

**ORDINANCE NO. O2022-015**

**AN ORDINANCE** of the City Council of the City of Tumwater, Washington, amending Titles 2, 14, and 15 of the Tumwater Municipal Code to address minor housekeeping amendments to the City's regulations.

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

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

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

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

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

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

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

**WHEREAS**, the Planning Commission received a briefing on the ordinance July 12, 2022, held a worksession the ordinance on July 26, 2022, and held a public hearing on the ordinance August 9, 2022; and

**WHEREAS**, following the public hearing and deliberations, the Planning Commission recommended approval of the ordinance to the City Council; and

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

**WHEREAS**, the Public Works Committee discussed the Planning Commission's recommendation on the Tumwater Development Guidelines at their September 8, 2022 meeting; and

**WHEREAS**, the City Council discussed the ordinance at a worksession on September 27, 2022; and

**WHEREAS**, the City Council considered the ordinance on October 4, 2022; and

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

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

**Section 1.** Section 2.58.110 of the Tumwater Municipal Code is hereby amended to read as follows:

**2.58.110 Distribution of information.**

The department of community development shall provide for the distribution of reports, comments and other appropriate information, including those of other government agencies, to the hearing examiner. This process shall comply with the provisions of TMC Title 14, Development Code Administration, and the provisions of this chapter. In addition thereto, the department shall prepare a report summarizing the factors involved and the department's findings and recommendations. At least ~~five~~ seven working days prior to the scheduled hearing, the report shall be filed with the examiner and copies thereof shall be mailed to the applicant and made available for public inspection. Copies thereof shall be provided to interested parties upon payment of reproduction costs.

(Ord. O2011-002, Amended, 03/01/2011; Ord. O2010-014, Amended, 06/15/2010; Ord. O96-004, Amended, 04/16/1996; Ord. 1259, Added, 11/06/1990)

**Section 2.** A new Section 12.08.035 of the Tumwater Municipal Code is hereby created:

**12.08.035 Removal of sidewalk obstructions.**

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

**Section 3.** A new Section 12.12.070 of the Tumwater Municipal Code is hereby created:

**12.12.070 Sidewalk maintenance and repair.**

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

**Section 4.** Section 15.48.060 of the Tumwater Municipal Code is hereby amended to read as follows:

**15.48.060 Traffic study.**

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

- A. Development that generates fifty or more vehicle trips in ~~the peak direction of~~ the peak hour on the adjacent streets and intersections; or
- B. Development that generates twenty-five percent or more of peak-hour traffic through a signalized intersection or the critical movement at an unsignalized intersection.

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

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

**Section 5. 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 6. Ratification.** Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and affirmed.

**Section 7. 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 8. Effective Date.** This ordinance shall become effective thirty (30) days after passage, approval, and publication as provided by law.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

CITY OF TUMWATER

\_\_\_\_\_  
Debbie Sullivan, Mayor

ATTEST:

\_\_\_\_\_  
Melody Valiant, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Karen Kirkpatrick, City Attorney

Published:\_\_\_\_\_

Effective Date:\_\_\_\_\_