

ORDINANCE NO. O2022-003

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 the 2022 City of Tumwater Comprehensive Plan map amendments and corresponding rezones amending the land use designation map of the Comprehensive Plan and the Zoning Map.

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 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 map and text, and corresponding zone districts; and

WHEREAS, the deadline for 2022 private applications for proposed Comprehensive Plan map and text amendments and corresponding rezones was Monday, December 6, 2021; and

WHEREAS, Tumwater Municipal Code 18.60.025(A) establishes a process by which the preliminary docket of proposed Comprehensive Plan map and text amendments and corresponding rezones undergoes an initial review by the Planning Commission for recommendation to the City Council; and

WHEREAS, the City Council made a determination on which proposed Comprehensive Plan map and text amendments and corresponding rezones in the preliminary docket would be included in the final docket on March 1, 2022; and

WHEREAS, the Growth Management Act, Chapter 36.70A RCW, requires a process of early and continuous public participation for the proposed Comprehensive Plan map and text amendments and corresponding rezones; and

WHEREAS, the adoption of proposed Comprehensive Plan map and text amendments and corresponding rezones 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 proposed Comprehensive Plan map amendments and corresponding rezones 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:

A. General Findings

1. The proposed Comprehensive Plan map amendments and corresponding rezones meet the intent of and are 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: Avoiding Unconstitutional Takings of Private Property (September 2018) on takings was reviewed and utilized by the City in objectively evaluating the proposed Comprehensive Plan map amendments and corresponding rezone.
3. The proposed Comprehensive Plan map amendments and corresponding rezones have been 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, worksessions, and meetings with the Planning Commission, 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 August 2, 2022, and a Determination of Non-Significance was issued on August 16, 2022.
6. The ordinance was sent to the Washington State Department of Commerce on August 3, 2022 for the required 60-day review before the proposed Comprehensive Plan map amendments and corresponding rezones were adopted, in accordance with RCW 36.70A.106.
7. The Planning Commission reviewed the preliminary docket and provided comments at their January 11, 2022 and January 25, 2022 meetings.

8. The General Government Committee discussed the Planning Commission's preliminary docket recommendation at their February 9, 2022 meeting.
9. The City Council held a worksession on February 22, 2022 and recommended that the preliminary docket be placed on the City Council agenda for their March 1, 2022 meeting.
10. The City Council approved the preliminary docket for further review by staff at their March 1, 2022 meeting.
11. City staff completed their review of the final docket of proposed Comprehensive Plan map and text amendments and corresponding rezone.
12. The potential impacts of the proposed Comprehensive Plan map amendments and corresponding rezones have been considered together and they do not create any inconsistencies when evaluated together.
13. The property owners within 300 feet of the proposed Comprehensive Plan map amendment areas were notified on July 27, 2022 by letter of the proposed amendments and the proposed public meeting schedule.
14. The Planning Commission received a briefing on the final docket of the proposed Comprehensive Plan map and text amendments and corresponding rezones on August 9, 2022 and discussed the proposed amendments at worksessions on August 23, 2022 and September 13, 2022.
15. A Notice of Public Hearing for the Planning Commission public hearing was issued on September 16, 2022. The notice was posted in the subject areas, published as a press release, distributed to interested individuals and entities that have requested such notices, and published in *The Olympian*. The letters notifying all property owners within 300 feet of the exterior boundaries of the map amendment areas of the public hearing was sent out on September 16, 2022.
16. The Planning Commission held a public hearing for the Comprehensive Plan map amendments and corresponding rezones on September 27, 2022.
17. Following a public hearing and deliberations on September 27, 2022, the Planning Commission recommended approval of the proposed Comprehensive Plan map amendments and corresponding rezones to the City Council.

18. The City Council's General Government Committee reviewed the proposed Comprehensive Plan map amendments and corresponding rezones in a briefing on October 12, 2022.
19. The City Council discussed the proposed Comprehensive Plan map amendments and corresponding rezones in a worksession on October 25, 2022.
20. On November 15, 2022, the City Council held the public meeting to consider the 2022 Comprehensive Plan map amendments and corresponding rezone.
21. The proposed Comprehensive Plan map amendments and corresponding rezones will be submitted to the Washington State Department of Commerce ten days after final adoption, pursuant to RCW 36.70A.106.
22. Any Conclusion herein, which may be deemed a Finding, is hereby adopted as such.

B. Findings – Comprehensive Plan Land Use Map and Zoning Map

Wells Littlerock – Comprehensive Plan Map Amendment and Corresponding Rezone

1. The applicant filed timely applications for a Comprehensive Plan map amendment and corresponding rezone on November 17, 2021 for the 2.76-acre property located to the south of 7223 Littlerock Road SW (Parcel Numbers 1270-44-30901, 1270-44-30902, and 1270-44-30903) (Permit Numbers TUM-21-1804 and TUM-21-1848). The applications would change the Single Family Medium Density Residential (SFM) Comprehensive Plan map designation to Multi-Family Medium Density Residential (MFM) Comprehensive Plan map designation and the Single Family Medium Density Residential (SFM) to Multifamily Medium Density Residential (MFM) zone district.
2. Staff sent out a letter of completeness for the applications (Permit Numbers TUM-21-1804 and TUM-21-1848) on December 10, 2021.
3. During the preliminary docket review, the City Council, Planning Commission, and staff supported further review of the proposed amendment.
4. Approval of the amendment would result in Comprehensive Plan map amendments of the property from the Single Family Medium Density Residential (SFM) Comprehensive Plan map designation to Multi-Family Medium Density Residential (MFM) Comprehensive Plan map designation, and a corresponding rezone from the Single Family Medium Density

Residential (SFM) to Multifamily Medium Density Residential (MFM) zone district.

5. The subject property is currently vacant.
6. The Comprehensive Plan map designations of the properties surrounding the amendment area are Multi-Family Medium Density Residential (MFM) to the north, Mixed Use (MU) to east, and Single Family Medium Density (SFM) to the west and south.
7. The zone districts of the properties surrounding the amendment area are Multifamily Medium Density Residential (MFM) to the north, Mixed Use (MU) to east, and Single-Family Medium Density (SFM) to the west and south.
8. Single-family dwellings are to the north and west.
9. A residential subdivision is under construction to the south.
10. Littlerock Road SW and 73rd Avenue SW are to the east.
11. The proposed Comprehensive Plan map amendment and corresponding rezone are in accordance with the City of Tumwater's annual Comprehensive Plan amendment process, as required by Chapter 36.70A RCW.
12. The proposed Comprehensive Plan map amendment and corresponding rezone meet the fourteen goals of the Washington State Growth Management Act.
13. The proposed Comprehensive Plan map amendment and corresponding rezone for the subject area are internally consistent with the City of Tumwater Comprehensive Plan, including the Housing and Land Use Elements. The City of Tumwater Comprehensive Plan is consistent with County-wide Planning Policies.
14. Conditions in the area have changed to the degree that it is in the public interest to support the amendments to the Comprehensive Plan map and zone district.

C. Findings – Comprehensive Plan Land Use Map and Zoning Map

Triangle West of the Dennis Street SW and Linderson Way SW Intersection – Comprehensive Plan Map Amendment and Corresponding Rezone

1. The City is proposing a Comprehensive Plan map amendment and corresponding rezone for the northern approximately 0.30-acre portion of a

5.73 acre property located at 6501 Linderson Way SW at the western corners of Linderson Way SW and Dennis Street SW (Portion of Parcel Numbers 1270-32-40303). The amendment would change the Single Family Medium Density Residential (SFM) to Multi-Family High Density Residential (MFH) Comprehensive Plan map designation and the Single-Family Medium Density Residential (SFM) to Multifamily High Density Residential (MFH) zone district.

2. During the preliminary docket review, the City Council, Planning Commission, and staff supported further review of the proposed amendment.
3. Approval of the amendment would result in Comprehensive Plan map amendments of the property from the Single Family Medium Density Residential (SFM) to Multi-Family High Density Residential (MFH) Comprehensive Plan map designation, and a corresponding rezone from the Single-Family Medium Density Residential (SFM) to Multifamily High Density Residential (MFH) zone district.
4. The subject property is currently vacant.
5. The Comprehensive Plan map designations of the properties surrounding the amendment area are Interstate 5 to the north and west, Single Family Medium Density Residential (SFM) to the east, and Multi-Family High Density Residential (MFH) to the south.
6. The zone districts of the properties surrounding the amendment area are Interstate 5 to the north and west, Single-Family Medium Density Residential (SFM) to the east, and Multifamily High Density Residential (MFH) to the south.
7. Linderson Way SW and single-family dwellings are to the east.
8. A multifamily development is to the south.
9. Interstate 5 is to the north and west.
10. The proposed Comprehensive Plan map amendment and corresponding rezone are in accordance with the City of Tumwater's annual Comprehensive Plan amendment process, as required by Chapter 36.70A RCW.
11. The proposed Comprehensive Plan map amendment and corresponding rezone meet the fourteen goals of the Washington State Growth Management Act.

12. The proposed Comprehensive Plan map amendment and corresponding rezone for the subject area are internally consistent with the City of Tumwater Comprehensive Plan, including the Housing and Land Use Elements. The City of Tumwater Comprehensive Plan is consistent with County-wide Planning Policies.
13. Conditions in the area have changed to the degree that it is in the public interest to support the amendments to the Comprehensive Plan map and zone district.

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

A. General Conclusions

1. Based on its review of the requirements of Chapter 36.70A RCW, the analysis and proposed revisions prepared by City staff, and the public comments received, the City Council finds and declares that the Comprehensive Plan map amendments and corresponding rezones have 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 and proposed revisions prepared by City staff, the proposed revisions forwarded by the Planning Commission, and the public comments received, the City Council accepts the Comprehensive Plan map amendments, and corresponding rezones. The City Council hereby finds and declares that the Comprehensive Plan map amendments and corresponding rezones comply with the requirements of Chapter 36.70A RCW.
3. Any Finding herein, which may be deemed a Conclusion, is hereby adopted as such.

B. Conclusions – Comprehensive Plan Land Use Map and Zoning Map

Wells Littlerock – Comprehensive Plan Map Amendment and Corresponding Rezone

Consistent with the aforementioned findings, the properties located south of 7223 Littlerock Road SW (Thurston County Assessor Parcel Numbers 1270-44-30901, 1270-44-30902, and 1270-44-30903) are to be re-designated from Single Family Medium Density Residential (SFM) to Multi-Family Medium Density Residential (MFM) the Comprehensive Plan map designation of the parcels and rezoned from

Single-Family Medium Density Residential (SFM) to Multifamily Medium Density Residential (MFM) as shown in Exhibit “A-1”, Exhibit “A-2”, and Exhibit “A-3”.

C. Conclusions – Comprehensive Plan Land Use Map and Zoning Map

Triangle West of the Dennis Street SW and Linderson Way SW Intersection – Comprehensive Plan Map Amendment and Corresponding Rezone

Consistent with the aforementioned findings, the northern approximately 0.30-acre portion of a 5.73 acre property located at 6501 Linderson Way SW at the western corners of Linderson Way SW and Dennis Street SW (A portion of Parcel Number 1270-32-40303) are to be re-designated from Single Family Medium Density Residential (SFM) to Multi-Family High Density Residential (MFH) the Comprehensive Plan map designation of the parcels and rezoned from Single-Family Medium Density Residential (SFM) to Multifamily High Density Residential (MFH) as shown in Exhibit “B-1”, Exhibit “B-2”, Exhibit “B-3”, and Exhibit “B-4”.

Section 3. Wells Littlerock – Comprehensive Plan Map Amendment and Corresponding Rezone. The City-Wide Land Use Map in the City of Tumwater Comprehensive Plan (Exhibit “A-1”), the Littlerock Neighborhood Future Land Use Map (Exhibit “A-2”), and the City of Tumwater City-Wide Zoning Map (Exhibit “A-3”) are hereby amended as shown in Exhibits “A-1”, “A-2”, and “A-3” attached hereto.

Parcel Numbers 1270-44-30901, 1270-44-30902, and 1270-44-30903 are hereby re-designated from Single Family Medium Density Residential (SFM) to Multi-Family Medium Density Residential (MFM) and rezoned from Single-Family Medium Density Residential (SFM) to Multifamily Medium Density Residential (MFM).

Section 4. Triangle West of the Dennis Street SW and Linderson Way SW Intersection – Comprehensive Plan Map Amendment and Corresponding Rezone. The City-Wide Land Use Map in the City of Tumwater Comprehensive Plan (Exhibit “B-1”), the New Market Neighborhood Future Land Use Map (Exhibit “B-2”), SE Capitol Boulevard Neighborhood Future Land Use Map (Exhibit “B-3”), and the City of Tumwater City-Wide Zoning Map (Exhibit “B-4”) are hereby amended as shown in Exhibits “B-1”, “B-2”, “B-3”, and “B-4” attached hereto.

A portion of Parcel Number 1270-32-40303 is hereby re-designated from Single Family Medium Density Residential (SFM) to Multi-Family High Density Residential (MFH) and rezoned from Single-Family Medium Density Residential (SFM) to Multifamily High Density Residential (MFH).

Section 5. 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 6. Ratification. Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and affirmed.

Section 7. 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 9. Effective Date. This ordinance shall become effective thirty (30) days after passage, approval, and publication as provided by law.

ADOPTED this _____ day of _____, 20__.

CITY OF TUMWATER

Debbie Sullivan, Mayor

ATTEST:

Melody Valiant, City Clerk

APPROVED AS TO FORM:

Karen Kirkpatrick, City Attorney

Published:_____

Effective Date:_____

Exhibit "A-1"

**Wells Littlerock Amendment to the City of Tumwater Comprehensive Plan
City-Wide Land Use Map**

**City of Tumwater
City-Wide Land Use Map**

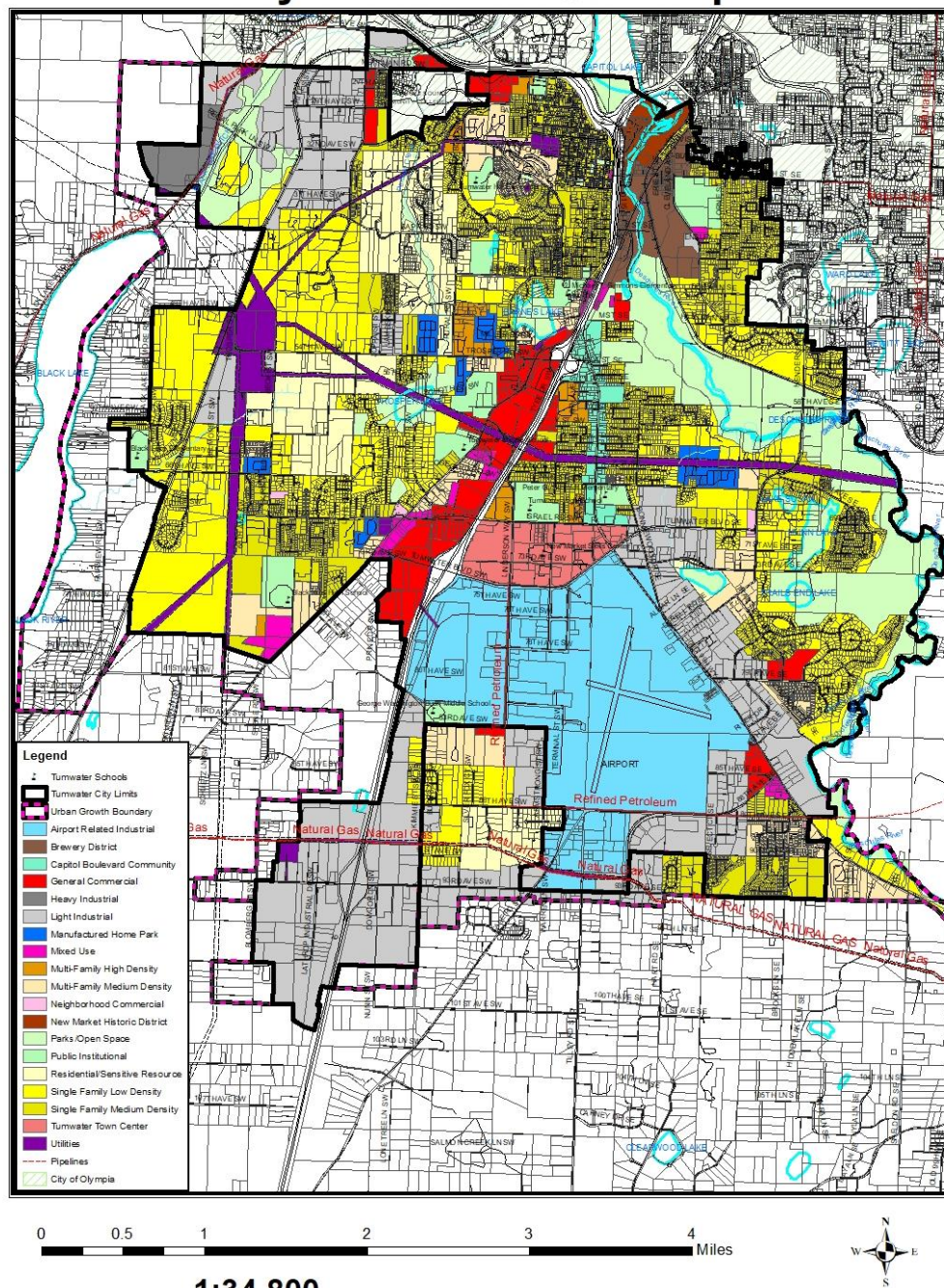


Exhibit "A-2"

**Wells Littlerock Amendment to the City of Tumwater Comprehensive Plan
Littlerock Neighborhood Future Land Use Map**

**Littlerock Neighborhood
Future Land Use**

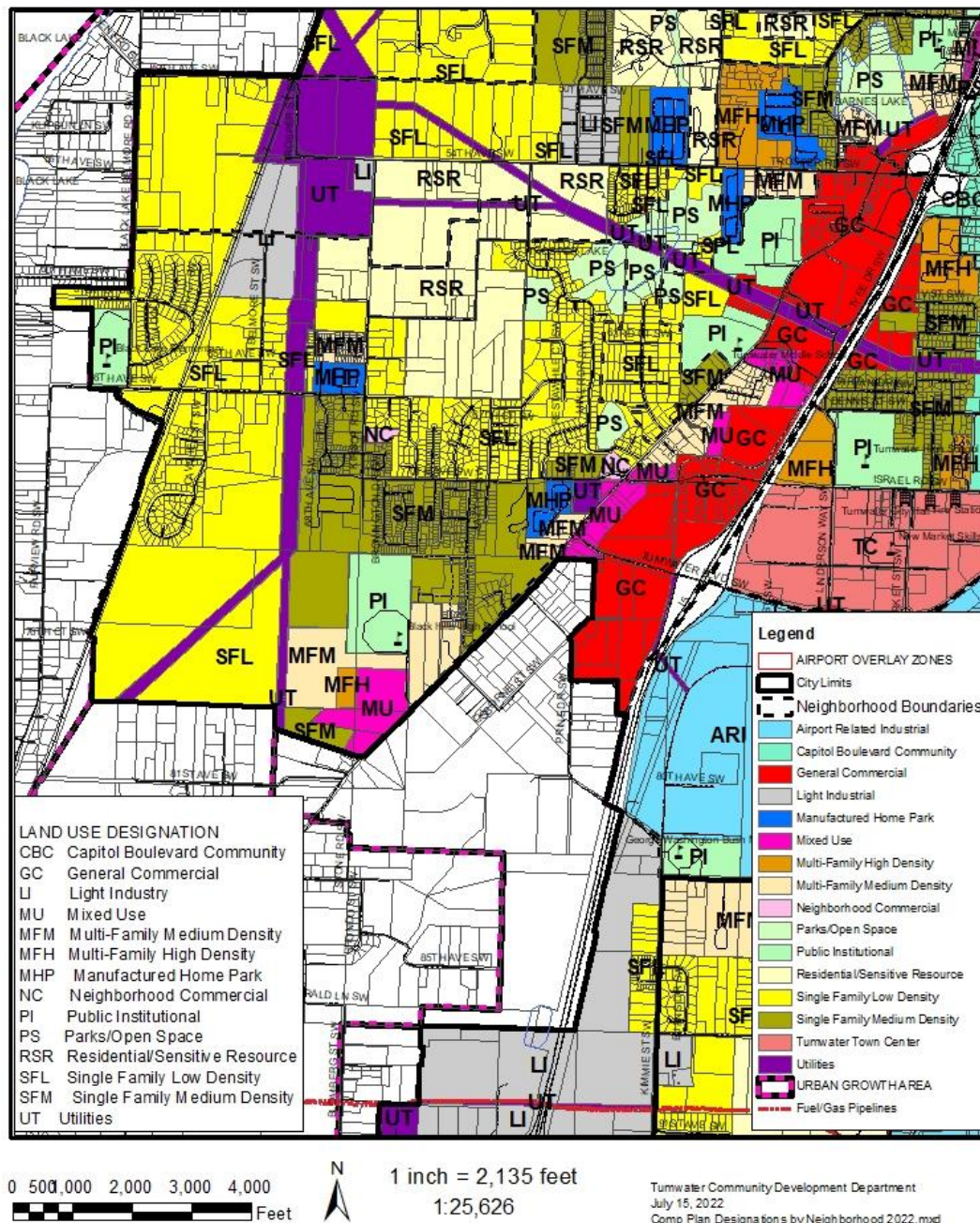


Exhibit "A-3"

Wells Littlerock Amendment to the City of Tumwater City-Wide Zoning Map

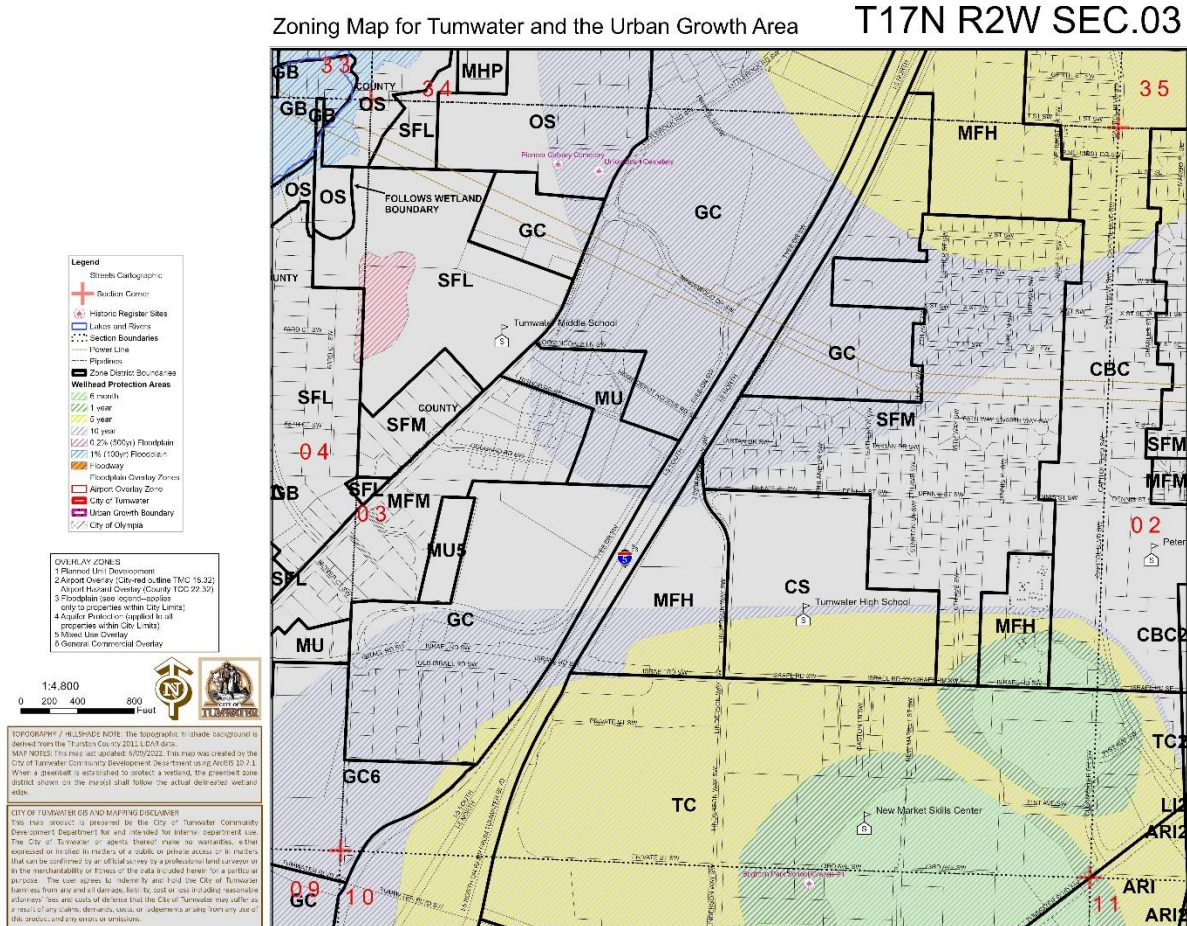


Exhibit “B-1”

***Triangle West of the Dennis Street SW and Linderson Way SW Intersection
Amendment to the City of Tumwater Comprehensive Plan City-Wide
Land Use Map***

**City of Tumwater
City-Wide Land Use Map**

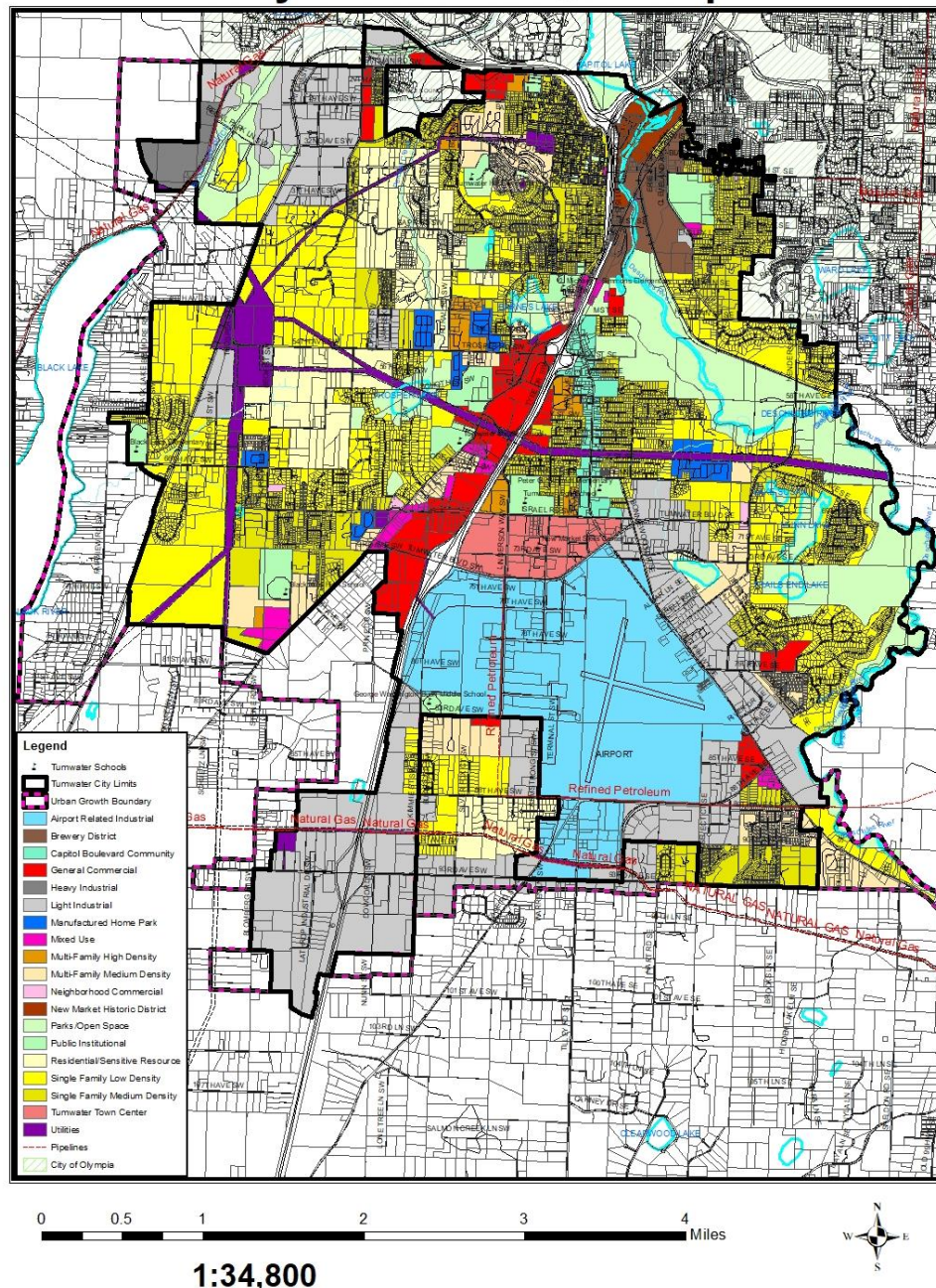


Exhibit "B-2"

***Triangle West of the Dennis Street SW and Linderson Way SW Intersection
Amendment to the City of Tumwater Comprehensive Plan New Market
Neighborhood Future Land Use Map***

New Market Neighborhood Future Land Use

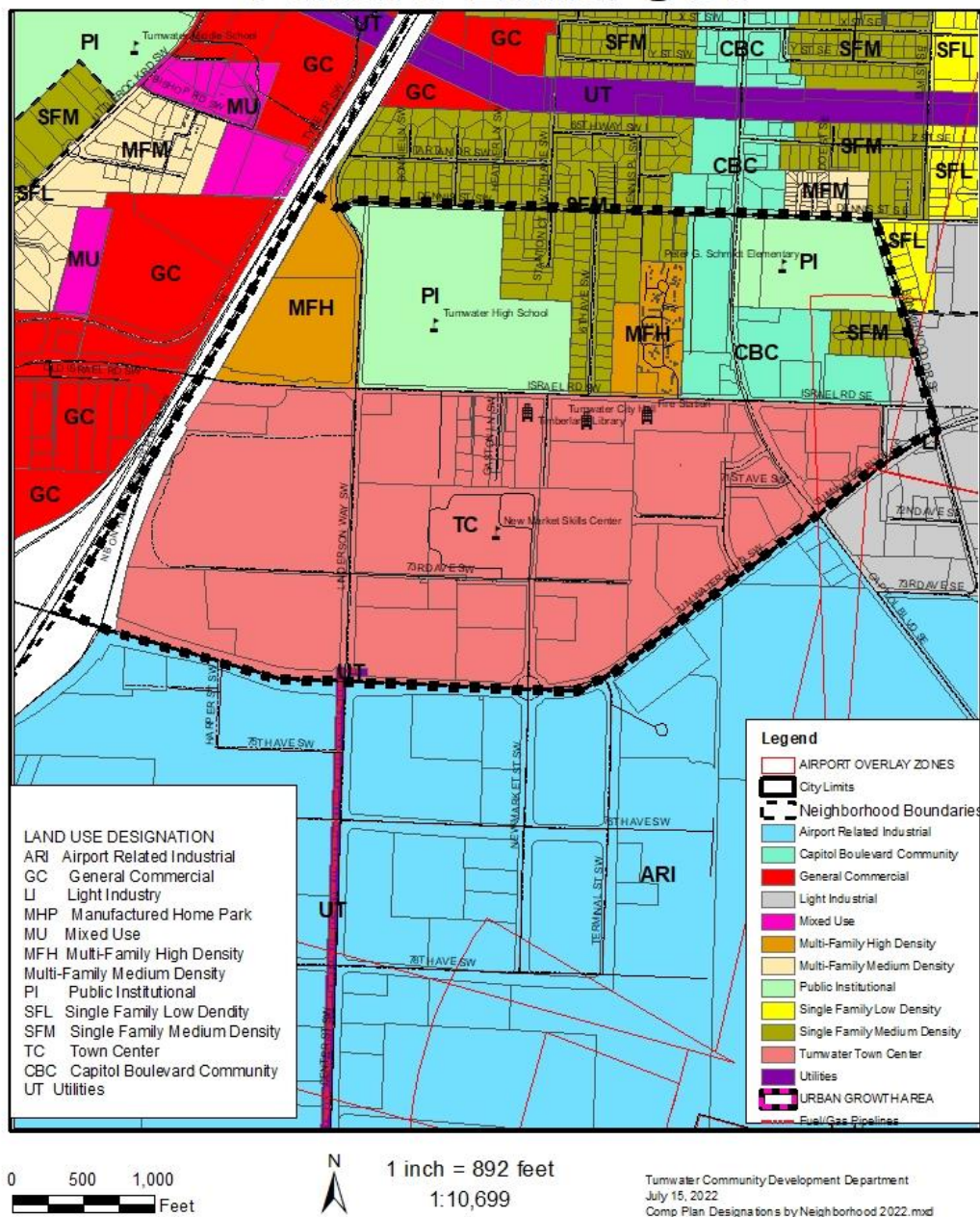
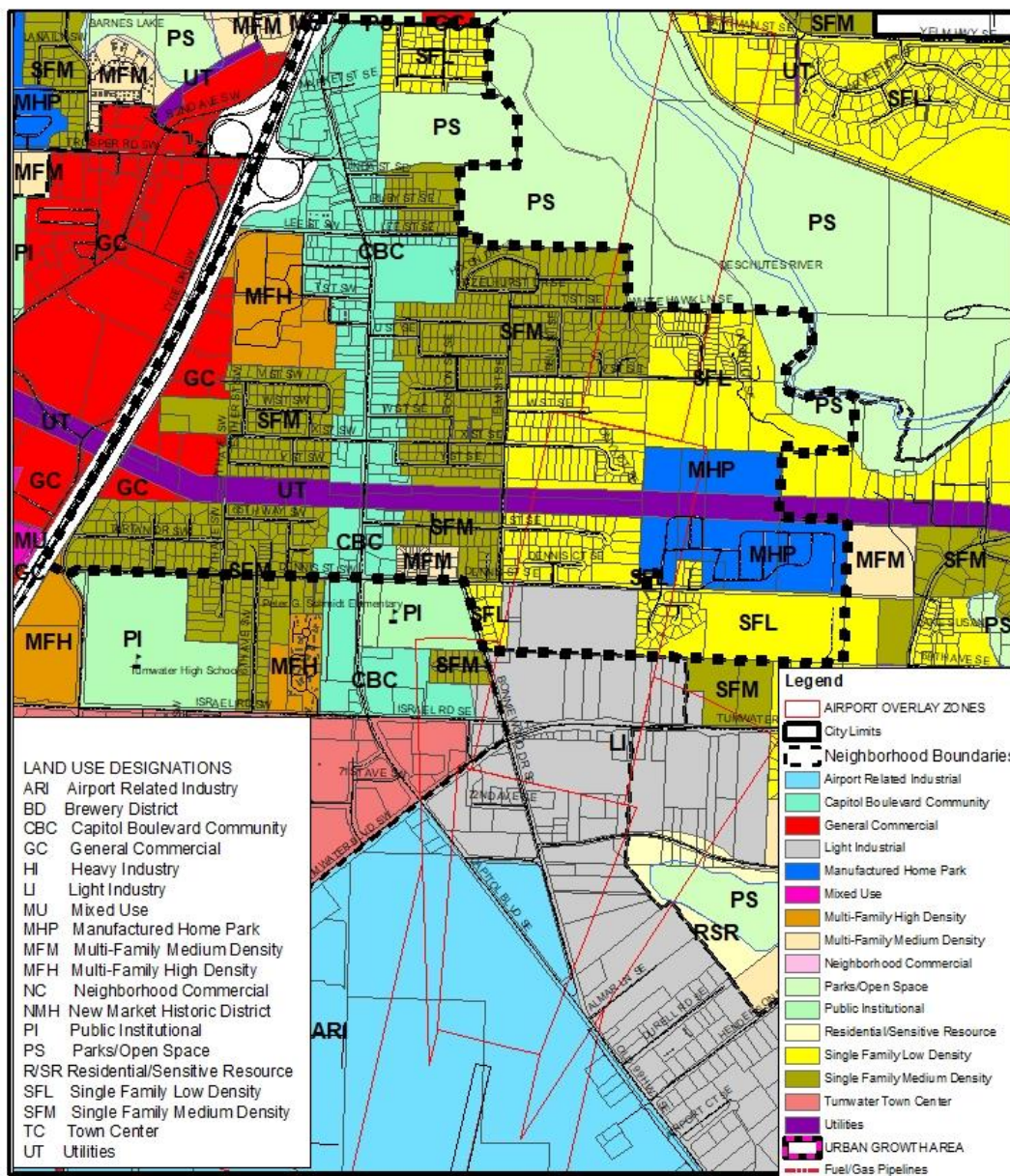


Exhibit "B-3"

***Triangle West of the Dennis Street SW and Linderson Way SW Intersection
Amendment to the City of Tumwater Comprehensive Plan SE Capitol
Boulevard Neighborhood Future Land Use Map***

SE Capitol Boulevard Neighborhood Future Land Use



***Triangle West of the Dennis Street SW and Linderson Way SW Intersection
Amendment to the City of Tumwater City-Wide Zoning Map***

