

CITY OF  
TUMWATER

DEVELOPMENT  
GUIDE

# TUMWATER DEVELOPMENT GUIDE

## TABLE OF CONTENTS

**FORWARD**..... i  
**REVISIONS INFORMATION/CHANGE OF LOCATION FORM**..... iv

### **CHAPTER 1 ZONING & RELATED ISSUES**

1.1 Conditional Use Permits ..... 1-1  
1.2 Rezones..... 1-1  
1.3 Zoning Text Amendments ..... 1-1  
1.4 Planned Unit Developments ..... 1-1  
1.5 Variance ..... 1-2  
1.6 Comprehensive Plan Amendments ..... 1-2  
1.7 Development/Site Plan Review..... 1-3  
1.8 Administrative Appeals..... 1-4  
1.9 Building Moving Permit..... 1-4  
1.10 Certificate of Appropriateness ..... 1-4  
1.11 Architectural Design Criteria ..... 1-5  
1.12 Shoreline Substantial Development Permit ..... 1-5  
1.13 Conservation Plan ..... 1-6  
    *Wetlands Protection*  
    *Aquifer Protection*  
    *Geologically Hazardous Areas*  
    *Fish and Wildlife Protection*  
1.14 Tree & Vegetation Protection Ordinance..... 1-9  
1.15 Annexation ..... 1-9  
1.16 Environmental Policy ..... 1-11  
1.17 Vesting..... 1-12  
1.18 Determination of Complete Application..... 1-12

### **CHAPTER 2 LAND DIVISIONS**

Tumwater Municipal Code Chapter 17

### **CHAPTER 3 GENERAL PUBLIC WORKS CONSIDERATIONS**

3.1 Standard Specifications..... 3-1  
3.2 Shortened Designation ..... 3-2  
3.3 Applicability ..... 3-2  
3.4 Definitions and Terms..... 3-2  
3.5 Severability ..... 3-5  
3.6 Engineering Plan Submittal Requirements ..... 3-5  
3.7 Plan Review ..... 3-7  
3.8 Pre Construction (Pre Con) Conference ..... 3-7  
3.9 Construction Control and Inspection ..... 3-8

|                                     |   |      |
|-------------------------------------|---|------|
| 3.10                                | Inspection .....  | 3-8  |
| 3.11                                | Fees.....   | 3-9  |
| 3.12                                | Permits .....   | 3-9  |
| 3.13                                | Bonding .....   | 3-11 |
| 3.14                                | Utility Locations .....                                   | 3-12 |
| 3.15                                | Easements .....   | 3-13 |
| 3.16                                | Latecomers Agreements.....                                | 3-13 |
| 3.17                                | Street/Alley Vacations.....                               | 3-14 |
| 3.18                                | Utility Extension .....                                   | 3-14 |
| 3.19                                | Annexation Requirement.....                               | 3-15 |
| 3.20                                | Traffic Control.....                                      | 3-15 |
| 3.21                                | Call Before You Dig .....                                 | 3-16 |
| <br><b>CHAPTER 4 TRANSPORTATION</b> |   |      |
| 4.1                                 | General Considerations.....                               | 4-1  |
|                                     | <i>STREETS:</i>   |      |
| 4.2                                 | General Considerations/Streets.....                       | 4-1  |
| 4.3                                 | Design Standards/Streets .....                            | 4-1  |
| 4.4                                 | Functional Classification .....                           | 4-3  |
| 4.5                                 | Naming/Streets.....                                       | 4-5  |
| 4.6                                 | Signing.....  | 4-5  |
| 4.7                                 | Right-of-Way .....  | 4-5  |
| 4.8                                 | Private Streets .....                                     | 4-6  |
| 4.9                                 | Street Frontage Improvements.....                         | 4-7  |
| 4.10                                | Cul-de-sac .....  | 4-8  |
| 4.11                                | Temporary Dead Ends.....                                  | 4-8  |
| 4.12                                | Half Street.....  | 4-9  |
| 4.13                                | Medians .....   | 4-9  |
| 4.14                                | Intersections.....  | 4-9  |
| 4.15                                | Driveways.....  | 4-10 |
| 4.16                                | Sight Obstruction.....                                    | 4-12 |
| 4.17                                | Surfacing Requirements.....                               | 4-13 |
| 4.18                                | Temporary Street Patching.....                            | 4-13 |
| 4.19                                | Trench Backfill and Restoration.....                      | 4-14 |
| 4.20                                | Staking .....   | 4-15 |
| 4.21                                | Testing.....  | 4-16 |
|                                     | Testing and Sampling Frequency Guide.....                 | 4-17 |
|                                     | <i>SIDEWALKS, CURBS AND GUTTERS:</i>                      |      |
| 4.22                                | General Considerations/Sidewalks, Curbs and Gutters ..... | 4-18 |
| 4.23                                | Design Standards .....                                    | 4-18 |
| 4.24                                | Sidewalks .....   | 4-18 |
| 4.25                                | Curb and Gutter .....                                     | 4-19 |
| 4.26                                | Handicap Ramps.....                                       | 4-19 |
| 4.27                                | Staking .....   | 4-19 |

4.28 Testing..... 4-19

*BIKEWAYS:*

4.29 (Reserved for Bikeway Development Standards) ..... 4-20

*ILLUMINATION:*

4.30 General ..... 4-20

4.31 Design Standards ..... 4-20

4.32 Staking ..... 4-26

4.33 Testing..... 4-27

*SIGNALS:*

4.34 General ..... 4-27

4.35 Design Standards ..... 4-27

4.36 Induction Loops..... 4-27

4.37 Staking ..... 4-28

4.38 Testing..... 4-28

4.39 Check-Out Procedure ..... 4-28

*ROADSIDE FEATURES:*

4.40 General ..... 4-28

4.41 Staking ..... 4-29

4.42 Testing..... 4-29

4.43 Survey Monuments..... 4-29

4.44 Bus Shelter and Amenities ..... 4-30

4.45 Mailboxes ..... 4-33

4.46 Guard Rails ..... 4-33

4.47 Retaining Walls on Private Property ..... 4-33

4.48 Retaining/Erosion Control Walls Within Public  
Rights-of-Way ..... 4-33

4.49 Street Trees ..... 4-35

4.50 Parking Lot ..... 4-38

Transportation List of Drawings ..... 4-39

**CHAPTER 5 DRAINAGE DESIGN AND EROSION CONTROL MANUAL  
FOR THURSTON REGION, WASHINGTON**  
Contains self-index.

**CHAPTER 6 WATER**

6.1 General ..... 6-1

6.2 Design Standards ..... 6-1

6.3 General Notes (Water Main Installation)..... 6-1

6.4 Main Line ..... 6-2

6.5 Connection To Existing Water Main ..... 6-4

6.6 Service Interruption ..... 6-4

6.7 Hydrants..... 6-4



6.8 Valves ..... 6-5

6.9 Casing..... 6-6

6.10 Air and Vacuum Release Valve ..... 6-6

6.11 Blowoff Assembly..... 6-6

6.12 Backflow Prevention..... 6-6

6.13 Service Connection ..... 6-7

6.14 Water Main/Sanitary Sewer Crossing ..... 6-8

6.15 Irrigation ..... 6-8

6.16 Staking ..... 6-8

6.17 Trench Excavation..... 6-9

6.18 Thrust Blocking ..... 6-9

6.19 Backfilling ..... 6-10

6.20 Hydrostatic Tests..... 6-10

6.21 Sterilization and Flushing ..... 6-10

Water List of Drawings ..... 6-12

**CHAPTER 7 SANITARY SEWER**

7.1 General ..... 7-1

7.2 Marking Side Sewers..... 7-1

7.3 Sanitary Sewer/Water Main Crossing ..... 7-2

7.4 Staking ..... 7-2

7.5 Trench Excavation..... 7-2

7.6 Backfilling ..... 7-2

7.7 Street Patching and Restoration ..... 7-2

7.8 Testing..... 7-2

*GRAVITY SEWER:*

7.9 General ..... 7-4

7.10 Design Standards ..... 7-4

7.11 Mainline-Gravity ..... 7-7

7.12 Connection to Existing System..... 7-7

7.13 Manholes ..... 7-8

7.14 Slope ..... 7-10

7.15 Increasing Size..... 7-10

7.16 High Velocity Protection ..... 7-10

7.17 Drops..... 7-10

7.18 Cleanouts..... 7-11

7.19 Building Sewer..... 7-11

*LIFT STATIONS:*

7.20 General ..... 7-12

7.21 Design Standards ..... 7-12

*PRESSURE SEWER (FORCE MAIN):*

7.22 General..... 7-13

7.23 Design Standards ..... 7-13

7.24 Force Main ..... 7-14  
 7.25 Surge Protections..... 7-14  
 7.26 Air/Vacuum Values..... 7-15  
 7.27 Force Main Drain..... 7-15  
 7.28 Thrust Blocking ..... 7-15  
 7.29 Force Main Termination ..... 7-15  
 7.30 Manhole/Vault Access ..... 7-16

*STEP STANDARDS - GENERAL SPECIFICATIONS:*

7.31 Descriptions and Scope..... 7-16  
 7.32 Ownership and Operation..... 7-16  
 7.33 Safety ..... 7-17  
 7.34 Required Dedication ..... 7-17  
 7.35 Design..... 7-17  
 7.36 Construction Checklist..... 7-18

*STEP STANDARDS -  
 MECHANICAL AND ELECTRICAL SPECIFICATIONS:*

7.37 Pipe ..... 7-18  
 7.38 Joints ..... 7-18  
 7.39 Fittings ..... 7-19  
 7.40 Valves ..... 7-19  
 7.41 Check Valves..... 7-19  
 7.42 Septic Tanks..... 7-19  
 7.43 Concrete Tanks ..... 7-20  
 7.44 Fiberglass Tanks ..... 7-21

*INSTALLATION AND HANDLING PROCEDURES:*

7.45 Tank Risers ..... 7-23  
 7.46 Gravity Discharge Tank Equipment ..... 7-24  
 7.47 Effluent Pumping Tank Equipment..... 7-24  
 7.48 Controls and Alarms..... 7-24  
 7.49 Valve and Service Connection Boxes..... 7-25  
 7.50 Acceptance Testing ..... 7-26  
 Sanitary Sewer List of Drawings ..... 7-27

**APPENDIX A      ORDINANCE NO. O95-023, ADOPTING THE CITY OF  
 TUMWATER DEVELOPMENT GUIDE**  
**APPENDIX B      RESOLUTION NO. R95-02, CITY OF TUMWATER  
 FEE SCHEDULE**

Forward  
&  
Revisions

## **FORWARD**

### **Title**

This document shall be known and may be cited as the Tumwater Community Development Guide, Tumwater Development Guide, or by its short title, the Development Guide.

### **Authority**

The Tumwater Community Development Guide is enacted under the authority granted to the City of Tumwater by the constitution of the State of Washington, the state law affecting code cities and other sections of the Revised Code of Washington.

### **Legislative Intent**

The intent of the Community Development Guide is to provide a comprehensive program by which the citizens of the City can guide the development of their community in a logical and orderly manner, maintain a high quality living and working environment, preserve and enhance the natural environment and provide for the protection and enhancement of the public health, safety and general welfare. In carrying out this intent, the guide establishes goals, policies, and plans for the land use and development of the community. It provides for the implementation of the goals, policies and plans through the adoption, administration and enforcement of plans, regulations, procedures, capital improvements and municipal services and programs.

The City's land use and development goals, policies, regulations and procedures are the basis for this Development Guide Manual. This guide will be updated annually. Specific administrative operating procedures to implement City Council policy will be developed by the Growth Management Steering Committee as needed, and shall be authorized by the City Administrator.

Some of the sections of this development guide are meant to summarize more specific requirements contained in the Tumwater Municipal Code. These summaries should not be construed to necessarily state all obligations or requirements that must be met.

### **Introduction**

The Tumwater Development Guide was prepared to provide clarity and consistency regarding the City's laws, policies, and standards affecting private and public development activities. In some cases, this Guide does not contain

an entire document, but instead references applicable documents and their relevant sections. These combined standards are applied to all projects, including the City's own projects, within the City limits, but are also applied to other relevant areas, such as projects within the City utility service areas, the urban growth management area and any other places that the City provides services outside its City limits.

The City's goal is to help produce a high quality of living and working environment within the City of Tumwater.

## **Updates**

The City will constantly attempt to update and revise this Guide. As you, a user of the Guide, see errors or omissions, or have any ideas for improving it, please let us know. A convenient form follows for your use. Please feel free to make additional copies of the form for your use. We welcome your suggestions.

## **Deviance from Standards**

When there are practical difficulties involved in carrying out the provisions of the Development Guide Manual, the Public Works Director, the Development Services Director, and the Fire Chief may grant modifications for individual cases based on the following criteria:

1. Special conditions exist which are peculiar to the site that are not generally applicable to other sites in the City, and that literal interpretation of the provisions of this Guide would deprive the property owners of rights commonly enjoyed by other properties similarly situated;
2. The special conditions and circumstances are not the result of actions of the applicant;
3. The granting of the deviation requested will not confer a special privilege to the property that is denied other lands;
4. The granting of the deviation will not be materially detrimental to the public welfare or injurious to the property or improvements of the vicinity and zone in which the subject property is situated;
5. If granted, the deviation should be the minimum that will make possible reasonable use of the land.

Any deviation to these standards granted applies only to the specific property for which a deviation was granted.

In cases where there are very minor administrative changes necessary to these standards and in cases where approved manufacturers of materials (such as luminaire poles) have changed, such amendments can be administratively accomplished by City staff. Such minor revisions must carry out the intent of this Guide and can only be used in cases where technology has evolved beyond the current edition of this Guide. Any such changes must then be incorporated into the next Guide update.

# REVISIONS

These specifications may be revised periodically as necessary. Each revision will be on replacement looseleaf pages to be inserted as indicated, accompanied by a replacement title page with the effective date of the revision.

It shall be the responsibility of the individual to check with the appropriate department's permit counter to insure that the standards used are the most current on file.

As changes in this document occur, we must be able to contact all holders. If this book is relocated or passed on to another person, please notify us of its location by returning the *Change of Location* form to the address shown below.

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## DEVELOPMENT GUIDE *CHANGE OF LOCATION FORM*

City of Tumwater  
Development Services Department  
555 Israel Road SW  
Tumwater, WA 98501

### Change in book location or assigned person:

| Old             | New |
|-----------------|-----|
| Name:           |     |
| Company:        |     |
| Address:        |     |
| City/State/Zip: |     |
| Phone:          |     |

# CHAPTER ONE



## CHAPTER ONE

### ZONING AND RELATED ISSUES

#### **1.1 Conditional Use Permits**

Certain specified land uses, because of special considerations and conditions, are permitted only after a public hearing and consideration and decision by the Tumwater Hearings Examiner.

The decision of the Examiner may be appealed to the City Council. A land use is designated a Conditional Use because of special requirements due to the nature of the land use, infrequent occurrence, detrimental impacts on surrounding properties, or possible safety hazards. Conditional uses are identified in each zoning designation in the Zoning Code.

For further information on Conditional Use Permits, please refer to TMC 18.56.

#### **1.2 Rezones**

A change in zoning a site specific designation, or rezone, can be requested by the owner of a piece(s) of property. For example, a property could be rezoned from a residential use to commercial use if the application met the criteria for a rezone.

Rezone decisions are made by the Tumwater Hearings Examiner after holding a public hearing and weighing the request against the rezone criteria. The decision of the Hearings Examiner may be appealed to the City Council.

For more information on rezones, please refer to TMC 18.60.

#### **1.3 Zoning Text Amendments**

Changes in the text (wording) of the Zoning Code can be initiated only by the Planning Commission or City Council. Anyone is welcome however to request the Planning Commission or City Council to begin the zoning text amendment process.

For further information on zoning text amendments, please refer to the Tumwater Zoning Code.

#### **1.4 Planned Unit Developments**

A planned unit development can be initiated by a property owner(s) in any zoning designation in the City with the exception of the Residential/Sensitive Resource Zone. Planned unit development approvals allow a property owner to gain design flexibility and possible relaxation of the zoning requirements if the overall project results in a more efficient and desirable use of land. As an example, up to 25% more of the site can be utilized for buildings than would otherwise be allowed. Any zoning requirement except allowed uses can be made more flexible using this process.

The City of Tumwater Hearing Examiner may approve, disapprove, or modify the proposal after conducting a public hearing on a planned unit development. The decision of the examiner is appealable to the City Council.

For more information regarding planned unit developments, please refer to Tumwater Municipal Code (TMC) 18.36.

#### **1.5 Variance**

A variance from certain requirements of the zoning code may be granted if satisfying the code requirements causes an undue hardship to the property owner because of site constraints unique to the property. If granted a variance is essentially a relaxation of the normal zoning code requirements.

Zoning Code requirements eligible for variance procedures include: structure or fence height, yard setbacks, parking requirements, and other such mechanical problems.

A variance may only be granted or denied by the Tumwater Hearings Examiner after a public hearing is held. The Examiner will use criteria included in the Zoning Code in making his decision. The decision of the Hearings Examiner may be appealed to the City Council.

For further information regarding variance procedures, please refer to TMC 18.58.

#### **1.6 Comprehensive Plan Amendments**

An amendment to the Comprehensive Land Use Plan may be initiated by the property owner(s). As required by the Growth Management Act, Comprehensive Plan amendments can be considered by the Planning Commission and City Council no more than once per year.

For further information regarding Comprehensive Land Use Plan amendment procedures, please refer to TMC 18.60.065.

## 1.7 Development/Site Plan Review

The purpose of the development/site plan review process for the City is to provide clear and concise information to applicants regarding their development proposals. This is accomplished by meeting with applicants and outlining for them the required steps and timing and giving them a complete list of all the laws and policies which affect or potentially affect their project. Availability of and requirements for utility service, zoning issues, building/fire code issues and any other relevant issues are discussed. Guidance on the required environmental review process is also a function of review.

All proposed private and public development proposals, except individual single-family homes and duplexes, on existing lots of record are required to go through the City's site plan review process. Examples of these projects are land divisions, new facilities or additions to existing commercial, industrial, institutional or multi-family structures, utility extensions or other infrastructure improvements.

All proposals are considered by the City's Development Review Committee, which is comprised of staff members from the Development Services Department. These staff members include management level representatives from the Development Engineering Section, the Building Safety Section, and the Planning Section, among others, so that a reliable and comprehensive review can be provided.

The Committee meets on a weekly basis and is generally able to meet with applicants to discuss projects within one week of a project's submittal.

Projects coming before the Committee are generally considered at three separate levels. Those levels are as follows:

**Feasibility:** This level of review is offered to provide very preliminary discussions with applicants on their early project ideas and concepts, prior to them investing significantly on the design of the project. This level also gives staff an opportunity to provide appropriate guidance and direction.

**Preliminary:** This level of review is a required step for all projects. Submittal requirements include a site plan with pertinent information on adjacent roadways, utilities and related items. For convenience, a detailed checklist is provided to the

applicant, in order to insure that submittals for preliminary review are complete. Following the session with staff, a letter clearly listing all known requirements for the project is sent to the applicants. Specific requirements to complete environmental review are also itemized at this point.

**Formal:** Following completion of preliminary site plan review and environmental review, a project is submitted for formal review, for which there is an application fee. A complete application, which has included all items required on the submittal checklist, is reviewed by the Committee and a formal letter is issued. This letter provides the guide for completion of design and submittal for construction permits.

Typically if preliminary project review proceeds expeditiously, the project will not be subject to changed regulations between preliminary review and application submittal. If new regulations intervene before a fully completed application is processed, it will be the developer's responsibility to modify the proposal to conform with the new regulations.

## **1.8 Administrative Appeals**

Any administrative decision made by City of Tumwater staff in interpreting the Zoning Code may be appealed to the Hearing Examiner. The Examiner will hold a public hearing and determine the merits of the appeal.

For more information on administrative appeals, please refer to TMC 18.62.

## **1.9 Building Moving Permit**

Before moving a building, a permit must first be granted by the City. Such items as safety, transportation routes, and compatibility with the new area will be weighed before issuance of a permit. The compatibility of the structure with its new surroundings will be determined by the Planning Commission. A moving permit is also required when a structure is moved out of or through the City. In either of those cases, permits are issued administratively.

For more information on the moving of buildings, please refer to TMC 15.32.

### **1.10 Certificate of Appropriateness**

Any construction, alteration, renovation, or restoration of any building located in the Historic Commercial zone district cannot be undertaken without issuance of a Certificate of Appropriateness.

The City Council will consider such items as placement, general design, exterior color, and materials of construction in order to determine if the proposal is consistent with the historical area.

For more information on Certificates of Appropriateness, please refer to TMC 18.26.

### **1.11 Architectural Design Criteria**

As part of the discretionary review process (variance, conditional use permit etc.), any developments in the Commercial Development Zone District must meet certain building and landscaping design criteria. Review criteria includes color, scale, relationship to surroundings, suitable plant materials, and retaining existing trees, etc.

For more information on architectural design criteria, please refer to page ED-32 in the Economic Development Plan.

### **1.12 Shoreline Substantial Development Permit**

The State Shoreline Management Act (90.58 RCW, 173-14 WAC) requires new development, costing more than \$2500, along specified water bodies to obtain a Shoreline Substantial Development Permit prior to the beginning of construction. In Tumwater, development within 200 feet of the following water bodies and/or within their 100-year flood plains are subject to shoreline management control: Deschutes River, Capitol Lake, Black Lake Drainage Ditch, Percival Creek, and Trospen Lake. The City of Tumwater administers the "Shoreline Master Program for the Thurston Region" on these water bodies. In addition, special area management plans exist for the Black Lake Drainage Ditch and Percival Creek (the Percival Creek Corridor Plan) and, also, the DesChutes River and Capitol Lake (the Deschutes River Special Area Management Plan for the Tumwater Valley).

There are exempt activities within the jurisdiction of the Shoreline Master Program which do not require shoreline permits. These exempt activities are summarized as follows:

- Any development which does not exceed \$2500 in total cost or fair market value, whichever is higher.

- Normal maintenance or repair of existing structures or developments.
- Protective bulkheads for single family residences.
- Emergency construction necessary to protect property from damage by the elements.
- Construction related to farming, irrigation, and ranching activities.
- Construction or modification of navigational aids such as channel markers.
- Construction of single family residences less than 35 feet high.
- Construction of a dock, less than \$2500 in cost or fair market value, for a single family residence.
- Operation, maintenance, or construction of canals, waterways, reservoirs and similar facilities.
- Operation and maintenance of any system of dikes, ditches, drains constructed prior to 1975.

For a complete listing and full description of developments exempt from shoreline permits, please read 173-14-040 WAC.

### **1.13 Conservation Plan**

The Tumwater Conservation Plan, adopted August 20th, 1991 in response to the State Growth Management Act requirements, has a number of elements which affect development in Tumwater. The relevant portions of the Conservation Plan impacting property development are briefly summarized below:

#### **A. WETLANDS PROTECTION**

As part of the building permit application, development applicants will need to work with the City in determining if wetlands are on the site.

The presence of wetlands on the site for development would require having a wetland biologist mark the wetland boundary. Wetland buffers ranging from 25-300 feet from the wetland boundary would be required in order to protect the wetland.

Under certain circumstances, if absolutely necessary, adverse impacts to the wetland and/or wetland buffer are possible with appropriate mitigation measures. Mitigation measures include restoring a previously degraded wetland, enhancing an existing wetland, or creating a new wetland to offset the amount of wetland degraded by development.

For more information on wetlands protection, please refer to TMC 16.28.

## B. AQUIFER PROTECTION

In order to protect the underground aquifer which is the only source of drinking water for Tumwater, certain land use restrictions have been put in place as follows:

1. New stormwater retention facilities required as part of new development will generally be required to cleanse the stormwater of chemical and biological pollutants.
2. New above ground storage tanks must be designed so that pollutants cannot enter the groundwater, and must have an impervious containment area around or underneath the tank capable of holding the entire contents of the storage tank.
3. All new below ground storage tanks must be equipped with double walls, or a single wall with liners. Contaminant release detection methods must also be used.
4. The most hazardous land uses in regards to aquifer protection, such as petroleum refineries, chemical manufacturing, wood products preserving etc. will be prohibited unless the development applicant can prove that through the use of improved technology the facility can be designed so that no greater threat to the aquifer is posed by this type of land use over a non-restricted land use.

For more information on Aquifer Protection, please refer to TMC 16.24 and 18.39.

## C. GEOLOGICALLY HAZARDOUS AREAS

All building permit applications must include site information so that the City can determine appropriate building methods to insure safety. The Development Services Department will inform development applicants of the information necessary early in the process.

Generally, sites with slopes steeper than 15%, hillsides that have soils that do not drain well, and springs or groundwater seepage areas will be required to locate 50 feet from such areas, or be designed to mitigate for safety considerations.

Sites with soils that tend to liquify and become unstable during earthquakes will need to design foundations and buildings also to insure safety.

For further information on building on geologically hazardous areas, refer to TMC 16.20.

#### D. FISH AND WILDLIFE PROTECTION

Certain development sites may have additional constraints because federally listed endangered, threatened, or sensitive species are known to frequent the site. Such areas include, but are not limited to, naturally occurring ponds less than twenty acres in size, lakes, rivers, and streams planted with game fish, the Deschutes River, Percival Creek, Black Lake Drainage Ditch, Barnes Lake, Trospen Lake, and Fishpond Creek.

If a protected habitat is determined to be present on a site, the development applicant will be required to submit a habitat protection plan to enable city staff to protect the habitat and permit reasonable development of the site through the use of buffer areas.

In addition, certain limited land uses are allowed in habitat areas and associated buffers.

Please refer to TMC 16.32 for more information on this subject.

#### 1.14 Protection of Trees and Vegetation

The City regulates the cutting and clearing of trees and vegetation in selected areas of the City through the Protection of Trees and Vegetation Ordinance, Chapter 16.08, of the Tumwater Municipal Code (TMC).

Any and all tree and vegetation removal which does not qualify as an exempt activity requires that a Tree Cutting Permit be issued prior to any removal occurring. Exempt activities include, but are not limited to:



- The removal of not more than 12 trees or 4 large trees in a calendar year. This exemption does not apply to historic trees, or trees located in a greenbelt or in wetlands.
- Land clearing associated with the safe operation of air traffic at the Olympia airport.
- Land clearing in emergency situations involving immediate danger to life or property.
- Land clearing associated with routine maintenance by utility companies.
- Land clearing associated with installation and maintenance of projects in the public right-of-way performed by public agencies.
- Land clearing within ten feet from the perimeter of the building line, driveway, or septic tank installation for single family residences and duplexes.
- Removal of dead or diseased trees.
- Removal of trees which act as visual obstructions at intersections.
- Clearing associated with tree farming operations.
- Removal of ground cover for purposes of maintenance, landscaping, gardening.

For the complete listing and description of exempt activities, please refer to TMC 16.08.080 Exemptions.

Land clearing activities which require a permit to be issued will need to submit plans as outlined in TMC 16.08.050. The permit will be reviewed and issued within 30 calendar days. If the requirements of the Protection of Trees and Vegetation Ordinance are too strict and are wished to be varied from, alternative plans may be submitted by the applicant as outlined in TMC 16.08.090.

In cases where either more than 5000 board feet of marketable timber are being removed, or if the site is two (2) acres or greater in size, a Forest Practices Permit must be applied for by the applicant and granted by the Washington State Department of Natural Resources prior to the issuance of the City permit.

## 1.15 Annexation

Property owners have the option to request annexation to Tumwater in order to place their property under the regulatory structure of Tumwater rather than Thurston County if their property is adjacent to existing city limits.

Property owners typically wish to annex in order to gain municipal services such as water and sewer. In many cases such services are necessary in order to permit more dense developments. Tumwater will not extend utilities to property that could successfully be annexed unless the annexation is complete. Property that is not adjacent to current city boundaries may receive utility service if a Waiver of Protest is signed stating that the property owner will not contest any future annexations of the property. This waiver should be displayed on the face of the plat and deed. The property will also be subject to a surcharge on utility service until such time the property is annexed. This shall also be displayed on the face of the plat and on the deed.

Tumwater has signed an Urban Growth Management Agreement with Thurston County. Under the terms of the agreement, Tumwater can only annex property that is within the urban growth boundary. The only option available for annexing property outside the boundary is to move the line through a joint planning process with Thurston County.

There are several methods used for annexing property. The petition method is almost always used, especially for the annexation of individual land parcels in order to obtain municipal services. The process is mandated by state law and is as follows:

1. The applicant meets with City officials to discuss the possible annexation, and completes a Notice of Intent form. This notice must be signed by the owners of at least 10% of the assessed valuation of the property in order to be valid.
2. After validation of the signatures, the City Council holds a public meeting and decides to accept or deny the Notice of Intent.
3. After the City Council accepts the petition, it is referred to the Planning Commission for pre-annexation planning and zoning. The Planning Commission holds a public hearing and recommends a planning area and zoning designation to the City Council.
4. The City Council holds the first of two public hearings to review the Planning Commission recommendation on planning area and zoning designation.

5. If approved, the City Council directs the applicant to submit the petition for annexation signed by the owners of not less than 75% of the assessed valuation of the area to be annexed.
6. After signature validation of the second petition, the annexation proposal is sent to the Thurston County Boundary Review Board for consideration. The Board has 45 days in which to make a decision.
7. After approval by the Boundary Review Board, the City Council holds its second public hearing. If approved, the City Council passes the Ordinance zoning the property and a resolution making an amendment to the Comprehensive Land Use Plan. Five days after publishing of the ordinance and resolution, the annexation is complete.

For more information on annexation, contact the Tumwater Policy & Planning Department.

#### **1.16 Environmental Policy**

The City of Tumwater administers its Environmental Protection Policy through Tumwater Municipal Code (TMC) 16.04. This policy implements the requirements of the Washington State Environmental Policy Act (SEPA) and City of Tumwater requirements. New developments which are determined to be non exempt must complete a "SEPA Checklist" early on in the permit process. This checklist is completed by the applicant and is used by the Environmental Review Officer (ERO) in determining if the proposed development has the potential for causing probable adverse impacts on the environment. At the end of a fifteen day period after the checklist has been submitted, the ERO must issue one of three determinations:

- 1) A Determination of Non-Significance (DNS)
- 2) A Determination of Mitigated Non-Significance (MDNS)
- 3) A Determination of Significance (DS)

If the project has been determined to be significant (DS), then the project applicant must prepare an Environmental Impact Statement (EIS) under supervision of the City. The EIS can conclude that the development can be approved with mitigations to reduce adverse impacts, or deny the project if adverse impacts cannot be mitigated. If a project has been determined not to be significant, the applicant can immediately proceed to formal site plan approval and issuance of permits.

Exempt activities which do not require review under SEPA include:

- Residential structures of four (4) dwelling units or less;
- Storage building of less than 10,000 square feet;
- Commercial or office building of less than 4,000 square feet with associated parking for twenty or fewer vehicles;
- A landfill or excavation of 100 cubic yards or less.

For a complete list and detailed description of SEPA exempt activities, please reference 197-11-800 WAC.

For a detailed review of the process for submitting a SEPA checklist, subsequent determination, and EIS review process, please refer to Parts Three and Four of 197-11 WAC and TMC 16.04.080 through 16.04.120.

### **1.17 Vesting**

The City has detailed criteria to determine when a development proposal and/or portions of a development proposal are is vested. For more details on vesting, please refer to TMC 15.44.

### **1.18 Determination of Application Completeness/Notice to Applicants**

Once an applicant files a development permit application, (see below what applications are included), the Development Services Department will notify the applicant in writing as soon as the decision is made, but in all cases within twenty-eight days as to whether the application is complete or incomplete. Included within the written determination identifying the application as incomplete will be a statement identifying the deficiencies and what is necessary to make the application complete.

Once the applicant supplements the earlier submittal with additional information, the Department of Development Services will as soon as the decision is made, but in all cases within fourteen days thereafter, once again provide the applicant with another written determination of completeness or, if incomplete, with information about what additional information is necessary to make the application complete.

If the City fails to provide this written determination within the timelines described above, the application shall be deemed complete. The point in time at which a fully complete development permit application creates vested rights shall be when the fully complete application was received and not the date the notice of completeness is issued.

The City will also notify the applicant as a part of the written

notification of completeness what other agencies of local, state or federal governments that may have jurisdiction over some aspect of the application.

It should be noted that the determination of completeness does not preclude the City from requesting additional information or studies of the applicant after the determination is issued if new information is required or if substantial changes in the proposed action occurs.

This process shall apply to:

- (1) Applications for building permits;
- (2) Subdivisions (short plats, long plats);
- (3) PUD's;
- (4) Binding site plans;
- (5) Conditional use permits;
- (6) Grading permits;
- (7) Variances;
- (8) Tree cutting permits;
- (9) Wetland permits;
- (10) Boundary line adjustment/lot consolidation;
- (11) Certificate of appropriateness;
- (12) Home occupation;
- (13) Shoreline permits.

# CHAPTER TWO

**ORDINANCE NUMBER 1308**

**AN ORDINANCE** adopting a Land Division Ordinance, repealing existing Title 17 - Subdivisions and adding Subsections 18.08.050(E), 18.10.050(A)(6), 18.12.050(A)(6), 18.14.050(A)(6), and 18.16.050(A)(6), all regarding the Tumwater Municipal Code.

**WHEREAS**, it is necessary and desirable to update and supersede the City's existing Subdivision (Title 17) Code with a Land Division Ordinance; and

**WHEREAS**, the Planning Commission has held public meetings and hearings on the adoption of the Land Division Ordinance and has recommended its adoption;

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

Section 1. Title 17 - Subdivisions is repealed in its entirety.

Section 2. A new Title 17, entitled Land Division, is hereby added to the Tumwater Municipal Code to read as follows:

**"Title 17  
LAND DIVISION**

**Chapters:**

- 17.02 General Provisions.
- 17.04 Definitions.
- 17.06 Lot Consolidation.
- 17.08 Binding Site Plans.
- 17.10 Boundary/Lot Line Adjustments.
- 17.12 General Design Standards.
- 17.14 Preliminary Land Divisions.
- 17.16 Specific Design Standards.
- 17.18 Public Improvements.
- 17.20 Dedications and Contributions.
- 17.22 Community Facilities.
- 17.24 Final Land Divisions.
- 17.26 Replats/Vacations/Alterations.
- 17.28 Deviation from Requirements.

**Chapter 17.02  
General Provisions**

**Sections:**

|           |  |
|-----------|--|
| 17.02.010 | Title.   |
| 17.02.020 | Planning Goals.  |
| 17.02.030 | Purpose.   |
| 17.02.040 | Scope.   |
| 17.02.050 | General Scope.   |
| 17.02.060 | Specific Exceptions.                                     |
| 17.02.070 | City Plans, Policies, and Ordinances.                    |
| 17.02.080 | Prohibition Against Sale, Lease or Transfer of Property. |
| 17.02.090 | Administrative Duty.                                     |
| 17.02.100 | Consent to Access.                                       |
| 17.02.110 | Regulations Supplementary to State Law.                  |
| 17.02.120 | Model Homes/Units.                                       |
| 17.02.130 | Planned Residential/Planned Unit Development.            |
| 17.02.140 | Appeal of Administrative Decision.                       |
| 17.02.150 | Time for Commencement of Action.                         |
| 17.02.160 | Fees.  |
| 17.02.170 | Time Computation.  |
| 17.02.180 | General Design Standards.                                |
| 17.02.190 | Specific Design Standards.                               |
| 17.02.200 | Enforcement.   |

17.02.010 - Title. This title shall be known as the "City of Tumwater Land Division Ordinance."

**17.02.020 - Planning Goals.**

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

B. Reduce sprawl. Reduce the inappropriate conversion of undeveloped land into sprawling, low density development.

C. Transportation. Encourage efficient multimodal transportation systems that are based on regional priorities and coordinated with County and City comprehensive plans.

D. Housing. Encourage the availability of affordable housing 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.

E. Economic development. Encourage economic development throughout the state that is consistent with adopted comprehensive plans, promote economic opportunity for all citizens of this state, especially for unemployed and for disadvantaged persons, and encourage growth in areas experiencing insufficient economic growth, all within the capacities of the state's natural resources, public services, and public facilities.



F. Property rights. Private property shall not be taken for public use without just compensation having been made. The property rights of landowners shall be protected from arbitrary and discriminatory actions.

G. Permits. Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability.

H. Natural resource industries. Maintain and enhance natural resource-based industries, including productive timber, agricultural, and fisheries industries. Encourage the conservation of productive forest lands and productive agricultural lands, and discourage incompatible uses.

I. Open space and recreation. Encourage the retention of open space and development of recreational opportunities, conserve fish and wildlife habitat, increase access to natural resource lands and water, and develop parks.

J. Environment. Protect the environment and enhance the state's high quality of life, including air and water quality, and the availability of water.

K. Citizen participation and coordination. Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts.

L. Public facilities and services. Ensure that those public facilities and services necessary to support development shall be adequate to serve the development at the time the development is available for occupancy and use without decreasing current service levels below locally-established minimum standards.

M. Historic preservation. Identify and encourage the preservation of lands, sites, and structures, that have historical or archaeological significance.

17.02.030 - Purpose. The purpose of this Title includes, but is not limited to, regulating the division of land and furthering the public health, safety and general welfare by:

A. Providing for the platting, division, dedication and recording of land.

B. Providing for safe and adequate access.

C. Providing for safe and adequate streets, utilities, parks, and recreation facilities, schools and other public facilities.

D. Providing for minimum level of light, air and open space.

E. Implementing the provision and intent of the Comprehensive Plan and Zoning Code, as well as the other plans and policies of the City.

F. Requiring uniform monumentation and description of divided land and conveyancing by accurate legal description.

G. Providing for binding site plans on land so regulated.

H. Providing expeditious procedures for land division, building site plans, short subdivisions and boundary line adjustments.

I. Providing for the housing and commercial land needs of the City.

J. Providing for high quality, attractive developments for which the long term costs to the City are minimized and which enhance the City as a pleasant and attractive place for people to live and work.

K. Providing for land dividers to pay their fair share of capital improvements so that City landowners are not burdened with the cost of these improvements.

L. To conserve and restore natural beauty and other natural resources.

M. To maintain and perpetuate environmental quality.

**17.02.040 - Scope.** No land shall be divided for the purposes of sale, lease, or development; and no land so divided shall be sold, conveyed, transferred, leased or offered for sale or lease until the owner of the land has fully complied with the provisions of this Title.

**17.02.050 - General Scope.** Land divisions, short subdivisions, binding site plans, lot line adjustments and lot consolidations, or any redivisions thereof, shall be presented for review in accordance with the provisions of this Title.

**17.02.060 - Specific Exceptions.** The provisions of this Title shall not apply to :

A. Cemeteries and other burial plots while used for that purpose;

B. Divisions made by testamentary provisions or the laws of descent;

C. Assessor's plats made in accordance with RCW 58.18.010, 58.17.240 and 58.17.250;

D. A division for the purpose of lease when no residential structure other than mobile homes or travel trailers are permitted to be placed upon the land when the City approves a binding site plan in accordance with the Tumwater Zoning Code, for a mobile home park or recreational vehicle park.

E. Any division of land, not containing a dedication, in which the smallest lot created by the division equals or exceeds twenty (20) acres or one thirty-second (1/32) of a section by standard sectional subdivision.

F. The transfer of contiguous platted or unplatted lots if the lots were created in compliance with all applicable State and City subdivision regulations in effect at the time the lots were created; provided that transfers shall not be effective until the proponent is issued a certificate of compliance by the City. A certificate shall be issued when the owner or applicant shows that the lot conforms to the criteria above.

G. Divisions of land into lots or tracts if: (a) the improvements constructed or to be constructed thereon will be included in one or more condominiums or owned by an association or other legal entity in which the owners of units therein or their owner's associations have membership or other legal or beneficial interest; (b) city, town, or county has approved a binding site plan for all such land; and (c) the binding site plan contains thereon the following statement: "All development of the land described herein shall be in accordance with the binding site plan, as it may be amended. Upon completion, the improvements on the land shall be included in one or more condominiums or owned by an association or other legal entity in which the owners of units therein their owner's associations have a membership or other legal or beneficial interest."

H. Deed releases, for the purpose of obtaining building financing, provided that a subdivision or short subdivision is required if the parcel is separately sold or if all land specified by the contract is not acquired.

I. Divisions made by court order. This exemption shall not apply to land divided pursuant to dissolution or partition proceedings of a corporation, partnership, limited partnership, joint venture, or trust, unless the City is made a party to the proceedings and has advised the court with respect to the division.

J. Any divisions of land for use solely for the installation of electric power, telephone, water supply, sewer service or other utility facilities of a similar or related nature; provided, however, that any remaining lot or lots are

consistent with applicable zoning and land use plans.

K. Any division(s) of land for the sole purpose of enabling a municipal corporation to acquire land, either by outright purchase or exchange, for rights-of-way purposes, port purposes, boat moorage or launching sites, or for park, viewpoint, recreational, educational, or other public purposes; provided, however, that any remaining lot or lots are consistent with applicable land use regulations.

**17.02.070 - City Plans, Policies, and Ordinances.** All subdivisions and binding site plans shall be in accordance with all written and adopted plans policies, and ordinances of the City of Tumwater, including but not limited to:

- Capital Facilities Plan
- The Comprehensive Plan
- Developmental Standards
- Economic Development Plan
- Land Clearing Ordinance
- The Parks Plan
- Sewer Plan
- Storm Water Plan
- Street Plan
- Thurston Region Storm Drainage Manual
- The Transportation Plan
- Water Plan
- Zoning Ordinance

**17.02.080 - Prohibition Against Sale, Lease, Or Transfer Of Property.** No person shall sell, lease or offer to sell or transfer any lot, tract or parcel subject to the requirements of this Title without first receiving approval by the City hereunder and filing a map of the approved division with the County Auditor; provided, that if performance of an offer or agreement to sell, lease, or otherwise transfer a lot, tract or parcel of land is expressly conditioned on the recording of the plat, short plat, large lot subdivision or binding site plan containing the lot, tract or parcel, the offer or agreement conditioned as provided in this section shall be deposited in an escrow or other regulated trust account, and no disbursement to sellers shall be permitted until the plat or plan is recorded.

**17.02.090 - Administrative Duty.** The Director of the Department of Community and Economic Development, hereafter referred to variously as the "planner", "planning director", or "C.E.D. Director", and his staff, hereafter referred to variously as the "planning dept.", "C.E.D. dept.", or "planners", is responsible for administering this Title and may prepare and require the use of such additional forms which are necessary to effectuate the provisions thereof.

**17.02.100 - Consent to Access.** The land dividers shall

permit free access to the land being divided to all agencies considering the plat or plan for the period of time extending from the time of application to the time of final action.

**17.02.110 - Regulations Supplementary to State Law.** The regulations prescribed by this Title shall be considered as supplementary to Chapter 58.17 RCW. No map, plat, replat or plan of a proposed land division or plan shall be recorded or have any validity unless it conforms with the requirements of Chapter 58.17 RCW.

**17.02.120 - Model Homes/Units.** Up to four (4) Model Homes/Units may be established on a single tract of land without an approved subdivision provided the City has approved a preliminary short plat or subdivision which includes the specific lots upon which the Model Homes/Units are to be located; provided further, that the ownership of those Model Homes/Units shall remain with the property owner until a final short plat or final subdivision has been approved and recorded. Building and related permits shall be issued only to the property owner or a licensed contractor acting on the owner's behalf.

**17.02.130 - Planned Residential/Planned Unit Developments.** Planned residential and planned unit developments which include the division of land shall be processed subject to the provisions of this Title. No requirements related only to planned residential and planned unit developments are included in this Title. The division of land within these projects, if required, can be processed simultaneously with the zoning approval of such projects.

**17.02.140 - Appeal of Administrative Decision.** An applicant or other affected party (or parties) may appeal an administrative decision under this Title to the Hearing Examiner by filing a written notice of appeal with the Planning Department within fourteen (14) calendar days of the decision being appealed.

**17.02.150 - Time for Commencement of Action.** Any action to set aside, enjoin, review or otherwise challenge any amendment to this Title must be commenced within thirty (30) calendar days from the date of adoption of said amendment.

**17.02.160 - Fees.** Fees for the review and processing of requests for approval pursuant to this Title shall be as identified on the officially adopted fee schedule for the City, as it may be amended from time to time.

**17.02.170 - Time Computation.** In computing any period of time prescribed by this Title, the day of the act from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday, Sunday or a City legal holiday, in which event

the period runs until the end of the next day which is neither a Saturday, Sunday or a City legal holiday.

**17.02.180 - General Design Standards.** The general design standards shall be as set forth in Section 17.12.

**17.02.190 - Specific Design Standards.** The specific design standards shall be as set forth in Section 17.16.

**17.02.200 - Enforcement.**

A. Authority Designated. The Director of Community and Economic Development or designee is charged with the enforcement of the provisions of this Title.

B. Violation - Penalties. Any person violating any of the provisions of this Title or failing to comply with any of the provisions of this Title shall be guilty of a misdemeanor and upon conviction thereof shall be punished in accordance with the provisions of Section 1.12.010.

Chapter 17.04  
Definitions

Sections:

|           |   |
|-----------|---|
| 17.04.010 | Definitions Generally.                          |
| 17.04.015 | Access Panhandle.                               |
| 17.04.020 | Agricultural Land.                              |
| 17.04.025 | Alley.  |
| 17.04.030 | Applicant.                                      |
| 17.04.035 | Auditor.  |
| 17.04.040 | Binding Site Plan.                              |
| 17.04.045 | Block.  |
| 17.04.050 | Bond.   |
| 17.04.055 | Boundary Line Adjustment.                       |
| 17.04.060 | Buffer.   |
| 17.04.065 | Buildable Lot.                                  |
| 17.04.070 | Building.                                       |
| 17.04.075 | Building Line.                                  |
| 17.04.080 | Building Site.                                  |
| 17.04.085 | Capital Improvements Program.                   |
| 17.04.090 | City.   |
| 17.04.095 | Community Facility.                             |
| 17.04.100 | Community Sewage Disposal System.               |
| 17.04.105 | Comprehensive Plan.                             |
| 17.04.110 | Contiguous Land.                                |
| 17.04.115 | Council.  |
| 17.04.120 | County.   |
| 17.04.125 | Critical Areas.                                 |
| 17.04.130 | Cul-De-Sac.                                     |
| 17.04.135 | Date in Filing.                                 |
| 17.04.140 | Declaration of Short Subdivision.               |
| 17.04.145 | Dedication.                                     |
| 17.04.150 | Development.                                    |
| 17.04.155 | Developer.                                      |
| 17.04.160 | Development Permit.                             |
| 17.04.165 | Development Regulations.                        |
| 17.04.170 | Development Review Committee.                   |
| 17.04.175 | Development Services Manager.                   |
| 17.04.180 | Director of Community and Economic Development. |
| 17.04.185 | Division or Phase of Development.               |
| 17.04.190 | Driving Surfaces.                               |
| 17.04.195 | Easement.                                       |
| 17.04.200 | Final Plat.                                     |
| 17.04.205 | Forest Land.                                    |
| 17.04.210 | Flooding.                                       |
| 17.04.215 | Frontage.                                       |
| 17.04.220 | Frontage Street.                                |
| 17.04.225 | Geologically Hazardous Areas.                   |
| 17.04.230 | Grade.  |
| 17.04.235 | Health Department.                              |
| 17.04.240 | Hearing Examiner.                               |
| 17.04.245 | Improvements.                                   |
| 17.04.250 | Improvement Plans.                              |



17.04.255 Individual Sewage Disposal System.  
17.04.260 Joint Ownership.  
17.04.265 Land Division.  
17.04.270 Large Lot Subdivision.  
17.04.275 Long-Term Commercial Significance.  
17.04.280 Lot.  
17.04.285 Lot Consolidation.  
17.04.290 Lot Line Adjustment/Boundary Line Adjustment.  
17.04.295 Lot Improvement.  
17.04.300 Minerals.  
17.04.305 Model Home.  
17.04.310 Non-Residential Subdivision.  
17.04.315 Off-Site.  
17.04.320 Official Map.  
17.04.325 Open Space.  
17.04.330 Ordinance.  
17.04.335 Owner.  
17.04.340 Person.  
17.04.345 Perimeter Street.  
17.04.350 Planned Residential Development.  
17.04.355 Planning Commission.  
17.04.360 Planning Director.  
17.04.365 Plat.  
17.04.370 Preliminary Approval.  
17.04.375 Preliminary Plat.  
17.04.380 Primary Arterial.  
17.04.385 Private Street.  
17.04.390 Public Facilities.  
17.04.395 Public Improvements.  
17.04.400 Public Services.  
17.04.405 Professional Civil Engineer.  
17.04.410 Professional Land Surveyor.  
17.04.415 Reserve Strip.  
17.04.420 Right-of-Way.  
17.04.425 Roadway.  
17.04.430 Secondary Arterial.  
17.04.440 Short Plat/Subdivision.  
17.04.445 Street.  
17.04.450 Street Tree.  
17.04.455 Subdivider.  
17.04.460 Subdivision.  
17.04.465 Subdivision Agent.  
17.04.470 Temporary Improvements.  
17.04.475 Tract or Parcel.  
17.04.480 Treasurer.  
17.04.485 Tumwater Coordinate System.  
17.04.490 Tumwater Datum.  
17.04.495 Urban Governmental Services.  
17.04.500 Urban Growth.  
17.04.505 Utilities Easements.  
17.04.510 Variance.  
17.04.515 Vehicle.  
17.04.520 Walkway.



- 17.04.525 Watercourse.
- 17.04.530 Wetlands.

17.04.010 - **Definitions Generally.** For the purpose of this Title, certain words and terms are defined in this Title. When consistent with the context, words used in the present tense shall include the future; the singular term shall include the plural; and the plural, the singular; the word "shall" is always mandatory and the word may denotes a use of discretion.

17.04.015 - **Access Panhandle.** Access panhandle means a strip of land having a width narrower than that of the lot, tract or parcel to be served thereby and designed for the purpose of providing access to the lot, tract or parcel, being less in width than the minimum lot width allowed under the applicable zoning.

17.04.020 - **Agricultural Land.** Agricultural land means land primarily devoted to the commercial production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products or of berries, grain, hay, straw, turf, seed, Christmas trees not subject to the excise tax imposed by RCW 84.33.100 through 84.33.140, or livestock, and that has long-term commercial significance for agricultural production.

17.04.025 - **Alley.** Alley means a public or private right-of-way having a width no greater than 20 feet and no less than 10 feet, used primarily as a secondary means of access to residences and/or business establishments.

17.04.030 - **Applicant.** Applicant means any individual or entity who applies for preliminary plat, short plat, boundary line adjustment, lot consolidation large lot subdivision or binding site plan or any other approval under this Title.

17.04.035 - **Auditor.** Auditor means the auditor of Thurston County, Washington.

17.04.040 - **Binding Site Plan.** Binding site plan means a drawing(s) made and approved in accordance with the provisions of Section 17.08 of this Title which contains inscriptions and attachments setting forth such appropriate limitations and conditions for the use of the land as are established by the City, and which contains provisions requiring any development to be in conformance with the site plan.

17.04.045 - **Block.** Block means a group of contiguous lots, tracts or parcels within well defined and fixed boundaries.

17.04.050 - **Bond.** Bond means a form of insurance or financial security provided to guarantee completion of required improvements or maintenance.

17.04.055 - **Boundary Line Adjustment.** Boundary line

adjustment means a process whereby one or more lot line(s) are re-aligned between two or more lots, with no additional lot or tract being created.

**17.04.060 - Buffer.** Buffer means an area of land or a structure used or created for the purpose of insulating or separating a structure or land use from other land uses or structures, in a manner intended to reduce or mitigate any adverse impacts of one on the other.

**17.04.065 - Buildable Lot.** Buildable lot means a lot meeting all of the requirements of size, shape, frontage, sanitation, etc. contained in this Title and other ordinances of the City for any specific type of development.

**17.04.070 - Building.** Building means a structure having a roof supported by columns or walls for the shelter, support or enclosure of persons, animals, chattels or property of any kind.

**17.04.075 - Building Line.** Building line means a line on a land division indicating the limit beyond which any portion of a building, structure, onsite sewage disposal system, etc. may not be placed. Placement of a building line may be voluntary or mandatory.

**17.04.080 - Building Site.** Building site means an area within a lot upon which a building to accommodate the principal use of the lot could be practicably built.

**17.04.085 - Capital Improvements Program.** Capital improvements program means a plan approved by the City Council for the scheduling and financing of public improvements, buildings and facilities.

**17.04.090 - City.** City means the City of Tumwater, Washington.

**17.04.095 - Community Facility.** Community facility or community facilities means stormwater control facilities or open space, park and recreation facilities, or any combination thereof.

**17.04.100 - Community Sewage Disposal System.** Community sewage disposal system means a system designed to provide on-site treatment of sewage from two or more residential units or businesses.

**17.04.105 - Comprehensive Plan.** Comprehensive plan means a plan adopted by the City Council as a guide to the physical growth and improvements of the City, including modifications or refinements which may be made from time to time. Said plan may include the following elements: land use, transportation, transit, public services and facilities, utilities, housing,

community development, and additional subjects relating to the physical development of the City.

**17.04.110 - Contiguous Land.** Contiguous land means land which touches on another at any point.

**17.04.115 - Council.** Council means the City Council of the City of Tumwater.

**17.04.120 - County.** County means the County of Thurston, State of Washington.

**17.04.125 - Critical Areas.** Critical areas include the following areas and ecosystems: (a) Wetlands; (b) areas with a critical recharging effect on aquifers used for potable water; (c) fish and wildlife habitat conservation areas; (d) frequently flooded areas; and (e) geologically hazardous areas.

**17.04.130 - Cul-De-Sac.** Cul-de-sac means a short street terminating in a vehicular turnaround space.

**17.04.135 - Date In Filing.** Date in filing means the date that a complete and accurate application for preliminary plat, short plat, large lot plat, binding site plan or final plat approval is accepted as being complete, including appropriate fees and is filed with the City.

**17.04.140 - Declaration of Short Subdivision.** Declaration of short subdivision means a document signed by all persons having any real interest in the land being subdivided and acknowledged before a notary that they signed the same as their free act and deed, and containing, as a minimum, the following elements:

- A. A legal description of the tract being divided;
- B. An illustrative map;
- C. Any restrictive map;
- D. A title report or plat certificate;
- E. Any special conditions of short subdivision (e.g. approval frontage improvements requirements);
- F. Any restrictive covenants.
- G. Written findings by the planners, in conformance with RCW 58.17.110.

**17.04.145 - Dedication.** Dedication means the deliberate appropriation of land by an owner for any general and public uses, reserving to himself no other rights than such as are compatible with the full exercise and enjoyment of the public uses to which the property has been devoted. The intention to dedicate shall be evidenced by the owner by the presentment for filing of a final plat or short plat showing the dedication thereon; and the acceptance by the public shall be evidenced by the approval of such plat for filing by the appropriate

governmental unit.

**17.04.150 - Development.** Development means the development of land as proposed and/or described in any application for development permit approval submitted to the City.

**17.04.155 - Developer.** Developer means the person, firm or corporation proposing and/or undertaking a development.

**17.04.160 - Development Permit.** Development permit means any land use permit which must be approved by the City prior to the development of land. Development permits shall include preliminary plats, short plats, binding site plans, large lot subdivisions and final plats.

**17.04.165 - Development Regulations.** Development regulations means any controls placed on development or land use activities by a county or city, including, but not limited to, zoning ordinances, official controls, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances.

**17.04.170 - Development Review Committee.** Development review committee means a Tumwater City staff committee comprised of representatives of all disciplines responsible for reviewing all private and public development proposals.

**17.04.175 - Development Services Manager.** Development Services Manager means the supervisor of the Development Services Division of the Community and Economic Development Department.

**17.04.180 - Director of Community and Economic Development.** Director of Community and Economic means the manager of the Community and Economic Development Department.

**17.04.185 - Division or Phase of Development.** Division or phase of development means a designated portion of a plat or site plan containing several lots, blocks or tracts.

**17.04.190 - Driving Surfaces.** Driving surface means that portion of a street intended for vehicular travel or parking.

**17.04.195 - Easement.** Easement means a right granted by a property owner to specifically named parties or to the general public for the use of certain areas or strips of land for particular purposes. Where appropriate to the context, easement may also refer to the land covered by the rights granted. This may include pedestrian paths, bicycle paths, utility easements, drainage, open space, etc.

**17.04.200 - Final Plat.** Final plat means the final drawing of the subdivision and dedication prepared for filing for record with the County Auditor and containing all elements and

requirements set forth in Chapter 58.17 RCW and in this Title adopted pursuant thereto.

**17.04.205 - Forest Land.** Forest land means land primarily useful for growing trees, including Christmas trees subject to the excise tax imposed under RCW 84.33.100 through 84.33.140, for commercial purposes, and that has long-term commercial significance for growing trees commercially.

**17.04.210 - Flooding.** Flooding means the inundation of an area of land that is not usually under water.

**17.04.215 - Frontage.** Frontage means that portion of a right-of-way or easement abutting a lot, parcel, tract or project.

**17.04.220 - Frontage Street.** Frontage street means a street which is parallel to and adjacent to a major arterial, providing access to the properties abutting and separating abutting property from high speed vehicular traffic.

**17.04.225 - Geologically Hazardous Areas.** Geologically hazardous areas means areas that because of their susceptibility to erosion, sliding, earthquake, or other geological events, are not suited to the siting of commercial, residential, or industrial development consistent with public health or safety concerns.

**17.04.230 - Grade.** Grade means the change in elevation of an area, usually a roadway, expressed in terms of a percentage.

**17.04.235 - Health Department.** Health department means the environmental health division of the Thurston County Department of public health and social services department.

**17.04.240 - Hearing Examiner.** Hearing Examiner means the land use hearing examiner for the City.

**17.04.245 - Improvements.** Improvements means and includes, but is not limited to, streets and roads complying with the development standards and specifications adopted by the City; public utility and pedestrian facilities; street lights; landscape features; bridge structures; storm drainage facilities; and traffic control devices as are required to be installed as a part of subdivision, short subdivision, large lot subdivision or binding site plan approval.

**17.04.250 - Improvement Plans.** Improvement plans means those plans prepared by a professional civil engineer for improvements to a lot, parcel, tract, site or street.

**17.04.255 - Individual Sewage Disposal System.** Individual sewage disposal system means a system designed to provide on-site

treatment of sewage from one residential unit or business.

**17.04.260 - Joint Ownership.** Joint ownership means ownership by two or more persons, firms, corporations, associations or others.

**17.04.265 - Land Division.** Land division means any process by which individual lots, parcels, or tracts are created. Land divisions include, but are not limited to, short plats, long plats, binding site plans, large lot subdivisions, etc.

**17.04.270 - Large Lot Subdivision.** Large lot subdivision means the division of land into lots or tracts, each of which is one-hundred-twenty-eighth (1/128) of a section of land or larger, or five acres or larger, if the land is not capable of description as a fraction of a section of land. For purposes of computing the size of any lot under this section which borders on a street, the lot size shall be expanded to include that area which would be bounded by the centerline of the street and the side lot lines of the lot running perpendicular to such centerline.

**17.04.275 - Long-Term Commercial Significance.** Long-term commercial significance includes the growing capacity, productivity, and soil composition of the land for long-term commercial production, in consideration with the land's proximity to population areas, and the possibility of more intense uses of the land.

**17.04.280 - Lot.** Lot means a fractional part of subdivided or site planned land having fixed boundaries, being of sufficient area and dimensions to meet minimum zoning requirements for width and area. The term shall include tracts or parcels.

**17.04.285 - Lot Consolidation.** Lot consolidation means a process used for the purpose of consolidating boundary lines between platted or unplatted lots or both, which does not create any additional lots, tracts, parcels, or sites, and combines them into one building site.

**17.04.290 - Lot Line Adjustment/Boundary Line Adjustment.** Lot line adjustment/boundary line adjustment means the relocation of a lot line(s) between existing lots which results in no more lots than existed before the adjustment.

**17.04.295 - Lot Improvement.** Lot improvement means the placement or construction of structures, roadways or utilities upon a lot or parcel.

**17.04.300 - Minerals.** Minerals include gravel, sand, and valuable metallic substances.

**17.04.305 - Model Home.** Model home means a structure or



structures constructed to promote the sale, lease or rental of units within a project, and not necessarily intended nor approved for certified occupancy for their intended residential use.

**17.04.310 - Non-Residential Subdivision.** Non-residential subdivision means a subdivision in which no residential structures are allowed.

**17.04.315 - Off-site.** Off-site means areas separate from the project site, not including streets located on the perimeter of the project site.

**17.04.320 - Official Map.** Official map means the official zoning map of the City of Tumwater.

**17.04.325 - Open Space.** Open space means a parcel of land, excluding sites, parking areas and access routes, designed and maintained as an area for leisure, recreation, other activities normally carried outdoors and/or for the preservation of natural areas.

**17.04.330 - Ordinance.** Ordinance means a law or group of laws, adopted by the Tumwater City Council, following required adoption procedures.

**17.04.335 - Owner.** Owner means the owner of record as determined by the records of the Auditor, provided that the owner under a real estate contract is the purchaser-vendee and the owner of mortgaged property is the mortgagor.

**17.04.340 - Person.** Person means every person, firm, partnership, association, social or fraternal organization, corporation, estate, trust, receiver, syndicate, branch of government, or any other group or combination acting as a unit.

**17.04.345 - Perimeter Street.** Perimeter street means a street contiguous to one or more sides of a property, parcel, lot or tract.

**17.04.350 - Planned Unit Development.** Planned unit development means a unified development approved in accordance with Title 18.36 of this code.

**17.04.355 - Planning Commission.** Planning Commission means the planning commission of the City of Tumwater.

**17.04.360 - Planning Director.** Planning Director means the Director of the City of Tumwater Department of Community and Economic Development.

**17.04.365 - Plat.** Plat means a map or representation of a subdivision, showing thereon the division of a tract or parcel of land into lots, blocks, streets and alleys or other divisions or

dedications.

**17.04.370 - Preliminary Approval.** Preliminary approval means the official action taken on a proposed division of land when provision of improvements or fulfillment of conditions are to occur prior to final approval.

**17.04.375 - Preliminary Plat.** Preliminary plat means a neat and approximate drawing of a proposed subdivision showing lots, tracts, streets and alleys and other elements of a subdivision consistent with the requirements of this chapter. The preliminary plat shall furnish a basis for the approval or disapproval of the general layout of a subdivision.

**17.04.380 - Primary Arterial.** Primary arterial means an arterial street or highway having only limited access. They may or not be divided. Traffic moves at a high rate of speed with as little interference as possible.

**17.04.385 - Private Street.** Private street means a roadway owned and maintained by five or more individuals or businesses for the purpose of providing vehicular access to their properties.

**17.04.390 - Public Facilities.** Public facilities include streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, domestic water systems, storm and sanitary sewer systems, parks, recreational facilities, schools, and transit stops.

**17.04.395 - Public Improvements.** Public improvements means any improvement or structure, required as a condition of approval, which may be used by the public.

**17.04.400 - Public Services.** Public services include fire protection and suppression, law enforcement, public health, education, recreation, environmental protection, and other governmental services.

**17.04.405 - Professional Civil Engineer.** Professional civil engineer means a civil engineer licensed to practice in the State of Washington.

**17.04.410 - Professional Land Surveyor.** Professional land surveyor means a land surveyor licensed to practice in the State of Washington.

**17.04.415 - Reserve Strip.** Reserve strip means a parcel of ground located usually at the edge of a subdivision for the purpose of restricting access from the end or side of a street.

**17.04.420 - Right-of-Way.** Right-of-way means the area



between boundary lines of a street, alley or easement.

**17.04.425 - Roadway.** Roadway means that portion of a right-of-way that is improved and maintained for vehicular and/or pedestrian traffic.

**17.04.430 - Secondary Arterial.** Secondary arterial means an arterial which provides for movement within the large subparts and may also serve "through traffic" but provide more direct service to abutting land uses than do primary arterials.

**17.04.440 - Short Plat/Subdivision.** Short plat/subdivision means the division or redivision of land into four or fewer lots, tracts, parcels, sites or divisions for the purpose of transfer of ownership, sale or lease and its map or representation containing all of the pertinent information as required by this Title.

**17.04.445 - Street.** Street means a public or private right-of-way or easement which provides vehicle access to more than three lots or potential lots.

**17.04.450 - Street Tree.** Street tree means a tree planted along the edge of a right-of-way or easement, or just inside the lot or parcel from the right-of-way or easement and is of a variety approved by the City for such placement.

**17.04.455 - Subdivider.** Subdivider means a person who undertakes the subdividing of land or a binding site plan. The Subdivider is also referred to as applicant.

**17.04.460 - Subdivision.** Subdivision means the division or redivision of land into five or more lots, tracts, parcels, sites or divisions, which are less than five acres in area, whether immediate or future, for the purpose of sale, lease or transfer of ownership. This definition applies whether or not there is a dedication involved.

**17.04.465 - Subdivision Agent.** Subdivision agent means that person or persons authorized to act on behalf of the subdivider.

**17.04.470 - Temporary Improvements.** Temporary improvements means those improvements or structures constructed or placed for a finite time period as set by ordinance.

**17.04.475 - Tract or Parcel.** Tract or parcel means a portion of a subdivision having fixed boundaries, not including lot.

**17.04.480 - Treasurer.** Treasurer means the Thurston County Treasurer, or his/her authorized agent.

**17.04.485 - Tumwater Coordinate System.** Tumwater coordinate

system means the horizontal ground scale coordinate system referenced to the Washington Coordinate System as established by the City Public Works Department.

**17.04.490 - Tumwater Datum.** Tumwater datum means vertical datum as related to mean sea level, based on 1929 National Geodetic Vertical Datum.

**17.04.495 - Urban Governmental Services.** Urban governmental services include those governmental services historically and typically delivered by cities, and include storm and sanitary sewer systems, domestic water systems, street cleaning services, fire and police protection services, public transit services, and other public utilities associated with urban areas and normally not associated with nonurban areas.

**17.04.500 - Urban Growth.** Urban growth refers to growth that makes intensive use of land for the location of buildings, structures, and impermeable surfaces to such a degree as to be incompatible with the primary use of such land for the production of food, other agricultural products, or fiber, or the extraction of mineral resources. When allowed to spread over wide areas, urban growth typically requires urban governmental services. "Characterized by urban growth" refers to land having urban growth located on it, or to land located in relationship to an area with urban growth on it as to be appropriate for urban growth.

**17.04.505 - Utilities Easements.** Utilities easement means rights-of-way which may be used by public utilities, including, but not limited to, electricity, water, natural gas, sewer, telephone and television cable for the construction, operation, maintenance, alteration and repair of their respective facilities.

**17.04.510 - Variance.** Variance means an authorization granting relief under the provisions of Chapter 17.28 of this Title from the literal enforcement of this Title, when special conditions exist or unusual hardship will result therefrom.

**17.04.515 - Vehicle.** Vehicle means a device capable of being moved upon a public highway and in, upon, or by which any persons or property is or may be transported or drawn upon a public highway, including mopeds, excepting devices moved by human or animal power or used exclusively upon stationary rails or tracks.

**17.04.520 - Walkway.** Walkway means a hard surfaced portion of a street, right-of-way, trail or easement intended for pedestrian use.

**17.04.525 - Watercourse.** Watercourse means the course or route followed by waters draining from the land, formed by nature

or man and consisting of a bed, banks, sides and associated wetlands and headwater. A watercourse shall receive surface and subsurface drainage waters and shall flow with some regularity, but not necessarily continuously, naturally and normally, in draining from higher to lower lands. The watercourse shall terminate at the point of discharge into a larger receiving body such as a lake. Watercourse shall include sloughs, streams, creeks and associated wetlands.

**17.04.530 - Wetlands.** Wetland or wetlands for the purposes of inventory, incentives, and nonregulatory programs, means those lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For the purposes of this definition, wetlands must have one or more of the following attributes (TMC 16.28):

- A. At least periodically, the land supports predominantly hydrophytes;
- B. The substrate is predominantly undrained hydric soil; and
- C. The substrate is nonsoil and is saturated with water or covered by shallow water at some time during the growing season of each year.

**Chapter 17.06**  
**Lot Consolidations**

**Sections:**

**17.06.010 Lot Consolidations.**

**17.06.010 - Lot Consolidations.** In cases where multiple lots, parcels or tracts will all be used for one building site, and in particular those cases where a structure is proposed to be built across a property line, the lots, parcels or tracts shall be consolidated into one lot, parcel or tract. The consolidation shall be prepared by the owner(s) or their representative and reviewed by the planning department in the same manner as a boundary/lot line adjustment, and shall be recorded at the office of the County Auditor.

**Chapter 17.08**  
**Binding Site Plans**

**Sections:**

**17.08.010 Binding Site Plans.**

**17.08.010 - Binding Site Plans.** Divisions of land into lots, parcels or tracts zoned for industrial and/or commercial use or specifically intended for condominiums may be processed as a binding site plan. The City shall approve a binding site plan when it has been shown to conform to the requirements of the zoning code; provided that said lots, parcels or tracts shall not be sold or transferred unless the binding site plan and a record of survey map, which is prepared in compliance with Chapter 58.09 RCW, and which includes a legal description of each lot, parcel or tract being created, is approved by the planning department and filed for record in the County Auditor's office. The planning department shall certify that the survey map conforms to the requirements of the zoning code and development standards, and affix its signature to the survey prior to recording; provided further, that the binding site plan and all of its requirements shall be legally enforceable on the purchaser or other person acquiring ownership of the lot, parcel or tract; and provided further, that sale or transfer of such a lot, parcel or tract in violation of the binding site plan, or without obtaining binding site plan approval, shall be considered a violation of this Title and shall be restrained by injunctive action and be illegal as provided in Chapter 58.17 RCW.

**Chapter 17.10**  
**Boundary/Lot Line Adjustments**

**Sections:**

**17.10.010 Boundary/Lot Line Adjustments.**

**17.10.010 - Boundary/Lot Line Adjustments.** A plan made for the purpose of adjusting boundary lines which does not create any additional lot, tract, parcel, site or division nor create any lot, tract, parcel, site or division which: (1) contains insufficient area and dimension to meet minimum requirements for width and area for a building site; (2) violates restrictive covenants contained on the face of a final plat, short plat, binding site plan or other land division; (3) violates approval; or (4) does not have legal access; provided, that a revised map shall be submitted to and approved by the planning department which contains: (a) acknowledged signatures of all parties having an interest in lots whose lines are being adjusted; (b) adjusted legal descriptions of the affected lots; and (c) a signature of a title company or licensed surveyor describing the adjusted lot lines. The planner and City Engineer shall certify that the proposed boundary line adjustment conforms to the requirements of this subsection, and affix their signatures to the revised land division map prior to recording.

**Chapter 17.12  
General Design Standards**

**Sections:**

- 17.12.010 Design Standards Required.
- 17.12.020 Future Subdivision and Access.
- 17.12.030 Blocks.
- 17.12.040 Minimum Lot Size.
- 17.12.050 Lot Size Averaging.
- 17.12.060 Residential Lot Building Sites.
- 17.12.070 Natural Vegetation and Features.
- 17.12.080 Clearing and Grading.
- 17.12.090 Wetlands and Drainage.
- 17.12.100 Hazards.
- 17.12.110 Streets.
- 17.12.120 Driving Surface and Rights-of-Ways.
- 17.12.130 Cul-De-Sacs.
- 17.12.140 Street Signs.
- 17.12.150 Topography.
- 17.12.160 Maximum Street Grades.
- 17.12.170 Street Names.
- 17.12.180 Lot Access.
- 17.12.190 Private Streets.
- 17.12.200 Underground Utilities

17.12.010 - Design Standards Required. All divisions of land shall comply with the following standards of design and development except as noted elsewhere in this Title.

17.12.020 - Future Subdivision and Access. All land divisions shall be designed to accommodate the future land division of adjoining lands by providing for adequate future access and utility service. Pedestrian and bicycle access to schools, parks, shorelines, recreation areas and open space shall be provided by walkway where street access is unsafe or inadequate.

17.12.030 - Blocks. Blocks in non-residential zones shall be dimensioned to accommodate the intended purpose of the land. All blocks shall be arranged so as to minimize the number of intersections and access points on arterial streets.

17.12.040 - Minimum Lot Size. Lots or tracts shall be not less than the minimum size required in the zoning district unless dedicated or restricted by covenant for open space, park, recreational or other community or public use.

17.12.050 - Lot Size Averaging. The size of lots in land divisions may be reduced below the minimum lot size of the zone district provided:

A. The total number of lots on the site of the land division devoted to lots shall not exceed the number derived by

dividing that area by the minimum lot size;

B. The mean average lot size shall not be less than that required in the zone district. In computing the average lot size, no lot shall be credited with more than 1.25 times the minimum lot size;

C. No lot shall be less than .75 times the minimum lot size;

D. If the land division is submitted in phases/ divisions of development, each phase/division submitted for approval shall meet all provisions of this section.

**17.12.060 - Residential Lot Building Sites.** Each residential lot in low density residential zones shall have a building site no less than 1,600 square feet in area within which a suitable building can be built and served by utilities and vehicular access unless dedicated or restricted by covenant for open space, park, recreation or other public use. The building site area herein required shall not exceed a 25% cross slope or include any very severe development limitation areas. Such building sites shall be indicated on the face of the preliminary land division.

**17.12.070 - Natural Vegetation and Features.** Valuable natural features such as trees, streams, wetlands, and wildlife habitat shall be preserved to the greatest extent feasible.

**17.12.080 - Clearing and Grading.** Proposed clearing and grading should be minimized by the use of shared access driveways and careful location of streets and building sites.

**17.12.090 - Wetlands and Drainage.** Wetlands and natural drainage ways shall be subject to review under Chapters 16.28 (Wetlands) and 16.32 (Fish and Wildlife Habitat Conservation Areas), of this code.

**17.12.100 - Hazards.** Where land division and development of land may pose a hazard to the land division and nearby properties because of steep slopes, unstable soils, excessive storm water runoff or soil erosion, the land divider shall have the burden of presenting evidence satisfactory to the City of hazard mitigation. In the absence of such evidence, division of such land shall be denied.

**17.12.110 - Streets.** The size of streets and their associated rights-of-way shall be as shown on the street standards chart for the class of street which is appropriate to serve the land division and anticipated community traffic, existing and potential. In areas where the division is adjacent to an existing street, right-of-way dedications shall be made to the existing street centerline.



**17.12.120 - Driving Surface and Rights-of-Ways.** All roads shall be designed and constructed in accordance with the adopted "Development Standards for the City of Tumwater" in effect at the date of acceptance of the preliminary land division.

**17.12.130 - Cul-De-Sacs.**

A. Cul-de-sacs shall have an improved turn-around with a minimum outside radius of thirty-eight (38) feet.

B. A "T" or "Y" or "Hammerhead" configuration may be approved for private roads only instead of a turning circle if warranted by special conditions.

C. Cul-de-sacs generally should not exceed one thousand (1000) feet in length.

D. Parking is prohibited in cul-de-sac turnarounds and shall be posted.

**17.12.140 - Street Signs.** Street signs shall be installed by the subdivider as specified by the City Engineer.

**17.12.150 - Topography.** All streets should be designed to conform to the topography of the site, in order to reduce street grades and minimize the need for cuts and fills.

**17.12.160 - Maximum Street Grades.** Maximum street grades shall be in accordance with the adopted "Development Standards for the City of Tumwater."

**17.12.170 - Street Names.** All streets shall be named or numbered as specified by the City. The land divider is encouraged to submit requested street names to the City for its consideration.

**17.12.180 - Lot Access.** Each lot shall have a minimum of 10 feet of unobstructed access to a street, directly or by access easement.

**17.12.190 - Private Streets.** Private streets shall be constructed to meet or exceed the design standards established on the street standards chart for the City. Public access to developments or parts of developments containing private streets shall not be limited by the use of gates or other measures except when said limitation was approved by the City as a part of the consideration of the related preliminary land division approval.

**17.12.200 - Underground Utilities.** Electrical power, telephone, cable television, fiberoptics and other transmission lines shall be installed underground.

Chapter 17.14  
Preliminary Land Divisions

Sections:

- 17.14.010 Preliminary Subdivisions, Short Subdivisions, Binding Site Plans, and Large Lot Subdivisions.
- 17.14.020 Presubmission Conference.
- 17.14.030 Submission.
- 17.14.040 Review Criteria.
- 17.14.050 Administrative Consideration.
- 17.14.060 Hearing Examiner Consideration.
- 17.14.070 Notification of Action.
- 17.14.080 Duration of Approval.
- 17.14.090 Extension of Approval Period or Resubmission.
- 17.14.100 Responsibility of Applicant.
- 17.14.110 Charges, Alterations or Deletions.

17.14.010 - Preliminary Subdivisions, Short Subdivisions, Binding Site Plans, and Large Lot Subdivisions. Preliminary land divisions shall be reviewed as described below:

A. Administrative Review - Short plats, binding site plans and large lot subdivisions shall be reviewed by the Development Review Committee.

B. Hearing Examiner Review - Preliminary plats shall be reviewed by the Development Review Committee which shall forward their recommendation to the Hearing Examiner for his/her decision.

17.14.020 - Presubmission Conference. Prior to the submission of a preliminary plat, short plat, binding site plan or large lot subdivision application, the land divider or his/her representative shall meet with the Development Review Committee to discuss preliminary sketches or design studies. Although no specific submittal standards are outlined herein, it should be pointed out that the content and clarity of the submittal may directly affect the ability of the staff to give prompt and complete input on the project. At this time, said committee shall make available all pertinent information as may be on file relating to the general area and the specific site under consideration. It is the purpose of this conference to eliminate as many potential problems as possible in order for the project to be processed without delay. The conference should take place prior to detailed work by an engineer, planner or surveyor. Discussion topics at this time would include such things as the comprehensive plan, development standards, Shoreline Master Plan, zoning, availability of sewer and water, stormwater management, latecomer charges, development concepts, other City requirements and permits, and the potential environmental impact of the project. If the applicant owns adjacent land, a master plan of future development of his/her total property shall be required of the applicant and discussed.

17.14.030 - Submission.

A. Application - Each land division submitted to the City shall be accompanied by a completed application form. Such blank form shall be provided by the planning department. The information requested on such form shall be revised and updated from time to time by the Planning Department.

B. Environmental Checklist - With the exception of short plats not located on or adjacent to a water body or other environmentally sensitive areas such as wetlands, all other applications for divisions of land shall be accompanied by a completed environmental checklist. Such environmental checklist form shall be provided by the planning department.

C. Title Report - A title report or plat certificate issued by a title company which shows property ownership and any easements or other encumbrances shall be submitted with the application package. Such title report or plat certificate shall be dated no more than 30 days prior to submittal.

D. Format of Plan - All drawings of preliminary land divisions shall be prepared on sheet(s) not exceeding twenty-four (24) by thirty-six (36) inches.

A scale of fifty (50) feet to the inch is preferred, although, other engineering scales may be used at the discretion of the designer. Architectural scales shall not be used.

E. Number of Copies - The number of copies of a proposed preliminary division of land required for submittal shall be set by the planning department in direct response to the needs of the review authorities. The number of copies shall be clearly indicated on the application form and may vary depending on the type of land division proposed.

F. Content of Plan - Generally, the information required to be submitted with or on a proposed preliminary division of land plan shall be specified on the application form as provided by the planning department. The type and amount of information required may be changed from time to time by the department to respond to the needs of the reviewing authorities. Generally, such information shall be the minimum required to properly review the proposed division of land and determine its potential environmental impacts. While it is the intent of the City to standardize as much as possible the submittal requirements, it may be necessary from time to time for the staff or other reviewing authorities to request additional information from the applicant beyond that specified on the application forms, in order to adequately review plans for sites with unique characteristics or unique development plans.

G. Adjacent Property Owners - Included with the

application packet for any proposed preliminary division of land must be a list of properties located within 300 ft. of the subject property, its registered owner(s) and their mailing addresses as listed in the office of the County Assessor. This list must be submitted on the form provided by the planning department for that purpose in order to facilitate the mailing of notices to the property owners.

If the list is not prepared at the Assessor's office, or at an office having direct computer access to the Assessor's ownership records, the date of receipt of the master list from which the information was taken shall be indicated on the form when submitted to the City. In no case shall the information be based on a master list more than three (3) months old at the time of filing the application.

H. Public Notification - In the case of preliminary land divisions going before the Hearing Examiner, notification of the required public hearing shall be as provided by the Municipal Code. Notification of administrative consideration of preliminary land divisions shall be by posting of the site in three conspicuous places.

I. Time Limit For Action - When the planning department has received a complete application, it shall be approved, disapproved or returned to the applicant for modification or correction within ninety (90) days; provided, that if an expanded environmental checklist, environmental assessment or environmental impact statement is required as provided in R.C.W. 43.21C the ninety (90) day period shall not include the time spent preparing and circulating the environmental documents.

J. Specific Requirements

1. Phasing - If phasing of the land division is anticipated, such phasing must be indicated on the plan. When projects are phased, care must be taken to ensure that each phase or combination of phases can meet all applicable requirements on their own. Examples would include utility systems, emergency vehicle access, and adequate turnaround areas. When an applicant owns adjacent land, the phasing plan shall include preliminary draft layouts of the master plan for the total property. Special attention shall be given to the compatibility of layouts and the provision of transportation and pedestrian linkages.

2. Distribution of Information - The planner shall distribute copies of the preliminary land division plan and pertinent information to the members of the Development Review Committee and other agencies and utilities as appropriate. A copy of the plan shall be sent to the Department of Transportation when such projects are located adjacent to a state highway right-of-way, or within two miles of the airport. A copy of the proposed land division shall also be sent to the Port of Olympia when the project is within two miles of the airport.

**17.14.040 - Review Criteria.**

A. Hearing Examiner and/or Planning Department Inquiry into Public Use and Interest - The Hearing Examiner and/or planning department shall inquire into the public use and interest proposed to be served by the establishment of the proposed land division and dedication. The Hearing Examiner and/or staff shall determine: If appropriate provisions are made for, but not limited to, the public health, safety and general welfare, for open spaces, drainageways, streets or roads, alleys, other public ways, other grounds, transit stops, potable water supplies, sanitary wastes, parks and recreation playgrounds, schools and school grounds, fire protection and other public facilities, and shall consider all other relevant facts, including the physical characteristics of the site and determine whether the public interest will be served by the land division and dedication. Further, consideration shall be given for sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school. If the Hearing Examiner and/or staff find that the proposed division of land makes appropriate provisions for the above, and makes written findings to that effect, then it shall be approved. If the Hearing Examiner and/or staff find that the proposed land division does not make such appropriate provisions or that the public use and interest will not be served, then the Hearing Examiner or staff shall disapprove the proposed division of land.

B. Dedication - Dedication of land, provision of public improvements to serve the land division, and/or payment of impact fees allowed by state law, to any public body, may be required as a condition of land division approval. Evidence of such dedication and/or payment shall accompany final land division approval. No dedication, provision of public improvements, or impact fees imposed in conformance with state law shall be allowed that constitutes an unconstitutional taking of private property.

C. Release from Damages from Other Property Owners - The Hearing Examiner and/or staff shall not, as a condition of approval, require an applicant to obtain a release from damages from other property owners.

D. Flood Hazard Areas - The Hearing Examiner and/or staff shall consider the physical characteristics of a proposed land division site, and may disapprove a proposed division because of flood, inundation or wetland conditions. Construction of protective improvements may be required as a condition of approval, and such improvements shall be noted on the final land division. No division shall be approved covering any land situated in a flood control zone as provided in Chapter 86.16 RCW, without the prior written approval of the State Department of Ecology.

E. Health Department - As a condition of preliminary land



division approval, the health department may require plan modifications in those instances where topography, soils, water table or other conditions are such that the changes are necessary in order to prevent possible health hazards due to ground or surface water contamination or sewage disposal system malfunction.

F. School District - When a proposed division wholly or partially contains a school site proposed in the comprehensive plan or other officially adopted plans, as a mitigation measure in an environmental document or determination or when the school district finds a reasonable foreseeable need for such a site, the applicant may be required to dedicate a portion of the division or reserve it for future purchase by the school district. The City shall require evidence of need from the school district as a prerequisite to requiring dedication or reservation. The Hearing Examiner and/or staff may recommend a time limit on the effective period of any reservation.

G. Fire Department - When the affected fire department finds a reasonably foreseeable need for a site wholly or partially contained within the preliminary land division the applicant may be required to dedicate a portion of the site or reserve it for future dedication. Evidence of need from the fire department is a prerequisite to requiring dedication or reservation. The Hearing Examiner and/or staff may recommend a time limit on the effective period of any reservation.

H. Parks - When a preliminary division includes the area of a trail or open space network which is indicated in the park plan element of the comprehensive plan or other officially adopted plan, an area encompassing such trail or open space network may be required to be set aside for its intended purpose. It may be provided by the granting of a trail or open space easement to the City, dedication or reservation for future purchase by the public. The Hearing Examiner and/or staff may determine a reasonable time or specify the event, limiting the effective period of the reservation. As a part of a project's environmental review, the City's "fees in lieu of dedication" system may be used in concert with this element.

I. Shoreline Management - Whenever a preliminary division of land is wholly or partially located within an area subject to the jurisdiction of the Shoreline Management Act of 1971, Chapter 90.58 RCW, as amended, the applicant shall comply with the Shoreline Master Program for the Thurston Region, Chapter 90.58 RCW, as amended.

**17.14.050 - Administrative Consideration.** All preliminary short plats, binding site plans and large lot subdivisions shall be reviewed by the Development Review Committee based on the standards contained in this Title, and any other applicable ordinances or policies. If the proposed division is determined

to meet the applicable standards and only if written findings that are appropriate, as provided in RCW 58.17.110, are made, it shall be approved.

**17.14.060 - Hearing Examiner Consideration.** In the case of preliminary land divisions, upon receipt of the recommendation from the Development Review Committee, a public hearing shall be set before the Hearing Examiner. At the conclusion of the public hearing, the Hearing Examiner may approve, approve with conditions, deny, or continue the matter. If the proposed land division is approved, it shall only be approved based on written findings as provided in R.C.W. 58.17.110.

**17.14.070 - Notification of Action.** Upon final approval, disapproval or modification of the preliminary land division the Planning Department shall notify the applicant and his/her authorized representative by mail within five (5) days of said action. The action of the Hearing Examiner or staff shall be noted on two copies of the preliminary land division including reference to any attached documents describing conditions imposed. The planning department shall return one copy to the land divider and retain one copy for the permanent file.

**17.14.080 - Duration of approval.** Approval of the preliminary land division shall be effective for three years from the date of approval by the staff or Hearing Examiner as required, during which time a final land division(s) may be submitted. During this time the terms and conditions upon which the preliminary approval was given will not be changed, except as provided for in Section 17.14.110.

**17.14.090 - Extension of Approval Period or Resubmission.** If an applicant files a written request with the planning department at least thirty days before the expiration of a three-year approval period, one one-year extension of the approval period shall be granted by the planning department upon a showing that the applicant has attempted in good faith to submit the final land division within the three-year period. If a final division has not been filed prior to the expiration of the one-year extension, an applicant may file a written request for, and the Planning Department may grant, not more than one additional one-year extension of the approval period; provided, that if, in the opinion of the planning department, the preliminary land division does not continue to serve the public use and interest or comply with existing zoning or other applicable laws or plans, the planning department shall schedule the request for extension for public hearing before the Hearing Examiner upon such notice and in accordance with the preliminary land division approval procedures of this Title.

**17.14.100 - Responsibility of Applicant.** Knowledge of the expiration date and initiation of a request for extension of approval time is the responsibility of the applicant. The City

shall not be held accountable for notification of expiration. All requests for an extension of time must be submitted to the planning department at least thirty days prior to expiration of approval period for the preliminary land division.

**17.14.110 - Changes, Alterations or Deletions.** Once the preliminary land division map has been approved, it shall not be altered unless approved by both the planning and public works departments. If the alteration is felt to be of a substantial nature by the Planning and Public Works Departments, then the land division shall be resubmitted in accordance with the procedures for preliminary division approval.



**Chapter 17.16**  
**Specific Design Standards**

**Sections:**

**17.16.010 Specific Design Standards.**

**17.16.010 - Specific Design Standards.** Specific design standards for the design and construction of improvements associated with a land division shall be as follows:

A. Water - A.W.W.A. (American Water Works Assoc.) and the standards found in the Tumwater Development Standards Manual.

B. Sewer - D.O.E. (Washington State Dept. of Ecology) standards, A.W.W.A. (American Water Works Assoc.) standards, and the standards found in the Tumwater Development Standards Manual.

C. Streets - W.S.D.O.T. (Washington State Department of Transportation) standards, A.P.W.A. (American Public Works Association, Washington State Chapter) standards and the standards found in the Tumwater Development Standards Manual.

D. Storm Sewer - D.O.E., W.S.D.O.T., A.P.W.A. standards "Drainage Design and Erosion Control Manual for Thurston Region, Washington" as approved by the City Council, and the standards found in the Tumwater Development Standards Manual.

E. Miscellaneous - The standards found in the Tumwater Development Standards Manual or the adopted standards of other associations as deemed appropriate.

**Chapter 17.18  
Public Improvements**

**Sections:**

- 17.18.010 Installation Requirements.
- 17.18.020 Design and Review.
- 17.18.030 Construction on Surety/Bond Approval.
- 17.18.040 Off-site Improvements and Unimproved Abutting Streets.
- 17.18.050 Exceptions.
- 17.18.060 Inspection Certification.
- 17.18.070 As-Built Drawings.
- 17.18.080 Maintenance.
- 17.18.090 Acceptance.
- 17.18.100 Maintenance Agreement.
- 17.18.110 Required Maintenance.
- 17.18.120 Surety.
- 17.18.130 Reinspection.
- 17.18.140 Surety, Bonds, and Fees.

17.18.010 - Installment Requirements. Before approval of a Final Plat, Binding Site Plan, Large Lot Subdivision or Final Short Plat with required public improvements, all required public improvements shall be installed or provided for by surety or other method. All public improvements shall be installed within one year of final approval or a lesser time as established by the Public Works Director.

17.18.020 - Design and Review. All public improvements and private streets shall be designed by a licensed professional civil engineer and approved by the Public Works Director, whose signature shall appear on each sheet of the design plans.

17.18.030 - Construction on Surety/Bond Approval. Preliminary land division approval or approval of final plans of public improvements by the Public Works Director, whichever occurs last, shall constitute approval to start construction of required public improvements. In lieu of construction of improvements, a land divider may proffer a surety equal in value to not less than 125 percent of the contract cost of the deferred improvements or as estimated by the Public Works Director. The surety shall cover all improvements required as a condition of approval, including but not limited to: public/private streets, utilities, street lights, drainage facilities, landscaping, walkways, paths and recreation facilities. The surety shall be approved by the City Attorney.

17.18.040 - Off-site Improvements and Unimproved Abutting Streets. All off-site improvements and unimproved abutting streets necessary for the development shall be constructed except as noted below. Latecomers agreements, in accordance with Chapter 35.91 RCW, and approved by the City Council may be drawn for those portions of off-site improvements and abutting streets

built by the land divider which benefits other properties.

**17.18.050 - Exceptions.**

A. Off-site improvement not immediately required to support the development may be deferred with an approved surety and waiver of protest/special power of attorney for a future Local Improvement District established for construction of the improvement or other such agreement. After formation of said local improvement district the surety shall be released.

B. A waiver of protest/special power of attorney for L.I.D.'s shall be required for all abutting unimproved streets not constructed by the land divider.

**17.18.060 - Inspection Certification.** The Development Services Manager or his/her designee shall make periodic and final inspections of all constructed public improvements. Upon completion, the Public Works Director shall certify in writing the method of construction, workmanship, materials and testing of the improvements. In the case of sanitary sewers, a report from a qualified firm which has inspected the installation by use of a video surveillance system shall be required. Following written certification by the Public Works Director, he shall request that the City Council confirm his certification of the public improvements.

**17.18.070 - As-Built Drawings.** Within 30 days of certification, the land divider shall provide the Public Works Director with as-built drawings, warranties, and other documents of the improvements and materials used therein.

**17.18.080 - Maintenance.** The land divider shall be responsible for the maintenance and timely repair of all public improvements for a period of 24 months following final certification by the City Council.

**17.18.090 - Acceptance.** Public improvements shall be deemed accepted by the City two (2) years from the date the Public Works Director's certification is confirmed by the City Council. The time period for acceptance may be extended by Council action on recommendation by the Public Works Director.

**17.18.100 - Maintenance Agreement.** The land divider shall submit a maintenance agreement covering all required public improvements and existing public improvements which may be damaged, disturbed, or modified during construction of the land division or private improvements therein.

**17.18.110 - Required Maintenance.** The land divider shall complete any required maintenance within a reasonable time as determined by the Public Works Director or reimburse the City for maintenance it might perform. The City may perform maintenance at the land divider's expense on any public improvement if the

land divider fails to complete the work within the specified time or if timely completion is necessary for the public health, safety or welfare. Maintenance performed by the City during the required maintenance period does not waive the land divider's responsibility for required maintenance.

**17.18.120 - Surety.** The land divider shall submit a surety for maintenance equal in value to fifteen (15) percent of the total value of the required public improvements certified by the Public Works Director.

**17.18.130 - Reinspection.** The Development Services Manager or his/her designee shall reinspect the public improvements at least twice during the maintenance period.

**17.18.140 - Surety, Bonds and Fees.**

A. Fees - Plan review, inspection and connection fees shall be paid as required by resolution passed by the City Council.

B. Sureties and Bonds - All sureties shall be approved as to form by the City Attorney and approved by the Public Works Director as to amount and adequacy.

C. Release of Sureties - The Public Works Director shall not release or reduce sureties for completed or partially completed required improvements except under the following conditions:

1. The land divider has submitted a schedule of improvements, the sequence for completion and the value of each part of the improvement for which a release of surety may be sought.

2. Each segment of a required improvement shall be usable by itself without completion of the remainder of the improvement.

3. Each segment shall receive inspection and approval by the City before release of the surety for that part of the improvement.

4. The total of all partial releases or reductions on each improvement shall constitute no more than 100 percent of the estimated value of the entire completed improvement.

5. All releases or reductions of sureties shall be approved in writing by the Public Works Director.

**Chapter 17.20  
Dedications and Contributions**

**Sections:**

**17.20.010 Requirements.**

**17.20.020 Review.**

**17.20.030 Voluntary Contribution in Lieu of Dedication.**

**17.20.010 - Requirements.** No preliminary plat, short plat, large lot subdivision or Binding Site Plan shall be approved unless adequate provision is made for but not limited to the public health, safety and general welfare, for open spaces, drainageways, streets or roads, alleys, other public ways, other grounds, transit stops, potable water supplies, sanitary wastes, parks and recreation grounds, schools and school grounds, fire protection and other public facilities, mitigation of adverse environmental impacts, protection of environmentally significant features and such other public requirements as may promote public health, safety and welfare. Such provision shall be made by dedication of land for public or property owner's association use or by a contribution in lieu thereof.

**17.20.020 - Review.** As part of its review of every preliminary plat and Large Lot Subdivision, the Hearing Examiner shall and in the case of Preliminary Short Plat and Binding Site Plan review the staff shall make and enter findings regarding:

A. The area, location and features of land which the applicant proposes to dedicate for public or property owner's association use; and

B. The area, location and features of the land which, as a direct result of the development proposal, is reasonably needed for public taking on account of requirements fixed above.

**17.20.030 - Voluntary Contribution in Lieu of Dedication.** With the consent of the applicant and the City Council, the City may accept a contribution in lieu of dedication of land. Any such contribution shall be paid before final land division approval, into a special reserve account established by the City Treasurer. The funds contributed shall be expended within five (5) years from the date of deposit for such capital improvements as the applicant and Council have agreed upon.

In the case of park land, the proposed contribution shall be accomplished in compliance with Tumwater Resolution #382.

**Chapter 17.22  
Community Facilities**

**Sections:**

- 17.22.010 Purpose.
- 17.22.020 Conveyance to Property Owners' Association.
- 17.22.030 Conveyance to Property Owners' Association - Documents and Conditions Required.
- 17.22.040 Form of Statement Required on Land Divisions.
- 17.22.050 Service Fees and Charges.
- 17.22.060 Lien for Delinquent Service Fees and Charges.
- 17.22.070 Community Facilities District.
- 17.22.080 Dedications and Requirements.

**17.22.010 - Purpose.**

A. The City Council finds that storm water control facilities within land divisions of the City must be adequately maintained and in some circumstances improved in order to protect property and persons within the land divisions and also to protect property and persons outside of the land divisions from the effect of storm, flood or surplus storm and surface waters. The City currently requires the construction of adequate storm water control facilities in accordance with its standards but existing means of enforcing adequate maintenance and adequate operation of said facilities by private property owners or property owners' associations within land divisions may not be sufficient to accomplish this purpose.

B. The City Council also finds that open space, park and recreation facilities within land divisions of the City must be adequately maintained and operated in a manner which will be a benefit to owners within their land divisions as well as all residents of the City to promote public health and safety. The City currently requires open space, park and recreation facilities to be set aside and constructed as part of land division approval by the City or a fee-in-lieu of dedication to be paid. Such requirements are necessary in order to provide for the recreational development and leisure time activities of members of the community and to provide for the preservation of natural resources and aesthetic attributes of land divisions, however, existing means of maintenance of said facilities by private owners and owners' associations are not sufficient to accomplish this purpose. The following requirements are therefore necessary:

**17.22.020 - Conveyance to Property Owners' Association.** If the Hearing Examiner in the case of preliminary plats, and staff in the case of preliminary short plats, large lot subdivisions, and binding site plans, concludes that the public interest will be served thereby, the City may, in lieu of requiring the dedication of land in a land division for protective improvements, drainageways, storm water facilities, streets, alleys, sidewalks, parks, playgrounds, recreational, community or



other general purposes, allow such land to be conveyed to a property owners' association or similar nonprofit corporation.

**17.22.030 - Conveyance to Property Owners' Association - Documents and Conditions Required.** A land divider who wishes to make a conveyance to a property owners' association or similar nonprofit corporation shall, at or prior to the time of filing a final land division for approval, supply the City with copies of the grantee organization's articles of incorporation and bylaws, and with evidence of a binding commitment to convey. The articles of incorporation shall provide that membership in the organization shall be appurtenant to ownership of land in the land division; that the corporation is empowered to assess such land for costs of construction and maintenance of the improvements and property owned by the corporation, and that such assessments shall be in lien upon the land. The City may impose such other conditions as it deems appropriate to assure that property and improvements owned by the corporation will be adequately constructed and maintained.

**17.22.040 - Form of Statement Required on Land Divisions.** All final land divisions filed after the effective date of this ordinance, where the City has required community facilities therein, shall contain on the face of the land division in a manner which will bind all property owners and future property owners of land within the land division a statement substantially as follows:

All saleable lots are subject to all service fees and charges which may be levied by the owners association for the maintenance, operation and improvement of community facilities and for liens for any unpaid service fees or charges.

**17.22.050 - Service Fees and Charges.** The property owners' association shall fix service fee rates and charges for the furnishing of maintenance and operation services and for the making of improvements for all community facilities within their land division. In fixing rates and charges, the association may consider services furnished or to be furnished, benefits received or to be received, the improvements made or to be made, and in the case of storm water control facilities, the water runoff characteristics of the land within the land division.

**17.22.060 - Lien for Delinquent Service Fees and Charges.** The property owners association shall have a lien for delinquent service charges, including interest thereon, against any property against which they were levied pursuant to this Chapter, which liens shall be superior to all other liens and encumbrances except general taxes and local and special assessments.

**17.22.070 - Community Facilities District.** In all cases, a statement forming a Community Facilities District shall be placed upon the face of the land division to provide the City the

opportunity for maintenance of common facilities in the event of the failure of the property owner's association.

If for any reason, the property owner's association fails to satisfy responsibilities for maintenance of common improvements, the Development Review Committee may review the land division and all common improvements within the land division to make a recommendation to Council as to whether options available should be exercised. In those cases where activation of a community facilities district is required by Council, the City may undertake responsibilities associated with maintenance of common improvements and bill residents within the district for all costs of such maintenance. Responsibility for all costs shall be binding on all present and future property owners to the community facilities district.

Additionally, a statement shall be attached to the face of the land division providing the City the opportunity to assume ownership of all common open space within a land division if it is deemed by the City to be in the public's best interest to do so.

**17.22.080 - Dedications and Requirements.** All land shown on the final map intended for public use must be offered for dedication for public use. When filed for record, the land division must contain a certificate giving a full and correct description of the lands divided.



**Chapter 17.24**  
**Final Land Divisions**

**Sections:**

- 17.24.010 Final Plats, Short Plats, Binding Site Plans, and Large Lot Subdivisions.
- 17.24.020 Submission of Application.
- 17.24.030 Format and Content of Application.
- 17.24.040 Distribution of Copies.
- 17.24.050 Time to Act.
- 17.24.060 Review Criteria.
- 17.24.070 Filing for Record - Copies.
- 17.24.080 Filing for Record - Time Limit.

17.24.010 - Final Plats, Short Plats, Binding Site Plans, and Large Lot Subdivisions. Final land divisions shall be reviewed as provided below:

A. Administrative Review - Final short plats, binding site plans, and large lot subdivision shall be reviewed and approved by the Development Review Committee.

B. City Council Review - Final plats shall be reviewed by the Development Review Committee which shall forward their recommendation to the City Council for their decision.

17.24.020 - Submission of Application. The land divider shall submit ten dark line prints and one stable base polyester film or other approved material to the planning department. When available, a computer disk containing the land division shall also be submitted.

17.24.030 - Format and Content of Application.

A. Survey of Land Division and Preparation of Final Land Division Plans - The survey of the proposed land division and preparation of the final land division plan shall be made by or under the supervision of a registered land surveyor who shall certify on the plan that it is a true and correct representation of the lands actually surveyed.

B. Drafting Standards - All final land division plans shall be drawn in accordance with the following:

1. The final plans shall be clearly and legibly drawn in black ink on a stable based polyester film.

2. The scale of the plans shall be not less than one-inch-equals two-hundred-feet. Lettering shall be at least three-thirty-seconds (3/32) of an inch high. The perimeter of the land division being recorded shall be depicted with heavier lines wider than the remaining portion of the land division.

3. The size of each sheet shall be eighteen inches by twenty-four inches.

4. A margin line shall be drawn completely around each sheet, leaving a margin of two inches on the left, and one-half inch on each of the other three sides.

5. If more than two sheets are used, an index of the entire land division showing the arrangement of all sheets shall be included. Each shall be appropriately numbered.

6. All signatures placed on the final land division shall be original signatures written in permanent black ink.

C. Street Monuments - The surveyor preparing the land division shall submit a street monumentation plan to the public works department for approval prior to setting any permanent street monuments. The public works department shall determine the number and location of permanent control monuments in streets within and leading into the land division, if any. All street monuments shall conform to the standard specifications of the American Public Works Association or as amended by City standard plans.

D. Content

1. The following information is required on the final land division map:

a. The plat, binding site plan or large lot subdivision title or short plat number, date, scale, north arrow, legend, controlling topography and existing features such as highways and railroads;

b. Legal description of the land division boundaries;

c. Reference points and lines of existing surveys identified, related to the land division as follows:

(1) Adjoining corners of adjoining land divisions,

(2) City or County boundary lines when crossing or adjacent to the division,

(3) Section and donation land claim lines within and adjacent to the division,

(4) Whenever any City or Thurston County has established the centerline of a street adjacent to or within the proposed division, the location of this line and monuments found or reset,

(5) All other monuments found or established in making the survey or required to be installed by provisions of this Title,

(6) The basis of bearing shall be shown and shall be the Tumwater coordinate system;

d. The exact location and width of streets and easements intersecting the boundary of the tract;

e. Tract, block and lot boundary lines and street rights-of-way and centerlines, with dimensions, bearings or deflection angles, radii, arcs, points of curvature and tangent bearings. Tract boundaries, lot boundaries and street bearings shall be shown to the nearest second with basis of bearings. All distances shall be shown to the nearest 0.01 foot;

f. The width of the portion of streets being dedicated, the width of any existing right-of-way and the width of each side of the centerline. For streets on curvature, curve data shall be based on the street centerline. In addition to the centerline dimensions, the radius and central angle shall be indicated;

g. Easements denoted by fine dashed lines, clearly identified and, if already of record, their recorded reference. The width of the easement, its length and bearings, and sufficient ties to locate the easement with respect to the land division must be shown. If the easement is being dedicated by the map, it shall be properly referenced in the owner's certificate of dedication;

h. Lot numbers beginning with number "1" and numbered consecutively without omission or duplication throughout the division. The numbers shall be solid, of sufficient size and thickness to stand out and so placed as not to obliterate any figure. Lot numbers in an addition to a land division of the same name shall, where practical, be a continuation of the numbering of the original land division;

i. Accurate outlines and designations of any areas to be dedicated or reserved for public use or to be committed for the common use of all property owners with the purpose of dedication, reservation and commitment to be clearly set forth on the land division document together with accurate references to appropriate recorded documents;

j. All required dedications, endorsements, covenants, affidavits and certificates shall show on the face of the final land division;

k. The land division plan shall show the land division of the section or sections involved and show the township(s) and range(s); provided, that if the land being divided is not described by section subdivision, the final land division map shall show a vicinity map showing monuments and land corners sufficient to properly orient the new land division;

l. Specific wording as may be required by the preliminary land division approval;

m. A land division contiguous to, or representing a portion of or all of the frontage of a body of water, river or stream shall indicate the location of monuments, which shall be located at such distance above high-water mark as to reasonably insure against damage and destruction by flooding or erosion;

n. Lots containing one acre or more shall show net acreage to nearest hundredth, whenever possible;

o. Designation of lots to be used for other than single-family residential purposes;

p. If the land division constitutes a replat of all or portions of an existing division this shall be clearly indicated just below the division name. All original plat lines shall be shown in half-tone around the perimeter of the new land division.

2. Acknowledgements and Certificates. Acknowledgements and certificates required by this Title shall be in language substantially indicated in the following subsections:

a. Dedications. The intention of the owner shall be evidenced by his presentation for filing of a final land division clearly showing the dedication thereof and bearing the following certificate signed by all real parties of interest:

Dedication Certificate:

"Know all men by these presents that \_\_\_\_\_, the undersigned owner, in fee simple of the land hereby divided, and \_\_\_\_\_, the mortgagee thereof, hereby declare this land division and dedicate to the use of the public forever all streets, avenues, places and sewer easements or whatever public property there is shown on the division and the use for any and all public purposes not inconsistent with the use thereof for public highway purposes. Also, the right to make all necessary slopes for cuts and fills upon lots, blocks, tracts, etc. shown on this plat in the reasonable original grading of all the streets, avenues, places, etc. shown hereon. Also the right to drain all streets over and across any lot or lots where water might take a natural course after the street or streets are graded. Also, all claims for damage against any governmental authority are waived which may be occasioned to the adjacent land by the established construction, drainage and maintenance of said roads.

IN WITNESS WHEREOF we set our hands and seals this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_."

In the event that a waiver of right of direct access is included, then the certificate shall contain substantially the following additional language:

"Access to \_\_\_\_\_ street from lots numbered \_\_\_\_\_ is hereby waived, and dedication to the public shall in no way be construed to permit a right of direct access to \_\_\_\_\_ street from lots numbered \_\_\_\_\_, nor shall the City of Tumwater or any other local governmental agency within which the property is or may become located ever be required to grant a permit to build or construct an access of approach to said street from said lots."

b. Acknowledgement.

STATE OF WASHINGTON )  
  ) ss.  
COUNTY OF THURSTON )

This is to certify that on this \_\_\_\_\_ day of \_\_\_\_\_, 1991, before me, the undersigned, a notary public, personally appeared \_\_\_\_\_, to me known to be the person(s) who executed the foregoing dedication and acknowledged to me that \_\_\_\_\_ signed the same as \_\_\_\_\_ free and voluntary act and deed for the uses and purposes therein mentioned.

Witness my hand and official seal the day and year first above-written.

(Seal)

\_\_\_\_\_  
NOTARY PUBLIC in and for the  
State of Washington, residing at  
\_\_\_\_\_. My commission  
expires: \_\_\_\_\_."

c. Restrictions. The following restrictions shall show on the face of the final land division:

(1) All landscaped areas in public rights-of-way shall be maintained by the owner and his successor(s) and may be reduced or eliminated if deemed necessary for or detrimental to City road purposes.

(2) Any additional conditions as approved by the staff or Council.

(3) The following shall be required when the division contains a private street:

(a) The cost of construction and maintaining all streets not herein dedicated as public streets shall be the obligation of all of the owners and the obligation of any corporation in which title of the streets may be held.

(4) The following shall be required when the division contains commonly owned tracts:

(a) Community tracts shall be owned and maintained in common for the benefit of all lot owners. All lots have an undivided interest in the ownership and maintenance of community areas. the ownership interest in each community tract shall be stated in the deed to each lot.

d. Certificate From Land Surveyor. The completed division must show a certificate from the land surveyor who platted the property, in substantially the following form:

I hereby certify that the Plat of \_\_\_\_\_, Binding Site Plan \_\_\_\_\_, Large Lot Subdivision of \_\_\_\_\_, or Short Plat# \_\_\_\_\_, of Section \_\_\_\_\_, Township \_\_\_\_\_, Range \_\_\_\_\_, W.M.; that the distances and courses shown thereon are correct; that the monuments have been set and lot and block corners staked on the ground.

e. Certificates of City Officers. The division shall also show the following certificates:

(1) Certificate -- Public Works Director

"Examined and approved this \_\_\_\_\_ day of \_\_\_\_\_ A.D., 19\_\_\_\_.

\_\_\_\_\_  
TUMWATER PUBLIC WORKS DIRECTOR"

(2) Certificate--Health Officer. If the land division includes one or more lots which require the use of on-site sewage disposal systems, the certificate of the health officer is required.

"Examined and approved this \_\_\_\_\_ day of \_\_\_\_\_ A.D., 19\_\_\_\_.

\_\_\_\_\_  
HEALTH OFFICER"

(3) Certificate--Assessor.

"Examined and approved this \_\_\_\_\_ day of \_\_\_\_\_ A.D 19\_\_\_\_.

\_\_\_\_\_  
THURSTON COUNTY ASSESSOR"

(4) Certificate-Treasurer.

"I hereby certify that all taxes on the land described hereon have been fully paid to and including the year \_\_\_\_\_.

\_\_\_\_\_  
THURSTON COUNTY TREASURER"

(5) Certificate-- Planning Director.

"Examined and approved this \_\_\_\_\_ day of \_\_\_\_\_ A.D., 19\_\_\_\_.

\_\_\_\_\_  
TUMWATER DIRECTOR OF COMMUNITY  
AND ECONOMIC DEVELOPMENT"



(6) Certificate--City Council. City Council approval is required only for final long plats.

"Examined and approved this \_\_\_\_\_ day of \_\_\_\_\_ A.D., 19 \_\_\_\_.

\_\_\_\_\_  
MAYOR, CITY OF TUMWATER

ATTEST:

\_\_\_\_\_  
CITY CLERK"

(7) Certificate--City Clerk Treasurer.

"I hereby certify that all Local Improvement District Assessments on the land described hereon have been fully paid to and including the year \_\_\_\_\_.

\_\_\_\_\_  
CLERK-TREASURER  
CITY OF TUMWATER

(8) Certificate--County Auditor.

"Filed for record at the request of \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_, at \_\_\_\_\_ minutes past \_\_\_\_\_ .m., and recorded in Volume \_\_\_\_\_ of Plats/short plats/Binding Site Plans/Large Lot Subdivisions on page \_\_\_\_\_, records of Thurston County, Washington.

\_\_\_\_\_  
THURSTON COUNTY AUDITOR

\_\_\_\_\_  
DEPUTY AUDITOR"

3. The following supplemental information must be submitted with the final land division map:

a. Mathematical boundary closures of the division showing the error of closure, if any. Calculations may be referenced to the Tumwater coordinate system;

b. The mathematical lot closures and street centerline closures and square footage of each parcel. Calculations may be referenced to the Tumwater coordinate system;

c. A certificate of title by a recognized title insurance company, dated not to exceed thirty days prior to submitting a land division for final approval, showing the names of all persons with a real or possessory interest in the property whose consent is necessary to dedicate streets and other easements shown upon said land division map;

d. Names, addresses and phone numbers of the owner, subdivider, engineer, planner and/or surveyor;

e. A copy of any deed restrictions applicable to the division;

f. A copy of any dedication requiring separate documents;

g. A certificate by the public works department that the subdivider has complied with one of the following:

(1) All improvements have been completed, inspected and approved by City staff; or,

(2) An agreement and bond have been executed as provided for in Chapter 17.18 to assure completion of required improvements;

h. A copy of any survey, deed or other document referenced on the face of the final land division map.

**17.24.040 - Distribution of Copies.** The Community and Economic Development Department shall forward a dark line print to the Public Works Department, County Assessor, County Health Department, County Treasurer, Fire Department, and any other agency responsible for the provision of services or insuring compliance with conditions of preliminary land division approval. Said agencies shall examine the division for compliance with the provisions of this Title.

**17.24.050 - Time To Act.** Final land divisions shall be approved, disapproved or returned to the applicant within thirty days from the date of filing unless the applicant consents to an extension of such time period.

**17.24.060 - Review Criteria.**

A. The Public Works and/or Planning Departments shall examine the map as to sufficiency of affidavits and acknowledgements, correctness of surveying data, mathematical data and computations, and such other matters as require checking to insure compliance with the provisions of state laws pertaining to divisions of land, with this Title and with the conditions of approval. Sheets showing the closure of the exterior boundaries and of each irregular lot and the calculation of each lot size shall be furnished. If the final land division is found to be in correct form and the matters shown thereof are sufficient, the public works department shall certify the mylar of the division to the planning department.

B. In addition to a statement of approval from the Public Works Department, the following approvals must be submitted in writing to the planning department prior to its certification of the final land division:

1. Department of Ecology approval. In those cases where the division is located in a flood control zone as established by Chapter 86.16 RCW the Department of Ecology shall indicate approval of the division and shall state any special conditions or restrictions deemed by it to be necessary for effective flood protection;

2. Other approvals as may be required in the conditions of preliminary land division approval.

C. If each department/agency determines that the final land division conforms fully with all applicable regulations and standards, they shall then affix their signatures to the final land division map.

D. In the case of final plats, upon confirmation of compliance with the conditions of approval, and subsequent to affixing its signature to the final plat, the planning department will schedule final consideration of the plat map before the Council.

**17.24.070 - Final Land Division/City Council Action.** After being approved as required in Section 17.24.060, the final land division shall be presented to the City Council. After finding that the final land division has been completed in accordance with the provisions of this Title, and that all required improvements have been completed or that arrangements or contracts have been entered into guarantee that such required improvements will be completed, and that the interests of the City are fully protected, the City Council shall authorize the Mayor to sign the final land division accepting such dedications and easements as may be included thereon, and the final land division shall be returned to the applicant for filing for record with the County Auditor.

**17.24.080 - Final Short Plat/Binding Site Plan/Large Lot Subdivision/Staff Action.** In the case of final short plats, binding site plans and large lot subdivisions after being approved as required in section 17.24.060, the final land division shall not require City Council approval and shall be retained by the staff for filing for record with the County Auditor.

**17.24.090 - Filing for Record - Copies.** The original of all final land divisions shall be filed for record with the County Auditor by City staff. Prior to recording one reproducible stable based polyester film copy shall be furnished to the Public Works Department. One paper copy shall be filed by the Auditor with the Assessor, Planning Department, Health Department, Building Department and the Fire Chief. All required paper copies shall bear the Auditor's recording date.

**17.24.100 - Filing for Record - Time Limit.** Approval of the final land division shall be null and void if the land division is not recorded within thirty days after the date the last required signature has been obtained.

**Chapter 17.26**  
**Replats/Vacations/Alterations**

**Sections:**

- 17.26.010 Replat Generally.
- 17.26.020 Multiple Ownership.
- 17.26.030 Alteration of Installed Improvements.
- 17.26.040 Recording.
- 17.26.050 Power of Council Not Affected.
- 17.26.060 Land Division Vacation.
- 17.26.070 Land Division Alterations.

17.26.010 - Replat Generally. A replat of a recorded plat shall proceed as specified by this Title for approval of a preliminary plat except as modified by this chapter.

17.26.020 - Multiple Ownership. Where the lots within a recorded plat are held in more than one ownership, the application for replat shall not be accepted by the City for processing unless accompanied by the signatures of all property owners within the plat whose lot boundaries would be altered or affected by the replat. A title report or plat certificate, showing the names of all persons with a real or possessory interest in the plat whose lot boundaries would be affected by the replat and any restrictions encumbering the land, shall be submitted with the application for replat.

17.26.030 - Alteration of Installed Improvements. Whenever a replat will involve the relocation, removal or reconstruction of existing plat improvements or open space, the whole of the land embraced in the plat(s) proposed to be replatted shall constitute an assessment district for the purposes of financing said relocation, removal or reconstruction. Assessment rates and requirements shall be established by the Council at the time of replat approval.

17.26.040 - Recording. Any replat shall be filed and recorded with the County Auditor and shall thereafter be the lawful land division and substitute for all former plats; provided, that, should a plat be vacated and not otherwise altered or replatted, it shall only be necessary to file with the County Auditor the order, resolution or ordinance vacating the same, and the Auditor shall thereupon note upon the original plat the part hereof so vacated.

17.26.050 - Power of Council Not Affected. Nothing in this chapter shall in any way change, limit or affect the power now vested in the Council to vacate streets and parts of streets.

17.26.060 - Land Division Vacation. Land division vacations shall be approved in accordance with R.C.W. 58.17.212.

17.26.070 - Land Division Alterations. Eight (8) paper

prints of the proposed amendment, eight (8) paper prints of the original land division or originals shall be filed with the Planning Department along with a non-refundable application fee as indicated within the current fee structures. In the case of subdivisions twenty-five (25) copies of both the original design and the amended one shall be required. A note must be placed on the proposed amendment which states "this amended short plat supersedes Short Plat No. \_\_\_\_\_," or "this amended subdivision or binding site plan amends the plat or binding site plan of \_\_\_\_\_," and the note must also specify the changes. All City and/or County requirements and conditions, as stated on the original land division must be stated on the amended land division.

All City and County departments and review bodies having approval authority on the original land division shall be required to review and sign the amended document before the Planning Department may approve the amendments.

The Treasurer's Office must signify that the current real estate taxes are paid before the Planning Department approves the amended document and it is recorded. Upon recording, the amended document is deemed approved by the City of Tumwater.

The Planning Department may approve an amendment to a land division relating only to the survey, such as an error in the bearing, but not affecting the boundaries or conditions of the land division. It may be recorded with the Auditor without receiving other departmental approval.

**Chapter 17.28**  
**Deviation from Requirements**

**Sections:**

- 17.28.010 Purpose.
- 17.28.020 Applicability.
- 17.28.030 Application Procedure.
- 17.28.040 Procedure for Approval.
- 17.28.050 Conditions for Granting.
- 17.28.060 Imposition of Conditions.
- 17.28.070 Written Record.

17.28.010 - **Purpose.** Any applicant may seek a deviation from the provisions listed in Chapters 17.12 and 17.16 where it appears that there exists extraordinary conditions of topography, access, location, shape, size, drainage or other physical features of the site or other adjacent development.

17.28.020 - **Applicability.** A deviation from any requirements of Chapter 17.12 and 17.16 may be requested. Deviations from other provisions of this Title may not be applied for or granted; provided, that the Directors of the Public Works, and Community and Economic Development Departments may approve a deviation from the requirements of Chapters 17.12 and 17.16 without a variance, if said deviation is justified on the basis of topography or other special or unique conditions attending the development site.

17.28.030 - **Application Procedure.** Any development which includes a request for one or more variances to the requirements of Chapters 17.12 and 17.16 shall be accompanied by a statement setting forth in detail any such variance and the reasons therefor. The planning department shall not process any application not meeting the requirements of Chapters 17.12 and 17.16 unless a variance has been concurrently requested.

17.28.040 - **Procedure for Approval.** The Hearing Examiner shall consider a variance request concurrently with the land division or plan to which it applies. The Hearing Examiner shall act on all requested modifications prior to acting upon the plat or short plat to which they apply. The Hearing Examiner shall detail his findings with respect to requested variances. At no time shall the Hearing Examiner's action on a variance be finalized unless accompanied by the Hearing Examiner's action on the land division or plan, or short plat, or vice versa.

17.28.050 - **Conditions for Granting.** The sole purpose of any variance shall be to prevent discrimination. No variance shall be granted which would have the effect of granting a special privilege not shared by other property in the same vicinity under similar circumstances. To grant a variance, the Hearing Examiner shall determine whether the following conditions apply to the requested variances:



A. There are exceptional or extraordinary circumstances or conditions which apply to the land referred to in the application which do not apply generally to lands in the vicinity. These include, but are not limited to, size, shape, topography, location or surroundings.

B. The granting of the application is necessary for the preservation and enjoyment of substantial property rights of the petitioner.

C. The granting of the application will not, under the circumstances of the particular case, affect adversely the health or safety of persons residing or working in the neighborhood of the property referred to in the application and will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood or adversely affect the comprehensive plan.

**17.28.060 - Imposition of Conditions.** As a part of approving any variance, the staff may propose and/or the Hearing Examiner may impose appropriate conditions and safeguards.

**17.28.070 - Written Record.** A written record of the Hearing Examiner's findings shall be made and they shall be a matter of public record.

Section 3. Subsection 18.08.050(E) of the Tumwater Municipal Code is hereby added to read as follows:

E. Lot Size Averaging. The size of lots in land divisions may be reduced below the minimum lot size of the zone district provided:

1. The total number of lots on the site of the land division devoted to lots shall not exceed the number derived by dividing that area by the minimum lot size;

2. The mean average lot size shall not be less than that required in the zone district. In computing the average lot size, no lot shall be credited with more than 1.25 times the minimum lot size;

3. No lot shall be less than .75 times the minimum lot size;

4. If the land division is submitted in phases/divisions of development, each phase/division submitted for approval shall meet all provisions of Tumwater Municipal Code Title 17 - Land Division.

Section 4. Subsection 18.10.050(A)(6) of the Tumwater Municipal Code is hereby added to read as follows:



6. Lot Size Averaging. The size of lots in land divisions may be reduced below the minimum lot size of the zone district provided:

A. The total number of lots on the site of the land division devoted to lots shall not exceed the number derived by dividing that area by the minimum lot size;

B. The mean average lot size shall not be less than that required in the zone district. In computing the average lot size, no lot shall be credited with more than 1.25 times the minimum lot size;

C. No lot shall be less than .75 times the minimum lot size;

D. If the land division is submitted in phases/divisions of development, each phase/division submitted for approval shall meet all provisions of Tumwater Municipal Code Title 17 - Land Division.

Section 5. Subsection 18.12.050(A)(6) of the Tumwater Municipal Code is hereby added to read as follows:

6. Lot Size Averaging. The size of lots in land divisions may be reduced below the minimum lot size of the zone district provided:

A. The total number of lots on the site of the land division devoted to lots shall not exceed the number derived by dividing that area by the minimum lot size;

B. The mean average lot size shall not be less than that required in the zone district. In computing the average lot size, no lot shall be credited with more than 1.25 times the minimum lot size;

C. No lot shall be less than .75 times the minimum lot size;

D. If the land division is submitted in phases/divisions of development, each phase/division submitted for approval shall meet all provisions of Tumwater Municipal Code Title 17 - Land Division.

Section 6. Subsection 18.14.050(A)(6) of the Tumwater Municipal Code is hereby added to read as follows:

6. Lot Size Averaging. The size of lots in land divisions may be reduced below the minimum lot size of the zone district provided:

A. The total number of lots on the site of the land

division devoted to lots shall not exceed the number derived by dividing that area by the minimum lot size;

B. The mean average lot size shall not be less than that required in the zone district. In computing the average lot size, no lot shall be credited with more than 1.25 times the minimum lot size;

C. No lot shall be less than .75 times the minimum lot size;

D. If the land division is submitted in phases/divisions of development, each phase/division submitted for approval shall meet all provisions of Tumwater Municipal Code Title 17 - Land Division.

Section 7. Subsection 18.16.050(A)(6) of the Tumwater Municipal Code is hereby added to read as follows:

6. Lot Size Averaging. The size of lots in land divisions may be reduced below the minimum lot size of the zone district provided:

A. The total number of lots on the site of the land division devoted to lots shall not exceed the number derived by dividing that area by the minimum lot size;

B. The mean average lot size shall not be less than that required in the zone district. In computing the average lot size, no lot shall be credited with more than 1.25 times the minimum lot size;

C. No lot shall be less than .75 times the minimum lot size;

D. If the land division is submitted in phases/divisions of development, each phase/division submitted for approval shall meet all provisions of Tumwater Municipal Code Title 17 - Land Division."

Section 8. This ordinance shall become effective five days after passage, approval and publication as provided by law.

ADOPTED this 15th day of October, 1991.

CITY OF TUMWATER




Peter N. Fluetsch, Mayor

ATTEST:

  
\_\_\_\_\_  
Gayla E. Gjertsen, Clerk/Treasurer

PUBLISHED: October 17, 1991

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Thomas J. Taylor, City Attorney