners not maintaining their property have created issues. The City needs the ability to enforce actions when encountering those types of situations.

Commissioner Schumacher suggested retaining the proposed language and focusing the communications campaign on the City's desire to work cooperatively with homeowners while retaining the ability to pursue enforcement if situations should warrant.

Manager Ames referred to the City of Olympia's code containing similar language. However, the City of Olympia is not actively enforcing that section of the code at this time. The discussion surrounding public communications and the implementation of the code is important. It is unlikely a typical community member would read the code but would be more likely exposed to the information through the communications campaign. The idea of a collaborative effort is important. In terms of cost incurred by the City, the City's American with Disabilities Act (ADA) Transition Plan update for rights-of-way completed in 2021 identified a cost of $19 million to repair all sidewalks to ADA standards in the City. The City expends approximately $200,000 each year to address sidewalk repairs. The City proactively works with other partners to help reduce those costs.

Chair Robbins commented that her suggestion pertained to maintenance costs rather than upgrading sidewalks to ADA standards.

Discussion ensued on various options and practices whereby City-sponsored efforts are in collaboration with neighborhoods and property owners to address street tree issues and the possibility of including language on an appeal process for homeowners who are elderly or unable to maintain their respective sidewalk and curb.

2. **How can the City help property owners who are elderly or have other challenges keep their sidewalks clear of vegetation and snow?**

Manager Medrud reported the issue requires further discussion with the City Council, as the City cannot assist with snow removal, as staff does not remove snow on any sidewalks in the City given limited equipment and crews. Staff is not aware of any agency that handles snow removal for sidewalks. It is typically a "help your neighbor" situation, but some residents contact the City

for emergency purposes and staff helps when resources are available. It is similar for vegetation removal when staff lacks capacity to provide assistance.

Chair Robbins noted that extended snow events are relatively rare in the region. She questioned whether the code should be clarified in terms of the City's responsibility for snow removal for a specific timeframe if a snow event warrants action. She supported efforts to promote volunteerism, as there are likely youth organizations and other groups that would appreciate support assistance from the City.

Manager Ames acknowledged the importance of working with the community during snow events, as well offering assistance on coordinated vegetation maintenance events.

Manager Medrud outlined the City's response for code enforcement violations. The first step is contact with the property owner to resolve the issue before advancing to an enforcement action. The second step is a voluntary correction agreement with acknowledgement by the City that in some circumstances resolving the violation may take time for the homeowner to resolve. The voluntary agreement affords sufficient time and cites available resources to consider. Enforcement action does not advance to the penalty phase unless the property owner has ignored the offer of a voluntary correction agreement or other contacts by the City.

Commissioner Varela commented that in many situations, the lack of action by a homeowner is because of the lack of resources or equipment. He asked whether the City has a program that offers homeowners access to equipment or information on where resources can be obtained.

Manager Ames responded that the City's equipment typically includes snow plows mounted on trucks. The City lacks smaller hand tools and no program has been established at this time.

3. **How does the City explain the long-term cost implications and who will pay: property owner directly or the property owner to the City to have the City do the work instead?**

Manager Medrud reported the City previously sponsored a program where the property owner paid 25% and the City paid 75%. Property owners proactively contacted the City about sidewalk defects in front of their parcels and requested the City include their project within the City's sidewalk repair program. Staff supports considering reinitiating a similar program.

Commissioner Peters supported the option but questioned those situations where the homeowner is unable contribute 25% to the cost of the project. Manager Medrud recommended more discussion on program criteria and assistance for special circumstances.

Manager Ames addressed questions on determining the project cost via seeking bids for the lowest bidder or whether the City assesses an established fee. It is possible to seek individual bids; however, the benefit of including a project within a larger project contract is beneficial because of the economies of scale with less per unit cost.

Chair Robbins questioned whether Washington State Department of Emergency Management or the Federal Emergency Management Agency (FEMA) affords grants to cities for small-scale preparedness projects. Manager Ames responded that the possibility exists as most of her grant experience has focused on large City projects. However, the option could be explored.

4. **Liability issue: if the City's code explicitly states that it is the adjoining property owner's responsibility to maintain sidewalks (snow, ice, vegetation, etc.), will it encourage lawsuits?**

Manager Medrud advised that the City could shift maintenance responsibility to abutting properties with the understanding that the City cannot shift liability absent the property owner being the cause of the defect. Staff would need to follow up with the City Attorney regarding liability responsibility.

Manager Ames reported the issue was the subject of staff discussions several years ago. The City acknowledges that it retains liability if someone trips or falls on a sidewalk maintained by a property owner. During her tenure with the City, she has not been aware of any situations involving injuries caused by a fall on a sidewalk; however, she has worked for other jurisdictions that were involved in sidewalk injury lawsuits. Jurisdictions are insured to cover those types of liabilities.

Commissioner Kirkpatrick questioned whether snow removal on sidewalks is an appropriate action as cleared sidewalks during a snow event often freeze during the night increasing hazards for falls. Manager Medrud responded that other options could be discussed.

Manager Ames reported the City applied a sand mixture to roads during the last snow event, as the application of saline is only effective in certain temperatures.

Chair Robbins asked about the possibility of applying sand mixtures to sidewalks. Manager Ames explained that the equipment is not capable of applying the mixture to sidewalks because of the difference in elevation between the road and sidewalk or because of the presence of trees between the street and sidewalk. Additionally, the City lacks continuous sidewalks throughout the City except in some areas. The capacity of staff is also limited.

Manager Ames reviewed similar code examples from surrounding jurisdictions. The City of Lacey's code does not include any provisions for sidewalk maintenance or a program. The City of Olympia has adopted codes but has not implemented any actions. The issue speaks to the Commission's comments that should the proposal move forward, it would be important for implementation actions to be smartly applied with consideration of impacts to property owners rather than enacting changes without considering the impact to the community. Those issues could be addressed and staff is capable of moving forward should the amendments move forward.

Manager Medrud referred to the request to schedule a public hearing and offered an option of delaying action on the two code changes and committing some resources for the development of an educational/communications.

Commissioner Kirkpatrick cited **TMC 8.04.030 Public nuisance defined.** and the addition of *"C. Unlawfully interferes with, obstructs or tends to obstruct, or renders dangerous for passage, any stream, public park, square, highway, public trail, or public right-of-way in the city.*" He asked about whether the additional language conforms with legal opinions surrounding homeless encampments, as homeless encampments are considered a public nuisance. Manager Medrud cited the Boise court ruling in terms of what the City can and cannot do with respect to homeless encampments. The court case prohibits the removal of homeless encampments unless the jurisdiction can provide suitable housing. The proposed language should not create an issue, as other measures must be in place before the provision would be enforced in those circumstances. There could be particular instances where concerns for public safety or other reasons exist, such as the Percival Creek situation where homeless encampments were located along the creek throughout the canyon. Public health concerns surrounded sewage entering the creek from the encampments. Those particular cases are examples where the City should have the ability to resolve issues. However, the Boise decision also requires the City to provide suitable housing opportunities.

Commissioner Tobias pointed out that the proposed language distinguishes between an encampment and obstruction of passage.

Manager Medrud noted that the provision in the staff report was mistakenly underlined and is an existing provision in the current code. He reviewed the proposed action to schedule a public hearing on Ordinance O2022-015 removing provisions **12.08.010 Obstructing streets prohibited** and **12.12.070 Sidewalk maintenance and repair** and moving forward with the remaining provisions. The staff report to the Council would include information on the Commission's overall discussion and review and the Commission's suggestion that more efforts are warranted on public education with consideration of those specific code changes scheduled later. Chair Robbins requested the public outreach communication include facilitation to volunteer groups to seek opportunities for providing assistance.

MOTION: **Commissioner Kirkpatrick moved, seconded by Commissioner Schumacher, to schedule a public hearing on Ordinance No. O2022-015 - Other Housekeeping Amendments omitting *Section 2 12.08.035 Removal of sidewalk obstructions and Section 12.12.070 Sidewalk maintenance and repair* with the staff report to City Council documenting the Commission's discussion and the importance of pursuing a public communications/educational outreach plan prior to recommending the proposed code amendments. Motion carried unanimously.**

ORDINANCE NO. O2022-013, FINAL DOCKET FOR 2022 ANNUAL HOUSEKEEPING AMENDMENTS:

Manager Medrud reported the City's code establishes a process to identify a preliminary docket of annual development code housekeeping amendments for review by the Planning Commission for a recommendation to the City Council. The City Council adopted the docket on June 21, 2022 for 2022 annual housekeeping amendments. At its last meeting, the Commission reviewed the final docket of proposed amendments.

The staff report includes a summary of each amendment, the code sections affected, and proposed amendment language.

Manager Medrud referred to the 15 proposed amendments:

A. Accessory Dwelling Unit Entrances
B. Adult Family Homes/Residential Care Facilities
C. Bicycle Storage
D. Capitol Boulevard Community – Multifamily Parking Requirements
E. Car Washes
F. Duplexes
G. Impound Yards.
H. Mixed Use Overlay
I. Nonconforming Signs
J. Optometry Clinics
K. Personal and Professional Services
L. Public Building Signs
M. Residential Mechanical Equipment in Setbacks
N. Residential Storage Sheds – Gravel Access
O. Subdivision Dedication Code Language Update

Similar to the previous action, it is possible to exclude some the proposed amendments from the public hearing on the ordinance that might require further review and discussion.

Councilmember Tobias referred to optometry clinics and the discussion on whether the use is retail versus a health service provider. He recently visited a local optician with a sign requiring the wearing of masks. It appears the business assumes it is operating as a medical facility. He asked whether those types of clinics are considered a medical facility. Manager Medrud said the

question speaks to the uncertainty of whether it is an issue of statewide zoning in terms of the use or whether it as an issue involving licensing and how those clinics align within the licensing structure.

Commissioner Schumacher noted that for facilities licensed through the Department of Health (DOH), those facilities are mandated to be licensed and follow DOH medical guidelines.

Commissioner Kirkpatrick noted than an optician is not an optometrist. An optician operates a retail store whereas the optometrist issues the prescription. The question is whether the definition of "Optometry Clinic" includes an optician. An optician cannot issue a prescription.

Commissioner Schumacher shared additional information on licensing requirements and offered that the proposal essentially speaks to the practical effect of the business and how it affects surrounding uses. Commissioner Kirkpatrick said he believes an optician does not conform to the definition. The zoning allows for an optometry clinic but not an optician business.

Manager Medrud said the issue prompting the proposal was the existing extensive definition of medical clinics that are allowed. The definition speaks to an optometry clinic but not to an optician business. He recommended an additional review by staff to ensure the appropriate uses are included within the definition.

Commissioner Schumacher suggested the ordinance should not refer to specific professions to avoid the issues associated with the variety of professions. Manager Medrud noted that language within the ordinance includes professional services that often include a small component of product sales, such as a salon.

Chair Robbins agreed with the suggestion that the definition is an unnecessary distinction as the intent is the affect of any particular business on surrounding area and the environment.

Commissioner Kirkpatrick recommended removing the definition and examining the use tables to ensure optometry clinics are authorized as well as retail in the zones because of the convenience to customers as many optometrists include optician services. No objections were offered on the proposal.

Manager Medrud reported the staff report addresses additional questions raised at the briefing on July 12, 2022 involving accessory dwelling unit entrances, CBC parking requirements, and car washes.

Commissioner Kirkpatrick referred to page 78 of the ordinance and questioned the intent of the inclusion of "notwithstanding" within *"N. TMC 18.50.070*

notwithstanding, the number of required parking…" Manager Medrud explained that the terminology is a reference to the code.

Commissioner Kirkpatrick cited the lack of a definition of a "residential storage shed" within the code. He asked whether it pertains to an accessory dwelling unit. Manager Medrud said the use is a storage shed not designed for permanent housing. He offered to include and refine a definition of a "residential storage shed." The intent is applicable to the installation of a storage shed and that a paved driveway should not be required. Several Commissioners suggested removing "residential" as it confuses the definition of a shed. Manager Medrud supported the recommendation.

Commissioner Kirkpatrick referred to **18.10.020 Permitted uses** and questioned the intent of the provision stating, *I. Duplexes are allowed on individual lots legally established before or on April 15, 2021.* Manager Medrud explained that the intent of the language speaks to allowing the owner to build a duplex on a legal lot established through a platting process or some other method either on or before April 15, 2021. After that point, duplexes shall not occupy more than twenty percent of the total lots in a new short plat or subdivision legally established after April 15, 2021 in the Single Family Low Density zone district. In such cases, the Community Development Director would have the discretion to alter the percentage in order to allow the new short plat or subdivision to meet minimum required densities due to topography or other special conditions related to the site, such as critical areas.

Manager Medrud reviewed the three outstanding provisions with recommended language changes:

1. Accessory Dwelling Unit Entrances. Changed the primary entrance to an accessory dwelling unit from "should" to "are encouraged to" not be visible from the yard on the same side of the lot on which the primary entrance to the primary single-family dwelling unit is located.
2. CBC – Parking Requirements. Raised the maximum parking ratios for multifamily dwellings from one space per dwelling to one off-street space per studio apartment, 1.5 spaces per one to two bedroom dwelling units, two spaces per three or more bedroom dwelling units, and one guest space for every ten units, which are the minimum prescribed spaces in TMC Figure 18.50.70(A).

Chair Robbins asked about the possibility of requiring structured parking at a certain required parking space threshold. Manager Medrud suggested the City has not attained the level of economic activity that would require structured parking. Some developers have contemplated structured parking to obtain a higher number of units. The zoning code requires adequate parking spaces for the use and there are various methods allowed to achieve that outcome.

3. Car Washes. Added "electric vehicle charging stations" as an accessory use to an "automobile service station."

Manager Medrud reported the recommendation from staff is to schedule a public hearing on August 9, 2022 to consider Ordinance No. O2022-013 - Final Docket for 2022 Annual Housekeeping Amendments. Additionally, staff has identified some changes to the ordinance, which will be included in the ordinance considered during the public hearing.

Chair Robbins asked about the possibility of a map overlay of the location of existing impound lots in the City for the public hearing. Manager Medrud responded that the City utilizes data from the Thurston County Assessor. It would entail identifying a wrecking yard versus an impound yard. The definitions used by the Assessor's Office do not always match with the City's definitions. Chair Robbins said her intent is ascertaining the real need for the City to host additional impound lots if there are an adequate number available in the surrounding areas. Manager Medrud responded that staff has been contacted by two companies seeking information about locating in the City. Chair Robbins inquired about the level of tax revenue generated from those types of uses or the benefits to the City versus impacts to the City. Manager Medrud said he would research and provide additional information. The use is also limited to industrial zones within the City.

Staff and the Commission discussed various activities associated with impound yards and wrecking yards. Manager Medrud said all impound yards would also be a conditional use as proposed within industrial zoned areas. No off-street parking or loading areas would be allowed in any required yard area, all outdoor or processing/handling areas must be screened in accordance with the landscaping code, and all parking areas shall be clean. Additionally, the proposed definition includes a specific reference to the RCW regulating impound lots.

Manager Medrud referred to the previous discussion on signage specific to churches and schools. The current code includes limitations on the size and location of signs in areas near churches and schools. At that time, other types of uses were not necessarily recognized that locate in residential areas that may require more signage than typically allowed, such as schools and churches, which tend to attract people to residential areas. Staff believed it would be appropriate to consider those two uses, as they are community uses attracting people to residential areas that could benefit from signage.

Chair Robbins suggested categorizing churches within the category of community centers as there are different types of religious facilities. Manager Medrud noted the definition of "church" is a place of worship or something similar, as the intent was to cover all different types of religious facilities.

Chair Robbins offered the possibility of adding "schools" and "places of assembly, such as churches as defined in…" Manager Medrud replied that the suggested language would not be necessary as the code includes the definition of church. He suggested deferring the proposal as it could broaden allowed locations for signs, which could entail a future amendment. Chair Robbins said the intent of her recommendation is include a generalized term that speaks to locations where people want to assemble. Manager Medrud offered that a generalized term could encompass a range of different types of uses to include uses that are not allowed in single-family residential zones.

MOTION: **Commissioner Tobias moved, seconded by Commissioner Peters, to schedule a public hearing on August 9, 2022 on Ordinance No. O2022-013, Final Docket for 2022 Annual Housekeeping Amendments. Motion carried unanimously.**

NEXT MEETING DATE: The next meeting is on Tuesday, August 9, 2022. The agenda includes the two public hearings and an introductory discussion on 2022 Comprehensive Plan Amendments.

ADJOURNMENT: **Commissioner Schumacher moved, seconded by Commissioner Tobias, to adjourn the meeting at 9:02 p.m. Motion carried unanimously.**

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

TUMWATER PLANNING COMMISSION
MINUTES OF HYBRID MEETING
July 12, 2022 Page 1

CONVENE: 7:00 p.m.

PRESENT: Chair Elizabeth Robbins and Commissioners Grace Edwards, Terry Kirkpatrick, Brian Schumacher, Meghan Sullivan, Michael Tobias, and Anthony Varela.

Excused: Commissioner Nathan Peters.

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

CHANGES TO AGENDA: There were no changes to the agenda.

APPROVAL OF MINUTES: TUMWATER PLANNING COMMISSION MEETING MINUTES JUNE 14, 2022:

MOTION: **Commissioner Kirkpatrick moved, seconded by Commissioner Tobias, to approve the June 14, 2022 minutes as published. Motion carried unanimously.**

COMMISSIONER REPORTS: There were no reports.

MANAGER'S REPORT: Manager Medrud reported the consultant is under contract to assist staff in updating the tree preservation ordinance. The initial meeting is scheduled on July 21, 2022 with future meetings scheduled in August.

Staff is in the process of reviewing a consultant contract for the update of the street tree ordinance.

PUBLIC COMMENT: There were no public comments.

ORDINANCE NO. O2022-013, FINAL DOCKET FOR 2022 ANNUAL HOUSEKEEPING AMENDMENTS: Manager Medrud reviewed the Final Docket of 2022 Annual Housekeeping Amendments.

During 2020 and 2021, staff gathered information on proposed minor Tumwater Municipal Code (TMC) housekeeping amendments to be considered collectively in 2022. The proposed amendments are intended as

minor corrections to the City's development regulations.

TMC 18.60.025(A) establishes a process for development code housekeeping amendments that is similar to the one the City follows for annual Comprehensive Plan amendments.

On June 21, 2022, the City Council approved all items on the preliminary docket of proposed amendments to move forward a part of the final docket. Other housekeeping amendments that do not fall under the same TMC 18.60.025(A) process will be considered as part of Ordinance O2022-015 at the same time as Ordinance No. O2022-013. The staff report includes a summary of each amendment, applicable code sections to be amended and proposed amendment language.

Manager Medrud reviewed the Final Docket of Amendments:

A. Accessory Dwelling Unit Entrances - Accessory Dwelling Entrances Amendment to TMC 18.42.010(D)(3) would change a requirement to an option:
[…]
D. An accessory dwelling unit shall be designed to maintain the appearance of the main building of the single-family residence.
[…]
3. The primary entrance to an accessory dwelling unit ~~shall~~ should not be visible from the yard on the same side of the lot on which the primary entrance to the primary single-family dwelling unit is located.

B. Adult Family Homes/Residential Care Facilities - Amendments would address consistency of adult family home and residential care facilities as permitted and conditional uses with:
    - RCW 70.128.140 Compliance with local codes and state and local fire safety regulations
    - TMC Title 18 Zoning in individual zone districts
    - TMC 18.53 Housing for the Functionally Disabled

    Amends TMC 18.53.020 as follows:

    <u>18.53.020 Adult family home</u>. An adult family home shall be a permitted use in the following zoning districts: <u>GB, OS</u>, RSR, SFL, SFM, MFM, MFH, <u>MHP, CBC, BD,</u> NC, MU, GC, ~~LI,~~ CS, HC, <u>and TC</u> ~~and ARI~~.

    Amends TMC 18.53.030 as follows:

    18.53.030 Residential care facility.

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

~~conditional use in the following zone district: HI.~~

C. Bicycle Storage - Clarifies bicycle storage requirements.
18.50.120 Required bicycle facilities.
[…]
C. Long-term (class 1) bicycle facilities shall protect bicycles and their components from theft, unauthorized access, and weather. Examples include a lockable bike cage or class 1 bicycle lockers.
[…]
3. Each residential unit shall have access to ~~a~~ the required long-term bicycle ~~space~~ facilities.
4. Long term bicycle facilities shall be provided as specified in Figure 18.50.120(A).

D. Capitol Boulevard Community – Multifamily Parking Requirements - Removes the 1.0 parking space per dwelling unit limit for multifamily dwellings to relieve off-street parking impacts on adjacent neighborhoods.
18.21.060 Development standards.
Development standards in the Capitol Boulevard Community zone district are intended to achieve a human-scale, pedestrian- and transit-oriented environment:
[…]
~~N. TMC 18.50.070 notwithstanding, the number of required parking spaces for multifamily dwellings shall not be more than one off-street space per dwelling.~~

E. Car Washes - Adds "carwash" as an amendment to the Title 17 Zoning definitions, instead of a specifically listed use.
18.04.010 A definitions
[…] "Automobile service station" means any area of land, including the structures thereon, that is used for the sale of gasoline or other motor fuels, oils, lubricants, and auto accessories, including but not limited to transmission, lube and tire stores, and car washes as a primary use; and which may or may not include washing, lubricating, and other minor servicing as accessory uses with the exception of automobile body work.
[…]
Commissioner Kirkpatrick inquired as to how an electric vehicle (EV) charging station fits within the definition. Manager Medrud offered that it could be added. EV charging stations are a permitted use throughout the City's commercial and industrial zones as a standalone use rather than an accessory use. He agreed the recommendation would be appropriate to consider.

F. Duplexes - Amends the permitted uses in the RSR and SFL:
"Duplexes" are allowed in the residential/sensitive resource (RSR)

and singlefamily low density residential (SFL) zone districts on individual lots legally established before or on April 15, 2021. ~~Such uses~~ Duplexes shall not occupy more than twenty percent of the total lots in a new short plat or subdivision, which was legally established after April 15, 2021. In such cases, the community development director shall have the discretion to alter the percentage in order to allow the new short plat or subdivision to meet minimum required densities due to topography or other special conditions related to the site, such as critical areas.

Commissioner Kirkpatrick asked for clarification on whether a duplex could include a two-story duplex as well as a side-by-side one-story duplex. Manager Medrud affirmed that a duplex is considered two housing units on one parcel that is designed in any type of configuration.

Chair Robbins asked whether allowing additional residential and associated activities would pose more problems for Residential Sensitive Resource zone districts. Manager Medrud noted that Residential Sensitive Resource density is capped at no more than four dwelling units per acre, which would drive the type of development.

Amends the permitted uses in the SFM:
"Duplexes" are allowed in the single-family medium density residential (SFM) zone district on individual lots legally established before or on April 15, 2021. ~~Such uses~~ Duplexes shall not occupy more than thirty percent of the total lots in a new short plat or subdivision, which was legally established after April 15, 2021. In such cases, the community development director shall have the discretion to alter the percentage in order to allow the new short plat or subdivision to meet minimum required densities due to topography or other special conditions related to the site, such as critical areas.

G. Impound Yards - Adds "impound yards" use, which is not currently permitted in any zone districts in the City:
    - Creates a new definition in TMC 18.04.090
    - Adds as a conditional use to the LI, HI, and ARI zone districts
    - Adds minimal conditions through the conditional use process in TMC 18.56.180

Chair Robbins asked whether the City is experiencing a demand for the use within the City. Director Matlock advised that the department has received one request for development of an impound yard.

Councilmember Tobias inquired about the status of the auction yard near the BPA power lines. Manager Medrud advised that the auction

yard no longer exists on the site. An impound yard would not be an allowed use on that specific site because it is located in the General Commercial zone district.

H. Mixed Use Overlay (MUO) - Clarifies that MUO requires commercial uses along primary roadways rather than 20% of every building.

18.33.060 Development standards.

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

A. Each parcel in the mixed use overlay shall contain residential and commercial uses. The entire gross floor area of the first floor of building(s) facing existing or new public right-of-way frontage shall be dedicated to commercial uses.~~–~~A minimum of twenty percent of each building ~~shall be commercial and a minimum of twenty percent~~ shall be residential.~~; provided, that n~~ No less than ten thousand square feet of gross floor area of a building and no more than fifty thousand square feet of gross floor area of a building shall be dedicated to commercial uses. ~~The percentage shall be calculated by determining the percent of square feet devoted to each type of use.~~

[…]

[Delete Diagram 18.33.060]

Manager Medrud explained that when the MUO was adopted, developers were required to build both residential and commercial uses on the same parcel. Each of the buildings within the development must be comprised of 20% at a minimum of either commercial or residential. The only parcel with a MUO in the City is not conducive to include commercial uses because of the parcel's configuration. The proposal would enable commercial uses along the primary roadway with residential located behind the commercial use(s).

I. Nonconforming Signs - Addresses a conflict in the nonconforming signs requirements in TMC 18.44 Signs

18.44.090 Existing signs.

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

[…]

B. A nonconforming sign may not be structurally altered or

relocated. However, if such alteration or relocation is required as a result of government action, then said action is exempt.

Addresses a conflict in the nonconforming signs requirements in TMC 18.44 Signs

18.44.090 Existing signs.

[…]

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

J. Optometry Clinics - Addresses "optometry clinics", which do not fit in the existing "medical clinic" or "professional services" uses

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

K. Personal and Professional Services - For consistency and understanding, split "personal and professional services" into "personal services" and "professional services" and removes "personal and professional and services and sales" from the TMC 18.07.020 Table Commercial zone districts permitted and conditional uses – Summary Tables of Uses

18.04.160 P definitions.

[…]

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

[…]

- Changes "personal and professional services" to "personal services"
- Adds the use to NC zone district and amend the name of the use in the CS, MU, CBC, GC, HC, and TC zone districts
- Deletes the combined "personal and professional services or sales" from NC and TC zone districts
- Changes "personal and professional services" to "personal

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

L. Public Building Signs - Adds exemptions for the size and number of signs for public buildings located in residential zone districts.

18.44.140 Residential zone districts.

The following regulations shall apply to all residential zone districts (RSR residential/sensitive resource, SFL single-family low density residential, SFM single-family medium density residential, MFM multifamily medium density residential, MFH multifamily high density residential, and MHP manufactured home park zone districts):

[…]

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

[…]

; and

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

Chair Robbins asked whether illuminated signs are included within the amendments. Manager Medrud said the code addresses illuminated signs in another section. The proposal only addresses the height of freestanding signs and the size of the sign (square footage). All other requirements, such as lighting would remain unchanged.

Commissioner Schumacher questioned the inclusion of churches, as they are not considered a public building. Manager Medrud said the churches were included because they function similar to schools and have similar requirements in terms of locating them and in the use of the facilities. Commissioner Schumacher commented that churches are exempt from property tax and should not be afforded benefits afforded to public buildings.

M. Residential Mechanical Equipment in Setbacks - Allows "residential mechanical equipment" in the RSR, SFL, and SFM zone districts rear setbacks.

N. Residential Storage Sheds – Gravel Access
- Adds an exemption for residential storage sheds from driveway surface requirements
- Currently, if a residential property owner wants to build a detached storage shed on a property having a gravel driveway, TMC 18.50.020(A)(1) requires compliance with the current parking regulations
- In this case, TMC 18.50.030(B) requires residential property owner to convert the driveway to a hard surface, such as asphalt or concrete

O. Subdivision Dedication Code Language Update - Updates the subdivision dedication code language in TMC 17.24.030(D)(2) to change "men" to "persons"

Manager Medrud reported the Commission is scheduled to review the proposed development code changes at a worksession on July 26, 2022. He invited submittal of any questions or comments prior to the next meeting. The schedule includes a public hearing in August with the Commission's recommendation presented to the Council in September.

ORDINANCE NO. O2022-015, OTHER HOUSEKEEPING AMENDMENTS:

Manager Medrud reported Ordinance No. O2022-015 contains three proposed amendments to Title 2 Administration and Personnel, Title 12 Streets, Sidewalks and Public Places, and Title 15 Building and Construction that do not fall under the TMC 18.60.025(A) process but considered concurrently with the development code final docket in Ordinance No. O2022- 013.

Manager Medrud reviewed the proposed amendments:

A. Sidewalks – Obstructions, Maintenance, and Repair – the amendments address:
- Short-term and long-term sidewalk maintenance
- Clarify who is responsible for maintenance of sidewalks
- Currently, neither the Tumwater Municipal Code nor the Tumwater Development Guide clearly addresses this issue

Proposed amendment language, new sections added:

12.08.035 Removal of sidewalk obstructions.

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

12.12.070 Sidewalk maintenance and repair.

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

Commissioner Schumacher conveyed concerns about the proposal and cited a neighbor with a propensity for filing lawsuits and how the proposal increases the risk to homeowners subject to lawsuits for slip and fall accidents on sidewalks.

Commissioner Sullivan pointed how the proposal places additional burdens on senior citizens and disabled homeowners. Most property owners in the City are unaware that they are responsible for maintaining the sidewalk fronting their property.

Commissioner Kirkpatrick questioned whether the City has similar liability in terms of clearing streets. He questioned whether the provisions are dictating actions of property owners.

Director Matlock replied that in the case of liability risk, the City would be the responsible party.

Commissioner Tobias asked whether the proposal would include an inherent authorization for the property owner to use the sidewalk, such as a small business to place signage or other items. Manager Medrud explained that signage would be independent of the sidewalk proposal because it is possible to place a small business or "For Sale" signs of a specific size as allowed in the code.

Commissioner Tobias suggested an alternative of including "should" language rather than "shall" language, such as the example of the proposed changes to accessory dwelling units.

Chair Robbins pointed out other concerns such as obstructions not owned by the property owner, i.e., power pole or other utility structures. Manager Medrud said those instances are separate as those types of structures are permanent. Chair Robbins inquired about the circumstance of a temporary obstruction. Manager Medrud reported he would follow up with transportation staff.

Discussion ensued on the purpose of the proposed change if "should" was substituted and how the new requirements would be communicated to property owners.

In response to comments on differentiating private versus public streets, Manager Medrud explained that private streets are designated by "blue" street signs and public streets are designated by "green" street signs.

Medrud advised that he would follow up on the questions with staff.

B. Staff Reports for Hearing Examiner – Schedule
- Review when a staff report is needed for a hearing examiner hearing
- The hearing examiner has asked that the date when staff reports have to be available be changed from the current five working days prior to the public hearing to seven days
- Amend TMC 2.58.110 Distribution of information

C. Traffic Study Requirements - Updates the criteria for when a traffic impact analysis is required.

15.48.060 Traffic study.

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

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

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

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

Chair Robbins asked how the City handles sequential development as it pertains to transportation studies and how each development impacts transportation. Manager Medrud responded that as a component when scoping a project, staff accounts of all known projects to include projects that have completed a feasibility review or are pending project review. Director Matlock added that each intersection has a rated level of service and transportation studies consider the cumulative impacts of developments.

Commissioner Schumacher commented on the substantial amount of traffic along 93rd Avenue near Interstate 5. He asked about potential plans to improve 93rd Avenue to handle the volume of traffic. Manager Medrud

advised that 93rd is a designated state highway and is subject to improvements by the Washington State Department of Transportation.

Manager Medrud reported the review and approval process timeframe follows the previous process. He plans to contact staff to address questions prior to the Commission's worksession.

PLANNING COMMISSION TRAINING PROGRAM – DEVELOPMENT REVIEW DISCUSSION:

Manager Medrud reported a review of the development review process was prompted by the Commission's request for additional details on the development project process. The intent of the training is to begin with the review of the broader development review process the City is required to follow with an actual development project proposal presented in September.

The City's project development review process is based on state laws, City plans, policies, codes, and regulations that have established the following:

- Determining how and where the City will grow and providing areas for new housing and jobs based on the requirements of the Growth Management Act (GMA)
- Separating incompatible land uses
- Providing for essential public facilities
- Supporting affordable housing and other City goals
- Establishing timelines for review and vesting requirements

The City's Comprehensive Plan establishes goals, policies, and actions for land use, transportation, housing, parks, recreation, and the environment, as well as other factors. Those goals and policies in conjunction with City Council Strategic Priorities (updated annually) focus the direction of the Community Development Department's annual work program. Updating Comprehensive Plan goals and policies is limited to a yearly process with the state requiring a major update of the Comprehensive Plan every eight years. The major update of the City's Comprehensive Plan is scheduled to begin in fall 2022 and conclude by June 2025.

The Comprehensive Plan also includes subarea plans and other plans that support the Comprehensive Plan, such as the Brewery District Plan, Capitol Boulevard Corridor Plan, as well as other subsidiary plans, such as the Urban Forestry Management Plan, and the Climate Mitigation Plan.

Regulations codify and implement the policies for application to all types of projects, large and small. Additionally, the City utilizes a set of guidelines, such as the Tumwater Development Guide containing all construction regulations for building roads and utilities, as well as the Citywide Design Review Guidelines that oversee design requirements and guidelines of projects, and the Building Code.

A series of state laws codified within the Growth Management Act

determine how and where the City will grow. The state provides a forecast on the population the City must plan for in both housing and jobs. The Comprehensive Plan identifies locations to support housing and jobs with regulations ensuring those goals are compatible, as well as essential public facilities. The City has also adopted goals to support affordable housing and protection of the environment (Urban Forestry Management Plan). The state has defined vesting and timelines for project review.

In addition to the development review process, protecting the environment is another goal within the GMA. The City's Climate Mitigation Plan, open spaces, and the Urban Forestry Management Plan all support those requirements. Another requirement is the efficient movement of people and good through the transportation system.

Manager Medrud reviewed a typical process a project undertakes and how public input is factored and influences the development review process. Citizen influence is greatest at the legislative level when the Council establishes policies, goals, codes, regulations, and guidelines for development. Citizen influence begins to lessen during the City's prescriptive processes, which outlines public processes and how decisions can be altered. At the permitting process level, the ability for the public to influence the outcome is limited within the confines of codes and regulations.

Manager Medrud shared information on the public's negative response the City of Lacey experienced after approving a gas station as a conditional use.

The City of Tumwater established a Development Review Committee comprised of the City's Building Permit Manager, Associate Permit Planner, Community Development Director, Building Official, and development engineering staff serving as the fundamental group to review and process project applications submitted to the City for all types of development projects. The committee is responsible for ensuring development applications meet the intent and the letter of all codes.

The City also has implemented a Consolidated Development Application and Review process to afford a developer an opportunity to submit other types of development permits, such as a conditional use permit or a planned unit development application concurrently with the development application for one joint review and decision rather than separate reviews.

The code includes some exempt actions depending upon the size of the project and the type of exemption. Typical exemptions include the State Environmental Policy Act review process. Local jurisdictions have the ability to include exemption levels within codes. For example, a short plat (9 dwelling units or less) exempts the applicant from completing a SEPA review. Each project requires a Project Permit Application that is specific to

the type of project that requires a review by staff, such as application forms, site plans, proof of water or sewer service, fees, and specific types of plan sets.

The City's process for submittal of an application is a rigid process and outlined in Title 14 of the Tumwater Municipal Code. The first step is a feasibility review of a project idea to a well-developed set of plans. All preapplication reviews occur with the Development Review Committee with meetings scheduled weekly. The feasibility review serves as an informal discussion about a potential project with no commitments from the City or the applicant. Two formal meetings required as part of the project review process are the preliminary and formal reviews of projects by the Development Review Committee. In each case, specific requirements are reviewed from the applicant as part of the submittal package. The goal is to ensure project applications submitted to the City do not require additional documentation to complete a project review. All preapplication meetings are open to the public and notices of each meeting are published. A public comment period is not afforded during review meetings other than listening to the proceeding and submitting written comments to staff, which are included in the file and considered as part of the application package.

Manager Medrud reported the project review process is applicable to both small and large projects with different applications for the size and type of project. Applications can be submitted electronically to the City. Under state law, the City has 28 calendar days from the receipt of an application to determine whether the application package is complete. Following determination of a complete application, the City has 14 days to issue a public notice of application, which is typically applied to larger projects. The notice is posted at City Hall, mailed to adjacent property owners located within 300 feet of the boundary of the project site, and published in *The Olympian* newspaper. Following determination of a complete application, the City is required by state law to review all project materials and issue a decision within 120 days. The City has the ability to seek additional information for clarification, which stops the clock. The timeline is intended to ensure all applications are processed timely and moved forward. Prior to issuance of a final decision, the City pursues the SEPA environmental review process, if applicable.

MOTION:

Councilmember Tobias moved, seconded by Councilmember Varela, to extend the meeting to 9:15 p.m. Motion carried unanimously.

Prior to the end of the 120 days, the City issues the SEPA determination, if applicable. Today, the City rarely encounters projects that have been issued a Determination of Significance because of effective state and City codes and regulations. A SEPA Checklist is submitted as part of an application package identifying impacts caused by the project in specific areas. Any resulting impacts require mitigation to offset the impacts.

SEPA decisions can be different dependent upon the type of the project. Smaller scale applications for a building permit typically receive an Administrative Decision with staff issuing the decision. If someone appeals the decision, the decision moves to an open record hearing before the Hearing Examiner. Larger projects, such as a subdivision, a conditional use permit, planned unit development, or appeals are referred to the Hearing Examiner for an open record hearing. The Hearing Examiner conducts a public hearing and accepts written comments, exhibits, and recommendations submitted by staff, public testimony, and testimony by the applicant. All the information is part of the official record and considered as part of the Examiner's decision. All appeals of the Examiner's decision are referred to Thurston County Superior Court.

Manager Medrud reviewed TMC 14.08.030 depicting a table listing different project types that are subject to a Hearing Examiner process or Administrative decision.

Manager Medrud advised that more information on development activity in the City is available on City's social media platforms (website, Facebook), through public meetings and public hearings, on signs at project sites, local media, and email communications. He cited some specific websites to visit to obtain information on materials that are included in a project application, notices of applications of SEPA determinations, Development Committee Review meetings and agendas, zoning maps, Tumwater Municipal Code, and contact information.

Manager Medrud referred to additional materials provided to the Commission to include a list of definitions from Title 14 of the TMC, several pages outlining the development review process, and codes covering specific development actions.

NEXT MEETING DATE: The next meeting is on Tuesday, July 26, 2022 at 7 p.m. The agenda includes a worksession on the Final Docket for 2022 Annual Housekeeping Amendments & Other Amendments and a possible briefing on the 2022 Comprehensive Plan Amendments.

ADJOURNMENT: **Commissioner Sullivan moved, seconded by Commissioner Varela, to adjourn the meeting at 9:06 p.m. Motion carried unanimously.**

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

TO: Planning Commission

FROM: Brad Medrud, Planning Manager

DATE: August 9, 2022

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

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1) Recommended Action:

Conduct a public hearing on Ordinance No. O2022-013 and forward a recommendation of approval to the City Council.

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2) Background:

TMC 18.60.025(A) establishes a process by which the preliminary docket of annual development code housekeeping amendments undergoes an initial review by the Planning Commission for recommendation to the City Council. The City Council made the final determination on which of the proposed amendments would be included in the final docket on June 21, 2022 in Ordinance O2022-013.

After the docket became final, staff reviewed and analyzed the proposed amendments as part of the long range planning work program and are now coming back to the Planning Commission and City Council for the final review and recommendation process.

The development code is defined as Title 16 *Environment*, Title 17 *Land Division*, and Title 18 *Zoning*. The development code housekeeping preliminary docket staff report contains summaries of the fifteen proposed amendments.

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

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3) Alternative:

- ❑ None

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4) Attachments:

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

Attachment A

ORDINANCE NO. O2022-013

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

WHEREAS, the City Council considered the final docket of proposed code amendments on October 4, 2022; and

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

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

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

17.24.030 Format and content of application.

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

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

1. The final plans shall be clearly and legibly drawn in black ink on a medium that is acceptable to the county auditor.

2. The scale of the plans shall be not less than one inch equals two hundred feet. Lettering shall be at least three-thirty-seconds of an inch high. All property lines of all parcels involved in the land division being recorded shall be depicted with heavier lines wider than the regular lines.

3. The size of each sheet shall be eighteen inches by twenty-four inches.

4. A margin line shall be drawn completely around each sheet, leaving a margin of two inches on the left, and one-half inch on each of the other three sides.

5. If more than two sheets are used, an index of the entire land division showing the arrangement of all sheets shall be included. Each shall be appropriately numbered.

6. All signatures placed on the final land division shall be original signatures written in permanent black ink.

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

D. Content.

1. The following information is required on the final land division map:

a. The plat, binding site plan or large lot subdivision title or short plat number, date, scale, north arrow, legend, controlling topography and existing features such as highways and railroads;

b. Legal description of the land division boundaries;

c. Reference points and lines of existing surveys identified, related to the land division as follows:

i. Adjoining corners of adjoining land divisions,

ii. City or county boundary lines when crossing or adjacent to the division,

iii. Section and donation land claim lines within and adjacent to the division,

iv. Whenever any city or Thurston County has established the centerline of a street adjacent to or within the proposed division, the location of this line and monuments found or reset,

v. All other monuments found or established in making the survey or required to be installed by provisions of this title,

vi. The basis of bearing shall be shown and shall be the Tumwater coordinate system;

d. The exact location and width of streets and easements intersecting the boundary of the tract;

e. Tract, block and lot boundary lines and street rights-of-way and centerlines, with dimensions, bearings or deflection angles, radii, arcs, points of curvature, and tangent bearings. Tract boundaries, lot boundaries, and street bearings shall be shown to the nearest second with basis of bearings. All distances shall be shown to the nearest one-hundredth foot;

f. The width of the portion of streets being dedicated, the width of any existing right-of-way, and the width of each side of the centerline. For streets on curvature, curve data shall be based on the street centerline. In addition to the centerline dimensions, the radius and central angle shall be indicated;

g. Easements denoted by fine dashed lines, clearly identified and, if already of record, their recorded reference. The width of the easement, its length and bearings, and sufficient ties to locate the easement with respect to the land division must be shown. If the easement is being dedicated by the map, it shall be properly referenced in the owner's certificate of dedication;

h. Lot numbers beginning with number "1" and numbered consecutively without omission or duplication throughout the division. The numbers shall be solid, of sufficient size and thickness to stand out and so placed as not to obliterate any figure. Lot numbers in an addition to a land division of the same name shall, where practical, be a continuation of the numbering of the original land division;

i. Lot addresses shall be shown near the lot number and be enclosed in a distinct shape;

j. Accurate outlines and designations of any areas to be dedicated or reserved for public use or to be committed for the common use of all property owners with the purpose of dedication, reservation and commitment to be clearly set forth on the land division document together with accurate references to appropriate recorded documents;

k. All required dedications, endorsements, covenants, affidavits, and certificates shall show on the face of the final land division;

l. The land division plan shall show the land division of the section or sections involved and show the township(s) and range(s); provided, that if the

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

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

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

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

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

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

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

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

Dedication Certificate:

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

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

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

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

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

b. Acknowledgment.

STATE OF WASHINGTON)

) ss.

COUNTY OF THURSTON)

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

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

(Seal)

_____

NOTARY PUBLIC in and for the State of Washington,

residing at _____.

My commission expires: _____.

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

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

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

ii. Any additional conditions as approved by the staff.

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

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

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

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

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

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

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

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

i. Certificate – Public Works Director.

Examined and approved this _____ day of _____ 20___.

_____
TUMWATER PUBLIC WORKS DIRECTOR

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

Examined and approved this _____ day of _____ 20____.

_____
HEALTH OFFICER

iii. Certificate – Assessor.

Examined and approved this _____ day of _____ 20_____.

_____
THURSTON COUNTY ASSESSOR

iv. Certificate – Treasurer.

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

_____
THURSTON COUNTY TREASURER

v. Certificate – Community Development Director.

Examined and approved this _____ day of _____ 20_____.

_____
TUMWATER DIRECTOR OF COMMUNITY DEVELOPMENT

vi. Certificate – Finance Director.

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

_____
FINANCE DIRECTOR
CITY OF TUMWATER

vii. Certificate – County Auditor.

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

_____
THURSTON COUNTY AUDITOR

_____
DEPUTY AUDITOR

3. The following supplemental information must be submitted with the final land division map:

a. Mathematical boundary closures of the division showing the error of closure, if any. Calculations may be referenced to the Tumwater coordinate system;

b. The mathematical lot closures and street centerline closures and square footage of each parcel. Calculations may be referenced to the Tumwater coordinate system;

c. A certificate of title by a recognized title insurance company, dated not to exceed thirty days prior to submitting a land division for final approval, showing the names of all persons with a real or possessory interest in the property whose consent is necessary to dedicate streets and other easements shown upon said land division map;

d. Names, addresses and phone numbers of the owner, subdivider, engineer, planner, and/or surveyor;

e. A copy of any deed restrictions applicable to the division;

f. A copy of any dedication requiring separate documents;

g. A certificate by the public works department that the subdivider has complied with one of the following:

i. All improvements have been completed, inspected and approved by city staff; or

ii. An agreement and bond have been executed as provided for in TMC Chapter 17.18 to assure completion of required improvements;

h. A copy of any survey, deed or other document referenced on the face of the final land division map.

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

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

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

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

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

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

A. "Category I (radio and television)" means "receive-only" radio and television antennas, or parabolic ("dish") antennas not exceeding one meter (approximately thirty-nine and one-half inches) in diameter, usually supported by a single pole, post, or mast, with an antenna height not exceeding fifteen feet above grade for freestanding antennas or ten feet above the height of the building upon which mounted for attached antennas;

B. "Category II (amateur radio antenna)" means "send and receive" citizen band radio antennas or similar antennas operated by a federally licensed amateur ("ham") radio operator at a dwelling, with an antenna height not exceeding the maximum height for buildings on the property upon which the antenna is located, except as provided otherwise in TMC 11.20.070(F);

C. "Category III (accessory mobile antenna device)" means an antenna including, but not limited to, mobile test antennas and global positioning satellite (GPS) equipment, or mobile radio or television antennas which are less than twelve inches in height or width, excluding the support structure; or

D. "Category IV (minor telecommunications antenna)" means "send and receive" data transmission or communication antennas or parabolic (dish) antennas (other than Category I and II antennas) not exceeding one meter (approximately thirty-nine and one-half inches) in diameter, usually supported by a single pole, post, or mast, with an antenna height not exceeding fifteen feet above grade for freestanding antennas or the height of the building upon which mounted for attached antennas, and including small cell wireless facility antennas that meet the size requirements set forth in TMC Chapter 11.20.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18.04.090 I definitions.

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

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

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

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

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

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

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

Interior Lot. See "lot, interior," TMC 18.04.120.

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

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

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

18.04.150 O definitions.

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

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

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

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

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

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

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

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

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

18.04.160 P definitions.

Panhandle Lot. See "lot, panhandle," TMC 18.04.120.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 6. Section 18.07.010 of the Tumwater Municipal Code is hereby amended to read as follows:

18.07.010 Residential zone districts permitted and conditional uses.
If there are any inconsistencies between Table 18.07.010 and the specific requirements in the underlying zoning district, the requirements in the underlying zoning district shall be followed.

TABLE 18.07.010

RESIDENTIAL ZONE DISTRICTS PERMITTED AND CONDITIONAL USES

RESIDENTIAL DISTRICTS Note: See Figure 18.23.020 for residential uses allowed in the TC town center zone district; and Table 18.27.040 for residential uses allowed in the BD brewery district zone	**RSR**	**SFL**	**SFM**	**MFM**	**MFH**	**MHP**	**Applicable Regulations**
Adult family homes, residential care facilities	P	P	P	P	P	P	18.53
Agriculture up to 30 acres in size	P	P	P	P			18.42.070
Animals (the housing, care and keeping of)	P	P	P	P			6.08
Attached wireless communication facilities	P	P	P	P	P		11.20
Bed and breakfasts	C[1]	C[1]	C[1]	P		C[1]	18.56
Cemeteries	C	C	C	C	C	C	18.56
Child day care center	C	C	C	C	C	C	18.56
Churches	C	C	C	C	C	C	18.56
Community garden	P	P	P	P	P		
Cottage housing	P	P	P	P			18.51
Designated manufactured home parks				P			18.48; 18.49
Designated manufactured homes	P	P	P	P		P	18.48
Duplexes	P[2]	P[2]	P[3]	P			
Emergency communication towers or antennas	C	C	C	C	C	C	18.56; 11.20
Family child care home, child mini-day care center	P	P	P	P	P	P	18.52
Fourplexes				P	P		
Group foster homes	C	C	C	C	C	C	18.56
Inpatient facilities				C	C		18.56

RESIDENTIAL DISTRICTS Note: See Figure 18.23.020 for residential uses allowed in the TC town center zone district; and Table 18.27.040 for residential uses allowed in the BD brewery district zone	**RSR**	**SFL**	**SFM**	**MFM**	**MFH**	**MHP**	**Applicable Regulations**
Medical clinics or hospitals				C	C		18.56
Mental health facilities				C	C		18.56
Multifamily dwellings				P	P		
Manufactured home parks in accordance with the provisions of TMC Chapter 18.48						P	18.48
Mobile home parks which were legally established prior to July 1, 2008						P	18.48
Neighborhood community center	C	C	C	C	C	C	18.56
Neighborhood-oriented commercial center		C	C	C	C	C	18.56
Parks, trails, open space areas and recreational facilities	P	P	P	P	P	P	
Permanent supportive housing	P	P	P	P	P	P	18.42.150
Planned unit developments		P	P	P	P		18.36
Private clubs and lodges			C	C	C		18.56
Recreational vehicle parks				C			18.56
Schools	C	C	C	C	C	C	18.56
Senior housing facilities, assisted				C	C		18.56
Senior housing facilities, independent				P	P		
Single-family detached dwellings	P	P	P			P	
Single-family detached dwellings existing prior to April 15, 2021				P[4]			

RESIDENTIAL DISTRICTS Note: See Figure 18.23.020 for residential uses allowed in the TC town center zone district; and Table 18.27.040 for residential uses allowed in the BD brewery district zone	**RSR**	**SFL**	**SFM**	**MFM**	**MFH**	**MHP**	**Applicable Regulations**
Single-family detached dwellings and duplexes as part of a PUD planned unit development overlay					P[5]		18.36
Support facilities	P	P	P	P	P	P	
Temporary expansions of schools, such as portable classrooms	C	C	C	C	C	C	18.56
Townhouses and rowhouses			P[6]	P	P		18.16.050 (F)(1)(a)
Transitional housing	P	P	P	P	P	P	18.42.150
Triplexes				P	P		
Wildlife refuges and forest preserves	P	P	P	P	P		
Wireless communication towers	C	C	C	C	C	C	11.20; 18.56

LEGEND

P = Permitted Use

C = Conditional Use

RSR = Residential/Sensitive Resource

SFL = Single-Family Low Density Residential

SFM = Single-Family Medium Density Residential

MFM = Multifamily Medium Density Residential

MFH = Multifamily High Density Residential

MHP = Manufactured Home Park

Table 18.07.010 Footnotes:

(1) "Bed and breakfasts" with only one guest room are a permitted use, but are subject to the notice of application requirements in TMC Chapter 14.06 to allow for

public notice for neighbors and an appeal of the administrative decision to the hearing examiner.

(2) "Duplexes" are allowed in the residential/sensitive resource (RSR) and single-family low density residential (SFL) zone districts on individual lots legally established before or on April 15, 2021. ~~Such uses~~Duplexes shall not occupy more than twenty percent of the total lots in a new short plat or subdivision, which was legally established after April 15, 2021. In such cases, the community development director shall have the discretion to alter the percentage in order to allow the new short plat or subdivision to meet minimum required densities due to topography or other special conditions related to the site, such as critical areas.

(3) "Duplexes" are allowed in the single-family medium density residential (SFM) zone district on individual lots legally established before or on April 15, 2021. ~~Such uses~~Duplexes shall not occupy more than thirty percent of the total lots in a new short plat or subdivision, which was legally established after April 15, 2021. In such cases, the community development director shall have the discretion to alter the percentage in order to allow the new short plat or subdivision to meet minimum required densities due to topography or other special conditions related to the site, such as critical areas.

(4) Single-family detached dwellings constructed after April 15, 2021, are not allowed in the multifamily medium density residential (MFM) zone district, except as part of a PUD planned unit development overlay as regulated by TMC Chapter 18.36 if the site to be developed has more than one zone district.

(5) Single-family detached dwellings and duplexes are not allowed in the multifamily high density residential (MFH) zone district, except as part of a PUD planned unit development overlay as regulated by TMC Chapter 18.36 if the site to be developed has more than one zone district.

(6) "Townhouses and rowhouses" are allowed within a residential planned unit development in the single family medium density residential (SFM) zone district.

Table 18.07.010 Explanatory Notes:

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

2. Accessory uses are listed in each zoned district chapter.

(O2021-019, Amended, 01/18/2022; Ord. O2020-005, Amended, 03/16/2021; Ord. O2020-003, Amended, 09/15/2020; Ord. O2019-007, Amended, 09/03/2019; Ord. O2018-025, Amended, 12/18/2018; Ord. O2017-006, Added, 07/18/2017)

Section 7. Section 18.07.020 of the Tumwater Municipal Code is hereby amended to read as follows:

18.07.020 Commercial zone districts permitted and conditional uses.
If there are any inconsistencies between Table 18.07.020 and the specific requirements in the underlying zoning district, the requirements in the underlying zoning district shall be followed.

TABLE 18.07.020

COMMERCIAL ZONE DISTRICTS PERMITTED AND CONDITIONAL USES

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

COMMERCIAL DISTRICTS Note: See Figure 18.23.020 for commercial uses allowed in the TC town center zone district; and Table 18.27.040 for commercial uses allowed in the BD brewery district zone	**NC**	**CS**	**MU**	**CBC**	**GC**	**HC**	**TC[1]**	**Applicable Regulations**
Convalescent centers, rest homes, nursing homes			P	P	P			
Cottage housing			P					18.51
Crematories								
Dance clubs				P				18.21.030
Electric vehicle infrastructure	P	P	P	P	P	P	P	
Emergency communication towers or antennas		C	C		C		C	18.56
Emergency housing			P	P	P	P	P	18.42.150
Emergency shelter			P	P	P	P	P	18.42.150
Entertainment facility		P	P	P	P		P	
Equipment rental and sales facility					P			
Existing uses, legally established prior to adoption	P	P	P			P		
Family child care home	P	P	P	P	P	P	P	18.52
Farmers markets	P	P	P	P	P	P	P	
Fish hatcheries, associated appurtenances, and related interpretive centers						P		
Food truck or trailer courts	P	P	P	P	P	P	P	18.42.120
Food trucks or trailers	P	P	P	P	P	P	P	18.42.120
Freestanding wireless communication facilities		C	C		C			11.20; 18.56
Group foster homes	C	P	P	P	P		P	18.56
High-rise residential (five stories or more)				P	C			18.21

COMMERCIAL DISTRICTS Note: See Figure 18.23.020 for commercial uses allowed in the TC town center zone district; and Table 18.27.040 for commercial uses allowed in the BD brewery district zone	**NC**	**CS**	**MU**	**CBC**	**GC**	**HC**	**TC[1]**	**Applicable Regulations**
Inpatient facilities	C		C	C	C			18.56
Kennels					C			18.56
Library, museum, art gallery	P	P	P	P	P	P	P	
Manufacturing, assembly, processing and/or fabrication activities entirely within a building and ancillary to primary office use (less than 25 percent of building)								
Marijuana retailer				P	P			18.42.080
Medical clinics	P		P	P	P		P	
Mental health facilities	C		C	C	C			18.56
Mini-storage					C			18.56
Mixed use structures	P[3]		P	P	P		P	
Motels, hotels			P	P	P	P	P	
Motor vehicle sales facilities					P			18.42.090
Motorsports sales facility					P			18.22.020
Movie theaters, playhouses and similar performance and assembly facilities				P	P		P	
Multifamily dwellings			P			P		
Multifamily dwellings (three or four stories)					P			18.22.020
Nurseries, retail			P	C	P			18.56; 18.21.050
Offices	P	P	P	P	P	P	P	
Optometry clinics	P	P	P	P	P	P	P	

COMMERCIAL DISTRICTS Note: See Figure 18.23.020 for commercial uses allowed in the TC town center zone district; and Table 18.27.040 for commercial uses allowed in the BD brewery district zone	**NC**	**CS**	**MU**	**CBC**	**GC**	**HC**	**TC[1]**	**Applicable Regulations**
Parcel delivery facility		P						
Park and ride lots		P	C	P	P			18.56; 18.21.030(DD)
Parking lots, parking structures		P	C	P & C	P	P	P	18.19.020(R); 18.56; 18.21.030; 18.21.050
Parks and open space areas	P	P	P	P	P	P	P	
Permanent supportive housing	P	P	P	P	P	P	P	18.42.150
Personal ~~and professional~~ services	P	P	P	P	P	P	P	
~~Personal and professional services or sales~~	~~P~~						~~P~~	
Planned unit developments	P	P	P	P	P		P	18.36
Post office	P	P	P	P	P	P	P	
Prisons, jails and other correctional facilities		C			C			18.56
Private clubs and lodges		C	P	P	P		P & C	18.56
Private post-secondary educational facilities				C	C			
Professional services	P	P	P	P	P	P	P	
Recreational facilities	P[4]	P	P	P	P	P	P	
Recreational vehicle park					P			
Residential uses	P[5]		P	P			P	18.20.030; 18.21.060; 18.23.020
Restaurants		P	P[6]	P	P	P	P	

COMMERCIAL DISTRICTS Note: See Figure 18.23.020 for commercial uses allowed in the TC town center zone district; and Table 18.27.040 for commercial uses allowed in the BD brewery district zone	**NC**	**CS**	**MU**	**CBC**	**GC**	**HC**	**TC[1]**	**Applicable Regulations**
Restaurants (without drive-in windows)	P[7]		P[8]				P	
Retail sales			P	P	P	P	P	
Retail sales (no more than 3,000 square feet) (6:00 a.m. – 10:00 p.m.)	P						P	
Retail sales (no more than 3,000 square feet) (10:00 p.m. – 6:00 a.m.)	C						P	18.56
Retail sales (no more than 15,000 square feet)		P					P	
Riding academies					P			
Schools	C	P	C	P	C[9]	P	P	18.56
Senior housing facilities, assisted	C		P	P	P		P	18.56
Senior housing facilities, independent	P		P	P	P		P	
Sewage treatment facilities								18.56
State education facilities		C	C	C	C		C	18.56
Support facilities	P	P	P	P	P	P	P	
Taverns, cocktail lounges	C[10]	P	P	P	P	P	P	
Temporary expansions of schools, such as portable classrooms	P	P	P	P	P	P	P	
Transitional housing	P	P	P	P	P	P	P	18.42.150
Transportation facilities, large scale state or regional		C			C			18.56
Transportation terminals					C		C	18.56

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

LEGEND

P = Permitted Use

C = Conditional Use

NC = Neighborhood Commercial

CS = Community Services

MU = Mixed Use

CBC = Capitol Boulevard Community

GC = General Commercial

HC = Historic Commercial

TC = Town Center

Table 18.07.020 Footnotes:

(1) See TMC 18.23.020 for specific requirements for uses in the Town Center subdistricts.

(2) Automobile service stations are a conditional use for all parcels in the mixed use (MU) zone district in the city, except for those parcels in the mixed use (MU) zone district located on the north side of Israel Road SW between Littlerock Road SW and Tyee Drive SW where the use is prohibited.

(3) Mixed use structures subject to the size limitations for individual uses and TMC 18.18.050(D) and the density requirements for residential use in the neighborhood commercial (NC) zone district.

(4) Recreational facilities occupying no more than three thousand square feet in floor area in the neighborhood commercial (NC) zone district.

(5) Multifamily residential use as part of a mixed use development is allowed with a minimum density of four dwelling units per net acre and a maximum density of eight dwelling units per net acre, which is calculated by averaging the densities of all of the different types of housing provided within the development in accordance with TMC 18.14.050(B), excluding the area of the building and parking associated with the commercial development.

(6) Restaurants are a permitted use for all parcels in the mixed use (MU) zone district in the city, except for those parcels in the mixed use (MU) zone district located on the north side of Israel Road SW between Littlerock Road SW and Tyee Drive SW. In that location, restaurants without drive-through windows are allowed, but restaurants with drive-through windows are prohibited.

(7) Restaurants without drive-in windows occupying no more than three thousand square feet in floor area and drive-through espresso stands/coffee shops occupying no more than five hundred square feet in floor area in the neighborhood commercial (NC) zone district.

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

(9) Except temporary expansions of schools, such as portable classrooms.

(10) Taverns, cocktail lounges occupying no more than three thousand square feet in floor area in the neighborhood commercial (NC) zone district.

Table 18.07.020 Explanatory Notes:

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

2. Accessory uses are listed in each zoned district chapter.

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

Section 8. Section 18.07.030 of the Tumwater Municipal Code is hereby amended to read as follows:

18.07.030 Industrial zone districts permitted and conditional uses.
If there are any inconsistencies between Table 18.07.030 and the specific requirements in the underlying zoning district, the requirements in the underlying zoning district shall be followed.

TABLE 18.07.030

INDUSTRIAL ZONE DISTRICTS PERMITTED AND CONDITIONAL USES

INDUSTRIAL DISTRICTS **Note: See Table 18.27.040 for industrial uses allowed in the BD brewery district zone**	**LI**	**HI**	**ARI**	**Applicable Regulations**
Agriculture	P		P	
All industrial activities involving the manufacture, assembly, bulk storage, processing, repair, recycling or servicing of goods or products		P		
Animal clinics or hospitals	P	C		18.56
Attached wireless communication facilities	P	P	P	11.20
Automobile repair facilities	P		P	
Automobile service stations	P	P	P	
Aviation, aviation related uses, aviation fueling facilities			P	18.34.020(A); 18.34.020(F)
Breweries, wineries, distilleries, and associated restaurants	P		P	
Cemeteries	C	C		18.56
Child day care center	P	C	P	18.52; 18.56
Child mini-day care center	P	C	P	18.52
Community gardens	P	P	P	
Crematories	P	P	P	
Cross-dock facilities, 50,000 square feet or smaller in size	P	P	P	
Electric vehicle infrastructure	P	P	P	
Emergency communication towers or antennas	C	C	C	18.56
Emergency housing			P	18.42.150
Emergency shelter			P	18.42.150

INDUSTRIAL DISTRICTS Note: See Table 18.27.040 for industrial uses allowed in the BD brewery district zone	LI	HI	ARI	Applicable Regulations
Energy systems			P	
Equipment rental and sales	P	P	P	
Family child care home	P	C		18.52; 18.56
Farmers markets	P	P	P	
Food truck or trailer courts	P	P	P	18.42.120
Food trucks or trailers	P	P	P	18.42.120
Hotel/motel and conference facilities			P	
Impound yards	C	C	C	18.56
Kennels	P		P	
Marijuana retailer	P		P	18.42.080
Marijuana processor, within a fully enclosed secure indoor structure only	C		C	18.42.080
Marijuana producer, within a fully enclosed secure indoor structure only	C		C	18.42.080
Mineral extraction		P		
Mini-storage	P		P	
Motor freight terminals, 50,000 square feet or smaller in size	P	P	P	
Motor pool and equipment parking	P		P	
Motor vehicle sales facilities	P		P	18.42.090
Motorsports facility – Indoor	P		P	
Motorsports sales facility	P		P	
Nurseries, retail or wholesale	P		P	18.24.020(P)
Offices	P		P	
Off-site hazardous waste treatment and storage facilities	P	P	C	18.24.020(L); 18.56
Optometry clinics	P		P	
Park and ride facilities	P	P	P	
Parks, open space areas and recreational facilities	P	C	P	18.56

INDUSTRIAL DISTRICTS Note: See Table 18.27.040 for industrial uses allowed in the BD brewery district zone	LI	HI	ARI	Applicable Regulations
Permanent supportive housing			P	18.42.150
Personal ~~and professional~~ services	P		P	
Planned unit developments not including residential uses	P	P		18.36
Post offices, museum, library, art gallery	P		P	
Prisons, jails or other correctional facilities	C	C	C	18.56
Private post-secondary education facilities			C	18.56
Professional services	P		P	
Recycling collection centers	C	P		18.25.020(A); 18.56
~~Residential care facilities~~	~~P~~		~~P~~	~~18.34.020(O)~~
Restaurants	P		P	
Retail sale of goods or products manufactured on the premises, or utilized in manufacturing, repairing, or servicing activities which are permitted in the same zoning district		P	P	
Schools, other than through the eighth grade	P			
Schools on parcels abutting residential zones and outside of air hazard areas			P	
Secure community transition facilities	C			18.56
Sewage treatment facilities	C	C	C	18.56
Sexually oriented businesses	P		P	18.04; 18.42.050
Solid waste handling facilities	C	C	C	18.56
State education facilities	C		C	18.56
Storage, manufacture or sale of highly volatile or extremely hazardous substances or materials other than airport fueling facilities			C	18.56
Support facilities	P	P	P	

INDUSTRIAL DISTRICTS Note: See Table 18.27.040 for industrial uses allowed in the BD brewery district zone	LI	HI	ARI	Applicable Regulations
Taverns, cocktail lounges	P			
Temporary expansions of schools, such as portable classrooms	P		P	
The raising of crops, including trees			P	18.34.020(J)
Transit facilities	P		P	
Transitional housing			P	18.42.150
Transportation facilities, large scale or regional	C	C	C	18.56
Transportation terminal facilities	P	P	P	
Truck stops or travel centers[3]	P[3]			
Uses having to do with buying, selling, ~~and personal and professional services or offices,~~ or of a general commercial nature	P			
Warehouse distribution centers[4]	P		P	18.42.110
Warehouses, nondistribution, 200,000 sq. ft. or smaller in size	P	P	P	
Warehouses, nondistribution, larger than 200,000 sq. ft. in size[4]	P		P	18.42.110
Wholesaling, manufacturing, assembling, repairing, fabricating, or other handling of products and equipment	P	P	P	
Wildlife refuges and forest preserves	P		P	
Wireless communication towers	P	P	P	11.20
Wrecking yards and junk yards		C		18.56

LEGEND

P = Permitted Use

C = Conditional Use

LI = Light Industrial

HI = Heavy Industrial

ARI = Airport Related Industrial

Table 18.07.030 Explanatory Notes:

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

2. Accessory uses are listed in each zoned district chapter.

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

4. All warehouse distribution centers regardless of size and nondistribution warehouses that are larger than 200,000 sq. ft. in size are subject to the requirements of TMC 18.42.110.

(O2021-019, Amended, 01/18/2022; Ord. O2019-020, Amended, 11/19/2019; Ord. O2019-007, Amended, 09/03/2019; Ord. O2019-019, Amended, 07/23/2019; Ord. O2019-018, Amended, 04/02/2019; Ord. O2018-025, Amended, 12/18/2018; Ord. O2018-007, Amended, 10/16/2018; Ord. O2017-023, Amended, 07/17/2018; Ord. O2017-022, Amended, 12/05/2017; Ord. O2017-006, Added, 07/18/2017)

Section 9. Section 18.07.040 of the Tumwater Municipal Code is hereby amended to read as follows:

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

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

TABLE 18.07.040

GREENBELT/OPEN SPACE ZONE DISTRICTS PERMITTED AND CONDITIONAL USES

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

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

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

LEGEND

P = Permitted Use

C = Conditional Use

GB = Greenbelt

OS = Open Space

Table 18.07.040 Explanatory Notes:

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

2. Accessory uses are listed in each zoned district chapter.

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

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

18.08.020 Permitted uses.
Permitted uses in the RSR zone district are as follows:

A. Single-family detached dwellings;

B. Duplexes are allowed on individual lots legally established before or on April 15, 2021. Duplexes ~~. Such uses~~ shall not occupy more than twenty percent of the total lots in a new short plat or subdivision which was legally established after April 15, 2021. In such cases, the community development director shall have the discretion to alter the percentage in order to allow the new short plat or subdivision to meet minimum required densities due to topography or other special conditions related to the site, such as critical areas;

C. Cottage housing;

D. Designated manufactured homes on single lots of record, in accordance with the provisions of TMC Chapter 18.48;

E. Parks, trails, open space areas, and other related passive recreation facilities;

F. Wildlife refuges and forest preserves;

G. Support facilities;

H. Family child care home; child mini-day care center, subject to TMC Chapter 18.52;

I. Adult family homes, residential care facilities;

J. The housing, care and keeping of animals consistent with the requirements of TMC Chapter 6.08;

K. Agriculture up to thirty acres in size, subject to TMC 18.42.070;

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

M. Community gardens;

N. Permanent supportive housing, subject to TMC 18.42.150;

O. Transitional housing, subject to TMC 18.42.150.

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

(Ord. O2021-019, Amended, 01/18/2022; Ord. O2020-005, Amended, 03/16/2021; Ord. O2018-025, Amended, 12/18/2018; Ord. O2017-022, Amended, 12/05/2017; Ord. O2017-006, Amended, 07/18/2017; Ord. O2010-029, Amended, 06/07/2011; Ord. O2011-002, Amended, 03/01/2011; Ord. O2005-011, Amended, 07/05/2005; Ord. O2000-004, Amended, 07/18/2000; Ord. O97-019, Amended, 06/17/1997; Ord. O95-035, Amended, 12/19/1995; Ord. O95-014, Added, 07/18/1995)

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

18.08.050 Development standards.
Development in the RSR zone district must meet the following requirements:

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

1. Minimum: two dwelling units per acre;

a. In situations where density requirements and lot size, shape, topography, or location result in a subdivision that cannot possibly meet the density requirements, a reduction in minimum density (i.e., an increase in maximum lot size) may be granted by the community development director if all of the following criteria can be met:

i. The lot to be subdivided must be less than or equal to one-half acre in total area.

ii. The reduction in minimum density may not result in more than one additional single-family dwelling.

iii. The reduction in density will not result in a density that is less than eighty-five percent of the minimum density required in the applicable zoning district.

iv. The conditions unique to the site (size, shape, topography, etc.) are not the result of actions by the applicant.

v. In no event may a reduction in density be granted if it would result in a use that would not be allowed as a permitted use, accessory use, or conditional use in the district in which the property is located.

2. Maximum: four dwelling units per acre, or if a land division is subject to the clustering provisions of subsection E of this section and not subject to the wetland protection standards of TMC Chapter 16.28, the maximum density shall be no greater than one hundred twenty-five percent of the maximum density that would otherwise be allowed.

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

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

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

2. Land that is intended for future phases of development created in accordance with TMC 18.08.060;

3. Land that consists of lots devoted to uses other than residential and associated uses, including but not limited to churches, schools, and support facilities (except for stormwater detention, treatment, and infiltration facilities).

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

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

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

b. Any division creating more than two lots shall meet the minimum density requirements of subsection A of this section in each phase of development.

D. Lot Size Requirements.

1. Maximum: no maximum lot size;

2. Minimum: nine thousand five hundred square feet, or if a land division is subject to the clustering provisions of subsection E of this section or the wetland protection standards of TMC Chapter 16.28, the minimum lot size shall be seven thousand six hundred square feet;

3. In the event that the minimum lot size provisions above make it impossible to achieve the minimum density permitted under subsection A of this section, one or more lots may be reduced in size by up to ten percent. This provision may be applied only to the minimum number of lots necessary to allow the minimum density to be achieved.

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

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

2. At least one-half of the area set aside for open space shall be useful for passive recreational purposes;

3. The area set aside for open space shall be located so as to include environmentally sensitive areas (e.g., wetlands, riparian areas) to the maximum extent possible;

4. The clustered subdivision must meet all other provisions of this chapter.

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

G. Lot coverage, impervious surface:

1. The maximum impervious surface for lots smaller than one acre in size shall be forty percent of the total area of the lot or seven thousand five hundred square feet, whichever is less.

2. The maximum impervious surface for lots between one acre and twenty acres in size shall be in accordance with Table 18.08.050, rounded to the nearest acre.

TABLE 18.08.050 LOT COVERAGE, IMPERVIOUS SURFACE

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

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

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

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

I. Yards.*

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

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

b. Side: seven and one-half feet from property line, minimum;

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

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

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

b. Side: ten feet from property line, minimum;

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

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

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

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

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

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

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

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

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

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

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

18.10.020 Permitted uses.
Permitted uses in the SFL district are as follows:

A. Single-family detached dwellings;

B. Cottage housing;

C. Designated manufactured homes on single lots of record, in accordance with the provisions of TMC Chapter 18.48;

D. Parks, trails, open space areas, and recreational facilities;

E. Support facilities;

F. Planned unit developments;

G. Family child care home; child mini-day care center, subject to TMC Chapter 18.52;

H. Adult family homes, residential care facilities;

I. Duplexes are allowed on individual lots legally established before or on April 15, 2021. Duplexes ~~. Such uses~~ shall not occupy more than twenty percent of the total lots in a new short plat or subdivision, which was legally established after April 15, 2021. In such cases, the community development director shall have the discretion to alter the percentage in order to allow the new short plat or subdivision to meet minimum required densities due to topography or other special conditions related to the site, such as critical areas;

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

K. Agriculture up to thirty acres in size, subject to TMC 18.42.070;

L. Community gardens;

M. The housing, care and keeping of animals consistent with the requirements of TMC Chapter 6.08;

N. Wildlife refuges and forest preserves;

O. Permanent supportive housing, subject to TMC 18.42.150;

P. Transitional housing, subject to TMC 18.42.150.

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

(Ord. O2021-019, Amended, 01/18/2022; Ord. O2020-005, Amended, 03/16/2021; Ord. O2018-025, Amended, 12/18/2018; Ord. O2017-006, Amended, 07/18/2017; Ord. O2010-029, Amended, 06/07/2011; Ord. O2011-002, Amended, 03/01/2011; Ord. O2010-005, Amended, 09/07/2010; Ord. O2005-011, Amended, 07/05/2005; Ord. O2000-004, Amended, 07/18/2000; Ord. O97-019, Amended, 06/17/1997; Ord. O95-035, Added, 12/19/1995)

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

18.10.050 Development standards.
Development in the SFL zone district must meet the following requirements:

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

1. Minimum: four dwelling units per acre.

a. In situations where density requirements and lot size, shape, topography, or location result in a subdivision that cannot possibly meet the density requirements, a reduction in minimum density (i.e., an increase in maximum lot size) may be granted by the community development director if all of the following criteria can be met:

i. The lot to be subdivided must be less than or equal to three-fourths acre in total area.

ii. The reduction in minimum density may not result in more than one additional single-family dwelling. The reduction in density will not result in a density that is less than eighty-five percent of the minimum density required in the applicable zoning district.

iii. The conditions unique to the site (size, shape, topography, etc.) are not the result of actions by the applicant.

iv. In no event may a reduction in density be granted if it would result in a use that would not be allowed as a permitted use, accessory use, or conditional use in the district in which the property is located.

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

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

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

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

2. Land that is intended for future phases of development created in accordance with TMC 18.10.060.

3. Land that consists of lots devoted to uses other than residential and associated uses, including but not limited to churches, schools, and support facilities (except for stormwater detention, treatment, and infiltration facilities).

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

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

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

b. Any division creating more than two lots shall meet the minimum density requirements of subsection A of this section in each phase of development.

D. Lot Size Requirements.

1. Maximum: none;

2. Minimum: three thousand two hundred square feet;

3. Lot width: fifty feet, minimum, except if there is an alley located adjacent to a side property line the minimum lot width shall be forty feet.

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

1. Cluster subdivision shall not be allowed in subdivisions containing less than five acres.

2. Cluster subdivision shall meet the overall density requirements as set forth in this chapter.

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

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

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

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

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

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

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

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

I. Yards.*

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

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

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

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

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

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

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

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

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

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

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

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

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

18.12.020 Permitted uses.
Permitted uses in the SFM district are as follows:

A. Single-family detached dwellings;

B. Townhouses and rowhouses, within a residential planned unit development;

C. Duplexes are allowed on individual lots legally established before or on April 15, 2021. Duplexes ~~. Such uses~~ shall not occupy more than thirty percent of the total lots in a new short plat or subdivision which was legally established after April 15, 2021. In such cases, the community development director shall have the discretion to alter the percentage in order to allow the new short plat or subdivision to meet minimum required densities due to topography or other special conditions related to the site, such as critical areas;

D. Cottage housing;

E. Designated manufactured homes on single lots of record, in accordance with the provisions of TMC Chapter 18.48;

F. Parks, trails, open space areas, and recreational facilities;

G. Support facilities;

H. Planned unit developments;

I. Family child care home; child mini-day care center, subject to TMC Chapter 18.52;

J. Adult family homes, residential care facilities;

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

L. Agriculture up to thirty acres in size, subject to TMC 18.42.070;

M. Community gardens;

N. The housing, care and keeping of animals consistent with the requirements of TMC Chapter 6.08;

O. Wildlife refuges and forest preserves;

P. Permanent supportive housing, subject to TMC 18.42.150;

Q. Transitional housing, subject to TMC 18.42.150.

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

(Ord. O2021-019, Amended, 01/18/2022; Ord. O2020-005, Amended, 03/16/2021; Ord. O2018-025, Amended, 12/18/2018; Ord. O2017-006, Amended, 07/18/2017; Ord. O2010-029, Amended, 06/07/2011; Ord. O2011-002, Amended, 03/01/2011; Ord. O2010-005, Amended, 09/07/2010; Ord. O2005-011, Amended, 07/05/2005; Ord. O2000-004, Amended, 07/18/2000; Ord. O98-009, Amended, 10/20/1998; Ord. O97-019, Amended, 06/17/1997; Ord. O95-035, Added, 12/19/1995)

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

18.12.050 Development standards.
Development in the SFM zone district must meet the following requirements:

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

1. Minimum: six dwelling units per acre:

a. In situations where density requirements and lot size, shape, topography, or location result in a subdivision that cannot possibly meet the density requirements, a reduction in minimum density (i.e., an increase in maximum lot size) may be granted by the community development director if all of the following criteria can be met:

i. The lot to be subdivided must be less than or equal to one-half acre in total area.

ii. The reduction in minimum density may not result in more than one additional single-family dwelling.

iii. The reduction in density will not result in a density that is less than eighty-five percent of the minimum density required in the applicable zoning district.

iv. The conditions unique to the site (size, shape, topography, etc.) are not the result of actions by the applicant.

v. In no event may a reduction in density be granted if it would result in a use that would not be allowed as a permitted use, accessory use, or conditional use in the district in which the property is located.

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

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

1. Land that is required to be set aside for public use as open space, right-of-way, or land on which development is prohibited by TMC Title 16, Environment, and land that is to be used for private roads. Provided, that portion of park and open space areas that consists of stormwater facilities and that is designed for active and/or passive recreational purposes in accordance with the drainage design and erosion control manual for Tumwater shall not be excluded from density calculations;

2. Land that is intended for future phases of development created in accordance with TMC 18.12.060;

3. Land that consists of lots devoted to uses other than residential and associated uses, including but not limited to churches, schools, and support facilities (except for stormwater detention, treatment, and infiltration facilities).

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

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

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

b. Any division creating more than two lots shall meet the minimum density requirements of subsection A of this section in each phase of development.

D. Lot Size Requirements.

1. Maximum: none;

2. Minimum: three thousand two hundred square feet;

3. Lot width: fifty feet, minimum, except if there is an alley located adjacent to a side property line the minimum lot width shall be forty feet.

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

1. Cluster subdivision shall not be allowed in subdivisions containing less than five acres.

2. Cluster subdivision shall meet the overall density requirements as set forth in this chapter.

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

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

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

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

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

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

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

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

I. Yards.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18.18.020 Permitted uses.
Permitted uses in the NC district are as follows:

A. Personal services;

B. Professional services;

C. Recreational facilities occupying no more than three thousand square feet in floor area;

D. Support facilities;

E. Post office, library, museum, art gallery;

F. Parks and open space areas;

G. Planned unit development;

H. Retail sales occupying no more than three thousand square feet in floor area and for which operating hours are limited to between 6:00 a.m. and 10:00 p.m.;

I. Medical clinics;

J. Child day care center, child mini-day care center;

K. Adult family homes, residential care facilities;

L. All uses which were legally established prior to January 1, 1996, except where there is a cessation of the use for three or more years;

M. Restaurants without drive-in windows occupying no more than three thousand square feet in floor area;

N. Offices;

O. Family child care homes;

P. Mixed use structures subject to the size limitations for individual uses and TMC 18.18.050(D) and the density requirements for residential use in the NC district found in subsection W of this section;

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

R. Electric vehicle infrastructure;

S. Community gardens;

T. Farmers markets;

U. Centers for senior citizens, youth, general community, and similar groups;

V. Temporary expansions of schools, such as portable classrooms;

W. Multifamily residential use as part of a mixed use development with a minimum density of four dwelling units per net acre and a maximum density of eight dwelling units per net acre, which is calculated by averaging the densities of all of the different types of housing provided within the development in accordance with TMC 18.14.050(B), excluding the area of the building and parking associated with the commercial development;

X. Drive-through espresso stands/coffee shops occupying no more than five hundred square feet in floor area;

Y. Food trucks or trailers in accordance with TMC 18.42.120;

Z. Food truck or trailer courts in accordance with TMC 18.42.120;

AA. Senior housing facilities, independent;

BB. Permanent supportive housing, subject to TMC 18.42.150;

CC. Transitional housing, subject to TMC 18.42.150;

DD. Optometry clinics.

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

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

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

18.19.020 Permitted uses.
Uses permitted in the CS district are as follows:

A. General offices~~, personal and professional services~~;

B. Schools;

C. Community center;

D. Parks and open space areas;

E. Personal ~~and professional~~ services;

F. Entertainment facilities;

G. Recreational facilities;

H. Post office, parcel delivery facility;

I. Museum, library, art gallery;

J. Child day care center; child mini-day care center;

K. Group foster homes;

L. Support facilities;

M. Family child care home;

N. General retail sales limited to fifteen thousand square feet or less;

O. Planned unit development;

P. Restaurants;

Q. Parking structures;

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

S. Park and ride lots;

T. All uses which were legally established prior to January 1, 1997, except where there is a cessation of the use for three or more years;

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

V. Adult family homes, residential care facilities;

W. Electric vehicle infrastructure;

X. Community gardens;

Y. Farmers markets;

Z. Centers for senior citizens, youth, general community, and similar groups;

AA. Civic center complex;

BB. Taverns, cocktail lounges;

CC. Wildlife refuges and forest preserves;

DD. Temporary expansions of schools, such as portable classrooms;

EE. Food trucks or trailers in accordance with TMC 18.42.120;

FF. Food truck or trailer courts in accordance with TMC 18.42.120;

GG. Permanent supportive housing, subject to TMC 18.42.150;

HH. Transitional housing, subject to TMC 18.42.150;

II. Professional services;

JJ. Optometry clinics.

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

(Ord. O2021-019, Amended, 01/18/2022; Ord. O2019-020, Amended, 11/19/2019; Ord. O2018-025, Amended, 12/18/2018; Ord. O2017-006, Amended, 07/18/2017; Ord. O2010-029, Amended, 06/07/2011; Ord. O2010-015, Amended, 09/07/2010; Ord. O2001-020, Amended, 05/07/2002; Ord. O97-019, Amended, 06/17/1997; Ord. O96-022, Amended, 12/17/1996; Ord. O95-035, Added, 12/19/1995)

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

18.20.030 Permitted uses.
Uses permitted in the mixed use district are as follows:

A. Professional services;

B. Retail sales;

C. General offices;

D. Support facilities;

E. Parks, open space areas and recreational facilities;

F. Restaurants;*

G. Restaurants (without drive-through windows);**

H. Post offices;

I. Motels, hotels;

J. Planned unit development (PUD) (see TMC Chapter 18.36);

K. Medical clinics;

L. Child day care center; child mini-day care center;

M. Adult family homes, residential care facilities;

N. Group foster homes;

O. Private clubs and lodges;

P. Family child care home;

Q. All residential uses, provided the minimum density standards in TMC 18.20.060 are met;

R. Personal services;

S. Used motor oil recycling collection point;

T. Nurseries, retail;

U. Museum, library, art gallery;

V. All uses not permitted which were legally established prior to January 1, 1996, except where there is a cessation of the use for three or more years;

W. Civic center complex;

X. Centers for senior citizens, youth, general community, and similar groups;

Y. Entertainment facilities;

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

AA. Senior housing facilities, independent and assisted;

BB. Electric vehicle infrastructure;

CC. Community gardens;

DD. Farmers markets;

EE. Animal clinics or hospitals;

FF. Churches;

GG. Civic center complex;

HH. Convalescent centers, rest homes, nursing homes;

II. Taverns, cocktail lounges;

JJ. Temporary expansions of schools, such as portable classrooms;

KK. Food trucks or trailers in accordance with TMC 18.42.120;

LL. Food truck or trailer courts in accordance with TMC 18.42.120;

MM. Cottage housing;

NN. Permanent supportive housing, subject to TMC 18.42.150;

OO. Transitional housing, subject to TMC 18.42.150;

PP. Emergency housing, subject to TMC 18.42.150;

QQ. Emergency shelter, subject to TMC 18.42.150;

RR. Optometry clinics.

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

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

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

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

(Ord. O2021-019, Amended, 01/18/2022; Ord. O2020-005, Amended, 03/16/2021; Ord. O2019-020, Amended, 11/19/2019; Ord. O2018-025, Amended, 12/18/2018; Ord. O2017-024, Amended, 01/16/2018; Ord. O2017-006, Amended, 07/18/2017; Ord. O2010-029, Amended, 06/07/2011; Ord. O2010-015, Amended, 09/07/2010; Ord. O2000-004, Amended, 07/18/2000; Ord. O97-019, Amended, 06/17/1997; Ord. O96-022, Amended, 12/17/1996; Ord. O95-035, Added, 12/19/1995)

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

18.21.030 Permitted uses.
Uses permitted in the Capitol Boulevard Community zone district are as follows:

A. Professional services;

B. Retail sales;

C. General offices;

D. Support facilities;

E. Parks, open space areas and recreational facilities;

F. Restaurants, taverns, cocktail lounges, brew pubs and similar dining and drinking establishments;

G. Post offices;

H. Motels, hotels;

I. Planned unit development (PUD) (see TMC Chapter 18.36);

J. Medical clinics;

K. Child day care center, child mini-day care center;

L. Adult family homes, residential care facilities;

M. Group foster homes;

N. Private clubs and lodges;

O. Family child care home;

P. All residential uses, provided the minimum density standards in TMC 18.21.060 are met;

Q. Personal services;

R. Schools;

S. Churches, synagogues, mosques and similar places of worship;

T. Library, museum, art gallery and similar institutions;

U. All uses not permitted which were legally established prior to January 1, 2013, except where there is a cessation of the use for two or more years. A legal nonconforming use, established prior to January 1, 2013, that is required to relocate under threat of eminent domain shall be allowed as a permitted use consistent with this subsection;

V. Civic center complex;

W. Centers for senior citizens, youth, general community, and similar groups;

X. Entertainment facilities;

Y. Senior housing facilities, independent and assisted;

Z. Electric vehicle infrastructure;

AA. Community gardens;

BB. Farmers markets;

CC. Dance clubs, provided they are located north of Lee Street;

DD. Detached parking structures;

EE. Movie theaters, playhouses and similar performance and assembly facilities;

FF. Marijuana retailers;

GG. Breweries, wineries, distilleries;

HH. Animal clinics or hospitals;

~~II. Centers for senior citizens, youth, general community and similar groups;~~

II~~JJ~~. Convalescent centers, rest homes, nursing homes;

JJ~~KK~~. Temporary expansions of schools, such as portable classrooms;

KK~~LL~~. Food trucks or trailers in accordance with TMC 18.42.120;

LL~~MM~~. Food truck or trailer courts in accordance with TMC 18.42.120;

MM~~NN~~. Permanent supportive housing, subject to TMC 18.42.150;

NN~~OO~~. Transitional housing, subject to TMC 18.42.150;

OO~~PP~~. Emergency housing, subject to TMC 18.42.150;

PP~~QQ~~. Emergency shelter, subject to TMC 18.42.150;

QQRR. Optometry clinics.

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

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

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

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

1. All development on lots containing only commercial uses shall meet the following:

a. A minimum floor area ratio (FAR) of 0.4 or a total of forty square feet of gross area per one hundred square feet of site area is required.

b. The maximum floor area ratio (FAR) shall be 4.0 or a total of four hundred square feet of gross area per one hundred square feet of site area.

2. All development on lots containing only residential uses shall have an average net density of at least thirty dwelling units per net acre. This is calculated by dividing the number of units on the site by the total area of the site. Where the site includes through streets or access ways used by the general public, those streets are not counted as part of the site area.

3. Mixed use development containing both residential and nonresidential uses shall have a minimum floor area ratio (FAR) of 0.25 or a total of twenty-five square feet of gross floor area per one hundred square feet of site area.

4. Inter-Site Connectivity. Better vehicle and pedestrian circulation is a high priority in this area, so connecting parking lots, drives, walkways, and accessways within and between properties is required. Such access may be in the form of a dedicated or private alley, connected or shared parking lots, shared driveways, or similar features. The intent of this requirement is to provide greater connectivity to facilitate future access to all properties and relieve congestion caused by multiple driveways on Capitol Boulevard. The director may require that such through access be provided by rearranging site features.

5. Maximum Heights. Structures are allowed up to sixty-five feet in height in the North Trosper district except for the areas between Linda Street and Lee Street on the east side of Capitol Boulevard where structure height shall be limited to fifty feet. Note: New mixed use or multifamily projects with a total of

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

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

1. Properties greater than two acres in size must include both commercial and residential uses that meet the following:

a. The floor area ratio for commercial portions of the development must be at least 0.4 FAR.

b. The minimum density of residential development is thirty dwelling units per acre for residential portions of the site.

c. For uses that are mixed vertically (e.g., residential over commercial uses in the same building), these minimum density and FAR requirements do not apply.

2. Properties two acres in size and smaller but greater than half-acre in size must include one of the following:

a. For development consisting of solely commercial uses, a minimum floor area ratio (FAR) of 0.4 (a total of forty square feet of gross area per one hundred square feet of site area).

b. For development consisting of both commercial and residential uses, no minimum FAR applies.

3. Properties less than half-acre in size do not have to comply with the above requirements.

4. Maximum Heights. Structures are limited to sixty-five feet maximum height in the North Neighborhood Center and are limited to fifty feet in the South Neighborhood Center (see Figure 18.21.070.1).

a. New multifamily or mixed use projects with a total of thirty or more dwelling units that provide thirty percent of those units as permanently affordable housing units in the North Neighborhood Center district would be allowed a maximum building height increase of ten feet, subject to other neighborhood compatibility height restrictions in TMC Chapter 18.21 and

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

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

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

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

E. Setbacks and Yard Area.

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

2. Side: no minimum.

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

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

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

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

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

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

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

1. Portions of structures less than forty-five feet away from a single-family zone district may be up to thirty-five feet in height.

2. Portions of structures at least forty-five feet away from a single-family zone district may be up to forty-five feet in height.

3. Portions of structures at least fifty-five feet away from a single-family zone district may be up to fifty-five feet in height.

4. Portions of structures at least sixty-five feet away from a single-family zone district may be up to sixty-five feet in height.

See Figure 18.21.060.F.1.

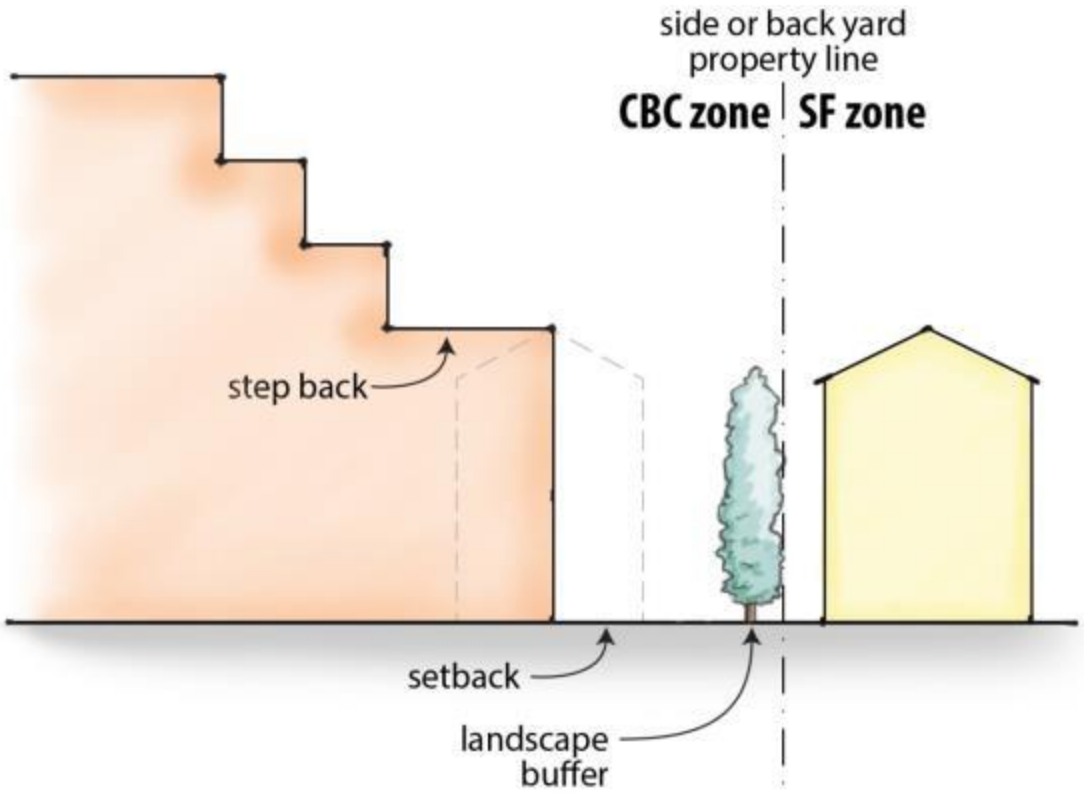


Figure 18.21.060.F.1 Building Step Back and Setback Examples

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

K. Pedestrian Access.

1. An on-site pedestrian circulation system which links the street and the primary entrance(s) of the structure(s) and the parking areas with the buildings shall be provided. Sidewalks or pedestrian ways must connect the required pedestrian system to existing pedestrian systems on adjacent developments. Convenient pedestrian access to transit stops shall be provided as approved by the community development director.

2. Sidewalks, walkways or pedestrian systems on public property shall be required and constructed according to the city's road development standards.

3. Where the pedestrian circulation system crosses driveways, parking areas, and loading areas, pedestrian surfaces must be clearly identifiable through the use of elevation changes, speed bumps, a different paving material, or other similar method approved by the community development director. Striping may be permitted only in conjunction with at least one of the preceding methods.

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

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

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

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

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

18.22.020 Permitted uses.
Uses permitted in the GC district are as follows:

A. Professional services;

B. General retail sales;

C. General offices;

D. Appliance equipment repair;

E. Support facilities;

F. Parks and open space areas;

G. Recreational facilities;

H. Restaurants;

I. Automobile service stations including car washes;

J. Post offices;

K. Motels, hotels;

L. Planned unit developments (PUD);

M. Medical clinics;

N. Child day care center, child mini-day care center;

O. Adult family homes, residential care facilities;

P. Group foster homes;

Q. Private clubs and lodges;

R. Family child care home;

S. Mixed use structures;

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

1. Land that is required to be dedicated for public use as open space, right-of-way, or land on which development is prohibited by TMC Title 16, Environment, and land that is to be used for private roads. Provided, that portion of park and open space areas that consists of stormwater facilities and that is designed for active and/or passive recreational purposes in accordance with the drainage design and erosion control manual for Tumwater shall not be excluded from density calculations.

2. Land that consists of lots devoted to uses other than residential and associated uses, including but not limited to churches, schools, and support facilities (except for stormwater detention, treatment and infiltration facilities);

U. Personal services;

V. Used motor oil recycling collection point;

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

X. Parking structures;

Y. Park and ride lots;

Z. Museum, library, art gallery;

AA. Recreational vehicle parks;

BB. Riding academies;

CC. Entertainment facilities;

DD. Nurseries, retail;

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

FF. Equipment rental and sales facilities;

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

HH. Electric vehicle infrastructure;

II. Community gardens;

JJ. Farmers markets;

KK. Marijuana retailer;

LL. Motor vehicle sales facilities located west of Interstate 5 and south of Bishop Road subject to the requirements set forth in TMC 18.42.090;

MM. Breweries, wineries, distilleries;

NN. Auto repair facilities;

OO. Churches;

PP. Temporary expansions of schools, such as portable classrooms;

QQ. Animal clinics or hospitals;

RR. Convalescent centers, rest homes, nursing homes;

SS. Movie theaters, playhouses and similar performance and assembly facilities;

TT. Senior housing facilities, independent and assisted;

UU. Taverns, cocktail lounges;

VV. Food trucks or trailers in accordance with TMC 18.42.120;

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

XX. Permanent supportive housing, subject to 18.42.150;

YY. Transitional housing, subject to TMC 18.42.150;

ZZ. Emergency housing, subject to TMC 18.42.150;

AAA. Emergency shelter, subject to TMC 18.42.150;

BBB. Optometry clinics.

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

(Ord. O2021-019, Amended, 01/18/2022; Ord. O2020-005, Amended, 03/16/2021; Ord. O2019-020, Amended, 11/19/2019; Ord. O2018-025, Amended, 12/18/2018; Ord. O2017-006, Amended, 07/18/2017; Ord. O2016-006, Amended, 06/07/2016; Ord. O2015-001, Amended, 10/20/2015; Ord. O2014-012, Amended, 08/19/2014; Ord. O2013-013, Amended, 10/01/2013; Ord. O2012-003, Amended, 07/17/2012; Ord. O2010-029, Amended, 06/07/2011; Ord. O2010-015, Amended, 09/07/2010; Ord. O2003-001, Amended, 02/18/2003; Ord. O97-019, Amended, 06/17/1997; Ord. O96-022, Amended, 12/17/1996; Ord. O95-035, Added, 12/19/1995)

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

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

Figure 18.23.020

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

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

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

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

Figure 18.23.020 Footnotes:

(1) Emergency communication antennas and wireless communication facilities are subject to Federal Aviation Administration (FAA) standards and approval, and furthermore both uses are subject to provisions for wireless communication facilities in TMC Chapter 11.20, Wireless Communication Facilities.

(2) Any alteration to the site or building that requires a conditional use permit shall meet the minimum conditions provided in TMC Chapter 18.56. An application for a conditional use permit shall be processed pursuant to TMC Title 14, Development Code Administration, and TMC Chapter 2.58, Hearing Examiner.

(3) Cocktail lounges are also permitted as accessory uses within restaurants.

(4) The cumulative amount of future expansions shall not exceed fifty percent of the covered floor space existing on January 1, 2000, for each site. See TMC Chapter 18.56.

(5) Antennas must be affixed to or erected upon existing buildings, water tanks or other existing structures. Antennas shall not be affixed to a wireless communication support structure. Emergency communication towers are not permitted.

(6) Motorized go-cart facilities are not permitted.

(7) See TMC 18.23.040(F) for surface parking lot siting requirements on properties fronting main streets.

(8) In the Town Center Mixed Use subdistrict, a parking structure may be located along a main street, provided the portion of the first floor fronting the main street is designed to accommodate a use allowed by this chapter other than parking.

(9) Restaurants may be allowed as accessory uses within a general or professional office building in the Town Center Professional Office subdistrict.

(10) Restaurants and retail sales are allowed as accessory uses in the Town Center Residential subdistrict when located on the first floor of a multistory

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

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

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

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

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

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

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

Figure 18.23.020 Explanatory Note:

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

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

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

18.24.020 Permitted uses.
Permitted uses in the LI district are as follows:

A. All uses having to do with buying, selling, ~~and personal and professional services or offices,~~ or of a general commercial nature;

B. Wholesaling, manufacturing, assembling, repairing, fabricating, or other handling of products and equipment;

C. Warehouse distribution centers, subject to the requirements of TMC 18.42.110;

D. Recreational facilities;

E. Support facilities;

F. Parks, open space areas and recreational facilities;

G. Transportation terminal facilities;

H. Planned unit developments not including residential uses;

I. Post offices;

J. Park and ride facilities;

K. Schools, ninth grade and above;

L. Off-site hazardous waste treatment and storage facilities:

1. Off-site treatment and storage facilities must be located a minimum of two hundred fifty feet from surface water, residential zones, and public gathering places;

2. Off-site treatment and storage facilities are subject to the state siting criteria adopted pursuant to the requirements of Chapter 70.105 RCW;

M. Child day care center, child mini-day care center;

N. Sexually oriented businesses as defined in TMC Chapter 18.04 subject to the provisions of TMC 18.42.050;

O. Nurseries, retail or wholesale;

P. Museum, library, art gallery;

Q. Transit facilities;

R. Family childcare homes;

S. Motor pools and transit facilities;

T. Automobile service stations;

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

V. Wireless communication towers;*

W. Motor vehicle sales facilities, subject to the requirements set forth in TMC Chapter 18.42;

X. Equipment rental and sales facilities;

Y. Motorsports facility – indoor;

Z. Motorsports sales facility;

AA. Auto repair facilities;

BB. Crematories;

CC. Electric vehicle infrastructure;

DD. Agriculture;

EE. Community gardens;

FF. Farmers markets;

GG. Marijuana retailer;

HH. Breweries, wineries, distilleries, and associated restaurants;

II. Taverns, cocktail lounges;

JJ. Animal clinics or hospitals;

KK. Kennels;

LL. Offices;

MM. Mini-storage;

NN. Wildlife refuges and forest preserves;

OO. Temporary expansions of schools, such as portable classrooms;

PP. Restaurants;

QQ. Cross-dock facilities, fifty thousand square feet or smaller in size;

RR. Motor freight terminals, fifty thousand square feet or smaller in size;

SS. Warehousing, nondistribution, two hundred thousand square feet or smaller in size;

TT. Warehousing, nondistribution, larger than two hundred thousand square feet in size, subject to the requirements of TMC 18.42.110;

UU. Truck stops or travel centers;**

VV. Food trucks or trailers in accordance with TMC 18.42.120;

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

XX. Optometry clinics;

YY. Personal services;

ZZ. Professional services.

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

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

(Ord. O2019-020, Amended, 11/19/2019; Ord. O2019-019, Amended, 07/23/2019; Ord. O2019-018, Amended, 04/02/2019; Ord. O2018-025, Amended, 12/18/2018; Ord. O2018-007, Amended, 10/16/2018; Ord. O2017-023, Amended, 07/17/2018; Ord. O2017-022, Amended, 12/05/2017; Ord. O2017-006, Amended, 07/18/2017; Ord. O2016-006, Amended, 06/07/2016; Ord. O2014-012, Amended, 08/19/2014; Ord. O2013-025, Amended, 01/07/2014; Ord. O2013-013, Amended, 10/01/2013; Ord. O2010-029, Amended, 06/07/2011; Ord. O2010-015, Amended, 09/07/2010; Ord. O2008-017, Amended, 10/21/2008; Ord. O2008-016, Amended, 09/16/2008; Ord. O2006-037, Amended, 03/04/2008; Ord. O2005-011, Amended, 07/05/2005; Ord. O2003-001, Amended, 02/18/2003; Ord. O2000-004, Amended, 07/18/2000; Ord. O97-019, Amended, 06/17/1997; Ord. O96-022, Amended, 12/17/1996; Ord. O95-035, Added, 12/19/1995)

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

18.24.040 Conditional uses.

Conditional uses in the LI district are as follows:

A. Cemeteries;

B. The following essential public facilities:

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

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

6. Emergency communication towers and antennas;*

7. Secure community transition facilities;

C. Recycling collection centers;

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

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

F. Impound yards.

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

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

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

18.25.040 Conditional uses.

Conditional uses in the HI district are as follows:

A. Cemeteries;

B. Recreational facilities;

C. Parks and open space areas;

D. The following essential public facilities:

1. Large scale or regional transportation facilities;

2. Prisons, jails or other correctional facilities:

a. Juvenile detention facilities;

b. Work release facilities;

c. Prisons and prerelease facilities;

d. Jails;

3. Solid waste handling facilities;

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

5. Emergency communication towers and antennas;*

E. Child day care center; child mini-day care center;

F. Family child care homes;

G. Animal clinics or hospitals;

H. Wrecking yards and junk yards

I. Impound yards.

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

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

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

18.26.020 Permitted uses.
Permitted uses in the HC district are as follows:

A. Parks and open space areas;

B. All uses which were legally established prior to January 1, 1996, except where there is a cessation of the use for three or more years;

C. Multifamily dwellings;

D. Personal ~~and professional~~ services;

E. General retail sales;

F. Offices;

G. Hotel/motel and conference facilities;

H. Restaurants, taverns, cocktail lounges;

I. Post office, library, museum, art gallery, or cultural center;

J. Wholesaling, manufacturing, assembling, repairing, fabricating, or other handling of products and equipment entirely within a building;

K. Support facilities;

L. Child day care center, child mini-day care center;

M. Adult family homes, residential care facilities;

N. Family day care homes;

O. Schools;

P. Fish hatcheries, associated appurtenances, and related interpretive centers;

Q. Electric vehicle infrastructure;

R. Recreational facilities;

S. Community gardens;

T. Farmers markets;

U. Breweries, wineries, distilleries;

V. Centers for senior citizens, youth, general community, and similar groups;

W. Wildlife refuges and forest preserves;

X. Parking lots, parking structures;

Y. Temporary expansions of schools, such as portable classrooms;

Z. Food trucks or trailers in accordance with TMC 18.42.120;

AA. Food truck or trailer courts in accordance with TMC 18.42.120;

BB. Permanent supportive housing, subject to TMC 18.42.150;

CC. Transitional housing, subject to TMC 18.42.150;

DD. Emergency housing, subject to TMC 18.42.150;

EE. Emergency shelter, subject to TMC 18.42.150;

FF. Optometry clinics;

GG. Professional services.

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

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

18.27.040 Uses.

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

Table 18.27.040

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

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

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

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

Table 18.27.040 Footnotes:

(1) Along the Cleveland Avenue Main Street, active ground floor uses are required in accordance with TMC 18.27.080(B)(1)(e).

(2) Emergency communication antennas and wireless communication facilities are subject to Federal Aviation Administration (FAA) standards and approval, and furthermore both uses are subject to provisions for wireless communication facilities in TMC Chapter 11.20, Wireless Communication Facilities.

(3) Antennas must be affixed to or erected upon existing buildings, water tanks or other existing structures. Antennas shall not be affixed to a wireless communication support structure. Emergency communication towers are not permitted.

(4) Warehousing must be for product for use in or production resulting from on-site manufacturing, assembly, repair or fabrication.

(5) Drive-through uses are prohibited in the Bates North and Bates South subdistricts. For all other subdistricts, drive-through uses are limited to espresso stands less than five hundred square feet in floor area, pharmacies, banks, credit unions, and the reuse of permitted drive-through facilities in existence as of the effective date of O2014-007 (September 1, 2014) for restaurant uses.

(6) All animals must be kept at all times within a fully enclosed building with adequate controls so that animal noise and odor cannot be detected on adjoining property or in adjoining units with shared walls.

(7) South of Custer Way, development must consist of two or more of the listed uses; provided, that each use shall occupy a minimum of twenty percent of the gross floor area of the project.

(8) Buildings or structures for storage, a greenhouse, detached garage, or carport in the Bates South subdistrict accessory to a permitted use are subject to the provisions in TMC 18.42.015.

(9) Food truck or trailer courts in accordance with TMC 18.42.120.

(10) Food trucks or trailers in accordance with TMC 18.42.120.

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

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

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

Table 18.27.040 Explanatory Note:

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

(Ord. O2021-019, Amended, 01/18/2022; Ord. O2020-005, Amended, 03/16/2021; Ord. O2019-020, Amended, 11/19/2019; Ord. O2019-007, Amended, 09/03/2019; Ord. O2018-025, Amended, 12/18/2018; Ord. O2018-007, Amended, 10/16/2018; Ord. O2017-006, Amended, 07/18/2017; Ord. O2014-007, Added, 07/15/2014)

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

18.30.030 Permitted uses.
Permitted uses in the GB district are as follows:

A. Passive recreation facilities;

B. Trails;

C. Wildlife and nature preserves;

D. Wells and wellfields;

E. Agricultural uses subject to the requirements of TMC Chapter 16.08 (Protection of Trees and Vegetation) and the drainage design and erosion control manual for Tumwater;

F. Temporary research and education facilities related to water-dependent wetland-oriented research and education;

G. Residences existing prior to the adoption of this chapter;

H. Utility support facilities;

I. Permanent supportive housing in a residence existing prior to the adoption of TMC Chapter 18.30, subject to TMC 18.42.150;

J. Transitional housing in a residence existing prior to the adoption of TMC Chapter 18.30, subject to TMC 18.42.150;

K. Adult family homes and residential care facilities in a residence existing prior to the adoption of TMC Chapter 18.30.

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

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

18.30.050 Conditional uses.
Conditional uses in the GB district are as follows:

A. Structures as an accessory use to agricultural uses;

B. Single-family residence located outside of the one-hundred-year floodplain on a parcel no smaller than five acres;

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

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

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

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

18.31.020 Permitted uses.
Permitted uses in the OS district are as follows:

A. Parks and other related active and passive recreation facilities;

B. Agricultural uses subject to the requirements of TMC Chapter 16.08 (Protection of Trees and Vegetation) and the drainage design and erosion control manual for Tumwater;

C. Support facilities;

D. Cemeteries, located outside of the one-hundred-year floodplain, subject to the standards in TMC Chapter 18.56;

E. Golf courses;

F. Camp facilities;

G. Residences existing prior to January 1, 1996;

H. Fish hatcheries, associated appurtenances, and related interpretive centers;

I. Community gardens;

J. Farmers markets;

K. Wildlife and nature preserves;

L. Food trucks or trailers in accordance with TMC 18.42.120;

M. Permanent supportive housing in a residence existing prior to January 1, 1996, subject to TMC 18.42.150;

N. Transitional housing in a residence existing prior to January 1, 1996, subject to TMC 18.42.150;

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

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

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

18.31.040 Conditional uses.

A. Single-family residence located outside of the one-hundred-year floodplain on a parcel no smaller than five acres;

B. Campgrounds, recreational vehicle parks;

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

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

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

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

18.33.060 Development standards.

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

A. Each parcel in the mixed use overlay shall contain residential and commercial uses. The entire gross floor area of the first floor of building(s) facing existing or new public right-of-way frontage shall be dedicated to commercial uses. A minimum of twenty percent of each building ~~shall be commercial and a minimum of twenty percent~~ shall be residential.~~; provided, that~~ N~~n~~o less than eight thousand five hundred square feet of gross floor area of a building and no more than fifty thousand square feet of gross floor area of a building shall be dedicated to commercial uses~~. The percentage shall be calculated by determining the percent of square feet devoted to each type of use~~.

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

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

1. Land that is required to be dedicated for public use as open space, right-of-way, or land on which development is prohibited by TMC Title 16, Environment, and land that is to be used for private roads. Provided, that portion of open space/park areas that consists of stormwater facilities and that is designed for active and/or passive recreational purposes in accordance with the drainage design and erosion control manual for Tumwater shall not be excluded from density calculations.

2. Land developed with uses other than residential and associated uses, including but not limited to churches, schools, and support facilities (except for stormwater detention, treatment, and infiltration facilities).

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

Section 33. Section 18.34.020 of the Tumwater Municipal Code is hereby amended to read as follows:

18.34.020 Permitted uses.
Permitted uses in the ARI district are as follows:

A. Aviation and aviation-related uses;

B. Wholesaling, manufacturing, assembling, repairing, fabricating, or other handling of products and equipment;

C. Warehouse distribution centers, subject to the requirements of TMC 18.42.110;

D. General retail~~, personal and professional services~~;

E. Offices;

F. Aviation fueling facilities;

G. Motor pool and equipment parking;

H. Park and ride facilities;

I. Transit facilities;

J. The raising of crops, including trees;

K. Hotel/motel and conference facilities;

L. Support facilities;

M. Parks, open space areas, and recreational facilities;

N. Post offices;

O. Child day care center, child mini-day care center;

P. Schools on parcels abutting residential zones and outside of the airport hazard area subject to the provisions of TMC Chapter 18.56;

Q. Sexually oriented businesses subject to the provisions of TMC 18.42.050;

R. Retail and wholesale nurseries or greenhouses;

S. Museums, libraries, art galleries;

T. Transportation terminal facilities;

U. Restaurants;

V. Automobile service stations;

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

X. Wireless communication towers;*

Y. Motor vehicle sales facilities, subject to the requirements set forth in TMC Chapter 18.42;

Z. Equipment rental and sales facilities;

AA. Motorsports facility – indoor;

BB. Motorsports sales facility;

CC. Auto repair facilities;

DD. Crematories;

EE. Electric vehicle infrastructure;

FF. Agriculture;

GG. Community gardens;

HH. Farmers markets;

II. Marijuana retailer;

JJ. Breweries, wineries, distilleries;

KK. Kennels;

LL. Mini-storage;

MM. Wildlife refuges and forest preserves;

NN. Temporary expansions of schools, such as portable classrooms;

OO. Cross-dock facilities, fifty thousand square feet or smaller in size;

PP. Motor freight terminals, fifty thousand square feet or smaller in size;

QQ. Warehousing, nondistribution, two hundred thousand square feet or smaller in size;

RR. Warehousing, nondistribution, larger than two hundred thousand square feet in size, subject to the requirements of TMC 18.42.110;

SS. Energy systems;

TT. Food trucks or trailers in accordance with TMC 18.42.120;

UU. Food truck or trailer courts in accordance with TMC 18.42.120;

VV. Permanent supportive housing, subject to TMC 18.42.150;

WW. Transitional housing, subject to TMC 18.42.150;

XX. Emergency housing, subject to TMC 18.42.150;

YY. Emergency shelter, subject to TMC 18.42.150;

ZZ. Optometry clinics;

AAA. Personal Services;

BBB. Professional Services.

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

(Ord. O2021-019, Amended, 01/18/2022; Ord. O2019-020, Amended, 11/19/2019; Ord. O2019-007, Amended, 09/03/2019; Ord. O2018-025, Amended, 12/18/2018; Ord. O2018-007, Amended, 10/16/2018; Ord. O2017-023, Amended, 07/17/2018; Ord. O2017-006, Amended, 07/18/2017; Ord. O2016-023, Amended, 01/03/2017; Ord. O2016-006, Amended, 06/07/2016; Ord. O2014-012, Amended, 08/19/2014; Ord. O2013-025, Amended, 01/07/2014; Ord. O2013-013, Amended, 10/01/2013; Ord. O2010-029, Amended, 06/07/2011; Ord. O2010-015, Amended, 09/07/2010; Ord. O2008-017, Amended, 10/21/2008; Ord. O2008-016, Amended, 09/16/2008; Ord. O2006-037, Amended, 03/04/2008; Ord. O2003-001, Amended, 02/18/2003; Ord. O2000-004, Amended, 07/18/2000; Ord. O98-009, Amended, 10/20/1998; Ord. O97-019, Amended, 06/17/1997; Ord. O96-022, Amended, 12/17/1996; Ord. O95-035, Added, 12/19/1995)

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

18.34.040 Conditional uses.
Conditional uses in the ARI district are as follows:

A. Storage, manufacture or sale of highly volatile or extremely hazardous substances or materials other than airport fueling facilities that present a potential public health or safety hazard pursuant to this code (TMC Chapter 18.56);

B. Off-site hazardous waste treatment and storage facilities;

C. The following essential public facilities:

1. State education facilities;

2. Large scale or regional transportation facilities;

3. Prisons, jails or other correctional facilities;

4. Solid waste handling facilities;‘

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

6. Emergency communication towers and antennas;*

D. Private post-secondary education facilities;

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

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

G. Impound yards.

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

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

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

18.42.010 Accessory dwelling units.

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

A. There shall be no more than one accessory dwelling unit per lot in conjunction with a single-family structure.

B. An accessory dwelling unit may be attached to, created within, or detached from a new or existing primary single-family dwelling unit.

C. Off-street parking shall be provided according to the standards set forth in TMC Chapter 18.50.

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

1. If the accessory dwelling unit extends beyond the current footprint of the principal residence, such an addition shall be consistent with the existing roof pitch, siding, and windows.

2. If an accessory unit is detached from the main building, it must also be consistent with the existing roof pitch, siding, and windows of the principal residence.

3. The primary entrance to an accessory dwelling unit ~~shall~~ are encouraged to not be visible from the yard on the same side of the lot on which the primary entrance to the primary single-family dwelling unit is located.

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

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

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

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

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

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

18.44.090 Existing signs.

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

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

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

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

D. A nonconforming sign will cease to be a legal nonconforming sign if improvements are made to the property on which the sign is located amounting to twenty-five percent or greater of the assessed valuation of the property within any twelve-month period. Improvements to single-family dwellings shall be exempt from

this requirement. Improvements made to any residential structure due to fire, earthquake, or storm damage, or other natural disasters shall be exempt from this requirement.

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

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

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

18.44.140 Residential zone districts.

The following regulations shall apply to all residential zone districts (RSR residential/sensitive resource, SFL single-family low density residential, SFM single-family medium density residential, MFM multifamily medium density residential, MFH multifamily high density residential, and MHP manufactured home park zone districts):

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

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

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

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

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

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

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

H. Public buildings and churches located in residential zone districts are allowed up to fifty-five square feet of signage. Signs may be freestanding or wall mounted.

The allowed square footage may be applied to more than one sign, but the overall amount may not exceed fifty-five square feet.

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

Section 38. Section 18.49.020 of the Tumwater Municipal Code is hereby amended to read as follows:

18.49.020 Permitted uses.
Permitted uses within the MHP zone district are as follows:

A. Manufactured home parks in accordance with the provisions of TMC Chapter 18.48;

B. Designated manufactured homes on existing single lots of record, in accordance with the provisions of TMC Chapter 18.48;

C. Mobile home parks which were legally established prior to July 1, 2008;

D. One single-family detached dwelling per existing single lot of record;

E. Parks, trails, open space areas, and other related recreation facilities;

F. Support facilities;

G. Family child care home; child mini-day care center, subject to review by the community development director, the building official, and the fire chief;

H. Adult family homes;

I. Residential care facilities.

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

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

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

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

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

single-family medium density residential GB, OS, RSR, SFL, or SFM zone districts, is relocated or expanded.

3. When a use is changed to one requiring more or less parking or loading spaces.

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

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

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

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

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

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

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

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

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

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

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

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

18.50.120 Required bicycle facilities.

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

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

1. Covered to protect bicycles from weather;

2. Visible from primary entrances or provide signs indicating location;

3. Illuminated;

4. Secure to protect bicycles from theft through the use of racks, cages, lockers, or other approved methods;

5. Located within one hundred feet of primary entrances for employees, visitors, or residents unless combining with other uses on site for convenience, in which case bicycle facilities shall be located within two hundred feet of a primary entrance. Bicycle facilities should be located no farther away from the main entrance than the nearest nonaccessible space;

6. Accessible for bicycles, defined as the following:

   a. Provide proper maneuvering space (usually a minimum of twenty-four inches) between landscaping, buildings, and other obstructions;

   b. Not interfere with means of ingress or egress from the building; and

   c. Accessible without using stairs.

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

1. Racks shall enable the use of a u-lock between the bicycle frame and the rack. Additionally, racks shall support the bicycle frame in two or more places (e.g., “inverted U”).

2. Racks shall provide a bicycle parking space equal to twenty-two inches by six feet, unless placed side to side, in which case they may be placed thirty-six inches apart.

3. Prohibited racks include grid/comb/wheelbenders which only secure a wheel, and wave/ribbon racks.

4. Encouraged racks include inverted "U," "A," post and loop racks, and security rails.

5. Long-term bicycle facilities provided in excess of the minimum requirements shall serve to meet up to fifty percent of short-term bicycle facility requirements at the request of the land-owner.

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

1. Each bicycle must be able to be individually locked or secured unless the facility is designed to only be used by an individual or family (such as in a private garage). If racks are used, they must be compliant with subsection B of this section.

2. Bicycle lockers are encouraged, but no site should depend solely on bicycle lockers for long-term storage. Bicycle lockers should have a see-through window or view-hole to discourage improper use.

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

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

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

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

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

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

18.53.020 Adult family home.

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

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

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

18.53.030 Residential care facility.

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

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

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

18.56.180 "I" uses.

"Impound yards"

A. Minimum Conditions.

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

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

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

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

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

Section 44. Corrections. The City Clerk and codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers, and any references thereto.

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

Section 46. Severability. The provisions of this ordinance are declared separate and severable. The invalidity of any clause, sentence, paragraph,

subdivision, section, or portion of this ordinance or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of the ordinance, or the validity of its application to other persons or circumstances.

Section 47. Effective Date. This ordinance shall become effective thirty (30) days after passage, approval, and publication as provided by law.

ADOPTED this _____day of _____, 2022.

CITY OF TUMWATER

_____
Debbie Sullivan, Mayor

ATTEST:

_____
Melody Valiant, City Clerk

APPROVED AS TO FORM:

_____
Karen Kirkpatrick, City Attorney

Published:_____

Effective Date:_____

Attachment B

City Hall
555 Israel Road SW
Tumwater, WA 98501-6515
Phone: 360-754-5855
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2022 DEVELOPMENT CODE HOUSEKEEPING (O2022-013)
FINAL DOCKET
STAFF REPORT
PLANNING COMMISSION PUBLIC HEARING

Issue

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

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

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Summary

The proposed amendments are intended make minor corrections to the City's development regulations.

Background

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

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

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

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

- Accessory Dwelling Unit Entrances. Changed the primary entrance to an accessory dwelling unit from "should" to "are encouraged to" not be visible from the yard on the same side of the lot on which the primary entrance to the primary single-family dwelling unit is located.
- CBC – Parking Requirements. Raised the maximum parking ratios for multifamily dwellings from one space per dwelling to one off-street space per studio apartment, 1.5 spaces per one to two bedroom dwelling unit, two spaces per three or more bedroom dwelling units, and one guest space for every ten unit, which are the minimum prescribed spaces in TMC Figure 18.50.70(A).
- Car Washes. Added "electric vehicle charging stations" as an accessory use to an "automobile service station."

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

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

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

Development Code Housekeeping Final Docket

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

A. Accessory Dwelling Unit Entrances

Address accessory dwelling unit primary entrance language. Accessory dwelling unit shall be designed to maintain the appearance of the main building of the single-family residence. In some cases, it is not possible for the primary entrance to an accessory dwelling unit not to be visible from the yard on the same side of the lot on which the primary entrance to the primary single-family dwelling unit is located. In addition, making the primary entrance to an accessory dwelling unit not to be visible from the yard can create unintended accessibility issues. The amendment would change this from a requirement to an option.

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

Code Section to be amended:

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

Proposed amendment language:

18.42.010 Accessory dwelling units.

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

title, the following specific standards are set forth for such accessory dwelling unit uses:

[…]

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

1. If the accessory dwelling unit extends beyond the current footprint of the principal residence, such an addition shall be consistent with the existing roof pitch, siding, and windows.

2. If an accessory unit is detached from the main building, it must also be consistent with the existing roof pitch, siding, and windows of the principal residence.

3. The primary entrance to an accessory dwelling unit ~~shall~~ are encouraged to not be visible from the yard on the same side of the lot on which the primary entrance to the primary single-family dwelling unit is located.

[…]

B. Adult Family Homes/Residential Care Facilities

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

RCW 70.128.140 states:

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

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

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

TMC 18.04.010 defines an "adult family home" as:

"Adult family home" means the regular family abode of a person or persons who are providing personal care, room and board, under a

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

TMC 18.04.170 defines a "residential care facility" as:

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

Code Sections to be amended:

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

Proposed amendment language:

- Added "Adult family homes, residential care facilities" as a permitted use to the MFP Manufactured Home Park zone district in Table 18.07.010 Residential Zone Districts Permitted and Conditional Uses and to TMC 18.49.020.
- Removed "Residential care facilities" as a permitted use to the LI Light Industrial and ARI Airport related Industry zone districts in Table 18.07.030 Industrial Zone Districts Permitted and Conditional Uses.
- Added "Adult family homes, residential care facilities" as a permitted use in existing residences and as a conditional use in a single-family residence located outside of the one-hundred-year floodplain on a parcel no smaller than five acres to the Greenbelt and Open Space zone districts in Table 18.07.040 Greenbelt and Open Space Zone Districts Permitted and Conditional Uses and to TMC 18.30.030, TMC 18.30.050, TMC 18.31.020, and TMC 18.31.040.
- Added "Residential care facilities" as a permitted use to the BD Brewery District zone district in Table 18.27.040.
- Amended TMC 18.53.020 as follows:

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

- Amended TMC 18.53.030 as follows:

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

C. Bicycle Storage

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

Code Section to be amended:

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

Proposed amendment language:

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

[…]

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

1. Each bicycle must be able to be individually locked or secured unless the facility is designed to only be used by an individual or family (such as in a private garage). If racks are used, they must be compliant with subsection B of this section.

2. Bicycle lockers are encouraged, but no site should depend solely on bicycle lockers for long-term storage. Bicycle lockers should have a see-through window or view-hole to discourage improper use.

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

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

[…]

D. Capitol Boulevard Community – Multifamily Parking Requirements

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

Code Section to be amended:

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

Proposed amendment language:

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

[…]

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

E. Car Washes

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

Code Section to be amended:

- TMC 18.04.010 – A definitions – Definitions

Proposed amendment language:

18.04.010 A definitions.
[…]

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

[…]

F. Duplexes

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

Code Sections to be amended:

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

Proposed amendment language:

- Amended TMC 18.07.010 as follows:

  18.07.010 Residential zone districts permitted and conditional uses.
  […]

  Table 18.07.010 Footnotes:

  […]

  (*2) "Duplexes" are allowed in the residential/sensitive resource (RSR) and single-family low density residential (SFL) zone districts on individual lots legally established before or on April 15, 2021. ~~Such uses~~ Duplexes shall not occupy more than twenty percent of the total lots in a new short plat or subdivision, which was legally established after April 15, 2021. In such cases, the community development director shall have the discretion to alter the percentage in order to allow the new short plat or subdivision to meet minimum required densities due to topography or other special conditions related to the site, such as critical areas.*

  (3) "Duplexes" are allowed in the single-family medium density residential (SFM) zone district on individual lots legally established before or on April 15, 2021. ~~Such uses~~ Duplexes shall not occupy more than thirty percent of the total lots in a new short plat or subdivision, which was legally established after April 15, 2021. In such cases, the community development director shall have the discretion to alter the

percentage in order to allow the new short plat or subdivision to meet minimum required densities due to topography or other special conditions related to the site, such as critical areas.

[…]

- Amended TMC 18.08.020 as follows:

18.08.020 Permitted uses.
Permitted uses in the RSR zone district are as follows:

[…]

B. Duplexes are allowed on individual lots legally established before or on April 15, 2021. Duplexes ~~Such uses~~ shall not occupy more than twenty percent of the total lots in a new short plat or subdivision which was legally established after April 15, 2021. In such cases, the community development director shall have the discretion to alter the percentage in order to allow the new short plat or subdivision to meet minimum required densities due to topography or other special conditions related to the site, such as critical areas;

[…]

- Amended TMC 18.10.020 as follows:

18.10.020 Permitted uses.
Permitted uses in the SFL district are as follows:

[…]

I. Duplexes are allowed on individual lots legally established before or on April 15, 2021. Duplexes ~~Such uses~~ shall not occupy more than twenty percent of the total lots in a new short plat or subdivision, which was legally established after April 15, 2021. In such cases, the community development director shall have the discretion to alter the percentage in order to allow the new short plat or subdivision to meet minimum required densities due to topography or other special conditions related to the site, such as critical areas;

[…]

- Amended TMC 18.12.020 as follows:

18.12.020 Permitted uses.
Permitted uses in the SFM district are as follows:

[…]

C. Duplexes are allowed on individual lots legally established before or on April 15, 2021. Duplexes ~~Such uses~~ shall not occupy more than thirty percent of the total lots in a new short plat or subdivision which was legally established after April 15, 2021. In such cases, the community development director shall have the discretion to alter the percentage in order to allow the new short plat or subdivision to meet minimum required densities due to topography or other special conditions related to the site, such as critical areas;

[…]

G. Impound Yards

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

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

Code Sections to be amended:

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

Proposed amendment language:

- Amended TMC 18.04.090 as follows:

  18.04.090 I definitions.
  […]

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

  […]

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

18.56.180 "I" uses.
"Impound yards"

A. Minimum Conditions.

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

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

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

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

H. Mixed Use Overlay

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

Code Section to be amended:

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

Proposed amendment language:

18.33.060 Development standards.
Buildings ~~entirely or partially located more than two hundred feet from the Tyee Drive/Israel Road intersection right-of-way and that contain a commercial and/or residential use~~ shall meet the density standards

below and the applicable development standards in TMC 18.20.060(B) through (H) of the underlying mixed use zone district~~. See Diagram 18.33.060. All other uses shall meet the applicable development standards of TMC 18.20.060(A) through (H).~~

A. Each parcel in the mixed use overlay shall contain residential and commercial uses. The entire gross floor area of the first floor of building(s) facing existing or new public right-of-way frontage shall be dedicated to commercial uses. A minimum of twenty percent of each building ~~shall be commercial and a minimum of twenty percent~~ shall be residential.~~; provided, that n~~ No less than ten thousand square feet of gross floor area of a building and no more than fifty thousand square feet of gross floor area of a building shall be dedicated to commercial uses~~. The percentage shall be calculated by determining the percent of square feet devoted to each type of use~~.

[…]

[Delete Diagram 18.33.060]

I. Nonconforming Signs

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

Code Section to be amended:

- TMC 18.44.090 – Existing signs – Signs

Proposed amendment language:

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

[…]

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

C. ~~A nonconforming sign will cease to be a legal nonconforming sign if a structural alteration or relocation increases its nonconforming~~

~~*status. An increase in nonconforming status will be construed to be a violation of this chapter and such sign will be subject to removal as provided in this chapter and TMC Chapter 18.54.*~~ *Changes in the sign face wording of a nonconforming sign shall not be deemed an alteration under this section.*

J. Optometry Clinics

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

A state Attorney General opinion determined that optometry services are not considered health care services, such as medical, surgical, hospital and other therapeutic services, so optometry clinics should not be classified as a medical clinic (Attorney General Opinion (AGO) 1960 No. 141- September 13,1960, Optometry - Services As Within The Definition Of Health Care Services Under RCW 48.44.010. The services rendered by a licensed and qualified optometrist are not properly included as "health care services" within the definition of RCW 48.44.010.).

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

Code Sections to be amended:

- TMC 18.04.150 – O Definitions – Definitions
- TMC 18.07.020 – Commercial zone districts permitted and conditional uses– Summary Tables of Uses
- TMC 18.07.030 – Industrial zone districts permitted and conditional uses– Summary Tables of Uses
- TMC 18.18.020 – Permitted Uses – NC Neighborhood Commercial zone district
- TMC 18.19.020 – Permitted Uses – CS Community Services zone district
- TMC 18.20.030 – Permitted Uses – MU Mixed Use zone district
- TMC 18.21.030 – Permitted Uses – CBC Capitol Boulevard Community zone district
- TMC 18.22.020 – Permitted Uses – GC General Commercial zone district

- TMC 18.23.020 – Permitted Uses – TC Town Center zone district
- TMC 18.24.020 – Permitted Uses – LI Light Industrial zone district
- TMC 18.26.020 – Permitted Uses – HC Historic Commercial zone district
- TMC 18.27.040 – Uses – BD Brewery District zone district
- TMC 18.34.020 – Permitted Uses – ARI Airport Related Industry zone district

Proposed amendment language:

- Amended TMC 18.04.150 as follows:

  18.04.150 O definitions.
  […]

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

  […]

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

K. Personal and Professional Services

For consistency and understanding, splitting "personal and professional services" into "personal services" and "professional services" and removing "personal and professional and services and sales" from the TMC 18.07.020

Table Commercial zone districts permitted and conditional uses – Summary Tables of Uses.

Personal service is defined in TMC 18.04.160 as:

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

Professional service is defined in TMC 18.04.160 as:

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

Code Sections to be amended:

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

Proposed amendment language:

- Amended TMC 18.04.160 as follows:

  18.04.160 P definitions.
  […]

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

  […]

- Changed "personal and professional services" to "personal services" and added the use to the NC Neighborhood Commercial zone district and amended the name of the use in the CS Community Services, MU Mixed Use, CBC Capitol Boulevard Community, GC General Commercial, HC Historic Commercial, and TC Town Center zone districts in Table 18.07.020 Commercial Zone Districts Permitted and Conditional Uses and amended TMC 18.19.020, TMC 18.22.020, TMC 18.23.020, TMC 18.26.020, and TMC 18.27.040.
- Deleted the combined "personal and professional services or sales" from the NC Neighborhood Commercial and TC Town Center zone districts in Table 18.07.020 Commercial Zone Districts Permitted and Conditional Use.
- Changed "personal and professional services" to "personal services" in the LI Light Industrial and ARI Airport Related Industry zone districts in Table 18.07.030 Industrial Zone Districts Permitted and Conditional Uses and amended TMC 18.24.020 and TMC 18.34.020.
- Added "professional services" as a standalone permitted use in all commercial zone districts in Table 18.07.020 Commercial Zone Districts Permitted and Conditional Uses and to TMC 18.19.020, TMC 18.23.020, and TMC 18.26.020.
- Added "professional services" as a standalone permitted use in the LI Light Industrial and ARI Airport Related Industry zone districts in Table 18.07.030 Industrial Zone Districts Permitted and Conditional Uses and to TMC 18.24.020 and TMC 18.34.020.

- Added "professional services" as a permitted use to all subdistricts except the Bluff subdistrict in the BD Brewery District zone district in Table 18.27.040.

L. Public Building and Church Signs

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

"Church" is defined in TMC 18.040.30 as *"…a building wherein persons regularly assemble for religious worship and which is primarily used for such purposes, and those accessory activities as are customarily associated therewith."*

Code Section to be amended:

- TMC 18.44.140 – Residential zone districts – Signs

Proposed amendment language:

18.44.140 Residential zone districts.
The following regulations shall apply to all residential zone districts (RSR residential/sensitive resource, SFL single-family low density residential, SFM single-family medium density residential, MFM multifamily medium density residential, MFH multifamily high density residential, and MHP manufactured home park zone districts):

[…]

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

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

H. Public buildings and churches located in residential zone districts are allowed up to fifty-five square feet of signage. Signs may

be freestanding or wall mounted. The allowed square footage may be applied to more than one sign, but the overall amount may not exceed fifty-five square feet.

M. Residential Mechanical Equipment in Setbacks

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

Code Sections to be amended:

- TMC 18.08.050 – Development standards – RSR Residential/ Sensitive Resource zone district
- TMC 18.10.050 – Development standards – SFL Single-Family Low Density Residential zone district
- TMC 18.12.050 – Development standards – SFM Single-Family Medium Density Residential zone district

Proposed amendment language:

- Amended TMC 18.08.050 as follows:

18.08.050 Development standards.
Development in the RSR zone district must meet the following requirements:

[…]

*I. Yards.**

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

[…]

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

[…]

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

[…]

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

[…]

- Amended TMC 18.10.050 as follows:

18.10.050 Development standards.
Development in the SFL zone district must meet the following requirements:

[…]

*I. Yards.**

[…]

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

[…]

- Amended TMC 18.12.050 as follows:

18.12.050 Development standards.
Development in the SFM zone district must meet the following requirements:

[…]

*I. Yards.**

[…]

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

[…]

N. Storage Shed Access

Addressing driveway surface for storage sheds in low-density residential zone districts. Currently, if a property owner wants to build a detached storage shed in a low density residential property having a gravel driveway, TMC 18.50.020(A)(1) requires compliance with the current parking regulations. In this case, TMC 18.50.030(B) requires property owner in a low density residential property to convert the driveway to a hard surface, such as asphalt or concrete

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

Code Section to be amended:

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

Proposed amendment language:

18.50.020 Parking, loading and bicycle facility general regulations.

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

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

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

[…]

O. Subdivision Dedication Code Language Update

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

Code Section to be amended:

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

Proposed amendment language:

17.24.030 Format and content of application.
[…]

D. Content.

[…]

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

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

Dedication Certificate:

Known to all ~~men~~ persons present that _____, the undersigned owner, in fee simple of the land hereby divided,

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

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

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

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

[…]

Public Approval Process

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

The General Government Committee discussed the Planning Commission's recommendation on the items to go forward to the final docket for more review at their June 8, 2022 meeting. The General Government Committee recommended that the preliminary docket be placed on the City Council's consent agenda for their June

21, 2022 meeting. The City Council approved the items to go forward to the final docket on June 21, 2022.

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

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

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

A Notice of Public Hearing for the Planning Commission was issued on July 29, 2022 prior to a public hearing. The notice will be 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 will hold a public hearing for the proposed amendments on August 9, 2022. Following the public hearing and deliberations, the Planning Commission will make a recommendation that Council on the proposed amendments.

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

Public Notification

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

Staff Conclusions

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

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

The Ordinance establishes concise requirements for the application, review process, and approval of planned unit developments.

2. The proposed amendments will need to be consistent with the Economic Development Plan because the proposed amendments improve the clarity and specificity of the regulations for submittal, review, and approval of planned unit developments.

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

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

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

      "…by making ongoing improvements to existing development regulations, systems, and processes."

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

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

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

3. Based on the above review and analysis, staff 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.

Staff Recommendation

Staff recommends that the Planning Commission review the proposed amendments and provide comment to staff.

Effects of the Proposed Amendments

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

Staff Contact

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City of Tumwater Community Development Department
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Attachment C

2022 Annual Housekeeping Amendments

Final Docket Amendments

Ordinance No. O2022-013
August 9, 2022
Planning Commission Public Hearing

Issue

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

Review Process

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

Review Process

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

Staff Report

For each amendment, the staff report includes:

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

Final Docket Amendments

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

Final Docket Amendments

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

Accessory Dwelling Entrances

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

[…]

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

[…]

3. The primary entrance to an accessory dwelling unit ~~shall~~ are encouraged to not be visible from the yard on the same side of the lot on which the primary entrance to the primary single-family dwelling unit is located.

Functionally Disabled Housing

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

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

Adult Family Homes

Amend TMC 18.53.020 as follows:

18.53.020 Adult family home.

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

Amend TMC 18.53.030 as follows:

18.53.030 Residential care facility.

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

Bicycle Storage

Clarify bicycle storage requirements.

18.50.120 Required bicycle facilities.

[…]

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

[…]

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

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

CBC – Parking Requirements

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

18.21.060 Development standards.

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

[…]

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

Car Washes

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

18.04.010 A definitions.

[…]

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

[…]

Duplexes

Amended the permitted uses in the RSR and SFL:

"Duplexes" are allowed in the residential/sensitive resource (RSR) and single-family low density residential (SFL) zone districts on individual lots legally established before or on April 15, 2021. ~~Such uses~~ Duplexes shall not occupy more than twenty percent of the total lots in a new short plat or subdivision, which was legally established after April 15, 2021. In such cases, the community development director shall have the discretion to alter the percentage in order to allow the new short plat or subdivision to meet minimum required densities due to topography or other special conditions related to the site, such as critical areas.

Duplexes

Amended the permitted uses in the SFM:

"Duplexes" are allowed in the single-family medium density residential (SFM) zone district on individual lots legally established before or on April 15, 2021. ~~Such uses~~ Duplexes shall not occupy more than thirty percent of the total lots in a new short plat or subdivision, which was legally established after April 15, 2021. In such cases, the community development director shall have the discretion to alter the percentage in order to allow the new short plat or subdivision to meet minimum required densities due to topography or other special conditions related to the site, such as critical areas.

Impound Yards

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

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

Mixed Use Overlay

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

18.33.060 Development standards.

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

Mixed Use Overlay

A. Each parcel in the mixed use overlay shall contain residential and commercial uses. The entire gross floor area of the first floor of building(s) facing existing or new public right-of-way frontage shall be dedicated to commercial uses. A minimum of twenty percent of each building ~~shall be commercial and a minimum of twenty percent~~ shall be residential.~~; provided, that n~~ No less than ten thousand square feet of gross floor area of a building and no more than fifty thousand square feet of gross floor area of a building shall be dedicated to commercial uses. ~~The percentage shall be calculated by determining the percent of square feet devoted to each type of use.~~

[…]

[Delete Diagram 18.33.060]

Nonconforming Signs

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

18.44.090 Existing signs.

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

[…]

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

Nonconforming Signs

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

18.44.090 Existing signs.

[…]

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

Optometry Clinics

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

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

Personal/Professional Services

For consistency and understanding, split “personal and professional services” into “personal services” and “professional services” and remove “personal and professional and services and sales” from the TMC 18.07.020 *Table Commercial zone districts permitted and conditional uses – Summary Tables of Uses*

Personal/Professional Services

18.04.160 P definitions.

[…]

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

[…]

Personal/Professional Services

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

Personal/Professional Services

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

Public Building and Church Signs

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

18.44.140 Residential zone districts.

The following regulations shall apply to all residential zone districts (RSR residential/sensitive resource, SFL single-family low density residential, SFM single-family medium density residential, MFM multifamily medium density residential, MFH multifamily high density residential, and MHP manufactured home park zone districts):

[…]

Public Building and Church Signs

[…]

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

[…]

; and

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

Mechanical Equipment

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

Storage Shed Access

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

Storage Shed Access

- Currently, if a property owner wants to build a detached storage shed in a low density residential property having a gravel driveway, TMC 18.50.020(A)(1) requires compliance with the current parking regulations
- In this case, TMC 18.50.030(B) requires property owner in a low density residential property to convert the driveway to a hard surface, such as asphalt or concrete

Subdivision Dedication Code

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

Next Steps

Final Docket Amendments (O2022-013)

City Council

- General Government Committee briefing – September 14, 2022
- City Council worksession – September 27, 2022
- City Council consideration – October 4, 2022

TO: Planning Commission

FROM: Brad Medrud, Planning Manager

DATE: August 9, 2022

SUBJECT: Ordinance No. O2022-015, Other Housekeeping Amendments

---

1) Recommended Action:

Conduct a public hearing on Ordinance No. O2022-015 and forward a recommendation of approval to the City Council.

---

2) Background:

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

The Planning Commission is expected to make a recommendation on actions for the City Council to undertake before proceeding with amendments Title 12 *Streets, Sidewalks and Public Places*,

---

3) Alternative:

- ❑ None

---

4) Attachments:

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

Attachment A

ORDINANCE NO. O2022-015

AN ORDINANCE of the City Council of the City of Tumwater, Washington, amending Titles 2, 14, and 15 of the Tumwater Municipal Code to address minor housekeeping amendments to the City's regulations.

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

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

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

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

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

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

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

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

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

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

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

WHEREAS, the City Council considered the ordinance on October 4, 2022; and

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

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

Section 1. A new Section 12.12.070 of the Tumwater Municipal Code is hereby created:

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

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

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

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

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

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

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

Section 3. Corrections. The City Clerk and codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers, and any references thereto.

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

Section 5. Severability. The provisions of this ordinance are declared separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of the ordinance, or the validity of its application to other persons or circumstances.

Section 6. Effective Date. This ordinance shall become effective thirty (30) days after passage, approval, and publication as provided by law.

ADOPTED this _____day of _____, 2022.

CITY OF TUMWATER

_____
Debbie Sullivan, Mayor

ATTEST:

_____
Melody Valiant, City Clerk

APPROVED AS TO FORM:

_____
Karen Kirkpatrick, City Attorney

Published:_____

Effective Date:_____

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

2022 OTHER HOUSEKEEPING AMENDMENTS (O2202-015)

STAFF REPORT

PLANNING COMMISSION PUBLIC HEARING

Issue

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

In addition, the Planning Commission is expected to make a recommendation on actions for the City Council to undertake before proceeding with amendments to Title 12 *Streets, Sidewalks and Public Places*.

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Summary

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

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

Other Housekeeping Amendments (Ordinance No. O2022-015) Summary
The following is a summary of the two proposed amendments that were included in the other housekeeping amendments in Ordinance No. O2022-015:

A. Staff Reports for Hearing Examiner - Schedule

Review when a staff report is needed for a hearing examiner hearing. The hearing examiner has asked that the date when staff reports have to be available be changed from the current five working days prior to the public hearing to seven days.

Code Section to be amended:

- TMC 2.58.110 – Distribution of information – Hearing Examiner

Proposed amendment language:

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

B. Traffic Study Requirements

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

Code Section to be amended:

- TMC 15.48.060 – Traffic study – Transportation Concurrency Requirements

Proposed amendment language:

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

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

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

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

Recommendation for City Council Further Action before Making Amendments

The following is a summary of an amendment to Title 12 *Streets, Sidewalks and Public Places* that was originally included in the other housekeeping amendments in Ordinance No. O2022-015, but the Planning Commission decided at their July 26, 2022 worksession to pull the proposed amendment from the ordinance and recommend that the City Council undertake other actions first.

C. Sidewalks – Obstructions, Maintenance, and Repair

At the request of City staff, address short-term and long-term sidewalk maintenance. The intent would be to clarify which owners are responsible for maintenance of sidewalks. Currently, neither the *Tumwater Municipal Code* nor the *Tumwater Development Guide* clearly addresses this issue.

New Code Sections to be created:

- TMC 12.08.035 – Removal of sidewalk obstructions – Street and Side Obstructions

- TMC 12.12.070 – Sidewalk maintenance and repair – Construction of Curbs and Sidewalks

Proposed amendment language, new sections added:

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

[…]

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

Planning Commission Discussion
At the Planning Commission briefing on July 12, 2022, the Commission raised a number of questions regarding the amendments proposed to address short- and long-term sidewalk maintenance responsibilities of the adjoining property owners.

Transportation Manager Mary Heather Ames attended the Planning Commission worksession on July 26, 2022 to help answer questions and discuss the proposed amendments.

Some of the issues raised by the Commissioners included:

- ***How will property owners in the City know about the proposed amendments and their responsibilities for short- and long-term maintenance after the code amendments are complete?***

  Currently the City has regulations in the Tumwater Municipal Code that are related to the proposed amendments:

  1. ***8.04.030 Public nuisance defined.***
     A public nuisance consists of doing an act, or omitting to perform a duty, or permitting an action or condition to occur or exist which:

     A. Unreasonably annoys, injures or endangers the comfort, repose, health or safety of others;

     B. Is unreasonably offensive to the senses;

C. Unlawfully interferes with, obstructs or tends to obstruct, or renders dangerous for passage, any stream, public park, square, highway, public trail, or public right-of-way in the city;

D. Unlawfully interferes with, damages or pollutes habitat areas, critical areas, open spaces, restoration sites, groundwater, creeks, lakes, wetlands, wetland buffers, and similar areas;

E. In any way renders other persons insecure in life or the use of property;

F. Interferes with the comfortable enjoyment of life and property;

G. Creates or permits the existence or continuance of any of the specific nuisances identified in this chapter.

(Ord. O2013-004, Amended, 10/15/2013; Ord. 616, Added, 04/18/1972. Formerly 8.04.010)

Ordinance No. 616 (1972) explicitly addressed removing snow and ice and vegetation from public sidewalks. Ordinance No. O2013-004 (2013) replaced the code sections dealing with these specific issues.

2. ***12.08.010 Obstructing streets prohibited.***

No person shall deposit, place or put, nor suffer to be deposited, placed or put, by a person or persons in his or her employ, any goods, wares, firewood, coal, lumber, chattels or merchandise of any description whatsoever, in any of the streets, highways, alleys, or other public places of the city, except while counting or shipping the same, or actually removing the same into or out of some building or enclosure, or loading the same into or unloading the same out of some vehicle.

(Ord. O2011-007, Amended, 07/19/2011; Ord. 126, Added, 05/23/1922)

Ordinance No. 126 (1922) provided the language still used in TMC 12.08.010. Ordinance No. O2011-007 (2011) removed the specific penalties that were included in the section.

3. ***12.24.030 Trees and shrubs endangering usefulness of streets and sidewalks – Public nuisance.***

Trees, plants, shrubs or vegetation, or parts thereof, which endanger the security or usefulness of any public street, sidewalk, sewer or other underground utility, are declared to be a public nuisance, except that trees may extend over the sidewalk when kept trimmed to a height of eight feet above sidewalks and fourteen feet above a roadway.

(Ord. 909, Added, 08/15/1981)

12.24.040 Abatement of nuisance.

> *The public works director, or his/her designee, shall by written notice require the owner of such nuisances described in TMC 12.24.030, in addition or alternative to the penalties prescribed by TMC 12.24.090, to abate the nuisance by trimming, destroying or removal, at the owner's cost and expense within the time specified by the director; provided further, that if the destruction, trimming, or removal is not made by such owner within the time specified, the director may abate the same and render a bill covering the cost of such abatement.*
>
> *(Ord. O2011-002, Amended, 03/01/2011; Ord. 909, Added, 08/15/1981)*

Ordinance No. 909 (1981) provided the language still used in TMC 18.24.030 and TMC 12.24.040. Ordinance No. O2011-002 updated the department names.

There are also notes in specific approved final plats that reinforce these code sections.

Staff would need to work with our Communications team on a citywide notice to all residents about the updated ordinance followed by notices that are more detailed to property owners adjacent to known defects from the transition plan. There would likely be a lengthy notice period before the City starts enforcement, perhaps two to five years.

- ***How can the City help property owners who are elderly or have other challenges keep their sidewalks clear of vegetation and snow?***

  This would be subject to further discussion with the City Council, as the City cannot assist with snow removal, as staff does not remove snow on any sidewalks in the City given our limited equipment and crews. Staff is not aware of any agency that handles snow removal for sidewalks. It is typically a "help your neighbor" situation, but some residents contact the City for emergency purposes and staff helps, as they are able. It is similar for vegetation removal but staff are able to help more often given the requests do not typically occur when all our staff are on roadway snow response.

- ***How does the City explain the long-term cost implications and who will pay: property owner directly or the property owner to the City to have the City do the work instead?***

  This item remains open for further discussion. The City may have had a program in the past in which the property owner paid 25% and the City paid 75%. Property owners would proactively contact the City about sidewalk defects in front of their parcels and request that they be added to a City project. Staff would be in favor of restarting a similar program.

- ***Liability issue: if the City's code explicitly states that it is the adjoining property owner's responsibility to maintain sidewalks (snow, ice, vegetation, etc.), will it encourage lawsuits?***

  The City can shift maintenance responsibility to abutting properties, but it is our understanding is the City cannot shift liability absent the property owner being the cause of the defect (See *MRSC - Sidewalk Construction, Maintenance, and Repair and MRSC - Sidewalk Trip and Fall . . . Who is at Fault? Who Pays? (2013)* at https://mrsc.org/Home/Stay-Informed/MRSC-Insight/May-2013/Sidewalk-Trip-and-Fall-Who-is-at-Fault-Who-Pays.aspx). The City will generally always be liable, but staff would need to confirm this with our City Attorney.

The City of Olympia requires adjacent property owners to maintain and repair sidewalks, but does not enforce those provisions. The City of Lacey does not have any requirements.

After discussion at their worksession on July 26, 2022, the Planning Commissioners recommended that the proposed amendments be taken out of the ordinance. The Planning Commission asked that staff discuss the public engagement process that would be required to implement the amendments, as well as working to establish a volunteer support program for property owners unable to maintain their sidewalks with City Council first and then address amendments later.

Public Approval Process

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

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

The Planning Commission received a briefing on the proposed other housekeeping amendments on July 12, 2022 and held a worksession on the ordinance on July 26, 2022.

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

The Planning Commission will hold a public hearing for the amendments on August 9, 2022. Following the public hearing and deliberations, the Planning Commission will make a recommendation that Council on the amendments.

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

Public Notification

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

Staff Conclusions

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

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

      The Ordinance establishes concise requirements for the application, review process, and approval of planned unit developments.
2. The proposed amendments will need to be consistent with the Economic Development Plan because the proposed amendments improve the clarity and specificity of the regulations for submittal, review, and approval of planned unit developments.
   a. Goal #1 of the Economic Development Plan states:

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

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

      "…by making ongoing improvements to existing development regulations, systems, and processes."

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

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

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

3. Based on the above review and analysis, staff 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.

Staff Recommendation
Staff recommends that the Planning Commission review the proposed amendments and provide comment to staff.

Effects of the Proposed Amendments
The proposed text amendments would necessitate changes to the Tumwater Municipal Code.

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

Attachment C

2022 Annual Housekeeping Amendments

Other Housekeeping Amendments

Ordinance No. O2022-015
August 9, 2022
Planning Commission Public Hearing

Issue

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

Review Process

- The **other housekeeping amendments** do not follow the TMC 18.60.025(A) process, but will be considered at the same time as the final docket of development code amendments in Ordinance No. O2022-013

Staff Report

For each of the two amendments, the staff report includes:

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

Other Amendments

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

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

Hearing Examiner Staff Reports

- Review when a staff report is needed for a hearing examiner hearing
- The hearing examiner has asked that the date when staff reports have to be available be changed from the current five working days prior to the public hearing to seven days
- Amend TMC 2.58.110 *Distribution of information*

Traffic Study Requirements

Update the criteria for when a traffic impact analysis is required

15.48.060 Traffic study.

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

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

Traffic Study Requirements

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

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

Other Amendments

- At their July 26, 2022 worksession, the Planning Commission removed the following amendment from Ordinance O2022-015:
  C. Sidewalks – Obstructions, Maintenance, and Repair

- The Planning Commission discussed including a recommendation to the City Council that public engagement and a voluntary support program be considered before considering the amendments

Next Steps

Other Housekeeping Amendments (O2022-015)

City Council

- General Government Committee briefing – September 14, 2022
- City Council worksession – September 27, 2022
- City Council consideration – October 4, 2022

Attachment D

Sidewalk Repair

Land Use and Environment Committee

February 17, 2022



Sophie Stimson, Planning and Engineering Supervisor, Public Works

Current Policy Guidance

- Sidewalk cleaning and repair is the responsibility of adjacent property owner (OMC 12.36)
- Code similar to other Washington cities
- Does not relieve the City from potential liability
- Involves many aspects of City government:
  - Public Works
  - Urban Forestry
  - Parks
  - Risk Management
  - Code Enforcement

Current Approach

Locations reported by public
Since 2014, 155 locations tracked

Notify property owner

Send letter explaining code and providing repair guidance

City Repairs

Fix sidewalks Downtown and on certain large streets where City maintains street trees

Notify property owner

Letter and flyer:

- Explain code
- Urban Forestry help
- Types of repair
- Hiring a contractor
- Permit for work



Olympia

Property Owner's Guide to Sidewalk Repairs

October 2019

Taking Care of Sidewalks

Sidewalks are a valuable part of our neighborhoods and enhance your property's value. When sidewalks lift up, sink, or have large cracks, they pose a trip hazard to pedestrians.

Sidewalk damage typically occurs over time and may be caused by tree roots, the ground settling or from cars parked on the sidewalk.

A sidewalk on San Francisco Avenue.

City Code

City code requires **property owners** to repair the sidewalk adjacent to their property *(Olympia Municipal Code 12.36.010-* Unfit Sidewalk - Order to Repair).

The code also states that the planter strip between the sidewalk and the street is the adjacent property owner's responsibility to maintain. *(Engineering Design and Development Standards, 2.040)*

Cracks can be trip hazards.

Resources

For questions about the City's code, contact Code Enforcement at 360.753.8487.

Learn more about street trees at the City's Urban Forestry webpage or calling Community Planning and Development at 360.753.8301.

Lifted sidewalks can also pose a hazard.

olympiawa.gov

The City of Olympia is committed to the non-discriminatory treatment of persons in the employment and the delivery of services and resources.



Sidewalk Repairs (continued)

Property Owner Guide

You may repair your sidewalk by:

- grinding down the section that's lifted, or
- replacing the damaged panels.

Depending on the extent of the damage, you might do the work yourself or you may decide to hire a contractor.

A sidewalk that's been repaired by grinding.

Find a Contractor for Concrete Work

For grinding or replacement repairs, consider contacting three concrete contractors for estimates before you select one. For your protection, use contractors that are insured and bonded.

Address Tree Issues

Many damaged sidewalks are caused by tree roots. Trees in planter strips or in your yard may need to have the roots pruned. An certified arborist can evaluate tree maintenance measures by completing a Level 3 Soil and Vegetation Report. Contact cpdinfo@ci.olympia.wa.us to discuss your situation before you proceed.

Obtain a permit

For public safety, sidewalks must be built to City specifications. A permit is needed to do the tree and sidewalk work, but the permit fees will be waived for the sidewalk repair. Specifications and permits are available through the City's Community Planning & Development Department (CP&D) located on the 2nd floor of City Hall at 601 4th Avenue, 360.753.8314.

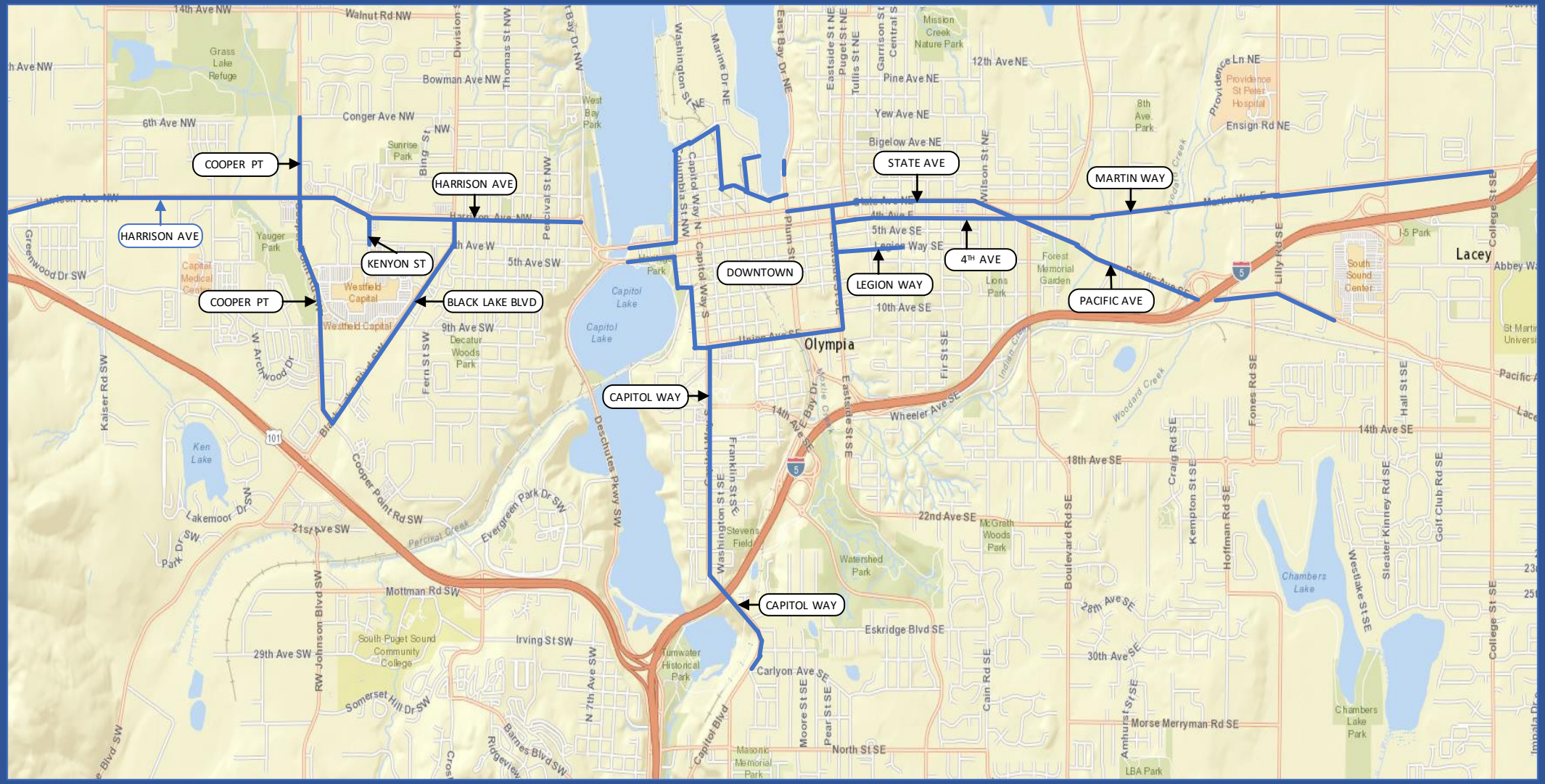
Sidewalk replacement work completed by a contractor, hired by homeowner.

olympiawa.gov

The City of Olympia is committed to the non-discriminatory treatment of persons in the employment and the delivery of services and resources.

City Repairs

Sidewalk repair done by City:
Downtown and designated arterials based on Street Tree Master Plan



Funding for repairs made by City

- Public Works Street Operations
- $11,000 annually, some grants
- 3 to 6 repairs each year



Urban Forestry

- Many repairs involve street trees
- Tree removal or root pruning makes repair work more complex
- Standards for street tree planting improved, reduces future issues



Other cases of sidewalk repair

- Homeowners' associations make repairs
- Can be required by property owner's insurance
- Rebuilt sidewalks when redevelopment occurs



Conclusion

- Approach results in strategic repairs by City
- Limited repairs by property owners as a result of City letter
- Topic of concern for residents
- Sidewalk repair is in TMP “Future Policy Considerations”
- Last City Council discussion in 2005



TO: Planning Commission

FROM: Brad Medrud, Planning Manager

DATE: August 9, 2022

SUBJECT: Ordinance No. O2022-003, Final Docket for 2022 Comprehensive Plan Amendments

---

1) Recommended Action:

Staff recommends the Planning Commission review the staff report and be prepared for a briefing on the 2022 Comprehensive Plan map and text amendments and corresponding rezones.

---

2) Background:

Pursuant to RCW 36.70A.130 and TMC 18.60.025(A)(2), proposed map and text amendments to the City's Comprehensive Plan and corresponding rezones are only considered once per calendar year.

The City's annual 2022 Preliminary Docket of Comprehensive Plan amendments include a private application for map amendments that was filed by the Monday, December 6, 2021 deadline for 2022 amendments and four City-sponsored Comprehensive Plan text and map amendments and rezone.

Planning Commission worksessions on the amendments are scheduled for August 23, 2022 and September 13, 2022. A public hearing before the Planning Commission is tentatively scheduled for September 27, 2022.

The City Council's General Government Committee will review the proposed amendments in a briefing on October 12, 2022 and the City Council will hold a worksession to discuss the amendments on October 25, 2022. The City Council will consider the proposed amendments at a hearing tentatively scheduled for November 15, 2022.

---

3) Alternatives:

- ❑ None

---

4) Attachments:

A. Staff Report
B. Ordinance No. O2022-003
C. Presentation

2022 ANNUAL CITY OF TUMWATER COMPREHENSIVE PLAN MAP AND TEXT AMENDMENTS AND CORRESPONDING REZONES

FINAL DOCKET – ORDINANCE NO. 2022-003

STAFF REPORT

PLANNING COMMISSION BRIEFING

Introduction

Pursuant to RCW 36.70A.130 and TMC 18.60.025(A)(2), proposed map and text amendments to the City's Comprehensive Plan and corresponding rezones can only be considered once per calendar year and must be considered together.

On March 1, 2022, the City Council approved the list of amendments that will be including in the final docket for further review. The final docket includes one private application for a map amendment filed by the Monday, December 6, 2021 deadline for the 2022 Comprehensive Plan amendments from citizens or property owners, and the remaining four proposed amendments are City-sponsored Comprehensive Plan text or map amendments and associated Title 18 *Zoning* amendments.

Private Map Amendment

1. **Wells Littlerock Comprehensive Plan Land Use Map Amendment (TUM-21-1848) and Corresponding Rezone (TUM-21-1804)** - A Comprehensive Plan map amendment and corresponding rezone for three adjacent parcels that total 2.76-acres located south of 7223 Littlerock Road SW. The amendment area includes Thurston County Assessor Parcel Numbers 1270-44-30901, 1270-44-30902, and 1270-44-30903.

City Sponsored Text and Map Amendments and Associated Title 18 *Zoning* Amendments

2. **Neighborhood Character** – Review of the Housing and Land Use Elements of the Comprehensive Plan for potential amendments related to the use of "neighborhood character" and similar terms in support of the *Tumwater Housing Action Plan*.

3. ***Thurston Climate Mitigation Plan*** – Review updating greenhouse gas emission (GHG) targets in the Conservation Element to address HB 2311.

4. **Essential Public Facilities Amendments** – Review of the potential for amendments to the goals, policies, and actions in the Lands for Public Purposes Element of the Comprehensive Plan and TMC Title 18 *Zoning* to allow an expansion of the area in the City that would allow for essential public facilities such as inpatient facilities including substance abuse facilities. These essential public facilities uses include, but not limited to, intensive inpatient facilities; long-term residential drug treatment facilities; recovery house facilities.

5. **Comprehensive Plan Map Amendment and Corresponding Rezone to Change Triangle West of the Dennis Street SW and Linderson Way SW Intersection** – A Comprehensive Plan map amendment and corresponding rezone for an approximately 0.30-acre portion of one parcel that totals 5.73-acres located at 6501 Linderson Way SW at the western corners of Linderson Way SW and Dennis Street SW. The amendment area is a portion of Thurston County Assessor Parcel Number 1270-32-40303.

Each of the five proposed Comprehensive Plan map and text amendments and corresponding rezones are reviewed separately in the staff report and then all amendments going forward are reviewed together with the criteria found in TMC 18.60.025(B):

1. *Does the amendment conform to the Growth Management Act?*

2. *Is it consistent with the Comprehensive Plan, Thurston County-Wide Planning Policies, and related plans?*

3. *Have area conditions changed or are changing to justify a change in land use for the area?*

4. *Is there a need to provide a community-related use not anticipated by the Comprehensive Plan?*

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A. 2022 PRIVATELY SPONSORED COMPREHENSIVE PLAN MAP AMENDMENT AND CORRESPONDING REZONE

1. Wells Littlerock Comprehensive Plan Land Use Map Amendment (TUM-21-1848) and Corresponding Rezone (TUM-21-1804)

Summary

A private applicant is requesting a Comprehensive Plan map amendment and corresponding rezone for three adjacent parcels that total 2.76-acres located south of 7223 Littlerock Road SW (Thurston County Assessor Parcel Numbers 1270-44-30901, 1270-44-30902, and 1270-44-30903).

The applicant's request is to change the current Single Family Medium Density Residential (SFM) Comprehensive Plan map designation of the parcels to Multi-Family Medium Density Residential (MFM).

The amendment and rezone applications can be found in Appendix 1.3 – *Applications for the Wells Littlerock Comprehensive Plan Land Use Map Amendment and Rezone*.

Proposal

1. Amend the City-Wide Land Use Map to change the current Comprehensive Plan land use map designation of the properties from Single Family Medium Density Residential (SFM) to Multi-Family Medium Density Residential (MFM).

2. Amend the City-Wide Zoning Map to change the current zone district of the properties from Single-Family Medium Density Residential (SFM) to Multifamily Medium Density Residential (MFM).

Tumwater Permit Numbers TUM-21-1804 (Rezone) and TUM-21-1848 (Comprehensive Plan Map Amendment)

Applicant Glenn Wells

Owner Estate of Marvin L. Beagles

Location Three adjacent parcels located to the south of 7223 Littlerock Road SW

Parcel Number Thurston County Assessor Parcel Numbers 1270-44-30901, 1270-44-30902, and 1270-44-30903

Property Size 2.76 acres

Current Use Vacant

Utilities Sewer, water, and other utilities are available in the vicinity

Access The easternmost parcel property abuts Littlerock Road SW

Maps

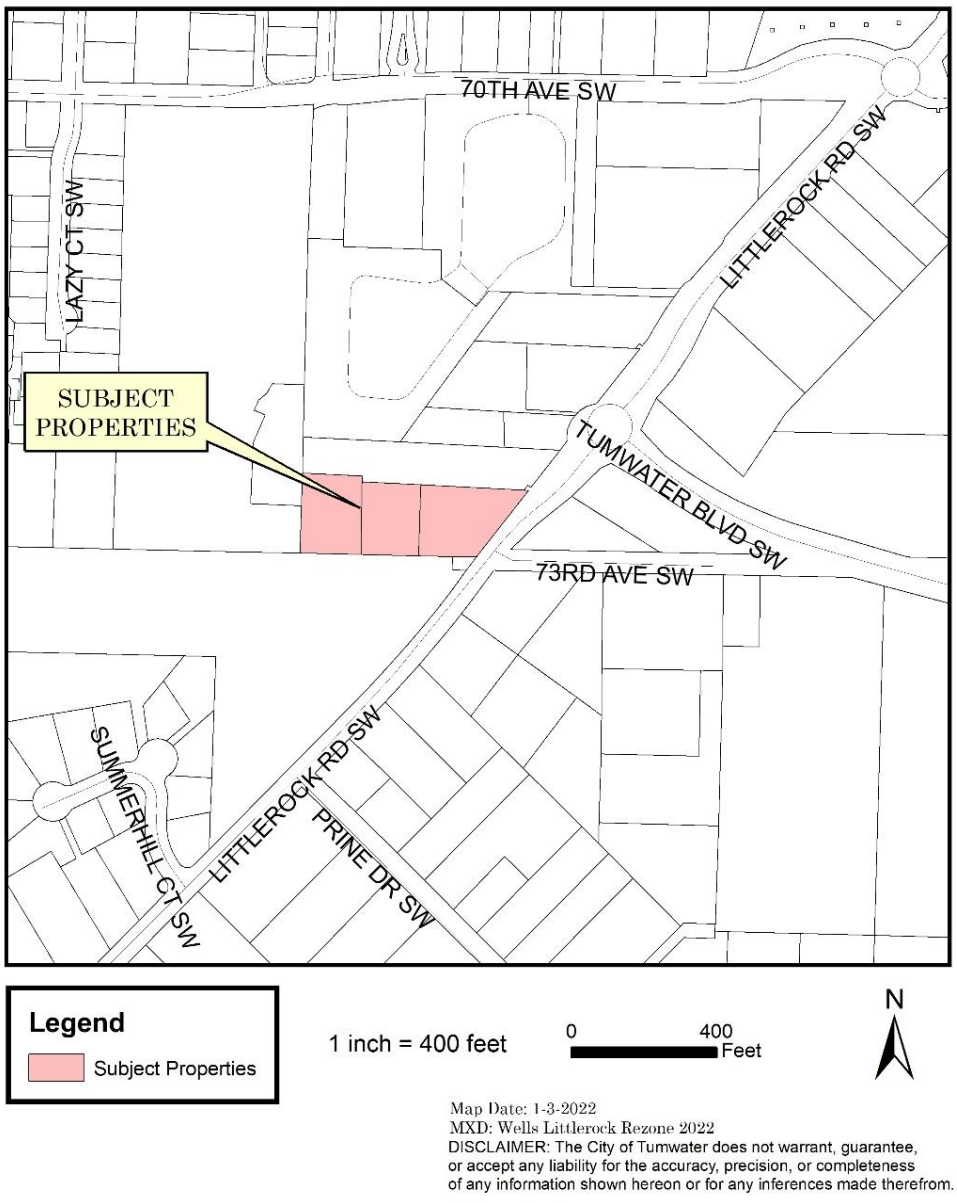


Figure 1. Wells Littlerock Parcel Map

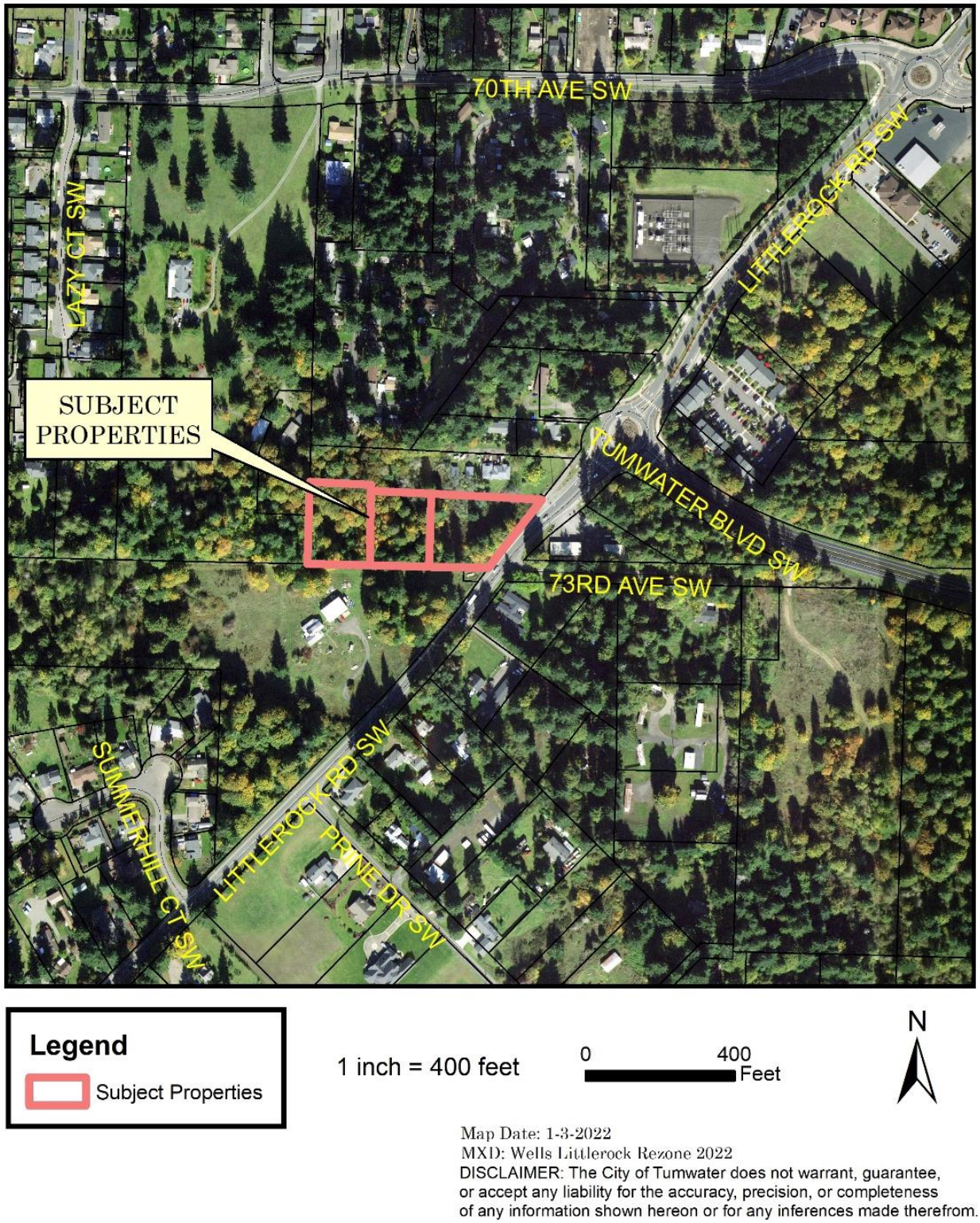


Figure 2. Wells Littlerock 2019 Aerial

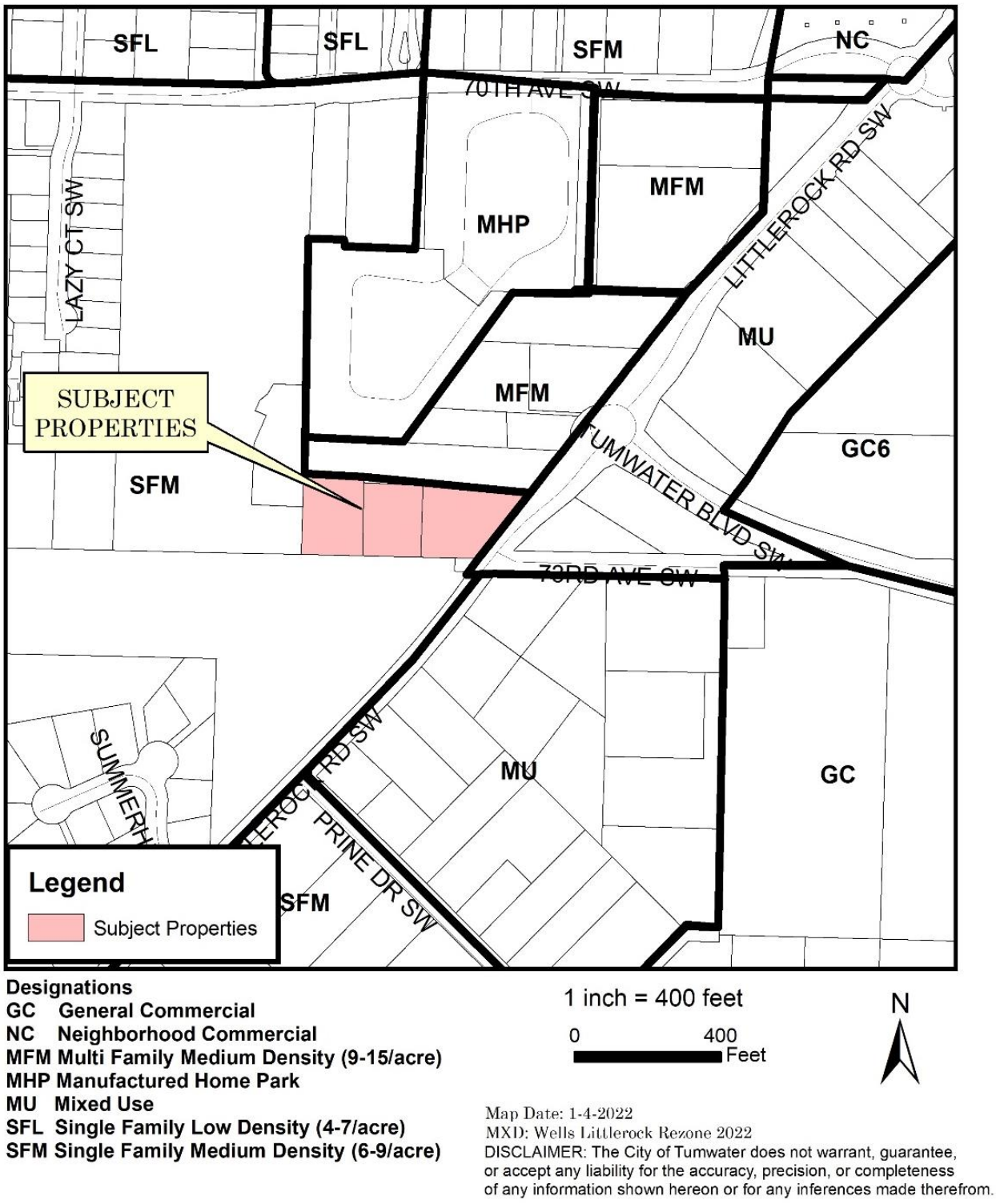


Figure 3. Wells Littlerock Current Zoning

Current Comprehensive Plan City-Wide Land Use Map Designation
The current land use designation for the proposed amendment area is Single Family Medium Density Residential (SFM). See Appendix 1.1 – *Maps* for the current Comprehensive Plan City-Wide Land Use Map (Map 1A).

Surrounding Land Use Map Designations, Zone Districts, and Existing Land Uses

North
Land Use Map Designation: Multi-Family Medium Density Residential (MFM)

Zone District: Multifamily Medium Density Residential (MFM)

Current Land Use: Single-family dwelling

East
Land Use Map Designation: Mixed Use (MU)

Zone District: Mixed Use (MU)

Current Land Use: Littlerock Road SW and 73rd Avenue SW

South
Land Use Map Designation: Single Family Medium Density Residential (SFM)

Zone District: Single-Family Medium Density Residential (SFM)

Current Land Use: Residential subdivision under construction

West
Land Use Map Designation: Single Family Medium Density Residential (SFM)

Zone District: Single-Family Medium Density Residential (SFM)

Current Land Use: Single-family dwellings

Constraints/Environmental Issues
The proposed amendment area does contain the "more preferred" soils for the protected Mazama Pocket Gopher, so critical area site analyses would need to be completed before future development could occur.

Background

In accordance with Tumwater Municipal Code 18.60.025(A)(5), applications for 2022 Comprehensive Plan Amendments and associated rezones were due by the first Monday in December. The City published notice on September 30, 2021 that applications for 2022 Comprehensive Plan Amendments and associated rezones would be due Monday, December 6, 2021.

The City received the applicant's rezone application (TUM-21-1804) on November 17, 2021. Community Development Department staff sent out a letter of incompleteness for the rezone application (TUM-21-1804) on December 6, 2021.

The City received the Comprehensive Plan map amendment application (TUM-21-1848) on December 6, 2021. Community Development Department staff sent out a letter of completeness for the Comprehensive Plan map amendment and rezone applications (TUM-21-1848 (Comprehensive Plan Map Amendment) and TUM-21-1804 (Rezone)) on December 10, 2021.

The City Council placed the proposed Comprehensive Plan amendment and rezone on the 2022 Long Range Planning Work Program on January 18, 2022. The Planning Commission reviewed the preliminary docket and provided comments at their January 11, 2022 meeting. The Planning Commission recommended further review of the proposal on January 25, 2022, as part of the 2022 preliminary docket. On February 9, 2022, the General Government Committee reviewed the preliminary docket and forwarded it to the full City Council for review.

The City Council held a worksession on February 22, 2022 and recommended that the preliminary docket be placed on the City Council agenda for their March 1, 2022 meeting. On March 1, 2022, the City Council considered the Planning Commission's recommendation and the review by the General Government Committee and included the proposal in the 2022 annual Comprehensive Plan amendment preliminary docket to be reviewed by Community Development Department staff and presented later in 2022.

After the City Council approved the final docket on March 1, 2022 for the 2022 annual Comprehensive Plan map and text amendments, Community Development Department staff reviewed the proposed amendment and prepared the staff report with a recommendation.

Approval of the amendment would result in a Comprehensive Plan map amendment that would change the proposed amendment area from the Single Family Medium Density Residential (SFM) Comprehensive Plan map designation to the Multi-Family Medium Density Residential (MFM) Comprehensive Plan map designation. Approval

of the amendment would also result in a corresponding rezone from the Single Family Medium Density Residential (SFM) zone district to the Multifamily Medium Density Residential (MFM) zone district.

Review and Approval Criteria

Comprehensive Plan map amendments are subject to the criteria below from Tumwater Municipal Code (TMC) 18.60.025(B):

1. *All amendments to the comprehensive plan must conform with the requirements of the Washington State Growth Management Act, Chapter 36.70A RCW, and all amendments for permanent changes to the comprehensive plan must be submitted to the Washington State Department of Commerce, pursuant to RCW 36.70A.106.*

   The proposed amendment being considered is in accordance with the City's annual Comprehensive Plan amendment process, as required by RCW 36.70A. If the amendment is approved by the City Council, the proposed amendment will be submitted to the Washington State Department of Commerce pursuant to RCW 36.70A.106.

   The proposed Comprehensive Plan map amendment and corresponding rezone meet the fourteen goals of the Washington State Growth Management Act as follows:

   (1) Urban growth. Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.

   The proposed amendment occurs near the central urban area of the City 0.30 miles from the Intercity Transit 12 West Tumwater line. Utilities including sewer and water are in the immediate vicinity. The site is close to services. The proposed amendment could provide more housing in close proximity to services and jobs.

   (2) Reduce sprawl. Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.

   The proposed amendment is consistent with this goal, as it would allow for residential uses in close proximity to jobs and services. The requested Multi-Family Medium Density Residential (MFM) land use designation and Multifamily Medium Density Residential (MFM) zone district is the least intense multifamily designation and zone district in the City at nine to fifteen dwellings per acre.

(3) Transportation. Encourage efficient multimodal transportation systems that are based on regional priorities and coordinated with county and city comprehensive plans.

Littlerock Road SW is designated an arterial in the City's Transportation Plan. Future development of the site would trigger frontage improvements. The location is good for higher intensity residential uses because of its connectivity for multimodal transportation options.

(4) Housing. Encourage the availability of affordable housing to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.

The proposed Comprehensive Plan map amendment and corresponding rezone would allow for an enhancement in the variety of housing stock in the City. Additionally, Chapter 4 of the Land Use Element of the Comprehensive Plan on page 76 states that

> *"…as population increases in the Thurston County area and housing costs become increasingly more expensive due to land and construction cost, it is likely that a larger market for higher density development will occur."*

The proposal is a Comprehensive Plan map amendment from Single Family Medium Density Residential (SFM) to Multi-Family Medium Density Residential (MFM) and corresponding rezone from Single-Family Medium Density Residential (SFM) to Multifamily Medium Density Residential (MFM). The proposal would allow for more intense residential uses, which is consistent with this goal.

(5) Economic development. Encourage economic development throughout the state that is consistent with adopted comprehensive plans, promote economic opportunity for all citizens of this state, especially for unemployed and for disadvantaged persons, promote the retention and expansion of existing businesses and recruitment of new businesses, recognize regional differences impacting economic development opportunities, and encourage growth in areas experiencing insufficient economic growth, all within the capacities of the state's natural resources, public services, and public facilities.

A change in land use designation and zone district would allow the proposed amendment area to be developed with a wider range of more intense residential uses as compared to the current Single Family Medium Density Residential (SFM) land use designation. Generally, businesses need residential uses in close proximity in order to survive. The proposal increases multifamily residential uses in close proximity to business centers, which is consistent with the goal.

(6) Property rights. Private property shall not be taken for public use without just compensation having been made. The property rights of landowners shall be protected from arbitrary and discriminatory actions.

The proposal does not require any taking of private property.

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

The proposed Comprehensive Plan map amendment and corresponding rezone is being considered as a part of the City's annual Comprehensive Plan amendment review.

(8) Natural resource industries. Maintain and enhance natural resource-based industries, including productive timber, agricultural, and fisheries industries. Encourage the conservation of productive forestlands and productive agricultural lands, and discourage incompatible uses.

Neither the proposed amendment area nor any of the properties in the vicinity are designated for natural resources.

(9) Open space and recreation. Retain open space, enhance recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks and recreation facilities.

The proposed amendment area is not designated for open space and recreation. Future development of the proposed amendment area would need to comply with all development regulations that pertain to open space and parks requirements.

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

Any future development would need to comply with all the applicable environmental regulations.

(11) Citizen participation and coordination. Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts.

All property owners within 300 feet of the exterior boundaries of the proposed amendment area were notified about the application by letter on July 27, 2022. All property owners within 300 feet of the exterior boundaries of the proposed amendment area and all interested agencies and jurisdictions will be receiving a separate notification about the public hearing for the proposal. In addition, City residents and all interested parties, agencies and jurisdictions will be notified about the application and the public hearing for the proposal as part of the proposed 2022 Comprehensive Plan map amendment and rezone process.

(12) Public facilities and services. Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards.

The City provides sewer and water service to the proposed amendment area. Streets in the general vicinity are operating within the expected levels of service. Future development of the proposed amendment area would likely require a traffic study and mitigation of the impacts, as well as proof of adequate water and sewer service

(13) Historic preservation. Identify and encourage the preservation of lands, sites, and structures, that have historical or archaeological significance.

The proposed amendment area is not the site of known historical or archaeological significance.

(14) Shorelines of the state.

The proposed amendment area is not located within 200 feet of any shoreline of the state.

2. *Text amendments and site-specific rezone applications should be evaluated for internal consistency with the comprehensive plan, and for consistency with the county-wide planning policies, related plans, and the comprehensive plan of Thurston County or cities which have common borders with Tumwater.*

The proposed Comprehensive Plan map amendment and corresponding rezone is consistent with the Comprehensive Plan, including the Land Use and Housing Elements. The Comprehensive Plan is consistent with the Thurston County-Wide Planning Policies and the goals of Sustainable Thurston.

The applicable goals of the Land Use Element of the Comprehensive Plan are as follows:

Land Use Element Goal LU-2 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.

The proposal would allow for future urban infill development in an area with existing services. The proposed amendment area is within close proximity to jobs, as well as other retail and service providers north of the property.

Land Use Element Goal LU-3 states:

Ensure adequate public services, facilities, and publicly owned utilities are available to proposed and existing development.

City sewer and water service are available in the immediate vicinity of the proposed amendment area.

Land Use Element Goal LU-4 states:

Encourage land use patterns that increase the availability of affordable housing for all economic segments of the Tumwater population.

The proposal would change the current land use designation of the proposed amendment area from Single Family Medium Density Residential (SFM) to Multi-Family Medium Density Residential (MFM), which is the least intense multifamily land use designation in the City. If the proposed amendment area was developed with the Multi-Family

Medium Density Residential (MFM) land use designation, it could help to provide additional housing diversity for a range of lifestyles, incomes, abilities, and ages.

Land Use Element Goal LU-5 states:

Ensure development patterns encourage efficient multimodal transportation systems coordinated with regional, City, and county transportation plans.

The proposed amendment area is near jobs and services.

Land Use Element Goal LU-6 states:

Reduce impacts from flooding; encourage efficient stormwater management; and ensure that the groundwater of Tumwater is protected and preserved.

The proposed amendment area is not located within a 100-year floodplain. At the time of the future development of the proposed amendment area, the Public Works Department would review the stormwater management system, in order to protect and preserve the groundwater and reduce impacts from flooding.

Land Use Element Goal LU-11 states:

Ensure new and existing development is energy efficient.

All new development in the City must meet the Washington State Energy Code.

The applicable goals of the Housing Element of the Comprehensive Plan are as follows:

Housing Element Goal H-5 states:

To supply sufficient, safe, suitable housing sites and housing supply to meet projected future housing needs for Tumwater over the next 20 years.

Housing Element Goal H-6 states:

To promote a selection of housing that is decent, safe, and sound, in close proximity to jobs and daily activities, and varies by location, type, design, and price.

The proposal meets the intent of both Goals 5 and 6 since it would allow for lower density multifamily residential development within walking distance of services, retail, and jobs.

Housing Element Goal H-12 states:

To encourage urban growth within the city limits with gradual phasing outward from the urban core.

The proposal meets the intent of the goal. The proposed amendment is consistent with the goal because the proposed amendment area contains vacant property located within close proximity to a core urban area of the City.

3. *Whether conditions in the area for which comprehensive plan change/zoning amendment is requested have changed or are changing to such a degree that it is in the public interest to encourage a change in land use for the area.*

   The conditions in the area for which the proposed Comprehensive Plan map amendment and corresponding rezone covers has changed to a degree that it is in the public interest to support an amendment to the current land use designation and zone district for the area.

   Since the property was originally designated Single Family Medium Density Residential (SFM) there has been high degree of interest in higher intensity development in the area.

4. *Whether the proposed comprehensive plan zoning amendment is necessary in order to provide land for a community-related use which was not anticipated at the time of adoption of the comprehensive plan.*

   The criterion does not apply.

Staff Conclusions

1. The proposal meets the review and approval criteria found in TMC 18.60.025(B).

2. The proposed Comprehensive Plan map amendment and corresponding rezone are consistent with the goals of the Washington State Growth Management Act.

3. The proposed Comprehensive Plan map amendment and corresponding rezone are consistent with Goals LU-2, LU-3, LU-4, LU-5, LU-6, and LU-11 of the Land Use Element of the Comprehensive Plan.

4. The proposed Comprehensive Plan map amendment and corresponding rezone are consistent with Goals H-5, H-6, and H-12 of the Housing Element of the Comprehensive Plan.

5. The potential impacts of the proposed Comprehensive Plan amendment has been considered together with the other amendments in the 2022 annual Comprehensive Plan amendment final docket with the criteria found in TMC 18.60.025(B) and proposed amendments do not create any inconsistencies when evaluated together.

6. Based on the above review and analysis, Community Development Department staff concludes that the proposed Comprehensive Plan map amendment and corresponding rezone are consistent with the requirements of the Washington State Growth Management Act, Thurston County-Wide Planning Policies, the goals of Sustainable Thurston, and the Comprehensive Plan.

Staff Recommendation

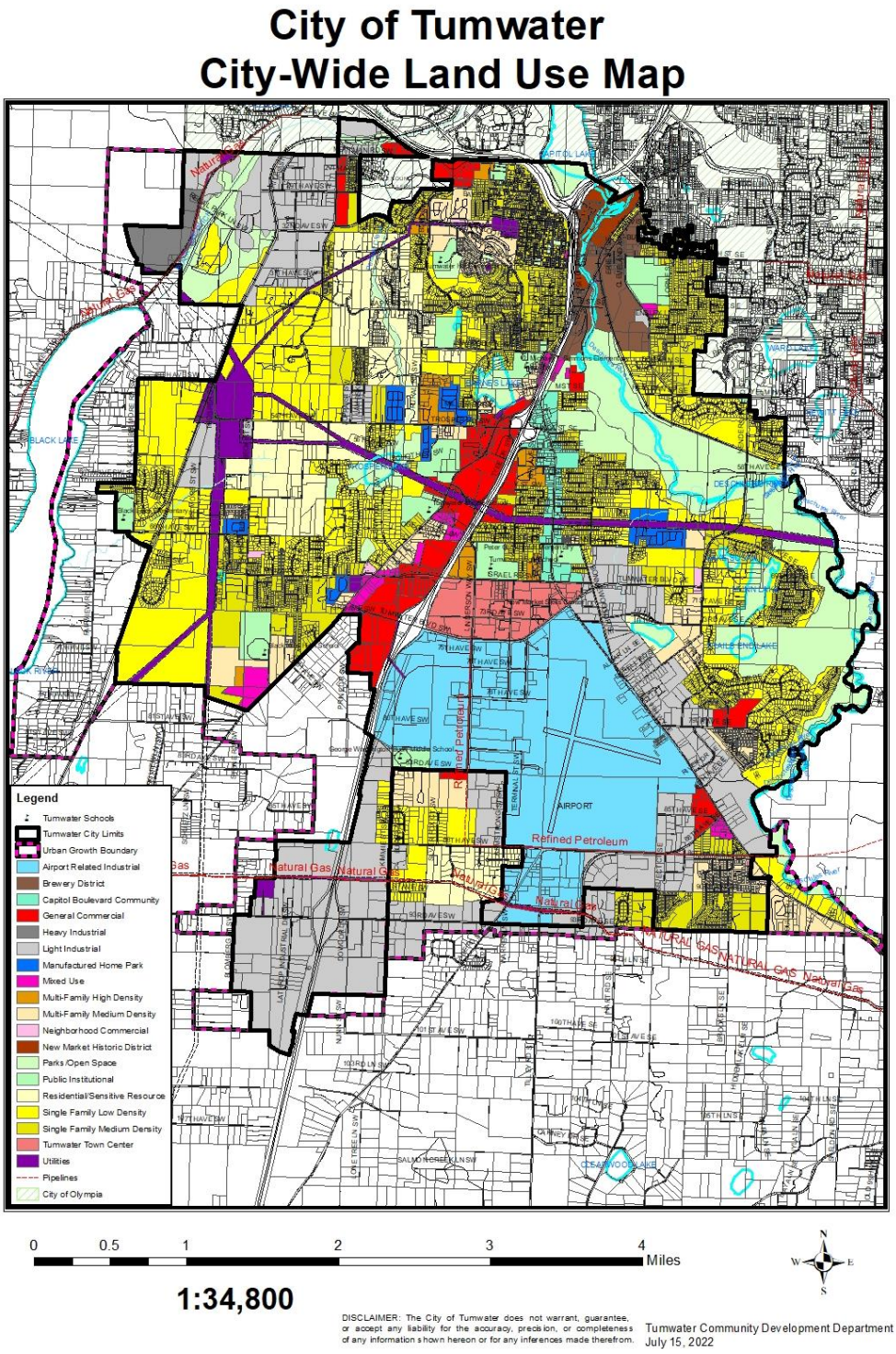
1. Community Development Department staff recommends approval of the proposed Comprehensive Plan map amendment from Single Family Medium Density Residential (SFM) to Multi-Family Medium Density Residential (MFM) and corresponding rezone from Single-Family Medium Density Residential (SFM) to Multifamily Medium Density Residential (MFM) as shown in the Appendix 1.2 – *Proposed Map Amendments*.

Effects of the Proposed Amendment

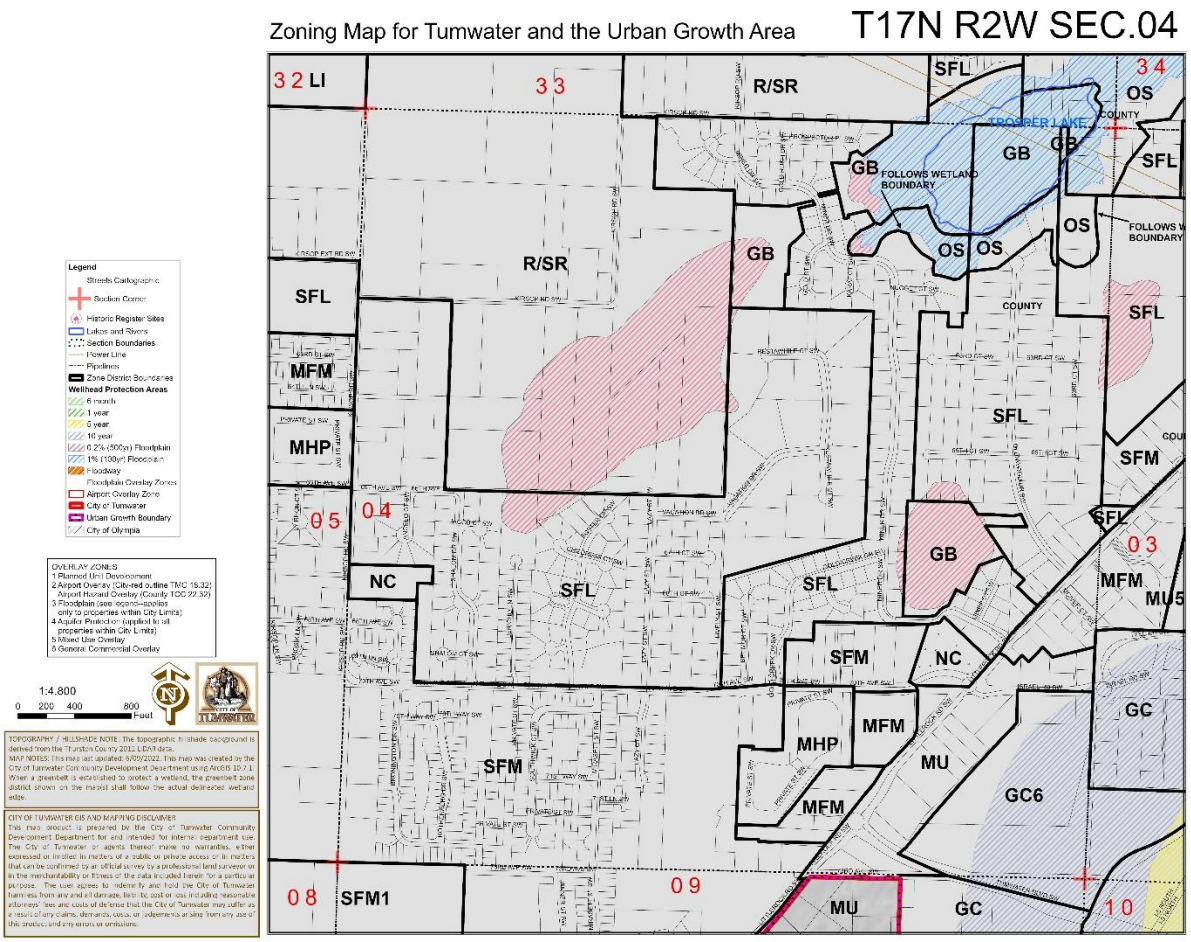
The proposed Comprehensive Plan map amendment and corresponding rezone would necessitate changes to the City-Wide Land Use Map in the Comprehensive Plan (Map 1C), the Littlerock Neighborhood Future Land Use Map in the Comprehensive Plan (Map 1D), and the City-Wide Zoning Map (Map 1E) as shown in Appendix 1.2 – *Proposed Map Amendments* and Ordinance No. O2022-003.

Appendix 1.1 – Maps

Map 1A – Existing Comprehensive Plan Designations

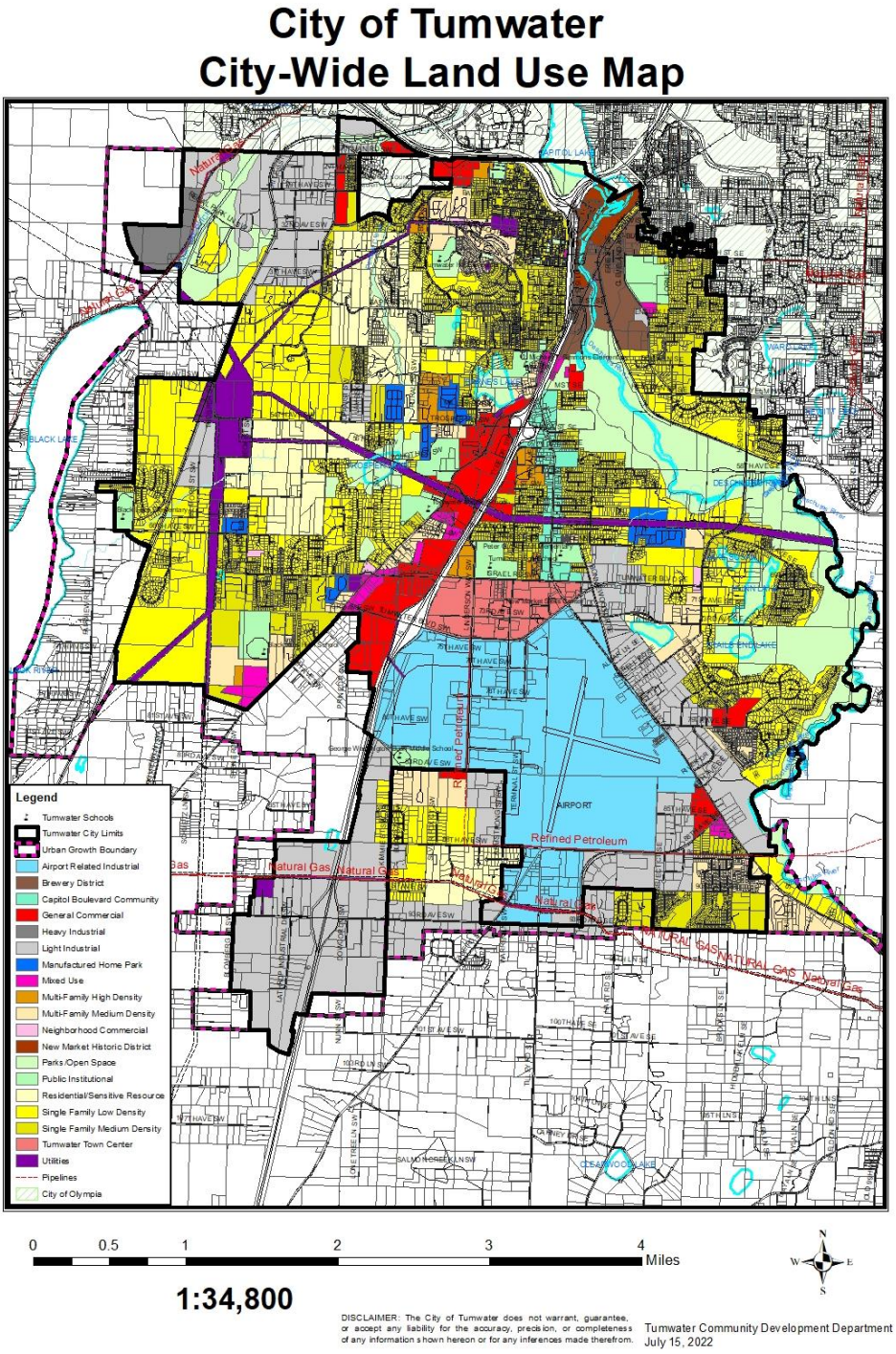


Map 1B – Existing Zone District

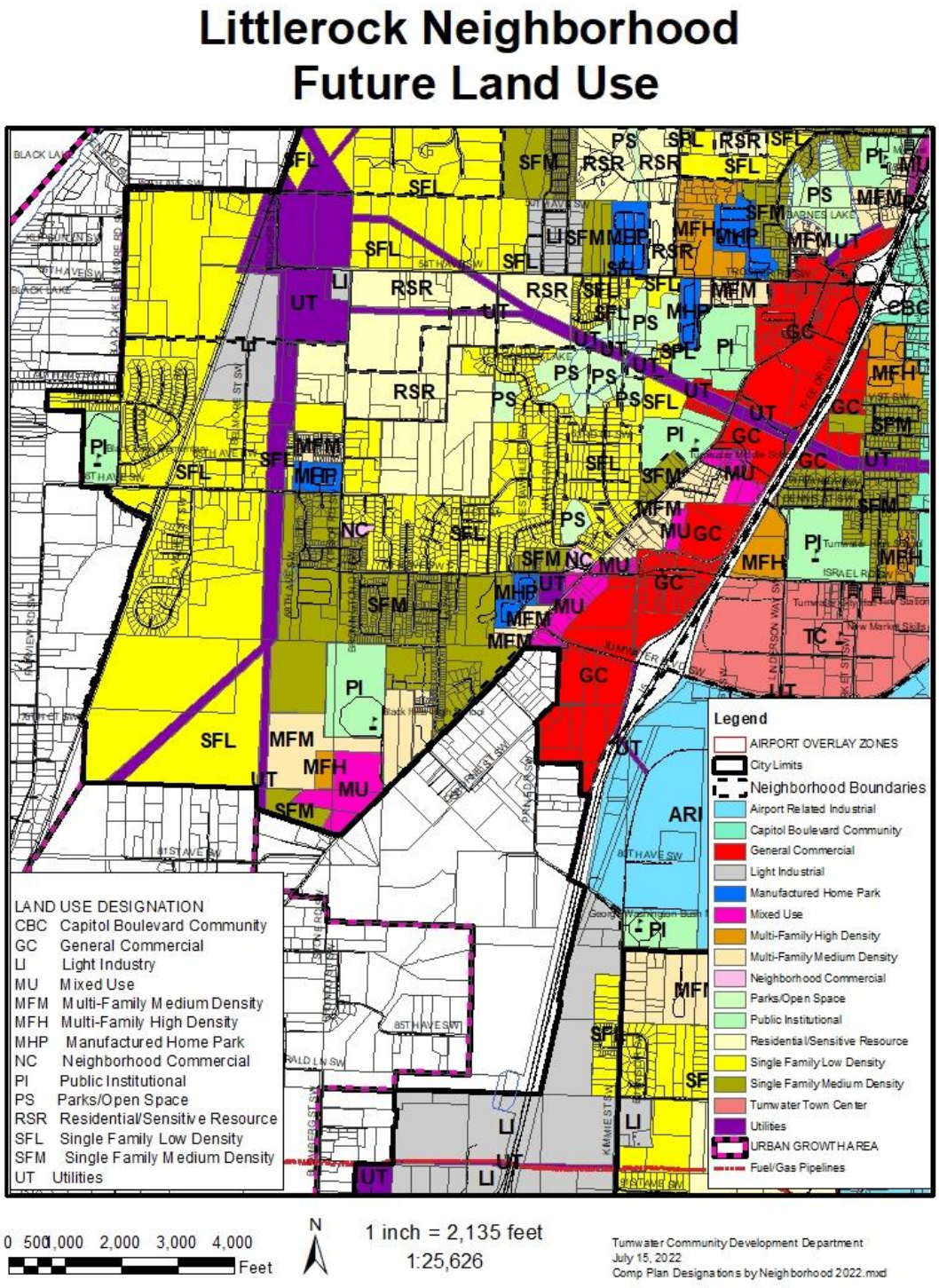


Appendix 1.2 – Proposed Map Amendments

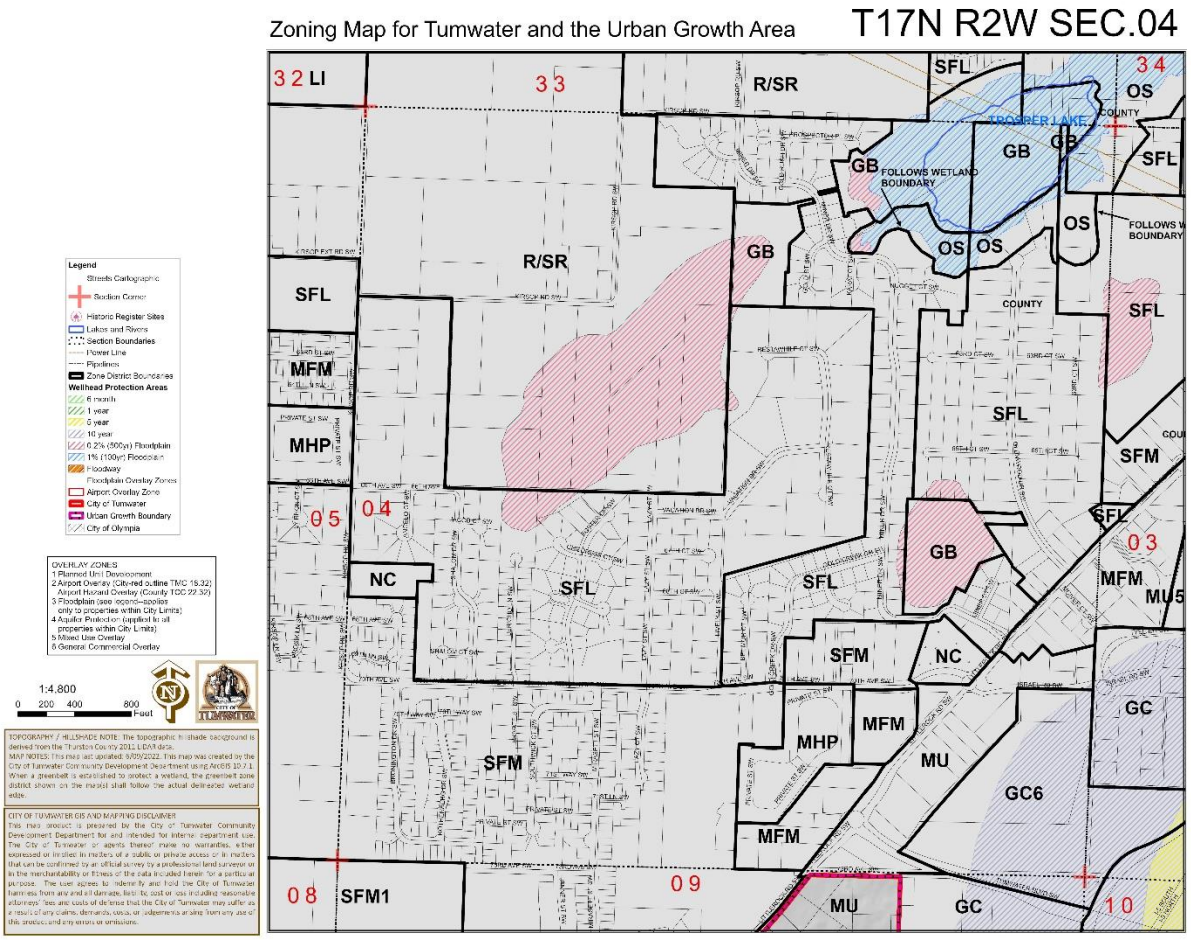
Map 1C – Proposed Amendment to the Comprehensive Plan City-Wide Land Use Map



Map 1D – Proposed Amendment to the Comprehensive Plan Littlerock Neighborhood Future Land Use Map



Map 1E – Proposed Amendment to the City-Wide Zoning Map



Appendix 1.3 – Applications for the Wells Littlerock Comprehensive Plan Land Use Map Amendment and Rezone

[See attached]

B. 2022 CITY SPONSORED COMPREHENSIVE PLAN MAP AND TEXT AMENDMENTS AND CORRESPONDING REZONE

2. Neighborhood Character – Review Comprehensive Plan Housing and Land Use Elements

Summary

The proposal is a City sponsored review of the Housing and Land Use Elements of the Comprehensive Plan for potential amendments related to the use of "neighborhood character" in support of the *Tumwater Housing Action Plan.*

Proposal

1. Review the Comprehensive Plan Housing and Land Use Elements and determine if there are amendments needed to address how the use of the term "neighborhood character" makes implementation of the *Tumwater Housing Action Plan* more difficult.

Sponsor City of Tumwater

Background

The City Council placed the proposed Comprehensive Plan amendment on the 2022 Long Range Planning Work Program on January 18, 2022. The Planning Commission reviewed the preliminary docket and provided comments at their January 11, 2022 meeting. The Planning Commission recommended further review of the proposal on January 25, 2022, as part of the 2022 preliminary docket. On February 9, 2022, the General Government Committee reviewed the preliminary docket and forwarded it to the full City Council for review.

The City Council held a worksession on February 22, 2022 and recommended that the preliminary docket be placed on the City Council agenda for their March 1, 2022 meeting. On March 1, 2022, the City Council considered the Planning Commission's recommendation and the review by the General Government Committee and included the proposal in the 2022 annual Comprehensive Plan amendment preliminary docket to be reviewed by Community Development Department staff and presented later in 2022.

After the City Council approved the final docket on March 1, 2022 for the 2022 annual Comprehensive Plan map and text amendments, Community Development Department staff reviewed the goals, policies, and actions and text in the Comprehensive Plan Housing and Land Use Elements to determine what specific amendments may be appropriate and prepared the staff report with recommendations.

Community Development Department staff reviewed the Comprehensive Plan Housing and Land Use Elements to evaluate the use of the term "neighborhood character" in support of the *Tumwater Housing Action Plan*. Appendix 2.1 contains the relevant sections of the Comprehensive Plan that address "character", "atmosphere", or a similar term in yellow highlight and Appendix 2.2 contains potential texts amendments proposed by Community Development staff.

Community Development staff recommends that the Planning Commission review Appendix 2.1 to see how "character" or a similar term is being used in the Comprehensive Plan Housing and Land Use Elements. In addition, Community Development staff recommends that the Planning Commission review all the goals, policies, and actions in the attached Housing and Land Use Elements on pages 34 and 55 of the staff report as well to understand the policy context for the discussion.

City of Olympia Comprehensive Plan Land Use and Urban Design

In 2021, at the direction of the Olympia City Council, the City of Olympia went through a Comprehensive Plan amendment process to review and amend the Land Use and Urban Design section of their Comprehensive Plan to address the use of the term "neighborhood character." The Olympia City Council started with a recommendation for a definition of "neighborhood character" as "accessible, sustainable, and culturally inclusive neighborhoods."

After further discussion with City of Olympia staff, the Council of Neighborhoods Association, and the Planning Commission, the Olympia City Council approved the final amendment language:

> *Neighborhood character is made up of a variety of elements that give a neighborhood its distinct identity. Neighborhood characteristics are not stagnant and will change over time. Consideration of neighborhood character will vary by the unique features of a neighborhood and includes its physical attributes that contribute to its sense of place and identity. These elements may include, but are not limited to, a neighborhood's land use, urban design, visual resources, and/or historic resources. This includes design elements of buildings (mass, scale, materials, setting, and setbacks), parks and open space, provision of City utilities, street grids and connections, and street trees. Our community considers it essential that all neighborhoods become accessible, sustainable, and culturally inclusive.*
>
> - *Accessible: Includes ADA compliancy, multimodal mobility, and housing affordability.*
>
> - *Sustainable: Promotes a healthy environment, a diverse and resilient local economy, and historic preservation, including, reuse, and adaptability of existing buildings.*

- *Culturally inclusive: Recognizes, supports and promotes diverse housing types, strong arts and historic preservation, and the various contributions of diverse Olympians, past and present.*

Neighborhood character will be balanced with other plan goals and policies, such as increasing the variety of housing types and providing people-oriented places, and implemented through the City's development regulations.

Comprehensive Plan Review

Community Development Department staff reviewed the Housing and Land Use Elements of the Comprehensive Plan. In Appendix 2.1 – Relevant Sections of the Housing and Land Use Elements of the Comprehensive Plan, Community Development Department staff identified all the sections of the Housing and Land Use Elements that addressed the character of the City, land use designation, or neighborhood.

In Appendix 2.2 – Potential Comprehensive Plan Text Amendments, Community Development staff identified the following Housing Element Comprehensive Plan goals and policies for further review and discussion by the Planning Commission for potential amendment to support the proposed amendments.

[To be determined]

Community Development staff identified the following Land Use Element Comprehensive Plan goals, policies, and implementation policies for further review and discussion by the Planning Commission for potential amendment to support the proposed amendments.

[To be determined]

Review and Approval Criteria

Comprehensive Plan map and text amendments are subject to the criteria below from TMC 18.60.025(B):

1. *All amendments to the comprehensive plan must conform with the requirements of the Washington State Growth Management Act, Chapter 36.70A RCW, and all amendments for permanent changes to the comprehensive plan must be submitted to the Washington State Department of Commerce, pursuant to RCW 36.70A.106.*

   The amendments being considered are in accordance with the City's annual Comprehensive Plan amendment process, as required by RCW 36.70A. If the

amendments are approved by the City Council, the proposed amendments will be submitted to the Washington State Department of Commerce pursuant to RCW 36.70A.106.

The amendments meet the goals of the Washington State Growth Management Act as follows:

(1) Urban growth. Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.

The proposed Comprehensive Plan text amendments are intended to support the *Tumwater Housing Action Plan*.

(2) Reduce sprawl. Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.

The proposed Comprehensive Plan text amendments are consistent with the goal as the proposed amendments are intended to reduce the inappropriate conversion of undeveloped land into sprawling, low-density development and focus future growth in the City.

(3) Transportation. Encourage efficient multimodal transportation systems that are based on regional priorities and coordinated with county and city comprehensive plans.

The proposed Comprehensive Plan text amendments allow for urban level residential development in the City that would support efficient multimodal transportation systems.

(4) Housing. Encourage the availability of affordable housing to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.

The proposed Comprehensive Plan text amendments are consistent with the goal as the proposed amendments encourage the provision of a range of residential development in the City, including permanently affordable housing.

(5) Economic development. Encourage economic development throughout the state that is consistent with adopted comprehensive plans, promote economic opportunity for all citizens of this state, especially for

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

The proposed Comprehensive Plan text amendments are consistent with the goal as the proposed amendments support the residential development that supports economic development and allows more people to live closer to jobs and services.

(6) Property rights. Private property shall not be taken for public use without just compensation having been made. The property rights of landowners shall be protected from arbitrary and discriminatory actions.

The proposed Comprehensive Plan text amendments do not require any taking of private property.

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

The proposed Comprehensive Plan text amendments are being considered as a part of the City's annual Comprehensive Plan amendment review.

(8) Natural resource industries. Maintain and enhance natural resource-based industries, including productive timber, agricultural, and fisheries industries. Encourage the conservation of productive forestlands and productive agricultural lands, and discourage incompatible uses.

The proposed Comprehensive Plan text amendments do not affect natural resource industries.

(9) Open space and recreation. Retain open space, enhance recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks and recreation facilities.

The proposed Comprehensive Plan text amendments do not affect open space and recreation. Future residential development would need to

comply with all development regulations that pertain to open space and parks requirements.

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

The proposed Comprehensive Plan text amendments would support protecting the environment by directing future development towards urban rather than rural areas. Future residential development would need to comply with all development regulations that pertain to open space and parks requirements.

(11) Citizen participation and coordination. Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts.

City residents and all interested parties, agencies and jurisdictions will be notified about the application and the public hearing for the proposal as part of the proposed 2022 Comprehensive Plan map and text amendment and rezone process.

(12) Public facilities and services. Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards.

The proposed Comprehensive Plan text amendments are supported by the City's provision of sewer and water service in the urban area. Future residential development would likely require traffic studies and mitigation of the impacts, as well as proof of adequate water and sewer service.

(13) Historic preservation. Identify and encourage the preservation of lands, sites, and structures, that have historical or archaeological significance.

The proposed Comprehensive Plan text amendments do not affect historic preservation. As future residential development occurs, it would need to comply with all the applicable historical or archaeological regulations.

(14) Shorelines of the state.

The proposed Comprehensive Plan text amendments do not affect the shorelines of the state. As future residential development occurs, it would need to comply with the City's Shoreline Management Program.

2. *Text amendments and site-specific rezone applications should be evaluated for internal consistency with the comprehensive plan, and for consistency with the county-wide planning policies, related plans, and the comprehensive plan of Thurston County or cities which have common borders with Tumwater.*

   The proposed Comprehensive Plan text amendments are consistent with the Comprehensive Plan, including the Housing and Land Use Elements. The Comprehensive Plan is consistent with the Thurston County-Wide Planning Policies and the goals of Sustainable Thurston.

   The applicable goals, policies, and actions of the Housing Element of the Comprehensive Plan that support the proposed Comprehensive Plan text amendments are as follows:

   [To be determined]

   The proposed Comprehensive Plan text amendments are consistent with the Housing Element goals, policies, and actions above.

   The applicable goals, policies, and actions of the Land Use Element of the Comprehensive Plan that support the proposed Comprehensive Plan text amendments are as follows:

   [To be determined]

   The proposed Comprehensive Plan text amendments are consistent with the Land Use Element goals, policies, and actions above.

3. *Whether conditions in the area for which comprehensive plan change/zoning amendment is requested have changed or are changing to such a degree that it is in the public interest to encourage a change in land use for the area.*

   The criterion does not apply, because a Comprehensive Plan map amendment and corresponding rezone is not proposed.

4. *Whether the proposed comprehensive plan zoning amendment is necessary in order to provide land for a community-related use which was not anticipated at the time of adoption of the comprehensive plan.*

The criterion does not apply.

Staff Conclusions

1. The proposal meets the review and approval criteria found in TMC 18.60.025(B).

2. The proposed Comprehensive Plan text amendments are consistent with the goals of the Washington State Growth Management Act.

3. The proposed Comprehensive Plan text amendments are consistent with Goals [To be determined] and Policies [To be determined] of the Housing Element of the Comprehensive Plan.

4. The proposed Comprehensive Plan text amendments are consistent with Goals [To be determined] and Policies [To be determined] of the Land Use Element of the Comprehensive Plan.

5. The potential impacts of the proposed Comprehensive Plan text amendments have been considered together with the other amendments in the 2022 annual Comprehensive Plan map and text amendment final docket with the criteria found in TMC 18.60.025(B) and proposed amendments do not create any inconsistencies when evaluated together.

6. Based on the above review and analysis, Community Development Department staff concludes that the proposed Comprehensive Plan text amendments are consistent with the requirements of the Washington State Growth Management Act, Thurston County-Wide Planning Policies, the goals of Sustainable Thurston, and the Comprehensive Plan.

Staff Recommendation

1. Staff recommends that the Planning Commission review and discuss the text in Appendix 2.1 – Associated Comprehensive Plan Text Amendments to determine what amendments are needed to go forward for approval as part of the proposed Comprehensive Plan text amendments.

Effects of the Proposed Amendments

The proposed Comprehensive Plan text amendments would necessitate changes to the Land Use and Housing Elements of the Comprehensive Plan as shown in the Appendix 2.1 – *Associated Comprehensive Plan Text Amendments* and Ordinance No. O2022-003.

Appendix 2.1 – Relevant Sections of the Housing and Land Use Elements of the Comprehensive Plan

(Pages 29-38 of the Comprehensive Plan Housing Element)

5.1 Housing Goals, Policies, and Actions

GOAL H-1: To conserve and improve the existing city housing stock and quality of life of neighborhoods.

Policy	Action
H-1.1	Assist city neighborhoods in maintaining and rehabilitating the existing housing stock as decent, safe, sanitary, and affordable housing.
	H-1.1.1 Create a formal maintenance and rehabilitation program beyond the current City code enforcement procedures to support Policy H-1.1 in coordination with the City's work with the Regional Housing Council.
H-1.2	Encourage a range of housing, economic development, and community revitalization in the city.
H-1.3	Promote the quality of life of existing communities and implementation of community housing goals through the preparation of comprehensive plans and the development review process.
H-1.4	Provide assistance to improve community surroundings and infrastructure in residential areas.
H-1.5	Encourage and facilitate economic development as an important part of provision of housing by providing jobs.
	H-1.5.1 Continue implementation of economic development efforts to provide jobs in Tumwater.

GOAL H-2: To provide a sufficient number of single family dwelling units, multi-family dwelling units, manufactured homes, and group housing to provide an affordable selection of housing to each economic segment of the Tumwater population.

Policy	Action
H-2.1	Provide sufficient, suitably zoned land for development of all housing types to accommodate the future needs for each type of housing, including single-family detached dwellings, accessory dwelling units, townhouses, duplexes, triplexes, fourplexes, multi-family dwellings, cottage housing, senior housing, roominghouses, group housing, and manufactured homes in manufactured home parks and on single lots.
H-2.2	Provide opportunities for a range of housing types to provide for all economic segments of Tumwater's population.
	H-2.2.1 Monitor the Land Use Element and Zoning Code to ensure an adequate supply of suitably zoned land.

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

Policy	Action
H-3.1	Encourage the development of innovative plans, codes, standards, and procedures in order to take advantage of new private and public sector approaches to housing provision.
	H-3.1.1 The Zoning Code allows manufactured homes on single-family lots in all residential zones. It is the intent of the Housing Element to promote the designation of a sufficient supply of land for traditional mobile/manufactured home parks—and to recognize that modular/manufactured housing on single family lots and in manufactured home parks is a viable form of housing construction.
	H-3.1.2 Increase code enforcement efforts and build pubic private partnerships to encourage renovations of unfit structures for use as transitional or affordable housing.
H-3.2	Encourage provision of adequate building sites through appropriate land use planning and zoning codes, infrastructure supply, and overall regulatory climate.

H-3.3 Tumwater should assume its "fair share" of housing for low and moderate income groups, in cooperation with other jurisdictions in Thurston County.

H-3.3.1 Monitor land supply, census data, and housing policies to ensure Tumwater accommodates its fair share of housing for low and moderate income groups.

H-3.3.2 Work with Tumwater School District, Housing Authority, and other agencies and organizations to pursue grant funding and implement transitional housing strategies for families with children.

H-3.3.3 Establish a multi-family tax exemption program that gives financial incentive for developers to create multi-family structures in target areas and to set aside a percentage of units as low-income housing.

H-3.4 Tumwater should work with the other jurisdictions in Thurston County as part of the Regional Housing Council to share decision making responsibilities related to homelessness and affordable housing in Thurston County to allow for collaboration in expanding affordable housing options and sharing the planning for, identification of, and resource allocation to activities and programs intended to support individuals experiencing homelessness in Thurston County.

GOAL H-4: To provide adequate opportunities for housing for all persons regardless of age, race, color, national origin, ancestry, sex, sexual orientation, familial status, marital status, ethnic background, source of income use of federal housing assistance, or other arbitrary factors.

Policy **Action**

H-4.1 Support the inclusion of living opportunities for families with children throughout the city.

H-4.2 Support and encourage a variety of housing types and price ranges through appropriate policies and regulations.

H-4.2.1 Continue the requirement for reasonable maximum lot sizes in order to create smaller lots that are more

affordable and that allow a more efficient use of City services.

H-4.2.2 Encourage homeowner associations to adopt Covenants, Conditions, and Restrictions (CCRs) consistent with this policy.

GOAL H-5: To supply sufficient, safe, suitable housing sites and housing supply to meet projected future housing needs for Tumwater over the next 20 years.

Policy	Action

H-5.1 Ensure appropriate land use designations and Zoning Code designations to provide sufficient land for housing construction.

H-5.1.1 Monitor the Land Use Element and Zoning Code to ensure an adequate supply of suitably zoned vacant land. (2.1.1)

H-5.1.2 Continue joint planning with Thurston County to plan for future growth in Tumwater.

H-5.2 Lands not suitable for development due to site constraints such as wetlands, steep slopes, geologically hazardous areas, etc., should be identified and considered when determining sufficient land for new housing in accordance with Tumwater's Conservation Plan.

H-5.3 Encourage construction practices, which exceed minimum standards. Tumwater will support the use of alternative building designs and methods that exceed the minimum standards set by Tumwater.

GOAL H-6: To promote a selection of housing that is decent, safe, and sound, in close proximity to jobs and daily activities, and varies by location, type, design, and price.

Policy	Action

H-6.1 Protect residential areas from undesirable activities and uses through aggressive enforcement of adopted City codes.

H-6.2 Provide for a dynamic mix of residential land uses and zones in order to create a diverse mix of sites available for different housing types.

H-6.2.1 Continue to monitor the available land supply, census data, and City policies to ensure a diverse mix of land for residential housing stock.

H-6.2.2 Continue to implement innovative design techniques, such as zero lot line developments, architectural design standards, alley houses, and attached single-family housing. Zero lot line developments are residential real estate in which the structure comes up to or very near to the edge of the property. Zero-lot-line houses are built very close to the property line in order to create more usable space.

H-6.3 Support increasing housing opportunities along urban corridors and centers.

H-6.4 Encourage provision of affordable housing near public transit routes to promote efficient transportation networks.

H-6.4.1 Continue to involve Intercity Transit in Tumwater's development review process.

H-6.5 Tumwater will maintain current Building Code standards and will use the most up to date future Code editions.

H-6.6 Increase the variety of housing types outside of corridors and centers of appropriate intensities with supporting design guidelines to meet the needs of a changing population.

GOAL H-7: To ensure that housing is compatible in quality, design, and density with surrounding land uses, traffic patterns, public facilities, and environmentally sensitive areas.

Policy **Action**

H-7.1 Support the stability of established residential neighborhoods through appropriate plans and codes.

H-7.1.1 Continue to implement design standards for multi-family and attached single-family dwellings in order to ensure compatibility with existing neighborhoods.

H-7.2 Assure housing will be well maintained and safe.

H-7.3 Enhance the appearance of and maintain public spaces in residential areas.

H-7.4 Promote community involvement to achieve neighborhood improvement.

GOAL H-8: To support healthy residential neighborhoods which continue to reflect a high degree of pride in ownership or residency.

Policy **Action**

H-8.1 Support the stability of established residential neighborhoods.

H-8.2 Assure housing will be well maintained and safe.

H-8.2.1 Protect residential areas from undesirable activities and uses through aggressive enforcement of adopted City codes.

H-8.3 Enhance the appearance of and maintain public spaces in residential areas.

H-8.4 Promote community involvement to achieve neighborhood improvement.

H-8.4.1 Encourage neighborhood meetings to discuss community issues as situations and concerns arise.

H-8.5 Encourage home ownership for Tumwater residents.

GOAL H-9: To encourage a variety of housing opportunities for those with special needs, particularly those with problems relating to age or disability.

Policy **Action**

H-9.1 Require housing to meet the needs of those with special housing requirements without creating a concentration of such housing in any one area.

H-9.2 Assist social service organizations in their efforts to seek funds for construction and operation of emergency, transitional, and permanent housing.

H-9.3 Support and plan for assisted housing opportunities using federal, state, or local aid.

H-9.4 Encourage and support social and health service organizations, which offer support programs for those with special needs, particularly those programs that help people remain in the community.

H-9.5 Encourage alternative housing strategies for homeless youth, which may include Host Homes.

GOAL H-10: To provide housing that is compatible and harmonious with existing neighborhood character through use of innovative designs that enhance the appearance and quality of Tumwater's neighborhoods.

Policy **Action**

H-10.1 Encourage innovation and variety in housing design and development. Tumwater will support efforts to build housing with unique individual character, which avoids monotonous neighborhood appearance.

H-10.2 Multi-family residential housing should be subject to design criteria that relate to density, structure bulk, size and design, landscaping, and neighborhood compatibility.

H-10.2.1 Continue to implement multi-family housing design standards.

GOAL H-11: To provide housing to accommodate Tumwater's housing needs in the urban growth area and make the most efficient use of infrastructure and services.

Policy **Action**

H-11.1 Reference the Transportation Element and anticipated transportation impacts when making housing decisions affecting the location and density of housing.

H-11.2 Reference utility plans and the impact of housing decisions on capital improvements planning.

H-11.3 Encourage the construction of affordable housing, including cottage housing and accessory dwelling units, within a half mile or twenty minute

walk of an urban center, corridor or neighborhood center with access to goods and services to provide access to daily household needs.

GOAL H-12: To encourage urban growth within the city limits with gradual phasing outward from the urban core.

Policy	Action
H-12.1	Encourage the construction of housing on vacant property within the city and the redevelopment of underdeveloped property within residential areas to minimize urban sprawl and associated public service costs.
	H-12.1.1 Continue to review and revise, as necessary, City Development Standards deemed unnecessary and make development more expensive and/or difficult.
	H-12.1.2 Continue to support high-density zoning within specific areas of the city that have the infrastructure and services to support high-density housing.
	H-12.1.3 Continue to implement minimum density levels for all residential zoning districts to ensure efficient use of the urban growth area.
	H-12.1.4 Work cooperatively with Thurston County to provide for more efficient and orderly annexations to facilitate urban service delivery.

GOAL H-13: Ensure consistency with RCW 36.70A.070(2)(c) which requires sufficient land be available for all types of housing including manufactured housing.

Policy	Action
H-13.1	Maintain the manufactured home park district zoning in appropriate areas in order to prevent conversion of affordable housing to other uses without replacement.
	H-13.1.1 Encourage manufactured housing park district zoning to locate near transit services.

H-13.2 When locating zones and designations for manufactured home parks, carefully consider the risks from natural hazards, such as flooding and liquefaction, and the impacts of those hazards on the future residents of those manufactured home parks, Tumwater's emergency responders, and the city as a whole.

(Pages 29-38 of the Comprehensive Plan Land Use Element)

2.2 Residential Uses

The quality and integrity of Tumwater's residential neighborhoods defines the character of the community and makes it unique. Ensuring that these neighborhoods remain stable and vital is of primary importance. Residential designations in Tumwater should provide a broad range of housing choices to meet the needs of all people in the community.

Residential development in Tumwater should be developed with the following guidelines:

- Residential development should provide for a dynamic mix of housing types to accommodate the many diverse housing needs of the citizens of Tumwater.
- New residential development should provide open spaces. "Wall to wall" development is not acceptable.
- Ensure that housing is compatible in quality, design, and intensity with surrounding land uses, traffic patterns, public facilities, and environmentally sensitive areas.
- Ensure that new residential development promotes a reasonable diversity in housing types.
- Support the stability of established residential neighborhoods.
- Support incentives for housing ownership in addition to rental housing.
- Enhance the appearance of and maintain public spaces in residential areas.
- Promote community involvement to achieve neighborhood improvement.

Some neighborhood-scale commercial uses are appropriate in residential areas to serve the needs of the local neighborhood. These uses may include neighborhood-scale retail uses, personal services, and small professional offices, including residences in conjunction with these businesses. These uses should be allowed in all residential zones except those designated Residential and Sensitive Resource. These uses should only be allowed as conditional uses to ensure that the uses demonstrate compatibility with the existing neighborhood.

Compatibility should be achieved using buildings that are sized and designed to be residential in scale; small overall area devoted to neighborhood-scale commercial use; and design and layout, which screens residential areas from excessive noise, lights, storage, and parking areas. These uses should be oriented primarily towards pedestrian and bicycle use. Uses, which would result in excessive automobile traffic, should be discouraged, such as gas stations, drive-thru restaurants.

Most neighborhood-scale commercial areas serving a particular neighborhood will consist of one business. However, new neighborhood-scale commercial uses may be considered in areas where one or more such uses already exist. In those cases, additional businesses should be located adjacent to the existing business in small clusters to avoid the development of commercial strips or many small businesses strung out along transportation corridors.

Mobile and manufactured home parks, which were legally established prior to adoption of this plan, should have the "Manufactured Home Park" designation applied to them in order to ensure a sufficient supply of land for manufactured homes in parks.

Several designations for residential land use in Tumwater were developed in order to meet the goals of the Growth Management Act, the Land Use Element, and the Housing Element. Each of these designations has specific criteria and characteristics related to development in each designation.

Table 6. Range of Dwelling Units per Acre by Land Use Designation and Zone District

Land Use Designation	Implementing Zone District	Dwelling Units Per Acre
Residential/Sensitive Resource	• Residential/Sensitive Resource	2-4 Dwelling Units/Acre
Single Family Low Density	• Single Family Low Density	4-7 Dwelling Units/Acre
Single Family Medium Density	• Single Family Medium Density	6-9 Dwelling Units/Acre
Multi-Family Medium Density	• Multi-Family Medium Density	9-15 Dwelling Units/Acre*
Multi-Family High Density	• Multi-Family High Density	14-29 Dwelling Units/Acre**
Manufactured Home Park	• Manufactured Home Park	6-9 Dwelling Units/Acre
Mixed Use	• Mixed Use	Minimum 14 Dwelling Units/Acre

Land Use Designation	Implementing Zone District	Dwelling Units Per Acre
Capitol Boulevard Community	• Capitol Boulevard Community	Minimum 30 Dwelling Units/Acre or less, depending on subsection
Brewery District	• Brewery District	8-20 Dwelling Units/Acre
Tumwater Town Center	• Town Center	Minimum 30 Dwelling Units/Acre or less, depending on subsection

* – Projects that provide permanently affordable housing dwelling units or other forms of permanently inclusive housing dwelling units in the Multi-Family Medium Density land use designation would be allowed to exceed the maximum density stated in Table 6 up to a new maximum density of 20 dwelling units per acre.

** – Projects that provide permanently affordable housing dwelling units or other forms of permanently inclusive housing dwelling units in the Multi-Family High Density land use designation would be allowed to exceed the maximum density stated in Table 6 up to a new maximum density of 39 dwelling units per acre.

2.2.1 Residential/Sensitive Resource (2-4 Dwelling Units/Acre)

The purpose of this designation is to recognize areas of unique open space character and sensitivity to environmental disturbance such as around stream corridors, lakes, and wetlands within the city limits and Tumwater's Urban Growth Area.

Residential/Sensitive Resource areas are intended to be used only for exceptional places within the City and its Urban Growth Area. This designation should be applied to areas that are not protected by the Shoreline Management Act and are not already built out. These areas are where intensive urban development would adversely affect ground or surface waters or environmental resource areas.

In addition to being of a relatively low density, development in these areas should be clustered. Clustering means grouping or "clustering" development onto part of a property so that the remainder can be preserved as unbuilt open space. The intent of clustering development in this area is to preserve open space along environmentally sensitive areas and provide a lot configuration that allows for the preservation of the specified amount of open space and also allows for future applied density to be achieved over the 20-year time period.

In addition to clustering, other methods of preserving open space shall be strongly encouraged to guide development into less sensitive portions of the land, such as

purchase or donation, easements or deed restrictions, covenants, land exchanges, and transfer of development rights as a method of preserving open space. Densities in this designation should be two to four dwelling units/acre.

In order to protect groundwater resources from contamination by failing septic tanks and to ensure that urban services can be provided to certain areas in a cost efficient manner, a minimum density policy of two dwelling units/acre is recommended.

It is not the intent of this policy to prohibit construction on lots larger than are required for minimum density. What is important is that the property has the capacity to be developed at the minimum density in the future.

For example: If a property owner proposes to construct a house on a five-acre lot and the minimum density is two dwelling units per acre (one-half acre lots), they would not be prohibited from doing so. However, the house must be sited on the five-acre lot such that other houses could be built on the site in the future if needed.

Soils and other natural systems should be capable of supporting densities of up to four dwelling units per acre with urban services without resulting in the degradation of sensitive areas such as stream corridors, lakes, and sensitive aquifers.

The full range of urban services should be available or be planned in the near future in accordance with the City's Lands for Public Purposes Element and Capital Facilities Plan.

Construction activities in areas assigned this designation should only occur in the drier months of the year in order to protect Percival Creek from sedimentation and construction-associated runoff.

Density transfer in the Planned Unit Development overlay zoning district is not appropriate in this designation due to the extreme sensitivity of the area to environmental disturbance.

Accessory units should be permitted in this designation within the permitted density on lots with sewer connections, except where the Health Department has approved septic systems. Accessory units will provide affordable housing and extra income for homeowners.

Where clustering is used, it should be applied in the following manner in areas with this designation:

- Clustering is recommended for development proposals in the Residential/ Sensitive Resource designation.

- Open space preserved through clustering should be at least 30% of the gross area of the site. Of this 30%, at least half should be useable for passive recreational purposes. Passive recreational uses include activities such as hiking, bicycling, horseback riding, and fishing; and areas that provide access to shorelines and other recreational uses. If half (50%) of the 30% preserved for open space on a lot or development proposal is not useable for passive recreational purposes, then an additional amount of open space should be set aside to make the amount of area usable for passive recreational purposes. This should be equal to the amount of open space area that is not useable for passive recreational purposes.

Designated manufactured housing should be permitted on single lots in this designation.

2.2.2 Single Family Low Density (4-7 Dwelling Units/Acre)

The density of new development in the Single Family Low Density designation should be averaged over the entire site in order to reach the maximum densities required to accommodate future population. It is not the intent of the City to require that lots be of a specific size but that densities are met as an average of the overall site.

Clustering should be considered in this residential designation to protect sensitive areas yet still accommodate residential development.

Designated manufactured housing should be permitted on single lots in this designation.

Accessory units should be permitted in this designation within the permitted density on lots with sewer connections, except where the Health Department has approved septic systems. Accessory units will provide affordable housing and extra income for homeowners.

Single-family dwellings and duplexes should be permitted in this designation subject to Citywide Design Standards.

2.2.3 Single Family Medium Density (6-9 Dwelling Units/Acre)

The density of new development in the Single Family Medium Density designation should be averaged over the entire site in order to reach the maximum densities required to accommodate future population. It is not the intent of the City to require that lots be of a specific size but that densities are met as an average of the overall site.

It is envisioned that underlying zoning in this designation would permit innovative housing techniques such as attached single family, alley houses, z-lot, and alternate width lot housing. In order for these techniques to be used, there must be mechanisms to ensure neighborhood compatibility and design quality. Some of the innovative techniques that could be used in this designation include small single-family housing with alleys and zero lot line or Z-lot developments.

Clustering should be considered in this residential designation to protect sensitive areas yet still accommodate residential development.

Accessory units should be permitted within the permitted density in this designation to provide affordable housing and extra income for homeowners.

Duplexes should be permitted in this designation subject to design standards. Designated manufactured housing should be permitted on single lots in this designation.

This residential designation should provide a mix of housing types in order to provide affordable housing and ensure neighborhood stability.

2.2.4 Multi-Family Medium Density (9-15 Dwelling Units/Acre)*

The density of new development in the Multi-Family Medium Density designation should be averaged over the entire site in order to reach the maximum densities required to accommodate future population. It is not the intent of the City to require that lots be a specific size but that densities are met as an average of the overall site.

Detached Single Family housing could be provided in the Multi-Family Medium Density designation as long as the overall site meets the density goals of the designation. The intent of this policy is to ensure diversity in housing types in these areas. This residential designation is meant to provide primarily for multi-family condominium and apartment types of structures.

Clustering should be considered in this residential designation to protect sensitive areas yet still accommodate residential development.

Accessory units should be permitted in this designation within the permitted density to provide affordable housing and extra income for homeowners.

Designated manufactured housing should be permitted on single lots in this designation.

Manufactured home parks are permitted in the Multi-Family Medium Density Residential designation subject to City standards and site plan review by the Hearing Examiner.

Additionally, Multi-Family Medium Density designated areas should be accompanied by open space, environmental protection for sensitive areas and mass transit linkage in order to make these higher densities viable and compatible with the community.

* – Projects that provide permanently affordable housing dwelling units or other forms of permanently inclusive housing dwelling units in the Multi-Family Medium Density land use designation would be allowed to exceed the maximum density stated in Tables 5 and 6 up to a new maximum density of 20 dwelling units per acre

2.2.5 Multi-Family High Density (14-29 Dwelling Units/Acre)*

The Multi-Family High Density designation should be applied in areas that are planned-for major transportation corridors and areas adjacent to the city center. The density of new development in the Multi-Family High Density designation should be averaged over the entire site in order to reach the maximum densities required to accommodate future population. It is not the intent of the City to require that lots be of a specific size but that densities are met as an average of the overall site.

Clustering should be considered in this residential designation to protect sensitive areas yet still accommodate residential development.

Accessory units should be permitted in this designation only in areas of existing lower density single-family development. Minimum density requirements would preclude accessory units within new development in this designation.

Multi-Family High Density designated areas should be accompanied by significant open spaces, environmental protection for sensitive areas and mass transit linkage in order to make these higher densities viable and compatible with the community.

* – Projects that provide permanently affordable housing dwelling units or other forms of permanently inclusive housing dwelling units in the Multi-Family High Density land use designation would be allowed to exceed the maximum density stated in Tables 5 and 6 up to a new maximum density of 39 dwelling units per acre.

2.2.6 Manufactured Home Park (6-9 Dwelling Units/Acre)

The Manufactured Home Park (MHP) land use designation is intended to ensure consistency with RCW 36.70A.070(2)(c) which requires sufficient land be available for all types of housing including manufactured housing.

Manufactured home parks are permitted in this designation subject to City development standards and site plan review by the Hearing Examiner.

Designated manufactured housing should be permitted on pre-existing single lots of record in this designation.

This residential designation should help to provide sufficient land for manufactured housing in manufactured home parks and ensure neighborhood stability.

Uses that are incompatible or inconsistent with the goal of protecting and preserving manufactured home parks should not be allowed.

Manufactured Home Park designated areas should be accompanied by open space and environmental protection for sensitive areas in order to make these areas compatible with the community.

Subdivision and platting of properties for residential purposes, including condominiums, should not be allowed.

Additionally, these areas should be located along or near mass transit linkages and close to urban services.

Table 7 provides a summary of innovative land use techniques that are recommended to be used in each residential designation.

Table 7. Land Use Management Techniques for Residential Development

	Residential / Sensitive Resource 2-4 Dwelling Units/Acre	**Single Family Low Density 4-7 Dwelling Units/Acre**	**Single Family Medium Density 6-9 Dwelling Units/Acre**	**Multi-Family Medium Density 9-15 Dwelling Units/Acre ***	**Multi-Family High Density 14-29 Dwelling Units/Acre ****
Design Review	X	X	X	X	X
Revised Development Standards	X	X	X	X	X
Minimum Average Density	X	X	X	X	X
Clustering	X	X	X	X	X
Manufactured Homes on single lots	X	X	X	X	

* – Projects that provide permanently affordable housing dwelling units or other forms of permanently inclusive housing dwelling units in the Multi-Family Medium Density land use designation would be allowed to exceed the maximum density stated in Tables 5 and 6 up to a new maximum density of 20 dwelling units per acre.

** – Projects that provide permanently affordable housing dwelling units or other forms of permanently inclusive housing dwelling units in the Multi-Family High Density land use designation would be allowed to exceed the maximum density stated in Tables 5 and 6 up to a new maximum density of 39 dwelling units per acre.

(Pages 47-50 of the Comprehensive Plan Land Use Element)

2.16 Design Review

The City is, for the most part, a designed environment. Design will influence the degree to which development is attractive and appealing, comfortable and safe, compact, efficient, encourages natural and social interaction, provides most needs within short distances, discourages environmentally disruptive influences, and is well connected with other areas. Greater awareness and appreciation of the value of design will continue, and the demand for development that demonstrates design excellence will increase.

This trend and the movement to plan comprehensively will create new partnerships to achieve community goals. Public participation and interest in design will continue to increase with greater emphasis on design in City projects. With increasing density in some areas, design will become an important factor in providing stylistic compatibility and privacy.

The Design Guidelines complement the City's zoning code and provide a better tool for ensuring lasting value. Unlike zoning codes that can be prohibitive and exclusionary in their tone and language, Design Guidelines are illustrative and prescriptive.

They have proved very effective in promoting well designed, mixed-use, new and infill development.

The intent of design review in Tumwater is to create design and development guidelines that ensure lasting value through:

1. Infill and strengthening existing neighborhoods;

2. Livable neighborhoods;

3. Affordable housing;

4. Diversity in housing types and styles; and

5. Streetscape design as well as building and site design.

The Design Guidelines establish a context for development and encourage resolution of technical planning and urban design issues such as pedestrian and traffic circulation, stormwater runoff, landscaping and buffering, and building location and design.

Functions of Design Review through design and development guidelines:

1. Establishes a community design context;
2. Creates community planning and urban design policy;
3. Assures conformance to City plans and policies; and
4. Expedites project approval.

The design review process includes elements such as:

1. The appearance or image of a community
2. Street layout and design
3. Incorporating transit
4. Natural and scenic resources
5. Streetscape
   - Street character and liveliness
   - Pedestrian environment
   - Landscape design
   - Residence and street transition
6. Site Planning
   - Neighborhood character
   - Adjacent properties
   - Siting
   - Natural elements
   - Transit facilitation

7. Building Design

- Architectural character
- Character and massing
- Architectural elements
- Exterior finish materials
- Parking garages
- Mixed-use buildings
- Conversions and additions
- Special needs housing

Design review is necessary in Tumwater to ensure that new development is compatible with existing neighborhoods; to provide guidelines for innovative land use management techniques; and to provide guidelines for special areas of the City.

Design Guidelines were developed as a follow on implementing ordinance for the remaining areas of the City after consultation with affected groups including citizens, builders, and City staff. Design standards were developed through a process involving substantial public participation.

The goals and purpose of the Design Guidelines in Tumwater are to:

- Encourage the development of visually sensitive developments;
- Encourage developments that will contribute to the stability and integrity of a safe and attractive neighborhood;
- Recognize that aesthetic considerations along with environmental review contribute toward an enhanced environment; and
- Recognize that aesthetic considerations are appropriate in order to protect property values of adjacent properties and to ensure that developments contribute to desirable neighborhood character.

(Pages 53-66 of the Comprehensive Plan Land Use Element)

3.2 Goals, Policies, and Actions

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

Policy	Action
LU-1.1	Ensure the Land Use Element is consistent with adopted County-Wide Planning Policies and integrate transportation considerations into land use decisions, and vice versa.
	LU-1.1.1 Implement the eleven County-Wide Policy elements in the County-Wide Policy Plan (Reference Appendix B: County-Wide Planning Policies).
LU-1.2	Ensure the Land Use Element is consistent with the goals of Sustainable Thurston.
	LU 1.2.1 Implement specific Sustainable Thurston goals identified in Land Use Element Section 1.6, Sustainable Thurston Goals (Reference Appendix C: Sustainable Thurston)
LU-1.3	Engage in planning on a neighborhood level with residents of the City (Reference Appendix A: Neighborhood Appendix)
LU-1.4	Encourage the creation of a new city center that is compatible with the Land Use Element.
LU-1.5	Coordinate the Land Use Element with the *Port of Olympia Master Plan* (2016).
LU-1.6	Ensure consistency between the Land Use Element and Tumwater Historic District Master Plan.
LU-1.7	Coordinate the Land Use Element with the Shoreline Master Program.
	LU-1.7.1 Make sure the Land Use Element is consistent with the recommendations of the Shoreline Master Program.

LU-1.8 Coordinate the Land Use Element with the City's Economic Development Element.

LU-1.8.1 Implement goals and associated policies and actions of the Economic Development Element.

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

LU-1.9.1 Implement the Land Use Element by revising the Zoning Code and other municipal Codes to reflect the goals, policies, actions, and designations outlined in the Land Use Element.

LU-1.10 Coordinate the Land Use Element with the City's Lands for Public Purposes Element and the Capital Facilities Plan.

LU-1.10.1 Implement low impact development through land use and stormwater planning.

LU-1.11 Make capital budget decisions consistent with the comprehensive plan in accordance with RCW 36.70A.120 (Reference the City's current six-year Capital Facilities and Transportation Improvement Plans).

LU-1.12 Coordinate the Land Use Element with local, state, and national initiatives that support the City's vision whenever practical to increase the chance of additional funding.

LU-1.13 Coordinate the Land Use Element with the strategies in the City of Tumwater Housing Action Plan.

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

GOAL LU-2: 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.

Policy **Action**

LU-2.1 Encourage the highest intensity growth to locate within the City's corporate limits.

LU-2.1.1 Implement goals and associated policies and actions of the Economic Development Element. (Reference Goal LU-1.8.1)

LU-2.2 Reduce inappropriate conversion of undeveloped land into sprawling low-density development.

LU-2.2.1 Ensure the eleven County-Wide Policy elements in the County-Wide Policy Plan are implemented. (Reference Goal LU-1.1.1)

LU-2.3 Encourage innovative land use management techniques such as density bonuses, cluster housing, zero-lot-line development, planned unit developments, and transfer of development rights to create vibrant centers, corridors, and neighborhoods while accommodating growth.

LU-2.3.1 Consider revision of the City's Development Standards to encourage innovative land use management techniques.

LU-2.4 Ensure new annexations adhere to the goals and policies of the City's Annexation Policy.

LU-2.5 Encourage development of architectural and landscape design standards.

LU-2.5.1 Implement Goals 5 and 6 of the Economic Development Element.

LU-2.6 Ensure the City's capital budget decisions in the City's current six-year Capital Facilities and Transportation Improvement Plans are coordinated with the Land Use Element, Lands for Public Purpose Element, and Transportation Element.

LU-2.7 Create vibrant city centers and activity nodes along transit corridors that support active transportation and housing, jobs, and services.

LU-2.8 Create safe and vibrant neighborhoods with places that build community and encourage active transportation.

LU-2.9 Protect designated mineral resource lands from incompatible development.

LU-2.10 Reduce the City's carbon footprint where possible and move towards a carbon-neutral community.

GOAL LU-3: Ensure adequate public services, facilities, and publicly owned utilities are available to proposed and existing development.

Policy **Action**

LU-3.1 Coordinate development with the City's six-year Capital Facilities Plan.

LU-3.1.1 Ensure the Capital Facilities Plan can be implemented through the Land Use Element's projected densities and the direction found in the Lands for Public Purposes Element.

LU-3.2 Ensure development is in conformance with the Water System Plan and Sanitary Sewer Comprehensive Plan.

LU-3.3 Analyze all proposed development for anticipated impact on services, either as an element of site plan review or as part of an environmental impact assessment.

LU-3.4 Give preference to providing adequate public facilities to settled areas rather than extending new services to sparsely settled or undeveloped areas and to serving incorporated land before serving unincorporated areas.

LU-3.4.1 Ensure the eleven County-Wide Policy elements in the County-Wide Policy Plan are implemented. (Reference Goal LU-1.1.1)

LU-3.5 Work with developers to determine where and when new public facilities are to be placed to permit proper development of commercial and residential projects. This process should be directly related to the Lands for Public Purposes Element, the Capital Facilities Plan, and site plan review in order to achieve concurrency.

LU-3.5.1 Ensure the eleven County-Wide Policy elements in the County-Wide Policy Plan are implemented. (Reference Goal LU-1.1.1)

LU-3.6 Require residential and commercial development utilizing septic tanks for sewerage disposal to hook up to sanitary sewer when the system fails, needs replacement, or requires major repairs when sanitary sewer laterals are readily available.

LU-3.6-1 In consultation with the LOTT partners, develop a program to connect developments that are on septic systems to LOTT's sewerage treatment system to reduce impacts to groundwater and surface water quality.

LU-3.7 Require residential and commercial development utilizing private wells for water systems to connect to City water service when the well fails, needs replacement, or requires major repairs, where City water service available

GOAL LU-4: Encourage land use patterns that increase the availability of affordable housing for all economic segments of the Tumwater population.

Policy **Action**

LU-4.1 Coordinate the Land Use Element with the Housing Element and fully implement the goals, policies, and actions of the Housing Element.

LU-4.2 Encourage innovative techniques for providing affordable housing resulting in an attractive product that will be an asset to the Tumwater community.

LU-4.2.1 Consider revision of the City's Development Standards to encourage innovative land use management techniques. (Reference Goal LU-2.3.1)

LU-4.3 Continue to allow manufactured housing on individual lots within the City, as well as within mobile and manufactured home parks, to encourage affordable housing.

LU-4.3.1 Consider methods to provide sufficient land for manufactured housing in accordance with the Growth Management Act.

LU-4.4 Permit implementing regulations to experiment in new forms of residential development where amenities of open space, privacy, and visual quality can be maintained or improved, and flexible solutions to

land use problems such as density, diversity, equitability, and affordability can be achieved.

LU-4.4.1 Consider revision of the City's Development Standards to encourage innovative land use management techniques. (Reference Goal LU-2.3.1)

LU-4.5 Encourage higher density residential uses in order to provide affordable housing. These uses should blend with the existing character of the community.

LU-4.6 Increase housing types and densities in corridors and centers to meet the needs of a changing population.

LU-4.7 Increase the variety of housing types outside of corridors and centers of appropriate intensities with supporting design guidelines to meet the needs of a changing population.

GOAL LU-5: Ensure development patterns encourage efficient multi-modal transportation systems coordinated with regional, City, and county transportation plans.

Policy **Action**

LU-5.1 Ensure coordination with the Transportation Element.

LU-5.2 Ensure coordination with the Thurston Regional Transportation Plan.

LU-5.2.1 Ensure the eleven County-Wide Policy elements in the County-Wide Policy Plan are implemented. (Reference Goal LU-1.1.1)

LU-5.3 Ensure coordination with the Parks, Recreation, and Open Space Plan (Element).

LU-5.4 Established pedestrian and bicycle trail links with various parts of Tumwater and within the business area.

LU-5.4.1 Ensure coordination of the Land Use Element with the Parks, Recreation, and Open Space Plan (Element) and the Transportation Element.

LU-5.5 Encourage provision of urban plazas and access to transit stops when new construction or major renovation is proposed. Incentives for providing such amenities should be sought.

LU-5.5.1 Consider revision of the City's Development Standards to encourage provision of these amenities. Consider development of a citywide design standards program. (Reference Goal LU-2.3.1)

LU-5.6 Allow densities and mixes of uses that reduce the number and lengths of vehicle trips and increase the opportunity to use public transit and non-motorized modes of travel.

LU-5.7 Reinforce the link between land use and public transportation by encouraging development to occur at urban residential densities along designated transit corridors, nodes, and near commercial centers.

LU-5.8 Ensure proposed capacity improvements to the City's transportation systems are designed to serve proposals that are contiguous to existing development, as a means to discourage the occurrence of "leap frog" development patterns.

LU-5.9 Provide development incentives, such as increased density, increased square footage, or increased height for proposed land developments located adjacent to transportation corridors when amenities for transit users, bicyclists, and pedestrians are included.

LU-5.10 Encourage land development proposals to utilize the capacity of the existing transportation system, especially transit and non-motorized modes.

LU-5.11 Encourage public and private development proposals to enhance the street side environment to maximize comfort for the transit user and the pedestrian.

LU-5.12 Encourage subdivision and commercial and retail project design that facilitates cost-effective transit and emergency service delivery.

LU-5.13 Discourage transportation improvements, regardless of their financing mechanisms that would trigger premature development; that is, development inconsistent with applicable comprehensive plans and zoning.

LU-5.14 Ensure alternative transportation modes are included in comprehensive plans, subdivisions, and other land developments.

LU-5.15 Expand bicycle and pedestrian data collection efforts.

LU-5.16 Establish a regional bicyclist and pedestrian advisory body.

LU-5.17 Support efforts of the local traffic safety campaigns to educate bicyclists and pedestrians of the laws pertaining to walking and biking.

GOAL LU-6: Reduce impacts from flooding; encourage efficient stormwater management; and ensure the groundwater of Tumwater is protected and preserved.

Policy **Action**

LU-6.1 Ensure new development is in conformance with requirements and standards of the *Northern Thurston Groundwater Protection Plan*.

LU-6.2 Ensure new development is in conformance with requirements and standards of the *Drainage Design and Erosion Control Manual for Tumwater*, as amended.

LU 6.2.1 Implement specific Sustainable Thurston goals identified in Land Use Element Section 1.6, Sustainable Thurston Goals (Reference Appendix C: Sustainable Thurston)

LU-6.3 Ensure coordination with the *Percival Creek Comprehensive Drainage Basin Plan*.

LU-6.4 Ensure new development is in conformance with aquifer protection standards of the Conservation Element.

LU-6.5 Ensure implementation of the *Natural Hazards Mitigation Plan for the Thurston Region* to reduce or eliminate the human and economic costs of natural disasters for the overall good and welfare of the community.

LU-6.6 Ensure coordination with the *Salmon Creek Comprehensive Drainage Basin Plan*.

LU-6.6.1 Incorporate the development review process within the *Salmon Creek Comprehensive Drainage Basin Plan* into the Tumwater Municipal Code.

GOAL LU-7: Encourage retention of open space, parks, trails, and development of recreational opportunities within Tumwater.

Policy	Action
LU-7.1	Ensure coordination of the Land Use Element with the Parks, Recreation, and Open Space Plan (Element).
LU-7.2	Ensure coordination of the Land Use Element with open space retention and natural area preservation standards of the Conservation Element.
LU-7.3	Preserve environmentally sensitive lands, farmlands, mineral resources, and prairies, by developing compact urban areas.
LU-7.4	Provide a variety of open spaces including landscaped buffers, small parks, plazas, and other community areas to balance higher density development and enhance quality of living.
	LU-7.4.1 Specify the amount of area that must be dedicated for open space and require configuration useful for the purpose desired in the City's Zoning Ordinance to make certain that areas of developments dedicated to open space provide the functions intended.

GOAL LU-8: Ensure physical limitations of the land are observed during the development process.

Policy	Action
LU-8.1	Ensure new development is in conformance with standards and requirements for critical areas within the Conservation Element.
	LU-8.1.1 Consider implementation of the state geological study and mapping program for the City. This study should address geologic, erosion, landslide, seismic, and volcanic hazard areas.
LU-8.2	Reserve the right to prohibit or set conditions on development based on anticipated adverse environmental impact.
LU-8.3	Ensure development within the jurisdiction of the Shoreline Management Act adheres to the flood control policies, land use controls, and regulations

of the applicable environmental designation as described in the Tumwater Shoreline Master Program.

LU-8.4 Ensure new development is in conformance with the standards of the City's Protection of Trees and Vegetation Ordinance.

GOAL LU-9: Identify what conditions should be applied to development in residential areas.

Policy **Action**

LU-9.1 Protect residential developments from excessive noise, odors, dirt, glare, and other nuisances emanating from commercial and industrial uses.

LU-9.2 Allow for multi-family residential development in the zoning code. Consideration should be given to encouraging this type of development near centers of community services.

LU-9.2.1 Consider revision of the City's Development Standards to encourage innovative land use management techniques. (Reference Goal LU-2.3.1)

LU-9.3 Integrate design features of existing natural systems into the layout and siting of new residential dwelling units. Preserve trees and significant ecological systems, whenever possible and practical.

LU-9.3.1 Consider revision of the City's Development Standards to encourage innovative land use management techniques. (Reference Goal LU-2.3.1)

LU-9.4 Permit experimentation in development regulations with newer forms of residential development where amenities of open space, privacy, and visual quality can be maintained or improved, and flexible solutions to land use problems can be achieved.

LU-9.4.1 Consider revision of the City's Development Standards to encourage innovative land use management techniques. (Reference Goal LU-2.3.1)

LU-9.5 Do not permit private residential gated communities.

LU-9.6 Promote nearby access to healthy food for residential developments.

LU-9.6.1 Allow and encourage farm stands supplying fresh food in residential areas.

LU-9.6.2 Consider measures to encourage the creation of healthy corner stores within residential areas.

GOAL LU-10: Identify the City's policies and regulations pertaining to commercial and industrial areas and uses.

Policy	Action
LU-10.1	Implement the goals, policies, and actions of the Economic Development Element through the Land Use Element.
LU-10.2	Encourage industry clusters to create jobs, and increase revenue circulation locally.
LU-10.3	Ensure adequate supply of developable land along primary transportation corridors and invest in commercial and industrial redevelopment.
LU-10.4	Encourage developers to concentrate non-residential land uses in integrated centers in order to insure convenient access and prevent strip development.
LU-10.5	Group commercial, industrial, and manufacturing uses into centers rather than dispersed throughout the City. These centers shall have a landscaped, urban park quality.
LU-10.6	Rest future development of commercial, manufacturing, and light industrial areas in Tumwater on a comprehensive, integrated planning scheme incorporating performance standards regarding green belts, and buffering, landscaping, parking facilities, and other items of site design as appropriate.
LU-10.7	Use land use regulations to guide new industrial development into areas and patterns that minimize heavy trucking through residential and business areas.
LU-10.8	Ensure commercial and industrial structures, where practical, are low profile and provide landscaping including lawns, trees, and shrubs.
LU-10.9	Locate commercial and industrial land uses close to arterial routes and freeway access and rail facilities.

LU-10.10 Encourage neighborhood commercial uses that supply nearby residents with everyday convenience shopping goods in the City to reduce traffic generation, where, generally, these uses are very small, not generate excessive traffic, and compatible with nearby residences.

LU-10.11 Encourage businesses to allow food trucks at work sites to bring diverse meal options and fresh produce to workers.

LU-10.12 Emphasize sustainable practices while encouraging economic development.

GOAL LU-11: Ensure new and existing development is energy efficient.

Policy **Action**

LU-11.1 Recognize potential energy efficiencies associated with mixed-use developments and centers.

LU-11.2 Encourage building design, orientation, and land use arrangements that take advantage of natural landforms, existing vegetation, and climatic features for reducing energy demands for heating and cooling purposes.

LU-11.3 Aggressively pursue conservation or system improvements as a potential means to defer the siting and development of new facilities where appropriate.

LU-11.4 Recognize savings in energy usage for heating and cooling purposes associated with common wall construction.

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

LU-11.6 Recognize potential energy savings through optimally using solar energy and orient development sites accordingly.

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

LU-11.8 Encourage development and integration of new energy technologies in the design of new development and redevelopment, which result in energy and cost savings.

LU-11.9 Develop a program to encourage energy retrofits of existing buildings to improve their energy efficiency.

LU-11.10 Coordinate the City's energy efficiency programs with the strategies in the most recent version of the Thurston Climate Mitigation Plan.

GOAL LU-12: Promote preservation of sites of historical and cultural significance.

Policy **Action**

LU-12.1 Ensure coordination of the Land Use Element with Tumwater and Thurston County historic preservation programs.

LU-12.2 Make land use decisions that protect designated state and national landmarks listed by the State Office of Archaeology and Historic Preservation.

GOAL LU-13: Protect Olympia Regional Airport from incompatible land uses and activities that could affect present and future use of airport facilities and operations. Regulations and criteria should reflect the urban environment adjacent to the airport.

Policy **Action**

LU-13.1 Promote safe operation of Olympia Regional Airport by encouraging compatible land uses and activities and discouraging uses or activities that will impede safe flight operations or endanger the lives of people on the ground.

LU-13.2 Coordinate protection of Olympia Regional Airport with Thurston County by developing consistent implementing regulations.

(Pages 66-68 of the Comprehensive Plan Land Use Element)

3.3 Implementation Policies

Successful implementation of concepts, goals, and policies of the Land Use Element will require changes in regulations, procedures, programs, capital investments, and other activities.

The Land Use Element includes strategies that identify actions to achieve stated goals and policies. The following actions are proposed to implement the goals and policies of Land Use Element:

1. Change zoning designations, as may be appropriate, in certain areas of the City to be consistent with the overall City Land Use Map, the individual neighborhood maps, and policies.

2. Develop or modify existing zoning and land use regulations to achieve mixed-use areas, allow clustering and the use of innovative housing techniques, and address infill.

3. Protect Olympia Regional Airport from incompatible uses by applying development standards of the Airport Overlay Zone, Chapter 18.32 of the Tumwater Municipal Code. The Airport Overlay Zone addresses three primary issues further described below: height hazards, compatible land uses, and Airport Overlay Zone disclosure statements. Any changes to this chapter, as may be appropriate, should be made after consideration of the State Department of Transportation Aviation Division Publication "Airports and Compatible Land Use, Volume 1," and other best available technical information to the extent practical within an urban area.

4. Height Hazards. Prohibit structures and trees from penetrating airspace surfaces as defined by Title 14 of the Code of Federal Regulations Part 77, except as necessary and incidental to airport operations.

   Land Use Types and Intensities. Permit appropriate land uses compatible with airport and aviation uses. Encourage contiguous open space areas within the Airport Overlay Zone that provide functional open space needs for aircraft in cases of an emergency. Open space areas should be large and contiguous to other open space areas.

5. Disclosure Statement. Require a disclosure statement to be recorded

with the Thurston County Auditor for subdivisions, short subdivisions, binding site plans, and building permits located within the Airport Overlay Zone. The disclosure statement should state the property is located within the Airport Overlay Zone in which a variety of aviation activities occurs. Such activities may include but are not limited to noise, vibration, chemicals, odors, hours of operation and other associated activities.

6. Develop urban design plans and development standards to address compatibility of new development, preserve neighborhood character, and create pedestrian-oriented transit supportive development.

7. Through the Tumwater and Thurston County joint planning process and the County-Wide Planning Policies for Thurston County, direct the timing and location of development with the provision of adequate facilities and services within Tumwater's Urban Growth Area.

8. Invest in public improvements to facilitate and complement private development including streetscape improvements, public open spaces, and other amenities.

9. Review and modify, as necessary, existing plans to ensure consistency with the Land Use Element.

10. Continue public involvement in the planning process so decisions made regarding the growth and development of the City are reflective of general community goals and sensitive to special interests of effected parties.

11. Modify the land use regulatory review, permitting, and approval system for consistency with the Growth Management Act and adopted plans to ensure predictability and allow processing of development permits in a timely and fair manner.

12. Work with the Port of Olympia and the Federal Aviation Administration to remove the restrictions on residential development on Port owned land in the Town Center to allow full implementation of the City of Tumwater Town Center.

13. Clarify the differences in the City of Tumwater's definitions of warehouse distribution center and warehousing that is accessory to a manufacturing use.

14. Implement the Housing Action Plan strategies through land use actions by the City.

15. Implement the strategies in the most recent version of the Climate Mitigation Plan through land use actions by the City.

16. Implement the Urban Forestry Management Plan through the municipal code, Development Guidelines, City employee processes, and community education and engagement.

(Pages 37-39 of the Comprehensive Plan Land Use Element Neighborhood Appendix)

2.4 Brewery District

The Brewery District designation has been applied to the area identified on the Brewery Neighborhood Future Land Use Map and in Figure 3. The designation is based on the *Brewery District Plan* adopted by the City Council in 2014. A Brewery District Zone will be created that consists of seven subdistricts. Zone district design and development standards will transform the Brewery District over time from a largely auto-oriented commercial node, into a lively, walkable, and economically vibrant neighborhood center with a mixture of housing and neighborhood-serving businesses in accordance with the goals and objectives of the Brewery District Plan. Additionally, the Brewery District Zone is intended to provide for a mix of uses within the former brewery properties consistent with the Economic Development Element, *Strategic Plan*, and the *Final Report for the Community Visioning Project for the Former Olympia Brewery*.

Knoll. The location overlooking the Deschutes River, with high visibility from the freeway and close proximity to the historic district, makes this a unique economic and community development opportunity. A mixture of uses is desirable to create a vibrant sense of place that appeals to pedestrians and creates a community focal point for Tumwater and the surrounding area. A broad mix of uses should be allowed in this subdistrict, including but not limited to retail, personal and professional services, restaurants, educational, entertainment, lodging, and residential.

Valley. Existing industrial buildings located adjacent to rail access make this area ideal for light industrial uses that do not create compatibility issues with other land uses, and the kinds of commercial uses that are most appropriately located as neighbors of industrial uses.

Bluff. Vacant land overlooking the valley and in close proximity to residential development to the south and east makes multifamily residential a possibility. A minimum net density of ten units per acre should be applied to promote the efficient use of land and to provide a density pattern that will support public transit in the long term.

Triangle. Given its proximity to surrounding residential neighborhoods and the former brewery properties, excellent transit service, and its visibility and access from Interstate 5 and major urban corridors, the Triangle has the potential to transform into a highly pedestrianized neighborhood center with a broad mixture of uses, including medium-density housing, and community-

serving commercial uses. New development in the Triangle should be a mixture of uses with buildings up to five stories in height. Active ground floor uses should be encouraged that engage the sidewalk, particularly along Cleveland Avenue "Main Street."

Deschutes. Referred to as the South Focus Area in the *Brewery District Plan*, this subdistrict benefits from excellent freeway access as well as high volumes of pass-by traffic, which may increase upon completion of the E Street extension, and consequently, this area may experience increased development pressure in the future. Given its relative isolation from surrounding residential areas and the remainder of the Brewery District, new development in the Deschutes Subdistrict will likely remain dependent upon automobile access for its success. Such new development may include a mixture of office and retail uses, as well as housing, which may be desirable adjacent to the park.

Design and development standards should improve the character of development in this area as well as the appearance of this important gateway into the Brewery District, with a focus on decreasing the visibility of surface parking areas and improving building frontage conditions along key rights-of-way. This subdistrict extends further south than the South Focus Area depicted in the *Brewery District Plan*. The extension of this subdistrict to Linwood Avenue ensures that land on both sides of Capitol Boulevard at this southern gateway into the Brewery District will be developed in accordance with consistent development and design standards.

Bates Neighborhood North. Referred to as the Bates Neighborhood Periphery in the *Brewery District Plan*, development located in this subdistrict should create a transition between the small-scale, residential character of development in the Bates Neighborhood South and the higher-intensity commercial area in the Triangle and along Capitol Boulevard. Buildings may provide commercial-style elements and site development patterns, including large ground-floor windows, articulated architectural bays, and masonry facades, and may reach up to four stories in height.

Bates Neighborhood South. Referred to as the Bates Neighborhood Interior in the *Brewery District Plan*, new development in this subdistrict should reflect and be compatible with the detached, single-family structures currently seen in this area. While uses within these structures may be commercial or residential, buildings in this area should continue to be residential in character, mirroring not only surrounding building heights, but also providing site development and building design elements, including setbacks, landscaping, building materials, and architectural elements, that are

consistent with the surrounding residential character. New development should be limited to a maximum height of three stories.

(Page 61 of the Comprehensive Plan Land Use Element Neighborhood Appendix)

4.6 Single Family Medium Density Residential

The residential areas east of Cleveland Avenue and north of Yelm Highway form a well-established and stable neighborhood in Tumwater. This area should and will remain residential in character, continuing to infill with residential uses on the good building sites that are still vacant. It is anticipated that over a 20 year time period densities will increase in this area. In order to protect the quiet residential atmosphere, promote neighborhood stability and continuity, and provide a variety of affordable housing types, the Single Family Medium Density designation would be appropriate in this area.

(Page 62 of the Comprehensive Plan Land Use Element Neighborhood Appendix)

4.8 Neighborhood Commercial

The neighborhood store on the corner of Hoadly and North Streets, which provides a day to day service for residents in the surrounding area has been designated Neighborhood Commercial to protect and encourage the present use of the site. This area has been designated Neighborhood Commercial, in part to provide for less intensive commercial uses and to help minimize traffic conflict and circulation problems which have affected this area. The development of additional commercial areas along North Street would not be appropriate due to limitations for traffic circulation and the residential character of the area.

The Neighborhood Commercial designation would allow neighborhood scale retail uses, personal services and professional offices in residential areas where local demand, community support, and design solutions demonstrate compatibility with the neighborhood.

In any area where commercial development is adjacent to residential areas, landscaping, screening, and buffering should be used to protect the residences from possible adverse impacts. Existing trees and other vegetation with landscaping and aesthetic value should be preserved where practical. Whenever local commercial development is located adjacent to major streets, ingress, and egress should be from the lesser of the intersecting arterials. The intent of buffering Neighborhood Commercial uses from adjoining residential areas is to ensure that residential areas are not impacted by noise, light and glare, and excessive traffic.

Provision of urban plazas and access to transit stops should be encouraged when new construction or major renovation is proposed. Incentives for providing such amenities should be sought.

(Pages 68-71 of the Comprehensive Plan Land Use Element Neighborhood Appendix)

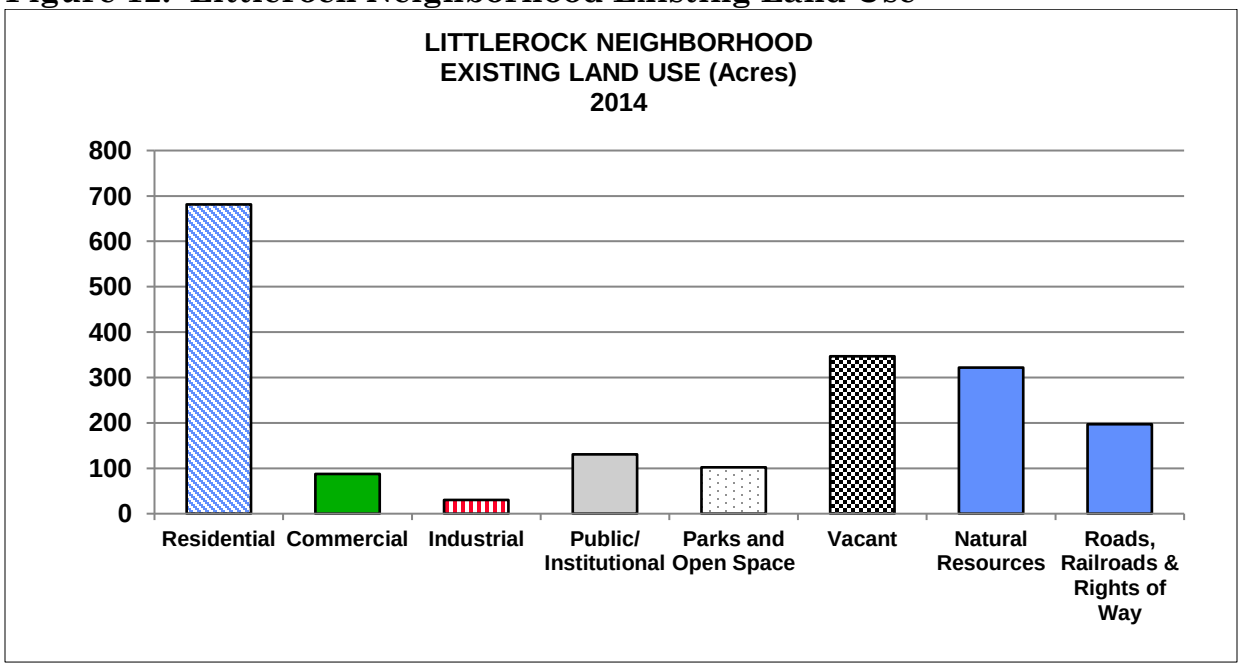
5.1 Introduction

The Littlerock Neighborhood is generally bounded on the north by the Trosper Road/Littlerock Road commercial area, , to the east by Interstate 5, to the west by Black Lake Belmore Road and the Black Lake Elementary School, and to the south by the present city limit boundary south of the Doelman farm and the Black Hills High School.

The eastern portion of this neighborhood can expect intensive commercial development within the near future. As a result, this area will probably experience significant future growth. Because of this anticipated growth, the potential exists for great changes in the character of this neighborhood. A subarea plan for the Littlerock neighborhood was completed in 1997 and updated in 2006 to provide a more detailed plan for this neighborhood. The updated *Littlerock Road Subarea Plan* should be referenced as a refinement of this chapter, particularly for the eastern side of the neighborhood lying along Littlerock Road.

Figure 13 illustrates the proportions of land uses that are presently within the Littlerock Neighborhood.

Figure 12. Littlerock Neighborhood Existing Land Use



Source: Thurston Regional Planning Council Buildable Lands Database – *Land Use by Planning Area*

The largest single land use in the neighborhood is residential which covers 41% of the neighborhood. The second most dominant land use is open space at 26%. Vacant land is the third largest land use in the neighborhood at 19%. The majority of the public/institutional category (7%) is taken up by the Black Lake Elementary School, the Tumwater Middle School, and the Black Hills High School. After the public/institutional category, the next most predominant land uses are commercial at 5% and industrial uses at 2%.

Littlerock Road, a minor arterial, serves as the major north-south transportation corridor in this neighborhood. Major east/west transportation routes include the 66th Avenue/70th Avenue corridor. Trosper Road and Israel Road–provide an east-west link to other areas of the city. Tumwater Boulevard, presently a major arterial, connects the neighborhood with industrial uses near the Olympia Regional Airport. Both Trosper Road and Tumwater Boulevard link the Littlerock Neighborhood to the Tumwater Town Center located north of Tumwater Boulevard, south of Trosper Road and east of Interstate 5. The Glenwood Drive residential area and Gold Creek access Littlerock Road from the west.

For future road alignments in the area of the Black Hills High School, refer to the Black Hills Subarea Study, which was adopted into the Transportation Element in 2003. This detailed plan analyzes the existing transportation system in the area and provides guidance for future road projects.

For future road alignments in the Littlerock Subarea along Littlerock Road and Interstate 5 refer to the *Littlerock Road Subarea Plan* which was updated and re-adopted into the Comprehensive Plan in 2006. This detailed plan analyzes the existing transportation system in the area and provides guidance for future road projects.

Perhaps the most important transportation improvement planned for the Littlerock Neighborhood is a minor arterial, Tyee Drive that will run from Trosper Road to Tumwater Boulevard, and eventually further to the south, roughly parallel to and between Interstate 5 and Littlerock Road. The road would open up vacant land available for commercial and mixed-use development while reducing impacts along Littlerock Road itself.

A pedestrian bridge crosses Interstate 5, connects to Bishop Road, and leads to the Tumwater Middle School. This bridge is the only non-vehicular Interstate 5 crossing in Tumwater and provides an important pedestrian link between eastern and western areas of the city. Additionally, the bridge will eventually provide an important commuting link between state offices and other businesses expected to locate in the Tumwater Town Center. This bridge is identified as a part of Trail T8

in the Cities of Lacey, Olympia, and Tumwater Urban Trails Plan. The Parks, Recreation, and Open Space Plan (Element) includes the recommendations of this plan relating to this trail linkage. The Transportation Element identifies on-street linkages for trails in the Littlerock Neighborhood. The corridor along Bishop Street should be preserved for this trail linkage.

The *Littlerock Road Subarea Plan* describes a possible future trail location between Bishop Road and Tumwater Boulevard, generally located between the commercial and residential areas. The plan also includes an illustration of the possible route of this future trail. As the area along this route develops, open space dedications, when possible, should be located along this general route. Locating the open space in this manner will allow the eventual development of this pedestrian link and provide more of a buffer between the commercial and residential areas.

The Transportation Element and the *Littlerock Road Subarea Plan* make specific recommendations for transportation improvements in the Littlerock Neighborhood. These documents should be referenced for these specific improvement recommendations.

There is an existing Burlington Northern Railroad line bisecting the western portion of the neighborhood from north to south. This line is a candidate for possible future use as a recreational trail. Thurston County has acquired the southern portion of this railroad and it plans to convert it into a recreational trail.

The Parks, Recreation, and Open Space Plan (Element) and the *Littlerock Road Subarea Plan* make specific recommendations for trails, open space, and parks within the Littlerock Neighborhood. These documents should be referenced for specific recommendations that affect the Littlerock Neighborhood.

The *Littlerock Subarea Plan* is the key document for guidance in the eastern portion of the Littlerock Neighborhood. This Plan should be referenced first for goals and actions related to future land use and infrastructure planning within the eastern portion of the neighborhood.

The *Strategic Plan* also has specific goals and action strategies for the eastern portion of the Littlerock Neighborhood. The following is an excerpt from the plan:

> *The vision for this area is to create a mixed use "village" atmosphere that is transit-oriented and pedestrian-friendly in the south/central portion of the subarea in the vicinity of the Israel Road/Littlerock Road intersection and along Littlerock Road south to Tumwater Boulevard, with commercial areas concentrated along I-5 to provide vibrant retail opportunities for Tumwater and surrounding residents.*

> *Key strategies for advancing this vision focus on infrastructure investment and planning, including the Littlerock Road street improvement project and Tyee Drive planning.*

The *Strategic Plan* should be referred to for additional specific goals for the eastern portion of the Littlerock Neighborhood.[1]

5.1.1 Economic Development Element

The Economic Development Element was adopted in 2010. It replaced the previous element, which was adopted in 1990. This element contains specific guidance and direction for land use planning within the Littlerock Neighborhood. The following is an excerpt from the Economic Development Element:

> *Capitol Boulevard and the Littlerock Road Subarea are important short-term economic development opportunities, as they are changing and hold significant potential for development and redevelopment. Both areas are located near entrances to the city from I-5 and their development will help to define Tumwater's image in the region. City guidance and support via targeted infrastructure investment are important priorities of this Plan to ensure that these opportunities are fully realized.*

Both the Economic Development Element and the *Strategic Plan* stress the importance of infrastructure improvements within the Littlerock Road Subarea. Some of these projects are already well underway, such as the Littlerock Road street improvement project. The Tyee Drive extension has been completed from Trosper Road to Israel Road. The following is an excerpt from both plans:

1. *Use public investment and development regulations to encourage development of a village-like area in the south/central portion of the Subarea*

   - *Complete the Littlerock Road street improvement project*
   - *Do planning for the Tyee Drive extension*
   - *Revise development regulations to identify gateways and transition areas, including boundaries between zoning districts for the Subarea*
   - *Consider an additional review of the Subarea Plan to identify and*

[1] See Action Strategy D on p.19 of the *Strategic Plan*

plan for a unique street plan

- *Consider adopting a street plan for the Subarea that includes east-west connector roads between Littlerock Road and Tyee Drive*

- *Consider adopting more specific building design guidelines for the Littlerock Road Subarea, consistent with possible adoption of a village-like area in the south/central portion of the Subarea*

2. *Seek opportunities to enhance the connection between the Subarea and neighboring areas*

The Economic Development Element should be referenced for further recommendations in this neighborhood.

5.1.2 Other Considerations

Most of the vacant land within the eastern portion of the Littlerock Neighborhood has very few development limitations because of level topography and a stable underlying geology. Inversely, the western portion of the neighborhood has several very large wetlands and areas of high groundwater flooding.

City water and sewer service is available to most areas of the Littlerock Neighborhood at this time. The Capital Facilities Element identifies water and sewer extension along the north-south collector road route as a high priority.

Uses that surround the Littlerock Neighborhood include residential uses to the north, low-density residential uses in the county to the west, Interstate 5 to the east, and mostly vacant and scattered residential areas in the county to the south.

There is a large island of county land west of Littlerock Road. This area includes the neighborhood accessed by Glenwood Drive. The Littlerock Neighborhood is also adjacent to county areas to the south. Land use planning within this area is addressed through the Joint Plan. When feasible, this island should become part of Tumwater.

Portions of this neighborhood have seasonally high groundwater that can result in groundwater flooding in places. The *Littlerock Road Subarea Plan*, the *Salmon Creek Comprehensive Drainage Basin Plan*, and the *Tumwater Stormwater Comprehensive Plan* should be referenced for specific recommendations that affect groundwater, stormwater, and drainage issues within the Littlerock Neighborhood.

All uses within the Littlerock Neighborhood should follow the guidelines for groundwater protection set forth in the *Northern Thurston County Ground Water Management Plan*.

Following are discussions of each land use designation as they are applied by this plan in the eastern portion of the Littlerock Neighborhood. The *Littlerock Road Subarea Plan* should be referenced to supplement this information.

(Page 73 of the Comprehensive Plan Land Use Element Neighborhood Appendix)

5.2 Residential/Sensitive Resource

The area near Kirsop Road has been designated Residential/ Sensitive Resource (2 - 4 Dwelling Unit/Acre) to ensure that the unique open space character and environmental sensitivity of the extensive wetlands is protected from the effects of intensive urban development. Although these large wetlands drain to both Black Lake and Trosper Lake, theses drainages lack sufficient stream flow to be under the protection of the Shoreline Management Act and, therefore, lack the special protection measures afforded by the Act.

There are two urban farms located within this neighborhood and within this designation. One is an unnamed blueberry farm on the western portion of 54th Avenue and the other is Kirsop Farms on Kirsop Road. Kirsop Farms also has a secondary location on Littlerock Road near the Black Hills High School. While an urban area is generally not conducive to large-scale farming, there is certainly a role for smaller scale urban farms and community gardens. Because of the importance of food access, food security, and overall environmental sustainability, there is a role for Tumwater in encouraging a wide range of farming and gardening within Tumwater. For further information on agriculture, the Conservation Element should be referenced.

(Pages 73-74 of the Comprehensive Plan Land Use Element Neighborhood Appendix)

5.3 Single Family Low Density Residential

Several areas within this neighborhood are suitable for the Single Family Low Density Residential designation because of existing development patterns and natural and physical constraints. The Single Family Low Density Residential designation best accomplishes the goals of preserving the existing neighborhoods while providing for development that is sensitive to the inherent limitations of the topography.

There is a very small area within the city limits located on the west side of Littlerock Road and south of the Tumwater Middle School that has been designated Single Family Low Density Residential to reflect the existing uses surrounding the site. Another small but similar area is located behind the school and has been designated Single Family Low Density for the same reasons. Most of the adjacent area (Glenwood Drive) west of Littlerock Road is under the jurisdiction of Thurston County. Please refer to the Tumwater/Thurston County Joint Plan for land use planning information for that area.

The area on the north side of 70th Avenue is characterized primarily by low, urban density single-family development. These are established neighborhoods and should be protected and preserved. In order to protect the residential atmosphere, and promote neighborhood stability and continuity, this area is designated Single Family Low Density Residential. This area includes the single-family development on Miner Drive (Gold Creek) and a number of single-family subdivisions on the north side of 70th Avenue.

A large area along the entire western end of the neighborhood has been designated Single Family Low Density. This includes most of the area west of the power line easement, which runs north to south from Littlerock Road to the substation on Trosper Road. The Black Lake Park and Black Hawk subdivisions as well as a large portion of the Doelman farm are within this area. The Doelman farm has been envisioned to develop as an urban village and has had a number of different land use designations placed on the property in order to facilitate this development vision for the property. Refer to the Multi-Family Medium Density Section of this chapter for more information on the Doelman urban village.

Where the Single Family Low Density Residential designation abuts an area designated Light Industrial, such as on Belmore Street, landscaping, screening and buffering should be used to protect the residential development from possible adverse impacts and visually separate the different uses.

(Pages 74-75 of the Comprehensive Plan Land Use Element Neighborhood Appendix)

5.4 Single Family Medium Density Residential

The area along the south side of 70th Avenue west of Littlerock Road was once characterized by rural residential single-family development. However, within the last decade several hundred new single-family homes have been built in this area. The lots for these homes are relatively small and are consistent with the Single Family Medium Density designation. This area should remain residential in character, continuing to in-fill as densities increase over time. In order to maintain the residential atmosphere and provide a variety of affordable housing types, the Single Family Medium Density Residential designation is appropriate for this area.

The small area on the north side of 70th Avenue, south of Miner Drive, near Littlerock Road is also an appropriate location for this designation. This area is characterized by older single-family homes on large deep lots. As redevelopment of these lots occurs, the Single Family Medium Density designation would allow for platting of these lots. This would allow densities to increase over time and provide a variety of housing types in close proximity to urban services.

The area designated Single Family Medium Density Residential that is west of the Black Hills High School is a portion of a large area under a single ownership known as the Doelman farm. This property extends from Littlerock Road west to the Burlington Northern railroad corridor and it has received a mix of land use designations. The portion of this property designated Single Family Medium Density Residential should receive a planned unit development overlay zone to ensure its consistency with the overall development of this property. A more detailed discussion of policies for development of this property is contained near the end of the next Section, Multi-Family Medium Density Residential.

The area west of Littlerock Road south of Tumwater Boulevard has been designated Single Family Medium Density Residential. This area has some rural residential uses and a small single-family subdivision. It should be encouraged to infill with similar, compatible types of residential uses in order to provide a mixture of housing types for all income levels in this portion of the subarea. This area is close to the high school just west of Littlerock Road, and to a node of commercially designated land on the west side of Littlerock Road. Littlerock Road also is anticipated to be a primary transit route in this area. It is important to provide a mixture of housing types close to these needed services.

(Pages 75-77 of the Comprehensive Plan Land Use Element Neighborhood Appendix)

5.5 Multi-Family Medium Density Residential

The area on the east side of Littlerock Road generally between the Bishop Road area and Israel Road consists of primarily residential development. Currently, this area is a mixture of single and multi-family residential development. The residential character of this area should be protected and allowed to infill and slightly increase in density. This is consistent with the recommendations of the Littlerock Road Subarea Plan to provide for housing in close proximity to planned commercial and mixed-use development to the north, east, and south, and to provide a transition between those areas and the single-family residential areas and the middle school to the west. The Multi-Family Medium Density Residential designation would best accomplish these goals.

Several areas of Multi-Family Medium Density Residential development have been located along Littlerock Road. Two of these areas are close to the high school just west of Littlerock Road, and to a node of commercially designated land on the west side of Littlerock Road. Littlerock Road is anticipated to be a primary transit route in this area. It is important to provide a mixture of housing types close to these needed services. To accomplish this, Multi-Family Medium Density Residential areas are interspersed with Single Family Medium Density Residential along this portion of Littlerock Road. These areas contain existing multi-family and single-family uses.

Where multi-family residential development abuts general commercial, landscaping, screening, and buffering should be used to protect the residential development from possible adverse impacts and to separate the different uses visually.

Additional multi-family housing units will be provided close to employment centers through the designation of a Multi-Family Medium Density Residential area on the west side of the intersection of Tumwater Boulevard and Littlerock Road. This area currently is adjacent to a manufactured home park and other residential uses.

An area north of the Laurel Park Estates Mobile Home Park has been designated Multi-Family Medium Density Residential to help provide a variety of affordable housing types within the neighborhood.

An area west of Littlerock Road near the Black Hills High School has also been designated Multi-Family Medium Density Residential. This is a portion of a large area under single ownership and known as the Doelman farm. This property extends from Littlerock Road west to the Burlington Northern railroad corridor and it has

received a mix of land use designations. These include Mixed Use, Multi-Family High and Medium Density, Single Family Low and Medium Density, Utilities and Public Institutional. In the past, this property has been a part of the Doelman dairy farming operation and it has been used primarily for growing feed and winter cattle storage. Land use designations have been assigned to this property with the purpose of creating a framework for the development of a mixed-use village, which would provide a variety of housing types close to needed services, such as commercial establishments, a high school, and a transit route along Littlerock Road.

To facilitate the development of the Doelman property according to this stated purpose, it is recommended that the multi-family designated portions of the property be developed as a Planned Unit Development. It is also recommended that development near the several wetland areas and utility transmission corridors on the property receive an overlay zone to ensure they are developed under Planned Unit Development standards. The Planned Unit Development standards require public hearings for any development that would be proposed for these areas. Clustering and density transfers using a Planned Unit Development approach should be considered where limitations for development exist. This land, developed as a Planned Unit Development, could be ideally suited for cluster construction of small lots with large open spaces of undeveloped area to preserve natural features and avoid siting residences close to high-voltage utility transmission lines.

Special attention should be paid during the design review process to maintaining a similar quality and appearance of construction throughout the village envisioned for the Doelman property.

Multiple access routes should be provided for automobile, transit, pedestrian, and bicycle transportation into the Doelman property from Littlerock Road; 81st, 70th, and 66th Avenues; and Kirsop Road to ensure adequate traffic circulation through the village. Within the village, pedestrian and bicycle routes should be emphasized to encourage their use. Street patterns should provide for numerous circulation routes through the village, and it should be designed to discourage automobile travel at speeds that are not compatible with safe pedestrian use. A pedestrian/bicycle trail should be encouraged in the Burlington Northern railroad corridor in the western portion of the property.

The Black Hills Subarea Transportation Plan was completed in 2003 through a joint effort between the Doelman family, Tumwater, Thurston County, the Tumwater School District and nearby residents. This plan has been integrated into Transportation Element and it should be referenced for specific transportation recommendations for this particular area.

The Strategic Plan and the Economic Development Element should be also referenced for guidance regarding the future development of the Doelman properties.

All multi-family development in Tumwater should be subject to specific multi-family urban design standards, which would assure compatibility of the development with the surrounding neighborhoods.

(Pages 88-89 of the Comprehensive Plan Land Use Element Neighborhood Appendix)

6.2 Single Family Low Density Residential

The Bush Mountain residential development is located in the southern portion of the Mottman/Black Lake Neighborhood and is characterized by single-family homes on lots of five acres or larger. The Single Family Low Density Residential designation is appropriate in this area due to the nature of existing residential uses in this area.

The area north of Sapp Road consists of scattered low-density residential development that is currently rural in character. The designation of Single Family Low Density Residential would be appropriate in this area because of its location and proximity to proposed urban facilities. This area should be buffered from light industrial uses to the north. Recommendations for a buffer in this area are contained in Section 5.3.

The land west of the Burlington Northern Santa Fe Railway right of way, outside of the jurisdiction of the Shoreline Master Program, have been designated Single Family Low Density Residential. More intensive residential uses are not likely in this area due to the constraints of being adjacent to or surrounded by wetland areas and the unavailability of sewer and water service to the area. Because this area is protected by the stringent land use regulations of the Shoreline Management Act, this area would not meet the criteria required for application of the Residential/Sensitive Resource designation. It is envisioned that residential uses will eventually be phased out in the area that is surrounded by the jurisdiction of the Shoreline Master Program. Park or open space would be an appropriate long-term use of this area.

(Page 95 of the Comprehensive Plan Land Use Element Neighborhood Appendix)

7.2 Single Family Medium Density Residential

The area south of Dennis Street and along 6th Avenue SW is a part of Tumwater's downtown neighborhood. This area forms a well-established and stable neighborhood in Tumwater. This area should and will remain residential in character, continuing to infill with residential uses on the good building sites that are still vacant. It is anticipated that, over the 20-year planning period, densities will increase in this area. In order to protect the residential atmosphere, promote neighborhood stability and continuity, and provide a variety of housing types, the Single Family Medium Density designation would be appropriate in this area.

(Pages 97-105 of the Comprehensive Plan Land Use Element Neighborhood Appendix)

7.7 Tumwater Town Center

The citizens of Tumwater envision a future downtown on 190-acres of the New Market Neighborhood bordered by Interstate 5, Tumwater Boulevard, Nicholas Street, and Israel Road. This Section of the Land Use Element Appendix offers a framework for a mixed-use, urban density, transit-supported community services center, a true downtown for a city whose urban nucleus was decimated by freeway construction in the late 1950s. This area is called the Tumwater Town Center, and it represents a component of the New Market Neighborhood.

The vision for this area includes creation of a downtown and community gathering place, a broad mix of uses, clustered development to create a critical mass for public transportation, and continuing responsiveness to regional goals for growth management and environmental protection.

In addition to the major goal of replacing the town center lost by the construction of Interstate 5, other goals of the Tumwater Town Center plan are to:

- Create a mixed-use town center consisting of commercial developments of office, retail, and service businesses, residential, educational, civic services, support facilities, and public assembly facilities.

- Site and develop new professional office facilities to build a critical mass of employment, which is critical to encouraging high-capacity public transit and discouraging the use of single-occupant vehicles.

- Create open space and park areas to preserve the area's natural resources and beauty.

Portions of this area are located in the Airport Overlay Zone. The purpose of the overlay zone in Chapter 18.32 Tumwater Municipal Code is to protect the viability of Olympia Regional Airport as a significant resource to the community by encouraging compatible land uses and densities and reducing hazards that may endanger the lives and property of the public and aviation users. The Airport Overlay Zone identifies a series of compatible use zones designed to minimize such hazards. New developments in the Airport Overlay Zone must comply with the standards of the overlay zone in addition to the standards of the underlying zoning district.

This plan is distinguished by nine elements:

1. **Land Use** – The Tumwater Town Center is envisioned to include a mix of land uses: state facilities, private commercial developments of office, retail, and service businesses, residential, educational, civic and community services, support facilities/services (i.e., childcare), public assembly, open spaces, and parking. A vibrant mixture of activity, with people potentially present 24 hours a day, is anticipated. Land uses that reinforce this activity are encouraged.

   Tumwater Town Center is divided into four subareas. Each of these subareas is described below. Supporting policies provide a framework to guide future development of the Tumwater Town Center.

   A. **Mixed Use**. The goal of the Mixed Use Subarea is to provide mixed retail, office, and residential uses at a level of intensity sufficient to support transit services and to provide a focus for the town center. A broad mix of land uses should be allowed, including retail, offices, services, restaurants, entertainment, lodging, community facilities and residential. The following percentages represent a desirable mix of ground floor land uses for this subarea. These percentages are intended to monitor the development of the entire Mixed Use Subarea over time. It is not the intent to apply these percentages to individual development proposals.

      Office – 45%
      Retail – 40%
      Residential – 15%

      Mixed Use Policies:

      - Consider use of incentives and zoning requirements for mixed-use developments that incorporate retail or office uses on the ground floor with services or housing on upper stories.

      - New Market Street is designated as the main street for the Tumwater Town Center. Encourage retail uses along this street. Consideration should be given to adopting zoning code requirements for ground floor retail as a component of land development projects on New Market Street to promote development of a concentrated shopping area that serves as an activity, people oriented focus to the town center.

- Buildings should be oriented toward the street and other public spaces. Where a lot is adjacent to more than one street, and one of the streets is New Market Street, buildings should be oriented toward New Market Street. Building facades should provide visual interest to pedestrians. Street level windows, minimum building setbacks, on-street entrances, landscaping, and articulated walls should be encouraged.

- Encourage public and private sector cooperation in providing capital investment, such as parking and street improvements that contribute to encouraging new business to locate in the town center.

- Initiate a capital improvement strategy to implement pedestrian and street improvements, gateway and other beautification projects, and parks and other civic facilities in the town center. Refer to the action items identified in the *Tumwater Town Center Street Design Plan* as a starting point in developing such a strategy.

- Among the existing uses in this area are an underground petroleum pipeline and a United Parcel Service distribution facility and a fabrication and assembly facility. New zoning standards for the town center should allow the distribution, fabrication and assembly facilities to remain as conditional uses. Future additions or expansions of these facilities of up to 50% of the existing floor space should be allowed subject to design and development standards to ensure compatibility with the surrounding area.

B. **Professional Office**. The goal of this subarea is to provide an area for large professional office buildings in close proximity to transit and arterial and collector roadways. This subarea is intended to provide for employment growth in professional, business, health, and personal services.

Professional Office Policies

- Encourage retention, location, and expansion of professional, financial, and commercial office land uses for personal and business services.

- Provide opportunities for complementary retail uses within office structures.

C. **Civic**. Existing civic land uses include the Tumwater City Hall, Tumwater Timberland Library, and the new Tumwater Headquarters Fire Station. The goal of this subarea is to provide civic uses that provide identity and focus for the Tumwater Town Center.

Civic Policies

- Encourage development of buildings and public spaces within the Civic Subarea that can provide civic functions.

D. **Residential**. The goal of the Residential Subarea is to provide for a high quality, high-density living environment within walking distance of jobs, shopping and public transportation.

Residential Policies

- Encourage the development of housing in the Tumwater Town Center to support business activities and to increase the vitality of the area.

- Encourage a mix of housing choices to create variety in residential opportunity and to maintain a jobs/housing balance within the Tumwater Town Center, to make the town center a people place in the early morning, daytime and evening hours.

- Encourage a variety of well-designed housing styles.

- Apply development standards and guidelines to promote aesthetically pleasing, private, safe, and comfortable housing through design and open space.

2. **Density and Scale** – The area should consist of multi-story buildings that will define a new town center for Tumwater. The density should be greatest along New Market Street. Such density is needed to accommodate predicted future use demands and create the development pattern. Further, the density is desirable to create a critical mass of potential transit ridership.

3. **Architectural Character** – Creation of an urban character that is not rural or suburban is key. Buildings should front directly on designated main streets where possible. Overhangs and awnings could provide pedestrian protection and link individual buildings. Parking should not disrupt building activity and should be located unobtrusively. Design review guidelines and development standards have been developed for this area to facilitate its future development as a town center. These standards require urban features, such as wide sidewalks, zero setbacks and public plazas. Future development should be encouraged to install benches, kiosks and other street furniture to provide a unifying element and aid in developing the pedestrian scale of the area.

4. **Landscaping and Open Space** – A plaza, central square or commons should be provided as a gathering place in the Tumwater Town Center. Visual pedestrian features, e.g., fountains, sculptures and other focal points that will draw people to this type of facility should be considered. A centrally located site that could be re-developed as a plaza is the current City maintenance shop site located south of City Hall.

   The Parks, Recreation, and Open Space Plan (Element) calls for a neighborhood park to be developed in a central location within the downtown area. The element specifically calls for this park to be oriented toward passive recreation. A potential site for a neighborhood park should be identified.

   Open space corridors with trails should be provided throughout the Tumwater Town Center area. Specific routes for trails/walkways should be identified. Routes should connect other open space or landscaped areas. Connection of land uses provides for activity throughout the town center at all times of the day and night. Existing City open space and landscaping standards should be required for new developments locating in the city center area. Funding alternatives for public open space areas should be explored.

   Consolidation of open space areas in the Tumwater Town Center into a specific area may be considered as an alternative to providing small pockets of open space throughout the town center.

5. **Lighting and Signage** – Lighting and signage should provide a consistent and distinguishable character to the area. Architectural features and focal buildings will define primary destinations and access points. Signage and lighting should add to those features by providing

information, orientation, and safety. Of particular importance will be transit signage. Transit shelters and other facilities should be consistent with the city center character and meet the needs and standards of Intercity Transit. Lighting must not create any navigational hazards for the Olympia Regional Airport.

6. **Circulation** – The *Tumwater Town Center Street Design Plan* identifies locations, alignments, and streetscape designs for town center streets. This plan incorporates three types of streets: Main Street (New Market Street), Green Streets (71st and 73rd Avenues), and Connector Streets (additional north-south streets). The street plan provides for numerous multi-modal transportation connections into and through the area.

   New Market Street and other north-south streets identified in the street plan should be extended to permit circulation route alternatives between Tumwater Boulevard and Israel Road; 71st and 73rd Avenues should be extended to provide east-west street connections linking the town center to Linderson Way to the west, and Cleanwater Lane and Capitol Boulevard to the east. Streets through the area in both north to south and east to west directions will encourage growth of retail services, housing and commercial/residential mixed-use projects. The streets should also enhance transit service alternatives and increase pedestrian activity. Walkways throughout the Tumwater Town Center should be wide and generous to provide pedestrian-friendly access and circulation.

7. **Utilities** – All utilities are available to the area. Electrical power, natural gas, water, storm drainage, and sanitary sewer systems will require upgrading and extension to complete the utility service system. The concept for distribution follows existing and new public rights-of-way.

   The subsurface conditions in the area are significant to the Tumwater Town Center's development. Groundwater is at relatively shallow depths, typically about ten feet. Surface materials are highly permeable and they will require significant storm drainage retention/detention systems as part of the area's development. Options for addressing storm drainage should be explored. One alternative is to provide a regional storm drainage facility on property located outside of the neighborhood. Another option is to incorporate low impact development techniques to minimize stormwater runoff in conjunction with storm drainage facilities for individual developments. Design and aesthetic standards should be developed to ensure the facilities are safe (i.e. not too steep)

and aesthetically pleasing. Utility improvements are envisioned to be concurrent with proposed development.

8. **Street Design** – The *Tumwater Town Center Street Design Plan* identifies design standards for town center streets. Its principle elements are summarized below. Please refer to the street design plan for specific standards for each street.

Main Street

New Market Street will form the town center's activity spine, linking public facilities at the north to mixed-use and retail business at the south. It is envisioned as a traditional main street, with curbside parking and small retail on the first floor of zero-setback mixed-use buildings. In order to attract businesses and customers along this corridor and to interface with fast-paced Tumwater Boulevard, the southern part of the town center should develop as larger retail stores, with excellent visibility and access from Tumwater Boulevard.

New Market Street will provide an excellent pedestrian environment with extended sidewalks (curb bulbs) at intersections and mid-block crosswalks. Small-scale street trees, street furniture, landscaping, and accent paving will enhance the pedestrian experience.

East/West Green Streets

The east/west green corridors, 71st and 73rd Avenues, will be the opposite of the main street in character. The wide right-of-way will be mainly dedicated to landscaping and pedestrian and bicycle traffic. The corridors will provide the residences and offices with an attractive setting and connect them to the highly active main street. With heavy, informal landscaping, these corridors will provide a more peaceful promenade environment, a unique feature in a town center of this size.

Connector Streets

Connector streets that provide convenient access and, in some cases, on-street parking complete the proposed street grid. In terms of design character, these streets serve to unify the town center with uniform street trees and paving.

Gateways

Gateways are recommended at the intersections of Israel Road/Capitol Boulevard, Israel Road/New Market Street, New Market Street/Tumwater Boulevard, Tumwater Boulevard/Linderson Way, and Linderson Way/Israel Road. Gateways should reflect the traditional character of the town center's public buildings, and the general design should be adaptable to the configurations of the different intersections.

Streetscape Elements

Streetscape elements will provide both continuity and variety. Street lights as described in the Tumwater Town Center Street Design Plan, colored crosswalk pavements, concrete sidewalks, and standardized street furniture finished in Tumwater's signature dark green color will be the unifying elements. To provide variety, the main street will feature special accent pavements, small-scale street trees, raised planters, banners, and trellises. Contrasting informal landscaping and gently curving sidewalks will give the green streets a more campus-like character.

9. **Parking** – Parking alternatives should be explored. On-street parking should be accommodated in the Tumwater Town Center. The City should work with Intercity Transit to identify possible sites for the eventual construction of a transit center. One or more parking garages should be considered. Possible sites, funding options, and design features (e.g. first floor retail) should be evaluated. Development standards for surface parking lots and parking garages will be developed in the design review guidelines for the area. Several concepts the City should consider are provided below.

   - Limit the amount of street front surface parking lots, with no surface parking lots on New Market Street.
   - Limit curb cuts to minimize the apparent width of parking lots.
   - Adopt design guidelines that will apply to parking structures that face the street, unless such structures are located underground.
   - Require parking structures to be located behind building.
   - Allow parking structures to be located along the street if the ground floor is utilized for retail use.
   - Restrict surface parking lots on corners so that buildings are the

dominant features of the intersection.

- Require parking facilities to be designed so that access is from an alley or from a street at locations that do not conflict with pedestrian circulation. Maximize on-street parking for customer short-term use to provide a pedestrian-friendly environment; develop standards for on-street parking areas.

(Pages 111-113 of the Comprehensive Plan Land Use Element Neighborhood Appendix)

8.3 Single Family Medium Density Residential

The residential areas east of Capitol Boulevard and north of Dennis Street, form a well-established and stable neighborhood in Tumwater. This area should and will remain residential in character, continuing to infill with residential uses on the good building sites that are still vacant. It is anticipated that over a 20-year period, densities will increase in this area. In order to protect the quiet residential atmosphere, promote neighborhood stability and continuity, and provide a variety of affordable housing types, the Single Family Medium Density designation would be appropriate for these areas.

Portions of this area are located in the Airport Overlay Zone. The purpose of the overlay zone in Chapter 18.32 of the Tumwater Zoning Code is to protect the viability of Olympia Regional Airport as a significant resource to the community by encouraging compatible land uses and densities and reducing hazards that may endanger the lives and property of the public and aviation users. The Airport Overlay Zone identifies a series of compatible use zones designed to minimize such hazards. New developments in the Airport Overlay Zone must comply with the standards of the overlay zone in addition to the standards of the underlying zoning district.

Two areas, one located on Tumwater Boulevard southeast of the Silver Ridge residential subdivision, and the other area on Henderson Boulevard northwest of the intersection of Henderson Boulevard and 68th Avenue SE, have been designated Single Family Medium Density. The close proximity to the businesses and job opportunities available in the Tumwater Town Center and the neighboring Neighborhood Commercial areas make both these areas logical locations for moderately dense single-family homes.

The area located between Interstate 5 and Capitol Boulevard, north of Dennis Street and south of West V Street is also an area of well-established single-family homes. In order to protect the residential atmosphere, promote neighborhood stability and continuity, and provide a variety of affordable housing types, the Single Family Medium Density designation would be appropriate for this area.

Where commercial development is adjacent to residential areas, landscaping, screening, and buffering should be used to protect the residences from possible adverse impacts. Existing trees and other vegetation and landscaping of aesthetic value should be preserved wherever possible. The overall intent of these measures should be to visually separate the residential from the commercial uses and aid in discouraging through traffic from using the residential streets.

There are approximately 90 homes with roughly 200 residents within the residential area accessed via West X Street. West X Street is the only access point for all of these homes. For health and safety reasons, as well as convenience for the residents of the neighborhood, a second access point to this particular neighborhood is necessary. 7th Avenue should be improved and connected between 65th Way and West Y Street through either a City project or when development occurs adjacent to the site. Steps should be taken to ensure the adjacent commercial uses to the west do not utilize this road on a regular basis. Steps can include, but are not limited to, restricting the adjacent commercial access points on the 7th Avenue frontage to gated emergency access only. Additional recommendations for this area are contained within the *Capitol Boulevard Corridor Plan*.

The area south of the Bonneville Power easement, east of Linderson, should be preserved in order to buffer the residences to the south from commercial uses. This area contains mature trees and vegetation that would provide a suitable natural buffer.

Many of the single-family areas within the SE Capitol Boulevard Neighborhood will probably experience pressures for higher density in the future as the need for housing increases in this area of Tumwater because of the development of the Tumwater Town Center. The Tumwater Town Center will result in a significant increase in the number of people working in the area. These people will probably be interested in obtaining housing near where they work. It is expected that pressures for commercial conversion of property will decrease due to the availability of large areas of vacant commercially zoned properties to the west along Littlerock Road.

(Page 129 of the Comprehensive Plan Land Use Element Neighborhood Appendix)

10.2 Residential/Sensitive Resource

The area west of Rural Road south of Sapp Road has been designated Residential/ Sensitive Resource (2 - 4 Dwelling Units/Acre) to ensure that the unique open space character and environmental sensitivity of Percival Creek is protected from the effects of intensive urban development. Most of the southern portion of Percival Creek lacks sufficient stream flow to be under the protection of the Shoreline Management Act and, therefore, lacks the special protection measures afforded by the Act. However, Percival Creek connects two areas of the city that are under the protection of the Shoreline Management Act: Trosper Lake and the Black Lake Drainage Ditch/Percival Creek Lower Reach.

Areas in the 100-year flood plain have been designated Parks/Open Space to ensure consistency with the Conservation Element. Areas outside of the 100-year flood plain, however, should receive a land use designation that would be low intensity yet still allow for development on sanitary sewer in order to protect Percival Creek and the groundwater in this area.

This designation is also appropriate for a large area west of Lambskin Street along the south side of 54th Avenue. This area includes a relatively large amount of sizeable wetlands associated with Fishpond Creek, which drains into Black Lake and Trosper Lake.

(Page 130 of the Comprehensive Plan Land Use Element Neighborhood Appendix)

10.4 Single Family Medium Density Residential

The area east and north of the Beehive Industrial Park, has been designated Single Family Medium Density Residential. It is anticipated that this area will develop slowly due to the need for the extension of roads, water, and sewer, and topographical limitations for construction such as poorly drained soils and low areas. Most of the property is presently vacant. As the remaining portion of this area is developed, it should be buffered from industrial uses in the Beehive Industrial Park. Clustering and density transfer should be considered where limitations for development exist.

The area west and north of Barnes Lake forms a well-established and stable neighborhood in Tumwater. This area should and will remain residential in character. It is anticipated that over a 20 year time period densities will increase in this area. In order to protect the quiet residential atmosphere, promote neighborhood stability and continuity, and provide a variety of affordable housing types, the Single Family Medium Density designation would be appropriate in this area.

To protect the residential character of this neighborhood, physical buffers should be established to minimize the impact of the commercial development along Trosper Road. These buffers should be provided as new commercial development occurs. These buffers could take many forms, but their overall intent should be to visually separate the residential from the commercial uses and aid in discouraging through-traffic from using the residential streets.

(Pages 130-131 of the Comprehensive Plan Land Use Element Neighborhood Appendix)

10.5 Multi-Family Medium Density Residential

The area south of Barnes Lake is dominated by the Barnes Lake Park condominium development. The Multi-Family Residential Medium Density designation best reflects this current use and it will serve as an appropriate designation for the future. To protect the residential character of this neighborhood, physical buffers should be established to minimize the impact of the commercial development along Trosper Road. These buffers could take many forms, but their overall intent should be to visually separate the residential from the commercial uses and aid in discouraging through-traffic from using the residential streets.

Near Schoth Road, south of Trosper Road, are some duplexes and a few single-family homes that have deteriorated over the years. This area has been designated Multi-Family Medium Density Residential as it is envisioned that these uses will transition to higher density residential uses as development in the area increases.

The area east of Barnes Lake and west of 2nd Avenue is an area that is transitioning from older single-family large lot residential uses to multi-family uses. This trend is likely to continue in the future, and the Multi-Family Medium Density Residential designation would best anticipate this trend.

Clustering and density transfer using a Planned Unit Development should be considered where limitations for development exist in this area. The land, developed as a Planned Unit Development, could be ideally suited for cluster construction of small lots with large open spaces of undevelopable area.

(Page 141 of the Comprehensive Plan Land Use Element Neighborhood Appendix)

11.2 Residential/Sensitive Resource

The area north of Sapp Road, east of RW Johnson Boulevard, south of Somerset Hill Drive, and west of Crosby Boulevard has been designated Residential/Sensitive Resource (2-4 Dwelling Units/Acre) to ensure that the unique open space character and environmental sensitivity of Percival Creek is protected from the effects of intensive urban development. Most of Percival Creek lacks sufficient stream flow to be under the protection of the Shoreline Management Act; and, therefore, lacks the special protection measures afforded by the Act.

However, Percival Creek connects two areas of the city that are under the protection of the Shoreline Management Act: Trosper Lake and the Black Lake Drainage Ditch/Percival Creek Lower Reach. Areas in the 100-year flood plain have been designated Parks/Open Space to ensure consistency with the Conservation Element. Areas outside of the 100-year flood plain, however, should receive a land use designation that would be low intensity yet still allow the area to be developed on sanitary sewer in order to protect Percival Creek itself and the groundwater in the area.

(Page 142 of the Comprehensive Plan Land Use Element Neighborhood Appendix)

11.4 Single Family Medium Density Residential

The area east of RW Johnson Boulevard, south of Mottman Road is known as the Firland development. This development consists of houses on small lots. Phase II of the Firland subdivision has been constructed east of RW Johnson Boulevard and south of Somerset Hill Drive. The Single Family Medium Density best reflects the existing use of this area. Existing and future residential uses in this area should be protected from impacts from industrial uses using buffering and other means where possible. Additionally, truck traffic should be discouraged from traveling through these residential areas.

The area of Somerset Hill Drive, west of Crosby Boulevard is a well-established, single-family neighborhood with some duplex development. The Single Family Medium Density designation would best reflect the current use of this area and would allow for possible future infill that is compatible with the existing neighborhood. Areas adjacent to the Parks/Open Space designation of Percival Creek would not meet the criteria established for application of the Residential/Sensitive Resource Designation (2 - 4 Dwelling Units/Acre).

The residential areas of the Tumwater Hill Neighborhood west of Interstate 5 form a well-established and stable neighborhood in Tumwater. This area should and will remain residential in character, continuing to in-fill with residential uses on the good building sites that are still vacant. It is anticipated that, over a 20-year period, densities will increase in this area. In order to protect the quiet residential atmosphere, promote neighborhood stability and continuity, and provide a variety of affordable housing types, the Single Family Medium Density designation would be appropriate in this area.

Appendix 2.2 – Potential Comprehensive Plan Text Amendments

[Potential amendments to the Housing and Land Use Elements of the Comprehensive Plan to be determined]

3. *Thurston Climate Mitigation Plan* – Update greenhouse gas emission (GHG) targets in the Conservation Element to address HB 2311

Summary

The proposal is a City sponsored review for potential amendments to the goals, policies, and actions in the Conservation Element of the Comprehensive Plan to address HB 2311 and support the City's acceptance of the *Thurston Climate Mitigation Plan*.

Proposal 1. Review the Comprehensive Plan Conservation Element to determine if amendments are needed to address HB 2311.

Sponsor City of Tumwater

Background

The City Council placed the proposed Comprehensive Plan amendment on the 2022 Long Range Planning Work Program on January 18, 2022. The Planning Commission reviewed the preliminary docket and provided comments at their January 11, 2022 meeting. The Planning Commission recommended further review of the proposal on January 25, 2022, as part of the 2022 preliminary docket. On February 9, 2022, the General Government Committee reviewed the preliminary docket and forwarded it to the full City Council for review.

The City Council held a worksession on February 22, 2022 and recommended that the preliminary docket be placed on the City Council agenda for their March 1, 2022 meeting. On March 1, 2022, the City Council considered the Planning Commission's recommendation and the review by the General Government Committee and included the proposal in the 2022 annual Comprehensive Plan amendment preliminary docket to be reviewed by Community Development Department staff and presented later in 2022.

The City Council approved the final docket on March 1, 2022 for the 2022 annual Comprehensive Plan map and text amendments for further review. The Community Development Department staff reviewed the goals, policies, and actions and text in the Comprehensive Plan Conservation Element to determine if specific amendments were needed at this time.

Climate change is already affecting the Thurston region with such things as hotter summers, wildfire smoke, and flooding affecting health, homes, and businesses. Meeting the challenge of climate change will involve transforming the City and the larger Thurston region with participation from every segment of society. In addition, it will require a conversation about how the City can best enable and empower its

residents to build a future in which all parts of the community have the opportunity to thrive.

The *Sustainable Thurston Plan* adopted by the Thurston Regional Planning Council in 2013 and subsequently accepted by the cities of Lacey, Olympia, and Tumwater, set a goal for the Thurston region to move toward carbon neutrality, recommended supporting emissions reduction targets through 2050, and identified the creation of a regional climate action plan as a first action step.

The regional climate action plan consists of two parts:

1. The *Thurston Climate Adaptation Plan* adopted by the Thurston Regional Planning Council in January 2018; and

2. The *Thurston Climate Mitigation Plan* accepted by the City of Tumwater and Thurston County and the cities of Olympia and Lacey in January 2021.

Climate mitigation refers to strategies and actions that take heat-trapping greenhouse gases like carbon dioxide out of the atmosphere or prevent them from entering the atmosphere in the first place. The amount of greenhouse gases emitted is directly related to how warm the planet will get. The more emissions produced the more severe and damaging the climate change impacts.

Reducing or mitigating emissions locally will help to limit the amount of warming experienced globally and will result in fewer negative impacts on the City and Thurston region. Reducing emissions can help protect the health and safety of the City residents and the Thurston region's infrastructure.

The sources of greenhouse gas emissions in Thurston County include:

- **Buildings and energy**, including electricity and natural gas consumption. (57% of the total)

- **Transportation and land use**, including vehicle travel and fuel consumption. (32% of the total)

- **Waste and wastewater**, including solid waste management and wastewater treatment. (5% of the total)

- **Agriculture and forests**, including animal farming and land fertilization. (2% of the total)

- **Other sources**, such as refrigerant use, street lighting, and deforestation. (4% of the total)

Currently, the majority of the Thurston region's contributions to climate change come from powering, heating, and cooling its buildings and driving vehicles. The built environment and transportation account for 89 percent of the county's total emissions. Emissions related to solid waste disposal, wastewater treatment, agriculture and land use, and refrigerant leakage also contribute to Thurston County's total, but a much smaller portion.

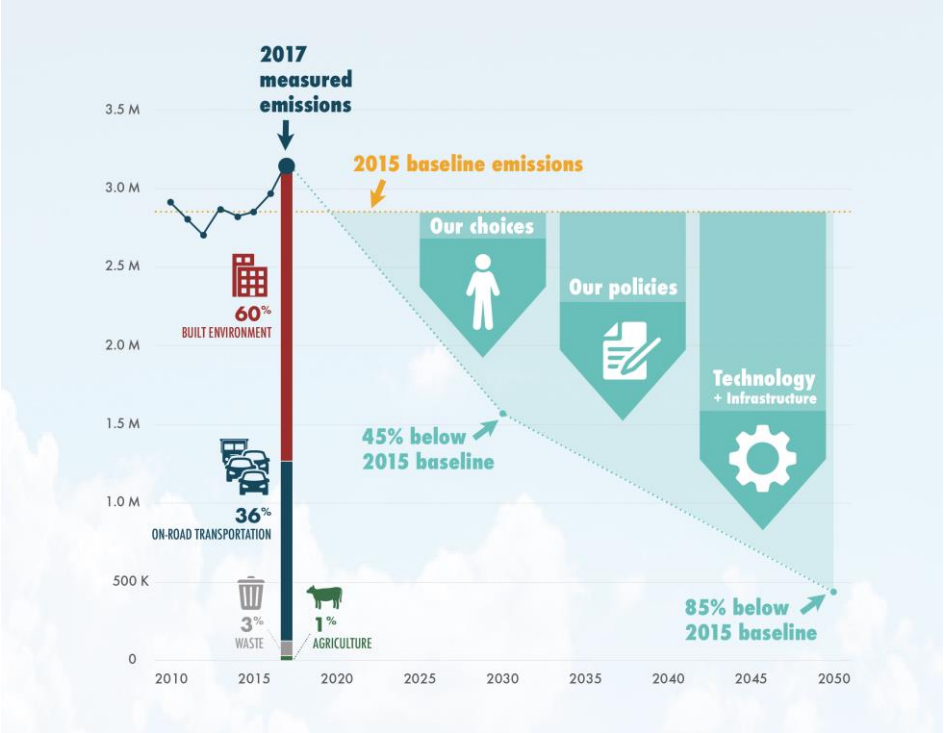


Figure 4. *Thurston Climate Mitigation Plan* Greenhouse Emissions Reduction Targets.

While population growth accounts for some recent increases, it cannot explain it all. While the population of Thurston County increased 3.6 percent since the 2015 baseline year, per-capita emissions increased nearly eight percent over the same period.

The *Thurston Climate Mitigation Plan* includes strategies and actions the City can take to make measurable progress toward greenhouse gas emission reduction goals, while maintaining, and potentially improving, the quality of life in the region. The primary focus of the Plan is to identify strategies and actions that will enable the City and the Thurston region to work collectively to minimize the causes of climate change.

To that end, in 2018 all four jurisdictions adopted the shared emissions reduction targets below.

Emissions Reduction Targets
Reduce net communitywide greenhouse gas emissions 45% below 2015 levels by 2030 and 85% below 2015 levels by 2050 to ensure that our community does its part to keep the global average temperature from rising more than 2° Celsius (3.6°) above historic levels.

As part of the 2019 Comprehensive Plan text and map amendments, the City Council adopted the following policy in the Conservation Element of the Comprehensive Plan:

> Conservation Element Policy C-1.6: *Reduce communitywide greenhouse gas emissions 45 percent below 2015 levels by 2030 and 85 percent below 2015 levels by 2050 to ensure that local communities do their part to keep the global average temperature from rising more than 2°C.*

The state adopted HB 2311 on June 11, 2020, which updated the states emissions goals for consistency with the most recent assessment of climate change science. HB 2311 updated RCW 70.235.020 to reflect new emission reduction targets from 1990 levels to new levels for 2020, 2030, and 2050.

The state new targets with HB 2311 are:

- 2020 - reduce to 1990 levels
- 2030 - 45% below 1990 levels
- 2040 - 70% below 1990 levels
- 2050 - 95% below 1990 levels and achieve net zero emissions

When the targets for the *Thurston Climate Mitigation Plan* were proposed in 2019, the goals of the plan were more ambitious than the state, but now they are not. If HB 1099 had passed last session, Comprehensive Plans would have been required to include a climate change element consistent with the state target, and the City likely would have been looking at an amendment to the *Thurston Climate Mitigation Plan* target to go to net zero by 2050. Since that bill did not pass, these updates are discretionary. Some jurisdictions are choosing to use the state goals in their periodic updates, and the guidance under development by the Washington State Department of Commerce will be focused on the state target.

Comprehensive Plan Review
Community Development Department staff reviewed the Conservation Element of the Comprehensive Plan and identified the following Conservation Element

Comprehensive Plan policies that support the implementation of the *Thurston Climate Mitigation Plan*:

> Conservation Element Policy C-1.6: *Reduce communitywide greenhouse gas emissions 45 percent below 2015 levels by 2030 and 85 percent below 2015 levels by 2050 to ensure that local communities do their part to keep the global average temperature from rising more than 2°C.*
>
> Conservation Element Policy C-1.7: *Implement the strategies contained in the most recent version of the accepted Thurston Climate Mitigation Plan.*

Staff Conclusions

1. Community Development Department staff reviewed the potential for including amendments to the Comprehensive Plan in the 2022 Comprehensive Plan text amendment process.

2. The City's current emission reduction targets are from the *Thurston Climate Mitigation Plan* and they were adopted into the Conservation Element of the Comprehensive Plan in 2021.

3. The City's current emission reduction targets used 2015 as a baseline, while HB 2311 used 1990. Translating the 1990 baseline to the 2015 baseline is complicated.

4. There currently are regional discussions about pursuing changes to the Countywide Planning Policies to include climate-focused policies that are more explicit, as well as amendments to the *Thurston Climate Mitigation Plan*.

5. Based on the above review and analysis, Community Development Department staff concludes that any substantial amendments to the Comprehensive Plan to address the requirements of HB 2311 should be included in the required eight-year Comprehensive Plan update process that will start in the fall of 2022.

Staff Recommendation

1. Community Development Department staff recommends that no amendments to the Comprehensive Plan to address the requirements of HB 2311 at this time.

2. Community Development Department staff recommends that as part of the next Washington State Growth Management Act required Comprehensive Plan update that will start in the fall of 2022 that is due June 2025, that amendments to address HB 2311 be included as part of the larger review and

update of the Comprehensive Plan to address climate change and the *Thurston Climate Mitigation Plan*.

4. Essential Public Facilities Amendments

Summary

The proposal is a City sponsored review of the potential for amendments to the goals, policies, and actions in the Lands for Public Purposes Element of the Comprehensive Plan and TMC Title 18 *Zoning* to allow an expansion of the area in the City that would allow for essential public facilities such as inpatient facilities including substance abuse facilities. These essential public facilities uses include, but not limited to, intensive inpatient facilities, long-term residential drug treatment facilities, and recovery house facilities.

Proposal

1. Review the Comprehensive Plan Lands for Public Purposes Element and TMC Title 18 *Zoning* to determine if amendments are needed to address essential public facilities such as inpatient facilities in the City.

Sponsor City of Tumwater

Background

The City Council placed the proposed Comprehensive Plan amendment and rezone on the 2022 Long Range Planning Work Program on January 18, 2022. The Planning Commission reviewed the preliminary docket and provided comments at their January 11, 2022 meeting. The Planning Commission recommended further review of the proposal on January 25, 2022, as part of the 2022 preliminary docket. On February 9, 2022, the General Government Committee reviewed the preliminary docket and forwarded it to the full City Council for review.

The City Council held a worksession on February 22, 2022 and recommended that the preliminary docket be placed on the City Council agenda for their March 1, 2022 meeting. On March 1, 2022, the City Council considered the Planning Commission's recommendation and the review by the General Government Committee and included the proposal in the 2022 annual Comprehensive Plan amendment preliminary docket to be reviewed by Community Development Department staff and presented later in 2022.

The City Council approved the final docket on March 1, 2022 for the 2022 annual Comprehensive Plan map and text amendments for further review. The Community Development Department staff reviewed the goals, policies, and actions and text in the Comprehensive Plan Lands for Public Purposes Elements to determine what specific amendments were needed to address essential public facilities such as Inpatient facilities including substance abuse facilities (including but not limited to: intensive inpatient facilities; long-term residential drug treatment facilities; recovery house facilities).

The potential amendments are in response to the possible expansion of an existing nonconforming inpatient facility use in the City. Community Development Department staff reviewed the potential for amendments to the Lands for Public Purposes Element of the Comprehensive Plan and to TMC Chapter 18.56 *Conditional Use Permits*. Such amendments would be needed to address essential public facilities such as inpatient facilities including substance abuse facilities, including but not limited to: intensive inpatient facilities, long-term residential drug treatment facilities, and recovery house facilities.

Chapter 3 of the Lands for Public Purposes Element of the Comprehensive Plan contains the discussion of the essential public facilities. The discussion is similar to the language in TMC Chapter 18.56 *Conditional Use Permits*, so if amendments were proposed to Chapter 3 of the Lands for Public Purposes Element, they would need to be reflected in TMC Chapter 18.56. The goals, policies, and actions of the Land Use and Lands for Public Purposes Elements are silent on essential public facilities.

"Inpatient facilities including substance abuse facilities" have an Essential Public Facility Code of "F". Such uses are allowed in the Multi-Family Medium Density Residential (MFM), Multi-Family High Density Residential (MFH), Mixed Use (MU), Capitol Boulevard Community (CBC), Neighborhood Commercial (NC), and General Commercial (GC) land use designations as a conditional use.

Chapter TMC 18.56 Conditional Use Permits includes the regulations that govern essential public facilities. "Inpatient facilities including substance abuse facilities" have an Essential Public Facility Code of "F". Such uses are allowed in the Multifamily Medium Density Residential (MFM), Multifamily High Density Residential (MFH), Mixed Use (MU), Capitol Boulevard Community (CBC), Neighborhood Commercial (NC), and General Commercial (GC) zone districts as a conditional use.

The regulations are similar to the language in the Lands for Public Purposes Element, so if amendments were proposed to TMC Chapter 18.56 they would need to be reflected in Chapter 3 of the Lands for Public Purposes Element. Proposed amendments to TMC 18.56.140 "E" Uses would need to be addressed at the same time as the Comprehensive Plan amendments through another ordinance.

Community Development Department staff considered four potential kinds of amendments to allow for an expansion of where essential public facilities such as inpatient facilities could be allowed in the City:

1. Process a Comprehensive Plan Map Amendment and Associate Rezone for the subject properties.

2. Amend the Comprehensive Plan and Title 18 Zoning to allow the proposed use in the Single Family Low Density Residential (SFL) land use designation and zone district.

3. Create an Overlay Zone that would allow the proposed use in a limited area of the City.

4. Creating a Citywide Overlay Zone that would allow the proposed use along arterials as defined by the City's Transportation Plan. See Figure 6 below.

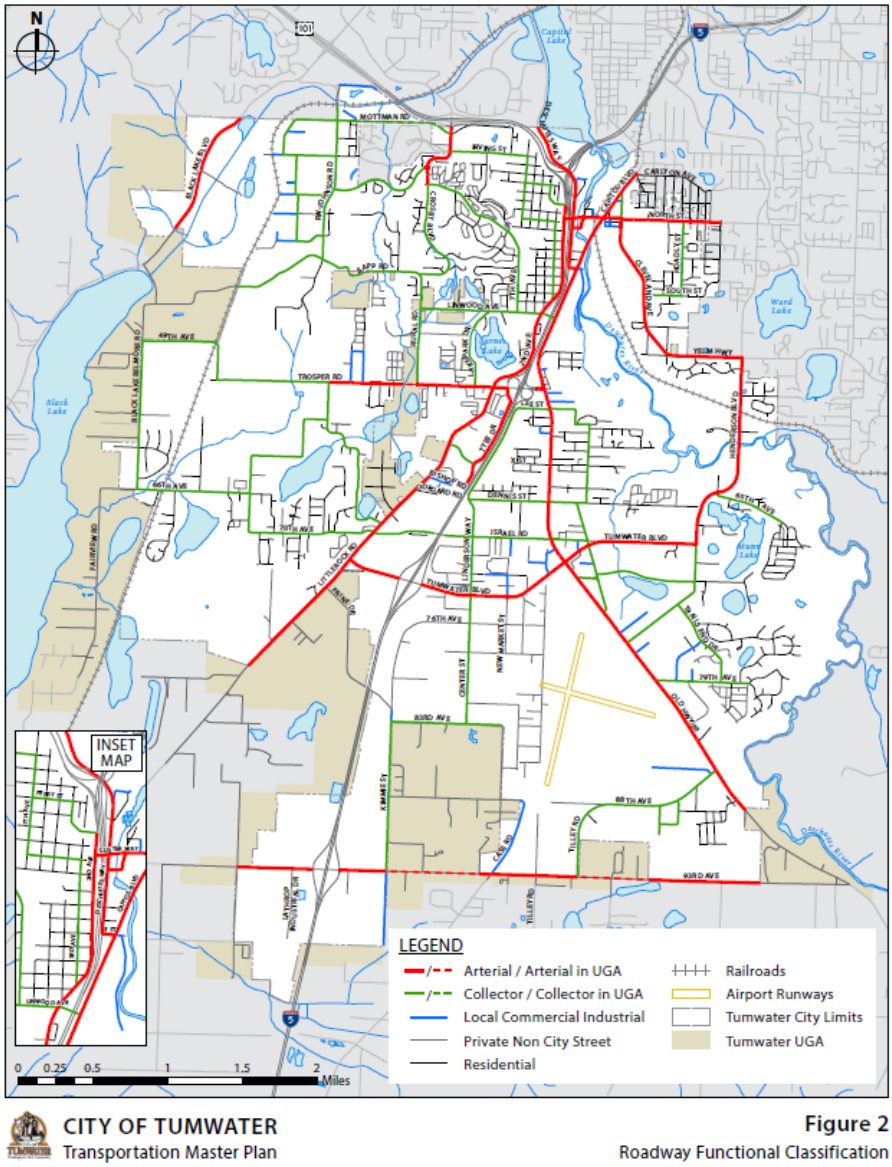


Figure 5. Roadway Functional Classification

Comprehensive Plan Review
Community Development Department staff reviewed the Comprehensive Plan Lands for Public Purposes Element. The goals, policies, and actions of the Land Use and Lands for Public Purposes Elements are silent on essential public facilities.

Zoning Code Review
Community Development Department staff reviewed the essential public facilities regulations found in TMC 18.56.140 *"E" Uses* for consistency with the proposed Comprehensive Plan text amendments.

Staff Conclusions
1. Community Development Department staff reviewed the potential for including amendments to the Comprehensive Plan in the 2022 Comprehensive Plan text amendment process.

2. Community Development Department staff reviewed the four potential kinds of amendments that could be required to allow for the potential expansion of an essential public facilities such as inpatient facilities including substance abuse facilities uses and concluded that there was not sufficient Community Development Department staff resources available this year to adequately evaluate the potential impacts and conduct the appropriate level of public engagement.

3. Based on the above review and analysis, Community Development Department staff concludes that any substantial amendments to the Comprehensive Plan to address the potential expansion of an essential public facilities such as inpatient facilities including substance abuse facilities uses in the City should be included in the required eight-year Comprehensive Plan update process that will start in the fall of 2022.

Staff Recommendation
1. Community Development Department staff recommends that no amendments to the Comprehensive Plan to address the requirements of HB 2311 at this time.

2. Community Development Department staff recommends that amendments to the Lands for Public Purposes Element of the Comprehensive Plan and to TMC Chapter 18.56 *Conditional Use Permits* be considered as part of the next Washington State Growth Management Act required Comprehensive Plan update that will start in the fall of 2022 that is due June 2025.

5. Comprehensive Plan Map Amendment and Corresponding Rezone to Change Triangle West of the Dennis Street SW and Linderson Way SW Intersection

Summary

The City is proposing a Comprehensive Plan map amendment and corresponding rezone for an approximately 0.30-acre portion of one parcel that totals 5.73-acres located at 6501 Linderson Way SW at the western corners of Linderson Way SW and Dennis Street SW (Portion of Thurston County Assessor Parcel Number 1270-32-40303). The City's proposal is to change the current Single Family Medium Density Residential (SFM) Comprehensive Plan map designation of the parcels to Multi-Family High Density Residential (MFH).

Proposal

1. Amend the City-Wide Land Use Map to change the current Comprehensive Plan land use map designation of the property from Single Family Medium Density Residential (SFM) to Multi-Family High Density Residential (MFH).

2. Amend the City-Wide Zoning Map to change the current zone district of the property from Single-Family Medium Density Residential (SFM) to Multifamily High Density Residential (MFH).

Sponsor City of Tumwater

Location 6501 Linderson Way SW at the western corners of Linderson Way SW and Dennis Street SW

Parcel Number Portion of Thurston County Assessor Parcel Number 1270-32-40303

Property Size Part of 5.73-acre parcel, approximately 0.30-acres

Current Comprehensive Plan City-Wide Land Use Map Designation

The current land use designation for the proposed amendment area is Single Family Medium Density Residential (SFM). See Appendix 5.1 – *Maps* for the current Comprehensive Plan City-Wide Land Use Map (Map 5A).

Surrounding Land Use Map Designations, Zone Districts, and Existing Land Uses

North

Land Use Map Designation: Interstate 5

Zone District: Interstate 5

Current Land Use: Interstate 5

East

Land Use Map Designation: Single Family Medium Density Residential (SFM)

Zone District: Single-Family Medium Density Residential (SFM)

Current Land Use: Linderson Way SW, Dennis Street SW, and single-family dwellings

South

Land Use Map Designation: Multi-Family High Density Residential (MFH)

Zone District: Multifamily High Density Residential (MFH)

Current Land Use: Multifamily development

West

Land Use Map Designation: Interstate 5

Zone District: Interstate 5

Current Land Use: Interstate 5

Constraints/Environmental Issues

The proposed amendment area does contain the "more preferred" soils for the protected Mazama Pocket Gopher, so critical area site analyses would need to be completed before future development could occur.

Background

In 2019, Community Development Department Permit Division staff proposed a cleanup of the City-Wide Land Use Map and City-Wide Zoning Map. Figure 8 below contains a portion of the 1984 Zoning Map. Linderson Way SW used to run along the freeway all the way to Israel Road. When the road location was changed, the zone district was not changed

The City Council placed the proposed Comprehensive Plan amendment on the 2022 Long Range Planning Work Program on January 18, 2022. The Planning Commission reviewed the preliminary docket and provided comments at their

January 11, 2022 meeting. The Planning Commission recommended further review of the proposal on January 25, 2022, as part of the 2022 preliminary docket. On February 9, 2022, the General Government Committee reviewed the preliminary docket and forwarded it to the full City Council for review.

The City Council held a worksession on February 22, 2022 and recommended that the preliminary docket be placed on the City Council agenda for their March 1, 2022 meeting. On March 1, 2022, the City Council considered the Planning Commission's recommendation and the review by the General Government Committee and included the proposal in the 2022 annual Comprehensive Plan amendment preliminary docket to be reviewed by Community Development Department staff and presented later in 2022.

After the City Council approved the final docket on March 1, 2022 for the 2022 annual Comprehensive Plan map and text amendments, Community Development Department staff reviewed the amendment and prepared the staff report with a recommendation.

Approval of the amendment would result in a Comprehensive Plan map amendment that would change the proposed amendment area from the Single Family Medium Density Residential (SFM) Comprehensive Plan map designation to the Multi-Family High Density Residential (MFH) Comprehensive Plan map designation. The corresponding rezone would change the proposed amendment area from the Single-Family Medium Density Residential (SFM) zone district to the Multifamily High Density Residential (MFH) zone district.

Review and Approval Criteria

Comprehensive Plan map amendments are subject to the criteria below from Tumwater Municipal Code (TMC) 18.60.025(B):

1. *All amendments to the comprehensive plan must conform with the requirements of the Washington State Growth Management Act, Chapter 36.70A RCW, and all amendments for permanent changes to the comprehensive plan must be submitted to the Washington State Department of Commerce, pursuant to RCW 36.70A.106.*

   The proposed amendment being considered is in accordance with the City's annual Comprehensive Plan amendment process, as required by RCW 36.70A. If the amendment is approved by the City Council, the proposed amendment will be submitted to the Washington State Department of Commerce pursuant to RCW 36.70A.106.

The proposed Comprehensive Plan map amendment and corresponding rezone meet the fourteen goals of the Washington State Growth Management Act as follows:

(1) Urban growth. Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.

The proposed amendment occurs near the central urban area of the City 0.25 miles from the Intercity Transit 12 West Tumwater and 13 East Tumwater lines. Utilities including sewer and water are in the immediate vicinity. The site is close to services. The proposed amendment could provide more housing in close proximity to services and jobs.

(2) Reduce sprawl. Reduce the inappropriate conversion of undeveloped land into sprawling, low-density development.

The proposed amendment is consistent with this goal, as it would allow for residential uses in close proximity to jobs and services. The requested Multi-Family High Density Residential (MFH) land use designation and zone district is the most intense multifamily designation and zone district in the City at 14 to 29 dwellings per acre.

(3) Transportation. Encourage efficient multimodal transportation systems that are based on regional priorities and coordinated with county and city comprehensive plans.

Linderson Way SW and Dennis Street SW are designated collectors in the City's Transportation Plan. Future development of the site would trigger frontage improvements. The location is good for higher intensity residential uses because of its connectivity for multimodal transportation options.

(4) Housing. Encourage the availability of affordable housing to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.

The proposed Comprehensive Plan map amendment and corresponding rezone would allow for an enhancement in the variety of housing stock in the City. Additionally, Chapter 4 of the Land Use Element of the Comprehensive Plan on page 76 states that

"…as population increases in the Thurston County area and housing costs become increasingly more expensive due to land and construction cost, it is likely that a larger market for higher density development will occur."

The proposal is a Comprehensive Plan map amendment from Single Family Medium Density Residential (SFM) to Multi-Family High Density Residential (MFH) and a corresponding rezone from Single-Family Medium Density Residential (SFM) to Multifamily High Density Residential (MFH). The proposal would allow for more intense residential uses, which is consistent with this goal.

(5) Economic development. Encourage economic development throughout the state that is consistent with adopted comprehensive plans, promote economic opportunity for all citizens of this state, especially for unemployed and for disadvantaged persons, promote the retention and expansion of existing businesses and recruitment of new businesses, recognize regional differences impacting economic development opportunities, and encourage growth in areas experiencing insufficient economic growth, all within the capacities of the state's natural resources, public services, and public facilities.

A change in land use designation and zone district would allow the proposed amendment area to be developed with a wider range of more intense residential uses as compared to the current Single Family Medium Density Residential (SFM) land use designation. Generally, businesses need residential uses in close proximity in order to survive. The proposal provides an increase in multifamily residential uses in close proximity to business centers, which is consistent with the goal.

(6) Property rights. Private property shall not be taken for public use without just compensation having been made. The property rights of landowners shall be protected from arbitrary and discriminatory actions.

The proposal does not require any taking of private property.

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

The proposed Comprehensive Plan map amendment and corresponding rezone is being considered as a part of the City's annual Comprehensive Plan amendment review.

(8) Natural resource industries. Maintain and enhance natural resource-based industries, including productive timber, agricultural, and fisheries industries. Encourage the conservation of productive forestlands and productive agricultural lands, and discourage incompatible uses.

Neither the proposed amendment area nor any of the properties in the vicinity are designated for natural resources.

(9) Open space and recreation. Retain open space, enhance recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks and recreation facilities.

The proposed amendment area is not designated for open space and recreation. Future development of the proposed amendment area would need to comply with all development regulations that pertain to open space and parks requirements.

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

Any future development would need to comply with all the applicable environmental regulations.

(11) Citizen participation and coordination. Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts.

All property owners within 300 feet of the exterior boundaries of the proposed amendment area were notified about the application by letter on July 27, 2022. All property owners within 300 feet of the exterior boundaries of the proposed amendment area and all interested agencies and jurisdictions will be receiving a separate notification about the public hearing for the proposal. In addition, City residents and all interested parties, agencies and jurisdictions will be notified about the application and the public hearing for the proposal as part of the

proposed 2022 Comprehensive Plan map amendment and rezone process.

(12) Public facilities and services. Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally established minimum standards.

The City provides sewer and water service to the proposed amendment area. Streets in the general vicinity are operating within the expected levels of service. Future development of the proposed amendment area would likely require a traffic study and mitigation of the impacts, as well as proof of adequate water and sewer service

(13) Historic preservation. Identify and encourage the preservation of lands, sites, and structures, that have historical or archaeological significance.

The proposed amendment area is not the site of known historical or archaeological significance.

(14) Shorelines of the state.

The proposed amendment area is not located within 200 feet of any shoreline of the state.

2. *Text amendments and site-specific rezone applications should be evaluated for internal consistency with the comprehensive plan, and for consistency with the county-wide planning policies, related plans, and the comprehensive plan of Thurston County or cities which have common borders with Tumwater.*

The proposed Comprehensive Plan map amendment and corresponding rezone is consistent with the Comprehensive Plan, including the Land Use and Housing Elements. The Comprehensive Plan is consistent with the Thurston County-Wide Planning Policies and the goals of Sustainable Thurston.

The applicable goals of the Land Use Element of the Comprehensive Plan are as follows:

Land Use Element Goal LU-2 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.

The proposal would allow for future urban infill development in an area with existing services. The proposed amendment area is within close proximity to a school, jobs, as well as other retail and service providers north of the property.

Land Use Element Goal LU-3 states:

Ensure adequate public services, facilities, and publicly owned utilities are available to proposed and existing development.

City sewer and water service are available in the immediate vicinity of the proposed amendment area.

Land Use Element Goal LU-4 states:

Encourage land use patterns that increase the availability of affordable housing for all economic segments of the Tumwater population.

The proposal would change the current land use designation of the proposed amendment area from Single Family Medium Density Residential (SFM) to Multi-Family High Density Residential (MFH) and a corresponding rezone from Single-Family Medium Density Residential (SFM) to Multifamily High Density Residential (MFH)), which is the most intense multifamily designation in the City. If the proposed amendment area was developed as Multi-Family Medium Density Residential (MFM), it could help to provide additional housing diversity for a range of lifestyles, incomes, abilities, and ages.

Land Use Element Goal LU-5 states:

Ensure development patterns encourage efficient multimodal transportation systems coordinated with regional, City, and county transportation plans.

The proposed amendment area is near jobs and services. Bike paths and wide shoulders exist between the proposed amendment area and the aforementioned job locations.

Land Use Element Goal LU-6 states:

Reduce impacts from flooding; encourage efficient stormwater management; and ensure that the groundwater of Tumwater is protected and preserved.

The proposed amendment area is not located within a 100-year floodplain. At the time of the future development of the proposed amendment area, the Public Works Department would review the stormwater management system, in order to protect and preserve the groundwater and reduce impacts from flooding.

Land Use Element Goal LU-11 states:

Ensure new and existing development is energy efficient.

All new development in the City must meet the Washington State Energy Code.

The applicable goals of the Housing Element of the Comprehensive Plan are as follows:

Housing Element Goal H-5 states:

To supply sufficient, safe, suitable housing sites and housing supply to meet projected future housing needs for Tumwater over the next 20 years.

Housing Element Goal H-6 states:

To promote a selection of housing that is decent, safe, and sound, in close proximity to jobs and daily activities, and varies by location, type, design, and price.

The proposal meets the intent of both Goals 5 and 6 since it would allow for higher density multifamily residential development within walking distance of services, retail, and jobs.

Housing Element Goal H-12 states:

To encourage urban growth within the city limits with gradual phasing outward from the urban core.

The proposal meets the intent of the goal. The proposed amendment is consistent with the goal because the proposed amendment area contains vacant property located within close proximity to a core urban area of the City.

3. *Whether conditions in the area for which comprehensive plan change/zoning amendment is requested have changed or are changing to such a degree that it is in the public interest to encourage a change in land use for the area.*

The conditions in the area for which the proposed Comprehensive Plan map amendment and corresponding rezone covers has changed to a degree that it

is in the public interest to support an amendment to the current land use designation and zone district for the area.

Since the property was originally designated Single Family Medium Density Residential (SFM), there has been high degree of interest in higher intensity development in the area.

4. *Whether the proposed comprehensive plan zoning amendment is necessary in order to provide land for a community-related use which was not anticipated at the time of adoption of the comprehensive plan.*

The criterion does not apply.

Staff Conclusions

1. The proposal meets the review and approval criteria found in TMC 18.60.025(B).

2. The proposed Comprehensive Plan map amendment and corresponding rezone are consistent with the goals of the Washington State Growth Management Act.

3. The proposed Comprehensive Plan map amendment and corresponding rezone are consistent with Goals LU-2, LU-3, LU-4, LU-5, LU-6, and LU-11 of the Land Use Element of the Comprehensive Plan.

4. The proposed Comprehensive Plan map amendment and corresponding rezone are consistent with Goals H-5, H-6, and H-12 of the Housing Element of the Comprehensive Plan.

5. The potential impacts of the proposed Comprehensive Plan amendment has been considered together with the other amendments in the 2022 annual Comprehensive Plan amendment final docket with the criteria found in TMC 18.60.025(B) and proposed amendments do not create any inconsistencies when evaluated together.

6. Based on the above review and analysis, Community Development Department staff concludes that the proposed Comprehensive Plan map amendment and corresponding rezone are consistent with the requirements of the Washington State Growth Management Act, Thurston County-Wide Planning Policies, the goals of Sustainable Thurston, and the Comprehensive Plan.

Staff Recommendation

Community Development Department staff recommends approval of the proposed Comprehensive Plan map amendment from Single Family Medium Density Residential (SFM) to Multi-Family High Density Residential (MFH) and a corresponding rezone from Single-Family Medium Density Residential (SFM) to Multifamily High Density Residential (MFH) as shown in the Appendix 5.2 – *Proposed Map Amendments*.

Effects of the Proposed Amendment

The proposed Comprehensive Plan map amendment and corresponding rezone would necessitate changes to the City-Wide Land Use Map in the Comprehensive Plan (Map 5C), the Littlerock Neighborhood Future Land Use Map in the Comprehensive Plan (Map 5D), the SE Capitol Boulevard Neighborhood Future Land Use Map in the Comprehensive Plan (Map 5D), and the City-Wide Zoning Map (Map 5F) as shown in in Appendix 5.2 – *Proposed Map Amendments* and Ordinance No. O2022-003.

Maps

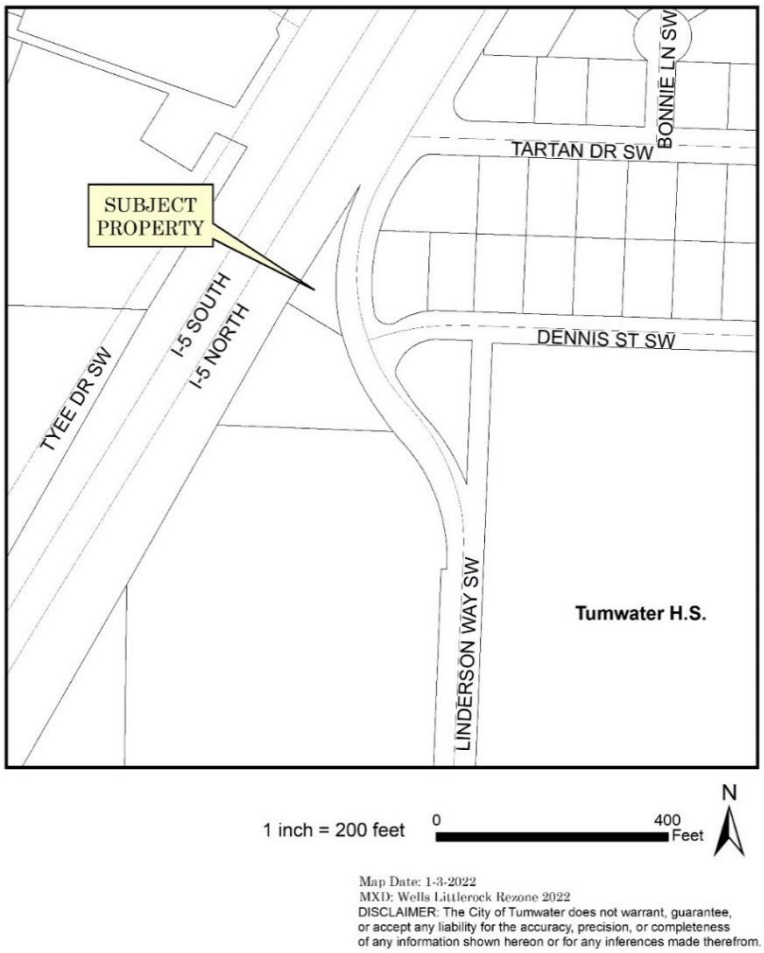


Figure 6. Dennis and Linderson Triangle Parcels and Ownership

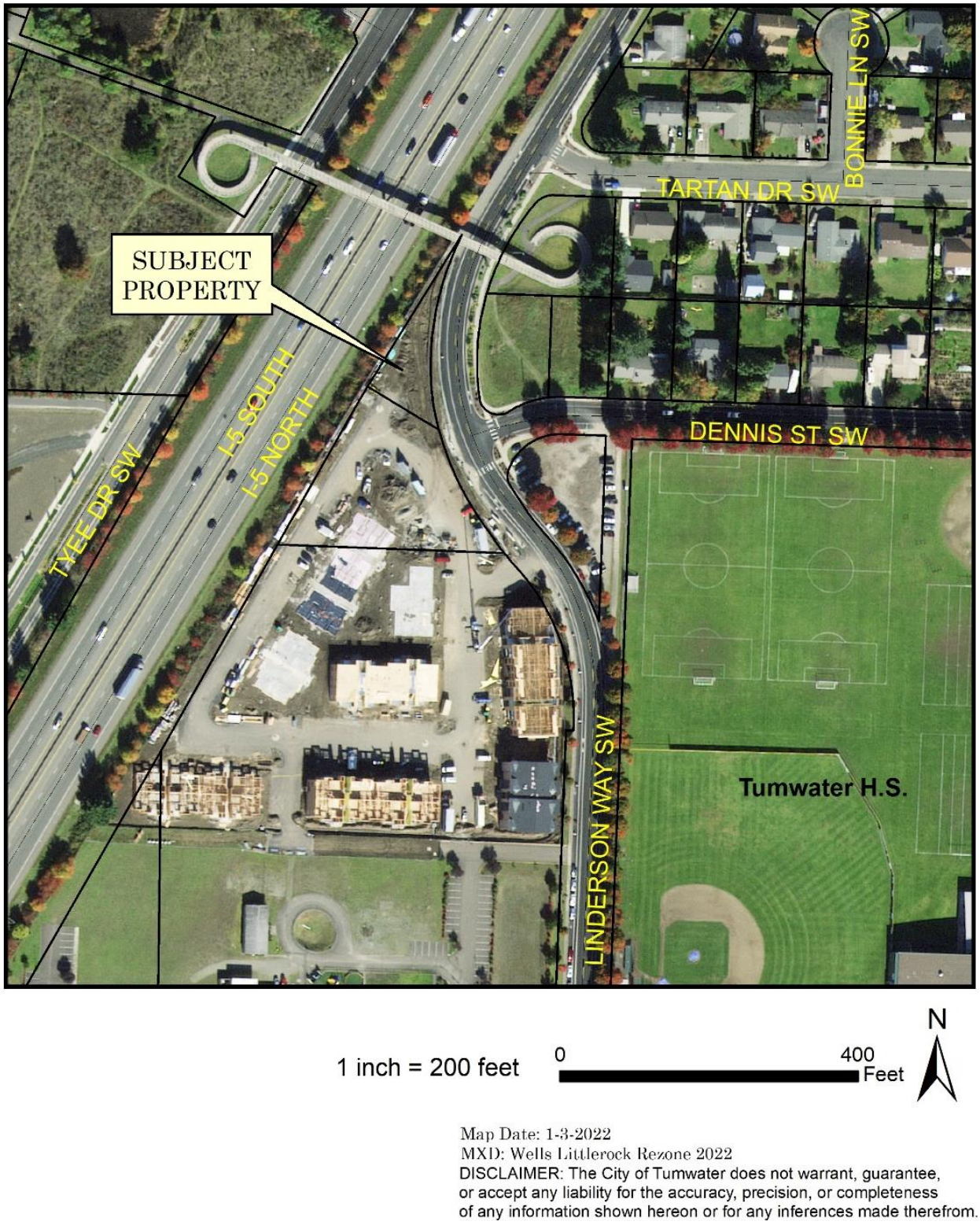


Figure 7. Dennis and Linderson Triangle 2019 Aerial

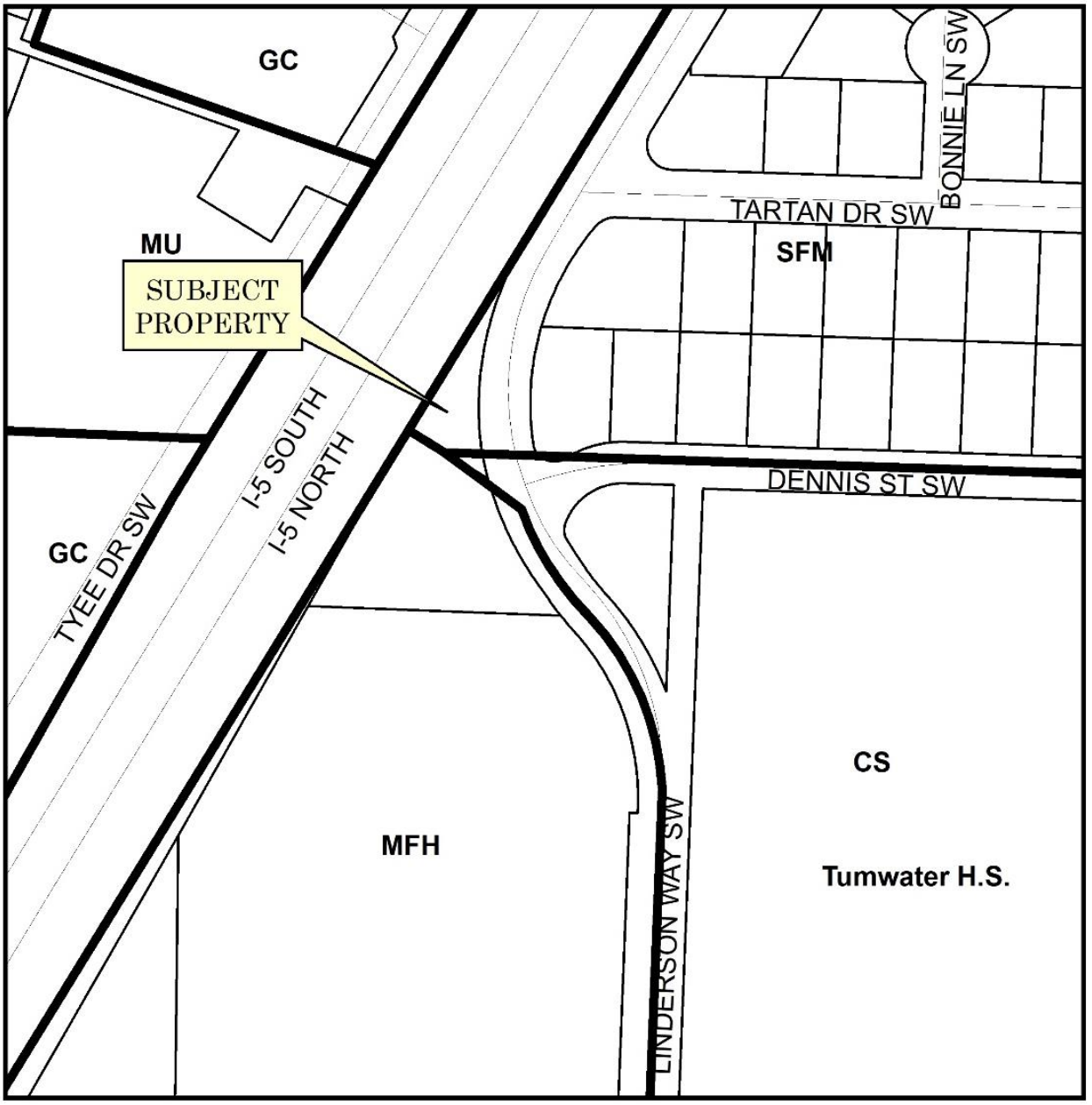


Figure 8. Dennis and Linderson Triangle Zoning

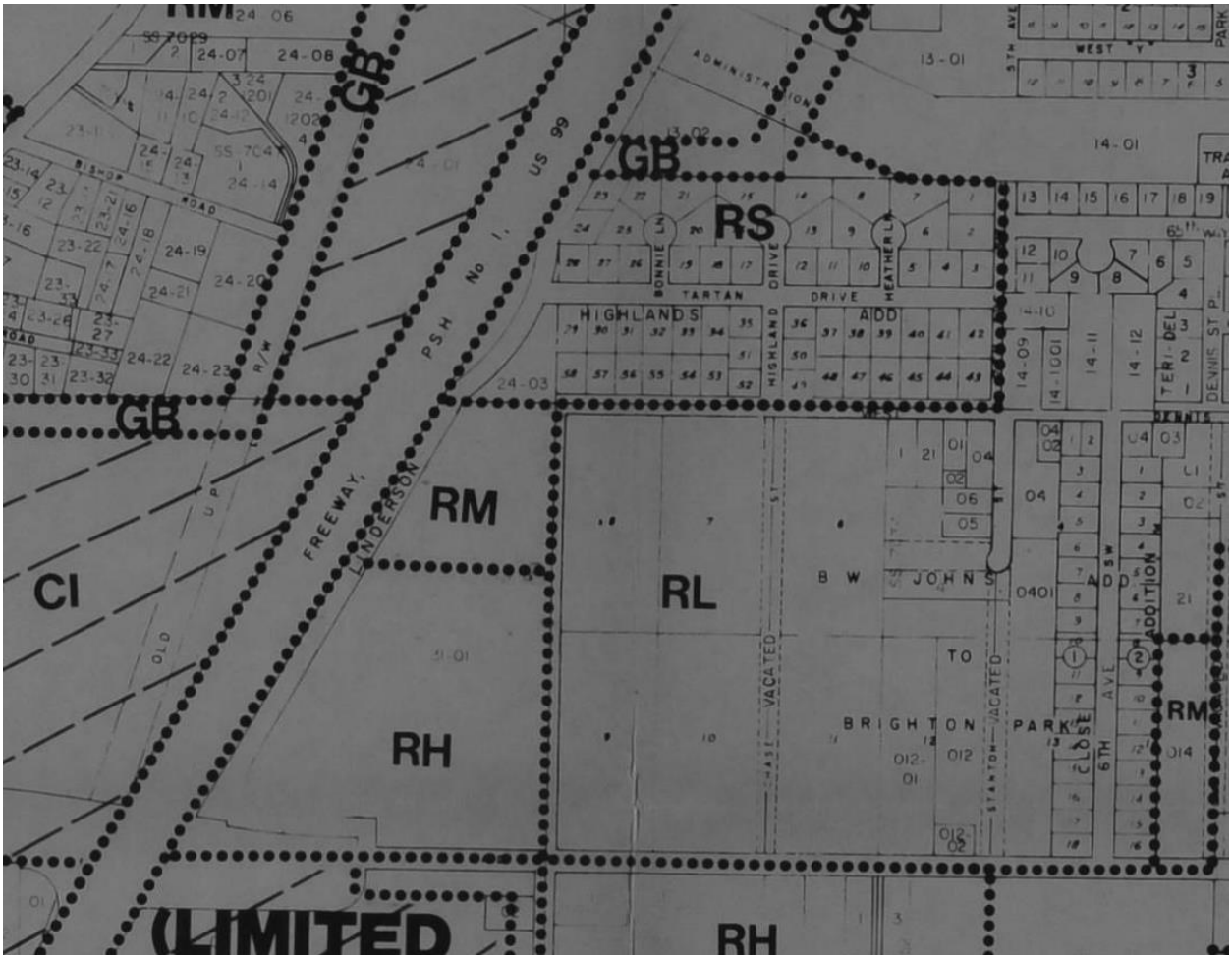
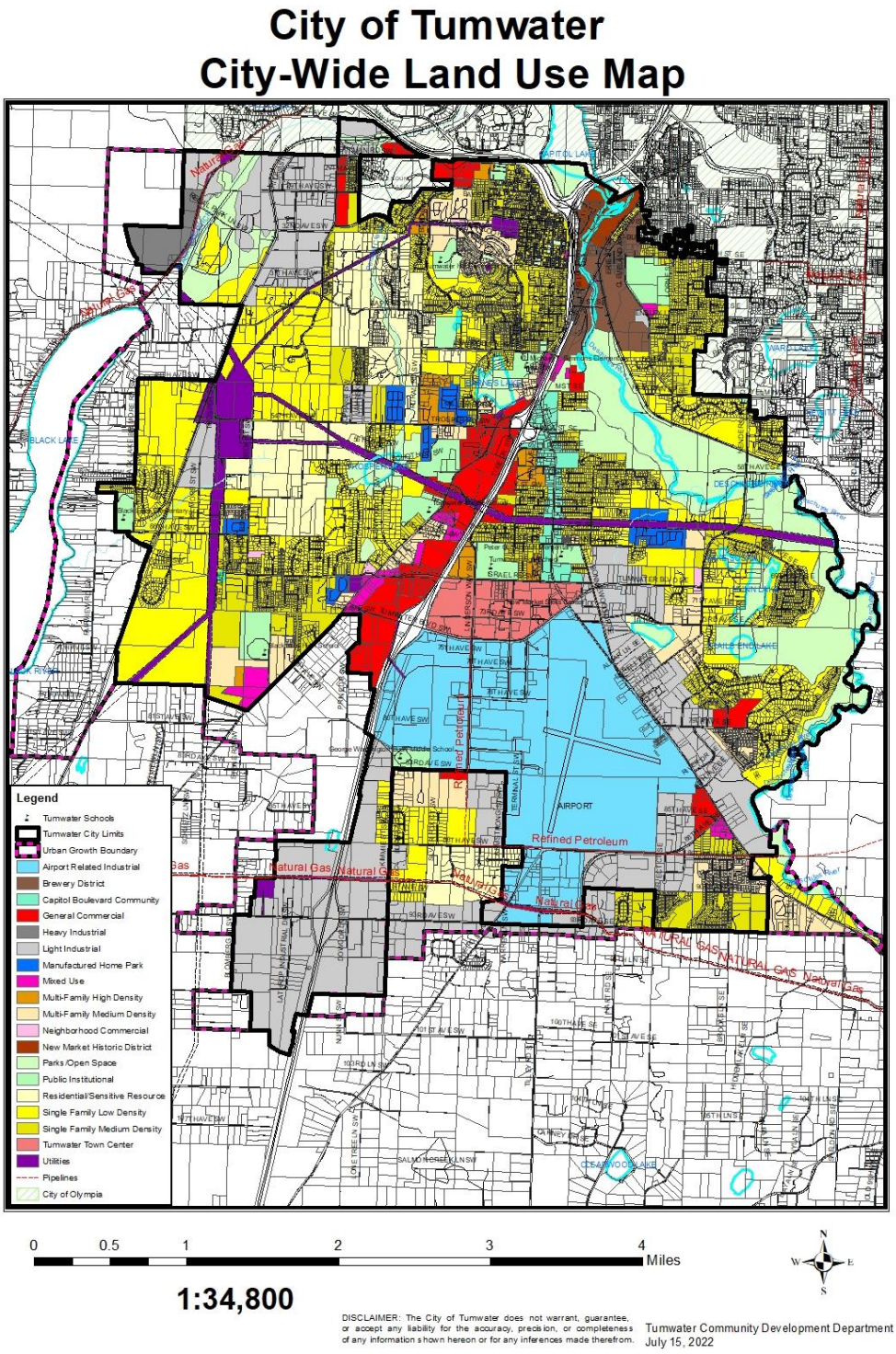


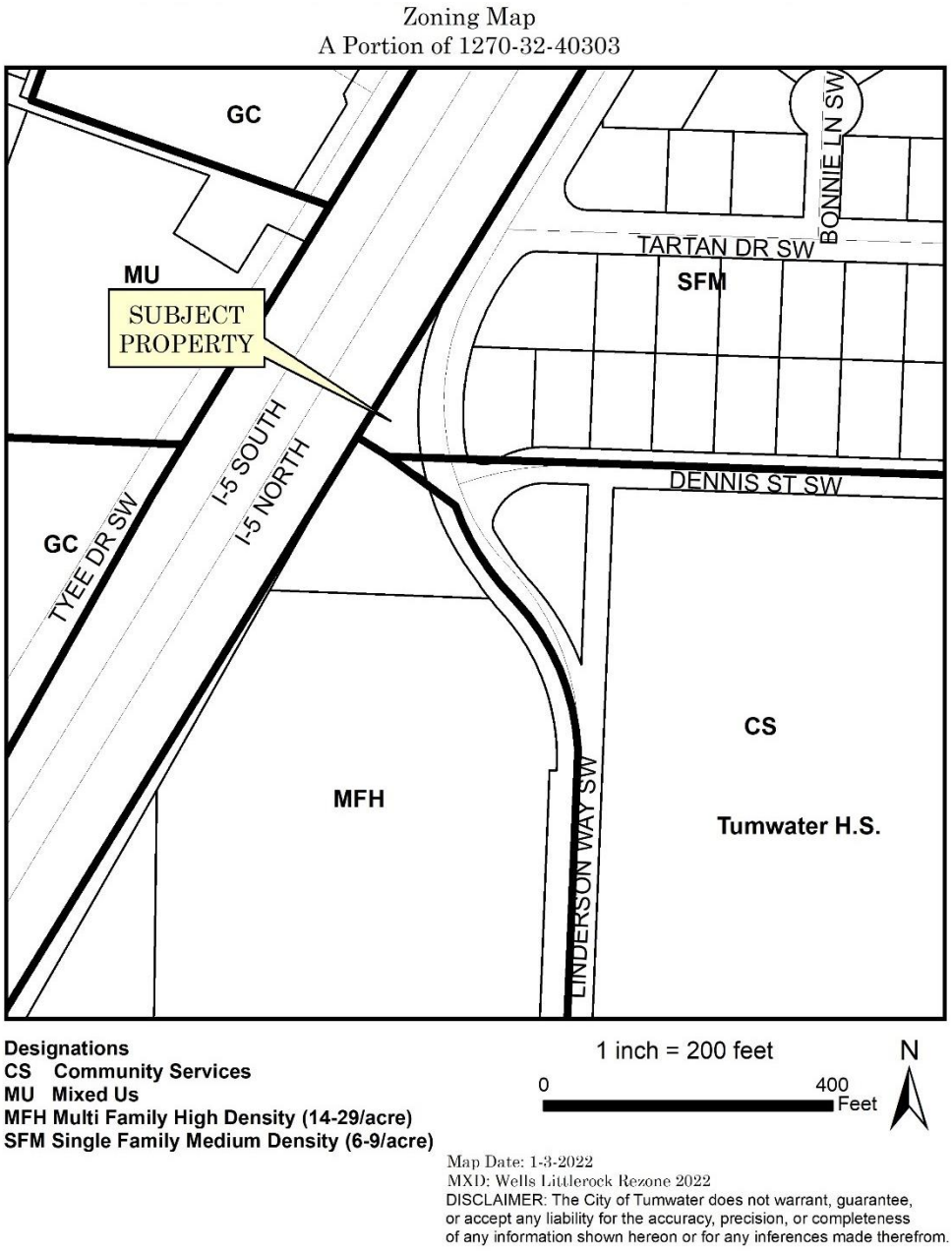
Figure 9. Dennis and Linderson Triangle Original Alignment of Linderson

Appendix 5.1 – Maps

Map 5A – Existing Comprehensive Plan Designations

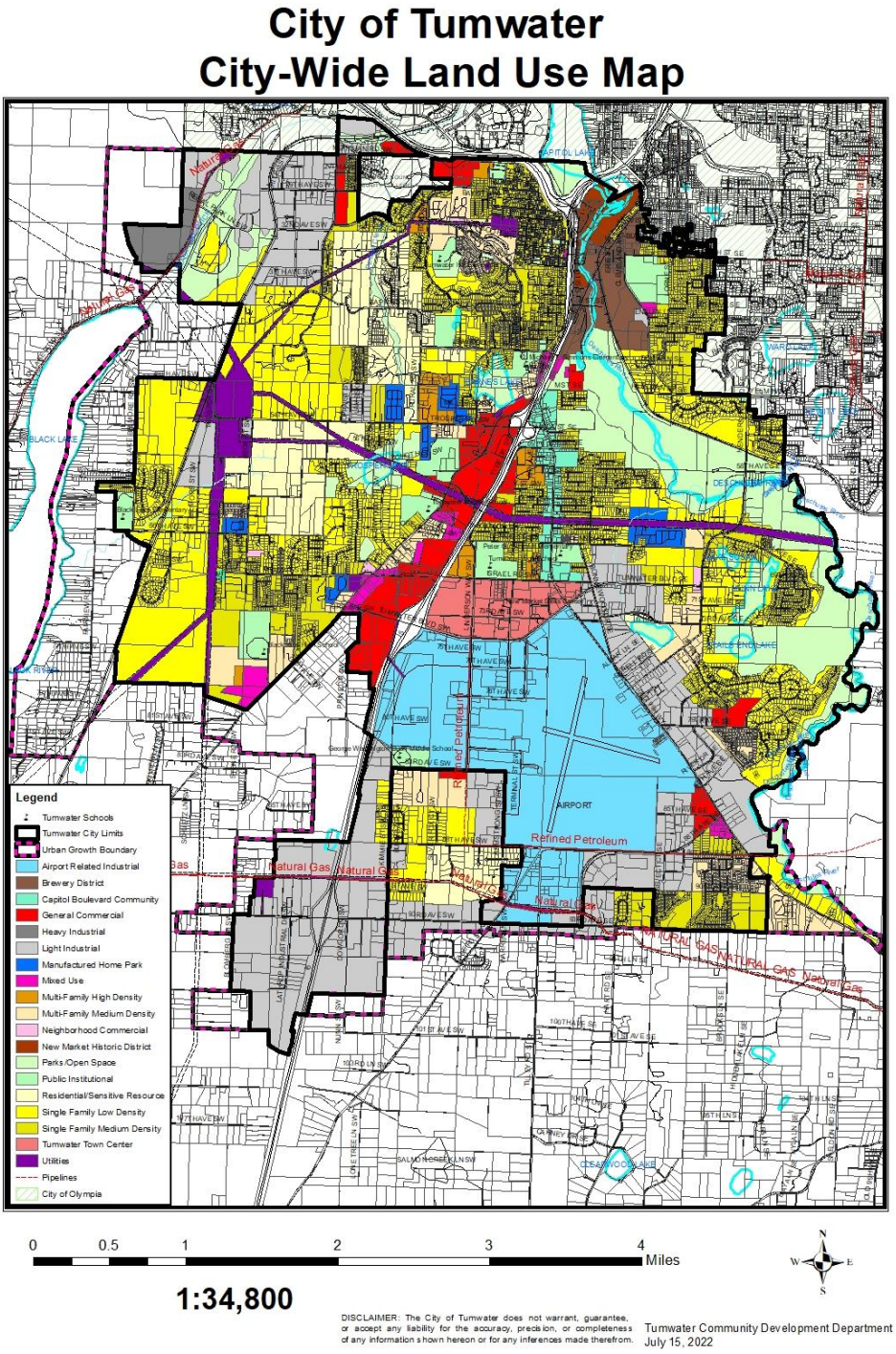


Map 5B – Existing Zone District

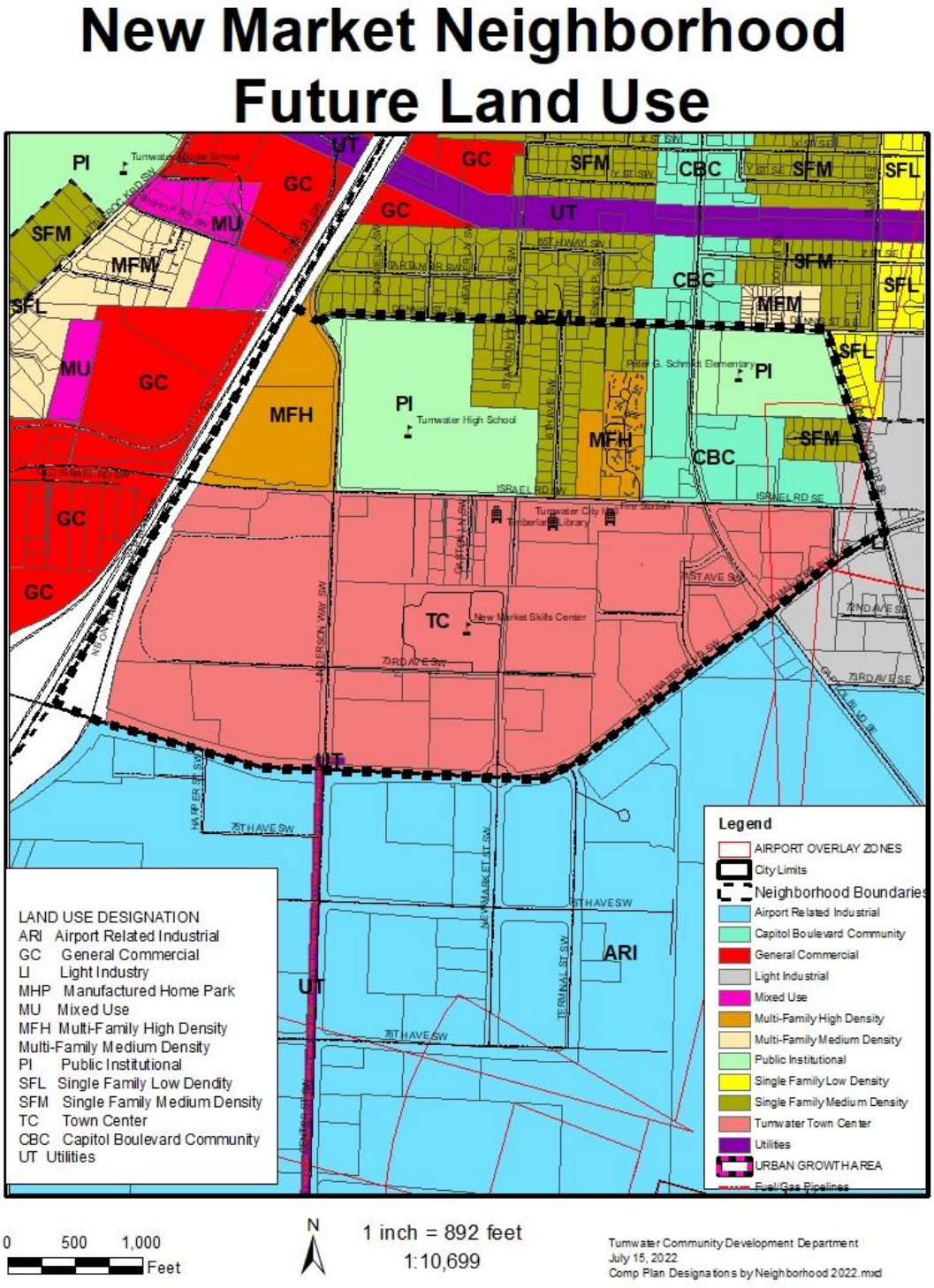


Appendix 5.2 – Proposed Map Amendments

Map 5C – Proposed Amendment to the Comprehensive Plan City-Wide Land Use Map

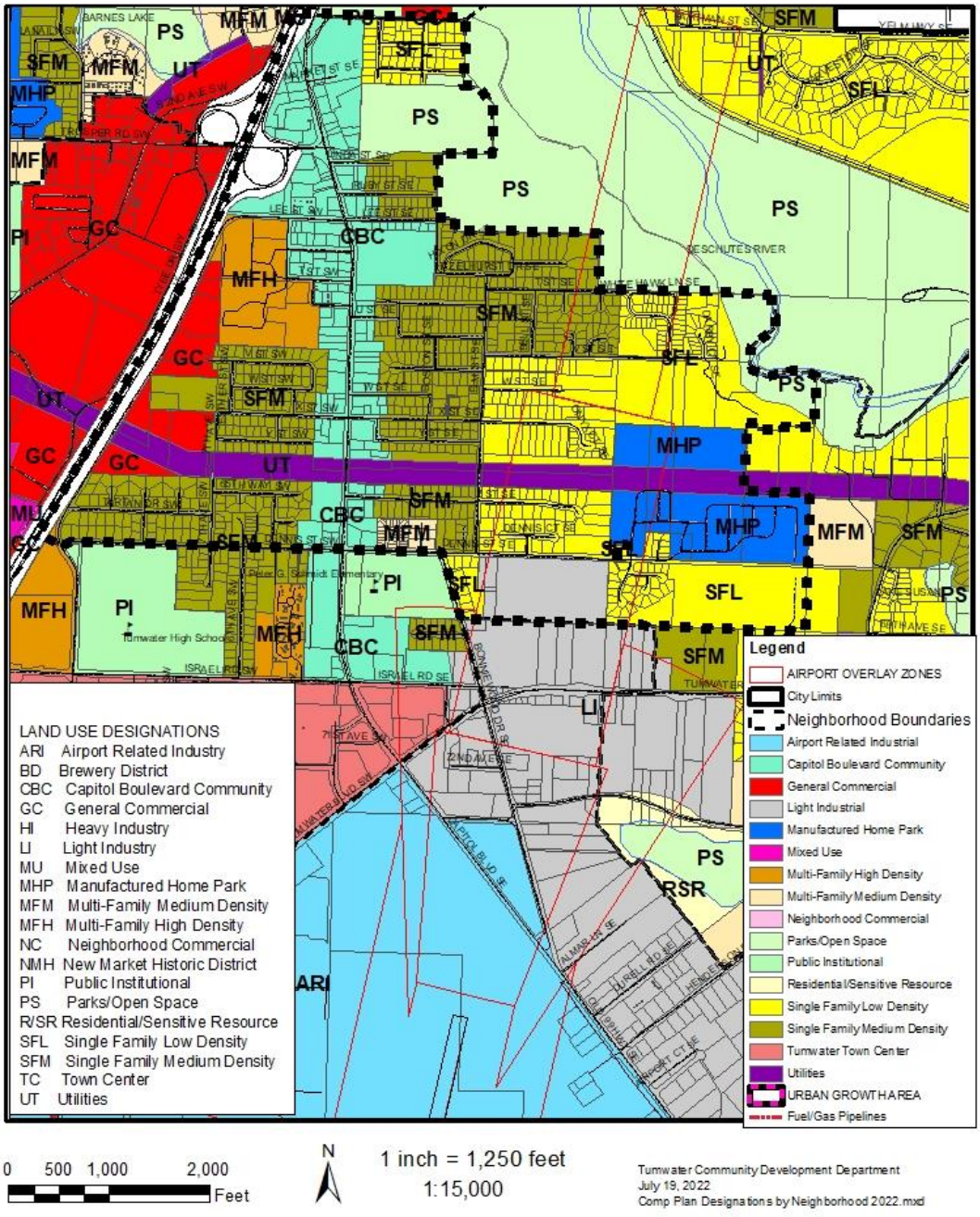


Map 5D – Proposed Amendment to the Comprehensive Plan New Market Neighborhood Future Land Use Map

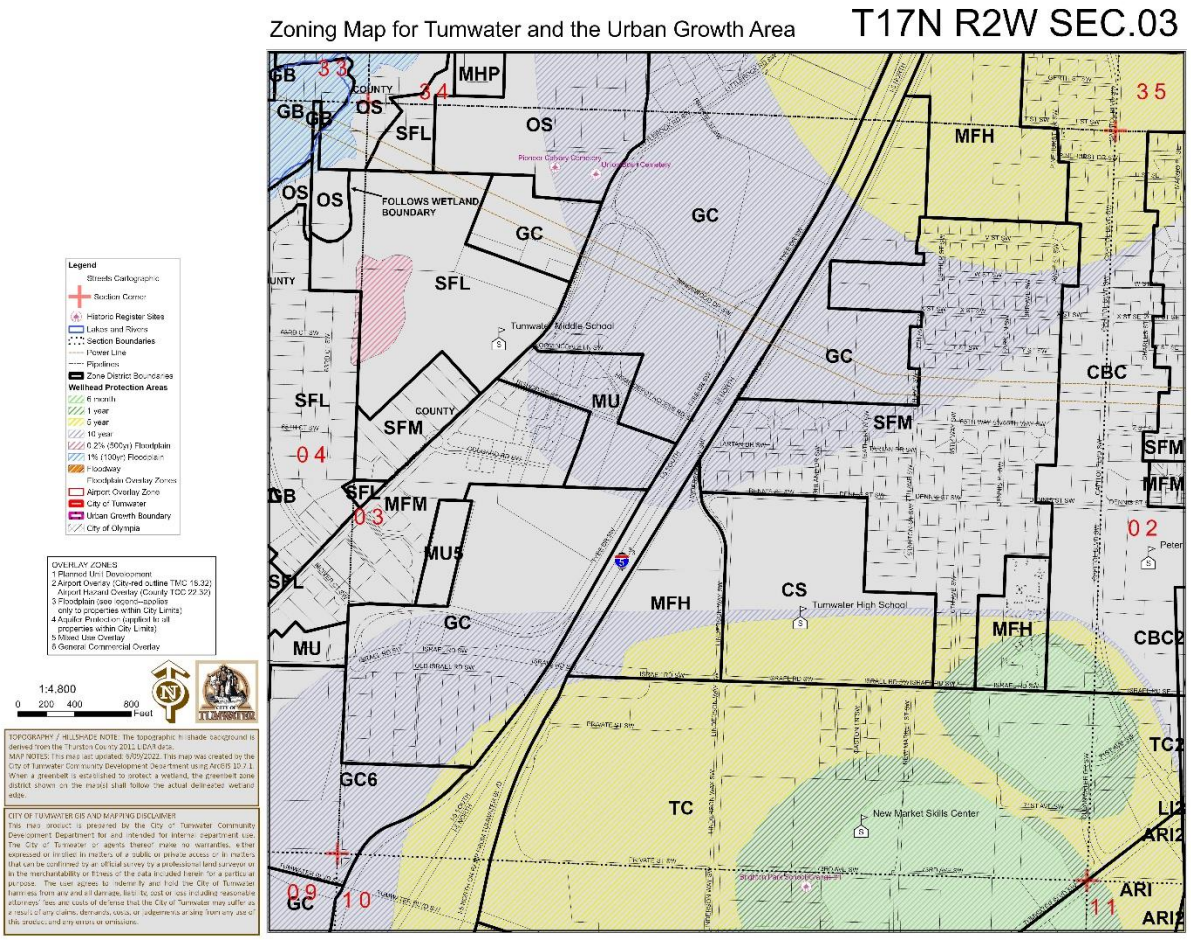


Map 5E – Proposed Amendment to the Comprehensive Plan SE Capitol Boulevard Neighborhood Future Land Use Map

SE Capitol Boulevard Neighborhood Future Land Use



Map 5F – Proposed Amendment to the City-Wide Zoning Map



C. SUMMARY OF ALL AMENDMENTS

6. Public Approval Process

The City Council placed the five proposed Comprehensive Plan amendments on the 2022 Long Range Planning Work Program on January 18, 2022. The Planning Commission reviewed the preliminary docket and provided comments at their January 11, 2022 meeting. The Planning Commission recommended further review of the proposal on January 25, 2022, as part of the 2022 preliminary docket. On February 9, 2022, the General Government Committee reviewed the preliminary docket and forwarded it to the full City Council for review.

The City Council held a worksession on February 22, 2022 and recommended that the preliminary docket be placed on the City Council agenda for their March 1, 2022 meeting. On March 1, 2022, the City Council considered the Planning Commission's recommendation and the review by the General Government Committee and included five of the six proposed amendments in the 2022 annual Comprehensive Plan amendment preliminary docket to be reviewed by Community Development Department staff and presented later in 2022.

After the City Council approved the final docket on March 1, 2022 for the 2022 annual Comprehensive Plan map and text amendments for further review, Community Development Department staff reviewed the goals, policies, and actions and text in the Comprehensive Plan Conservation, Housing, and Land Use Elements.

Letters notifying all property owners within 300 feet of the exterior boundaries of the proposed map amendment area of the public review process went out on July 27, 2022. The Notice of Intent was filed with the Washington State Department of Commerce on August 3, 2022 for Ordinance No. O2022-003. The SEPA environmental checklist was issued on August 2, 2022 for Ordinance No. O2022-003 and the Determination of Nonsignificance is expected to be issued on August _____, 2022.

The Planning Commission will receive a briefing on the amendments on August 9, 2022 and the Planning Commission will discuss the proposed amendments at worksessions on August 23, 2022 and September 13, 2022.

The Planning Commission is expected to hold a public hearing for the proposed amendments on September 27, 2022. Following the public hearing and deliberations, the Planning Commission is expected to make their recommendation on the proposed amendments to the City Council.

The General Government Committee is expected to review the proposed Comprehensive Plan amendments in a briefing on October 12, 2022. The City Council

is expected to hold a worksession to discuss the amendments on October 25, 2022 and consider the proposed amendments at a meeting on November 15, 2022.

7. Public Notification

A Notice of Public Hearing for the Planning Commission will be issued after the Planning Commission establishes a hearing date on the final docket. The notice will be posted in the proposed map amendment areas, published as a press release, distributed to interested individuals and entities that have requested such notices, and published in *The Olympian*. Letters notifying all property owners within 300 feet of the exterior boundaries of the proposed map amendment areas of the public hearing are expected to be sent out around at the same time.

8. Staff Conclusions

1. All the proposed Comprehensive Plan map and text amendments and corresponding rezones meet the review and approval criteria found in TMC 18.60.025(B).

2. All the proposed Comprehensive Plan map and text amendments and corresponding rezones are consistent with the goals of the Washington State Growth Management Act.

3. All the proposed Comprehensive Plan map and text amendments and corresponding rezones are consistent with the goals of the Conservation Element of the Comprehensive Plan.

4. All the proposed Comprehensive Plan map and text amendments and corresponding rezones are consistent with the goals of the Housing Element of the Comprehensive Plan.

5. All the proposed Comprehensive Plan map and text amendments and corresponding rezones are consistent with the goals of the Land Use Element of the Comprehensive Plan.

6. The potential impacts of all the proposed 2022 Comprehensive Plan map and text amendments and corresponding rezones have been considered together with the criteria found in TMC 18.60.025(B) and proposed amendments do not create any inconsistencies when evaluated together.

7. Based on the above review and analysis, Community Development Department staff concludes that all the proposed Comprehensive Plan map and text amendments and corresponding rezones are consistent with the requirements of the Washington State Growth Management Act, Thurston

County-Wide Planning Policies, the goals of Sustainable Thurston, and the Comprehensive Plan.

9. Staff Recommendation

Community Development Department staff recommends approval of all the proposed Comprehensive Plan map and text amendments and corresponding rezones by Ordinance No. O2022-003.

10. Effects of the Proposed Amendments Considered Together

As noted above, the potential impacts of all the proposed 2022 Comprehensive Plan map and text amendments and corresponding rezones have been considered together with the criteria found in TMC 18.60.025(B) and proposed amendments do not create any inconsistencies when evaluated together.

11. Staff Contact

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

ORDINANCE NO. O2022-003

AN ORDINANCE of the City Council of the City of Tumwater, Washington, related to planning under the Growth Management Act of the State of Washington and the 2022 City of Tumwater Comprehensive Plan map and text amendments and corresponding rezones amending the text and land use designation map of the Comprehensive Plan and the Zoning Map.

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

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

WHEREAS, the Growth Management Act, Chapter 36.70A RCW, and Tumwater Municipal Code 18.60.025(A)(2) require amendments to the City's Comprehensive Plan be considered concurrently and no more than once annually; and

WHEREAS, the City Council, Planning Commission, property owners, or City staff may propose amendments to the City's Comprehensive Plan map and text, and corresponding zone districts; and

WHEREAS, the deadline for 2022 private applications for proposed Comprehensive Plan map and text amendments and corresponding rezones was Monday, December 6, 2021; and

WHEREAS, Tumwater Municipal Code 18.60.025(A) establishes a process by which the preliminary docket of proposed Comprehensive Plan map and text amendments and corresponding rezones undergoes an initial review by the Planning Commission for recommendation to the City Council; and

WHEREAS, the City Council made a determination on which proposed Comprehensive Plan map and text amendments and corresponding rezones in the preliminary docket would be included in the final docket on March 1, 2022; and

WHEREAS, the Growth Management Act, Chapter 36.70A RCW, requires a process of early and continuous public participation for the proposed Comprehensive Plan map and text amendments and corresponding rezone; and

WHEREAS, the adoption of proposed Comprehensive Plan map and text amendments and corresponding rezones must be processed in compliance with the requirements of the State Environmental Policy Act; and

WHEREAS, the City Council reviewed all the evidence presented and has made findings of fact and conclusions related to the proposed Comprehensive Plan map and text amendments and corresponding rezones which are set forth below.

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

Section 1. Findings. For the purposes of effective land use planning, the Tumwater City Council adopts the following findings of fact:

A. General Findings

1. The proposed Comprehensive Plan map and text amendments and corresponding rezones meet the intent of and are consistent with the Growth Management Act, Chapter 36.70A RCW, County-Wide Planning Policies, and internal goals and policies of the City's Comprehensive Plan.

2. The Attorney General Advisory Memorandum: Avoiding Unconstitutional Takings of Private Property (September 2018) on takings was reviewed and utilized by the City in objectively evaluating the proposed Comprehensive Plan map and text amendments and corresponding rezone.

3. The proposed Comprehensive Plan map and text amendments and corresponding rezones have been prepared in conformance with the Public Participation and Intergovernmental Coordination Procedures contained in the City's Comprehensive Plan, which meet the Growth Management Act, Chapter 36.70A RCW, requirements for the same.

4. The City engaged the community through public briefings, worksessions, and meetings with the Planning Commission, the General Government Committee, and the City Council.

5. 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 August 2, 2022, and a Determination of Non-Significance was issued on August _____, 2022.

6. The ordinance was sent to the Washington State Department of Commerce on August 3, 2022 for the required 60-day review before the proposed Comprehensive Plan map and text amendments and corresponding rezones were adopted, in accordance with RCW 36.70A.106.

7. The Planning Commission reviewed the preliminary docket and provided comments at their January 11, 2022 and January 25, 2022 meetings.

8. The General Government Committee discussed the Planning Commission's preliminary docket recommendation at their February 9, 2022 meeting.

9. The City Council held a worksession on February 22, 2022 and recommended that the preliminary docket be placed on the City Council agenda for their March 1, 2022 meeting.

10. The City Council approved the preliminary docket for further review by staff at their March 1, 2022 meeting.

11. City staff completed their review of the final docket of proposed Comprehensive Plan map and text amendments and corresponding rezone.

12. The potential impacts of the proposed Comprehensive Plan map and text amendments and corresponding rezones have been considered together and they do not create any inconsistencies when evaluated together.

13. The property owners within 300 feet of the proposed Comprehensive Plan map amendment areas were notified on July 27, 2022 by letter of the proposed amendments and the proposed public meeting schedule.

14. The Planning Commission received a briefing on the final docket of the proposed Comprehensive Plan map and text amendments and corresponding rezones on August 9, 2022 and discussed the proposed amendments at worksessions on August 23, 2022 and September 13, 2022.

15. A Notice of Public Hearing for the Planning Commission public hearing was issued on September _____, 2022. The notice was posted in the subject areas, published as a press release, distributed to interested individuals and entities that have requested such notices, and published in *The Olympian*. The letters notifying all property owners within 300 feet of the exterior boundaries of the map amendment areas of the public hearing was sent out on September _____, 2022.

16. The Planning Commission held the public hearing for the Comprehensive Plan map and text amendments and corresponding rezones on September 27, 2022.

17. Following a public hearing and deliberations on September 27, 2022, the Planning Commission recommended approval of the proposed Comprehensive Plan map and text amendments and corresponding rezones to the City Council.

18. The City Council's General Government Committee reviewed the proposed Comprehensive Plan map and text amendments and corresponding rezones in a briefing on October 12, 2022.

19. The City Council discussed the proposed Comprehensive Plan map and text amendments and corresponding rezones in a worksession on October 25, 2022.

20. On November 15, 2022, the City Council held the public meeting to consider the 2022 Comprehensive Plan map and text amendments and corresponding rezone.

21. The proposed Comprehensive Plan map and text amendments and corresponding rezones will be submitted to the Washington State Department of Commerce ten days after final adoption, pursuant to RCW 36.70A.106.

22. Any Conclusion herein, which may be deemed a Finding, is hereby adopted as such.

B. Findings – Comprehensive Plan Land Use Map and Zoning Map

Wells Littlerock – Comprehensive Plan Map Amendment and Corresponding Rezone

1. The applicant filed timely applications for a Comprehensive Plan map amendment and corresponding rezone on November 17, 2021 for the 2.76-acre property located to the south of 7223 Littlerock Road SW (Parcel Numbers 1270-44-30901, 1270-44-30902, and 1270-44-30903) (Permit Numbers TUM-21-1804 and TUM-21-1848). The applications would change the Single Family Medium Density Residential (SFM) Comprehensive Plan map designation to Multi-Family Medium Density Residential (MFM) Comprehensive Plan map designation and the Single Family Medium Density Residential (SFM) to Multifamily Medium Density Residential (MFM) zone district.

2. Staff sent out a letter of completeness for the applications (Permit Numbers TUM-21-1804 and TUM-21-1848) on December 10, 2021.

3. During the preliminary docket review, the City Council, Planning Commission, and staff supported further review of the proposed amendment.

4. Approval of the amendment would result in Comprehensive Plan map amendments of the property from the Single Family Medium Density Residential (SFM) Comprehensive Plan map designation to Multi-Family Medium Density Residential (MFM) Comprehensive Plan map designation, and a corresponding rezone from the Single Family Medium Density

Residential (SFM) to Multifamily Medium Density Residential (MFM) zone district.

5. The subject property is currently vacant.

6. The Comprehensive Plan map designations of the properties surrounding the amendment area are Multi-Family Medium Density Residential (MFM) to the north, Mixed Use (MU) to east, and Single Family Medium Density (SFM) to the west and south.

7. The zone districts of the properties surrounding the amendment area are Multifamily Medium Density Residential (MFM) to the north, Mixed Use (MU) to east, and Single-Family Medium Density (SFM) to the west and south).

8. Single-family dwellings are to the north and west.

9. A residential subdivision is under construction to the south.

10. Littlerock Road SW and 73rd Avenue SW are to the east.

11. The proposed Comprehensive Plan map amendment and corresponding rezone are in accordance with the City of Tumwater's annual Comprehensive Plan amendment process, as required by Chapter 36.70A RCW.

12. The proposed Comprehensive Plan map amendment and corresponding rezone meet the fourteen goals of the Washington State Growth Management Act.

13. The proposed Comprehensive Plan map amendment and corresponding rezone for the subject area are internally consistent with the City of Tumwater Comprehensive Plan, including the Housing and Land Use Elements. The City of Tumwater Comprehensive Plan is consistent with County-wide Planning Policies.

14. Conditions in the area have changed to the degree that it is in the public interest to support the amendments to the Comprehensive Plan map and zone district.

C. Findings – Housing and Land Use Elements

Neighborhood Character Comprehensive Plan Text Amendments

1. The proposal is text amendments to the Housing and Land Use Elements of the Comprehensive Plan to amend the goals, policies, and actions and text of

the Housing and Land Use Elements of the Comprehensive Plan to support the amendments to address neighborhood character.

2. The proposed Comprehensive Plan text amendments are in accordance with the City of Tumwater's annual Comprehensive Plan amendment process, as required by Chapter 36.70A RCW.

3. The proposed Comprehensive Plan text amendments meet the fourteen goals of the Washington State Growth Management Act.

4. Based on City staff review and analysis, the proposed Comprehensive Plan texts amendments are internally consistent with the Comprehensive Plan and County-Wide Planning Policies.

D. Findings – Comprehensive Plan Land Use Map and Zoning Map

Triangle West of the Dennis Street SW and Linderson Way SW Intersection – Comprehensive Plan Map Amendment and Corresponding Rezone

1. The City is proposing a Comprehensive Plan map amendment and corresponding rezone for the northern approximately 0.30-acre portion of a 5.73 acre property located at 6501 Linderson Way SW at the western corners of Linderson Way SW and Dennis Street SW (Portion of Parcel Numbers 1270-32-40303). The amendment would change the Single Family Medium Density Residential (SFM) to Multi-Family High Density Residential (MFH) Comprehensive Plan map designation and the Single-Family Medium Density Residential (SFM) to Multifamily High Density Residential (MFH) zone district.

2. During the preliminary docket review, the City Council, Planning Commission, and staff supported further review of the proposed amendment.

3. Approval of the amendment would result in Comprehensive Plan map amendments of the property from the Single Family Medium Density Residential (SFM) to Multi-Family High Density Residential (MFH) Comprehensive Plan map designation, and a corresponding rezone from the Single-Family Medium Density Residential (SFM) to Multifamily High Density Residential (MFH) zone district.

4. The subject property is currently vacant.

5. The Comprehensive Plan map designations of the properties surrounding the amendment area are Interstate 5 to the north and west, Single Family Medium

Density Residential (SFM) to the east, and Multi-Family High Density Residential (MFH) to the south.

6. The zone districts of the properties surrounding the amendment area are Interstate 5 to the north and west, Single-Family Medium Density Residential (SFM) to the east, and Multifamily High Density Residential (MFH) to the south.

7. Linderson Way SW and single-family dwellings are to the east.

8. A multifamily development is to the south.

9. Interstate 5 is to the north and west.

10. The proposed Comprehensive Plan map amendment and corresponding rezone are in accordance with the City of Tumwater's annual Comprehensive Plan amendment process, as required by Chapter 36.70A RCW.

11. The proposed Comprehensive Plan map amendment and corresponding rezone meet the fourteen goals of the Washington State Growth Management Act.

12. The proposed Comprehensive Plan map amendment and corresponding rezone for the subject area are internally consistent with the City of Tumwater Comprehensive Plan, including the Housing and Land Use Elements. The City of Tumwater Comprehensive Plan is consistent with County-wide Planning Policies.

13. Conditions in the area have changed to the degree that it is in the public interest to support the amendments to the Comprehensive Plan map and zone district.

Section 2. Conclusions. For the purposes of effective land use planning, the Tumwater City Council makes the following conclusions:

A. General Conclusions

1. Based on its review of the requirements of Chapter 36.70A RCW, the analysis and proposed revisions prepared by City staff, and the public comments received, the City Council finds and declares that the Comprehensive Plan map and text amendments and corresponding rezones have been prepared in conformance with applicable law. This includes Chapter 36.70A RCW, Chapter 43.21C RCW, and the City of Tumwater Public Participation and Intergovernmental Coordination Procedures.

2. Based on its review of the requirements of Chapter 36.70A RCW, the analysis and proposed revisions prepared by City staff, the proposed revisions forwarded by the Planning Commission, and the public comments received, the City Council accepts the Comprehensive Plan map and text amendments, and corresponding rezones. The City Council hereby finds and declares that the Comprehensive Plan map and text amendments and corresponding rezones comply with the requirements of Chapter 36.70A RCW.

3. Any Finding herein, which may be deemed a Conclusion, is hereby adopted as such.

B. Conclusions – Comprehensive Plan Land Use Map and Zoning Map

Wells Littlerock – Comprehensive Plan Map Amendment and Corresponding Rezone

Consistent with the aforementioned findings, the properties located south of 7223 Littlerock Road SW (Thurston County Assessor Parcel Numbers 1270-44-30901, 1270-44-30902, and 1270-44-30903) are to be re-designated from Single Family Medium Density Residential (SFM) to Multi-Family Medium Density Residential (MFM) the Comprehensive Plan map designation of the parcels and rezoned from Single-Family Medium Density Residential (SFM) to Multifamily Medium Density Residential (MFM) as shown in Exhibit "A-1", Exhibit "A-2", and Exhibit "A-3".

C. Conclusions – Housing and Land Use Elements

Neighborhood Character – Comprehensive Plan Text Amendments

Consistent with the aforementioned findings, the text of the Housing and Land Use Elements of the Comprehensive Plan is to be amended as shown in Exhibit "B-1" and Exhibit "B-2".

D. Conclusions – Comprehensive Plan Land Use Map and Zoning Map

Triangle West of the Dennis Street SW and Linderson Way SW Intersection – Comprehensive Plan Map Amendment and Corresponding Rezone

Consistent with the aforementioned findings, the northern approximately 0.30-acre portion of a 5.73 acre property located at 6501 Linderson Way SW at the western corners of Linderson Way SW and Dennis Street SW (A portion of Parcel Number 1270-32-40303) are to be re-designated from Single Family Medium Density Residential (SFM) to Multi-Family High Density Residential (MFH) the Comprehensive Plan map designation of the parcels and rezoned from Single-

Family Medium Density Residential (SFM) to Multifamily High Density Residential (MFH) as shown in Exhibit "C-1", Exhibit "C-2", Exhibit "C-3", and Exhibit "C-4".

Section 3. Wells Littlerock – Comprehensive Plan Map Amendment and Corresponding Rezone. The City-Wide Land Use Map in the City of Tumwater Comprehensive Plan (Exhibit "A-1"), the Littlerock Neighborhood Future Land Use Map (Exhibit "A-2"), and the City of Tumwater City-Wide Zoning Map (Exhibit "A-3") are hereby amended as shown in Exhibits "A-1", "A-2", and "A-3" attached hereto.

Parcel Numbers 1270-44-30901, 1270-44-30902, and 1270-44-30903 are hereby re-designated from Single Family Medium Density Residential (SFM) to Multi-Family Medium Density Residential (MFM) and rezoned from Single-Family Medium Density Residential (SFM) to Multifamily Medium Density Residential (MFM).

Section 4. Housing and Land Use Elements – Neighborhood Character Comprehensive Plan Text Amendments. The Housing and Land Use Elements of the Comprehensive Plan are hereby amended as shown in Exhibits "B-1"and "B-2" to modify the goals, policies, and actions and text of the Housing and Land Use Elements of the Comprehensive Plan.

Section 5. Triangle West of the Dennis Street SW and Linderson Way SW Intersection – Comprehensive Plan Map Amendment and Corresponding Rezone. The City-Wide Land Use Map in the City of Tumwater Comprehensive Plan (Exhibit "C-1"), the New Market Neighborhood Future Land Use Map (Exhibit "C-2"), SE Capitol Boulevard Neighborhood Future Land Use Map (Exhibit "C-3"), and the City of Tumwater City-Wide Zoning Map (Exhibit "C-4") are hereby amended as shown in Exhibits "C-1", "C-2", "C-3", and "C-4" attached hereto.

A portion of Parcel Number 1270-32-40303 is to be re-designated from Single Family Medium Density Residential (SFM) to Multi-Family High Density Residential (MFH) the Comprehensive Plan map designation of the parcels and rezoned from Single-Family Medium Density Residential (SFM) to Multifamily High Density Residential (MFH).

Section 6. 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 7. Ratification. Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and affirmed.

Section 8. 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 10. Effective Date. This ordinance shall become effective thirty (30) days after passage, approval, and publication as provided by law.

ADOPTED this _____day of _____, 20___.

CITY OF TUMWATER

_____
Debbie Sullivan, Mayor

ATTEST:

_____
Melody Valiant, City Clerk

APPROVED AS TO FORM:

_____
Karen Kirkpatrick, City Attorney

Published:_____

Effective Date:_____

Exhibit "A-1"

Wells Littlerock Amendment to the City of Tumwater Comprehensive Plan
City-Wide Land Use Map

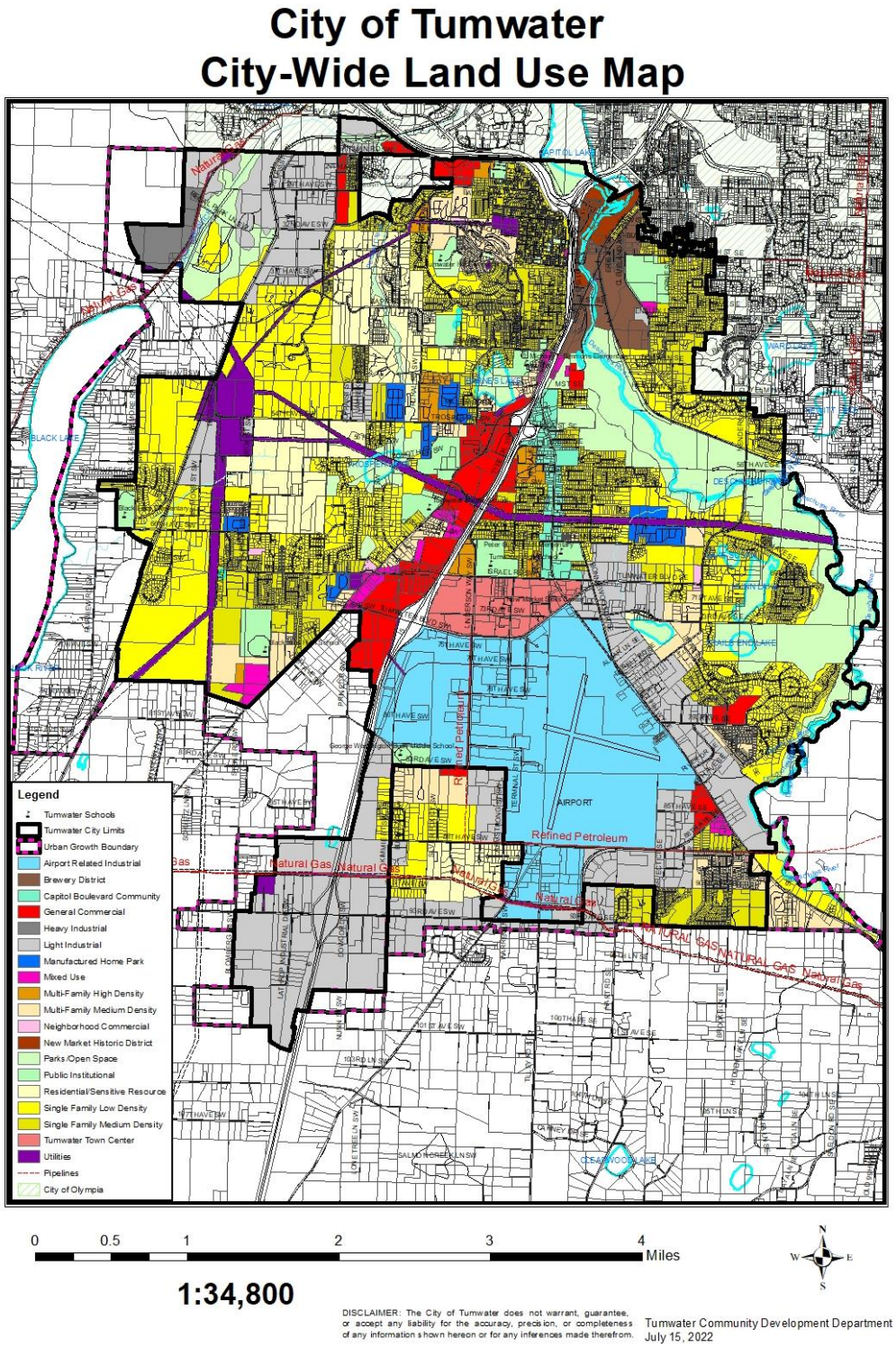


Exhibit "A-2"

Wells Littlerock Amendment to the City of Tumwater Comprehensive Plan
Littlerock Neighborhood Future Land Use Map

Littlerock Neighborhood Future Land Use

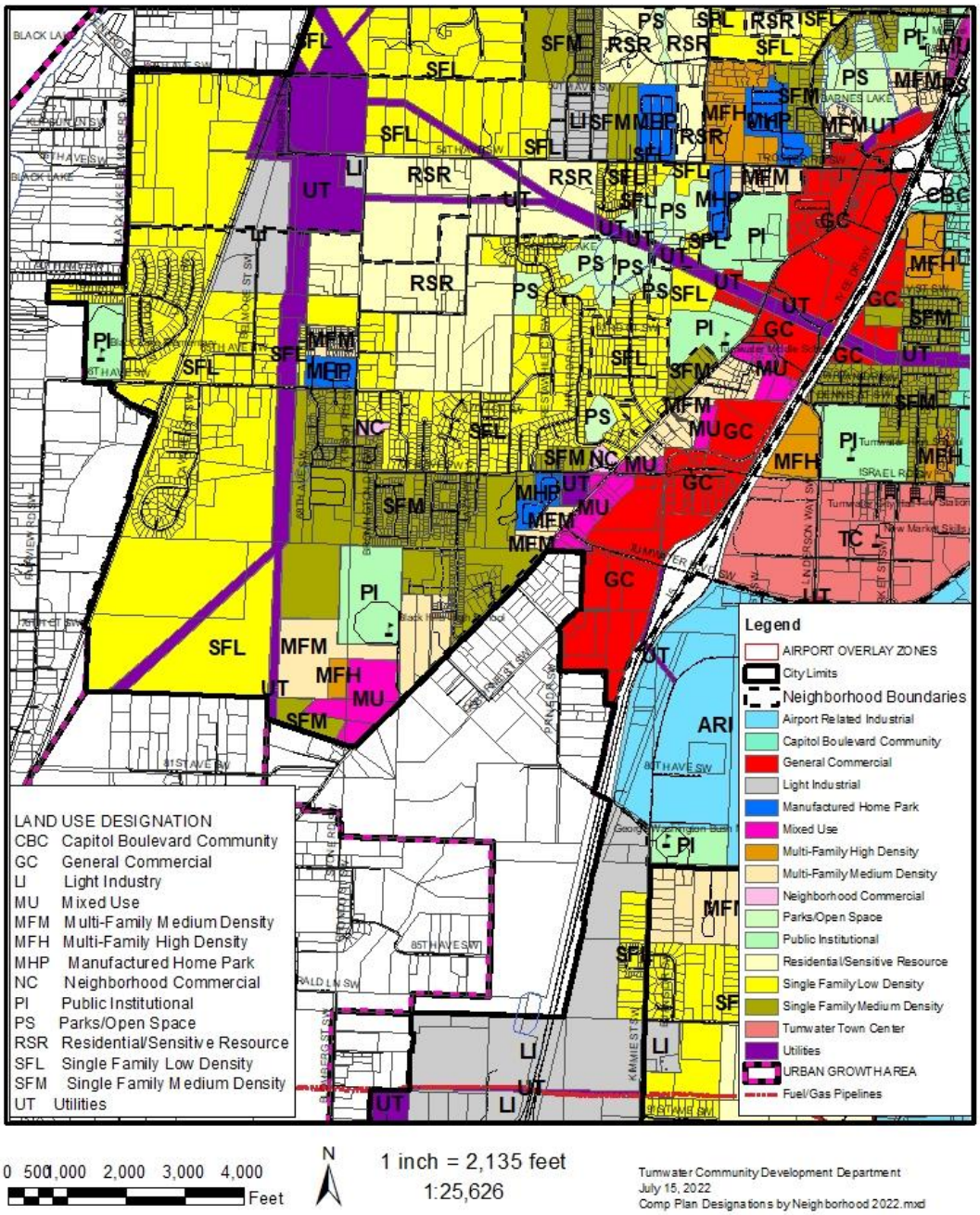


Exhibit "A-3"

Wells Littlerock Amendment to the City of Tumwater City-Wide Zoning Map

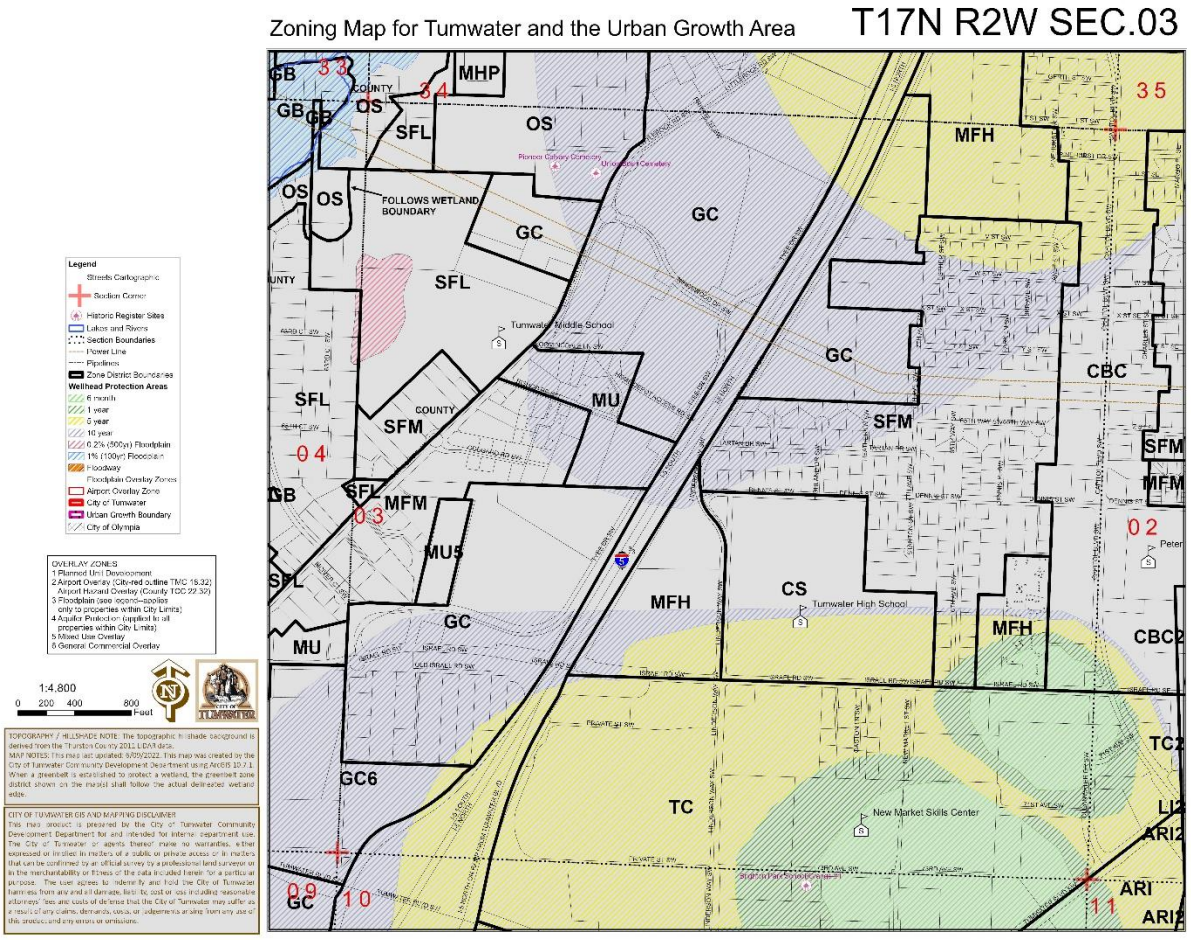


Exhibit "B-1"

Text Amendments to the Housing Element of the Tumwater Comprehensive Plan for Neighborhood Character.

[To be determined after discussion with the Planning Commission]

Exhibit "B-2"

Text Amendments to the Land Use Element of the Tumwater Comprehensive Plan for Neighborhood Character.

[To be determined after discussion with the Planning Commission]

Exhibit "C-1"

Triangle West of the Dennis Street SW and Linderson Way SW Intersection Amendment to the City of Tumwater Comprehensive Plan City-Wide Land Use Map

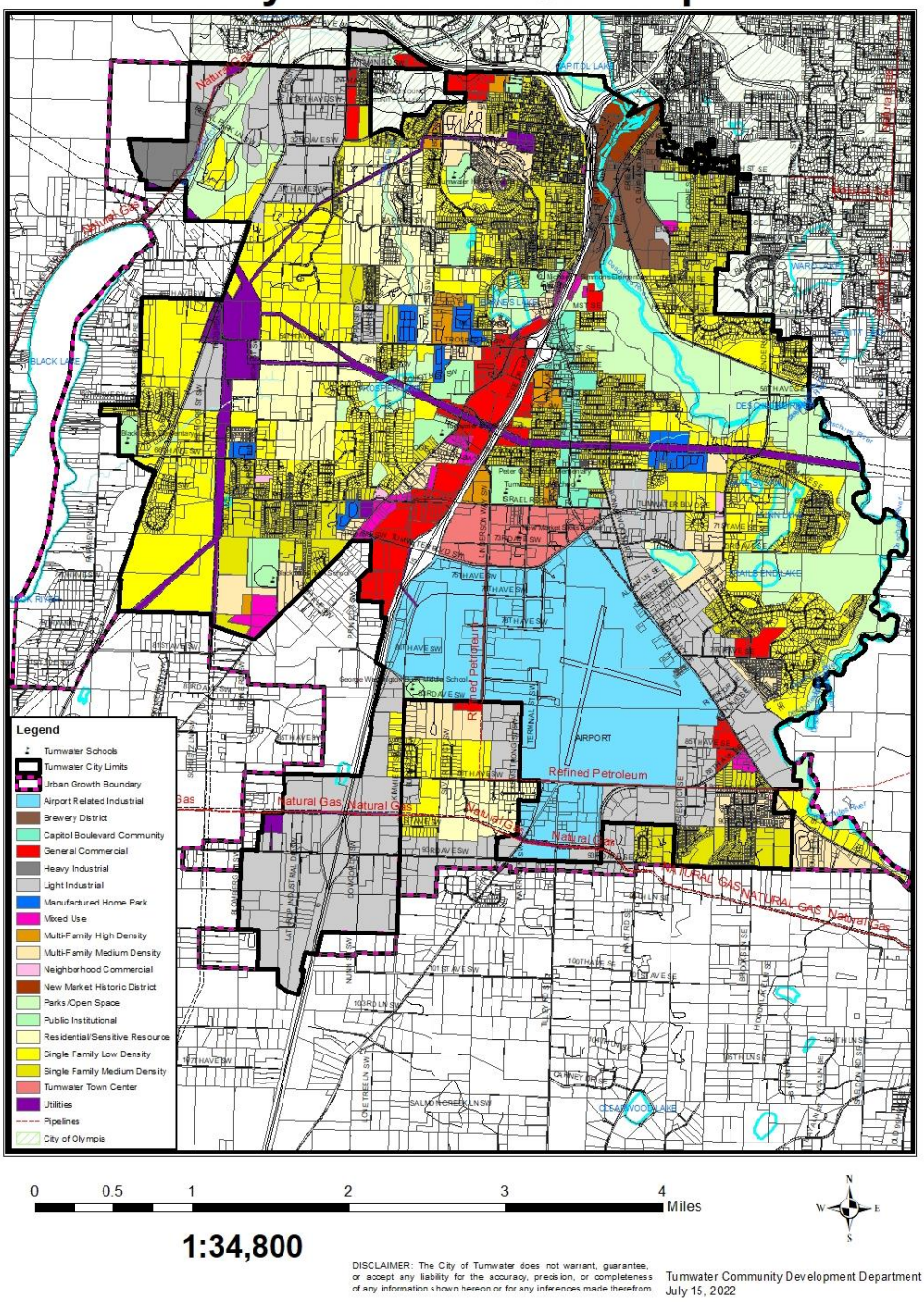


Exhibit "C-2"

Triangle West of the Dennis Street SW and Linderson Way SW Intersection Amendment to the City of Tumwater Comprehensive Plan New Market Neighborhood Future Land Use Map

New Market Neighborhood Future Land Use

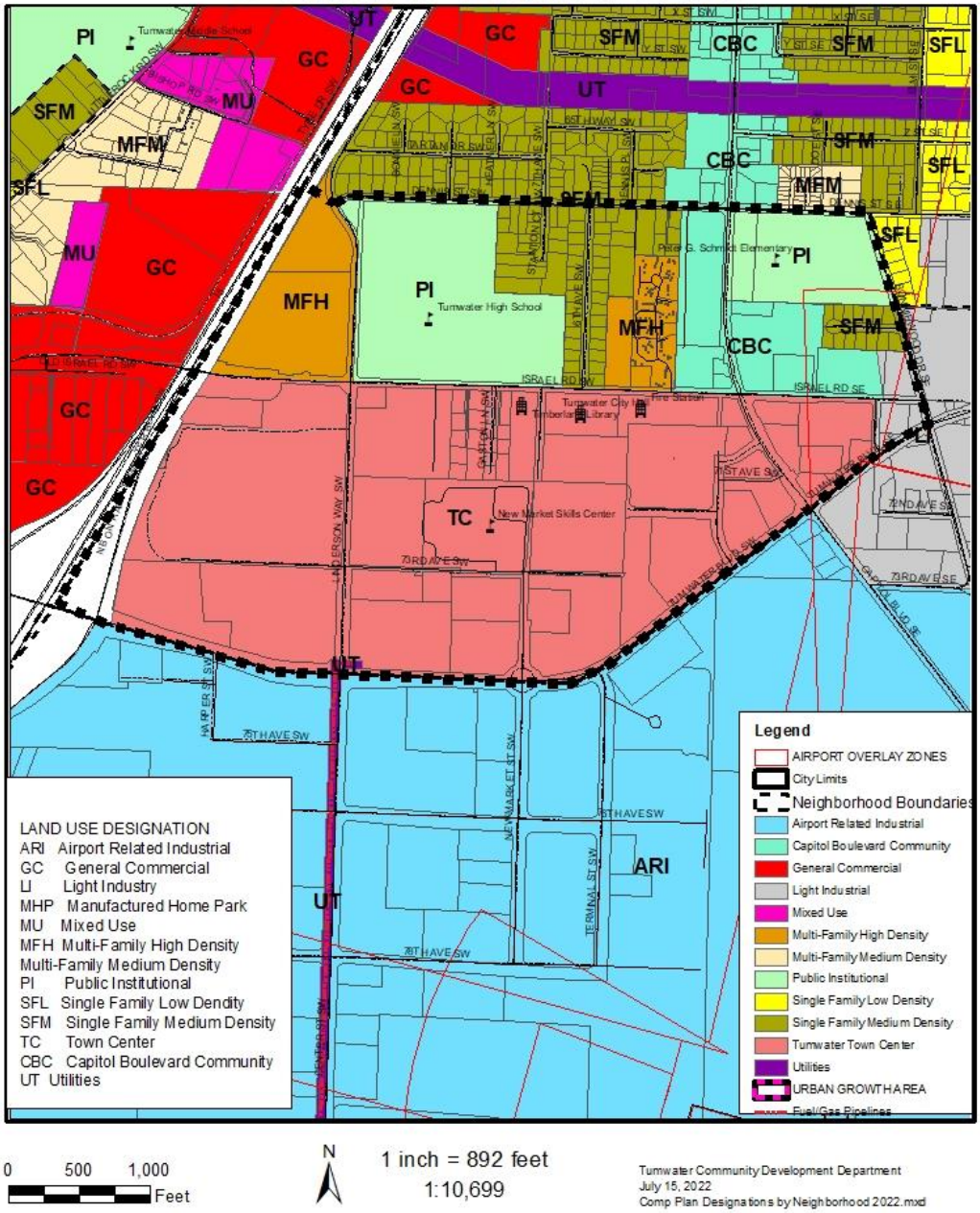


Exhibit "C-3"

Triangle West of the Dennis Street SW and Linderson Way SW Intersection Amendment to the City of Tumwater Comprehensive Plan SE Capitol Boulevard Neighborhood Future Land Use Map

SE Capitol Boulevard Neighborhood Future Land Use

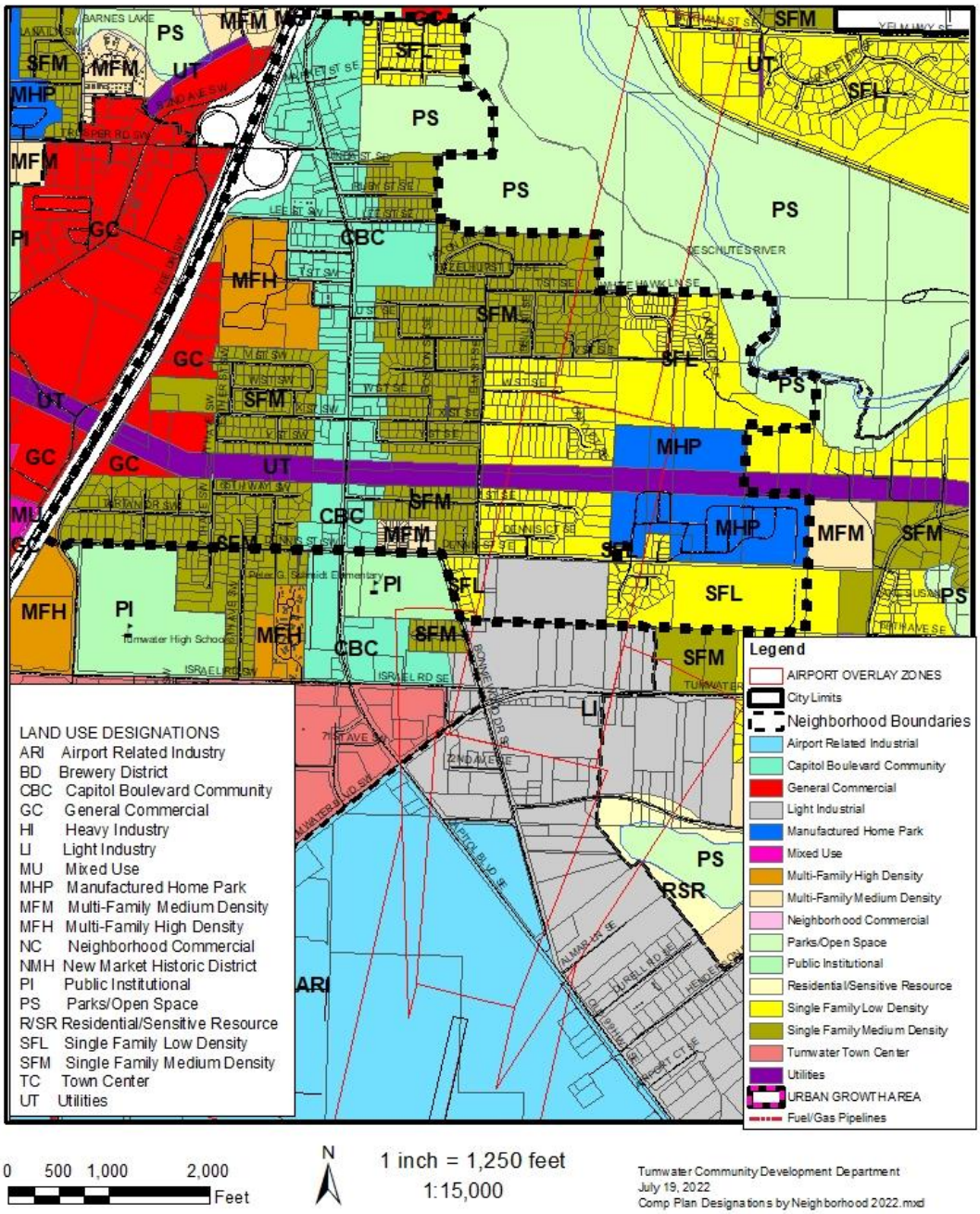
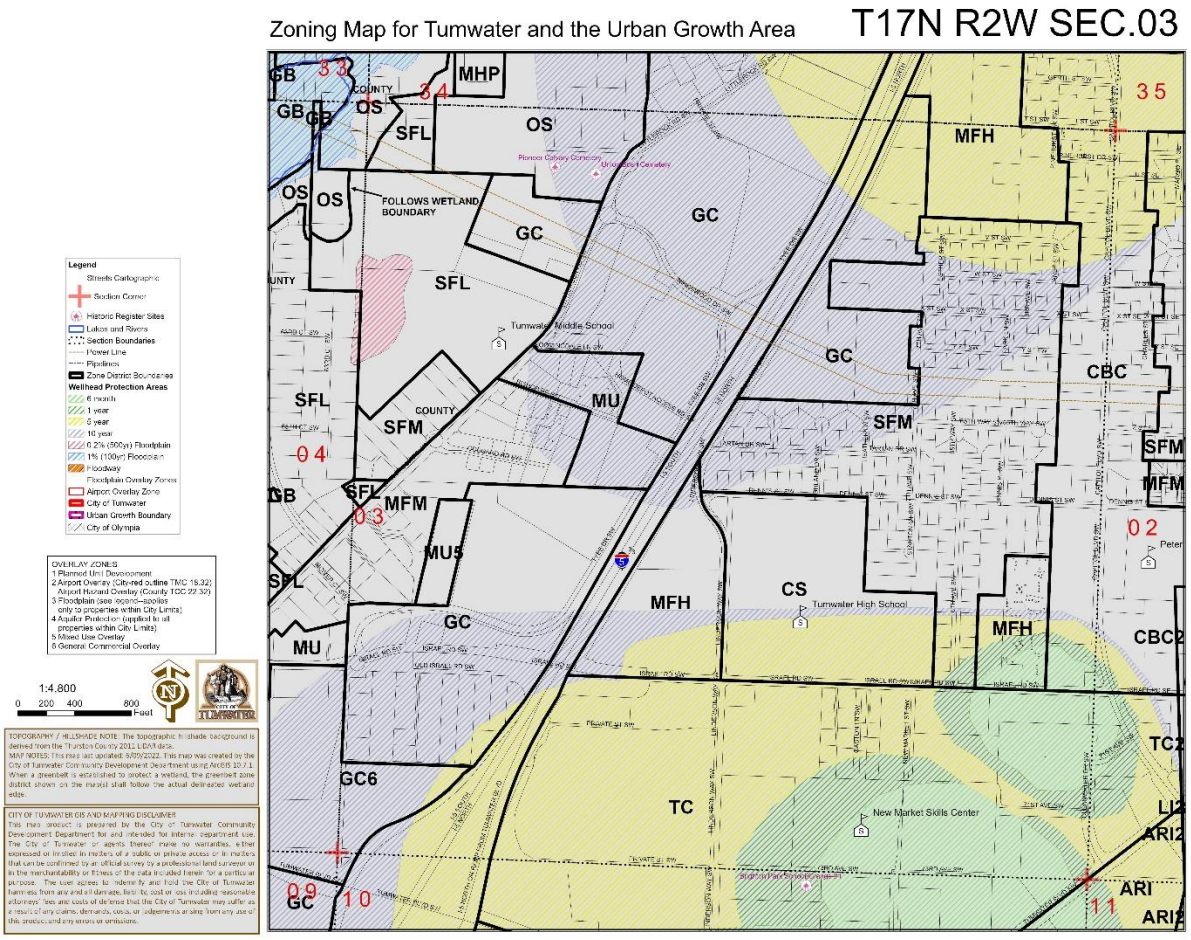


Exhibit "C-4"

Triangle West of the Dennis Street SW and Linderson Way SW Intersection Amendment to the City of Tumwater City-Wide Zoning Map



Attachment C

2022 Comprehensive Plan Map & Text Amendments and Associated Rezones

Final Docket

August 9, 2022
Planning Commission Briefing

2022 Proposed Amendments

1. One private map amendment and associated rezone
2. Three City sponsored text amendments
3. One City sponsored map amendment and associated rezone

2022 Private Amendment

Proposed Private Map Amendment and associated rezone:

1. Wells Littlerock Comprehensive Plan Land Use Map Amendment (TUM-21-1848) and Corresponding Rezone (TUM-21-1804)

1. Wells Littlerock

Proponent:	Glenn Wells
Owner:	Marvin L. Beagles
Location:	Three adjacent parcels located to the south of 7223 Littlerock Road SW
Parcel Numbers:	1270-44-30901, 1270-44-30902, and 1270-44-30903
Area Size:	2.76 Acres
Current Use:	Vacant

1. Amendment Summary

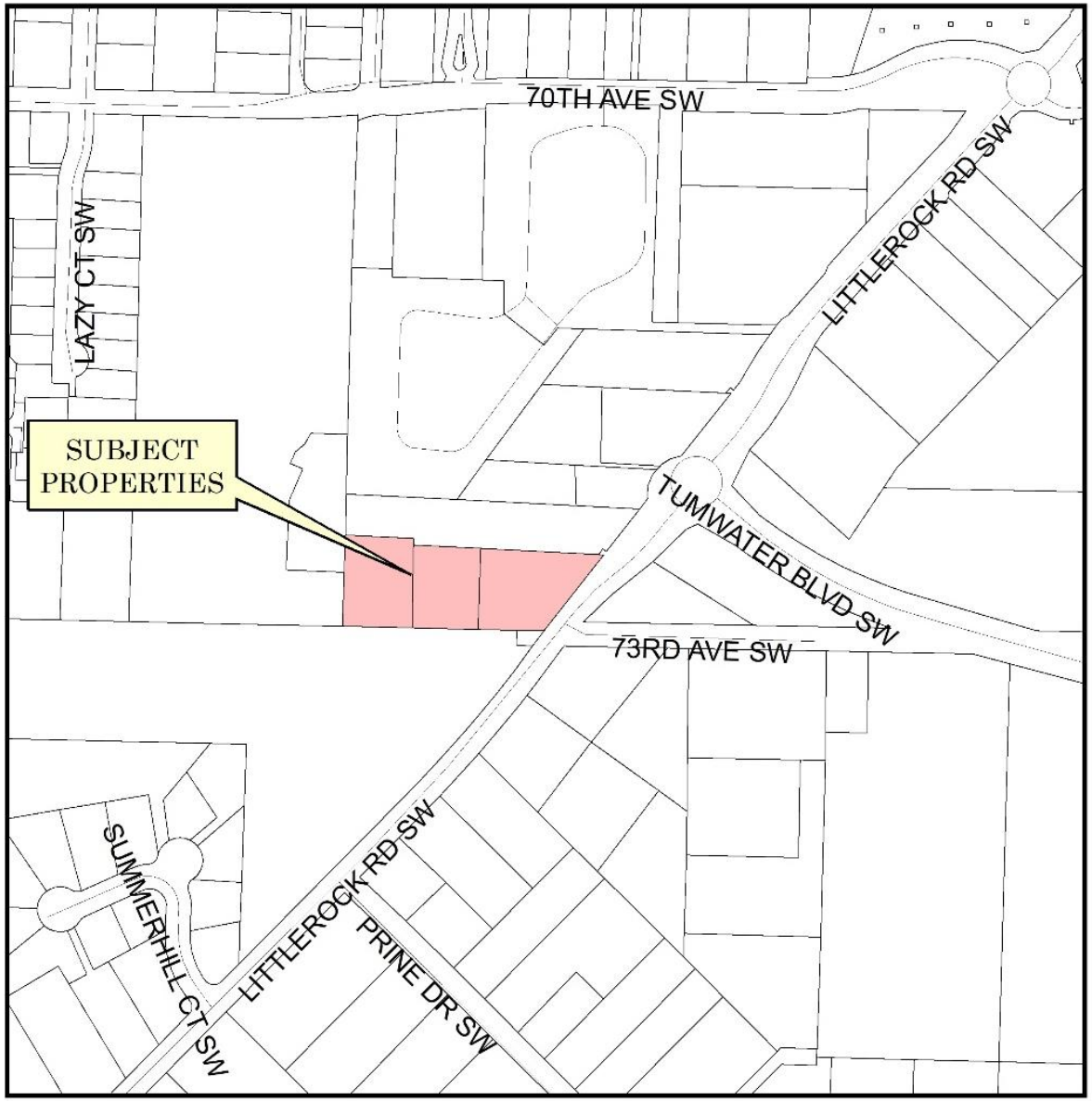
Current Comprehensive Plan map designation and zone district:

- Single Family Medium Density Residential (SFM)

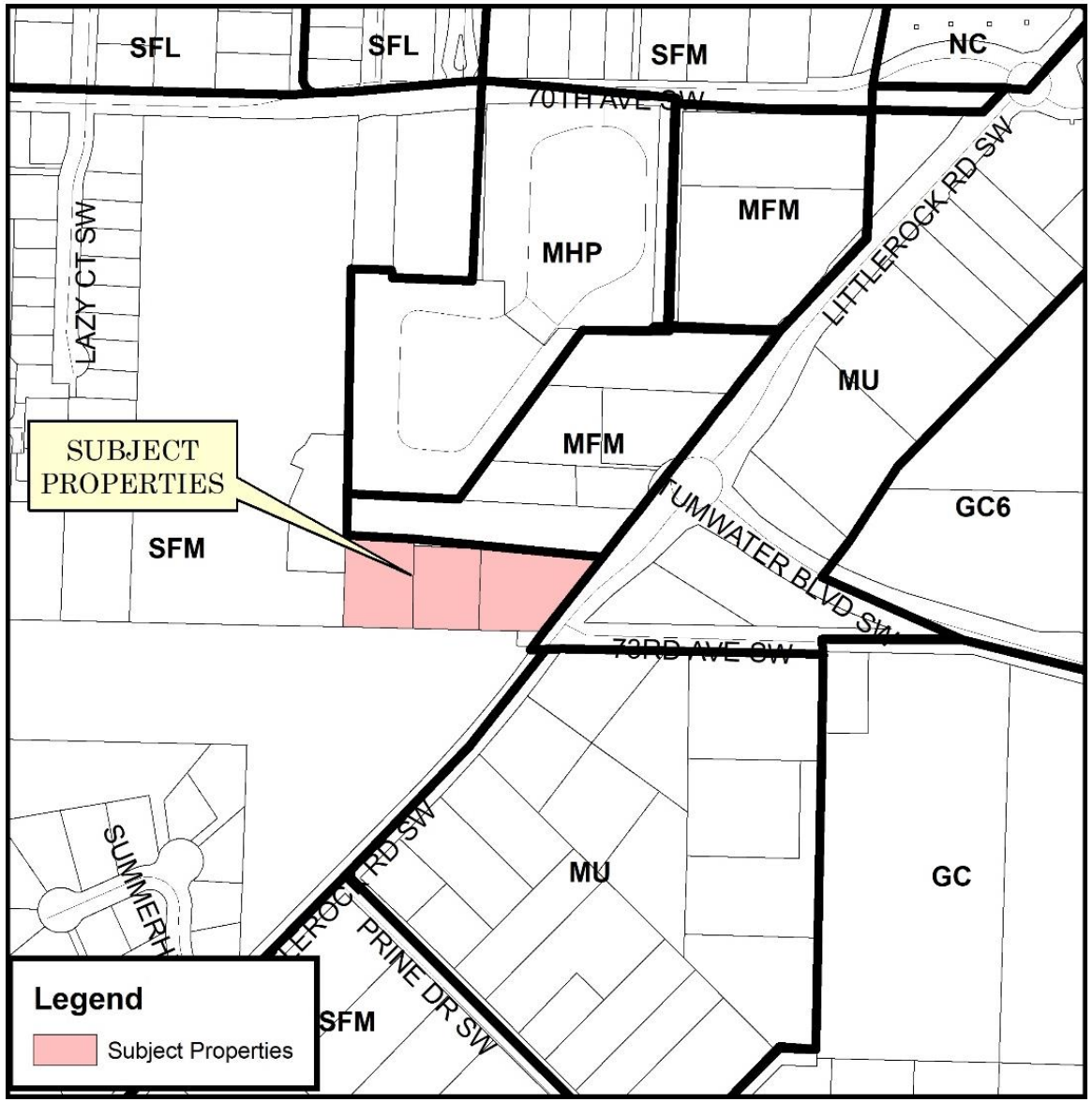
Proposed Comprehensive Plan map designation and zone district:

- Multi-Family Medium Density Residential (MFM)

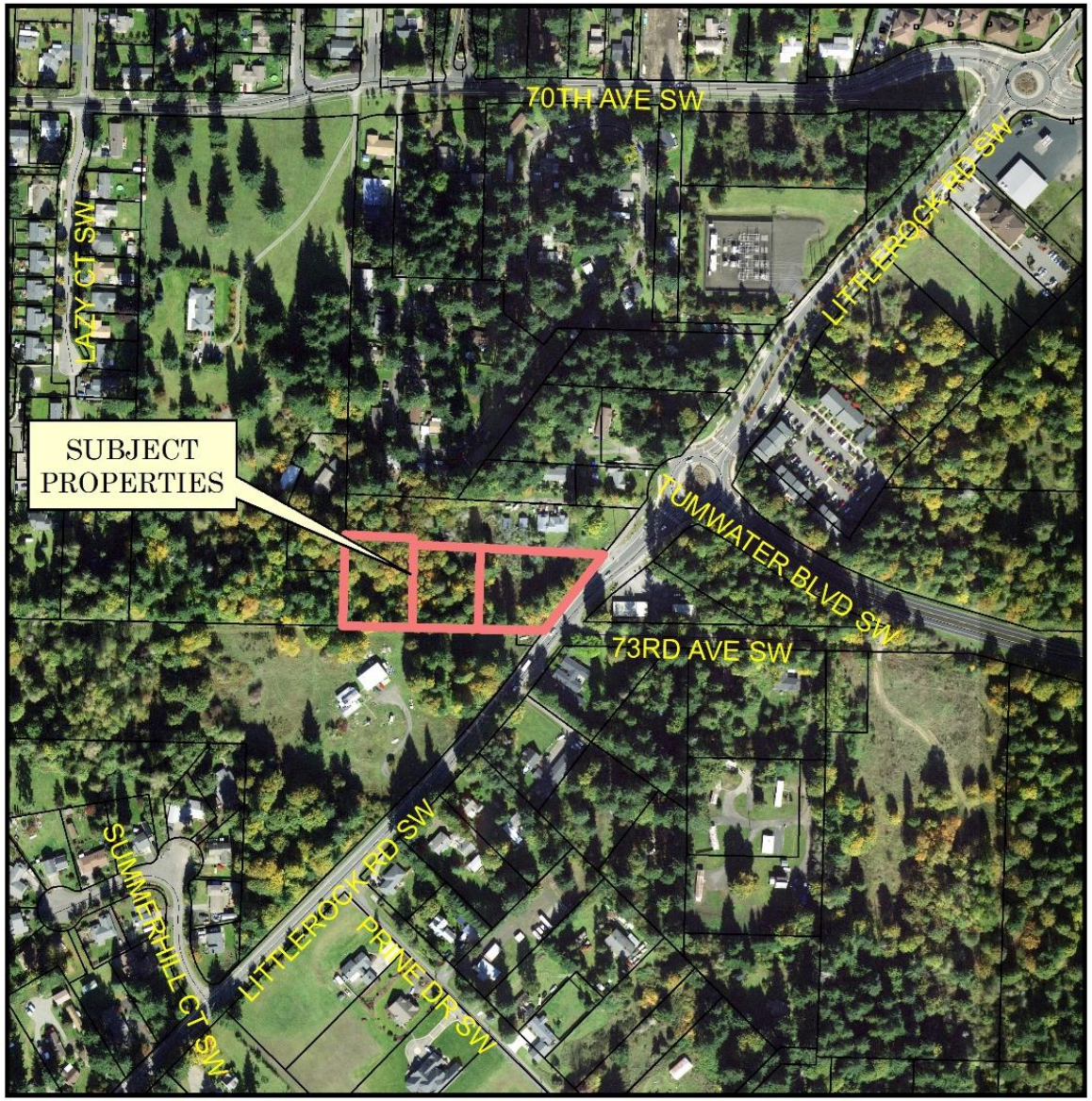
1. Map of Amendment Area



1. Map of Amendment Area



1. Map of Amendment Area



2022 Text Amendments

2. Neighborhood Character
3. Thurston Climate Mitigation Plan – Update greenhouse gas emission (GHG) targets in the Conservation Element to address HB 2311
4. Essential Public Facilities Amendments

2. Neighborhood Character

Review Comprehensive Plan Housing and Land Use Elements to determine if there are amendments needed to address “neighborhood character”

2. Neighborhood Character

- Staff recommends that the Planning Commission review and discuss the text in Appendix 2.1 – *Associated Comprehensive Plan Text Amendments*
- Then determine what amendments should go forward for approval as part of the proposed Comprehensive Plan text amendments

3. GHG Targets

Review Comprehensive Plan Conservation and Land Use Elements and determine if there are amendments needed to address HB 2311

3. GHG Targets

- Staff has reviewed and recommends no amendments to address the requirements of HB 2311 in 2022
- Amendments to address HB 2311 should be included as part of the larger 2022-25 review and update of the Comprehensive Plan that address climate change

4. Essential Public Facilities

Review the Comprehensive Plan Land Use Element and determine if there are amendments needed to address essential public facilities, including but not limited to: intensive inpatient facilities; long-term residential drug treatment facilities; recovery house facilities

4. Essential Public Facilities

- Staff has reviewed and recommends no amendments to address essential public facilities in 2022
- Amendments to address essential public facilities should be included as part of the larger 2022-25 review and update of the Comprehensive Plan

5. Dennis/Linderson Triangle

Proponent:	City of Tumwater
Location:	6501 Linderson Way SW at the western corners of Linderson Way SW and Dennis Street SW
Parcel Numbers:	Portion of 1270-32-40303
Area Size:	Portion of 5.73 Acres
Current Use:	Vacant

5. Amendment Summary

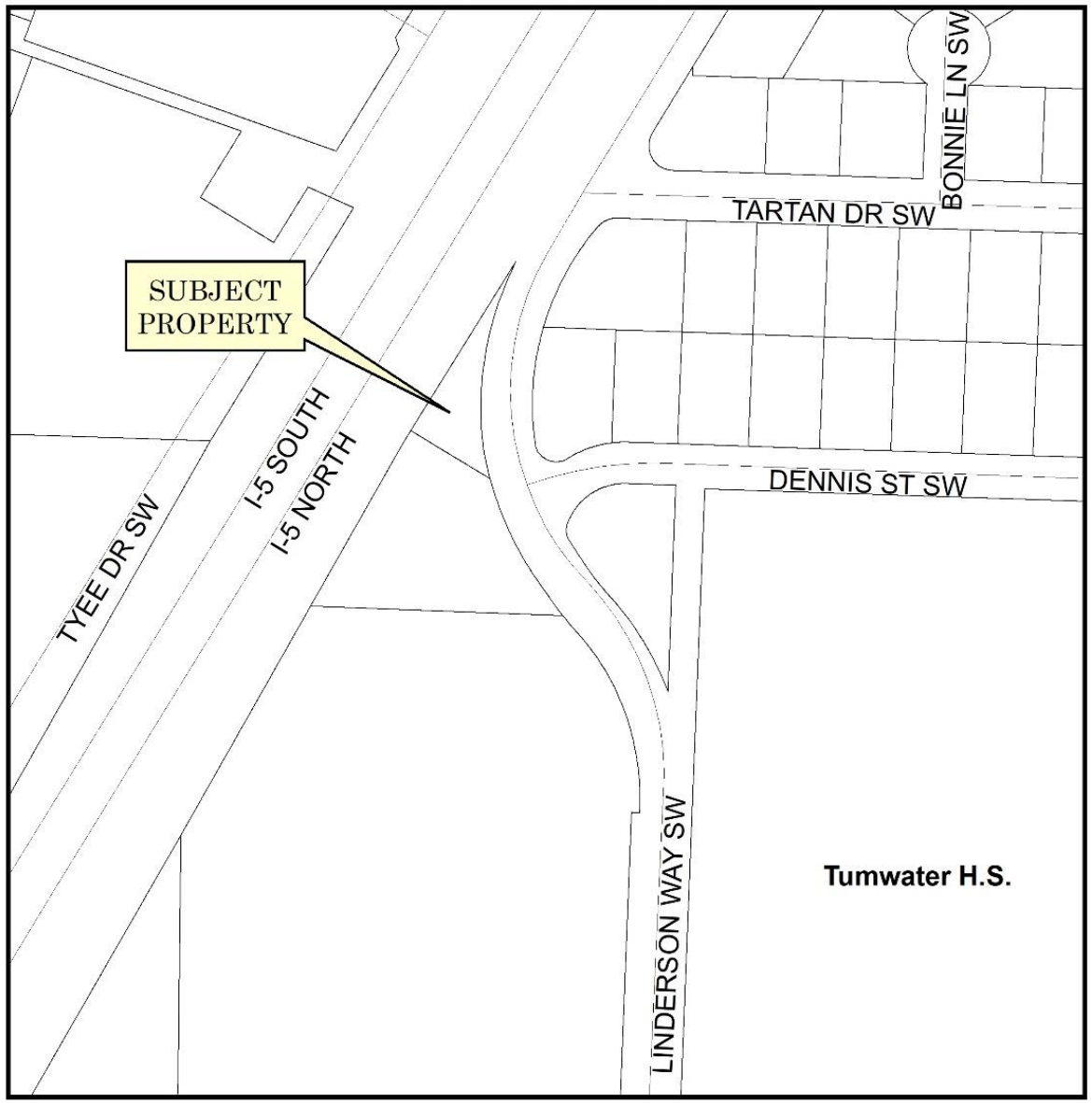
Current Comprehensive Plan map designation and zone district:

- Single Family Medium Density Residential (SFM)

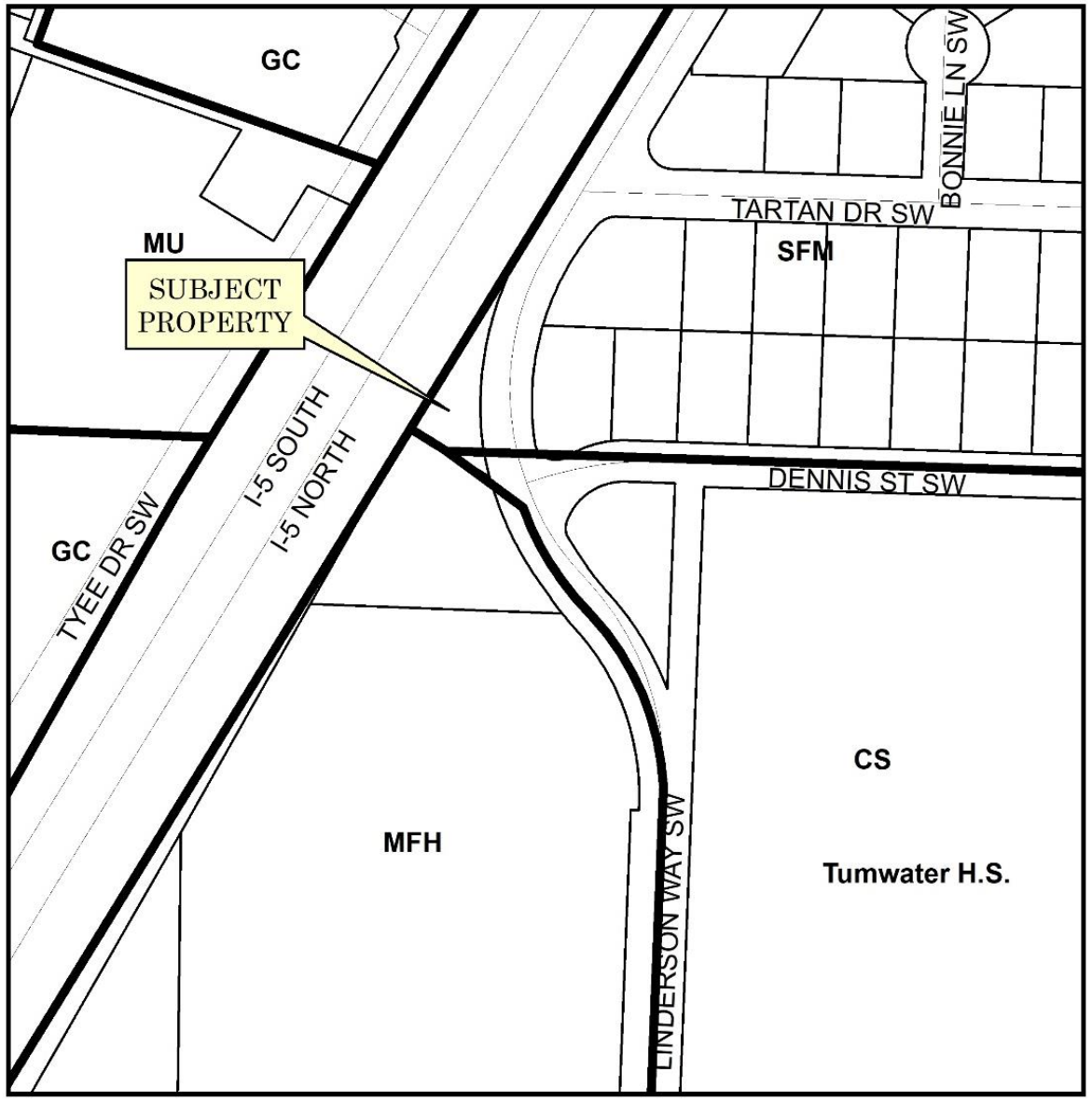
Proposed Comprehensive Plan map designation and zone district:

- Multifamily High Density Residential (MFH)

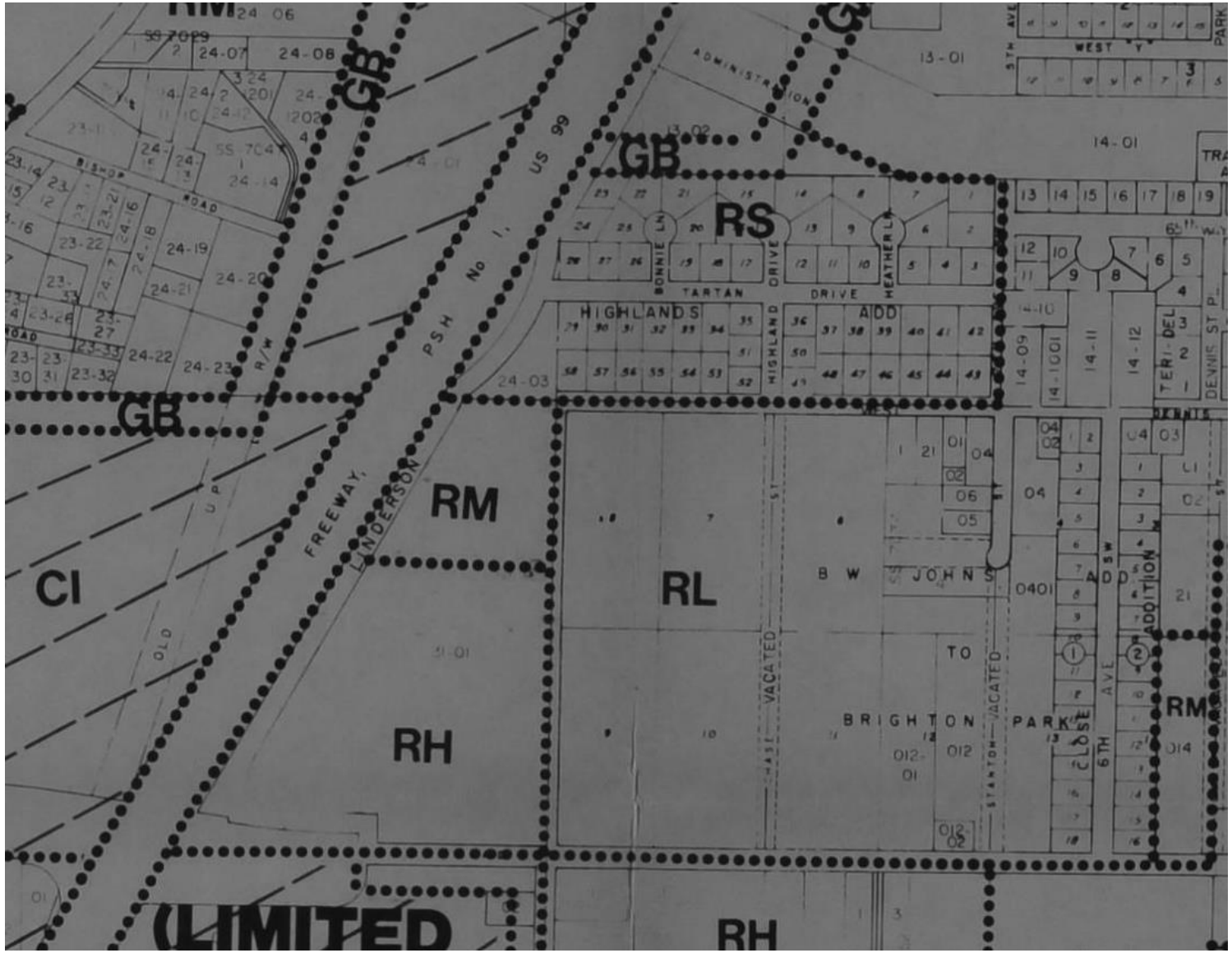
5. Map of Amendment Area



5. Map of Amendment Area



5. Map of Amendment Area



5. Map of Amendment Area



Staff Recommendation

- Staff recommends that the Planning Commission review and be prepared to discuss all five amendments in the Final Docket at the next worksessions

Next Steps

Proposed Final Docket Review and Approval Process:

- August 23, 2022 – Planning Commission worksession
- September 13, 2022 – Planning Commission worksession
- September 27, 2022 – Planning Commission Hearing
- October 12, 2022 – General Government Committee briefing
- October 25, 2022 – City Council worksession
- November 15, 2022 – City Council consideration

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CITY OF TUMWATER

555 ISRAEL RD. SW, TUMWATER, WA 98501
(360) 754-4180 (360) 754-4126 (FAX)
Email: cdd@ci.tumwater.wa.us

REZONE Application

TUM - 21-
1804
Kerri
RCVD BY

DATE STAMP
RECEIVED
NOV 17 2021

Application fee: $1,500.00

SUBJECT PROPERTY

SITE ADDRESS: xx23 Littlerock Road SW

SECTION: 04 TOWNSHIP: 17 RANGE: 2W PARCEL NUMBER(S): 12704430901, 02 & 03

LEGAL DESCRIPTION OF PROPERTY (attach additional sheets if necessary): See attached

GENERAL DESCRIPTION OF LOCATION: The three adjacent parcels to the south of 7223 Littlerock Rd. SW

PROPERTY OWNER(S)

NAME OF PROPERTY OWNER(S) (attach additional sheets if necessary): Estate of Marvin Beagles

MAILING ADDRESS: 7223 Littlerock Rd SW

OWNER'S TELEPHONE(S): 360-870-8661 (representative) OWNER'S E-MAIL: kathyholt@johnlscott.com

PROJECT CONTACT/REPRESENTATIVE

NAME: Glenn Wells MAILING ADDRESS: 324 West Bay Dr Ste 214 Olympia WA 99502 TELEPHONE(S): 360-239-5971

E-MAIL: glennwellsarchitect@gmail.com

GENERAL DESCRIPTION OF PROPOSAL See attached written narrative CURRENT ZONE DISTRICT: SFM NEW REQUESTED ZONE DISTRICT: MFM

SURROUNDING ZONE DISTRICTS: EAST: MU WEST: SFM NORTH: MFM SOUTH: SFM

CURRENT COMPREHENSIVE PLAN DESIGNATION: Single Family medium residential EXISTING LAND USE(S) AND IMPROVEMENTS: Vacant PAST LAND USE OR HISTORY: Parcel History

Parcel was subdivided in 1978 through the short subdivision process to create the 4 existing lots. Parcel 4 has been built on. Parcels 1-3 remain undeveloped.

EXPLANATION OF NEED FOR CHANGE AND HOW THE PROPOSAL MEETS THE CRITERIA OF TMC 18.60.025B (Attach additional sheets if necessary): See attached written narrative

EA087929-8DBB-4D5E-958A-6820CF552ACE

THIS APPLICATION MUST BE ACCOMPANIED BY THE FOLLOWING INFORMATION:

1. A SITE PLAN DRAWING OR DRAWINGS AT A SCALE OF NOT LESS THAN ONE INCH (1") FOR EACH TWO HUNDRED FEET (200') WHICH SHALL INCLUDE OR SHOW:

A: THE LOCATION OF ALL EXISTING STRUCTURES, INCLUDING BUILDINGS, FENCES, CULVERTS, BRIDGES, ROADS, AND STREETS;

B: THE BOUNDARIES OF THE PROPERTY AND NEARBY PROPERTIES;

C: ALL EXISTING EASEMENTS; AND

D: LOCATION OF EXISTING NATURAL FEATURES, SUCH AS TREES, STREAMS, OR LAKE FRONTAGE.

D: CURRENT ZONING OF SUBJECT PROPERTY AND NEARBY PROPERTIES.

INITIATED BY:

_____ PLANNING COMMISSION (DATE OF INITIATION_____).

_____ CITY COUNCIL (DATE OF INITIATION_____).

_____ PROPERTY OWNERS AS FOLLOWS:

I (WE) UNDERSTAND AND AGREE WITH THE ABOVE EXPLAINED NEED FOR THE MAP CHANGE AND ARE CURRENT OWNERS OF THE PROPERTY WITHIN THE CITY OF TUMWATER.

Authentisign

Lavonne Anundson

SIGNATURE

11/13/2021 8:41:01 AM PST

Lavonne Anundson

PRINTED NAME

As personal representative

SIGNATURE

PRINTED NAME

DATED THIS 12 DAY OF November, 20 21

ZONE MHP

ZONE MFM

ZONE MFM

ZONE MU

ZONE MU

ZONE SFM

ZONE MFM

ZONE SFM

ZONE SFM

ZONE SFM

ZONE SFM

ZONE SFM

ZONE SFM

MTN 2 COAST LLC

Professional Land Surveyors
Where Sound Practice, Innovation and Client Service Collide

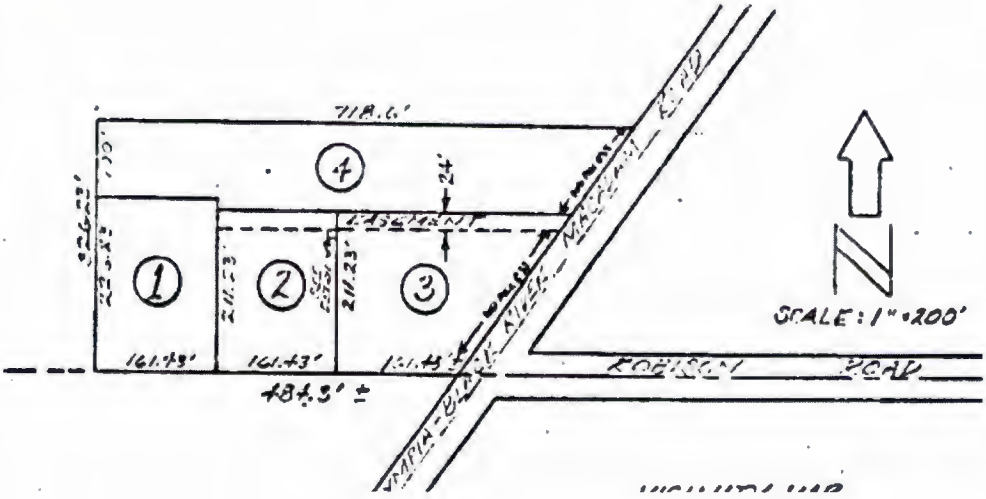
2320 Mottman Road SW, Suite 106, Tumwater, WA 98512
(360) 688-1949 • www mtn2coast.com

November 11, 2021

Re: Tax Parcel Descriptions



SS-0832, AFN 1036924
Section 4, T17N, R2W, WM



EA087929-8DBB-4D5E-958A-6820CF552ACE

MTN 2 COAST LLC

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Parcel descriptions

TPN :12704430901
Parcel 1 of Short Subdivision No. SS-0832, as recorded May 9th, 1978, under Auditor's File No. 1036924, Thurston County, Washington. Subject to easements and conditions of record.
TPN :12704430902
Parcel 2 of Short Subdivision No. SS-0832, as recorded May 9th, 1978, under Auditor's File No. 1036924, Thurston County, Washington. Subject to easements and conditions of record.
TPN :12704430903
Parcel 3 of Short Subdivision No. SS-0832, as recorded May 9th, 1978, under Auditor's File No. 1036924, Thurston County, Washington. Subject to easements and conditions of record.
TPN :12704430904
Parcel 4 of Short Subdivision No. SS-0832, as recorded May 9th, 1978, under Auditor's File No. 1036924, Thurston County, Washington. Subject to easements and conditions of record.

Parcel History

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Parcels 1-3 remain undeveloped.

LITTLEROCK REZONE

WRITTEN NARRATIVE

October 19, 2021

The rezone application applies to three parcels currently zoned SFM. They are adjacent to 7223 Littlerock Rd SW, which is currently a single-family house and zoned MFM. The MFM site and the three SFM parcels are all owned by the same entity and are being sold in one transaction. These four lots will be redeveloped into a multi-family residential project by Fourth Street Housing, LLC (FSH).

The comprehensive plan designation for the SFM lots is Single-Family Medium Density Residential, which has a minimum density of 6 units per acre and a maximum of 9 residential units per acre. The conversion to Multi-Family Medium Density would change the density to a minimum 9 residential units/acre to 15 units/acre, which would include a transfer of development rights. Additional units could be developed per acre if an affordable residential element is included.

The three SFM lots are a combined 2.76 acres and would yield a density of 25 units under the current zone. If the parcels were rezoned to MFM, the density potential would increase to between 39 units and 55 units depending on transfer of development rights and the number of affordable units provided.

The purpose of this rezone application is to extend the MFM zoning one parcel to the south, which would allow additional density in an area that could support it. In addition, the parcels under consideration have a great many existing mature trees, which would make the transition to the SFM zone to the south better than the current SFM/MFM boundary.

There is an historic lack of residential units in Thurston Co and all of western Washington due to a number of conditions; Lack of residential construction during the recession, high number of people moving into the county, delayed response by developers, and lack of developable sites not encumbered by critical areas, such as steep slopes, wetlands and gophers. This combination has caused a spike in rents, which has placed a tremendous burden on people trying to find safe, affordable housing.

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FSH was formed as a company to develop Merritt Manor, an 82-unit affordable housing project on Martin Way in Olympia. It is one of the few wholly private-sector affordable housing projects in the state. Rents at MM are well below 60% of the Thurston Co Median Income level.

Creating additional density on these three parcels makes sense on a number of levels: The parcels are located on an arterial road that can support this density. They are across the Street from Tumwater Blvd, which accesses both north and south bound movements to I-5. The new I-5 bridge project at Tumwater Blvd provides a great deal of additional capacity and anticipates increased growth in this area. The zone across Littlerock Rd SW is MU, which has a much higher density and is more compatible with a MFM zone than the existing SFM zone. Providing additional density in this area is much more desirable than many other areas in the city and county. MFM is a medium density project and as such will have the advantage of maintaining a tremendous amount of open space and existing trees on site, resulting in a higher quality project.

ID: F1D15F90-B6B9-46BE-871F-5D46A739B66C

CITY OF TUMWATER

555 ISRAEL RD. SW, TUMWATER, WA 98501
Email: cdd@ci.tumwater.wa.us
(360) 754-4180

COMPREHENSIVE PLAN MAP AMENDMENT
Application

TUM 21-1848

RCVD BY

DATE STAMP
RECEIVED
DEC 06 2021
CITY OF TUMWATER
COMMUNITY DEVELOPMENT

Application fee: $1,500.00

APPLICANT *(please print neatly)*

NAME OF APPLICANT: Fourth Street Housing, LLC

APPLICANT'S MAILING ADDRESS (COMPLETE): 324 West Bay Dr. Suite 214 Olympia WA 98502

APPLICANT'S TELEPHONE(S): 360-239-5971 APPLICANT'S E-MAIL: glennwellsarchitect@gmail.com

PROPERTY OWNER

NAME OF PROPERTY OWNER: Estate of Marvin Beagles

OWNER'S MAILING ADDRESS (COMPLETE): 7223 Littlerock Rd SW

OWNER'S TELEPHONE(S): 360-870-8661 (representative) OWNER'S E-MAIL: kathyholt@johnlscott.com

CONTACT PERSON

NAME OF CONTACT: Glenn Wells

CONTACT'S MAILING ADDRESS (COMPLETE): 324 West Bay Dr. suite 214 Olympia WA 98502

CONTACT'S TELEPHONE(S): 360-239-5971 CONTACT'S E-MAIL: glennwellsarchitect@gmail.com

PROPERTY INFORMATION

PROPERTY ADDRESS (COMPLETE): xx23 Littlerock Rd

LOCATION OF PROPERTY (COMMONLY KNOWN AS...): The three adjacent properties to the south of 7223 Littlerock Rd. SW

ASSESSOR'S PARCEL NUMBER(S): 12704430901, 02 & 03

SECTION / TOWNSHIP / RANGE: 04/17/2W CURRENT ZONE CLASSIFICATION: SFM sfm COMPREHENSIVE PLAN DESIGNATION: SFM

GENERAL DESCRIPTION OF PROPOSAL (ATTACH ADDITIONAL SHEETS AND DOCUMENTATION, AS NEEDED): Rezone the three parcels under cons from SFM to MFM, which matches the adjacent parcel at 7223 Littlerock Rd. See rezone narrative.

CURRENT LAND USE AND IMPROVEMENTS: Vacant

PAST LAND USE OR HISTORY: See Attached

FULL LEGAL DESCRIPTION OF SUBJECT PROPERTY (ATTACH ADDITIONAL SHEET IF NECESSARY): See Attached

Updated 06/18/2018

ID: F1D15F90-B6B9-46BE-871F-5D46A739B66C

CURRENT COMPREHENSIVE PLAN LANGUAGE (IF APPLICABLE): Verbiage as stated in 2.2.3

NEW COMPREHENSIVE PLAN LANGUAGE: Verbiage as stated in 2.2.4

EXISTING LAND USES (IF APPLICABLE): Vacant

EXPLANATION OF NEED FOR CHANGE: To increase density in an area that has the infrastructure to support it.

THIS APPLICATION MUST BE ACCOMPANIED BY THE FOLLOWING INFORMATION:

1. A complete list of all property owners and addresses as listed on records of the Thurston County Assessor within a 300-foot radius of the external boundaries of the subject property.

2. A site plan drawing or drawings at a scale of not less than 1"=200' which shall include or show:

   A. Site boundaries
   B. Streets abutting the site
   C. Proposed buildings, including dimensions, identification of types, and the number of dwelling units in each residential type
   D. Location and dimension of all common open space
   E. Location, dimension, and design of off-street parking facilities showing their size and locations of internal circulation and parking spaces, and points of ingress to and egress from the site
   F. Existing buildings and indication of future use or disposition
   G. Existing and proposed structures, indicating setback lines, including fences, culverts, bridges, roads and streets
   H. All proposed and existing landscaping, clearly indicating type of vegetation, location of plantings, rate of growth and height maturity
   I. All existing and proposed easements
   J. Existing and proposed storm water drainage systems
   K. Proposed land use and densities
   L. The location of all loading spaces including, but not limited to, loading platforms and loading docks where trucks will load or unload

Initiated By:

_____ Planning Commission (Date of initiation _____).

_____ City Council (Date of initiation _____).

__X__ Property owners as follows:

I (WE) UNDERSTAND AND AGREE WITH THE ABOVE-EXPLAINED NEED FOR THE MAP CHANGE, AND ARE CURRENT OWNERS OF THE PROPERTY WITHIN THE CITY OF TUMWATER.

Authentisign
Lavonne Anundson 12/02/2021
12/2/2021 7:49:30 PM PST

SIGNATURE

Lavonne Anundson (personal rep)
PRINTED NAME

As Personal Representative

ADDRESS (COMPLETE): _____

SIGNATURE

Glenn Wells (Applicant)
PRINTED NAME

ADDRESS (COMPLETE): 324 West Bay Dr suite 214 Olympia WA 98502

SIGNATURE

PRINTED NAME

ADDRESS (COMPLETE): _____

DATED THIS _____ DAY OF _____, 20_____.

ID: F1D15F90-B6B9-46BE-871F-5D46A739B66C

ASSIGNMENT OF CONTRACT

The undersigned, Monolith Holdings, LLC ("Monolith"), and Fourth Street's Housing, LLC ("Fourth Street") hereby acknowledge and agree and follows:

WHEREAS, Monolith is party as "Buyer" to the Commercial & Investment Real Estate Purchase and Sale Agreement (the "Contract") executed on or about August 28, 2021. Under the terms of the Contract, Monolith has agreed to purchase certain real property bearing Tax Parcel No(s): 12704430904, 12704430901, 12704430902 and 12704430903 in Thurston County, WA (the "Property"); and,

WHEREAS, Monolith desires to assign the Contract to Fourth Street.

Therefore, Monolith and Fourth Street agree to such assignment under the following terms and conditions:

1. For good and valuable consideration, the receipt of which is hereby acknowledged, Monolith hereby assigns all right, title and interest in, to and under the Contract to Fourth Street.

2. Fourth Street accepts such assignment and agrees to perform all of the obligations of Buyer under the Contract and to hereafter be bound by the terms of the Contract.

Executed this 28th day of September, 2021

Fourth Street's Housing, LLC

By: Authentisign Glenn Wells 09/29/2021
9/29/2021 4:00:06 PM PDT

Title: member

Monolith Holdings, LLC

By: Authentisign Zach Kosturos 09/30/2021
9/30/2021 9:19:16 AM PDT

Title: manager

ID: EA087929-8DBB-4D5E-958A-6820CF552ACE

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WRITTEN NARRATIVE

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MTN 2 COAST LLC

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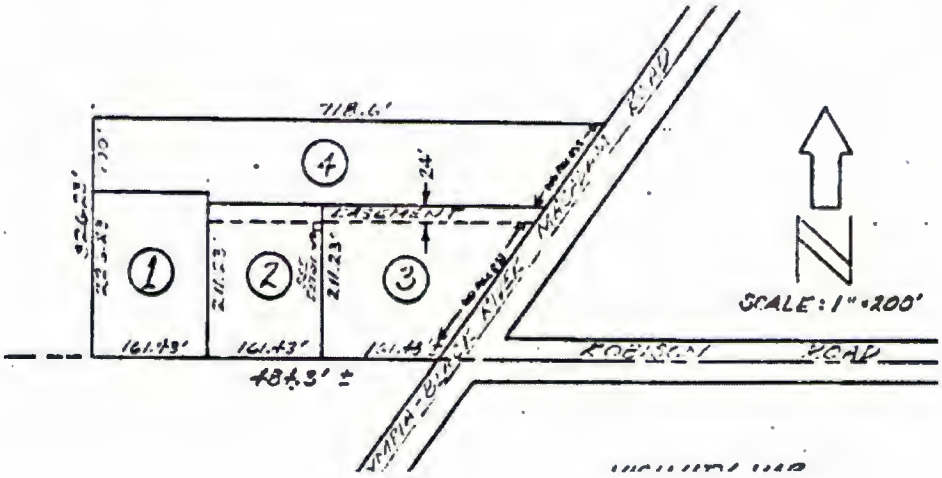
2320 Mottman Road SW, Suite 106, Tumwater, WA 98512
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November 11, 2021

Re: Tax Parcel Descriptions



SS-0832, AFN 1036924
Section 4, T17N, R2W, WM



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Parcels 1-3 remain undeveloped.

THURSTON COUNTY TITLE

THURSTON COUNTY TITLE COMPANY
105 EAST 8TH AVE.
OLYMPIA, WA 98501
PHONE: (360) 943-7300
FAX: (360) 786-931

DATE: December 6, 2021

TO: City of Tumwater

Dear Sir or Madam,

On Tuesday December 6th, 2021, Glenn Wells from Fourth Street Housing LLC contacted Thurston County Title, Co., to request ownership information and mailing labels addressed to the owners of parcels within a 300-foot radius of the following property:

Tax Parcel Number:
1270-44-30901

1270-44-30902

1270-44-30903

Street Address:
Unknown Address
Tumwater, WA

Unknown Address
Tumwater, WA

Unknown Address
Tumwater, WA

The ownership information and mailing labels we provided in response to this request were compiled using data taken from the website of the Thurston County Assessor's Office. If you have any questions about the information or how it was compiled, please don't hesitate to contact our office by email at customerservice@tctitle.net, or by phone at (360) 943-7300, M-F, 8 a.m. – 5 p.m.

Kind regards,

Chris Andersen
chrisa@tctitle.net
Thurston County Title Company


ZONE SFM
ZONE SFM
ZONE SFM
ZONE SFM
ZONE SFM
ZONE MU
ZONE MU
ZONE MFM
ZONE MFM
ZONE MFM
ZONE MHP
ZONE SFM