

## ORDINANCE NO. O2017-008

**AN ORDINANCE** of the City Council of the City of Tumwater, Washington, amending Chapters 14.06, 16.04, 17.04, 18.04, and 18.40 of the Tumwater Municipal Code, adding new Sections 16.04.053, 16.04.055, and 18.40.065 to the Tumwater Municipal Code, and adopting a *Standard Inadvertent Archaeological and Historic Resources Discovery Plan*. The intent is to raise the State Environmental Policy Act categorical exemption thresholds consistent with WAC 197-11-800 and simultaneously lower the threshold to issue a Notice of Application.

**WHEREAS**, in 2011 the Washington State Legislature adopted Engrossed Second Substitute House Bill 1952 which directed the Washington State Department of Ecology to initiate rulemaking to help streamline regulatory processes, which the Department did in December 2012 by amending Chapter 197-11 WAC to include flexible thresholds that local agencies may adopt; 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**, the proposed amendment will promote densities called for by the comprehensive plan; and

**WHEREAS**, since Ordinance 1007 established the City's State Environmental Policy Act categorical exemption thresholds in 1984, the City has significantly improved its protection of environmental resources and mitigation of impacts through a variety of regulations. These include, but are not limited to, critical area regulations, the Endangered Species Act version of the model floodplain ordinance, the Shoreline Master Program, transportation impact fees, and stormwater/low impact development regulations; and

**WHEREAS**, the City of Tumwater's development and environmental regulations are up-to-date and reflect the best available science thus providing full environmental protection; and

**WHEREAS**, increasing the categorical exemption threshold for residential and mixed use development would reduce the time required to process land use

permits for development that is encouraged by the comprehensive plan, the Economic Development Plan, the Strategic Plan, the Brewery District Plan, and the Capitol Boulevard Corridor Plan; and

**WHEREAS**, the proposed amendment will require public notice to be provided for projects that are exempted from the State Environmental Policy Act review process by the adoption of this Ordinance; and

**WHEREAS**, the City has separate codes that require the collection of transportation impact fees, which will not be affected by this Ordinance; and

**WHEREAS**, the proposed amendment is consistent with RCW 43.21C.229; and

**WHEREAS**, the proposed amendment is consistent with WAC 197-11; and

**WHEREAS**, the proposed amendment is consistent with RCW 58.17.020(6); and

**WHEREAS**, RCW 58.17.020(6) allows the City to set the short plat limit at nine or fewer lots; and

**WHEREAS**, in accordance with RCW 36.70A.106 and WAC 365-196-630, a notice of intent to adopt the proposed new development regulations was sent to the State of Washington Department of Commerce and to other state agencies on March 15, 2017 to allow for a sixty-day review and comment period, which comment period ended prior to adoption of this ordinance; and

**WHEREAS**, in accordance with WAC 197-11-800(1)(c), locally established notice and comment opportunities for the public, affected tribes, and agencies regarding permitting of development projects included in the proposed increased exemption levels was provided prior to adoption of this ordinance; and

**WHEREAS**, in accordance with WAC 197-11-800(1)(c), before adopting the ordinance or resolution containing the proposed new exemption levels, the City provided a minimum of sixty days' notice starting May 15, 2017 and ending July 14, 2017 to affected tribes, agencies with expertise, affected jurisdictions, the Department of Ecology, and the public to provide an opportunity for comment.

**WHEREAS**, specific development proposals will be reviewed individually for environmental impacts, where applicable. Environmental elements of individual projects determined categorically exempt from SEPA threshold determination and EIS requirements would be regulated by numerous other land use regulations

administered by the City of Tumwater. Such regulations include but are not limited to the following:

1. The Shoreline Master Program limits development within the shorelines of state in the City.
2. Chapter 2.62, Historic Preservation, Chapter 18.26, HC Historic Commercial Zone District, Section 18.40.065, Historic Preservation, Inadvertent Discovery of Archaeological and Cultural Resources, and the City's *Standard Inadvertent Archaeological and Historic Resources Discovery Plan* protect cultural and historical resources.
3. Chapter 3.50, Impact Fees, establishes impact fees to mitigate impacts to the City's transportation system, parks, recreation, and open space facilities, and to the Tumwater and Olympia School Districts.
4. Chapter 8.08, Noise Control, addresses noise impacts.
5. Title 11, Telecommunications and Telecommunications Facilities, regulates wireless facilities.
6. Title 12, Streets, Sidewalks and Public Places, regulates construction of streets, sidewalks, and public parks for purposes of protecting public health, safety, and welfare.
7. Title 13, Public Services, regulates water and wastewater distribution systems and stormwater run-off.
8. Title 15, Buildings and Construction, regulates construction for purposes of protecting public health, safety, and welfare.
9. Chapter 15.48, Transportation Concurrency Requirements, provides for the mitigation of impacts to the City's transportation system.
10. Chapter 16.08, Protection of Trees and Vegetation, addresses tree and vegetation protection.
11. Chapter 16.12, Right-to-Farm, protects agricultural use within the City.
12. Chapter 16.20, Geologically Hazardous Areas; Chapter 16.24, Aquifer Protection Standards; Chapter 16.26, Wellhead Protection; Chapter 16.28, Wetland Protection Standards; Chapter 16.32, Fish and Wildlife Habitat Protection; and Chapter 18.39, AQP Aquifer Protection Overlay, contain specific standards that limits development which may impact critical areas.

13. Title 17, Land Division, regulates land divisions and adjustments by imposing stringent development guidelines and integrates compliance with other development regulations, including SEPA.
14. Title 18, Zoning, limits development by imposing stringent land use and density limitations, including regulating construction within the floodplain.
15. Chapter 18.32, Airport Overlay, limits development and construction near the Olympia Regional Airport.
16. Chapter 18.38, FP Floodplain Overlay, limits development and construction within designated floodplains.
17. Chapter 18.40, Environmental Performance Standards, establishes standards noise, exterior illumination, emissions, ground and soil contamination, air pollution, toxic substances, waste disposal, heat and glare, and radioactive materials and radiation devices.
18. Chapter 18.47, Landscaping, regulates open space and vegetation.
19. Other state and federal regulations requiring environmental protection including but not limited to RCW 70.94, Washington Clean Air Act, and associated laws and policies, numerous water quality, numerous hazardous waste regulations, and the Endangered Species Act, and State Environmental Policy Act.

**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, and a Determination of Non-Significance (DNS) was issued on March 28, 2017; and

**WHEREAS**, the Attorney General Advisory Memorandum: Avoiding Unconstitutional Takings of Private Property (Dec. 2015) 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 proposed code amendments on May 23, 2017, discussed the proposed code amendments at a work session on June 13, 2017, and held a public hearing on June 27, 2017; and

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

**WHEREAS**, the City Council discussed the proposed code amendments in a work session on August 8, 2017; and

**WHEREAS**, on September 5, 2017, the City Council considered the proposed code amendments; 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.** That certain document entitled “Standard Inadvertent Archaeological and Historic Resources Discovery Plan – City of Tumwater,” as the same may hereafter be amended by action of the City Council, is hereby adopted in the form attached hereto as part of the Environmental Performance Standards chapter as referenced in Section 18.40.065.

**Section 2.** Section 14.06.010 of the Tumwater Municipal Code is hereby amended to read as follows:

**14.06.010 Notice of application.**

- A. Generally. A notice of application shall be issued on all project permit applications for which the hearing examiner has decision making authority, or SEPA is required.
- B. SEPA Exempt Projects. A notice of application shall not be required for project permits that are categorically exempt under SEPA and fall below the thresholds established in WAC 197-11-800(1)(b)(i-v), unless a public comment period or an open record predecision hearing is required.
- C. Contents. The notice of application shall include:
  - 1. The date of application, the date of the notice of completion for the application and the date of the notice of application;
  - 2. A description of the proposed project action and a list of the project permits included in the application and, if applicable, a list of any studies requested under RCW 36.70B.070;
  - 3. The identification of other permits not included in the application, to the extent known by the city;
  - 4. The identification of existing environmental documents that evaluate the proposed project, and, if not otherwise stated on the document providing notice of application, the location where the application and any studies can be reviewed;

5. A statement of the limits of the public comment period, which shall not be less than fourteen nor more than thirty days following the date of notice of application, and a statement of the right of any person to comment on the application, receive notice of and participate in any hearings, request a copy of the decision once made, and any appeal rights;
6. The date, time, place and type of hearing, if applicable and scheduled at the date of notice of the application;
7. A statement of the preliminary determination of consistency, if one has been made at the time of notice, and of those development regulations that will be used for project mitigation and of consistency as provided in 14.04.010.
8. Any other information determined appropriate by the department, such as the city's threshold determination, if complete at the time of issuance of the notice of application. (RCW 36.70B.110.)

**D. Time Frame for Issuance of Notice of Application.**

1. Within fourteen days after the city has made a determination of completeness of a project permit application, the city shall issue a notice of application.
2. If any open record predecision hearing is required for the requested project permit(s), the notice of application shall be provided at least fifteen days prior to the open record hearing. (RCW 36.70B.110.)

**E. Public Comment on the Notice of Application.** All public comments received on the notice of application must be received by the department of community development by 5:00 p.m. on the last day of the comment period. Comments may be mailed, personally delivered or sent by facsimile. Comments should be as specific as possible.

**F.** Except for a determination of significance, the city may not issue its threshold determination or issue a decision or recommendation on a project permit until the expiration of the public comment period on the notice of application. (RCW 36.70B.110.)

(Ord. O2011-002, Amended, 03/01/2011; Ord. O96-004, Added, 04/16/1996)

**Section 3.** Section 16.04.020 of the Tumwater Municipal Code is hereby amended to read as follows:

**16.04.020 Adoption by reference.**

The city adopts the following sections of Chapter 197-11 WAC by reference:

WAC 197-11-

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(Ord. O96-008, Amended, 11/05/1996; Ord. 1007, Added, 09/18/1984)

**Section 4.** A new Section 16.04.053 is hereby added to the Tumwater Municipal Code to read as follows:

**16.04.053 Categorical exemptions without flexible thresholds.**

A. Actions listed in WAC 197-11-800(1) – (27), except as provided for in 16.04.055, that do not have flexible thresholds are categorically exempt from threshold determination and EIS requirements, subject to the rules and limitations on categorical exemptions contained in 197-11-305 WAC.

**Section 5.** A new Section 16.04.055 hereby added to the Tumwater Municipal Code to read as follows:

**16.04.055 Flexible thresholds for categorical exemptions.**

The city establishes the following exempt levels for minor new construction under WAC 197-11-800:

- A. The construction or location of up to 9 single-family dwelling units;
- B. The construction or location of up to 25 multifamily dwelling units;
- C. The construction of a barn, loafing shed, farm equipment storage building, produce storage or packing structure, or similar agricultural structure, covering 20,000 square feet or less, and to be used only by the property owner or his or her agent in the conduct of farming the property. This exemption shall not apply to feed lots;
- D. The construction of an office, school, commercial, recreational, service or storage building with 10,000 square feet of gross floor area or less, and with associated parking facilities designed for 30 or fewer automobiles;
- E. Parking lots for 30 or fewer automobiles not associated with a structure;
- F. Any fill or excavation of 250 cubic yards or less throughout the total lifetime of the fill or excavation and any excavation, fill or grading necessary for an exempt project in A, B, C, D, and E of this section shall be exempt.

**Section 6.** Section 16.04.060 of the Tumwater Municipal Code is hereby amended to read as follows:

**16.04.060 Use of exemptions.**

A. If a proposal is exempt, none of the procedural requirements of this chapter apply to the proposal. The city shall not require completion of an environmental checklist for an exempt proposal.

B. In determining whether or not a proposal is exempt, the department shall make certain the proposal is properly defined and shall identify the governmental licenses required (WAC 197-11-060). If a proposal includes exempt and nonexempt actions, the department shall determine the lead agency, even if the license application that triggers the department's consideration is exempt.

C. If a proposal includes both exempt and nonexempt actions, the city may authorize exempt actions prior to compliance with the procedural requirements of this chapter except that:

1. The city shall not give authorization for:
  - a. Any nonexempt action;
  - b. Any action that would have an adverse environmental impact; or
  - c. Any action that would limit the choice of alternatives.
2. A department may withhold approval of an exempt action that would lead to modification of the physical environment, when such modification would serve no purpose if nonexempt action(s) were not approved.
3. A department may withhold approval of exempt actions that would lead to substantial financial expenditures by a private applicant when the expenditures would serve no purpose if nonexempt action(s) were not approved.

D. The determination of whether a proposal is categorically exempt shall be made by the Responsible Official.

(Ord. 1007, Added, 09/18/1984)

**Section 7.** Section 16.04.150 of the Tumwater Municipal Code is hereby amended to read as follows:

**16.04.150 Substantive authority.**

A. The policies and goals set forth in this chapter are supplementary to those outlined in state law.

B. The city may attach conditions to a permit or approval for a proposal so long as:

1. Such conditions are necessary to mitigate specific probable adverse environmental impacts identified in environmental documents prepared pursuant to this chapter;
2. Such conditions are in writing;
3. The mitigation measures included in such conditions are reasonable and capable of being accomplished;
4. The city has considered whether other local, state, or federal mitigation measures applied to the proposal are sufficient to mitigate the identified impacts;
5. Such conditions are based on one or more policies in subsection D of this section and cited in the license or other decision document.

C. The city may deny a permit or approval for a proposal on the basis of SEPA so long as:

1. A finding is made that approving the proposal would result in probable significant adverse environmental impacts that are identified in a final EIS or final supplemental EIS prepared pursuant to this chapter;
2. A finding is made that there are no reasonable mitigation measures capable of being accomplished that are sufficient to mitigate the identified impact;
3. The denial is based on one or more policies identified in subsection D of this section and identified in writing in the decision document.

D. The city designates and adopts by reference the following policies as the bases for the city's exercise of authority pursuant to this section:

1. The city shall use all practicable means, consistent with other essential considerations of state policy, to improve and coordinate plans, functions, programs and resources to the end that the state and its citizens may:
  - a. Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;
  - b. Assure for all people of Washington safe, healthy, productive, and aesthetically and culturally pleasing surroundings;
  - c. Attain the widest range of beneficial uses of the environment without degradation, risk of health or safety, or other undesirable and unintended consequences;
  - d. Preserve important historic, cultural and natural aspects of our national heritage;
  - e. Maintain, wherever possible, an environment which supports diversity and variety of individual choice;
  - f. Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities;
  - g. Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.
2. The city recognizes that each person has a fundamental and inalienable right to a healthy environment that contributes to the preservation and enhancement of the environment.
3. The city adopts by reference the policies contained in the city codes, ordinances, resolutions, regulations and plans, including but not limited to:
  - a. Comprehensive plan;
  - b. Six-year street program;
  - c. Thurston regional transportation plan;
  - d. Zoning ordinance;
  - e. Building code and related construction codes;

- f. Comprehensive water plan;
- g. Land division (TMC Title 17);
- h. Stormwater comprehensive plan;
- i. Percival Creek comprehensive drainage basin plan;
- j. Comprehensive sewer plan;
- k. Tree protection ordinance;
- l. Aquifer protection standards ordinance;
- m. Geologically hazardous areas ordinance;
- n. Fish and wildlife habitat protection ordinance;
- o. Wetland protection standards ordinance;
- p. Tumwater development guide;
- q. Tumwater wellhead protection ordinance;
- r. Shoreline master program.

(Ord. O2010-017, Amended, 12/21/2010; Ord. O2004-027; Amended, 01/04/2005; Ord. O97-028, Amended, 04/21/1998; Ord. O95-002, Amended, 04/18/1995; Ord. 1283, Amended, 08/20/1991; Ord. 1282, Amended, 08/20/1991; Ord. 1281, Amended, 08/20/1991; Ord. 1278, Amended, 08/20/1991; Ord. 1223, Amended, 06/05/1990; Ord. 1190, Amended, 05/16/1987; Ord. 1007, Added, 09/18/1984)

**Section 8.** Section 17.04.440 of the Tumwater Municipal Code is hereby amended to read as follows:

**17.04.440 Short plat/subdivision.**

“Short plat/subdivision” means the division or redivision of land into ~~four~~nine or fewer lots, tracts, parcels, sites or divisions for the purpose of transfer of ownership, sale or lease and its map or representation containing all of the pertinent information as required by this title.

(Ord. 1308, Added, 10/15/1991)

**Section 9.** Section 17.04.460 of the Tumwater Municipal Code is hereby amended to read as follows:

**17.04.460 Subdivision.**

“Subdivision” means the division or redivision of land into ~~five~~ten or more lots, tracts, parcels, sites or divisions, which are less than five acres in area, whether immediate or future, for the purpose of sale, lease or transfer of ownership. This definition applies whether or not there is a dedication involved.

(Ord. 1308, Added, 10/15/1991)

**Section 10.** Section 18.04.030 of the Tumwater Municipal Code is hereby amended to read as follows:

**18.04.030 C definitions.**

“Camp facility” means an area or tract of land on which accommodations for temporary occupancy are located or may be placed, including cabins, lodges, tents, amphitheaters and areas and equipment for active and passive recreational uses, and which is primarily used for recreational purposes and retains an open air or natural character.

“Campground” or “recreational vehicle park” means any parcel of land under private or public ownership in which any sites are offered for rent or lease for the purpose of overnight camping in a recreational vehicle, tent, teepee, shelter or other accommodations for enjoying an outdoor experience. A campground designed to accommodate recreational vehicles may be considered to be a recreational vehicle park. A campground or recreational vehicle park shall not be considered to be a facility designed to accommodate mobile homes as defined in TMC 18.04.130.

“Canopy” means a permanent roof-like structure attached to and supported by a building.

“Caretaker dwelling” means a single-family dwelling unit accessory to a park, cemetery, golf course or camping facility use for occupancy by the owner/caretaker.

“Carwash” means a lot on which motor vehicles are washed and waxed, either by the patron or by others using machinery specially designed for that purpose.

“Cemetery” means land used or intended to be used for the burial of human and animal remains and dedicated for cemetery purposes, including columbariums, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

“Child day care center” means a person or agency that provides care for thirteen or more children during part of the twenty-four-hour day.

“Child mini-day care center” means a person or agency providing care during part of the twenty-four-hour day to twelve or fewer children in a facility other than the family abode of the person or persons under whose direct care the children are placed.

“Church” means 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.

“Club” means an organization of persons for some common purpose but not including groups organized primarily to render a service which is customarily carried on as a business, or which is operated for profit.

“Clustered subdivision” means a subdivision development in which building lots are smaller and placed closer together than conventional development in order to



preserve the remaining undeveloped land as open space and/or recreational land. Density requirements for clustered subdivisions are described in the text for the applicable zoning district.

“Community center” means a city-owned facility that provides recreational activities and programs for senior citizens, youth, general community and similar groups. The facility may contain classroom/multipurpose areas, a gymnasium, kitchen facilities, conference room, swimming pool (indoor or outdoor), office and administration space, and outdoor facilities similar to those found in parks (sports courts/fields, picnic areas, trails, parking, etc.).

“Community development department” means the department charged with the administration of the building and occupancy permits and for the interpretation of the zoning ordinance codified in this title. The director of the community development department will also be recognized as the administrative official and city planner.

“Community garden” means land managed by a public or nonprofit organization, or a group of individuals, that is used to grow edible plants and harvest food or ornamental crops from them for donation, sale, or use by those cultivating the land and their households. The majority of the products grown and produced from the community garden must be edible. “Community garden” does not include “collective garden” under Chapter 181, Laws of 2011 (E2SSB 5073).

“Conditional uses” means certain uses which because of special requirements or unusual characteristics related to the subject property, or because of possible detrimental effects on surrounding properties, may be permitted in use districts if found under the conditional use section, and after the granting of a conditional use permit by the hearing examiner. Conditional uses require a special degree of control to make such uses consistent with and compatible to other existing or permissible uses in the same zone or zones.

Convalescent Center. See “rest home,” “boardinghouse” and “group foster home,” TMC 18.04.170, 18.04.020 and 18.04.070.

Corner Lot. See “lot, corner,” TMC 18.04.120.

“Cornice” means a horizontal projection that crowns or completes a building or parking structure.

“Correctional facility” means: (A) a state or local government operated facility which provides for physical restriction of residents; (B) a facility to which persons are sentenced for a specific period of time by the court.

“Crematory” means a furnace or place of incineration of a corpse, whether human or animal.

“Cultural Resources” is physical evidence or place of past human activity, site, object, landscape, structure; or a site, structure, landscape, object or natural feature of significance to a group of people traditionally associated with it.

(Ord. O2013-013, Amended, 10/01/2013; Ord. O2010-029, Added, 06/07/2011; Ord. O2002-019, Amended, 01/07/2003; Ord. O2001-020, Added, 05/07/2002; Ord. O95-035, Amended, 12/19/1995; Ord. 883, Added, 05/06/1984. Formerly 18.04.105 – 18.04.150)

**Section 11.** 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.

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

“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. 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 12.** A new Section 18.40.065 is hereby added to the Tumwater Municipal Code to read as follows:

**18.40.065 Inadvertent Discovery of Archaeological and Cultural Resources.**

A. Building, grading, land clearing, shoreline, and development permits shall include the following note: When an unanticipated discovery of protected cultural material (e.g. bones, shell, stone tools, beads, ceramics, old bottles, hearths, etc.) or

human remains are discovered, the property owner or contractor will immediately stop all work, completely secure the location, and contact the Washington State Department of Archaeology and Historic Preservation and other contacts as identified in the City of Tumwater Standard Inadvertent Archaeological and Historic Resources Discovery Plan. The individual or representative whom the permit was issued to must send written notification of the inadvertent discovery to the City of Tumwater Department of Community Development.

**Section 13. 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.

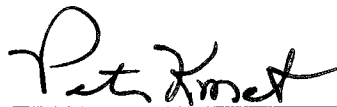
**Section 14. Ratification.** Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and affirmed.

**Section 15. 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 16. Effective Date.** This ordinance shall become effective thirty (30) days after passage, approval, and publication as provided by law.

ADOPTED this 5<sup>th</sup> day of September, 2017.

CITY OF TUMWATER

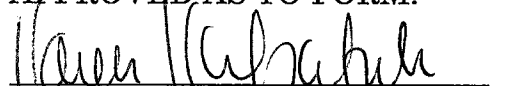


Pete Kmet, Mayor

ATTEST:

  
Melody Valiant, City Clerk

APPROVED AS TO FORM:

  
Karen Kirkpatrick, City Attorney

Published: 09-07-2017

Effective Date: 10-07-2017