ORDINANCE NO. O2026-010

AN ORDINANCE of the City Council of the City of Tumwater, Washington, related to transportation, amending Chapter 3.50, *Impact Fees*, Title 10, *Vehicles and Traffic*, and Chapter 15.48, *Transportation Concurrency Requirements* of the Tumwater Municipal Code as more particularly described herein.

WHEREAS, the Growth Management Act requires the City to periodically review and, if needed, revise its Comprehensive Plan and development regulations for consistency with applicable state law; and

WHEREAS, TMC Chapter 3.50, *Impact Fees* and Chapter 15.48, *Transportation Concurrency Requirements* require amendment to maintain consistency with state law, including RCW 36.70A.070, RCW 36.70A.696, RCW 82.02.060, and RCW 82.02.090; and

WHEREAS, state law requires impact fee schedules reflect the proportionate impacts of new housing units based on factors such as square footage, number of bedrooms, or trips generated, to produce proportionally lower impact fees for smaller housing units; and

WHEREAS, the City is amending its transportation impact fee requirements to reflect the proportionate transportation impacts of different types and sizes of residential development to comply with these state requirements; and

WHEREAS, state law expands the types of transportation improvements that may be funded through transportation impact fees to include certain bicycle and pedestrian facilities; and

WHEREAS, the City is amending impact fee credits eligibility to exclude frontage improvements and include only activities associated with the development and developments which are identified as system improvements that are to be funded in part by impact fees; and

WHEREAS, state law removes certain concurrency study requirements for housing added within existing buildings; and

WHEREAS, the City is amending its transportation concurrency requirements to maintain consistency with state law and the City's adopted Transportation Element; and

WHEREAS, the City is also proposing staff-initiated amendments to Title 10, specifically Chapter 10.04, *Model Traffic Ordinance*, Chapter 10.08, *Speed Limits*, Chapter 10.12, *Stop Intersections*, Chapter 10.24, *Parking,* related to speed, stop intersections, and no-parking zones to simplify and clarify requirements and improve administration and compliance; and

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

WHEREAS, this Ordinance is consistent with the goals and requirements of the Growth Management Act; and

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

WHEREAS, this Ordinance was sent to the Washington State Department of Commerce on October 5, 2026, 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 October 5, 2026, and a Determination of Non-Significance (DNS) was issued on October 16, 2026; and

WHEREAS, the Attorney General's Advisory Memorandum and Recommended Process for Evaluating Proposed Regulatory or Administrative Actions to Avoid Unconstitutional Takings of Private Property (October 2024) was reviewed and utilized by the City in objectively evaluating the proposed amendments; and

WHEREAS, the Planning Commission conducted a work session on October 13, 2026, and held a public hearing on November 10, 2026; and

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

WHEREAS, the General Government Committee discussed the Planning Commission's recommendation on the proposed code amendments at a briefing on November 18, 2026; and

WHEREAS, the City Council considered the proposed code amendments on December 15, 2026; and

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

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

Section 1. Section 3.50.020, Definitions, of the Tumwater Municipal Code is hereby amended to read as follows:

3.50.020 Definitions.
The following words and terms shall have the following meanings for the purposes of this title, unless the context clearly requires otherwise. Terms otherwise not defined herein shall be defined pursuant to RCW 82.02.090 or given their usual and customary meaning.

A. "Act" means the Growth Management Act, Chapter 17, Laws of 1990, First Extraordinary Session, Chapter 36.70A RCW et seq., and Chapter 32, Laws of 1991, First Special Session, RCW 82.02.050 et seq., as now in existence or as hereafter amended.

B. "Building permit" means the permit required for new construction and additions pursuant to TMC Chapter 15.04. The term "building permit," as used herein, shall not be deemed to include:

Permits required for the remodeling, rehabilitation, or other improvements to an existing structure or for rebuilding a damaged or destroyed structure, provided there is no increase in the applicable unit of measure (i.e., for non-residential construction) or number of dwelling units (for residential construction) resulting therefrom.

C. "Capital facilities" means the facilities or improvements included in the currently adopted city of Tumwater capital facilities plan.

D. "Capital facilities plan" means the city of Tumwater capital facilities plan element of the comprehensive plan adopted pursuant to Chapter 36.70A RCW, and such plan as amended.

E. "City" means the city of Tumwater.

F. "City of Tumwater transportation plan" means the transportation plan element of the comprehensive plan adopted pursuant to Chapter 35.63 RCW, or any amendment thereto, and such plan as amended.

G. "Cottage housing" means residential units on a lot with a common open space that either: (1) is owned in common; or (2) has units owned as condominium units with property owned in common and a minimum of twenty percent of the property as open space.

H. "Council" means the city council of Tumwater.

I. "Department" means the department of community development.

J. "Development activity" means any construction or expansion of a building, structure, or use, any change in use of a building or structure, or any change in the use of land that creates additional demand and need for public facilities. "Development activity" does not include:

1. Buildings or structures constructed by a regional transit authority as defined under RCW 81.112.020 or

2. Buildings or structures constructed as shelters that provide emergency housing for people experiencing homelessness, or emergency shelters for victims of domestic violence, as defined in RCW 70.123.020.

K. "Development approval" means any written authorization from the city which authorizes the commencement of a development activity.

L. "Dwelling unit" – see definition in TMC 18.04.

M. "Direct access improvements" means frontage improvements and other roadway construction required by city of Tumwater ordinance or other access improvements necessary for approval of a development activity.

N~~M~~. "Director" means the director of community development or the director's designee.

O~~N~~. "Duplex" means a building designed for and used exclusively for occupancy by two families independent of each other where both dwelling units are located on the same lot and are completely separated from each other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for common stairwell or garage exterior to both dwelling units.

P~~O~~. "Encumber" means to reserve, set aside or otherwise earmark the impact fees in order to pay for commitments, contractual obligations or other liabilities incurred for public facilities.

Q~~P~~. "Fire impact fee rate study" means the rate study for impact fees for fire protection facilities dated January 8, 2003, which is incorporated herein by reference, a copy of which is on file with the city clerk.

R~~Q~~. "Hearing examiner" means the land use hearing examiner who acts on behalf of the council in considering and applying land use regulatory codes as provided under TMC Chapter 2.58.

S~~R~~. "Impact fee" means ~~the fee levied pursuant to this chapter as a condition of issuance of a building permit or development approval. "Impact fee" does not include a reasonable permit or application fee and does not preclude a SEPA mitigation fee.~~ a fee imposed as a condition of development approval to pay for

public facilities needed to serve new development and does not include typical permit fees or preclude a SEPA mitigation fee. An impact fee must:

1. Be reasonably related to the additional demand and need for public facilities created by the new development;

2. Represent a proportionate share of the cost of those public facilities; and

3. Be used for facilities that reasonably benefit the new development.

TS. "Impact fee account" or "account" means the account established for each type of public facility for which impact fees are collected. Such account shall be established pursuant to TMC 3.50.080 and shall comply with the requirements of RCW 82.02.060.

UT. "Impact fee schedule" means the fee schedules set forth in TMC 3.50.125, 3.50.130 and 3.50.135, as reflected in the currently adopted and amended fee resolution.

VU. "Independent fee calculation" means the traffic engineering calculation, the fire protection facilities calculation, and/or economic documentation prepared by a feepayer to support the assessment of an impact fee other than by the use of the impact fee schedules.

WV. "Interest" means the interest rate earned by the city on an impact fee account.

XW. "Middle housing" means buildings that are compatible in scale, form, and character with single-family detached dwellings that contain two to four attached or stacked dwelling units, including duplexes, triplexes, quadplexes, and stacked flats, as well as townhouses or cottage housing with three or more dwelling units.

YX. "Olympia School District study" means the Olympia School District rate study for interim impact fees for school facilities for adoption by the city of Olympia, the city of Tumwater and Thurston County, Washington, and such study as amended, which is incorporated herein by reference, a copy of which is on file with the city clerk. For the purpose of this chapter, the Olympia School District study applies only to those properties within the city of Tumwater that lie within Olympia School District No. 111.

ZY. "Owner" means the owner of record of real property, or a person with an unrestricted written option to purchase property; provided, that if the real property is being purchased under a recorded real estate contract, the purchaser shall be considered the owner of the real property.

AAZ. "Project improvements" means site improvements and facilities that are planned and designed to provide service for a particular development or users of the project, and are not system improvements. No improvement or facility included in a capital facilities plan approved by the council shall be considered a project improvement.

BB~~AA~~. "Public facilities" means ~~public streets and roads, Tumwater School District No. 33 infrastructure, and Olympia School District No. 111 infrastructure.~~ the following capital facilities owned or operated by government entities:

1. Public streets and roads;

2. Bicycle and pedestrian facilities that are designed with multimodal commuting as an intended use;

2. Publicly owned parks, open space, and recreation facilities with impact fees discussed in TMC 3.52;

3. School facilities; and

4. Fire protection facilities.

CC~~BB~~. "Quadplex" means a building designed for and used exclusively for occupancy by four families independent of each other where all four dwelling units are located on the same lot and are completely separated from each other, except for common stairwells or garages.

DD~~CC~~. "Road" means a right-of-way that affords the principal means of access to abutting property, and its accompanying signalization improvements, including an avenue, place, way, drive, lane, boulevard, highway, street, and other thoroughfare, except an alley.

EE~~DD~~. "Single-family detached dwelling" means a building that is not attached in any way to another dwelling unit or structure that provides complete, independent living facilities for a family.

FF~~EE~~. "Square footage" means the square footage of the gross floor area of the development.

GG~~FF~~. "Stacked flat" means dwelling units in a residential building of no more than three stories in which each floor may be separately rented or owned as one dwelling unit.

HH~~GG~~. "State" means the state of Washington.

II~~HH~~. "System improvements" means public facilities that are included in the capital facilities plan and are designed to provide service within the community at large, in contrast to project improvements.

JJ~~II~~. "TMC" means the Tumwater Municipal Code.

KK~~JJ~~. "Townhouse" means one of a line or row of three or more dwelling units attached one to the other, having common walls between individual units, generally two stories in height (and sometimes three). Each unit occupies the space between common walls from the lowest level to the roof, where common walls are the property lines between units, and that have a yard or public or private street, alleys, pathways, or similar feature which the public has a right of use on not less than two sides.

LL~~KK~~. "Transportation impact fee program" means the city of Tumwater transportation impact fee program, as adopted by the city council and as hereafter amended, a copy of which is on file with the city clerk.

MM~~LL~~. "Triplex" means a building designed for and used exclusively for occupancy by three families independent of each other where all three dwelling units are located on the same lot and are completely separated from each other, except for common stairwells or garages.

NN~~MM~~. "Tumwater School District study" means the 2004 Tumwater School District No. 33 Capital Facilities Plan 2004-2010, and such future plan, as amended, for adoption by the city of Tumwater, and Thurston County, Washington, which is incorporated herein by reference, a copy of which is on file with the city clerk. For the purpose of this chapter, the Tumwater School District study applies only to those properties within the city of Tumwater that lie within Tumwater School District No. 33.

(Ord. O2025-011, Amended, 12/16/2025; Ord. O2011-002, Amended, 03/01/2011; Ord. O2010-008, Amended, 05/04/2010; Ord. O2007-024, Amended, 03/18/2008; Ord. O2004-026, Amended, 01/04/2005; Ord. O2002-029, Amended, 04/01/2003; Ord. O99-024, Amended, 12/21/1999; Ord. O96-027, Amended, 10/15/1996; Ord. O94-038, Amended, 12/06/1994; Ord. 1333, Added, 10/20/1992)

Section 2. Section 3.50.030, Assessment of impact fees, of the Tumwater Municipal Code is hereby amended to read as follows:

3.50.030 Assessment of impact fees.

A. The city shall collect impact fees, as set forth in TMC 3.50.125, 3.50.130, 3.50.135 and 3.50.140, from any applicant seeking development approval from the city, for any development activity within the city, where such development activity requires the issuance of a building permit, except that nonresidential development shall not be assessed an Olympia schools impact fee, or a Tumwater schools impact fee.

B. Impact fees shall be collected from the feepayer prior to issuing the development approval, using the impact fee schedules in effect on the date of the application for the development activity, except as provided in TMC 3.50.035.

C. The city's impact fee schedule shall reflect the proportionate impact of new dwelling units, including multifamily units, based on the square footage, number of bedrooms, or trips generated, in the dwelling unit to produce a proportionally lower impact fee for smaller dwelling units.

(Ord. O2016-008, Amended, 06/21/2016; Ord. O2007-024, Amended, 03/18/2008; Ord. O2004-026, Amended, 01/04/2005; Ord. O2002-029, Amended, 04/01/2003; Ord. 1357, Amended, 06/01/1993; Ord. 1333, Added, 10/20/1992)

Section 3. Section 3.50.050, Credits, of the Tumwater Municipal Code is hereby amended to read as follows:

3.50.050 Credits.

A. A feepayer can request that a credit or credits be awarded to him/her for the value of dedicated land, improvements, or construction provided by the feepayer if the land and/or the facility constructed are system improvements that provide capacity to serve new growth beyond that associated with the fee payer's development, and said system improvements are included within the adopted capital facilities plan and identified as system improvements that are to be funded in part by impact fees.

B. For each request for a credit or credits, the feepayer shall retain an appraiser approved by the department to determine the value of the dedicated land, improvements, or construction provided by the feepayer.

C. The feepayer shall pay the cost of the appraisal or request that the cost of the appraisal be conducted from the credit which the department may be providing to the feepayer.

D. After receiving the appraisal, the director shall provide the applicant with a letter or certificate setting forth the dollar amount of the credit, the reason for the credit, where applicable, the legal description of the site donated, and the legal description or other adequate description of the project or development to which the credit may be applied. The applicant must sign and date a duplicate copy of such letter or certificate indicating theirhis/her agreement to the terms of the letter or certificate, and return such signed document to the director before the impact fee credit will be awarded. The failure of the applicant to sign, date, and return such document within sixty days shall nullify the credit.

E. Any claim for credit must be made not later than the time of application for a building permit. Any claim not so made shall be deemed waived, unless such claim is made within twenty days of the application.

F. No credit shall be given for project improvements or right-of-way dedications for direct access improvements to and/or within the development in question. Where a project provides for direct access to or within the development and also provides a system improvement, credit may be granted for only the incremental increase in project cost attributable to the system-wide aspects of the project.

G. A feepayer can also request that a credit be granted in a situation involving the replacement or alteration of an existing structure on the same parcel where the current or prior use of that structure had an impact on public facilities. In this situation, the credit may be requested only for the amount of an impact fee that would be assessed under this chapter for the highest level of impact previously caused by use of the structure. Procedures for establishing the availability of such a credit shall be as set forth in TMC 3.50.040(A)(4). When a credit is granted in this

situation, the feepayer shall be assessed an impact fee only for the incremental increase in impact caused by the replacement or alteration above the highest level of impact of current or documented previous uses.

H. Eligible credits above and beyond a project's impact will be paid to the feepayer no sooner than the year that the improvement was shown in the capital facilities plan provided unencumbered funds are available in the impact fee account. If not available when requested, such requests for payment shall be made on a first-come, first-served basis.

I. ~~Determinations made by the director pursuant to this section shall be subject to the appeals procedures set forth in TMC 3.50.070.~~Credits shall not exceed the associated impact fees assessed on the development.

J. No credit shall be given for project improvements, including frontage improvements and right-of-way dedication required to meet the prescribed minimum widths along the project frontages.

K. Determinations made by the transportation and engineering director pursuant to this section shall be subject to the appeals procedures set forth in TMC 3.50.070.

(Ord. O99-045, Amended, 12/21/1999; Ord. O94-038, Amended, 12/06/1994; Ord. 1333, Added, 10/20/1992)

Section 4. Section 10.04.010, Adoption by reference, of the Tumwater Municipal Code is hereby amended to read as follows:

10.04.010 Adoption by reference.

The Washington Model Traffic Ordinance, Chapter 308-330 WAC, except WAC 308-330-500 through 308-330-565, is hereby adopted by reference as the traffic ordinance of the city of Tumwater as if set forth in full.

(Ord. O97-031, Amended, 10/21/1997; Ord. O94-027, Amended, 06/21/1994; Ord. 1129, Amended, 07/07/1987; Ord. 965, Amended, 03/15/1983; Ord. 764, New, 11/16/1976)

Section 5. Chapter 10.08, Speed Limits, of the Tumwater Municipal Code is hereby amended to read as follows:

10.08.010 Speed limits – Generally.

Pursuant to RCW 46.61.415, the maximum speed limit for City streets shall be as shown on erected signs approved by the director of transportation and engineering or their designee~~and when signs are erected giving notice thereof, the maximum speed limit upon the following streets or portions thereof, and during such times as may be specified herein, shall be as set forth in this chapter~~.

(Ord. 1090, Amended, 02/03/1987; Ord. 1082, Amended, 12/02/1986; Ord. 1037, Amended, 06/19/1985; Ord. 848, Amended, 08/07/1979; Ord. 820, Amended,

04/18/1978; Ord. 765, Amended, 11/16/1976; Ord. 736, Amended, 04/20/1976; Ord. 596, Added, 10/05/1971)

~~10.08.020 Thirty miles per hour.~~

~~The maximum speed limit upon the following streets is thirty miles per hour:~~

~~A. Linderson Way SW from a point two hundred fifty feet south of the south right-of-way line of Lee Street to Tumwater Boulevard SW;~~

~~B. Littlerock Road from Trosper Road SW to a point two hundred fifty feet south of the south right-of-way line of Bishop Road SW;~~

~~C. Second Avenue SW from Trosper Road SW to Desoto Street SW;~~

~~D. 29th Avenue S.W. from R.W. Johnson Boulevard SW to the Burlington Northern Railroad easterly right-of-way.~~

~~(Ord. O2007-001, Amended, 03/20/2007; Ord. O96-036, Amended, 10/15/1996; Ord. 1090, Amended, 02/03/1987; Ord. 1082, 12/02/1986; Ord. 1037, Amended, 06/18/1985; Ord. 848, Amended, 08/07/1979; Ord. 820, Amended, 04/18/1978; Ord. 765, Amended, 11/05/1976; Ord. 736, Amended, 04/20/1976; Ord. 596, Added, 10/05/1971)~~

~~10.08.030 Thirty-five miles per hour.~~

~~The maximum speed limit upon the following streets is thirty-five miles per hour:~~

~~A. Capitol Boulevard from the north city limits to 73rd Avenue SE;~~

~~B. Center Street SW from 73rd Avenue SW to 83rd Avenue SW;~~

~~C. Cleveland Avenue SE from Custer Way SE to Delta Lane SE;~~

~~D. 83rd Avenue SE from Armstrong Road SW to Kimmie Street SW;~~

~~E. Henderson Boulevard SE from Yelm Highway SE to the south city limits;~~

~~F. Israel Road SW from Littlerock Road SW to the overpass on Interstate 5;~~

~~G. Kimmie Street SW from 83rd Avenue SW to 93rd Avenue SW;~~

~~H. Kirsop Road SW from Trosper Road SW to the city limits;~~

~~I. R.W. Johnson Boulevard SW from 25th SW to Sapp Road SW;~~

~~J. Littlerock Road SW from the south city limits to Bishop Road SW;~~

~~K. Mottman Road SW from North 9th Avenue SW to the west city limits;~~

~~L. Sapp Road SW from Rural Road SW to the west city limits;~~

~~M. Trosper Road SW from Schoth Street SW to the west city limits;~~

~~N. Tumwater Boulevard SW from Littlerock Road SW to Henderson Boulevard SE;~~

~~O. 25th Avenue SW from Mottman Road SW to R.W. Johnson Boulevard SW;~~

~~P. Yelm Highway SE from Delta Lane SE to Henderson Boulevard SE.~~

~~(Ord. O2007-001, Amended, 03/20/2007; Ord. 1249, Amended, 08/07/1990; Ord. 1090, Amended, 02/03/1987; Ord. 1082, Amended, 12/02/1986; Ord. 1037, Amended, 06/18/1985; Ord. 848, Amended, 08/07/1979; Ord. 820, Amended, 04/18/1978; Ord. 765, Amended, 11/05/1976; Ord. 736, Amended, 04/20/1976; Ord. 596, Added, 10/05/1971)~~

~~10.08.040 Forty miles per hour.~~

~~The maximum speed limit upon the following streets is forty miles per hour:~~

~~A. Old Highway 99 SE from 73rd Avenue SE to 79th Avenue SE.~~

~~(Ord. O2007-001, Amended, 03/20/2007; Ord. 1090, Amended, 02/03/1987; Ord. 1082, Amended, 12/02/1986; Ord. 1037, Amended, 06/18/1985; Ord. 848, 08/07/1979; Ord. 820, Amended, 04/18/1978; Ord. 765, Amended, 11/05/1976; Ord. 736, Amended, 04/20/1976; Ord. 596, Added, 10/05/1971)~~

~~10.08.050 Forty-five miles per hour.~~

~~The maximum speed limit upon the following streets is forty-five miles per hour:~~

~~A. Black Lake Boulevard SW from the north city limits to the south city limits.~~

~~(Ord. O2007-001, Amended, 03/20/2007; Ord. 1090, Amended, 02/03/1987; Ord. 1082, Amended, 12/02/1986; Ord. 1037, Amended, 06/18/1985; Ord. 848, 08/07/1979; Ord. 820, Amended, 04/18/1978; Ord. 765, Amended, 11/05/1976; Ord. 736, Amended, 04/20/1976; Ord. 596, Added, 10/05/1971)~~

~~10.08.060 Fifty miles per hour.~~

~~The maximum speed limit upon the following streets is fifty miles per hour:~~

~~A. 88th Avenue SW from Old Highway 99 to Tilley Road SW lying north of 93rd Avenue SW;~~

~~B. 93rd Avenue SW from Tilley Road SW lying south of 93rd Avenue SW to the east city limits;~~

~~C. Old Highway 99 from 79th Avenue SE to the south city limits;~~

~~D. Tilley Road SW from 99th Avenue SW to 93rd Avenue SW.~~

~~(Ord. O2007-001, Amended, 03/20/2007; Ord. 1090, Amended, 02/03/1987; Ord. 1082, Amended, 12/02/1986; Ord. 1037, Amended, 06/18/1985; Ord. 848, Amended, 08/07/1979; Ord. 820, Amended, 04/18/1978; Ord. 765, Amended, 11/05/1976; Ord. 736, Amended, 04/20/1976; Ord. 596, Added, 10/05/1971)~~

Section 6. Chapter 10.12, Stop Intersections, of the Tumwater Municipal Code is hereby deleted in its entirety:

~~**Chapter 10.12**~~

~~**STOP INTERSECTIONS**~~

~~**10.12.010 Stop intersections designated.**~~

~~When signs are erected giving notice thereof, drivers of vehicles shall stop at every intersection before entering any of the following streets or parts of streets:~~

~~1. 25th Avenue Southwest from Mottman Road to R.W. Johnson Boulevard;~~

~~2. Boston Street from Hazelhurst to East Lee Street;~~

~~3. Capitol Boulevard from Gleason Road to Trosper Road;~~

~~4. Capitol Boulevard from Trosper Road to Carlyon Avenue;~~

~~5. Cleveland Avenue from Custer Way to Capitol Boulevard;~~

~~6. Cleveland Avenue from Custer Way to south city limits;~~

~~7. Custer Way from Capitol Boulevard to Cleveland Avenue;~~

~~8. Custer Way from South 2nd Avenue to Capitol Boulevard;~~

~~9. Desoto Avenue from North 4th Avenue to North 2nd Avenue;~~

~~10. East Dennis Street from Capitol Boulevard to end;~~

~~11. East Lee Street from Boston Street to Capitol Boulevard;~~

~~12. Elm Street from East Dennis Street to Hazelhurst Drive;~~

~~13. Ferry Street from North 7th Avenue to North 4th Avenue;~~

~~14. Hazelhurst Drive from East Hixon Drive to Boston Street;~~

~~15. Hoadly Street from South Street to North Street;~~

~~16. Irving Street from North 9th to North 7th Avenue;~~

~~17. Israel Road from Littlerock Road to Capitol Boulevard;~~

~~18. Lake Park Drive from Linwood Avenue to Trosper Road;~~

~~19. Linderson Way from West Lee Street to Israel Road;~~

~~20. Linwood Avenue from South 2nd Avenue to the west city limits;~~

~~21. Littlerock Road from Trosper Road to south city limits;~~

~~22. Mottman Road from North 9th Avenue to the west city limits;~~

~~23. North 7th Avenue from Ferry Street to West Bates Street;~~

~~24. North 7th Avenue from Irving Street to Ferry Street;~~

~~25. North 9th Avenue from Mottman Road to Irving Street;~~

~~26. North 3rd Avenue becoming South 3rd Avenue at Division from West Bates to South 2nd Avenue;~~

~~27. North 2nd Avenue becoming South 2nd Avenue at Division from Desoto Avenue to Trosper Road;~~

~~28. North 4th Avenue from Ferry Street to Desoto Avenue;~~

~~29. North 9th Avenue from Ferry Street to Grant Street;~~

~~30. North Street from Cleveland Avenue to east city limits;~~

~~31. R.W. Johnson Boulevard from 25th Avenue Southwest to a point one thousand seven hundred forty feet south of 25th Avenue Southwest;~~

~~32. Sapp Road from Rural Road to the west city limits;~~

~~33. South Street from Cleveland Avenue to Hoadly Street;~~

~~34. Trosper from South 2nd Avenue to west city limits at Rural Road;~~

~~35. Trosper Road from South 2nd Avenue to Capitol Boulevard;~~

~~36. West Bates Street from North 7th Avenue to North 3rd Avenue;~~

~~37. West Lee Street from Capitol Boulevard to Linderson Way;~~

~~38. West Dennis from Capitol Boulevard to 11th Avenue Southwest.~~

~~(Ord. O94-023, Amended, 06/07/1994; Ord. 1090, Amended, 02/03/1987; Ord. 1082, Amended, 12/02/1986; Ord. 1037, Amended, 06/18/1985; Ord. 848, Amended, 08/07/1979; Ord. 820, Amended, 04/18/1978; Ord. 765, Amended, 11/05/1976; Ord. 736, Amended, 04/20/1976; Ord. 596, Added, 10/05/1971)~~

Section 7. Section 10.24.010, Parking on certain streets – Prohibited at all times, of the Tumwater Municipal Code is hereby amended to read as follows:

10.24.010 Parking on certain streets – Limitations~~Prohibited at all times~~.
The director of transportation and engineering is authorized to erect signs prohibiting parking or limiting the hours for parking upon the improved or unimproved portion of any public street, highway, alley, right-of-way, or publicly owned parking lot.

~~When signs are erected giving notice thereof, no person shall at any time park or stand a vehicle on any of the following described streets or parts of streets:~~

~~1. Alley in Block B, Woodland Addition, north and south sides, from the east right-of-way line of Erie Street to the west right-of-way line of Cleveland Avenue;~~

~~2. Barnes Boulevard, east and west sides, from the north right-of-way line of "I" Street to the east right-of-way line of Crosby Boulevard;~~

~~3. Bay Loop, westerly-most couplet, southbound roadway, east and west sides, from Bay Street to the south right-of-way of the north-south portion of Bay Loop;~~

~~4. Bay Loop, easterly-most couplet, southbound roadway, east and west sides, from Bay Street to the south right-of-way of the north-south portion of Bay Loop;~~

~~5. Bonniewood Drive, east and west sides, from a point one hundred twenty-five feet south of the south right-of-way line of Scott Street to the north right-of-way line of Old Highway 99;~~

~~6. Capitol Boulevard, east side, from the north city limit line to the south city limit line;~~

~~7. Capitol Boulevard, west side, from the north city limit line to a point two hundred feet south of Carlyon Avenue;~~

~~8. Capitol Boulevard, west side, from a point five hundred feet north of Custer Way to the south city limits line;~~

~~9. Capitol Boulevard, west side, from a point one hundred sixty feet northeast of the point where the northerly right-of-way line of Emerson Street extended intersects the westerly right-of-way line of Capitol Boulevard, to a point two hundred thirty-five feet northeast of the same intersection point;~~

~~10. Clark Place, east side, from Custer Way to East Bates Street;~~

~~11. Cleanwater Lane, east and west sides, from a point two hundred feet south of the south right-of-way line of Israel Road to the north right-of-way line of Tumwater Boulevard;~~

~~12. Cleveland Avenue, east side, from Capitol Boulevard to a point three hundred twenty feet south of the south line of North Street;~~

~~13. Cleveland Avenue, west side, from a point one hundred eighty feet north of the north right-of-way limits of North Street to a point ninety-five feet south of the south line of North Street;~~

~~14. Crosby Boulevard, east and west side, from the north city limit line to the south end of Crosby Boulevard;~~

~~15. Custer Way, north and south sides, from Cleveland Avenue to 2nd Avenue;~~

~~16. "E" Street, both sides, between Capitol Boulevard and Deschutes Way;~~

~~17. Dennis Street (East), north side, from the east right-of-way line of Capitol Boulevard to a point two hundred feet east of said line;~~

~~18. Dennis Street (East), south side, from the east right-of-way line of Capitol Boulevard to a point one hundred seventy feet east of said line;~~

~~19. Dennis Street (East), south side, from a point one thousand two hundred seventy-one and eighty-one one-hundredths feet east of the east right-of-way line of~~

~~Dennis Court SE, to a point one thousand three hundred seventy-six and eighty-one one-hundredths feet east of the east right-of-way line of Dennis Court SE;~~

~~20. Dennis Street (West), north side, from the west right-of-way line of Capitol Boulevard to a point two hundred forty feet west of said line;~~

~~21. Dennis Street (West), south side, from the west right-of-way line of Capitol Boulevard to a point three hundred forty feet west of said line;~~

~~22. Deschutes Way, east side, south from the Tumwater Falls Park exit driveway to the north right-of-way line of "E" Street;~~

~~23. Deschutes Way, west side, from a point six hundred fifty feet north of the north right-of-way line of "C" Street to a point eight hundred feet north of the north right-of-way line of "C" Street;~~

~~24. Elm Street, west side, from the south right-of-way line of East Pinehurst Street to a point one hundred thirty-five feet south of the south right-of-way line of East Pinehurst Street;~~

~~25. Erie Street, east side, from Custer Way to East Bates Street;~~

~~26. Irving Street, north and south sides, from the east right-of-way line of Crosby Boulevard to a point six hundred twenty feet east of said right-of-way line;~~

~~27. Israel Road, north and south sides, from Bonniewood Drive to the east right-of-way line on Littlerock Road;~~

~~28. Lake Park Drive, east side, from a point forty feet south of the south right-of-way line of Central Avenue to a point fifteen feet north of the south right-of-way line of Central Avenue;~~

~~29. Lee Street (West), north and south sides, from the west right-of-way line of Capitol Boulevard to a point one hundred twenty-five feet west of the west right-of-way line of Capitol Boulevard, and from a point five hundred eighty-five feet west of the west right-of-way line of Capitol Boulevard to a point one thousand feet west of the west right-of-way line of Capitol Boulevard;~~

~~30. Linderson Way, east and west sides, from the south right-of-way line of Israel Road to the north right-of-way line of 83rd Avenue;~~

~~31. Linwood Avenue, south side, from 2nd Avenue to 6th Avenue;~~

~~32. Linwood Avenue, north side, from 2nd Avenue to 5th Avenue;~~

~~33. Linwood Avenue, north side, from the east right-of-way line of 7th Avenue/Barnes Boulevard to a point sixty-two feet east of said east right-of-way line;~~

~~34. Littlerock Road, east and west sides, from Trosper Road to the south city limits line;~~

~~35. "M" Street, north and south sides, between Capitol Boulevard and Rainier Avenue;~~

~~36. Market Street, east and west sides, from the east right-of-way line of Capitol Boulevard to a point ninety-five feet east of the east right-of-way line of Capitol Boulevard;~~

~~37. Mottman Road, north and south sides, from the east right-of-way line of Crosby Boulevard to a point six hundred feet east of the east right-of-way line of Crosby Boulevard;~~

~~38. Mottman Road, north and south sides, from the west right-of-way line of Crosby Boulevard to the nearest boundary with the city of Olympia;~~

~~39. New Market Street SW, east and west sides, from the centerline of Israel Road SW south six hundred sixty feet to the south limits of city property;~~

~~40. New Market Street, east and west sides, from a point seven hundred feet north of the north right-of-way line of Tumwater Boulevard to the north right-of-way line of Tumwater Boulevard;~~

~~41. North Street, north and south sides, from Cleveland Avenue to the east city limits;~~

~~42. Pinehurst Street West, north and south sides, from Capitol Boulevard to the west boundary;~~

~~43. R.W. Johnson Boulevard, on the east and west sides, from the south right-of-way line on 29th Avenue to a point one hundred feet south of the south right-of-way line of 29th Avenue;~~

~~44. R.W. Johnson Boulevard, on the east and west sides, from the north right-of-way line on 29th Avenue to a point one hundred feet north of the north right-of-way line of 29th Avenue;~~

~~45. South Street, east side, from the west right-of-way line of Pifer Road to the north right-of-way line of South Street;~~

~~46. Somerset Hill Drive, north and south sides, from the west right-of-way line of Crosby Boulevard to the east right-of-way line of R.W. Johnson Boulevard;~~

~~47. Trosper Road, north side, from the west right-of-way line of Capitol Boulevard to the west right-of-way line of Lake Park Drive, and from a point two hundred twenty feet west of the west right-of-way line of Lake Park Drive to a point seven hundred fifty feet west of the west right-of-way line of Lake Park Drive;~~

~~48. Trosper Road, south side, from the west right-of-way line of Capitol Boulevard to a point seven hundred fifty feet west of the west right-of-way line of Lake Park Drive;~~

~~49. Tumwater Boulevard, north and south sides, from the east city limit line to Littlerock Road;~~

~~50. "U" Street, north and south sides, from the west right-of-way line of Margo Place to the east right-of-way line of Capitol Boulevard, a distance of four hundred nine feet;~~

~~51. Vista Loop, east and west sides, from the north terminus at Barnes Boulevard to the south terminus with Barnes Boulevard;~~

~~52. "X" Street (East), north and south sides, from a point two hundred fifty-five feet east of the east right-of-way line of Capitol Boulevard to the east right-of-way line of Capitol Boulevard;~~

~~53. "X" Street (West), north side, from the west right-of-way line of Capitol Boulevard to a point two hundred thirty feet west of the west right-of-way line of Capitol Boulevard;~~

~~54. 2nd Avenue North, west side, from Desoto Avenue to Bates Street;~~

~~55. 2nd Avenue, west side, from a point one hundred feet north of Little Street to the intersection of Little Street;~~

~~56. 12th Avenue, east and west sides, from the south right-of-way line of Irving Street to the north right-of-way line of Vista Loop;~~

~~57. 29th Avenue, north and south sides, from the west right-of-way line of R.W. Johnson Boulevard to a point one hundred feet west of the west right-of-way line of R.W. Johnson Boulevard;~~

~~58. 73rd Avenue, north and south sides, from the east city limits to the east right-of-way line along Capitol Boulevard;~~

~~59. 73rd Avenue, north and south sides, from a point six hundred sixty feet east of the east right-of-way line of Linderson Way to the east right-of-way line of Linderson Way.~~

(Ord. O2010-021, Amended, 10/19/2010; Ord. O2009-011, Amended, 08/04/2009; Ord. O2009-002, Amended, 01/20/2009; Ord. O2003-010, Amended, 03/18/2003; Ord. O2002-009, Amended, 04/16/2002; Ord. O2001-004, Amended, 03/06/2001; Ord. O96-042, Amended, 12/17/1996; Ord. O96-028, Amended, 09/03/1996; Ord. 1373, Amended, 02/16/1993; Ord. 1337, Amended, 08/04/1992; Ord. 1306, Added, 10/15/1991)

Section 8. Section 10.24.020, Parking on certain streets prohibited during certain hours, of the Tumwater Municipal Code is hereby deleted in its entirety:

~~**10.24.020 Parking on certain streets prohibited during certain hours.** When signs are erected giving notice thereof, no person shall park or stand a vehicle in violation of the provisions set forth in this section:~~

~~A. Custer Way, on the north side, from the east right-of-way line of Erie Street to a point two hundred eighty feet east of the east right-of-way line of Erie Street, limited to one hour between the hours of 9:00 a.m. and 6:00 p.m. the following day;~~

~~B. Cleveland Avenue, on the westerly side, between the south line of Emerson Street and a point three hundred sixty feet south of the south line of Emerson Street, limited to thirty minutes during all hours, except Sundays and public holidays;~~

~~C. Dorchester Drive, east and west sides, from the west right-of-way line of Hampton Court through the limits of the cul-de-sac, no parking between the hours of 8:00 a.m. to 5:00 p.m. Monday through Friday;~~

~~D. Margo Place on the west and east sides, from the south side of Pinehurst Drive to the north side of Laurelhurst Drive, limited to one hour between the hours of 8:00 a.m. and 6:00 p.m., except Saturdays, Sundays and public holidays;~~

~~E. Linderson Way, on the east side, from a point one hundred eighty feet north of the north right-of-way line of Tartan Drive to the north right-of-way line of Israel Road, no parking between the hours of 7:00 a.m. to 2:00 p.m.;~~

~~F. The west side of Firland Street SW from 27th Avenue to 29th Avenue and the east side of Noble Street SW from 28th Avenue SW to 29th Avenue SW and the south side of 28th Avenue SW from Noble Street SW to Firland Street, limited by no parking Monday through Friday.~~
~~(Ord. O96-029, Amended, 08/20/1996; Ord. O96-028, Amended, 09/03/1996; Ord. O95-010, Amended, 03/07/1995; Ord. 1337, Added, 08/04/1992)~~

Section 9. Section 10.24.030, Residential exemptions, of the Tumwater Municipal Code is hereby deleted in its entirety:

~~**10.24.030 Residential exemptions.**~~
~~A. Streets Subject to Exemption. For the streets or portions of streets enumerated below, only vehicles holding duly authorized parking permits may stand, stop or park on such streets:~~

~~1. Margo Place on the west and east sides, from the south side of Pinehurst Drive to the north side of Laurelhurst Drive.~~

~~2. The west side of Firland Street SW from 27th Avenue to 29th Avenue and the east side of Noble Street SW from 28th Avenue SW to 29th Avenue SW and the south side of 28th Avenue SW from Noble Street SW to Firland Street SW.~~

~~B. Permit Issuance Procedures. The police chief or his/her designee shall promulgate written criteria for the issuance or denial of permit requests including procedures by which such requests are processed. Such procedures and criteria shall provide that any person who resides immediately adjacent to the streets or portions of streets described above may apply to the Tumwater police department for a permit as described in the preceding subsection for each vehicle registered in~~

~~his/her name. That vehicle may thereafter park in any legal on-street parking space located within the applicable area as an exemption from the no parking restriction. In addition, any such person may similarly apply for temporary visitors' permits for vehicles of any persons visiting their home. Exemption for vehicles registered shall be valid only for so long as the person named therein remains the registered owner of the vehicle and so long as the person remains a resident of or visitor to the applicable residence.~~

~~(Ord. O96-029, Amended, 08/20/1996; Ord. 974, Added, 09/20/1983)~~

Section 10. Section 15.48.050, Exemptions from the concurrency test, of the Tumwater Municipal Code is hereby amended to read as follows:

15.48.050 Exemptions from the concurrency test.

The following applications for a land use permit or, if a land use permit is not required, a building permit shall be exempt from the concurrency test; provided, that this exemption from the concurrency test is not an exemption from TMC Chapter 3.50.

A. Any proposed development that creates no additional impacts on any transportation facility;

B. Any project that is a component of another proposed development and that was included in a prior application for a finding of concurrency;

C. Any application for a residential building permit if the dwelling unit is a part of a subdivision or short plat that submitted an application and that has undergone a concurrency test and received concurrency approval as part of plat approval; ~~and~~

D. Any application that is exempt from TMC Title 16, Environment~~.~~; and

E. Applications where additional residential units are constructed within the existing structure following RCW 35.21.990.

(Ord. O2024-005, Amended, 12/03/2024; Ord. O2010-017, Amended, 12/21/2010; Ord. O95-022, Added, 11/07/1995)

Section 11. 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 12. Ratification. Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and affirmed.

Section 13. 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 14. **Effective Date**. This Ordinance shall become effective thirty days after passage, approval, and publication as provided by law.

ADOPTED this _____ day of _____, 20_____.

CITY OF TUMWATER

_____
Leatta Dahlhoff, Mayor

ATTEST:

_____
Melody Valiant, City Clerk

APPROVED AS TO FORM:

_____
Karen Kirkpatrick, City Attorney

Published: _____

Effective Date: _____