

ORDINANCE NO. O2002-013

AN ORDINANCE amending Title 18 *Zoning*, of the Tumwater Municipal Code.

WHEREAS, the City of Tumwater has adopted a Comprehensive Plan that includes all elements required by the Growth Management Act, Chapter 36.70A RCW; and

WHEREAS, the Growth Management Act requires that the City of Tumwater adopt development regulations, including zoning, that are consistent with and implement its Comprehensive Plan; and

WHEREAS, the City of Tumwater has prepared the amendments to the municipal code that are included in this ordinance, in accordance with the City of Tumwater Citizen Participation and Intergovernmental Coordination Policy, the State Environmental Policy Act, and the Growth Management Act; and

WHEREAS, the Tumwater Planning Commission held a public hearing on June 11th, 2002 and the Tumwater City Council held a public hearing on August 20th, 2002 to accept public testimony relating to this matter;

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

Section 1. Chapter 18.04 of the Tumwater Municipal Code is hereby amended to read as follows:

Chapter 18.04

Sections:

- 18.04.005** **Generally.**
- 18.04.010** **Accessory building, structure, use.**
- 18.04.013** **Accessory dwelling unit.**
- 18.04.014** **Accessory wireless communication antenna**
- 18.04.015** **Administrative official.**
- 18.04.016** **Adult family home.**
- 18.04.017** **Agriculture.**
- 18.04.018** **Airport fueling facility.**
- 18.04.019** **Alley.**
- 18.04.020** **Alterations.**
- 18.04.025** **Amendment.**
- 18.04.030** **Animal clinic or hospital.**
- 18.04.033** **Aquaculture.**
- 18.04.034** **Automobile sales area.**

- 18.04.035 Automobile service station.
- 18.04.040 Automobile wrecking.
- 18.04.045 Base flood elevation.
- 18.04.050 Bed and breakfast.
- 18.04.055 Boardinghouse.
- 18.04.060 Buffer.
- 18.04.065 Buildable area.
- 18.04.070 Building.
- 18.04.075 Building code.
- 18.04.080 Building coverage.
- 18.04.085 Building height or structure height.
- 18.04.090 Building line.
- 18.04.095 Building site.
- 18.04.100 Business.
- 18.04.105 Carwash.
- 18.04.106 Camp facility.
- 18.04.107 Campground or recreational vehicle park.
- 18.04.108 Caretaker dwelling.
- 18.04.110 Cemetery.
- 18.04.111 Child day care center.
- 18.04.112 Child mini-day care center.
- 18.04.115 Church.
- 18.04.120 Clinic.
- 18.04.125 Club.
- 18.04.127 Clustered subdivision.
- 18.04.128 Community center.
- 18.04.135 Conditional uses.
- 18.04.140 Convalescent center.
- 18.04.143 Correctional facility.
- 18.04.145 Corner lot.
- 18.04.150 Crematory.
- 18.04.155 Density.
- 18.04.160 Detached dwelling.
- 18.04.165 Development.
- 18.04.167 Development services department.
- 18.04.170 Director of development services.
- 18.04.175 District.
- 18.04.180 Duplex.
- 18.04.185 Dwelling or dwelling unit.
- 18.04.190 Dwelling, multiple.
- 18.04.195 Easement.
- 18.04.197 Emergency communication towers and antennas.
- 18.04.200 Energy systems.
- 18.04.201 Entertainment facility.

- 18.04.202 Essential public facilities.
- 18.04.205 Family.
- 18.04.206 Family child care home.
- 18.04.210 Fence.
- 18.04.215 Flood.
- 18.04.225 Floodplain.
- 18.04.226 Floodplain, five hundred-year.
- 18.04.227 Floodplain, one hundred-year.
- 18.04.230 Floodproofing.
- 18.04.235 Floodway.
- 18.04.237 Floor area ratio (FAR).
- 18.04.240 Freestanding sign.
- 18.04.245 Garage or carport, private.
- 18.04.250 Garage, public.
- 18.04.252 Generator–Hazardous waste.
- 18.04.255 Grade.
- 18.04.260 Group foster home.
- 18.04.265 Habitable floor.
- 18.04.267 Hazardous waste.
- 18.04.270 Home occupation.
- 18.04.275 Hotel or motel.
- 18.04.280 Household pet.
- 18.04.283 Inpatient facilities.
- 18.04.285 Interior lot.
- 18.04.286 Ionizing radiation.
- 18.04.287 Jail.
- 18.04.290 Junkyard.
- 18.04.293 Juvenile detention facility.
- 18.04.295 Kennel.
- 18.04.300 Kitchen.
- 18.04.305 Loading space.
- 18.04.310 Lot.
- 18.04.315 Lot area.
- 18.04.320 Lot, corner.
- 18.04.325 Lot coverage.
- 18.04.330 Lot depth.
- 18.04.335 Lot, interior.
- 18.04.340 Lot of record.
- 18.04.345 Lot, panhandle.
- 18.04.350 Lot, through.
- 18.04.355 Lot width.
- 18.04.357 Lowest floor.
- 18.04.360 Mean sea level.
- 18.04.363 Mental health facilities.

- 18.04.364 Mineral extraction.
- 18.04.365 Ministorage facilities.
- 18.04.367 Mixed use development.
- 18.04.370 Mobile home or manufactured home.
- 18.04.375 Mobile home or manufactured home park.
- 18.04.380 Modular unit.
- 18.04.385 Motel.
- 18.04.390 Multifamily dwelling.
- 18.04.395 Neighborhood community center.
- 18.04.397 Neighborhood-oriented commercial center.
- 18.04.400 New construction.
- 18.04.405 Nonconforming building or use.
- 18.04.407 Nonionizing electromagnetic radiation (NIER).
- 18.04.408 Nurseries or greenhouses.
- 18.04.410 Nursing home.
- 18.04.415 Obstruction (stream).
- 18.04.417 Off-site hazardous waste treatment and storage facility.
- 18.04.418 On-site hazardous waste treatment and storage facility.
- 18.04.420 Open space.
- 18.04.425 Overlay zone.
- 18.04.430 Panhandle lot.
- 18.04.435 Parcel.
- 18.04.440 Parking lot.
- 18.04.441 Parking structure.
- 18.04.443 Park and ride facility.
- 18.04.445 Parking space.
- 18.04.450 Permitted use.
- 18.04.455 Personal service.
- 18.04.460 Planned unit development.
- 18.04.465 Planning department.
- 18.04.470 Planning director.
- 18.04.475 Preschool/child care facility.
- 18.04.476 Prisons and prerelease facilities.
- 18.04.477 Private clubs and lodges.
- 18.04.478 Private education facility.
- 18.04.480 Profession.
- 18.04.485 Professional office.
- 18.04.487 Professional service.
- 18.04.490 Public utility.
- 18.04.491 Radiation machine.
- 18.04.492 Radioactive material.
- 18.04.494 Recreation, active.
- 18.04.495 Recreation facilities.
- 18.04.496 Recreation, passive

- 18.04.497 **Recycling collection center.**
- 18.04.498 **Residential care facility.**
- 18.04.500 **Rest home, convalescent home, or nursing home.**
- 18.04.503 **Retail sales.**
- 18.04.505 **Rezone.**
- 18.04.510 **Riding academy.**
- 18.04.512 **Risk potential activity/facility.**
- 18.04.515 **Roof.**
- 18.04.520 **Roominghouse.**
- 18.04.525 **School.**
- 18.04.530 **Screening.**
- 18.04.531 **Secure community transition facility.**
- 18.04.532 **Senior housing facility.**
- 18.04.535 **Service station.**
- 18.04.540 **Setback.**
- 18.04.542 **Sewage treatment facilities.**
- 18.04.543 **Sexually-oriented businesses.**
- 18.04.545 **Shopping center.**
- 18.04.550 **Shoreline.**
- 18.04.555 **Sign.**
- 18.04.560 **Single-family conversion.**
- 18.04.565 **Solar energy system.**
- 18.04.566 **Solid waste handling facilities.**
- 18.04.567 **Source of nonionizing electromagnetic radiation.**
- 18.04.569 **State education facilities.**
- 18.04.570 **Story.**
- 18.04.573 **Stream.**
- 18.04.575 **Street.**
- 18.04.580 **Structure.**
- 18.04.585 **Structure, landscaping.**
- 18.04.590 **Substantial improvement.**
- 18.04.595 **Support facilities.**
- 18.04.597 **Tavern.**
- 18.04.600 **Through lot.**
- 18.04.605 **Townhouse or rowhouse.**
- 18.04.610 **Tract.**
- 18.04.615 **Trailer.**
- 18.04.617 **Transmission tower.**
- 18.04.618 **Transportation terminal.**
- 18.04.619 **Transportation facilities, large scale or regional.**
- 18.04.620 **Travel trailer.**
- 18.04.625 **Uniform Building Code.**
- 18.04.630 **Unit.**
- 18.04.635 **Use district.**

- 18.04.637 Utility support facilities.
- 18.04.640 Variance.
- 18.04.642 Wireless communication facility.
- 18.04.643 Work release facility.
- 18.04.645 Wrecking yard.
- 18.04.646 Yard.
- 18.04.650 Yard, front.
- 18.04.655 Yard, rear.
- 18.04.660 Yard, side.
- 18.04.665 Zone.
- 18.04.670 Yard determination diagram.”

Section 2. Section 18.04.512 of the Tumwater Municipal Code is hereby created and is to read as follows:

18.04.512 Risk potential activity/facility.

"Risk potential activity" or "risk potential facility", in accordance with RCW 71.09.020, means an activity or facility that provides a higher incidence of risk to the public from persons conditionally released from the special commitment center. Risk potential activities and facilities include: Public and private schools, school bus stops, licensed day care and licensed preschool facilities, public parks, publicly dedicated trails, sports fields, playgrounds, recreational and community centers, churches, synagogues, temples, mosques, public libraries, and others identified by the Department of Social and Health Services following the hearings on a potential site required in RCW 71.09.315. For purposes of this chapter, "school bus stops" does not include bus stops established primarily for public transit.

Section 3. Section 18.04.531 of the Tumwater Municipal Code is hereby created and is to read as follows:

18.04.531 Secure community transition facility.

"Secure community transition facility" means a residential facility for persons civilly committed and conditionally released to a less restrictive alternative pursuant to Chapter 71.09 RCW. A secure community transition facility has supervision and security, and either provides or ensures the provision of sex offender treatment services. Secure community transition facilities include but are not limited to the facilities established pursuant to RCW 71.09.250 and any community-based facilities established under Chapter 71.09 RCW and operated by the secretary of social and health services or the secretary's designee or under contract with the secretary.

Section 4. Section 18.24.010 of the Tumwater Municipal Code is hereby amended as follows:

Section 18.24.010 Intent.

The intent of the Light Industrial (LI) zone district is to establish and preserve areas for industrial and ~~related~~ other uses of such a nature that they do not create serious problems of compatibility with other kinds of land uses; to make provisions for certain kinds of commercial uses which are most appropriately located as neighbors of industrial uses, or which are necessary to service immediate needs of people in these areas; to ensure that retail commercial areas are encouraged within one quarter mile of the 93rd Avenue/Interstate 5 intersection; to provide pedestrian and transit orientation in these commercial areas to provide an alternative to driving a private automobile; and to encourage the preservation and provision of open space in industrial areas to ensure a desirable quality of life.
(O95-035, Added, 12/19/1995)

Section 5. Section 18.24.040 of the Tumwater Municipal Code is hereby amended as follows:

Section 18.24.040 Conditional uses.

Conditional uses in the LI district are as follows:

- A. Off-premises signs;
- B. Cemeteries;
- C. The following essential public facilities:
 - 1. State education facilities;
 - 2. Large scale or regional transportation facilities;
 - 3. Prisons, jails or other correctional facilities;
 - a. Juvenile detention facilities;
 - b. Work release facilities;
 - c. Prisons and prerelease facilities;
 - d. Jails;
 - 4. Solid waste handling facilities;
 - 5. Sewage treatment facilities (not including individual or community wastewater treatment systems);
 - 6. Emergency communication towers and antennas;*
 - 7. Secure community transition facilities
- D. Building heights exceeding fifty (50) feet;*
- E. Animal clinics;
- F. Animal kennels.
- G. Recycling collection centers.

*Subject to Federal Aviation Administration (FAA) standards and approval if they apply.

(O97-019, Amended, 06/17/1997; O95-035, New, 12/19/1995; O2000-014, Amended, 07/18/2000; O97-019, Amended, 06/17/1997; O95-035, Added, 12/19/1995)

Section 6. Chapter 18.56 of the Tumwater Municipal Code is hereby amended as follows:

“Chapter 18.56

CONDITIONAL USE PERMITS

Sections:

- 18.56.010 Intent.**
- 18.56.020 Application--Contents and fee.**
- 18.56.030 Hearing.**
- 18.56.040 Imposition of conditions.**
- 18.56.050 Notification of hearing examiner decision.**
- 18.56.060 Resubmittal of application--Appeal.**
- 18.56.070 Time limitations.**
- 18.56.080 Specific conditional use permit.**
- 18.56.090 Minimum conditions.**
- 18.56.100 Churches.**
- 18.56.110 Schools.**
- 18.56.120 Medical clinics or hospitals.**
- 18.56.125 Senior housing facilities.**
- 18.56.130 Convalescent centers, rest homes and nursing homes.**
- 18.56.135 Adult family homes, residential care facilities.**
- 18.56.140 Neighborhood community centers.**
- 18.56.150 Animal clinics, hospitals or kennels.**
- 18.56.155 Agriculture.**
- 18.56.160 Neighborhood-oriented commercial centers.**
- 18.56.170 Off-premises primary use signs.**
- 18.56.180 Cemeteries.**
- 18.56.185 Wholesaling, manufacturing, assembling, warehousing, storing, repairing, fabricating, or other handling of products or equipment.**
- 18.56.190 Ministorage facilities, boat/marine sales, auto repair facilities.**
- 18.56.195 Taverns, cocktail lounges.**
- 18.56.200 Private clubs and lodges.**
- 18.56.205 Automobile service stations.**
- 18.56.210 Storage, manufacture or sale of highly volatile or extremely hazardous substances; off-site hazardous**

- waste treatment and storage facilities.
- 18.56.215 Distribution, fabrication, and assembly facilities occurring within buildings lawfully constructed on Port of Olympia property on or before January 1, 2000
- 18.56.220 Freestanding wireless communication facilities.
- 18.56.225 Group foster home.
- 18.56.230 Child day care center.
- 18.56.235 Family child care home, child mini-day care center.
- 18.56.240 Juvenile detention facilities.
- 18.56.245 Secure community transition facilities.
- 18.56.250 Work release facilities.
- 18.56.260 Essential public facilities siting process
- 18.56.265 Parks and open spaces, recreational facilities.
- 18.56.270 Campgrounds and recreational vehicle parks.
- 18.56.280 Buildings or structures over permitted height restrictions.
- 18.56.290 Parking lots, park and ride lots, and parking structures.
- 18.56.300 Wrecking yards and junk yards.
- 18.56.310 Bed and breakfasts.
- 18.56.320 Recycling Collection Centers.”

Section 7. Section 18.56.245 of the Tumwater Municipal Code is hereby created and is to read as follows:

Section 18.56.245 Secure Community Transition Facilities.

A. Secure Community Transition Facilities are permitted as a conditional use in the Light Industrial zoning district excluding Light Industrial zones in the vicinity of the Mottman Industrial Park.

B. Minimum Conditions:

1. Location.

a. In no case may a Secure Community Transition Facility (SCTF) 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 SCTF be sited within 300 feet of a residential zoning district.

2. Public Notification.

a. In addition to the standard public notification requirements, all property owners and residents within one-half (1/2) mile of the proposed project site shall be sent notice of the public hearing regarding the requested Conditional Use.

3. Compliance with Statutory Requirements.

a. The applicant shall provide verification from the Department of Social and Health Services that the proposed facility is in compliance 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.

4. A maximum of three beds for sexually violent predators may be located within any Secure Community Transition Facility.

Section 8. Section 18.56.260 of the Tumwater Municipal Code is hereby amended as follows:

Section 18.56.260 Essential public facilities siting process

A. The following uses are considered essential public facilities and shall require a conditional use permit as indicated in each individual zone. Additionally, the siting process outlined in Section 18.56.260(B) shall be followed.

1. Airports
2. Terminal facilities
3. State education facilities
4. Large scale state or regional transportation facilities*
5. Prisons, jails and other correctional facilities
6. Solid waste handling facilities
7. Inpatient facilities including substance abuse facilities (including but not limited to intensive inpatient facilities; long term residential drug treatment facilities; recovery house facilities)
8. Mental health facilities (including but not limited to congregate care facilities; adult residential treatment facilities; evaluation and treatment centers)
9. Sewage treatment facilities (not including individual or community wastewater treatment systems)
10. Emergency communication towers and antennas
11. Secure community transition facilities

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

1. Essential public facilities classified as follows:
 - a. Type One. Multi-county 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 educational facilities.
 - b. Type Two. These are local or inter-local 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, community colleges, sewage treatment facilities, emergency communication towers and antennae, 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 collectively review and comment 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 4.2(a)).

5. Major public facilities which generate substantial traffic should be sited near major transportation corridors (adapted from County-wide Policy 4.2(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.

e. 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 table shall denote Tumwater's policies for siting and expansion of essential public facilities within existing zones: See table.

Section 9. Figure 18.56.260(A) of the Tumwater Municipal Code is hereby amended to read as follows:

CITY OF TUMWATER ESSENTIAL PUBLIC FACILITY SITING POLICIES FOR CITY ZONING																		
EPF Code	Tumwater Zones																	
	RSR	SFL	SFM	MFM	MFH	MU	NC	CS	GC	TC	LI	HI	HC	BP	GB	OS	AH	ARI
A																		P
B											P							P
C						C		C	C	C	C							C
D								C	C		C	C		C				C
E								C	C		C	C						C
F											C	C						C
G				C	C	C	C		C									
H				C	C	C	C		C									
I											C	C						C
J		C	C	C	C	C	C	C	C	C(1)	C	C		C				C

A	Airports
B	Terminal facilities
C	State education facilities
D	Large scale State or regional transportation facilities *
E	Prisons, jails and other correctional facilities
F	Solid waste handling facilities
G	Inpatient facilities including substance abuse facilities (including but not limited to: intensive inpatient facilities; long term residential drug treatment facilities; recovery house facilities.)
H	Mental health facilities (including but not limited to: congregate care facilities; adult residential treatment facilities; evaluation and treatment centers).
I	Sewage treatment facilities (Not including individual or community waste-water treatment systems).
J	Emergency communication towers and antennas
<u>K</u>	<u>Secure Community Transition Facilities</u>
L	Other facilities designated by the Washington State Office of Financial Management as essential public facilities

Figure 18.56.260(B)

(O95-035, Added, 12/19/1995; O96-022, Amended, 12/17/1996; O2001-020, Amended, 05/07/2002)

Section 11. SEVERABILITY. If any section, subsection, sentence, clause, phrase, or other portion of this Ordinance, or its application to any person, is, for any reason, declared invalid, in whole or in part by any court or agency of competent jurisdiction, said decision shall not affect the validity of the remaining portions hereof.

Section 12. This ordinance shall become effective 5 days after passage, approval and publication as provided by law.

ADOPTED this ____ day of _____, 2002.

TUMWATER CITY COUNCIL

Ralph C. Osgood, Mayor

ATTEST:

Gayla Gjertsen, Clerk/Treasurer

PUBLISHED:_____

APPROVED AS TO FORM:

Patrick Brock, City Attorney