STAFF REPORT

Date: May 5, 2026
To: City Council
From: Brad Medrud, Community Development Director

Ordinance No. O2026-002 – 2026 Development Code Housekeeping

During 2025 and 2026, staff gathered information on four proposed minor development code housekeeping amendments to the Tumwater Municipal Code to be considered collectively in 2026.

Contents

1. Background 1

2. 2026 Development Code Housekeeping Amendments 1

A. Housing – State Department of Commerce 2

B. Child Care Centers 2

C. Signage 4

D. Essential Public Facilities. 5

3. Public Approval Process 5

4. Staff Conclusions 5

5. Staff Recommendation 7

6. Effects of the Proposed Amendments 7

7. Staff Contacts 7

1. Background

The four proposed amendments are intended to make minor corrections to the City's development regulations.

2. 2026 Development Code Housekeeping Amendments

The following is a summary of the four proposed amendments.

A. Housing – State Department of Commerce

After the City Council approved Ordinance No. O2025- 011 2025 Development Code Amendments on December 16, 2025, on January 12, 2026, as part of its review process, the State Department of Commerce provided the following comments to the City.

Thanks for submitting the city's adopted development regulations. We just have a couple of comments for the city to consider moving forward:

- *Please ensure that ADUs are defined consistent with a dwelling unit located on the same lot as a single-family housing unit, duplex, triplex, townhome or other housing unit (RCW 36.70A.696(6)).*
- *This may be an oversight, but it appears in code sections 18.12.050.D and 18.16.050.D density is limited to two dwelling units per lot including ADUs. You actually have it correct in code section 18.42.010.A, which allows two ADUs with the principal structure, and is consistent with state law.*
- *It would be a good idea to clarify in code section 18.42.010.E that zoning and design review requirements for ADUs are not more restrictive than those for the principal units (RCW 36.70A.681(1)(h))*

The amendments address Commerce's comments.

Code Sections to be amended:

- TMC 18.04.010, A Definitions
- TMC 18.12.050, Development Standards
- TMC 18.14.050, Development Standards
- TMC 18.16.050, Development Standards
- TMC 18.42.010, Accessory Dwelling Units

B. Child Care Centers

The state legislature approved ESSB 5509 on July 7, 2025, which stated that cities "must allow child care centers, and the conversion of existing buildings for use as child care centers, as an outright permitted use in all zones except industrial zones, light industrial zones, and open space zones."

In the current zoning code, child day care centers are defined in TMC 18.04.030 as "…a person or agency that provides care for thirteen or more children during part of the twenty-four-hour day" and child mini day care centers are defined in TMC 18.04.030 as "…a person or agency providing care during part of the twenty-four-hour day to twelve or fewer children in a facility other than the family abode of the person or persons under whose direct care the children are placed.

Currently, child care centers are a conditional use in all residential zone districts, a permitted use in commercial zone districts, and a conditional use in the LI Light Industrial and ARI Airport Related Industry zone districts.

The amendments address the new state regulations.

The amendments also change the name of the uses from “child day care center” to “child care center” and from “child mini day care center” to “mini child care center” for consistency throughout Title 18 *Zoning*.

ESSB 5509 (2025) uses the term “child care centers” in Chapter 35A.21 RCW, which is the basis for the City’s amendments in 2026. RCW 43.216.010 uses both "Child day care center" and "child care center" to mean an agency that regularly provides early childhood education and early learning services for a group of children for periods of less than 24 hours.

Code Sections to be amended:

- TMC 18.04.030, C Definitions
- TMC 18.04.130, M Definitions
- TMC 18.04.170, R Definitions
- TMC 18.07.010, Residential Zone Districts Permitted and Conditional Uses
- TMC 18.07.020, Commercial Zone Districts Permitted and Conditional Uses
- TMC 18.07.030, Industrial Zone Districts Permitted and Conditional Uses
- TMC 18.08.020, Permitted Uses.
- TMC 18.08.040, Conditional Uses.
- TMC 18.12.020, Permitted Uses.
- TMC 18.12.040, Conditional Uses.
- TMC 18.14.020, Permitted Uses.
- TMC 18.14.040, Conditional Uses.
- TMC 18.16.020, Permitted Uses.
- TMC 18.16.040, Conditional Uses.
- TMC 18.18.020, Permitted Uses.
- TMC 18.19.020, Permitted Uses.
- TMC 18.20.020, Permitted Uses.
- TMC 18.21.020, Permitted Uses.
- TMC 18.22.020, Permitted Uses.
- TMC 18.23.020, Uses.

- TMC 18.23.050, Development and Design Standards – Specific to Properties Fronting Main Streets.
- TMC 18.24.020, Permitted Uses.
- TMC 18.25.040, Conditional Uses.
- TMC 18.26.020, Permitted Uses.
- TMC 18.27.040, Uses.
- TMC 18.32.070, Prohibited Uses Within Compatible Use Zones.
- TMC 18.34.020, Permitted Uses.
- TMC 18.42.050, Sexually Oriented Businesses.
- TMC 18.49.020, Permitted Uses.
- TMC 18.49.040, Conditional Uses.
- TMC 18.50.070, Off-Street Parking Space Standards.
- TMC 18.52.010, Definitions.
- TMC 18.52.020, Family Child Care Home.
- TMC 18.52.040, Child Day Care Center.
- TMC 18.56.120, “C” Uses.

Code Sections to be deleted:

- TMC 18.52.030, Child Mini-Day Care Center.

C. Signage

The amendments narrow the type of conditional exemptions to the sign code and clarify when an increase in the allowable square footage for wall and monument signs for multiple building complexes or multiple tenant buildings that have frontage on Interstate 5 may be approved.

Code Sections to be amended:

- TMC 18.44.075, Conditional Exemptions
- TMC 18.44.155, Multiple Building Complexes, Multiple Tenant Buildings, and Large Commercial or Industrial Buildings

D. Essential Public Facilities.

The Governor signed 2E2SSB 5536 on May 16, 2023, which added "opioid treatment facilities" to the list of essential public facilities that City is required to allow to be sited in the community. The Governor signed ESSB 5801 on May 20, 2025, which added "Improvements to high capacity transportation systems" to the list of essential public facilities that City is required to allow to be sited in the community. Other amendments to the state's list of essential public facilities have occurred in recent years.

The proposed amendments bring the City's essential public facilities regulations into compliance with state law.

Code Sections to be amended:

- TMC 18.56.140, "E" uses

3. Public Approval Process

An Environmental Checklist for a non-project action was prepared on February 13, 2026, under the State Environmental Policy Act (Chapter 43.21C RCW), pursuant to Chapter 197-11 WAC, and a Determination of Non-Significance was issued March 6, 2026.

The ordinance was sent to the Washington State Department of Commerce February 25, 2026, for their required 60-day review before the proposed text amendments are adopted, in accordance with RCW 36.70A.106.

The Planning Commission received a briefing on the proposed code amendments on February 24, 2026, and held a work session on the proposed code amendments March 10, 2026.

A Notice of Public Hearing for the Planning Commission was issued on March 13, 2026, prior to a public hearing. The notice was posted, published as a press release, distributed to interested individuals and entities that have requested such notices, and published in The Olympian.

The Planning Commission held a public hearing on the proposed amendments on April 14, 2026. Following the public hearing and deliberations, the Planning Commission recommended that Council consider the proposed amendments.

The City Council reviewed the Planning Commission's recommendation on the proposed amendments on April 28, 2026. The City Council is scheduled to consider the proposed amendments on May 5, 2026.

4. Staff Conclusions

1. The proposed text amendments will need to be consistent with the goals of the Washington State Growth Management Act.

a. The ordinance will need to be consistent with Goal 1 of the Growth Management Act which states:

   Urban growth. Encourage development in urban areas where adequate public facilities and services exist or can be provided in an efficient manner.

   The ordinance will address state regulations for updates to regulations for accessory dwelling units, child care facilities, and essential public facilities while also addressing City regulations for signs and will address the following goal and policy of the Land Use Element:

   Goal LU-12 Provide for the location of essential public facilities.

   LU-12.1 Ensure that the Comprehensive Plan and implementing regulations do not preclude the siting of essential public facilities.

b. The ordinance will need to be consistent with Goal 4 of the Growth Management Act which states:

   Housing. Plan for and accommodate housing affordable to all economic segments of the population of this state, promote a variety of residential densities and housing types, and encourage preservation of existing housing stock.

   The ordinance will update regulations for accessory dwelling units to be more in line with state regulations and will address the following goal and policy of the Housing Element:

   Goal H-1 Increase the supply and variety of housing for every income and age group.

   H-1.6 Consider innovative plans, codes, standards, and procedures to take advantage of the best private and public sector approaches to creating housing.

c. This ordinance will need to be consistent with Goal 11 of the Growth Management Act which states:

   Citizen participation and coordination. Encourage the involvement of citizens in the planning process, including the participation of vulnerable populations and overburdened communities, and ensure coordination between communities and jurisdictions to reconcile conflicts.

   Consideration of the ordinance will involve the community in the planning process through Planning Commission and City Council meetings and will address the following goal of the Comprehensive Plan:

   Goal PI-1 Continuously engage with the community and the region.

2. Based on the above review and analysis, staff will need to conclude that the proposed text amendments are consistent with the requirements of the Washington State Growth Management Act and the Tumwater Comprehensive Plan.

Staff concludes that the proposed text amendments are consistent with the requirements of the Washington State Growth Management Act and the Tumwater Comprehensive Plan

5. Planning Commission Recommendation

Adopt Ordinance No. O2026-002, 2026 Housekeeping Amendments.

6. Effects of the Proposed Amendments

The proposed text amendments would necessitate changes to the Tumwater Municipal Code.

7. Staff Contacts

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