

ORDINANCE NO. O2023-002

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 2023 City of Tumwater Comprehensive Plan amendments.

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

WHEREAS, on February 21, 2023, the City Council determined which proposed Comprehensive Plan amendments in the preliminary docket would be included in the final docket; and

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

WHEREAS, the adoption of proposed Comprehensive Plan amendments 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 amendments 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 amendments 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 amendments.
3. The proposed Comprehensive Plan amendments 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, 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 October 27, 2023, and a Determination of Non-Significance was issued on November 8, 2023.
6. The ordinance was sent to the Washington State Department of Commerce on October 27, 2023, for the required 60-day review before the proposed Comprehensive Plan amendments were adopted, in accordance with RCW 36.70A.106.
7. The Planning Commission reviewed the preliminary docket and provided a preliminary docket recommendation at their January 24, 2023, meeting.

8. The General Government Committee discussed the Planning Commission's preliminary docket recommendation at their February 8, 2023, meeting.
9. The City Council approved the items in the preliminary docket for further review by staff at their February 21, 2023, meeting.
10. City staff completed their review of the final docket of proposed Comprehensive Plan amendments in October 2023.
11. The potential impacts of the proposed Comprehensive Plan amendments have been considered together and they do not create any inconsistencies when evaluated together.
12. The Public Works Committee received briefings on the general government, transportation, water, sanitary sewer, and stormwater funds of the proposed Capital Facilities Plan amendments on July 6, 2023, July 20, 2023, and September 7, 2023.
13. The Planning Commission received briefings on general government, transportation, water, sanitary sewer, and stormwater funds of the proposed Capital Facilities Plan amendments on July 11, 2023, and August 8, 2023.
14. The Planning Commission received a briefing on the final docket of the proposed Comprehensive Plan amendments on November 14, 2023, and discussed the proposed amendments at a work session on November 28, 2023.
15. A Notice of Public Hearing for the Planning Commission public hearing was issued on December 1, 2023. 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*.
16. The Planning Commission held the public hearing for the Comprehensive Plan amendments on December 12, 2023.
17. Following a public hearing and deliberations on December 12, 2023, the Planning Commission recommended approval of the proposed Comprehensive Plan amendments to the City Council.
18. The City Council's General Government Committee reviewed the Planning Commission's recommendation on the proposed Comprehensive Plan amendments in a briefing on January 10, 2024, and recommended that the City Council approve the proposed Comprehensive Plan amendments.

19. The City Council discussed General Government Committee recommendation on the proposed Comprehensive Plan amendments in a work session on January 23, 2024.
20. On February 6, 2024, the City Council approved the 2023 Comprehensive Plan amendments.
21. The proposed Comprehensive Plan amendments 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 – Capital Facilities Plan Update

1. The proposal is a Comprehensive Plan amendment to update the Capital Facilities Plan to reflect current information.
2. The proposed Comprehensive Plan amendment is in accordance with the City of Tumwater's annual Comprehensive Plan amendment process, as required by Chapter 36.70A RCW.
3. The proposed Comprehensive Plan amendment meets the fifteen goals of the Washington State Growth Management Act.
4. Based on City staff review and analysis, the proposed Comprehensive Plan amendment is internally consistent with the Comprehensive Plan and County-Wide Planning Policies.

C. Findings – Old Highway 99 Plan

1. The proposal is a Comprehensive Plan amendment to adopt the Old Highway 99 Plan as a part of the Transportation Plan of the Comprehensive Plan.
2. The proposed Comprehensive Plan amendment is in accordance with the City of Tumwater's annual Comprehensive Plan amendment process, as required by Chapter 36.70A RCW.
3. The proposed Comprehensive Plan amendment meets the fifteen goals of the Washington State Growth Management Act.

4. Based on City staff review and analysis, the proposed Comprehensive Plan amendment is internally consistent with the Comprehensive Plan and County-Wide Planning Policies.

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 amendments 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 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 amendments 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 – Capital Facilities Plan Update

Consistent with the aforementioned findings, the Capital Facilities Plan of the Comprehensive Plan is to be amended as shown in Exhibit “A”.

C. Conclusions – Old Highway 99 Plan

Consistent with the aforementioned findings, the Old Highway 99 Plan is adopted as part of the Transportation Plan of the Comprehensive Plan as shown in Exhibit “B”.

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. Old Highway 99 Plan. The Comprehensive Plan is hereby amended to adopt the Old Highway 99 Plan as part of the Transportation Plan of the Comprehensive Plan as shown in Exhibit “B”.

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 8. 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”

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

[See attached Capital Facilities Plan update.]

Exhibit “B”

***Adoption of the Old Highway 99 Plan as a part of the Transportation Plan of the City of
Tumwater Comprehensive Plan***

[See attached Old Highway 99 Plan.]