

**Topic:** Aquifer Protection; Overlay District  
**Resource Type:** Regulations  
**State:** Washington  
**Jurisdiction Type:** Municipal  
**Municipality:** City of Tumwater  
**Year (adopted, written, etc.):** 1991-1998  
**Community Type – applicable to:** Urban; Suburban  
**Title:** City of Tumwater Aquifer Protection  
Overlay Zone (AQP) Ordinance  
**Document Last Updated in Database:** March 21, 2016

### ***Abstract***

Tumwater, Washington, has three related aquifer protection ordinances. The Aquifer Protection Overlay zone (AQP) “protect[s] vulnerable aquifer recharge areas within the City and urban growth area” by “impos[ing] additional restrictions on development in order to protect public health and safety by preserving the existing and future groundwater supply.” The district restricts seven activities unless they comply with best management practices.

### ***Resource***

#### **Chapter 18.39**

#### **AQP AQUIFER PROTECTION OVERLAY**

##### **18.39.010 Intent.**

The intent of the Aquifer Protection (AQP) overlay zone district is to identify, classify and protect vulnerable aquifer recharge areas within the City and urban growth area. Protection is to be accomplished by controlling the use and handling of hazardous substances. This district imposes additional restrictions on development in order to protect public health and safety by preserving the existing and future groundwater supply for the City and urban growth area. It is the intent of this district to protect vulnerable aquifers from hazardous substance pollution by controlling or abating pollution from commercial and industrial sources and by preventing future pollution from new or different land uses or activities.

(1279, Added, 8/20/1991; 095-035, Amended, 12/19/1995)

##### **18.39.020 Definitions referral.**

The use of terms within this district shall refer to definitions contained in Section 16.24.030 of this Code, in addition to the definitions found in this Chapter. In case of conflict, Section 16.24.030 definitions will prevail.

(1279, Added, 8/20/1991; 095-035, Amended, 12/19/1995)

#### **18.39.030 Scope and applicability.**

All property within the district shall be subject to the following restrictions, as well as the use, setback and other controls of the zoning district in which it is located, and owners of property shall comply with the mandates of this Chapter in addition to the zoning requirements of the district in which such property is presently or may later be located, and the provisions of TMC 16.26, "Wellhead Protection." In the event of conflict with the regulations of the underlying zoning district and the mandates of this district, the provisions of this district shall control.

(097-028, Amended, 04/21/1998; 095-035, Amended, 12/19/1995; 1279, Added, 08/20/1991)

#### **18.39.040 Restricted uses - Discharges and disposal.**

The following uses of land shall be restricted from locating within the boundaries of this district, unless such a use complies with the provision herein on new technologies and best management practices:

- A. Chemical manufacture and reprocessing;
- B. Creosote/asphalt manufacture or treatment;
- C. Electroplating activities;
- D. Manufacture of flammable or combustible liquids as defined in the current edition of the Fire Code;
- E. Petroleum products refinery, including reprocessing;
- F. Wood products preserving;
- G. On and off-site hazardous waste treatment and storage facilities.

(1279, Added, 8/20/1991; 095-035, Amended, 12/19/1995)

#### **18.39.050 Improved technology - Best management practices.**

A restricted land use may be considered for location within the district only upon conclusive demonstration that application of new or improved technology or best management practice will result in no greater threat to the groundwater resources than that posed by a non-restricted use. The approval procedure for location as an allowed use shall be by Conditional Use Permit, as set forth in Chapter 18.56 of this Code.

(1279, Added, 8/20/1991; 095-035, Amended, 12/19/1995)