

ORDINANCE NO. O2025-009

AN ORDINANCE of the City Council of the City of Tumwater, Washington, related to planning under the Growth Management Act of the State of Washington and amending the Comprehensive Plan to update the City's Capital Facilities Plan.

WHEREAS, the City is required to plan under the Growth Management Act, Chapter 36.70A RCW; and

WHEREAS, this ordinance meets the goals and requirements of the Growth Management Act; and

WHEREAS, the Growth Management Act, Chapter 36.70A RCW, and Tumwater Municipal Code 18.60.025(A)(2) require amendments to the City's Comprehensive Plan to be considered concurrently and no more than once annually; and

WHEREAS, the City Council, Planning Commission, property owners, or City staff may propose amendments to the City's Comprehensive Plan; and

WHEREAS, the City Council approved Ordinance No. O2022-023 on October 18, 2022, which suspended the Comprehensive Plan Annual Amendment Cycle during the 2023 – 2025 Comprehensive Plan Update, except for City-sponsored amendments; and

WHEREAS, after Ordinance No. O2022-023 expired, the City Council approved Ordinance No. O2025-004 on March 4, 2025, which suspended the Comprehensive Plan Annual Amendment Cycle during the 2025 Comprehensive Plan Update, except for City-sponsored amendments; and

WHEREAS, the adoption of the City's Capital Facilities Plan is a City-sponsored Comprehensive Plan amendment that occurs biennially; and

WHEREAS, because of the complexity and timing of the adoption of the larger, state required Comprehensive Plan update, City Council wants to complete the adoption the Capital Facilities Plan as a separate Comprehensive Plan amendment no later than the end of 2025; and

WHEREAS, the Growth Management Act, Chapter 36.70A RCW, requires a process of early and continuous public participation for the Comprehensive Plan amendment related to the City's Capital Facilities Plan; and

WHEREAS, the adoption of the Comprehensive Plan amendment related to the City's Capital Facilities Plan must be processed in compliance with the requirements of the State Environmental Policy Act; and

WHEREAS, the City Council reviewed all the evidence presented and has made findings of fact and conclusions related to the Comprehensive Plan amendment related to the City's Capital Facilities Plan which are set forth below.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF TUMWATER, STATE OF WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Findings. For the purposes of effective land use planning, the Tumwater City Council adopts the following findings of fact:

1. The Comprehensive Plan amendment related to the City's Capital Facilities Plan meets the intent of and is consistent with the Growth Management Act, Chapter 36.70A RCW, County-Wide Planning Policies, and internal goals and policies of the City's Comprehensive Plan.
2. The Attorney General *Advisory Memorandum and Recommended Process for Evaluating Proposed Regulatory or Administrative Actions to Avoid Unconstitutional Takings of Private Property* (October 2024) was reviewed and utilized by the City in objectively evaluating the Comprehensive Plan amendment related to the City's Capital Facilities Plan.
3. The Comprehensive Plan amendment related to the City's Capital Facilities Plan was prepared in conformance with the Public Participation and Intergovernmental Coordination Procedures contained in the City's Comprehensive Plan, which meet the Growth Management Act, Chapter 36.70A RCW, requirements for the same.
4. The City engaged the community through public briefings, work sessions, and meetings with the Planning Commission, the Public Works Committee, the General Government Committee, and the City Council.
5. An Environmental Checklist for a non-project action was prepared under the State Environmental Policy Act (Chapter 43.21C RCW), pursuant to Chapter 197-11 WAC on September 11, 2025, and a Determination of Non-Significance was issued on September 26, 2025.
6. The ordinance was sent to the Washington State Department of Commerce on September 11, 2025, for the required 60-day review before the Comprehensive Plan amendment related to the City's Capital Facilities Plan was adopted, in accordance with RCW 36.70A.106.

7. The City Council approved the amendment for processing by staff as part of the 2025 long range planning work program at their January 21, 2025, meeting.
8. The Public Works Committee received briefings on the Comprehensive Plan amendment related to the City's Capital Facilities Plan on September 18, 2025, and October 9, 2025.
9. The Planning Commission received a briefing on the Comprehensive Plan amendment related to the City's Capital Facilities Plan on September 23, 2025, and discussed the amendment at a work session on October 14, 2025.
10. A Notice of Public Hearing for the Planning Commission public hearing was issued on October 17, 2025. The notice was posted, published as a press release, distributed to interested individuals and entities that have requested such notices, and published in *The Olympian*.
11. The Planning Commission held the public hearing on Comprehensive Plan amendment related to the City's Capital Facilities Plan on October 28, 2025.
12. Following a public hearing and deliberations on October 28, 2025, the Planning Commission recommended approval of the Comprehensive Plan amendment related to the City's Capital Facilities Plan to the City Council.
13. The General Government Committee discussed the Planning Commission recommendation on the Comprehensive Plan amendment related to the City's Capital Facilities Plan in a briefing on November 12, 2025.
14. The City Council discussed the Planning Commission recommendation on the Comprehensive Plan amendment related to the City's Capital Facilities Plan in a work session on November 25, 2025.
15. The Comprehensive Plan amendment related to the City's Capital Facilities Plan will be submitted to the Washington State Department of Commerce ten days after final adoption, pursuant to RCW 36.70A.106.
16. Any Conclusion herein, which may be deemed a Finding, is hereby adopted as such.

Section 2. Conclusions. For the purposes of effective land use planning, the Tumwater City Council makes the following conclusions:

1. Based on its review of the requirements of Chapter 36.70A RCW, the analysis prepared by City staff, and the public comments received, the City Council

finds and declares that the Comprehensive Plan amendment related to the City's Capital Facilities Plan has been prepared in conformance with applicable law. This includes Chapter 36.70A RCW, Chapter 43.21C RCW, and the City of Tumwater Public Participation and Intergovernmental Coordination Procedures.

2. Based on its review of the requirements of Chapter 36.70A RCW, the analysis prepared by City staff, the recommendation forwarded by the Planning Commission, and the public comments received, the City Council hereby finds and declares that the Comprehensive Plan amendment related to the City's Capital Facilities Plan complies with the requirements of Chapter 36.70A RCW.
3. Any Finding herein, which may be deemed a Conclusion, is hereby adopted as such.

Section 3. Capital Facilities Plan Update. The Comprehensive Plan is hereby amended to update the Capital Facilities Plan to reflect current information and meet existing deadlines as specified by the State of Washington as shown in Exhibit "A".

Section 4. Corrections. The City Clerk and codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers, and any references thereto.

Section 5. Ratification. Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and affirmed.

Section 6. Severability. The provisions of this ordinance are declared separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of the ordinance, or the validity of its application to other persons or circumstances.

Section 7. Effective Date. This ordinance shall become effective thirty (30) days after passage, approval, and publication as provided by law.

ADOPTED this _____ day of _____, 2025.

CITY OF TUMWATER

Debbie Sullivan, Mayor

ATTEST:

Melody Valiant, City Clerk

APPROVED AS TO FORM:

Karen Kirkpatrick, City Attorney

Published:_____

Effective Date:_____

Exhibit “A”

***Amendments to the Capital Facilities Plan of the City of Tumwater
Comprehensive Plan***

[See attached Capital Facilities Plan update.]