ORDINANCE NO. O2026-024

AN ORDINANCE of the City Council of the City of Tumwater, Washington, amending Chapter 3.50, Impact Fees, of the Tumwater Municipal Code to update fire impact fees based on the data generated through the Fire Impact Fee Analysis completed in 2026, as more particularly described herein.

WHEREAS, the City of Tumwater has been required to create a Comprehensive Plan pursuant to the Growth Management Act of the State of Washinton and chapter 36.70A RCW, which includes as part of the Capital Facilities element of the Comprehensive Plan elements related to fire protection facilities; and

WHEREAS, RCW 82.020.050 authorizes cities to impose impact fees on development activity as part of the financing for public facilities, including fire protection facilities; and

WHEREAS, the City Council of the City of Tumwater has adopted a capital facilities element of its Comprehensive Plan, including fire facilities, and desires to provide funding for the plan through the imposition of residential and non-residential development impact fees; and

WHEREAS, the City engaged the services of FCS, a Bowman Company, to forecast the City's future growth and analyze the Capital Facilities element of the Comprehensive Plan to determine the cost of fire protection capital improvements attributable to growth; and

WHEREAS, based on the findings and conclusions contained in the Fire Impact Fee Analysis and staff's presentation, the Tumwater City Council finds that the rates and assessments comply with the requirements of chapter 82.02 RCW and provide an equitable basis by which new development shares its proportional cost of funding fire protection facilities and related improvements within the City of Tumwater; and

WHEREAS, the City Council finds the amendments protect the public health, safety and welfare, and it is in the best interests of the residents of the City to adopt this Ordinance.

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

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

3.50.020. Definitions.

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

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

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

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

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

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

E. "City"
means the city of Tumwater.

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

G. "Cottage housing"

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

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

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

J. "Development activity"
means any construction or expansion of a building, structure, or use, any change in use of a building or structure, or any change in the use of land that creates additional demand and need for public facilities.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Y. "Owner"
means the owner of record of real property, or a person with an unrestricted written option to purchase property; provided, that if the real property is being purchased

under a recorded real estate contract, the purchaser shall be considered the owner of the real property.

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

AA. "Public facilities"
means public streets and roads, Tumwater School District No. 33 infrastructure, and Olympia School District No. 111 infrastructure.

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

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

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

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

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

GG. "State"
means the state of Washington.

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

II. "TMC"
means the Tumwater Municipal Code.

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

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

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

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

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

Section 2. Section 3.50.060, Adjustments, of the Tumwater Municipal Code is hereby amended to read as follows:

3.50.060. Adjustments

Pursuant to and consistent with the requirements of RCW 82.02.060, the transportation impact fee program, the fire impact fee rate study, the Olympia School

District study, and the Tumwater School District study have provided adjustments for past and/or future taxes paid or to be paid by the new development which are earmarked for or proratable to the same new public facilities that will serve the new development. In the roads study, that adjustment has been made by explicitly excluding from the calculation of the fee schedule in TMC § 3.50.130 that portion of the total project costs which will be funded through revenue sources other than impact fees. ~~In the fire impact fee rate study, capital costs associated with the North End fire station and fire apparatus were explicitly excluded from the calculation.~~ The impact fee schedules in TMC § 3.50.125, 3.50.130 and 3.50.135 have been reasonably adjusted for taxes and other revenue sources which are anticipated to be available to fund system improvements.

(1333, Added, 10/20/1992; O94-038, Amended, 12/06/1994; O99-045, Amended, 12/21/1999; O2002-029, Amended, 04/01/2003; O2004-026, Amended, 01/04/2005; O2007-024, Amended, 03/18/2008; O2010-008, Amended, 05/04/2010)

Section 3. Section 3.50.100, Use of funds, of the Tumwater Municipal Code is hereby amended to read as follows:

3.50.100. Use of funds.

A. Pursuant to this chapter, impact fees:

1. Shall be used for system improvements that reasonably benefit the new development; and

2. Shall not be imposed to make up for deficiencies in public facilities serving existing developments; and

3. Shall not be used for maintenance or operation of public facilities.

B. With respect to roads, impact fees may be spent for system improvements, including but not limited to transportation planning, engineering design studies, land surveys, right-of-way acquisition, engineering, permitting, financing, and administrative expenses, the construction of all the necessary features for any road construction project, and capital equipment pertaining to roads.

C. Olympia schools impact fees may be spent for system improvements within Olympia School District No. 111, including but not limited to construction of facilities and/or the expansion of existing facilities, and auxiliary facilities, such as cafeterias and principals' offices, including the cost of land, design, structures, equipment and furniture, site improvements, and legal and administrative costs.

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D. Fire protection facility impact fees shall be used to ~~accelerate payment of the general obligation bonds issued to build the headquarters fire station~~fund fire protection capital improvements that are attributable to growth.

E. Tumwater School District impact fees may be spent for system improvements within the Tumwater School District No. 33, including but not limited to construction of facilities and/or the expansion of existing facilities, and auxiliary facilities, such as cafeterias and principals' offices, including the cost of land, design, structures, equipment and furniture, site improvements and legal and administrative costs.

F. Impact fees may be used to recoup system improvement costs previously incurred by the city in anticipation of new growth and development to the extent that the development activity will be served by the previously constructed improvements or the incurred costs.

G. In the event that bonds or similar debt instruments are or have been issued for the advanced provision of system improvements for which impact fees may be expended, impact fees may be used to pay debt service on such bonds, or similar debt instruments, to the extent that the facilities or improvements provided are consistent with the requirements of this section and are used to serve the development activity.

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

Section 4. 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 5. Ratification. Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and affirmed.

Section 6. 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 7. Effective Date. This ordinance shall become effective thirty (30) days after passage, approval and publication as provided by law.

ADOPTED this _____day of _____, 2026.

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CITY OF TUMWATER

_____
Leatta Dahlhoff, Mayor

ATTEST:

_____
Melody Valiant, City Clerk

APPROVED AS TO FORM:

_____
Karen Kirkpatrick, City Attorney

Published:_____

Effective Date:_____