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PLANNING DEPARTMENT

Creating Solutions for Our Future

Scott Clark
Director

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

Date: December 2, 2009

Public Hearing Date: January 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)
3040-93rd Avenue SW

Location:

Acres: 2.18

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

1
2 **ISSUE:**

3 The existing zoning does not allow for the expansion of a home-based business already on site to
4 see clients. The property is on the boundary between Single Family Low district SFL and LI
5 district and the surrounding area is largely zoned for industrial uses.
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 east
27 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 To the east, the area is zoned LI, and appears to have transitioned to light industrial uses from
32 residential uses. The property directly to the east is developed with a single family home and a
33 business. Directly to the west, the area is zoned SFL, and appears to be developed with large lot
34 single family development. To the west of Blomberg Street SW, is the Washington State
35 Department of Natural Resources Webster Tree Farm. To the north the area is zoned SFL and
36 LI, and is developed with large lot single family residential and light industrial uses. To the
37 south, the area is zoned LI, and has been approved for two large industrial buildings over
38 1,000,000 square feet and associated parking for approximately 700 vehicles and 443 large
39 trucks.
40

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

1 **DEPARTMENT ANALYSIS:**

2 The Thurston Board of County Commissioners has directed staff to consider this application in
3 conjunction with the proposed item 3-E City of Tumwater UGA Resizing and Land Use
4 Analysis, as well as other amendments to the Thurston County Comprehensive Plan and the
5 Tumwater/Thurston County Joint Plan.
6

7 The request is to redesignate and rezone the property from Single Family Low (SFL) (Chapter
8 22.10 TCC) to Light Industrial (LI) (Chapter 22.24 TCC) to facilitate the transition of a home-
9 based business to one that can see clients. Currently, as a home based business, the applicant is
10 not permitted to see clients on the property.
11

12 **Consistency with the Tumwater/Thurston County Joint Plan**

13 The proposed land use designation and rezoning amendment is consistent with the text
14 amendment being proposed with item 3-E City of Tumwater UGA Resizing and Land Use
15 Analysis and with other sections of the Tumwater/Thurston County Joint Plan. The proposed text
16 amendment calls for the transition of the properties along 93rd Avenue SW to Light Industrial.
17 Even if the proposed land use map and UGA amendments under item 3-E City of Tumwater
18 UGA Resizing and Land Use Analysis are not approved, staff will be recommending that the text
19 amendment for 93rd Avenue go forward. This is due to the following reasons:
20

- 21 1. 93rd Avenue SW is identified as a major east/west transportation route, and is a 50 mile
22 per hour roadway. The residentially zoned properties along 93rd Avenue SW take access
23 from 93rd Avenue SW.
24
- 25 2. Due to the industrial nature of nearby properties, the roadway can also experience heavy
26 truck traffic.
27
- 28 3. The area directly to the south and east is developing as industrial. The area has been
29 slowly transitioning to industrial uses as planned in the Tumwater/Thurston County Joint
30 Plan.
31
- 32 4. Leaving the Single Family Low designation along 93rd Avenue SW will create an isolated
33 island of urban density residential at the edge of the UGA.
34
- 35 5. The properties do not have a history of environmental constraints such as wetlands or
36 high groundwater. It should be noted that a site specific analysis will be required for
37 future development.
38

39 The Tumwater/Thurston County Joint Plan indicates that “Light Industrial uses should be
40 grouped on a variety of parcel sizes” and that these areas “need to be located within reasonable
41 access to truck routes, rail, freeway and/or air routes.” The proposed location is consistent with
42 how the Light Industrial designation is used in the joint plan.
43

44 **Critical Areas**

45 According to the Soil Survey of Thurston County, Washington, the predominant soil type is
46 Cagey loamy sand which is known to be home to the Mazama pocket gopher (*Thomomys*
47 *mazama*). The Mazama pocket gopher is designated as a Washington State Threatened Species
48 and a candidate species under the Endangered Species Act. Prior to any further development of

1 the subject property, a survey will need to be completed and if necessary a habitat management
2 plan. Presence of the Mazama pocket gopher will restrict development of this property.

3
4 This property is also located in an Extreme Aquifer Recharge Area. According to Thurston
5 County GeoData, there do not appear to be other critical areas on the property, including surface
6 level high ground water. A site specific analysis under Chapter 17.15 Critical Areas will be
7 required prior to the redevelopment of the property, unless it is an exempt activity.

8
9 **Tumwater UGA Zoning Ordinance**

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

16
17 “Neighborhood-oriented commercial center” means no more than three
18 commercial land uses located on one lot or contiguous lots within a
19 predominantly residential area. A neighborhood-oriented commercial center
20 consists only of retail and/or service uses oriented to serve residents of the
21 immediate neighborhood and are designed and operated to minimize impact on
22 surrounding residences.” (Section 22.04.397 TCC)

23
24 The requested business, selling window blinds and associated items, is not consistent with the
25 above definition. Because of the specialized nature of the business, the clients would be expected
26 to come from locations outside of the immediate area.

27
28 The Light Industrial zoning district (Chapter 22.24 TCC) is intended to establish and preserve
29 areas for low impact industrial and related general commercial uses, and ensure that retail
30 commercial areas are encouraged in the vicinity of Interstate 5 (Attachment E).

31
32 According to Section 22.24.020 Permitted Uses, the LI district permits commercial retail uses.
33 Single family residential uses which were legally established prior to the effective date of the
34 Tumwater UGA Zoning Ordinance are also a permitted use. The home on the property was
35 constructed in 1951 according to the Thurston County Assessor’s records. The residence would
36 remain a conforming use under the LI zoning district.

37
38 If the property were to be developed as a retail use, improvements would likely be necessary to
39 bring the structure up to current standards for ADA access and to meet other codes and
40 ordinances in place at the time a building permit is submitted. This may include improvements
41 to the driveway access, or an alternative access based.

42
43 The property is located in the Salmon Creek Basin, and will have to meet the new 2009 Drainage
44 Design and Erosion Control Manual and the Salmon Creek Basin drainage standards. Meeting
45 these requirements may restrict future development. This will be evaluated at the time a specific
46 development application is submitted.

1 Water service is currently provided from an onsite well. Wastewater treatment is also provided
2 onsite. City sewer and water service may be required for future development of the property.

3
4 **Decision Criteria for Rezones**

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

- 8
9 A. The land to be rezoned was zoned in error and as presently zoned, is inconsistent with
10 the policies and goals of the Tumwater Joint Plan;
11
12 B. Conditions in the area for which rezoning is requested have changed or are changing
13 to such a degree that it is in the public interest to encourage a redevelopment, or
14 change in land use for the area; or
15
16 C. The proposed rezoning is necessary in order to provide land for a community-related
17 use which was not anticipated at the time of the adoption of the Tumwater Joint Plan.
18

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

22
23 **OPTIONS:**

24
25 Option 1: Amend the Tumwater/Thurston County Joint plan future land use maps and the
26 Official Zoning Map, Thurston County, WA North County Urban Growth Areas as requested.

27
28 Option 2: Do not change the land use and zoning.
29

30 **SEPA:**

31 Thurston County has not issued a SEPA determination at this time. A determination will be
32 made prior to the Public Hearing on the Joint Plan amendments.
33

34 **NOTIFICATION:**

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

41 **PUBLIC COMMENT:**

42 Public testimony will be taken by the Planning Commission at the public hearing.
43

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

45
46 The application and SEPA checklist were sent to the agencies, jurisdictions, and Thurston
47 County departments listed on the attached Development Services Transmittal Memorandum on
48 October 20, 2009. Staff received comment from the following:

1
2 Development Review: No objections to rezoning, please see the attached memorandum.
3
4 Department of Ecology: Please see the attached memorandum.
5
6 City of Tumwater: Please see the attached memorandum.
7

8 **PLANNING DEPARTMENT RECOMMENDATION:**
9

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

17
18 **ATTACHMENTS:**
19

20 Attachment A Maps
21 Attachment B Department/Agency Comments
22 Attachment C Rezoning Application Materials
23 Attachment D SEPA Checklist
24 Attachment E Tumwater UGA Zoning Ordinance (Title 22) Excerpts
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32 Plan.v1.120209.jd.dg