



COUNTY COMMISSIONERS

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PLANNING DEPARTMENT

Scott Clark
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Creating Solutions for Our Future

**4-E Zorad
Tumwater/Thurston County Joint Plan
Site Specific Land Use Plan and Rezoning Amendment
Board of County Commissioners Review**

Date: March 30, 2010

Public Hearing Date: Projected in May 2010

Prepared by: Jeremy Davis, Thurston County

Proponent/Applicant: Theresa and Mark Zorad
Property Owners

Tax Parcel: 12716330302

Action Requested: Amend the Tumwater/Thurston County Joint Plan Land Use Map to change the designated land use from Single-Family Low Density Residential 4-7 DU/AC to Light Industrial
Amend the Official Zoning Map Thurston County, Washington North County Urban Growth Areas to change the zoning from Single Family Low Density Residential 4-7 DU/AC (Title 22) to Light Industrial (Title 22)

Location: 3040-93rd Avenue SW

Acres: 2.18

Map Changes Text Changes Both Affects Comprehensive Plans/documents
 Affected Jurisdictions: City of Tumwater & Thurston County

1 **ISSUE:**

2 The existing zoning does not allow for the expansion of a home-based business already on site to
3 see clients. The property is on the boundary between Single Family Low district SFL and LI
4 district and the surrounding area is largely zoned for industrial uses.
5

6 **SUMMARY OF FINDINGS**

7 Below is a summary of findings for the proposed amendment. More information is contained in
8 the background and analysis sections below.
9

- 10 1. The properties do not have a history of environmental constraints such as wetlands or
11 high groundwater. It should be noted that a site-specific analysis will be required for
12 future development.
13
- 14 2. 93rd Avenue SW is identified as a major east/west transportation route, and is a 50 mile
15 per hour roadway. The residentially zoned properties along 93rd Avenue SW take access
16 from 93rd Avenue SW.
17
- 18 3. The Single Family Low (SFL) density residential properties on the north side of 93rd
19 Avenue have a very unique situation in that they are the only SFL properties in the
20 Tumwater Urban Growth Area that are located directly on, and have access from a 50
21 mph roadway with heavy truck traffic, and are located directly across the street from a
22 Light Industrial Zone.
23
- 24 4. Due to the industrial nature of nearby properties, the roadway can also experience heavy
25 truck traffic.
26
- 27 5. The area directly to the south and east is developing as industrial. The area has been
28 slowly transitioning to industrial uses as planned in the Tumwater/Thurston County Joint
29 Plan.
30
- 31 6. As a result of actions proposed as part of the Tumwater UGA resizing and Land Use
32 Analysis project (including the removal of the large adjacent SFL property), the area as
33 designated, does not meet the intent of the SFL designation/zone district. Additionally,
34 high speed industrial truck traffic is not conducive to establishing a pedestrian friendly
35 atmosphere.
36
- 37 7. The proposed amendment is consistent with the Tumwater/Thurston County Joint Plan
38 for light industrial uses. Such uses need to be located within reasonable access to truck
39 routes. The property accesses 93rd Avenue approximately ¼ mile east of Interstate 5.
40
- 41 8. The Tumwater City Council, Tumwater Planning Commission, and Thurston County
42 Planning Commission have recommended approval of the proposed amendment.
43
44
45
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48

1 **OPTIONS:**

2 Option 1: Amend the Tumwater/Thurston County Joint plan future land use maps and the
3 Official Zoning Map, Thurston County, WA North County Urban Growth Areas as requested.

4
5 Option 2: Do not change the land use and zoning.

6
7 **BACKGROUND:**

8 The applicant requests approval of a site specific comprehensive plan amendment and associated
9 rezoning for 2.18± acres in the unincorporated area of the City of Tumwater Urban Growth Area
10 (Tumwater UGA). Property located in the unincorporated portion of the Tumwater UGA falls
11 under the Tumwater/Thurston County Joint Plan and the Tumwater UGA Zoning Ordinance in
12 Title 22 of the Thurston County Code. The property is located within section 3.5.4 Southern
13 Subarea in the Joint Plan. The property is currently developed with a single family home, and is
14 the location of a home based business. The request is to change the land use and associated
15 zoning from Single-Family Low Density Residential (4-7 Units per Acre) to Light Industrial.
16 The amendment would change the following:

- 17
- 18 1. Maps in the Tumwater/Thurston County Joint Plan:
 - 19 o Map 3-1 Future Land Use
 - 20 o Map 3-7 Southern Subarea Future Land Use
 - 21
 - 22 2. Official Zoning Map, North County Urban Growth Areas (22.06.020 TCC) to change the
23 zoning from Chapter 22.12 Single-Family Low Density Residential Zone District (SFL)
24 to Chapter 22.24 Light Industrial Zone (LI)
 - 25

26 The property is located at 3040 93rd Avenue SW, west of Interstate 5, approximately 525 feet
27 east of Blomberg Street SW on the north side of 93rd Avenue SW. 93rd Avenue has a 50 mile per
28 hour speed limit. Access to the property is provided off of 93rd Avenue SW with a shared access
29 driveway.

30
31 Surrounding Land Use and Zoning:

32 To the east, the area is zoned LI, and appears to have transitioned to light industrial uses from
33 residential uses. The property directly to the east is developed with a single family home and a
34 business. A natural gas pipeline gat station is located to the east and northeast as well. Along
35 93rd Avenue SW to the east there are a number of industrial uses including a storage facility and
36 a full service truck stop.

37
38 Directly to the west, the area is zoned SFL, and appears to be developed with large lot single
39 family development. The three adjacent properties have a shared access drive with the subject
40 property. To the west of Blomberg Street SW, is the Washington State Department of Natural
41 Resources Webster Tree Farm.

42
43 To the north, the area is zoned SFL and LI. The area designated as SFL is developed with large
44 lot single family residential. The area designated LI is partially developed with a variety of uses
45 including the natural gas pipeline gate station.

46
47 To the south, the area is zoned LI, and has been approved for two large industrial buildings over
48 1,000,000 square feet and associated parking for approximately 700 vehicles and 443 large

1 trucks. The remainder of the area to the south has been transitioning from residential to
2 industrial uses.

3
4 Access:

5 Access is provided to the property is from 93rd Avenue SW. The 93rd Avenue SW and Interstate
6 5 interchange is approximately ¼ mile to the east.

7
8 The current access to the site is from a shared access driveway located on the subject property at
9 the southwest corner of the lot. The driveway is shared with the properties directly to the west.
10 The applicant indicated at the Planning Commission public hearing on January 13, 2010, that an
11 existing secondary access point on 93rd Avenue at the southeast corner of the applicant's
12 property could be utilized if necessary.

13
14 Sewer and Water Service:

15 Water service is currently provided from an onsite well. Wastewater treatment is also provided
16 onsite in the form of a septic system. City sewer and water service may be required for future
17 development of the property. City services are located on the east side of Interstate 5 at the Pilot
18 Travel center. Also, the City of Tumwater recently acquired the Lathrop water system which has
19 plans to serve the area in the vicinity of the subject property. Water lines from the Lathrop
20 system are located on Lathrop and Bomberg Roads several hundred feet from the property.

21
22 Zoning History:

23 In 1994 the subject property and all of the residential properties along the north side of 93rd
24 Avenue SW and the east side of Blomberg Road SW, were designated Rural Residential One
25 Unit per Five Acres (RR 1/5). These properties were surrounded on all sides by property zoned
26 Planned Industrial Development (PID). The properties zoned RR 1/5 and the property zoned
27 PID to the west of Blomberg Road SW and north of 93rd Avenue SW were redesignated and
28 rezoned to SFL following the adoption of the Tumwater/Thurston County Joint Plan and the
29 Tumwater UGA Zoning Ordinance (Title 22) to the existing land use and zoning. Please see
30 Map 3-5 from the Tumwater/Thurston County Joint Plan in Attachment F, joint plan excerpts.

31
32 **DEPARTMENT ANALYSIS:**

33 The Thurston Board of County Commissioners has directed staff to consider this application in
34 conjunction with the proposed item 3-E City of Tumwater UGA Resizing and Land Use
35 Analysis, as well as other amendments to the Thurston County Comprehensive Plan and the
36 Tumwater/Thurston County Joint Plan.

37
38 The request is to redesignate and rezone the property from Single Family Low (SFL) (Chapter
39 22.10 TCC) to Light Industrial (LI) (Chapter 22.24 TCC) to facilitate the transition of a home-
40 based business to one that can see clients. Currently, as a home based business, the applicant is
41 not permitted to see clients on the property.

42
43 Consistency with the Tumwater/Thurston County Joint Plan

44 The proposed land use designation and rezoning amendment is consistent with the text
45 amendment being proposed with item 3-E City of Tumwater UGA Resizing and Land Use
46 Analysis and with other sections of the Tumwater/Thurston County Joint Plan. The proposed text
47 amendment calls for the transition of the properties along 93rd Avenue SW to Light Industrial.
48 Even if the proposed land use map and UGA amendments under item 3-E City of Tumwater

1 UGA Resizing and Land Use Analysis are not approved, staff will be recommending that the text
2 amendment for 93rd Avenue go forward.

3
4 The Tumwater/Thurston County Joint Plan indicates that “Light Industrial uses should be
5 grouped on a variety of parcel sizes” and that these areas “need to be located within reasonable
6 access to truck routes, rail, freeway and/or air routes.” The proposed location is consistent with
7 how the Light Industrial designation is used in the Joint Plan.

8 9 Critical Areas and Environmental Issues

10 According to the Soil Survey of Thurston County, Washington, the predominant soil type is
11 Cagey loamy sand which is known to be home to the Mazama pocket gopher (*Thomomys*
12 *mazama*). The Mazama pocket gopher is designated as a Washington State Threatened Species
13 and a candidate species under the Endangered Species Act. Prior to any further development of
14 the subject property, a survey will need to be completed and if necessary a habitat management
15 plan. Presence of the Mazama pocket gopher will restrict development of this property.

16
17 This property is also located in an Extreme Aquifer Recharge Area. According to Thurston
18 County GeoData, there do not appear to be other critical areas on the property, including surface
19 level high ground water. A site specific analysis under Chapter 17.15 Critical Areas will be
20 required prior to the redevelopment of the property, unless it is an exempt activity.

21
22 The property is located in the Salmon Creek Basin, and will have to meet the new 2009 Drainage
23 Design and Erosion Control Manual and the Salmon Creek Basin drainage standards. Meeting
24 these requirements may restrict future development. This will be evaluated at the time a specific
25 development application is submitted.

26 27 Tumwater UGA Zoning Ordinance

28 The Single Family Low zoning district (Chapter 22.10.010 TCC) is intended to preserve and
29 establish peaceful low-density neighborhoods in which owner-occupied single-family structures
30 are the dominant form of dwelling unit, provide minimum net densities for services, and other
31 purposes. Retail commercial uses are not an outright permitted use the SFL district.
32 Neighborhood-oriented commercial centers are permitted with a special use permit.
33 Neighborhood-oriented commercial centers are defined as follows:

34
35 “Neighborhood-oriented commercial center” means no more than three
36 commercial land uses located on one lot or contiguous lots within a
37 predominantly residential area. A neighborhood-oriented commercial center
38 consists only of retail and/or service uses oriented to serve residents of the
39 immediate neighborhood and are designed and operated to minimize impact on
40 surrounding residences.” (Section 22.04.397 TCC)

41
42 The requested business, selling window blinds and associated items, is not consistent with the
43 above definition. Because of the specialized nature of the business, the clients would be expected
44 to come from locations outside of the immediate area.

45
46 The Light Industrial zoning district (Chapter 22.24 TCC) is intended to establish and preserve
47 areas for low impact industrial and related general commercial uses, and ensure that retail
48 commercial areas are encouraged in the vicinity of Interstate 5 (Attachment E).

1
2 According to Section 22.24.020 Permitted Uses, the LI district permits commercial retail uses.
3 Single family residential uses which were legally established prior to the effective date of the
4 Tumwater UGA Zoning Ordinance are also a permitted use. The home on the property was
5 constructed in 1951 according to the Thurston County Assessor's records. The residence would
6 remain a conforming use under the LI zoning district.

7
8 If the property were to be developed as a retail use, improvements would likely be necessary to
9 bring the structure up to current standards for ADA access and to meet other codes and
10 ordinances in place at the time a building permit is submitted. This may include improvements
11 to the driveway access, or an alternative access based.

12
13 Decision Criteria for Rezones

14 Chapter 22.60 of Title 22 Tumwater Urban Growth Area Zoning specifies one or more criteria
15 that a rezoning amendment must be consistent with. Rezoning shall only be allowed if the
16 applicant demonstrates by clear and convincing evidence that:

- 17
18 A. The land to be rezoned was zoned in error and as presently zoned, is inconsistent with
19 the policies and goals of the Tumwater Joint Plan;
20
21 B. Conditions in the area for which rezoning is requested have changed or are changing
22 to such a degree that it is in the public interest to encourage a redevelopment, or
23 change in land use for the area; or
24
25 C. The proposed rezoning is necessary in order to provide land for a community-related
26 use which was not anticipated at the time of the adoption of the Tumwater Joint Plan.
27

28 The request to change zoning district to Light Industrial is consistent with the intent of criterion
29 B. Circumstances have changed since the designation of this property in 1996 to Single Family
30 Low (SFL) as discussed in the analysis above.

31
32 **SEPA:**

33 The City of Tumwater made a Determination of Non-Significance (DNS) on February 11, 2010
34 (DSD-10-0001). The appeal deadline was March 3, 2010, and no appeal was filed. Thurston
35 County intends on adopting the DNS issued by the City of Tumwater.

36
37 **NOTIFICATION:**

38 Written notice of the public hearing will be published in The Olympian at least 20-days before
39 the hearing in accordance with Thurston County Code Chapter 2.05 Growth Management Public
40 Participation, and sent to property owners within 300 feet at least ten days before the public
41 hearing in accordance with Thurston County Code Chapter 22.60 Text Amendments and
42 Rezones in the Tumwater UGA Zoning Ordinance (Title 22).

43
44 **PUBLIC COMMENT:**

45 Public testimony taken by the Planning Commission at the public hearing is located in
46 Attachment F. According to the City of Tumwater, no testimony was provided at the City
47 Council Public Hearing.
48

1 **AFFECTED AGENCY, JURISDICTION AND DEPARTMENT COMMENTS:**

2 The application and SEPA checklist were sent to the agencies, jurisdictions, and Thurston
3 County departments listed on the attached Development Services Transmittal Memorandum on
4 October 20, 2009. Staff received comment from the following:

5
6 Development Review: No objections to rezoning, please see the attached memorandum.

7
8 Department of Ecology: Please see the attached memorandum.

9
10 City of Tumwater: Please see the attached memorandum.

11
12 **PLANNING DEPARTMENT RECOMMENDATION:**

13 Based upon the above analysis, the Planning Department recommends Option 1, to amend the
14 Tumwater/Thurston County Joint Plan and the Official Zoning Map, Thurston County,
15 Washington, North County Urban Growth Areas (22.06.020 TCC) to redesignate and rezone the
16 subject property from Single Family Low Density Residential (4-7 units per acre) (Chapter 22.10
17 TCC) to Light Industrial (Chapter 22.24 TCC).

18
19 **THURSTON COUNTY PLANNING COMMISSION RECOMMENDATION:**

20 On March 17, 2010 based on the evidence presented, the Planning Commission voted
21 unanimously to recommend approval of Option 1. A letter from the Chairman Lane will be
22 forwarded to the Board of County Commissioners once it is available.

23
24 **CITY OF TUMWATER PLANNING COMMISSION RECOMMENDATION:**

25 Based on the evidence presented, the Tumwater Planning Commission recommended approval of
26 Option 1.

27
28 **CITY OF TUMWATER CITY COUNCIL RECOMMENDATION:**

29 At the March 16, 2010 City Council meeting, the Tumwater City Council voted to recommend
30 the Board of County Commissioners approve the proposed redesignation and rezoning.

31
32 **ATTACHMENTS:**

33 Attachment A Maps
34 Attachment B Department/Agency Comments
35 Attachment C Rezoning Application Materials
36 Attachment D SEPA Checklist
37 Attachment E Tumwater UGA Zoning Ordinance (Title 22) Excerpts
38 Attachment F Public Comments from Planning Commission Public Hearing

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41 TumwaterThurston County Joint Plan.v2.033010.BoardReview.jd.doc