

ORDINANCE NO. O2026-002

AN ORDINANCE of the City Council of the City of Tumwater, Washington, amending Title 18 of the Tumwater Municipal Code to address minor development code housekeeping amendments.

WHEREAS, during 2025 and 2026, staff gathered information on proposed minor development code housekeeping amendments to the Tumwater Municipal Code to be considered collectively in 2026; 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 February 25, 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 February 13, 2026, and a Determination of Non-Significance (DNS) was issued on March 6, 2026; and

WHEREAS, the Attorney General *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 received a briefing on the proposed code amendments on February 24, 2026, conducted a work session on March 10, 2026, and held a public hearing on April 14, 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 City Council discussed the Planning Commission’s recommendation on the proposed code amendments at a work session on April 28, 2026; and

WHEREAS, the City Council considered the proposed code amendments on May 5, 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 citizens of the City.

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

Section 1. Section TMC 18.04.010, A Definitions, 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 located on the same lot as a single-family detached dwelling, duplex, triplex, townhouse, or other ~~that is an accessory use or structure subordinate to a~~ principal residential structure 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).

“Administrative design review” means a land use permit review process whereby a design review application is reviewed, approved, or denied by the director of community development or their designee based solely on objective design standards found in the citywide design guidelines without an open recording hearing, unless such review is part of a consolidated review and decision process pursuant to TMC Title 14 Development Code Administration, otherwise required by state or federal law, or the structure is a designated landmark or historic district established under the city’s preservation ordinance. A city will utilize the process

found in the citywide design guidelines to consider, recommend, or approve requests for deviations.

“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.

“Affordable housing” means, unless the context clearly indicates otherwise, residential housing whose monthly costs, including utilities other than telephone, do not exceed thirty percent of the monthly income of a household whose income is: (A) For rental housing, 60 percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development; or (B) For owner-occupied housing, 80 percent of the median household income adjusted for household size, for the county where the household is located, as reported by the United States department of housing and urban development.

“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. O2025-011, Amended, 12/16/2025; Ord. O2022-013, Amended, 10/04/2022; 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 2. Section TMC 18.07.010, Residential Zone Districts Permitted and Conditional Uses, 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 zone district, the requirements in the underlying zone 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	LDR	MDR	HDR	MHP	Applicable Regulations
Adult family homes, residential care facilities	P	P	P	P	P	18.53
Agriculture up to 30 acres in size	P	P	P			18.42.070
Animals (the housing, care and keeping of)	P	P	P			6.08
Attached wireless communication facilities	P	P	P	P		11.20

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	LDR	MDR	HDR	MHP	Applicable Regulations
Bed and breakfasts	C ¹	C ¹	P		C ¹	18.56
Cemeteries	C	C	C	C	C	18.56
Child day care center	CP	CP	CP	CP	CP	18.56 18.52
Churches	C	C	C	C	C	18.56
Co-living housing			P	P		
Community garden	P	P	P	P		
Cottage housing	P	P	P			18.51
Designated manufactured home parks			P			18.48; 18.49
Designated manufactured homes	P	P	P		P	18.48
Duplexes	P	P	P			
Emergency communication towers or antennas	C	C	C	C	C	18.56; 11.20
Family child care home, child mini-day care center	P	P	P	P	P	18.52
Group foster homes	C	C	C	C	C	18.56
Inpatient facilities			C	C		18.56
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	18.56
Neighborhood-oriented commercial center		C	C	C	C	18.56
Parks, trails, open space areas and recreational facilities	P	P	P	P	P	
Permanent supportive housing	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

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	LDR	MDR	HDR	MHP	Applicable Regulations
Quadplexes		P	P	P		
Recreational vehicle parks			C			18.56
Schools	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	
Single-family detached dwellings existing prior to April 15, 2021			P ²			
Stacked Flats		P	P	P		
Support facilities	P	P	P	P	P	
Temporary expansions of schools, such as portable classrooms	C	C	C	C	C	18.56
Townhouses		P	P	P		18.16.050 (F)(1)(a)
Transitional housing	P	P	P	P	P	18.42.150
Triplexes		P	P	P		
Wildlife refuges and forest preserves	P	P	P	P		
Wireless communication towers	C	C	C	C	C	11.20; 18.56

LEGEND

P = Permitted Use

C = Conditional Use

RSR = Residential/Sensitive Resource

LDR = Low Density Residential

MDR = Medium Density Residential

HDR = 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 a public notice that an application has been submitted shall be sent to immediate

neighbors. Administrative decisions may be appealed pursuant to TMC Chapter 14.12.

(2) Single-family detached dwellings constructed after April 15, 2021, are not allowed in the MDR medium density residential 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 zone district chapter.

(Ord. O2025-011, Amended, 12/16/2025; Ord. O2024-005, Amended, 12/03/2024; Ord. O2022-013, Amended, 10/04/2022; Ord. O2022-006, Amended, 08/01/2022; Ord. 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 3. Section TMC 18.08.020, Permitted Uses, of the Tumwater Municipal Code is hereby amended to read as follows:

18.08.020 Permitted uses.

Permitted uses in the RSR residential/sensitive resource zone district are as follows:

- A. Single-family detached dwellings;
- B. Duplexes;
- 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 middle housing dwelling;*
- M. Community gardens;

- N. Permanent supportive housing, subject to TMC 18.42.150;
- O. Transitional housing, subject to TMC 18.42.150;

P. Child day care center.

*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. O2025-011, Amended, 12/16/2025; Ord. O2022-013, Amended, 10/04/2022; 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 4. Section TMC 18.08.040, Conditional Uses, of the Tumwater Municipal Code is hereby amended to read as follows:

18.08.040 Conditional uses.

Conditional uses in the RSR zone district are as follows:

- A. Churches;
- B. Wireless communication towers;*
- C. Cemeteries;
- ~~D. Child day care center;~~
- ~~E.~~ Schools;
- ~~F.~~ Neighborhood community center;
- ~~G.~~ Group foster homes;
- ~~H.~~ The following essential public facilities:
 - 1. Emergency communications towers and antennas;*
- ~~I.~~ Temporary expansions of schools, such as portable classrooms;
- ~~J.~~ Bed and breakfasts.**

*Emergency communication towers and 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.

**Bed and breakfasts with only one guest room are permitted uses but a public notice that an application has been submitted shall be sent to immediate neighbors. Administrative decisions may be appealed pursuant to TMC Chapter 14.12.

(Ord. O2024-005, Amended, 12/03/2024; Ord. O2020-003, Amended, 09/15/2020; Ord. O2018-025, Amended, 12/18/2018; Ord. O2017-006, Amended, 07/18/2017; Ord. O97-019, Amended, 06/17/1997; Ord. O95-035, Amended, 12/19/1995; Ord. O95-014, Added, 07/18/1995)

Section 5. Section TMC 18.12.020, Permitted Uses, of the Tumwater Municipal Code is hereby amended to read as follows:

18.12.020 Permitted uses.

Permitted uses in the LDR low density residential district are as follows:

- A. Single-family detached dwellings;
- B. Duplexes;
- C. Triplexes;
- D. Quadplexes;
- E. Stacked flats;
- F. Townhouses;
- G. Cottage housing;
- H. Designated manufactured homes on single lots of record, in accordance with the provisions of TMC Chapter 18.48;
- I. Parks, trails, open space areas, and recreational facilities;
- J. Support facilities;
- K. Planned unit developments;
- L. Family child care home; child mini-day care center, subject to TMC Chapter 18.52;
- M. Adult family homes, residential care facilities;
- N. Attached wireless communication facilities, except that it is prohibited to attach a nonaccessory wireless communication antenna on a single-family detached or middle housing dwelling;*
- O. Agriculture up to thirty acres in size, subject to TMC 18.42.070;
- P. Community gardens;
- Q. The housing, care and keeping of animals consistent with the requirements of TMC Chapter 6.08;

- R. Wildlife refuges and forest preserves;
- S. Permanent supportive housing, subject to TMC 18.42.150;
- T. Transitional housing, subject to TMC 18.42.150;

U. Child day care center.

*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. O2025-011, Amended, 12/16/2025; Ord. O2022-013, Amended, 10/04/2022; 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 6. Section TMC 18.12.040, Conditional Uses, of the Tumwater Municipal Code is hereby amended to read as follows:

18.12.040 Conditional uses.

Conditional uses in the LDR low density residential zone district are as follows:

- A. Churches;
- B. Wireless communication towers;*
- C. Cemeteries;
- ~~D. Child day care center;~~
- ~~D~~E. Schools;
- ~~E~~F. Neighborhood community center;
- ~~F~~G. Neighborhood-oriented commercial center;
- ~~G~~H. Private clubs and lodges;
- ~~H~~I. The following essential public facilities:
 1. Emergency communications towers and antennas;*
- ~~J~~I. Group foster homes;
- ~~J~~K. Bed and breakfasts;**
- ~~K~~L. Temporary expansions of schools, such as portable classrooms.

*Emergency communication towers and 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.

**Bed and breakfasts with only one guest room are permitted uses but a public notice that an application has been submitted shall be sent to immediate neighbors. Administrative decisions may be appealed pursuant to TMC Chapter 14.12.

(Ord. O2025-011, Amended, 12/16/2025; Ord. O2024-005, Amended, 12/03/2024; Ord. O2019-007, Amended, 09/03/2019; Ord. O2018-025, Amended, 12/18/2018; Ord. O2017-006, Amended, 07/18/2017; Ord. O2010-029, Amended, 06/07/2011; Ord. O2001-012, Amended, 03/19/2002; Ord. O97-019, Amended, 06/17/1997; Ord. O95-035, Added, 12/19/1995)

Section 7. Section TMC 18.12.050, Development Standards, of the Tumwater Municipal Code is hereby amended to read as follows:

18.12.050 Development standards.

Development in the LDR low density residential 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 detached 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 zone 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. The purchase or transfer of development rights in accordance with TMC Chapter 18.57 would allow a maximum density of ten dwelling units per acre. Provided, if a land division is subject to the clustering provisions of subsection F 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. Dwelling Unit Allowance.

1. Density on individual lots in the LDR low density residential zone district can be exceeded to meet the dwelling unit allowance as follows:

a. Allow up to two dwelling units per lot, except for accessory dwelling units, which are subject to TMC 18.12.050(D)(2).

b. Allow up to four dwelling units per lot if at least one dwelling unit on the lot is permanently affordable housing that meets the requirements of TMC 18.12.050(D)(6).

2. There shall be no more than two accessory dwelling units per lot in conjunction with a principal residential structure.

~~Two accessory dwelling units are allowed on all principal lots and are subject to the same regulations as a principal unit.~~

~~3. Accessory dwelling units count towards the dwelling unit allowance.~~

~~43.~~ The standards of TMC 18.12.050(D) do not apply to lots less than 1,000 square feet.

~~45.~~ A sleeping unit in co-living housing is calculated as one-quarter of a dwelling unit for purposes of calculating density.

~~56.~~ To qualify for additional units under the affordable housing provisions of TMC 18.12.050(D)(1)(b), the required number of affordable housing dwelling units shall meet the permanently affordable housing standards in TMC 18.42.170.

E. Lot Size Requirements.

1. Maximum: none;

2. Minimum: three thousand two hundred square feet. Minimum for a townhouse development consisting of at least three attached townhouses: two thousand 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. Townhouses can be decreased to a minimum 20 feet lot width.

F. 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 LDR low density residential 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 LDR low density residential 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 LDR low density residential 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.

G. 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.

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

I. 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.

J. Yards.*

1. Front: ten feet minimum from frontage property line:
 - a. Driveways in front yards of single-family detached dwellings and middle housing 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; provided, that side yards may be reduced to zero where the number of lots created is equal to the unit density allowance in TMC 18.12.050(D) or where a townhouse attached to another townhouse;

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. 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. Rear setbacks for second dwelling units, including accessory dwelling units, may be reduced to a minimum of five feet.

4. Alley: eighteen feet if proposing a driveway; if no driveway is proposed minimum five feet from rear property line.

K. 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.

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. O2025-011, Amended, 12/16/2025; Ord. O2022-013, Amended, 10/04/2022; 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 8. Section TMC 18.14.020, Permitted Uses, of the Tumwater Municipal Code is hereby amended to read as follows:

18.14.020 Permitted uses.

Permitted uses in the MDR medium density residential zone district are as follows:

- A. Single-family detached dwellings which were legally established prior to April 15, 2021;
- B. Duplexes;
- C. Triplexes;
- D. Quadplexes;
- E. Stacked flats;
- F. Townhouses;
- G. Multifamily dwellings;
- H. Cottage housing;
- I. Co-living housing;
- J. Designated manufactured homes on single lots of record, and in designated manufactured home parks, in accordance with the provisions of TMC Chapter 18.48;
- K. Designated manufactured home parks;
- L. Senior housing facilities, independent;
- M. Parks, trails, open space areas, and recreational facilities;
- N. Support facilities;
- O. Planned unit developments;
- P. Family child care home; child mini-day care center, subject to TMC Chapter 18.52;
- Q. Adult family homes, residential care facilities;
- R. Any combination of the permitted uses listed in this section may be combined on one site, in accordance with the provisions of TMC 18.14.050;
- S. Attached wireless communication facilities, except that it is prohibited to attach a nonaccessory wireless communication antenna on a single-family detached or middle housing dwelling;*
- T. Bed and breakfasts;
- U. Agriculture uses up to thirty acres in size which were established prior to January 1, 2011, subject to TMC 18.42.070;
- V. Community gardens;
- W. The housing, care and keeping of animals consistent with the requirements of TMC Chapter 6.08;

- X. Wildlife refuges and forest preserves;
- Y. Permanent supportive housing, subject to TMC 18.42.150;
- Z. Transitional housing, subject to TMC 18.42.150;

AA. Child day care center.

*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. O2025-011, Amended, 12/16/2025; Ord. O2022-006, Amended, 08/01/2022; Ord. O2021-019, Amended, 01/18/2022; Ord. O2020-005, Amended, 03/16/2021; Ord. O2020-003, Amended, 09/15/2020; 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. O2001-012, Amended, 03/19/2002; Ord. O2000-004, Amended, 07/18/2000; Ord. O97-019, Amended, 06/17/1997; Ord. O95-035, Added, 12/19/1995)

Section 9. Section TMC 18.14.040, Conditional Uses, of the Tumwater Municipal Code is hereby amended to read as follows:

18.14.040 Conditional uses.

Conditional uses in the MDR medium density residential zone district are as follows:

- A. Churches;
- B. Wireless communication towers;*
- C. Cemeteries;
- ~~D. Child day care center;~~
- ~~D~~E. Schools;
- ~~E~~F. Neighborhood community center as a primary use;
- ~~F~~G. Neighborhood-oriented commercial center;
- ~~G~~H. Private clubs and lodges;
- ~~H~~I. Medical clinics or hospitals;
- ~~I~~J. The following essential public facilities:
 1. Emergency communications towers and antennas;*

2. Mental health facilities (including but not limited to congregate care facilities; adult residential treatment facilities; evaluation and treatment centers);
3. Inpatient facilities including substance abuse facilities (including but not limited to: intensive inpatient facilities; long-term residential drug treatment facilities; recovery house facilities);

KJ. Group foster homes;

KL. Recreational vehicle parks;

LM. Senior housing facilities, assisted;

MN. Temporary expansions of schools, such as portable classrooms.

*Emergency communication towers and 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.

(Ord. O2025-011, Amended, 12/16/2025; Ord. O2020-005, Amended, 03/16/2021; 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. O96-022, Amended, 12/17/1996; Ord. O95-035, Added, 12/19/1995)

Section 10. Section TMC 18.14.050, Development Standards, of the Tumwater Municipal Code is hereby amended to read as follows:

18.14.050 Development standards.

Development in the MDR medium density residential zone district must meet the following requirements:

A. Site Area. All residential developments must meet the following density requirements:

1. Minimum: ten dwelling units per acre;
2. Maximum: nineteen dwelling units per acre. The purchase of transfer of development rights in accordance with TMC Chapter 18.57 would allow a maximum density of twenty dwelling units per acre. Projects that provide two permanently affordable housing units in the MDR medium density residential zone district would be allowed an increase of one additional dwelling unit above the maximum current density of nineteen dwelling units per acre up to a maximum increase in density of five dwellings unit per acre. This would create a new maximum density of twenty-four dwelling units per acre in the MDR medium density residential zone district for projects providing permanently affordable housing units. Projects providing permanently affordable housing units by this method would have to be part of a new multifamily housing project

that provides ten or more dwelling units and meet the requirements of TMC 18.42.140.

B. **Density Calculation.** The calculation of the density requirements in subsection A of this section 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 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 18.14.060;
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 18.14.060 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. **Dwelling Unit Allowance.**

1. Density on individual lots in the MDR medium density residential zone district can be exceeded to meet the dwelling unit allowance as follows:

a. Allow up to two dwelling units per lot, except for accessory dwelling units, which are subject to TMC 18.14.050(D)(2).

b. Allow up to four dwelling units per lot if at least one dwelling unit on the lot is permanently affordable housing that meets the requirements of TMC 18.14.050(D)(6).

2. There shall be no more than two accessory dwelling units per lot in conjunction with a principal residential structure.

~~Two accessory dwelling units are allowed on all principal lots and are subject to the same regulations as a principal unit.~~

~~3.—Accessory dwelling units count towards the dwelling unit allowance.~~

~~43.~~ The standards of TMC 18.14.050(D) do not apply to lots less than 1,000 square feet.

~~54.~~ A sleeping unit in co-living housing is calculated as one-quarter of a dwelling unit for purposes of calculating density.

~~65.~~ To qualify for additional units under the affordable housing provisions of TMC 18.14.050(D)(1)(b), the required number of affordable housing dwelling units shall meet the permanently affordable housing standards in TMC 18.42.170.

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

F. Structure height: forty 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.

G. Yards.*

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

a. Driveways in front yards of any dwelling units 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; provided, that side yards may be reduced to zero where the number of lots created is equal to the unit density allowance in TMC 18.14.050(D) or where a townhouse attached to another townhouse.

3. Rear: five feet from property line, minimum.

Where any structures or portions of structures, except for single-family detached dwellings, are adjacent to the RSR residential/sensitive resource and LDR low density residential zone districts, the minimum setback shall be twenty feet..

H. 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 (F)(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.

I. Park and Open Space Area. New development in this zone district shall set aside land for park and open space area as specified in TMC 17.12.210 and 18.42.130 and the citywide design guidelines.

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

(Ord. O2025-011, Amended, 12/16/2025; Ord. O2020-005, Amended, 03/16/2021; Ord. O2020-015, Amended, 02/16/2021; Ord. O2018-007, Amended, 10/16/2018; 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. O97-024, Amended, 03/03/1998; Ord. O96-021, Amended, 12/02/1997; Ord. O96-022, Amended, 12/17/1996; Ord. O95-035, Added, 12/19/1995)

Section 11. Section TMC 18.16.020, Permitted Uses, of the Tumwater Municipal Code is hereby amended to read as follows:

18.16.020 Permitted uses.

Permitted uses in the HDR high density residential zone district are as follows:

- A. Triplexes;
- B. Quadplexes;
- C. Stack flats;
- D. Multifamily dwellings;
- E. Co-living housing;

- 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. Senior housing facilities, independent;
- L. Any combination of the permitted uses listed in this section may be combined on one site, in accordance with the provisions of TMC 18.16.050;
- M. Attached wireless communication facilities, except that it is prohibited to attach a nonaccessory wireless communication antenna on a single-family detached or middle housing dwelling;*
- N. Townhouses;
- O. Community gardens;
- P. Wildlife refuges and forest preserves;
- Q. Permanent supportive housing, subject to TMC 18.42.150;
- R. Transitional housing, subject to TMC 18.42.150;

S. Child day care center.

*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. O2025-011, Amended, 12/16/2025; Ord. O2022-006, Amended, 08/01/2022; 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. O98-001, Amended, 09/15/1998; Ord. O97-019, Amended, 06/17/1997; Ord. O95-035, Added, 12/19/1995)

Section 12. Section TMC 18.16.040, Conditional Uses, of the Tumwater Municipal Code is hereby amended to read as follows:

18.16.040 Conditional uses.

Conditional uses in the HDR high density residential zone district are as follows:

- A. Churches;
- B. Wireless communication towers;*

C. Cemeteries;

~~D. Child day care center;~~

~~E.~~ Schools;

~~F.~~ Neighborhood community center as a primary use;

~~G.~~ Neighborhood-oriented commercial center;

~~H.~~ Private clubs and lodges;

~~I.~~ Medical clinics or hospitals;

~~J.~~ The following essential public facilities:

1. Emergency communications towers and antennas;*
2. Mental health facilities (including but not limited to congregate care facilities; adult residential treatment facilities; evaluation and treatment centers);
3. Inpatient facilities including substance abuse facilities (including but not limited to: intensive inpatient facilities; long-term residential drug treatment facilities; recovery house facilities);

~~K.~~ Group foster homes;

~~L.~~ Senior housing facilities, assisted;

~~M.~~ Temporary expansions of schools, such as portable classrooms.

*Emergency communication towers and 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.

(Ord. O2025-011, Amended, 12/16/2025; Ord. O2020-005, Amended, 03/16/2021; Ord. O2018-025, Amended, 12/18/2018; Ord. O2017-006, Amended, 07/18/2017; Ord. O98-001, Amended, 09/15/1998; Ord. O97-019, Amended, 06/17/1997; Ord. O96-022, Amended, 12/17/1996; Ord. O95-035, Added, 12/19/1995)

Section 13. Section TMC 18.16.050, Development Standards, of the Tumwater Municipal Code is hereby amended to read as follows:

18.16.050 Development standards.

Development in the HDR high density residential zone district must meet the following requirements:

A. Site Area. All residential developments must meet the following density requirements:

1. Minimum: twenty dwelling units per acre;

2. Maximum: No maximum dwelling units per acre.

B. Density Calculation. The calculation of the density requirements in subsection A of this section 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 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 18.16.060.
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 18.16.060 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. Dwelling Unit Allowance.

1. Density on individual lots in the HDR high density residential zone district can be exceeded the dwelling unit allowance as follows:

a. Allow up to two dwelling units per lot, except for accessory dwelling units, which are subject to TMC 18.16.050(D)(2).

b. Allow up to four dwelling units per lot if at least one dwelling unit on the lot is permanently affordable housing that meets the requirements of TMC 18.16.050(D)(5).

2. There shall be no more than two accessory dwelling units per lot in conjunction with a principal residential structure.

~~Accessory dwelling units count towards dwelling unit allowance.~~

~~3. The standards of TMC 18.16.050(D) do not apply to lots less than 1,000 square feet.~~

43. A sleeping unit in co-living housing is calculated as one-quarter of a dwelling unit for purposes of calculating density.

54. To qualify for additional units under the affordable housing provisions of TMC 18.16.050(D)(1)(b), the required number of affordable housing dwelling units shall meet the permanently affordable housing standards in TMC 18.42.170.

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

F. Structure height: fifty feet or five stories, whichever is less; 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. Note: New multifamily projects with a total of thirty or more dwelling units that provide thirty percent of those units as permanently affordable housing units would be allowed a maximum building height increase of ten feet, subject to imaginary airspace surface limitations. This would create a new maximum height limit of sixty feet. Projects providing permanently affordable housing units by this method would have to meet the requirements of TMC 18.42.140;

G. Yards.*

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

a. Driveways in front yards of any dwelling units 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: five feet from property line, minimum.

Where any structures or portions of structures are adjacent to the RSR residential/sensitive resource and LDR low density residential zone districts, the minimum setback shall be twenty feet. Where structures are constructed over one story, the setback from the adjacent property line or lines shall be increased by ten feet for every story above the ground level story of the proposed new building, and shall be completely screened from view in accordance with TMC Chapter 18.47.

H. Park and Open Space Area. New development in this zone district shall set aside land for park and open space as specified in TMC 17.12.210 and 18.42.130 and the citywide design guidelines.

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

(Ord. O2025-011, Amended, 12/16/2025; Ord. O2020-005, Amended, 03/16/2021; Ord. O2020-015, Amended, 02/16/2021; Ord. O2016-037, Amended, 01/03/2017; Ord. O2011-002, Amended, 03/01/2011; Ord. O2010-005, Amended, 09/07/2010; 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. O97-024, Amended, 03/03/1998; Ord. O97-027, Amended, 03/03/1998; Ord. O96-021, Amended, 12/02/1997; Ord. O96-022, Amended, 12/19/1996; Ord. O95-035, Added, 12/19/1995)

Section 14. Section TMC 18.42.010, Accessory Dwelling Units, 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 the RSR residential/sensitive resource, LDR low density residential, MDR medium density, HDR high density residential, and BD brewery district zone 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 two accessory dwelling units per lot in conjunction with a principal residential structure.

B. An accessory dwelling unit may be attached to, created within, or detached from a new or existing principal residential structure.

C. Off-street parking shall be provided according to the standards set forth in TMC Chapter 18.50.

D. To ensure that the accessory dwelling unit is clearly secondary to the principal residential structure, the floor area for the accessory dwelling unit shall in no case exceed one thousand 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. Garages shall be not more than three hundred square feet in size for accessory dwelling units.

E. An accessory dwelling unit, together with the principal residential structure with which it is associated, shall conform to the provisions of this chapter and all other applicable codes and ordinances. Aside from the requirements of this section, the requirements of TMC Title 18 Zoning and the city of Tumwater citywide design guidelines shall not be more restrictive than the requirements for a principal residential structure.

F. An accessory dwelling unit that is separate from a garage may be sited on the rear lot line if the rear lot line abuts a public alley.

G. Non-conforming structures legally established prior to December 16, 2025, may be converted into an accessory dwelling unit regardless of setbacks or lot coverage requirements. Conversions within non-conforming structures may not be expanded beyond the existing footprint. Such conversions must meet the size requirements of section D.

H. Accessory dwelling units may be sold independently from the principal residential structure upon approval and completion of a condominium or unit lot subdivision.

(Ord. O2025-011, Amended, 12/16/2025; Ord. O2022-013, Amended, 10/04/2022; 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)

Section 15. Section TMC 18.44.075, Conditional Exemptions, of the Tumwater Municipal Code is hereby amended to read as follows:

18.44.075 Conditional exemptions.

Except to the extent that permits may be required under the International Building Code, the following signs are conditionally exempt from the permit requirements of this chapter, but they shall be included in the computation of sign size area for regulated signs. An application for a conditionally exempt sign must be completed on forms available at the community development department and accompanied by a fee as established by resolution of the city council. The application shall require

such information as deemed necessary by the community development director, including but not limited to specific location and sign design.

A. Signs ~~flush mounted or~~ painted directly on the wall of a building, ~~or erected against the wall of a building parallel to the wall;~~

B. Temporary commercial signs, subject to the following:

1. The maximum height of freestanding signs shall be six feet;
2. Building-mounted signs shall not be displayed above the roofline;
3. Signs shall not be placed within the rights-of-way and they shall not block the sight distance of motorists per TMC 18.42.040(A);
4. Signs shall not be illuminated internally or externally;
5. Signs shall not have any pennants, balloons, or similar device attached to it;
6. Owners of such signs shall be required to keep their signs legible, intact, clean, graffiti free, and in good repair;
7. Signs placed on the inside of windows shall not exceed fifty percent of the area of the window on which they are displayed in aggregate;
8. Signs may not be displayed more than six weeks in a calendar year except for A-board or sandwich board signs, which may be displayed year-round during business hours only; and
9. A-frame or sandwich board signs are subject to the following, additional requirements:
 - a. The sign shall be no more than sixteen square feet in area total, including all faces of the sign; provided, that no one sign face is larger than fifty percent of the total allowable sign area;
 - b. Only one sign is allowed per business;
 - c. The sign must be placed on the ground and cannot be elevated in any way; and
 - d. Signs shall be constructed out of materials able to withstand typical Northwest weather. Such materials may be metal, finished wood, chalkboard, whiteboard, or plastic. Signs and copy shall be of professional quality.

(Ord. O2017-007, Amended, 11/05/2018; Ord. O2011-002, Amended, 03/01/2011; Ord. O2009-004, Amended, 05/19/2009; Ord. O95-035, Amended, 12/19/1995; Ord. O94-018, Added, 07/19/1994)

Section 16. Section TMC 18.44.155, Multiple Building Complexes, Multiple Tenant Buildings, and Large Commercial or Industrial Buildings, of the Tumwater Municipal Code is hereby amended to read as follows:

18.44.155 Multiple building complexes, multiple tenant buildings, and large commercial or industrial buildings.

The following regulations shall apply to all freestanding signs located within multiple building complexes, or intended to serve multiple tenant buildings; and further shall apply to wall signs installed upon large commercial or industrial buildings having more than fifty thousand square feet of floor area:

A. One freestanding sign for a multiple building complex or a multiple tenant building may be located within yard setback areas; provided, that it is part of an overall landscaping plan and it is not determined by the city to create a sight distance hazard. Any such sign in a yard setback area may exceed the height limits set forth in TMC 18.44.040, but it must conform to all other height restrictions in the underlying zone district.

B. Any freestanding sign for a multiple building complex or multiple tenant building located outside yard setback areas may exceed the maximum freestanding sign size restrictions set forth in TMC 18.44.150 by thirty-five percent; provided, that the sign is a part of a consistent signage plan for the entire site.

C. For multiple building complexes or multiple tenant buildings having more than fifty thousand square feet of floor area, monument signs not exceeding forty percent of the size of the principal freestanding sign may be located at any other site entrance intended for use by the general public. These monument signs are permitted in addition to the freestanding sign allowed in subsection A of this section, and shall not be included in the overall sign size computation for the development.

D. In addition to the allowable square footage for wall signs set forth in TMC 18.44.150, an increase in the allowable square footage for wall signs on large commercial or industrial buildings ~~may be approved by the community development director to is allowed per~~ the limits described below; ~~provided, that an equivalent reduction of allowable square footage for freestanding signs (pole and monument) is agreed to in writing by the building owner.~~

Building Area	Percentage of Additional Wall Sign Area
<u>Greater than or equal to</u> >50,000 sq. ft.	<u>Up to 15%</u> additional wall sign area
<u>Greater than or equal to</u> >75,000 sq. ft.	<u>Up to 20%</u> additional wall sign area
<u>Greater than or equal to</u> >100,000 sq. ft.	<u>Up to 25%</u> additional wall sign area

If such buildings have more than one public facade or contains multiple businesses, the allowable square footage for individual wall signs may be combined on a single public facade or distributed among the various facades; provided, that the total square footage of wall signs does not exceed twenty percent of the public facade upon which the sign is placed.

E. In addition to the allowable square footage for wall signs above, additional wall signage up to the amount allowable for multiple public facades on the same building may be installed on one other building facade other than a public facade; provided, that the total square footage of wall signs on the additional facade does not exceed ~~twenty percent of either the public facade or the other wall upon which the sign is placed~~ 300 square feet. A second wall sign on a side that is not the public facade may be allowed if the square footage of the building is over one hundred and fifty thousand square feet. This sign shall not exceed 300 square feet.

F. Interstate 5 Wall Signage. For multiple building complexes or multiple tenant buildings having more than one-hundred fifty thousand square feet of floor area, one building located along Interstate 5 is allowed to have one wall sign on the side of the building facing Interstate 5. The size of the wall sign shall not exceed 300 square feet.

(Ord. O2011-002, Amended, 03/01/2011; Ord. O2002-008, Amended, 08/20/2002; Ord. O95-035, Amended, 12/19/1995; Ord. O94-018, Amended, 07/19/1994; Ord. 1254, Added, 02/05/1991)

Section 17. Section TMC 18.49.020, Permitted Uses, 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. Planned unit developments;
- I. Adult family homes;
- J. Residential care facilities;

K. Child day care center.

(Ord. O2022-013, Amended, 10/04/2022; Ord. O2022-006, Amended, 08/01/2022; Ord. O2011-002, Amended, 03/01/2011; Ord. O2008-009, Added, 02/17/2009)

Section 18. Section TMC 18.49.040, Conditional Uses, of the Tumwater Municipal Code is hereby amended to read as follows:

18.49.040 Conditional uses.

Conditional uses within the MHP zone district are as follows:

- A. Churches;
- B. Wireless communication towers;*
- C. Cemeteries;
- ~~D. Child day care center;~~
- ~~E.~~ Schools;
- ~~F.~~ Neighborhood community center;
- ~~G.~~ Neighborhood-oriented commercial center;
- ~~H.~~ The following essential public facilities:
 1. Emergency communications towers and antennas;
- ~~I.~~ Group foster homes;
- ~~J.~~ Bed and breakfasts;**
- ~~K.~~ Temporary expansions of schools, such as portable classrooms.

*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.

**Bed and breakfasts with only one guest room are permitted uses but a public notice that an application has been submitted shall be sent to immediate neighbors. Administrative decisions may be appealed pursuant to TMC Chapter 14.12.

(Ord. O2024-005, Amended, 12/03/2024; Ord. O2019-007, Amended, 09/03/2019; Ord. O2018-025, Amended, 12/18/2018; Ord. O2017-006, Amended, 07/18/2017; Ord. O2008-009, Added, 02/17/2009)

Section 19. Section TMC 18.52.040, Child Day Care Center, of the Tumwater Municipal Code is hereby amended to read as follows:

18.52.040 Child day care center.

A child day care center may be allowed in the designated zone districts as follows:

A. A child day care center may be allowed in ~~the RSR residential/sensitive resource, LDR low density residential, MDR medium density residential, HDR high density residential, or~~ HI heavy industrial ~~HI~~ zone districts only upon issuance of a conditional use permit pursuant to TMC Chapter 18.56 and subject to the following requirements:

1. Meet Washington State child day care licensing requirements;
2. Install an approved fire sprinkler system;
3. Possess a valid child day care business license from the city;
- ~~4. No structural or decorative alteration, which will alter the residential character of an existing residential structure used for a child care center, is permitted. Any new or remodeled structure must be designed to be compatible with the residential character of the surrounding neighborhood;~~
- ~~5~~4. Be located so that access streets and parking and/or loading areas are sufficient to accommodate safely the number of vehicle trips associated with the day care use.

B. A child day care center may be allowed in RSR residential/sensitive resource, LDR low density residential, MDR medium density residential, HDR high density residential, and MHP manufactured home park zone districts subject to the following requirements:

1. Meet Washington State child day care licensing requirements;
2. Install an approved fire sprinkler system;
3. Possess a valid child day care business license from the city;
4. No structural or decorative alteration, which will alter the residential character of an existing residential structure used for a child care center, is permitted. Any new or remodeled structure must be designed to be compatible with the residential character of the surrounding neighborhood;

5. Be located so that access streets and parking and/or loading areas are sufficient to accommodate safely the number of vehicle trips associated with the day care use.

CB. A child care center is a permitted use in TC town center, NC neighborhood commercial, MU mixed use, GC general commercial, CS community services, LI light industrial, HC historic commercial, and ARI airport related industry zone districts subject to the following requirements:

1. Meet Washington State child care licensing requirements;
2. Install an approved fire sprinkler system;
3. Possess a valid child day care business license from the city.

DC. Limitations in Use of a Family Residence. No child day care center shall be located in a private family residence unless the portion of the residence where the children have access is used exclusively for the children during the hours the center is in operation, or is separate from the usual living quarters of the family.

(Ord. O2025-011, Amended, 12/16/2025; Ord. O2017-017, Amended, 09/19/2017; Ord. O2017-006, Amended, 07/18/2017; Ord. O2001-020, Amended, 05/07/2002; Ord. O97-025, Amended, 12/02/1997; Ord. O95-035, Amended, 12/19/1995; Ord. 1288, Added, 06/04/1991)

Section 20. Section TMC 18.56.140, “E” uses, of the Tumwater Municipal Code is hereby amended to read as follows:

18.56.140 “E” uses.
“Essential public facilities”

A. The following uses are considered essential public facilities, which shall require a conditional use permit as indicated in each individual zone. Additionally, the siting process outlined in subsection B of this section shall be followed.

1. Airports.
2. State education facilities.
3. ~~Large scale~~ state or regional transportation facilities as defined in RCW 47.06.140.
4. Regional transit authority facilities as defined in RCW 81.112.020.
5. Improvements to high capacity transportation systems as defined in RCW 81.104.015, bus rapid transit routes and stops or improvements to such routes and stops. "Bus rapid transit" means a fixed route bus system that features assets indicating permanent, high capacity service including, but not

limited to, elevated platforms or enhanced stations, off-board fare collection, dedicated lanes, busways, or transit signal priority.

~~46.~~ Prisons, jails, and other correctional facilities (including but not limited to: jails; juvenile detention facilities; prisons and prerelease facilities; work release facilities).

~~57.~~ Solid waste handling facilities including organic materials management facilities.

~~68.~~ Opioid treatment facilities housing both mobile and fixed-site medication units, recovery residences, harm reduction programs excluding safe injection sites. Harm reduction programs mean programs that emphasize working directly with people who use drugs to prevent overdose and infectious disease transmission, improve the physical, mental, and social well-being of those served, and offer low threshold options for accessing substance use disorder treatment and other services.

~~9.~~ Inpatient facilities including substance ~~abuse-use disorder treatment~~ facilities (including but not limited to: intensive inpatient facilities; long-term residential drug treatment facilities; recovery ~~house facilities~~residences).

~~710.~~ Mental health facilities (including but not limited to: congregate care facilities; adult residential treatment facilities; evaluation and treatment centers).

~~811.~~ Sewage treatment facilities (not including individual or community wastewater treatment systems).

~~912.~~ Emergency communication towers and antennas.

~~130.~~ Secure community transition facilities as defined on RCW 71.09.020.

B. Essential public facilities identified as conditional uses in the zone district shall be subject, at a minimum, to the following requirements:

1. Essential public facilities classified as follows:

a. Type One. Multicounty facilities. These are major facilities serving or potentially affecting more than one county. These facilities include, but are not limited to, regional transportation facilities, such as regional airports; state correction facilities; and state education facilities.

b. Type Two. These are local or interlocal facilities serving or potentially affecting residents or property in more than one jurisdiction. They could include, but are not limited to, county jails, county landfills, organic material management facilities, community colleges, sewage treatment facilities, emergency communication towers and antennas, secure

community transition facilities, and inpatient facilities (e.g., substance abuse facilities, mental health facilities, and group homes).

(Note: Such facilities, which would not have impacts beyond the jurisdiction in which they are proposed to be located, would be type three facilities.)

c. Type Three. These are facilities serving or potentially affecting only the jurisdiction in which they are proposed to be located.

In order to enable the city to determine the project's classification, the applicant shall identify the proposed service area of the facility and the approximate area within which the proposed project could potentially have adverse impacts, such as increased traffic, public safety risks, noise, glare, emissions, or other environmental impacts.

2. Provide early notification and involvement of affected citizens and jurisdictions as follows:

a. Type One and Two Facilities. At least ninety days before submitting an application for a type one or type two essential public facility, the prospective applicant shall notify the affected public and jurisdictions of the general type and nature of the proposal, identify sites under consideration for accommodating the proposed facility, and identify opportunities to comment on the proposal. Applications for specific projects shall not be considered complete in the absence of proof of a published notice regarding the proposed project in a newspaper of general circulation in the affected area. This notice shall include the information described above and shall be published at least ninety days prior to the submission of the application.

It is expected that an environmental impact statement may be required for most type one and type two facilities in accordance with the SEPA environmental review process.

The Thurston Regional Planning Council may provide the project sponsor and affected jurisdictions with their comments or recommendations regarding alternative project locations during this ninety-day period.

(Note: The purpose of this provision is to enable potentially affected jurisdictions and the public to review and comment collectively on alternative sites for major facilities before the project sponsor has made their siting decision.)

b. Type Three Facilities. Type three essential public facilities are subject to the city's standard notification requirements for conditional uses.

3. Should any of the above-listed facilities be proposed to be sited in the city, they should be consistent with the intent of the underlying zoning of the proposed site.

4. Essential public facilities shall not have any probable significant adverse impact on critical areas or resource lands, except for lineal facilities, such as highways, where no feasible alternative exists (adapted from county-wide Policy 5.2(a)).

5. Major public facilities, which generate substantial traffic, should be sited near major transportation corridors (adapted from county-wide Policy 5.2(b)).

6. Applicants for type one essential public facilities shall provide an analysis of the alternative sites considered for the proposed facility. This analysis shall include the following:

a. An evaluation of the site's capability to meet basic siting criteria for the proposed facility, such as size, physical characteristics, access, and availability of necessary utilities and support services;

b. An explanation of the need for the proposed facility in the proposed location;

c. The site's relationship to the service area and the distribution of other similar public facilities within the service area or jurisdiction, whichever is larger; and

d. A general description of the relative environmental, traffic, and social impacts associated with locating the proposed facility at the alternative sites, which meet the applicant's basic siting criteria. The applicant shall also identify proposed mitigation measures to alleviate or minimize significant potential impacts.

The applicant shall also briefly describe the process used to identify and evaluate the alternative sites.

7. The proposed project shall comply with all applicable provisions of the comprehensive plan, zoning ordinance, and other city regulations.

C. The following tables shall denote Tumwater's policies for siting and expansion of essential public facilities within existing zone districts: See Figures 18.56.140(A) and (B).

Figure 18.56.140(A)

CITY OF TUMWATER ESSENTIAL PUBLIC FACILITY SITING POLICIES FOR CITY ZONING																		
EPF Code	Tumwater Zone Districts																	
	RSR	LDR	MDR	HDR	MU	CBC	NC	CS	GC	TC	LI	HI	HC	GB	OS	AP	ARI	BD
A																	P	
B					C	C		C	C	C	C						C	C
C								C	C		C	C					C	C
<u>D</u>								<u>C</u>	<u>C</u>		<u>C</u>	<u>C</u>					<u>C</u>	<u>C</u>
<u>E</u>								<u>C</u>	<u>C</u>		<u>C</u>	<u>C</u>					<u>C</u>	<u>C</u>
<u>FD</u>								C(3) (4)			C(3) (4)	C(3) (4)					C(3) (4)	
<u>GE</u>											C	C					C	
<u>H</u>			<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>		<u>C</u>									
<u>IF</u>			C	C	C	C	C		C									
<u>JG</u>			C	C	C	C	C		C									
<u>KH</u>											C	C					C	
<u>LI</u>		C	C	C	C		C	C	C	C(1)	C	C					C	
<u>MJ</u>											C(2)							
<u>N</u>								<u>C</u>	<u>C</u>		<u>C</u>	<u>C</u>						

Figure 18.56.140(A) Footnotes:

“C” means conditional use; “P” means permitted use.

Shaded areas mean use is not permitted.

Figure 18.56.140(A) Explanatory Notes:

(1) In the TC town center zone district, emergency communication 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.

(2) “Secure community transition facilities” shall meet the following conditions:

A. Minimum Conditions.

1. Location.

a. In no case may a secure community transition facility be sited adjacent to, immediately across a street or parking lot from, or within the line of sight of risk potential activities or facilities in existence at the time a site is listed for consideration. “Within the line of sight” means that it is possible to reasonably visually distinguish and recognize individuals;

- b. In no case may a secure community transition facility be sited within three hundred feet of a residential zone district;
 - c. Secure community transition facilities are permitted as a conditional use in the LI light industrial zone district excluding LI light industrial zone districts north of Sapp Road Southwest and west of Crosby Boulevard Southwest;
 - 2. Compliance with Statutory Requirements. The applicant shall provide verification from the Department of Social and Health Services that the proposed facility complies with all applicable state regulations and requirements pursuant to Chapter 71.09 RCW. Where the requirements of this section conflict with the state requirements, the state requirements shall be adhered to over this section;
 - 3. A maximum of three beds for sexually violent predators may be located within any secure community transition facility.
 - B. Process Requirements. In addition to the standard public notification requirements, all property owners and residents within one-half mile of the proposed project site shall be sent notice of the public hearing regarding the requested conditional use.
- (3) “Juvenile detention facilities” shall meet the following conditions:
 - A. Minimum Conditions.
 - 1. Location.
 - a. Buildings accommodating juvenile detention facilities shall not be located closer than two hundred feet from the boundary of a district in which the use is not allowed as a conditional use;
 - b. Juvenile detention facilities shall be located such that outside law enforcement officers can respond to a call for assistance within five minutes under typical conditions;
 - c. Advance life support service, as defined in RCW 18.73.030(19), must be available within five minutes under typical conditions;
 - 2. Security.
 - a. The applicant shall submit a security plan, reviewed by the police chief, which at a minimum complies with applicable American Corrections Association’s security standards for juvenile detention facilities. This plan shall identify staffing levels and scheduling, building security, and escape search plan, and provisions for immediate public notification of escapes;
 - 3. Design.

- a. Size. Juvenile detention facilities with capacity for up to seventy-five inmates shall be located on a site of at least five acres. Sites shall contain an additional four acres for each additional fifty-bed increase in capacity above this threshold;
 - b. Setbacks. The facility shall be set back at least seventy-five feet from public rights-of-way and property lines;
4. Landscaping/Buffers.
- a. The applicant shall submit a landscaping plan, which serves to maintain or enhance the character of the area without jeopardizing security. This plan shall incorporate at least a twenty-five-foot landscaping buffer along public rights-of-way;
 - b. The applicant shall install an eight-foot-high fence in character with the neighborhood between the facilities and all property boundaries, with the exception of the landscaped street frontage, which effectively screens the site from adjacent properties. The hearing examiner may waive or lessen this requirement if he/she determines that, due to existing site features or the type of character of adjoining uses, the privacy and security of the occupants of adjoining properties can be maintained in the absence of a fence or with a lower fence;
 - c. Barbed wire topped fencing shall not be visible from public rights-of-way;
 - d. Outdoor activity areas located in residential districts shall not be visible from public rights-of-way or adjacent properties;
5. Noise.
- a. The hearing examiner may require conditions to minimize potential noise impacts including, but not limited to, altering the locations of outdoor use areas and noise-generating facilities, and installations of noise reducing elements such as walls, berms, and landscaping;
6. Access.
- a. Juvenile detention facilities shall have direct access to an arterial or collector unless the hearing examiner determines that access via lesser classifications of street would not be detrimental to neighborhood character and would not increase public safety risks.

B. Process Requirements. Property owners within one thousand four hundred feet of the proposed project site shall be sent notice of the public hearing regarding the requested conditional use.

(4) "Work release facilities" shall meet the following conditions:

A. Minimum Conditions.

1. General Requirements.

- a. The applicant shall provide verification from the Department of Corrections (DOC) that the proposed facility complies with DOC standards and applicable state and local regulations;
- b. The site must be within one-quarter mile of public transportation or an alternative transportation program, approved by the hearing examiner, must be provided to serve the needs of the facility's occupants;

2. Location.

- a. Work release facilities shall not be located closer than five hundred feet from the boundary of a district in which the use is not allowed as a conditional use;
- b. Setbacks. The facility shall be set back at least seventy-five feet from public rights-of-way and property lines;
- c. Landscaping/Buffers.
 - i. The applicant shall submit a landscaping plan, which serves to maintain or enhance the character of the area without jeopardizing security. This plan shall incorporate at least a twenty-five-foot landscaping buffer along public rights-of-way;
 - ii. The applicant shall install an eight-foot-high fence in character with the neighborhood between the facilities and all property boundaries, with the exception of the landscaped street frontage, which effectively screens the site from adjacent properties. The hearing examiner may waive or lessen this requirement if he/she determines that, due to existing site features or the type of character of adjoining uses, the privacy and security of the occupants of adjoining properties can be maintained in the absence of a fence or with a lower fence;
- d. Noise.
 - i. The hearing examiner may require conditions to minimize potential noise impacts including, but not limited to, altering the locations of outdoor use areas and noise generating facilities, and installations of noise reducing elements such as walls, berms, and landscaping;
- e. Access.
 - i. The proposed site shall have direct access to an arterial or collector unless the hearing examiner determines that access via a lesser

classification of street would not be detrimental to neighborhood character and would not increase public safety risks.

B. Process Requirements. Property owners within one thousand four hundred feet of the proposed project site shall be sent notice of the public hearing regarding the requested conditional use.

LEGEND

RSR – Residential/Sensitive Resource NC – Neighborhood Commercial LI – Light Industrial
 LDR – Low Density Residential CS – Community Services HI – Heavy Industrial
 MDR – Medium Density Residential ARI – Airport Related Industrial HC – Historic Commercial
 HDR – High Density Residential AP – Airport Overlay GB – Greenbelt
 MU – Mixed Use GC – General Commercial OS – Open Space
 CBC – Capitol Boulevard Community TC – Town Center
 BD – Brewery District

Figure 18.56.140(B)

CITY OF TUMWATER LIST OF ESSENTIAL PUBLIC FACILITIES	
Essential Public Facility Code	Essential Public Facility
A	Airports.
B	State education facilities.
C	Large-scale State or regional transportation facilities <u>as defined in RCW 47.06.140.</u>
<u>D</u>	<u>Regional transit authority facilities as defined in RCW 81.112.020.</u>
<u>E</u>	<u>Improvements to high capacity transportation systems as defined in RCW 81.104.015, bus rapid transit routes and stops or improvements to such routes and stops. "Bus rapid transit" means a fixed route bus system that features assets indicating permanent, high capacity service including, but not limited to, elevated platforms or enhanced stations, off-board fare collection, dedicated lanes, busways, or transit signal priority.</u>
<u>DF</u>	Prisons, jails, and other correctional facilities (including but not limited to: jails; juvenile detention facilities; prisons and prerelease facilities; work release facilities).
<u>EG</u>	Solid waste handling facilities including organic materials management facilities.
<u>H</u>	<u>Opioid treatment facilities including both mobile and fixed-site medication units, recovery residences, harm reduction programs excluding safe injection sites. Harm reduction programs mean programs that emphasize working directly with people who use drugs to prevent overdose and infectious disease transmission, improve the physical, mental, and social well-being of those served, and offer low threshold options for accessing substance use disorder treatment and other services.</u>

CITY OF TUMWATER LIST OF ESSENTIAL PUBLIC FACILITIES	
Essential Public Facility Code	Essential Public Facility
<u>FI</u>	Inpatient facilities including substance abuse—use <u>disorder treatment</u> facilities (including but not limited to: intensive inpatient facilities; long-term residential drug treatment facilities; recovery house facilities <u>residences</u>).
<u>GJ</u>	Mental health facilities (including but not limited to: congregate care facilities; adult residential treatment facilities; evaluation and treatment centers).
<u>HK</u>	Sewage treatment facilities (not including individual or community wastewater treatment systems).
<u>HL</u>	Emergency communication towers and antennas.
<u>JM</u>	Secure community transition facilities <u>as defined in RCW 71.09.020</u> .
<u>KN</u>	Other facilities designated by the Washington State Office of Financial Management as essential public facilities.

(Ord. O2025-011, Amended, 12/16/2025; Ord. O2017-017, Amended, 09/19/2017; Ord. O2017-006, Amended, 07/18/2017; Ord. O2014-007, Amended, 07/15/2014; Ord. O2013-025, Amended, 01/07/2014; Amended during 2011 reformat; O2008-015, Amended, 04/15/2008; Ord. O2006-021, Added, 07/10/2006; Ord. O2002-013, Amended, 08/20/2002; Ord. O2001-020, Amended, 05/07/2002; Ord. O96-022, Amended, 12/17/1996; Ord. O95-035, Added, 12/19/1995)

Section 21. 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 22. Ratification. Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and affirmed.

Section 23. 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 24. Effective Date. This ordinance shall become effective thirty (30) days after passage, approval and publication as provided by law.

ADOPTED this _____ day of _____, 2026.

CITY OF TUMWATER

Leatta Dahlhoff, Mayor

ATTEST:

Melody Valiant, City Clerk

APPROVED AS TO FORM:

Karen Kirkpatrick, City Attorney

Published:_____

Effective Date:_____