ORDINANCE NO. O2026-023

AN ORDINANCE of the City Council of the City of Tumwater, Washington, amending Chapter 3.36 of the Tumwater Municipal Code by adding a new section, 3.36.075, to establish a new Habitat Conservation Plan (HCP) fund.

WHEREAS, the City Council desires to complete the city's Habitat Conservation Plan (HCP); and

WHEREAS, the City will sell mitigation credits to developers to allow new development on land containing protected species; and

WHEREAS, the City will need to purchase additional land to mitigate and to protect endangered species; and

WHEREAS, separating HCP funding is advantageous to ensure monies are available in future budget cycles to purchase and mitigate land; and

WHEREAS, one of the City's strategic goals is to refine and sustain a great organization; and

WHEREAS, the City's strategic objectives are to be fiscally responsible and develop sustainable financial strategies; and

WHEREAS, adding a new fund to separately account for the revenue and expenses will help to ensure funding for future mitigation will be available.

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

Section 1. A new section 3.36.080, Habitat Conservation Plan Fund, is hereby added to the Tumwater Municipal Code as follows:

3.36.080 Habitat Conservation Plan Fund

A. There is established a fund to be known as the "Habitat Conservation Plan Fund," into which shall be deposited all monies collected by the City following the sale of habitat mitigation credits including charges for habitat mitigation fees related to the Habitat Conservation Plan.

B. The fund is to be used for purchasing of mitigation properties, paying the debt service on existing and future properties, and paying for mitigation activities. For the purpose of this fund, mitigation activities include making improvements to properties for the benefit of the environment or the protected species, monitoring or protection of the properties or species, planting, pruning, controlled burns, and any other activities deemed necessary for the improvement or protection of the properties for habitat conservation purposes.
C. The fund shall be administered by the Finance Director in accordance with applicable laws and regulations.
D. If, at any time hereafter, the City Council shall abolish the Habitat Conservation Plan Fund, then all monies on deposit therein shall revert to the General Fund.

Section 2. 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 3. Ratification. Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and affirmed.

Section 4. 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 5. Effective Date. This ordinance shall become effective five (5) days after passage, approval, and publication as provided by law.

ADOPTED this 17th day of November, 2026.

CITY OF TUMWATER

_____

Leatta Dahlhoff, Mayor

ATTEST:

Melody Valiant, City Clerk

APPROVED AS TO FORM:

Karen Kirkpatrick, City Attorney

Published:

Effective Date: