

# City of Tenino

Washington

149 Hodgden Street South PO Box 4019 Tenino, WA 98589 (360) 264-2368

**TENINO AGRICULTURAL PARK  
PSD2022-0001**

**STAFF REPORT: DAN PENROSE, CITY PLANNER  
NOVEMBER 8, 2022**

**OWNER:** City of Tenino  
149 Hodgden Street South  
Tenino, WA 98589

**APPLICANT:** City of Tenino

**REQUEST:** **Preliminary Plat** approval for Tenino Agricultural Park, a request to subdivide a city-owned 20.07-acre parcel zoned Public/Semi-Public into five lots, 1 housing the existing wastewater treatment plant and 4 for future development. Also included are tracts for storm drainage and shared access/parking.

**MEETING DATE:** November 8, 2022, City Council Meeting

**STAFF RECOMMENDATION AND CONDITIONS**

The Planning Commission recommends that the City Council **APPROVE Preliminary Plat PSD2022-0001** for a 5-lot subdivision, based upon finding that the request meets all applicable standards set forth in the Tenino Municipal Code with the **following conditions**:

1. Prior to obtaining a site development permit, the applicant shall demonstrate compliance with the City's stormwater requirements and ensure facilities are installed to contain all runoff on-site.
2. A note must be placed on the final plat indicating the site is within a critical aquifer recharge area and that the site is adjacent to an existing mining resource.
3. Prior to final subdivision approval, an Integrated Pest and Vegetation Management Policy (IPM) must be prepared and approved by Thurston County Environmental Health.
4. Prior to commencing any land disturbing activities, the applicant must obtain a site development permit.
5. Prior to final occupancy of any buildings constructed on the lots, frontage improvements shall be installed per Title 114 requirements.
6. Concurrent with Final Plat, adequate provisions for ownership and maintenance of the common

areas shall be recorded with the Thurston County Auditor. Such provisions must address ownership, right of use, responsibility for maintenance, remedies in the event any of the responsible parties fail to perform, and procedures for modification or vacation of easements or tracts and associated facilities not required as a condition of the land division approval.

## BACKGROUND

### SITE DESCRIPTION

**Property Location:** 16402 Old Highway 99 SE, Tenino, WA 98589  
**Parcel Number:** 12625130103  
**Zoning:** Public/Semi-Public  
**Property Size:** 20.07 acres

### VICINITY MAP



### BACKGROUND

This proposal divides the property associated with the Southwest Washington Agricultural Business & Innovation Park Master Plan.

**PROPOSAL**

The applicant proposes to subdivide a city-owned 20.07-acre parcel zoned Public/Semi-Public into five lots. One parcel would include the City’s existing wastewater treatment plant and the other four parcels would be reserved for future development. The proposed preliminary plat also includes tracts for storm drainage and shared access/parking. The site is envisioned to ultimately house the SW Washington Agricultural Business Park, and this proposal is related to a master plan developed for the site in 2020. The agricultural park is intended to be developed in multiple phases over several years.

- Lot 1: 7.16 acres (Wastewater Treatment Plant)
- Lot 2: 40,834 square feet (.09 acre)
- Parcel 3: 17,947 square feet (.41 acre)
- Parcel 4: 31,716 square feet (.73 acre)
- Parcel 5: 345,917 square feet (7.93 acre)
- Remaining Tracts: Storm Drainage and Utility Easements (2.9 acres)

**APPLICABLE LAND DEVELOPMENT REGULATIONS**

**Title 106 – ZONING DESIGNATIONS**

**Chapter 106.50 – SPECIAL PURPOSE ZONES**

**Section 106.50.010 – Public/semi-public (P/SP) zone.**

**Staff Comment (Complies):** The property is subject to P/SP zoning regulations. The dimensional standards and density standards in this zone are minimal, which the proposed plat meets or will be required to meet at time of building permit. The current use for the existing parcel is the City’s Wastewater Treatment Plan. Future uses are anticipated to be agricultural related businesses and will be evaluated under the applicable zoning designations when they are applied for.

Dimensional Limitation	LDR Standard	Proposal
Minimum Lot Width	N/A	Lot 3: ~100’
Minimum Lot Depth	N/A	Lot 3: ~100’
Maximum Lot Coverage	100%	Applies at Building Permit
Required Setbacks		
<i>Front</i>	0’	Applies at Building Permit
<i>Front (garage/carport)</i>	0’	Applies at Building Permit
<i>Side</i>	0’	Applies at Building Permit
<i>Rear</i>	0’	Applies at Building Permit
Maximum Building Height	Case by Case	Applies at Building Permit
Maximum Density (du/ac)	N/A	N/A
Minimum Lot Size (sf)	N/A	17,947 sf

**Title 108 - DEVELOPMENT STANDARDS**

**Chapter 108.30. - City-Wide Applicability**

**Section 108.30.020. - Concurrency**

**Staff Comment (Complies as Conditioned):** All new development is required to be connected to a primary infrastructure system to support the use. Primary infrastructure includes the following:

- **Stormwater.** As part of the required improvements within subdivisions, TMC 114.50.020 states the following regarding stormwater: “The city shall, as a condition of approval of any division of land, whether subdivision, require the developer to construct storm drainage facilities such as dry wells, retention/detention basins, or other methods acceptable to the city, based on the adopted stormwater design manual so that excess storm runoff water will be satisfactorily contained. If deemed necessary by the city engineer, higher runoff factors, increased basin sizing and/or decreased outflow rates may be required when the developer designs said containment facilities. The developer may be required to provide engineering analysis that such retention/detention basins and stormwater runoff containment facilities will contain 100-year runoffs so that storm runoff from the developed land division, whether by formal subdivision is no greater than it would have been if the land was left undeveloped.” Staff has added **Recommended Condition of Approval #1** to address stormwater requirements.
- **Fire and emergency medical service.** The new lots represent a minimal impact to emergency services, which are currently available in Tenino. The application was sent to the Fire Marshall and no comments were received. Water mains are supplied to the site along with three hydrants already installed with adequate fire flows.
- **Water.** The City Public Works director stated that a water main has been brought to the site and has adequate capacity to serve the proposed subdivision.
- **Transportation and transit facilities.** No transit facilities are required to be constructed as part of this request. New internal roads are proposed to provide vehicular and pedestrian access to each lot. Future project-based developments will be evaluated for potential traffic impacts as they are applied for.
- **Electrical.** Connection to electrical service is required for all proposed lots and connection to Puget Sound Energy’s electrical grid is possible.
- **Septic systems or sanitary systems.** Connections to the City of Tenino wastewater treatment system must be provided. The Public Works Director has reviewed the proposal. The eastern portion of the property houses the city’s wastewater treatment facility which currently processes approximately 95,000 gallons a day. The permitted processing capacity is 230,000 gallons a day, therefore current treatment capacity is not an issue. Sewer lines are already located on site and are adequate to service the proposed lots.
- **Schools.** School impact fees are required to be paid prior to issuing building permits.

**Section 108.30.120. - Tree preservation**

**Staff Comment (Complies):** At least 25% of the significant trees on a property are required to be maintained. For a tree to be considered ‘significant,’ it must be at least 15 inches in diameter, in good health, and not pose a public safety risk (i.e. diseased, damaged, or likely to fall in a public right-of-way). Regardless of size, cottonwoods, alders, poplars, and big leaf maples are never considered a significant tree.

Based on historic aerial photography, from 1990 to 2021, the only trees located on the site are those lying within future Lot 1. This platting action and subsequent improvements are expected to impact no trees on site.



**Title 112 - DEVELOPMENT REGULATIONS CRITICAL AREAS AND NATURAL RESOURCE LANDS**

**Chapter 112.20.060 - Wetlands**

**Staff Comments (N/A):** No wetlands were identified on the site.

**Chapter 112.20.070. - Critical Aquifer Recharge Areas (CARAs)**

**Staff Comments (Complies as Conditioned):** The majority of the property subject to this request is located in a CARA. When it comes to protecting water quality, development within CARAs may be permitted only if the applicant can show that proposed activity will not cause contaminants to enter the aquifer and the proposed activity will not adversely affect the recharging of the aquifer. Future development will be required to meet these standards. A note must be placed on the final plat indicating the site is within a critical aquifer recharge area. Staff has added **Recommended Condition of Approval #2 & #3** to address critical aquifer recharge areas.

**Chapter 112.20.080. – Frequently flooded areas**

**Staff Comments (N/A):** The property subject to this request is within FEMA zone X, meaning it is in an area determined to be outside the 0.2% annual chance of flood.

**Chapter 112.20.090. – Geologically hazardous areas**

**Staff Comments (N/A):** The probability of a volcanic hazard event occurring in Tenino is of such insignificance that it is not considered a potential within the city limits. The site is also not within a landslide hazard area. Potential seismic hazard areas include areas in a landslide hazard area and areas with a moderate to high or a high liquefaction susceptibility. The subject property is not in an area with landslide hazards and has a very low susceptibility to liquefaction. Lastly, Erosion hazards are those areas identified as having severe rill and inter-rill erosion hazards. The term 'rill' refers to a small, steep-

sided channel caused by erosion. These types of lands are minimal within city boundaries, and potential erosion hazards are therefore handled through grade and fill regulations pursuant to Title 104, Building and Construction.

**Chapter 112.20.100. – Fish and wildlife habitat conservation areas**

**Staff Comment (Complies as Conditioned):** The site has been identified to have prairie soils in primarily the southeast portion of the site. A Mazama Pocket Gopher study was conducted in 2019 and no activity has been identified.

Habitats

- **Westside Prairie.** The subject property has soils indicative of Westside Prairie and after an onsite assessment in 2019 it was found that there are areas of the site with prairie vegetation plant communities, particularly in the southeast portion of the site which was previously defined as a Prairie Conservation Area when the development of the wastewater treatment facility occurred. The report also notes that Scot’s broom is expanding rapidly onsite and currently covers about 50% of the surface.

Species

- **Mazama Pocket Gopher (MPG).** The property has soils indicative of the Mazama pocket gopher habitat. Per a MPG survey of the entire property in 2019 (documented in the “Mazama Pocket Gopher Screening Results”), no Mazama Pocket Gopher mounds or activity has been documented on site in studies carried out in 2005, 2006, 2007, and 2019.

**Title 114 - SUBDIVISIONS AND PLATTING**

**Section 114.20.030. - Plan required.**

**Staff Comment (Complies as Conditioned):** Prior to commencing any land disturbing activities, the applicant must obtain a site development permit. Staff has added **Recommended Condition of Approval #4.**

**Section 114.50.020. - Improvements required.**

**Staff Comment (Complies as Conditioned):** Land divisions may be subject to improvement requirements, including the following:

- **Trails.** Land divisions located along trail corridors identified in the Comprehensive Plan must provide a public pedestrian easement for trail extensions. Currently, there are no trail corridors identified in the Comprehensive Plan along Old Highway 99.
- **Potable Water.** Each proposed building lot will be served by the city’s water system with water mains already on site which are adequate to serve future uses and any associated necessary infrastructure like fire hydrants.
- **Flood or Geologic Hazard.** The city may disapprove subdivisions or portions of subdivisions affected by flood and geologic hazards. The property is not in a mapped flood zone, landslide hazard area, or seismic hazard area, and erosion hazards are handled by grade and fill regulations.
- **Storm Drainage Containment.** Prior to issuing the site development permit, the applicant must – to the satisfaction of the City Engineer – demonstrate the stormwater facilities contain all runoff on-site. Staff has added **Recommended Condition of Approval #1** to address this requirement. See the discussion of TMC Sec. 108.30.020., Concurrency, for more information.

- **Fire Protection.** Prior to Final Plat approval, fire hydrants shall be approved by the Fire Marshall. Staff has added **Recommended Condition of Approval #5** to address fire hydrants.
- **Sanitary Sewer and/or Interim Septic Systems.** The applicant is required to connect all lots to the city's sewer system.
- **Streets and Access.** The site will be served by an internal system of streets with access to all lots.
- **Streets.** The applicant does not propose establishing any private streets.
- **Street Frontage Improvements.** All land divisions must include street frontage improvements. Frontage improvements along exterior streets must be constructed and approved prior to issuing of building certificate of occupancy. Unless they already exist, such improvements must include curbs, gutters, sidewalks, and may include street storm drainage, lighting, traffic signals or modifications, utility relocation, landscaping and irrigation, and street widening. All improvements must be made across the full frontage of the property from the centerline of the constructed street facility to the outside limit of the improvements. At a minimum, such improvements must include pedestrian/non-motorized pathways. Staff has added **Recommended Condition of Approval #6** to address frontage improvements.
- **Common Areas and Facilities.** The proposal includes multiple common tracts serving as storm drainage and shared access/parking/utility easements; these facilities benefit more than one property owner and are therefore considered common areas. Dedications/notes must be placed on the final plat specifying the use for which these tracts are created and assigning ownership and use interest. Prior to Final Plat approval, adequate provisions for ownership and maintenance of the common areas must be provided. Staff has added **Recommended Condition of Approval #7** to address common areas and facilities.
- **Undergrounding of Utilities.** The applicant proposes installing all utilities underground, consistent with the city's requirements.
- **Gated Entrances Prohibited.** The applicant does not propose installing gated entrances.
- **Fences and Walls.** If fences or walls are proposed in the future they must be consistent with the City's requirements per TMC 114.50.020 (N).

<b>SEPA REVIEW</b>
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**Staff Comments (Complies):** A SEPA checklist dated August 31, 2022 was reviewed as well as a supporting Mazama Pocket Gopher Screen Results report dated January, 2020.

**Critical Fish and Wildlife Habitat Areas.** The site contains soils preferred by the Mazama pocket gopher. See the attachment #2 for more information.

**Critical Aquifer Recharge Areas (CARA) And Wellhead Protection Zones.** The majority of the property subject to this request is located within a CARA. See the analysis of TMC 112.20.070, Critical Aquifer Recharge Areas for more information.

Based on the information submitted by the applicant, the city concluded that a Determination of Nonsignificance was warranted.

**NOTIFICATION AND PUBLIC COMMENT**

The applicant submitted a Land Use Application to the City of Tenino on September 8, 2022 and the application was determined complete on September 12, 2022. A notice of application, SEPA determination, and notice of public hearing was published in the Tenino Independent on September 14, 2022. This notice and a copy of the preliminary plat was also mailed to all property owners within 300 feet of the subject property on September 13th. The public and SEPA comment periods closed on September 29<sup>th</sup>. Two written comments were received in relation to the notice, from Washington State Department of Ecology and Miles Sand & Gravel. A Public Hearing was conducted by the Tenino Planning Commission on October 5. The applicant and development representatives made comments and answered Planning Commission member questions.

**AGENCY REVIEW**

The application was sent to the following City departments and outside agencies for review:

- South Thurston Fire & EMS
- Thurston County Auditor, Assessor, and Environmental Health
- Tenino School District
- City of Tenino Public Works, Building, and City Engineer

Comments were received from the City Engineer requesting minor modifications to dimensions on the plat.

**FINDINGS FOR APPROVAL OF A QUASI-JUDICIAL DECISION**

**On October 5, 2022 the Planning Commission made a recommendation to the City Council to APPROVE a request for preliminary subdivision using the following criteria. This decision is quasi-judicial in nature.**

*The city may approve an application for a quasi-judicial project action related proposal only if:*

1) *The criteria in subsection 3.a of this section are met;*

**Complies.** Subsection 3.a requires that a project be in the best interest of the city’s residents and that it be consistent with the Comprehensive Plan, public health, safety, and welfare. As conditioned, the proposed subdivision is in the best interest of Tenino’s residents. As conditioned, the proposal ensures that the health, safety, and welfare of the public is met. The proposal also provides the basis for future development of a significant increase in economic activity within the City.

2) *The proposed project complies with this chapter in all respects;*

**The standard is met.** As conditioned and outlined in this staff report, the proposed subdivision complies with all relevant regulations found in the Tenino Municipal Code.

3) *The site plan of the proposed project is designed to minimize all adverse impacts on the developed properties in the immediate vicinity of the subject property; and*

**The standard is met.** The proposed 5-lot subdivision borders property owned by Miles Sand and Gravel Company to the west and south. To the east sit large-lot single family lots approximately 900' away from the eastern boundary of Lot 5. To the north lies Old Highway 99 SE and large rural tracts of land. Due to no changes occurring on Lot 1 housing the existing sewage treatment plant and the distance of Lot 5 from the nearest single family uses, no adverse impacts on developed properties in the immediate vicinity is anticipated.

4) *The site plan is designed to minimize impacts upon the public services and utilities.*

**The standard is met.** As conditioned, the proposed 5-lot subdivision is designed to minimize impacts on public services and utilities. Utility services (including water, sewer, and wired utilities) will be extended to all lots in the subdivision through nearby available mains. The development is directly off a major transportation route with easy access to public emergency services.

#### FINDINGS FOR APPROVAL OF A PRELIMINARY PLAT

**Planning commission written findings.** *On October 5 the Planning Commission unanimously recommended preliminary approval, for consideration by the city council, as written findings show that a proposed, plat, replat, alteration or amendment and dedication make appropriate provisions for:*

1. *The public health, safety, and general welfare, for open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds and all other relevant facts, including sidewalks and other planning features that ensure safe walking conditions for students who walk to and from school; and*

**The standard is met.** As conditioned, the public health, safety, and general welfare of the community is addressed with this request.

2. *The public use and interest will be served by the platting of such plat and dedication;*

**The standard is met.** The public interest will be served by platting the 5-lot subdivision and construction of the subdivision's interior streets/driveways.

#### ATTACHMENTS

**Attachment 1** – Preliminary Subdivision Map

**Attachment 2** – SEPA Checklist, DNS, and Mazama Pocket Gopher Screening Results from 2020

**Attachment 3** – Agency Comments

**Attachment 4** – Notice and Public Comment

**Attachment 5** – Application Materials