

**TEXT AMENDMENT
Amending TMC 114.100
2019-001**

**STAFF REPORT: John Millard
November 27, 2018**

APPLICANT: City of Tenino

REQUEST: Text Amendment approval, pursuant to Section 100.60.010, Development Code Amendments and Section 100.40.120, Process V, Legislative Review, of the Tenino Municipal Code to amend Chapter 114.100 (Lot Combinations) to add a new Section to be numbered 114.100.040 and titled Lot Split, and to amend the Use Schedule, TMC 108.40.010, to allow agricultural uses in areas currently zoned Public/Semi-Public with an Administrative Use Permit issued by the City.

SUGGESTED MOTION

Move to approve Text Amendment 2019-001, finding that the proposed amendment is consistent with the applicable provisions of the Comprehensive Plan; bears a substantial relationship to the welfare of the public; and is in the best interest of the residents of the city.

STAFF RECOMMENDATION

Staff recommends **APPROVAL** of Text Amendment 2019-001 based upon finding the request is consistent with the applicable provisions of the Comprehensive Plan; does bear a substantial relationship to the welfare of the public; and is in the best interest of the residents of the city.

BACKGROUND

Chapter 114.100, Lot Combinations, of the Tenino Municipal Code allows for the economical combining of two or more properties into one lot and provides the mechanism for doing so. While there are other reasons, oftentimes, a land owner will use this ability in order to create a single, buildable parcel out of several smaller parcels that zoning restrictions would otherwise prohibit the desired use. While this ability has many applications, sometimes a property owner in due course would prefer, for any number of reasons, to split the combined lot and revert back to the prior parcel descriptions. At present, the

only way to “undo” a lot combination is via the sub-division process as set forth in Title 114 of the Tenino Municipal Code and that process is both time-consuming and costly.

The current Use Schedule does not allow for agricultural uses on land zoned Public/Semi-Public. The vision for the SW Washington Agriculture and Innovation Park does include some agricultural processes (such as preserving and packaging locally grown produce, meat, and dairy products) and the only place within the City Limits with enough space to consider these types of activities is on the parcel of land currently occupied by the City’s Wastewater Treatment Plant. While some agricultural uses would not be approved (a fixed slaughterhouse facility, for example) some light agricultural uses are actually very compatible...complementary, in fact....and should be allowed with proper precautions.

PROPOSAL

As authorized by TMC 100.40.120 E (2), The City proposes to amend TMC 114.100 by adding a new subsection that would allow the first subsequent owner in due course to split the property along the original parcel divisions without recourse to the subdivision process. Instead, the new subsection would provide for a one-time reversion to the original sub-divided parcels provided that the full legal description for each constituent part of the lot previously combined parcel was available and valid so as to restore each parcel that had been combined to exactly the same dimensions as each parcel had prior to the combination having been formed.

It is also proposed to amend the Schedule of Uses to allow some agricultural uses on land currently zoned Public/Semi-Public, with an Administrative Use Permit issued by the City.

KEY ISSUES

This amendment is desired because the City has received requests to “undo” prior Lot Combinations and at present, the only way a single parcel may be subdivided is to pursue a subdivision using one of the processes for subdividing property currently required by the Tenino Municipal Code.

In cases where a single parcel was formed using the Lot Combination Process, the subdivision process could be greatly expedited and could be done at less cost because the survey data for the previous lots would be readily available. If that data could be applied without having recourse to an encumbrance of any sort, it would be greatly to the advantage of the property owner and any potential additional property owners, if the lots could be segregated.

Having additional buildable lots would be a benefit to the City in that the City would realize additional revenues via additional Ad Valorem taxes. Connection of additional properties to the City’s water and sewer systems would help spread the cost of amortizing those systems across additional subscribers, thereby lowering utility rates.

One possible unintended consequence, should the proposed text amendment be adopted, is that subdivision of a combined lot could lead to fewer buildable lots, although the risk of this could be

mitigated by an additional proviso in the proposed Text Amendment that would preclude a reversion to the prior state of affairs should such a subdivision result in fewer buildable parcels

As to the Schedule of Uses, any agricultural use on lands zoned Public/Semi-Public are not allowed. As it exists today, some agricultural practices currently in progress at Tenino High School could be viewed as an unauthorized use. Amending the schedule to authorize certain agricultural activities would preclude any allegation of improper use and prevent any such unauthorized use at the soon-to-be-constructed Agriculture and Innovation Park.

SEPA REVIEW

Despite the fact that this Text Amendment meets the Categorical Exemption as outlined in WAC 197-11-800 para 19(b), staff provided and reviewed an environmental checklist to evaluate the impact this proposal will have on the environment. Based on the information contained in the checklist, the Clerk/Treasurer issued a Determination of Nonsignificance (DNS) on December 26, 2018.

The DNS, review memo, and the checklist have been made available to the public and other agencies having jurisdiction. As of the writing of this staff report, no comments have been received in reference to the DNS.

LEGAL NOTICE AND PUBLIC COMMENT

Legal notice of this request will be advertised in the Tenino Independent on January 9, 2019 and again on January 23, 2019, 20 days prior to the Public Hearing scheduled for January 22, 2019. As of the writing of this staff report, no comments have been received from the public, and all noticing requirements have been met.

FINDINGS FOR APPROVAL OF A LEGISLATIVE DECISION

The city may amend the text of this chapter or other development regulation only if it finds that:

1a. The proposed amendment is consistent with the applicable provisions of the comprehensive plan;

The standard is met. The proposed text amendment would not detract from the character of existing single-family development. Land Use Goal LU 2. The splitting of a formerly combined lot would respectfully include new housing units within existing single-family residential neighborhoods.

1b. The proposed amendment bears a substantial relation to public health, safety, or welfare; and
The standard is met. The proposed text amendment improves the ability of landowners within the City to allow for productive use of property that would otherwise not be buildable. The increased density thus created would allow more homes to be connected to the City's water and sewer utilities, thereby

spreading the cost of amortization across a wider base. The provision of safe drinking water and the sanitary disposal of human waste is a definite increase to the public health and safety.

1c. The proposed amendment is in the best interest of the residents of the city.

The standard is met. As explained in item 1b, above, the ability to spread the costs of amortization of the City's water and sewer utilities is in the best interests of the residents of the city. Likewise, provision of safe drinking water and the sanitary disposal of human waste supports the City's Land Use Goal LU 1 in that allowing lot splits would facilitate the building of excellent neighborhoods throughout Tenino.

2a. The proposed amendment is consistent with the applicable provisions of the comprehensive plan;

The standard is met. The proposed text amendment would not detract from the character of existing P/PS land uses. Natural Resources Goal NR 12. The allowing certain agricultural uses within West Tenino balances the preservation of prairie habitat with commercial and residential development.

2b. The proposed amendment bears a substantial relation to public health, safety, or welfare; and

The standard is met. The City Council, in its seminal 2018 "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. Amending the Schedule of Uses brings the Council's shared vision more in line with reality.

2c. The proposed amendment is in the best interest of the residents of the city.

The standard is met. As explained in item 2b, above, the ability to bring complementary uses together to achieve the City's goals is, by definition, in the best interests of the residents of the City.

ATTACHMENTS

Attachment 1 – SEPA documentation

Attachment 2 – Noticing and Public Comment (TBP)