

City of Tenino

Washington

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

TEXT AMENDMENT 2024-001
Amending TMC 108.30.125.F

STAFF REPORT: DAN PENROSE, CITY PLANNER
January 30, 2024

APPLICANT: City of Tenino

REQUEST: Text Amendment review, pursuant to Section 100.30.010, Development Code Amendments and Section 100.40.120, Process V, Legislative Review of the Tenino Municipal Code to amend TMC 108.30.125.F and TMC 108.40.010, to allow a Livestock Processing Facility in areas currently zoned Public/Semi-Public with a Conditional Use Permit issued by the City.

REQUESTED ACTION

A Planning Commission Recommendation to the City Council to Approve Text Amendment 2024-001 based upon finding that the request is consistent with the applicable provisions of the Comprehensive Plan; does bear a substantial relation to the welfare of the public; and is in the best interests of the residents of the city.

BACKGROUND

The Public/Semi-Public (P/SP) zoning designation applies to land that is owned by the City of Tenino, the Tenino School District, and land that is part of the Burlington Northern Santa Fe mainline. Land in the designation is meant to be used for public utilities, schools, rail and/or municipal activities. The Southwest Washington Agricultural Business and Innovation Park (Ag Park) is being developed on a 13-acre City owned property on the western edge of the City, adjacent to the City's Wastewater Treatment Plant (WWTP). These properties are currently zoned P/SP. See attached zoning map.

The Thurston Economic Development Council has been working with the City for the last five years to advance the Ag Park. This agriculture-focused business park site already has a 7,561 square foot building

(North Building) on the property and a second 6,700 square foot building is currently under construction (South Building). Full buildout of the Park could include up to 135,000 square feet of building space, ranging from processing, production and distribution to office and retail/tourism-related uses. Future uses are expected to place an emphasis on value-added agriculture-related manufacturing, processing, packaging and storage.

The term “livestock” is generally considered as cattle, sheep, horses, goats and other domestic animals ordinarily raised or used on the farm. The US Department of Agriculture (USDA) reports that cattle production is the most important agricultural industry in the United States and requires a substantial infrastructure to support demand. Livestock processing facilities are designed, licensed and inspected in accordance with federal (and several other agencies depending on the specific project and site) standards to safely and humanely turn live animals into meat for sale. Livestock processing facilities are often large industrial complexes not usually located within city limits, but a market does exist for smaller scale operations. Several companies make USDA compliant modular units or self-contained trailers that can be scaled to meet regional demand. In most cases, trucks bring in livestock to the processing facility on a daily or weekly basis. The livestock are placed in a holding area and then are individually brought into the slaughter area and moved through an assembly-line style process where they are stunned, bled, skinned, eviscerated, cleaned and then placed in a cooler for a specified period before eventually being cut into smaller pieces. These facilities are heavily regulated at both the state and federal level.

The current P/SP zoning does not allow livestock processing facilities, which is restricting potential businesses from locating on any of the Ag Park parcels. Additionally, TMC 108.30.125.F. Performance standards allow slaughtering of farm animals on all parcels except public. Therefore, in order to allow livestock processing facilities to locate at the Ag Park, both the performance standards and the use table require revisions.

PROPOSAL

It is proposed to amend the list of uses on the Use Schedule at TMC 108.40.010 to add “Livestock Processing Facility” and require a Conditional Use Permit issued by the City on property zoned Public/Semi-Public. The process for a Conditional Use Permit is found at TMC 100.50.040. Conditional uses are those uses deemed unique due to factors such as size, technological processes, equipment, or location with respect to surroundings, streets, existing improvements, or demands upon public facilities. Such uses require a special degree of review and control to ensure compatibility with the comprehensive plan and adjacent uses.

The proposed change is underlined in the table and text below and new text listed in whole following the use table:

EDIT TO TABLE
TMC 108.40.010 Use Schedule

USE SCHEDULE											
Key: Y = Use allowed without use permit C = Conditional Use Permit required PF = Public Facilities Use Permit required						A = Administrative Use Permit required (PO) = Only allowed in the PO Overlay — = Use not allowed					
* = Use that was legally established prior to November 13, 2012 is allowed to continue as an allowed conforming use. No new uses are allowed in the zone.											
Use Category	Residential Zones				Nonresidential Zones				Special Purpose Zones		Def/Std
Specific Use	SF-ES	SF	SF-D	MF	C1	C2	C3	I1	P/SP	WT	
Industrial Uses											108.40.090.
<u>Livestock Processing Facility</u>	=	=	=	=	=	=	=	=	<u>C</u>	=	<u>108.30.125.F.</u>

STRIKE TEXT

TMC 108.30.125.F. *Performance standards.*

1. *Farm animals.* The following performance standards apply to farm animals:

e. *Slaughtering.* Farm animals such as cows, sheep, goats, and other livestock are permitted to be slaughtered in any zoning district (~~except public~~) provided that if a firearm is to be used for dispatch of farm animals within the city limits, and prior to the use of a firearm, the city police department shall be notified.

-----NEW TEXT-----

f. *Livestock Processing Facility.* Livestock processing facility uses which involve the production of animal products, or slaughtering of animals to be sold to others, or to be used in making meat products on the same premises, must operate in accordance with county, state and federal health and safety regulations. Examples include fat rendering, meat packing plants, livestock slaughter and processing, slaughterhouses. Facilities shall be designed, located, established and operated in full consideration to their proximity to all adjacent uses, their effect upon adjacent and surrounding properties, to the reduction of noise, odor, dust, and other similar nuisance factors, and in accordance with the following standards:

1. Slaughter of animals shall take place inside a screened, covered area as depicted on a site plan.
2. The main vehicular entrance to the facility must be located on a state highway, county road, or City arterial street. Access shall not be permitted through a residential area.

3. The Conditional Use Permit application submittal shall include a facility management plan which addresses strict conformance with all federal and state laws for the licensing and operation of such facilities. The facility management plan should include, at a minimum:
 - a. Waste disposal plan that is in accordance with all applicable laws and regulations. This is meant to include, but is not limited to, all sewage, processed and unprocessed animal parts, entrails, blood, hides, bones, and wash water. Manure from holding areas shall be removed from the site daily or stored in a manner to control odor consistent with TMC 108.60.060.
 - b. Parking plan showing off-street parking sufficient to handle all customers, employees, trucks, or transport vehicles shall be provided. Parking for all traffic utilizing the business shall be provided for on site, and off public roads and other easements. All loading and unloading areas shall be screened from view from adjacent properties and public streets.
 - c. Noise plan showing that levels shall not exceed City standards found in TMC Section 8.72 and TMC 108.60.040.
 - d. Site plan to scale showing exterior storage areas, including animal storage areas, and vehicle and trailer storage and distances to property lines. These setbacks may be increased based on considerations and characteristics of adjacent uses and prevailing wind direction.
 - e. Traffic impact analysis that documents potential traffic impacts of the proposed development.
 - f. Operational analysis, including maximum area (indoor, outdoor, or combination thereof) for the keeping or slaughtering of animals, hours of operation, expected durations that live animals will be present on the site, and number of employees.

KEY ISSUES

Within the classification of uses (TMC 108.40.010), certain industrial uses are allowed in limited areas of the city. Amending the schedule to include livestock processing facilities on Public/Semi-Public zoned property would allow these activities to commence at the SW Washington Agricultural Business & Innovation Park and other properties zoned P/SP throughout the city, a total of 162 acres. While it is not expected that parcels other than those within the Ag Park would be considered for livestock processing facilities, if amended, the text allows that possibility.

The impacts of this use, including size, scale, noise, waste disposal, odors, traffic, building placement and other operational considerations would need to be addressed in application materials included in a Conditional Use Permit (CUP). The CUP requires a public hearing and a decision by the planning commission following written findings that the standards and criteria have been met.

SEPA REVIEW

This proposal is subject to non-project SEPA environmental review. The City of Tenino, acting as lead agency for this proposal, has determined this proposed nonproject action will not have probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c). This decision was made after reviewing a completed environmental checklist and other information on file with the City. The proposal may include mitigation measures under applicable codes and the project review process may incorporate or require mitigation measures regardless of whether an EIS is prepared.

A DNS was issued under WAC 197-11-340(2) and the City has not acted on this proposal for 15-days from the date of publication. The complete application, supporting materials and environmental checklist have been on file with the City of Tenino and available to the public upon request during regular business hours. Any person(s) may comment on the proposal, in writing, via mail or email at the addresses above. Appeals to the DNS had to be filed in writing by 5:00 pm on February 7, 2024. No appeals to the SEPA DNS were filed at the time of this report.

FINDINGS FOR APPROVAL OF A LEGISLATIVE DECISION

The city may amend the text of this chapter or other development regulation only if it finds, per TMC 100.40.120.M, that:

1. *The proposed amendment is consistent with the applicable provisions of the comprehensive plan;*
The standard is met. The proposed text amendment furthers the City's commitment to growing and facilitating value-added agricultural products at the City's Southwest Washington Agricultural Business and Innovation Park. This 13-acre Public/Semi-Public site in West Tenino is focused on agricultural/food-related enterprises and development is already underway on a hospitality event center and business resource and innovation hub.

Natural Resources Goal NR 12. In West Tenino, preservation of prairie habitat is balanced with commercial and residential development.

2. *The proposed amendment bears a substantial relation to public health, safety, or welfare; and*
The standard is met. The City Council, in its recent "Shared Vision" document, articulates economic development as the most important element of the City of Tenino's planning under the State's Growth Management Act. Furthermore, the Thurston Economic Development Council has been diligently seeking innovative agricultural businesses to occupy the Ag Park. Amending the Schedule of Uses allows livestock processing facility uses to be considered as P/PS zoned properties, most notably in the Ag Park. Consideration of these uses would be evaluated using a Conditional Use Process in order to mitigate concerns around public health, safety and welfare.

3. *The proposed amendment is in the best interests of the residents of the City.*

The City has leased the management of the vacant property west of the wastewater treatment plant to the Thurston Economic Development Council. Thurston EDC is working to bring value-added agricultural complementary businesses to the AG Park site. Livestock processing facilities provide economic benefit to the City through the provision of jobs as well as lease revenue on the site itself. Livestock processing facility employees are highly skilled and workers with previous experience in the industry can make more than \$25 per hour. With one building on the Ag Park site nearing completion and a second building underway, the economic activity at the Ag Park is rapidly increasing, and multiple additional tenants are expected to occupy these buildings over the next 12 months. This amendment will allow livestock processing businesses, which meet the guidelines and standards of the amended code, to pursue a CUP from the City.

<p style="text-align: center;">LEGAL NOTICE AND PUBLIC COMMENT</p>

Legal notice of the public hearing was advertised in the Tenino Independent on Wednesday January 24, 2024, 15 days prior to the Planning Commission Public Hearing scheduled for February 7, 2024.

One written comment was received during the comment period. Kevin Jensen, Agriculture Community Program Manager with Thurston County Economic Development Department. That letter has been added to the public hearing packet.

Comments are also allowed by those participating in the public hearing on February 7, 2024 at 6:00pm. Any public comments received during the public hearing will be added to the record.