

ORDINANCE 896

**AN ORDINANCE OF THE CITY OF TENINO, WASHINGTON
APPROVING TEXT AMENDMENT TA2019-001, AMENDING TITLES
100 AND 114 OF THE TENINO MUNICIPAL CODE**

WHEREAS, the City of Tenino has received requests to vacate previous lot combinations made per Title 114.100 of the Tenino Municipal Code; and

WHEREAS, updates to the City's Schedule of Uses are also required; and

WHEREAS, the city issued a State Environmental Policy Act (SEPA) Determination of Nonsignificance (DNS) for the contemplated changes on December 26, 2018; and

WHEREAS, the City of Tenino notified Tribal Governments, State Agencies, and other Interested Parties on December 27, 2018; and

WHEREAS, the City of Tenino considered any comments received with respect to its December 27, 2018 notifications; and

WHEREAS, the City held Public Hearings before the City Council on January 9, 2019 and January 22, 2019; and

WHEREAS, the Public Hearings were properly noticed pursuant to the provisions of TMC Section 100.40.190.

NOW THEREFORE, the City Council of the City of Tenino, Washington, do ordain as follows:

Section I. It is the intention of the City Council, and it is hereby ordained, that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances, City of Tenino, Washington, and the section of the code and this ordinance may be renumbered to accomplish that intention.

Section II. The Use Schedule, TMC 108.40.010, is amended as follows:

Open Space Uses, Agriculture, in Special Purpose Zones is changed from “-“ (not allowed) to “A” (Administrative Use Permit required)

Section III. A new section, numbered 114.100.040 and titled “Lot Split,” shall be added to the Tenino Municipal Code as follows:

114.100.040 – Lot Split

A. Whenever a lot has been combined using the procedure authorized in this Chapter, the action may be vacated, and the boundaries restored according to the previously defined legal descriptions, subject to any conditions required by the City, including payment by the property owner of any costs associated with boundary restoration, only when:

1. The request for a lot split is made by the immediately succeeding owner in due course; and
2. There has been no substantive changes respecting use or modification of the environment on the lot that had been previously combined; and
3. For the zone in which the resulting parcels would be located, the contemplated split will not result in any parcel unable to be used according to any Land Use provision contained in the Tenino Municipal Code (Titles 100 through 114) at the time such request is made; and
4. The City has determined that restoration of the previous boundaries meets all legal requirements existing at the time of the proposed vacation

B. Applications for a Lot Split shall be submitted to the Community Development Department and presented to the City Planning Commission for a decision.

C. The Planning Commission shall be the approval authority for a Lot Split, subject to appeal pursuant to TMC 100.40.070.

D. If approved, a Lot Split Form shall be completed and submitted to the City for processing through the County Auditor. When the form has been recorded by the County Auditor, the lot split shall be considered complete.

Adopted by the Tenino City Council this 12th day of February 2019. This Ordinance will become effective after publication as required by law, but not before March 1, 2019.

Wayne Fournier, Mayor

Attest:

John C. Millard, Clerk/Treasurer

First reading: January 22, 2019
Second reading: February 12, 2019

Approved as to Form:

Richard L. Hughes, City Attorney

Commented [RH1]: Under WAC 197-11-305, there are exceptions to the Part 9 categorical exemptions for things like critical areas. Therefore, there will still need to be a legal analysis anytime a lot boundary is restored.

Commented [RH2]: I assume your ordinance allows appeal to the city council.