

ORDINANCE NO. 14846

AN ORDINANCE IMPLEMENTING CHANGES TO THE THURSTON COUNTY COMPREHENSIVE PLAN, AMENDING THE THURSTON COUNTY CODE INCLUDING THE THURSTON COUNTY ZONING ORDINANCE (TITLE 20 TCC), AND THE OLYMPIA UGA ZONING ORDINANCE (TITLE 23 TCC), AND FULFILLING THE REQUIREMENTS OF THE WASHINGTON STATE GROWTH MANAGEMENT ACT BY AMENDING THE OFFICAL ZONING MAPS FOR THURSTON COUNTY, SECTION 20.03.040, AND SECTION 23.02.180, AND TO PROVIDE FOR OTHER MATTERS PROPERLY RELATED THERETO.

WHEREAS, Thurston County is required to plan under Chapter 36.70A RCW, the Growth Management Act (GMA), which contains fourteen goals that are intended to guide the development and adoption of comprehensive plans and associated development regulations, which relate to urban growth, rural development, reduced sprawl, transportation, housing, economic development, property rights, permits, natural resource industries; open space and recreation, the environment, citizen participation and coordination, public facilities and services, historic preservation, and Shoreline Management Act goals and policies; and

WHEREAS, the GMA requires the comprehensive plan and development regulations to demonstrate and uphold the concepts of internal consistency, conformity, and concurrency; and

WHEREAS, the GMA also requires a process of early and continuous citizen participation for amending comprehensive plans and development regulations; and

WHEREAS, the development regulations in Thurston County adopted under the GMA must be consistent with the Thurston County Comprehensive Plan and associated Joint Plans; and

WHEREAS, this ordinance implements changes to the Thurston County Comprehensive Plan enacted by Resolution No. 14845; and

WHEREAS, the Board of County Commissioners (Board) has made findings of fact relating to the amendments to the Thurston County Code (TCC) supporting said amendments which are set forth below for adoption.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF THURSTON COUNTY, AS FOLLOWS:

SECTION 1. FINDINGS. For the purposes of effective land use planning, the Board of County Commissioners of Thurston County adopts the following additional legislative findings of fact:

A. GENERAL FINDINGS

1. Thurston County is required to plan under Chapter 36.70A RCW, the Growth Management Act (GMA), and has performed professional review, public notice, and comment with respect to these amendments; and

2. The Thurston County Comprehensive Plan, as amended, collectively includes Joint Plans with the cities of Bucoda, Lacey, Olympia, Rainier, Tenino, Tumwater, Yelm, and other sub-area plans, with chapters on land use, natural resource lands, housing, transportation, capital facilities, utilities, economic development, the natural environment, archeological, and historic resources that govern development throughout unincorporated Thurston County and comply with GMA requirements for comprehensive plans and development regulations; and

3. The development regulations in the Thurston County Zoning Ordinance (Title 20 TCC) apply to the unincorporated rural county as well as the unincorporated Urban Growth Areas (UGA) of Rainier, Yelm, Tenino and Grand Mound. The locations and boundaries of the zoning districts established in the Thurston County Zoning Ordinance are shown on the Official Zoning Map, Thurston County, Washington (Chapter 20.06 TCC); and

4. The development regulations in the Olympia UGA Zoning Ordinance (Title 23) apply to the unincorporated area in the City of Olympia UGA. The locations and boundaries of the zoning districts established in the Olympia UGA Zoning Ordinance are shown on the Official Zoning Map, Thurston County Washington, North County Urban Growth Areas (Chapter 23.02 TCC); and

5. The GMA requires counties to adopt county-wide planning policies to guide the adoption of comprehensive plans and associated development regulations. The principal purpose of these policies is to insure that the comprehensive plans and development regulations of counties and the cities within them are coordinated with each other; and

6. The amendments to the TCC, the Thurston County Zoning Ordinance, and the Olympia UGA Zoning Ordinance adopted by this ordinance were prepared, considered and adopted in compliance with the county-wide planning policies; and

7. The development regulation amendments adopted by this ordinance are consistent with and are intended to implement Comprehensive Plan amendments that were included on the 2010-11 Comprehensive Plan Official Docket as required by Thurston County Code (TCC) Chapter 2.05 Growth Management Public Participation; and

8. The amendments to the TCC adopted by this ordinance were the subject of a series of public hearings before the Thurston County Planning Commission and the Board and separate work sessions by each body as required by the GMA and the Thurston County Code; and

9. In formulating its recommendations, the Thurston County Planning Commission considered comments received through public hearings and the public process; and

10. The Board held a duly noticed public hearing on December 11, 2012 for the changes contained in this ordinance that will implement Resolution No. 14845 ; and

11. The Board held the written public comment period open until December 31, 2012 for the changes contained in this ordinance; and

12. In formulating its decision, the Board considered comments received through public hearings and the public process; and

13. This ordinance will amend the TCC, including the Thurston County Zoning Ordinance and the Olympia UGA Zoning Ordinance; and

14. In formulating the development regulation amendments adopted by this ordinance, the Board has considered the goals contained in the GMA. The Board has weighed the goals as they apply to the subject matter of this ordinance; and

15. The County uses several methods to ensure early and continuous public participation and open discussion in the review of proposed amendments including but not limited to: direct mailing, email lists, internet information pages, and posted public notices; and

16. The findings below and the record generated in the public hearing and review process and at the adoption of this ordinance show that the amendments are consistent with the GMA goals; and

17. The Board believes adopting the amendments are necessary for the preservation of the public health, safety, and general welfare of Thurston County residents; and

18. The same findings of fact that support the comprehensive plan amendments contained in Resolution No. 14045 are also relevant to the specific amendments to the official zoning map contained in this ordinance, and are incorporated herein by this reference.

B. FINDINGS

FRENCH LOOP/ROAD AND BUTLER COVE LAND USE AND UGA RESIZING ANALYSIS

1. The French Loop/Road and Butler Cove Land Use and UGA Resizing Analysis project includes the reassessment of land use and zoning of properties in the study area described below taking into consideration critical areas including marine bluff and landslide hazard areas, flooding and high groundwater hazard areas among other limitations; and

2. The properties in the French Loop/Road and Butler Cove Study Area includes approximately 376 acres in the unincorporated City of Olympia Urban Growth Area generally located northeast of the intersection of Cooper Pt. Rd. NW and 28th Avenue NW to the boundary of the Olympia Urban Growth Area; and

3. The area is currently designated Residential Four (4) to Eight (8) Dwelling Unit per Acre (R 4-8) on the Official Zoning Map Thurston County, Washington North County Urban Growth Areas; and

4. In Resolution No. 14045, the Board has found that it is appropriate to change the land use designations of the above described properties from their current land use designation; and

5. The zoning for the above property on the Official Zoning Map Thurston County, Washington North County Urban Growth Areas adopted under Section 23.02.180 TCC in the Olympia UGA Zoning Ordinance (TCC Title 23) must be consistent with the designations on the Future Land Use Map 1-3 as adopted by Thurston County in the Comprehensive Plan for the City of Olympia and the Olympia Urban Growth Areas required by the GMA (RCW 36.70A).

C. FINDINGS

SOUTH OLYMPIA/CHAMBERS LAND USE ANALYSIS

1. The South Olympia/Chambers Land Use Analysis project includes the reassessment of land use and zoning of properties in the study area described below taking into consideration critical areas, flooding and high groundwater hazard areas among other limitations; and

2. The properties in the South Olympia/Chambers Study Area includes approximately 77 acres in the unincorporated City of Olympia Urban Growth Area generally located southeast of the intersection of Wiggins Rd. SE and 40th Avenue SE to the boundary of the Olympia Urban Growth Area on the east, and down to approximately 250 feet north of the intersection of Wiggins Rd. SE and Donnelly Dr. SE; and

3. The area is currently designated Residential Four (4) to Eight (8) Dwelling Unit per Acre (R 4-8) on the Official Zoning Map Thurston County, Washington North County Urban Growth Areas; and

4. In Resolution No. 14845, the Board has found that it is appropriate to change the land use designations of the above described properties from their current land use designation; and

5. The zoning for the above property on the Official Zoning Map Thurston County, Washington North County Urban Growth Areas adopted under Section 23.02.180 TCC in the Olympia UGA Zoning Ordinance (TCC Title 23) must be consistent with the designations on the Future Land Use Map 1-3 as adopted by Thurston County in the Comprehensive Plan for the City of Olympia and the Olympia Urban Growth Areas required by the GMA (RCW 36.70A).

D. FINDINGS

AGRICULTURAL LANDS OF LONG TERM COMMERCIAL SIGNIFICANCE RECONSIDERATION

1. Judy Schader Rogers, owner of property located at 19726 128th Avenue SE, Yelm, WA include APN 22601320000 and 226022430000 has requested an amendment to change the land use and zoning designations from Long-Term Agriculture (LTA); and

2. Weyerhaeuser Real Estate Development Company, owner of approximately 40 acres of property located at Thimbleberry Lane, Yelm, WA, APN 22611110600 has requested to change the land use and zoning designations from LTA; and

3. In Resolution No. 14845, the Board has found that it is appropriate to change the land use designation of the above properties from LTA to Rural – One Dwelling Unit per Ten Acres (R 1/10); and

4. The zoning for the above property on the Official Zoning Map Thurston County, Washington adopted under Chapter 20.06. TCC of the Thurston County Zoning Ordinance (TCC Title 20) must be consistent with the designations on Map M-15 Future Land Use in the Thurston County Comprehensive Plan required by the GMA (RCW 36.70A).

E. FINDINGS

RELEASE OF OLYMPIA UGA PROPERTIES FROM THE SUBDIVISION MORATORIUM ENACTED BY ORDINANCE NO. 13405

1. The Western Washington Growth Management Hearings Board's (WWGMHB) July 20, 2005 Final Decision and Order in *1000 Friends of Washington (Futurewise) v. Thurston County*, case #05-2-0002, held that several parts of the County's Comprehensive Plan and development regulations were out of compliance with the Growth Management Act (GMA), Chapter 36.70A RCW; and

2. The WWGMHB held, in part, that the County's Urban Growth Areas (UGAs) failed to comply with the GMA because they provided excess capacity beyond what was needed to accommodate growth over the 20-year planning period without an explanation in the Thurston County Comprehensive Plan; and

3. Pursuant to RCW 36.70A.390 and other lawful authority, the Board of County Commissioners (Board) enacted Ordinance No. 13405 on August 1, 2005 which established a moratorium on residential subdivisions for the reasons stated therein; and

4. Ordinance No. 13405 has been renewed and amended seventeen times by Ordinances Nos. 13450, 13518, 13565, 13597, 13627, 13637, 13766, 13822, 13864, 13886, 13961, 14012, 14092, 14187, 14246, 14321, 14372, 14402, 14466, 14537, 14700, and 14768; and

5. The Board enacted Resolution No. 14034 and Ordinance No. 14035 to revise the Thurston County Comprehensive Plan to comply with the WWGMHB decision and order; and

6. Due to environmental concerns, including the presence of marine bluff hazard areas, landslide hazard areas, wetlands in the French Loop/Road and Butler Cove Study Area the Board found that additional investigation was warranted; and

7. Due to environmental concerns, including the presence of high groundwater, flooding, and stormwater issues in the South Olympia/Chambers Study Area the Board found that additional investigation was warranted; and

8. The Board enacted Ordinance No. 14768 on July 10, 2012, effective July 14, 2012, which renewed Ordinance No. 13405 for an additional six (6) months; and

9. It has been the intent of the Board to lift this moratorium following the completion of the work plan reviewing the remaining areas under the moratorium, and whether such areas should be removed from the UGAs or have a lower intensity urban land use designation; and

10. With the adoption of the 2012 Thurston County Comprehensive Plan amendment, the work plan for the French Loop/Road and Butler Cove Study Area and the South Olympia/Chambers Study Area is complete, and the Board has taken appropriate action to review the land use and zoning; and

11. The moratorium established by Ordinance No. 13405 as renewed and amended by Ordinances Nos. 13450, 13518, 13565, 13597, 13627, 13637, 13766, 13822, 13864, 13886, 13961, 14012, 14092, 14187, 14246, 14321, 14372, 14402, 14466, 14537, 14700, and 14768 is no longer necessary; and

12. Ordinance No. 14372 allows the Board to release properties from the moratorium at any time.

SECTION 2. FRENCH LOOP/ROAD BUTLER COVE LAND USE AND UGA RESIZING ANALYSIS. In accordance with the provisions of this ordinance, the Official Zoning Map, Thurston County, Washington and the Official Zoning Map North County Urban Growth Areas, Thurston County, Washington are hereby amended as shown in Attachment A to this ordinance.

SECTION 3. SOUTH OLYMPIA/CHAMBERS LAND USE ANALYSIS. In accordance with the provisions of this Ordinance, the Official Zoning Map North County Urban Growth Areas, Thurston County, Washington, is hereby amended as shown in Attachment B to this ordinance.

SECTION 4. AGRICULTURAL LANDS RECONSIDERATION. In accordance with the provisions of this ordinance, the Official Zoning Map, Thurston County, Washington is hereby amended as shown in Attachment C to this ordinance.

SECTION 5. SUBDIVISION MORATORIUM. The moratorium on new subdivisions established by Ordinance No. 13405 as renewed and amended by Ordinance No. 13450, 13518, 13565, 13597, 13627, 13637, 13766, 13822, 13864, 13886, 13961, 14012, 14092, 14187, 14246, 14321, 14372, 14402, 14466, 14537, 14700, and 14768 is lifted.

SECTION 6. SEVERABILITY. If any section, subsection, sentence, clause, phrase or other portion of this ordinance or its application to any person is, for any reason, declared invalid, illegal or unconstitutional in whole or in part by any court or agency of competent jurisdiction, said decision shall not affect the validity of the remaining portions hereof.

SECTION 7. EFFECTIVE DATE. This ordinance shall take effect immediately upon adoption.

ADOPTED: January 8, 2013

ATTEST:

Lo Bonita J. Boyer
Clerk of the Board

BOARD OF COUNTY COMMISSIONERS
Thurston County, Washington

Andrea Foxero
Chair

APPROVED AS TO FORM:

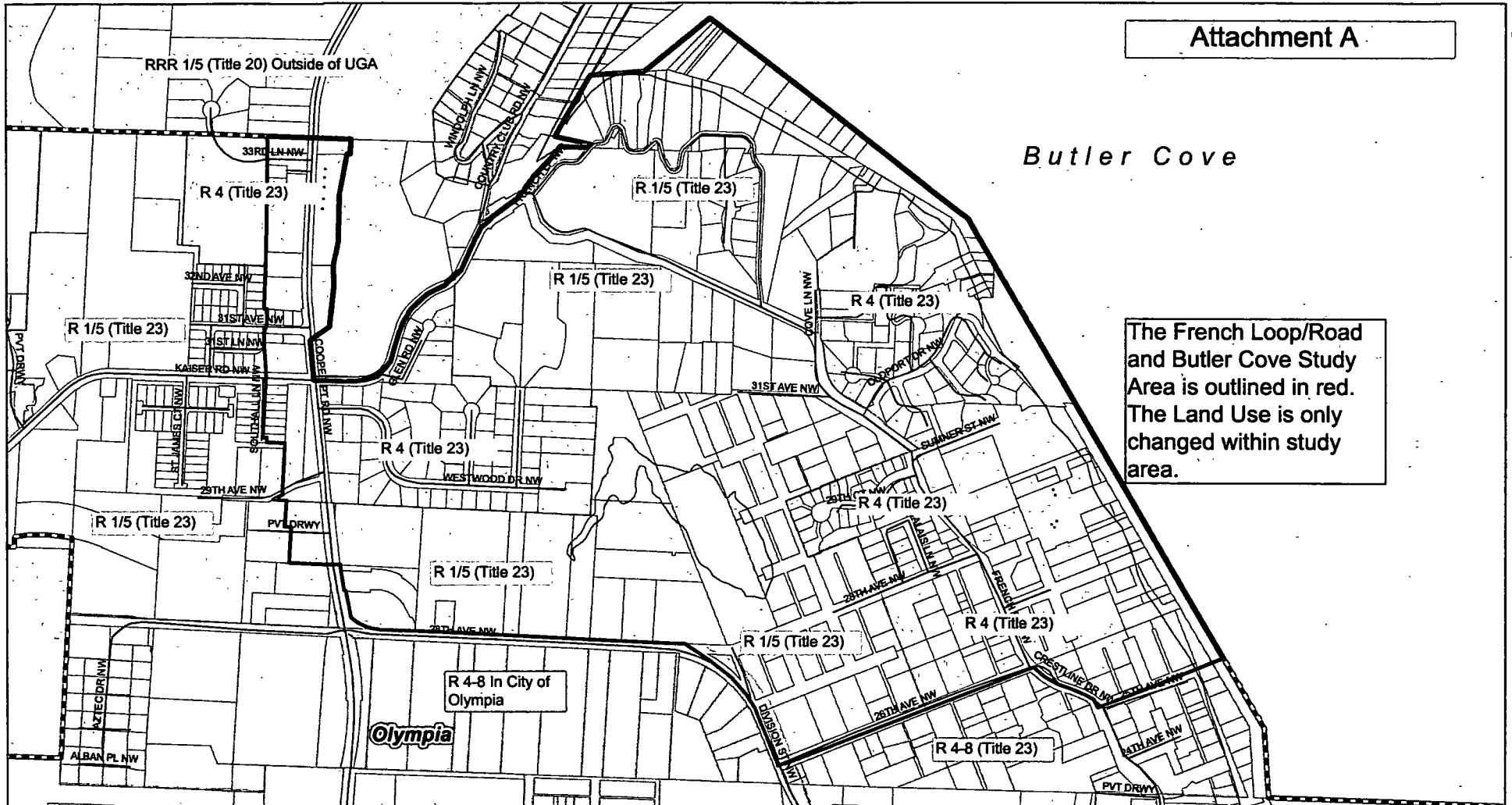
JON TUNHEIM
PROSECUTING ATTORNEY

Jeffrey G. Fancher
Deputy Prosecuting Attorney

Cathy Staef
Vice-Chair

Karen Valenzuela
Commissioner

Attachment A

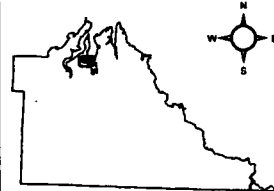


Butler Cove

The French Loop/Road and Butler Cove Study Area is outlined in red. The Land Use is only changed within study area.

Attachment A

Zoning
French Loop/Butler Cove Area

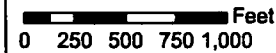


Olympia UGA Zoning

- R 1/5 - Residential 1/5
- RLJ 2-4 - Residential Low Impact 2-4
- R-4 - Residential 4
- R-4-8 - Residential 4-8

County Zoning

- RRR1/5 - Rural Residential Resource 1/5
- RL1/1 - Residential LAMIRD 1/1
- City
- UGA Boundary
- Study Area



Thurston County Planning Department
7 Jan 2013 - 04

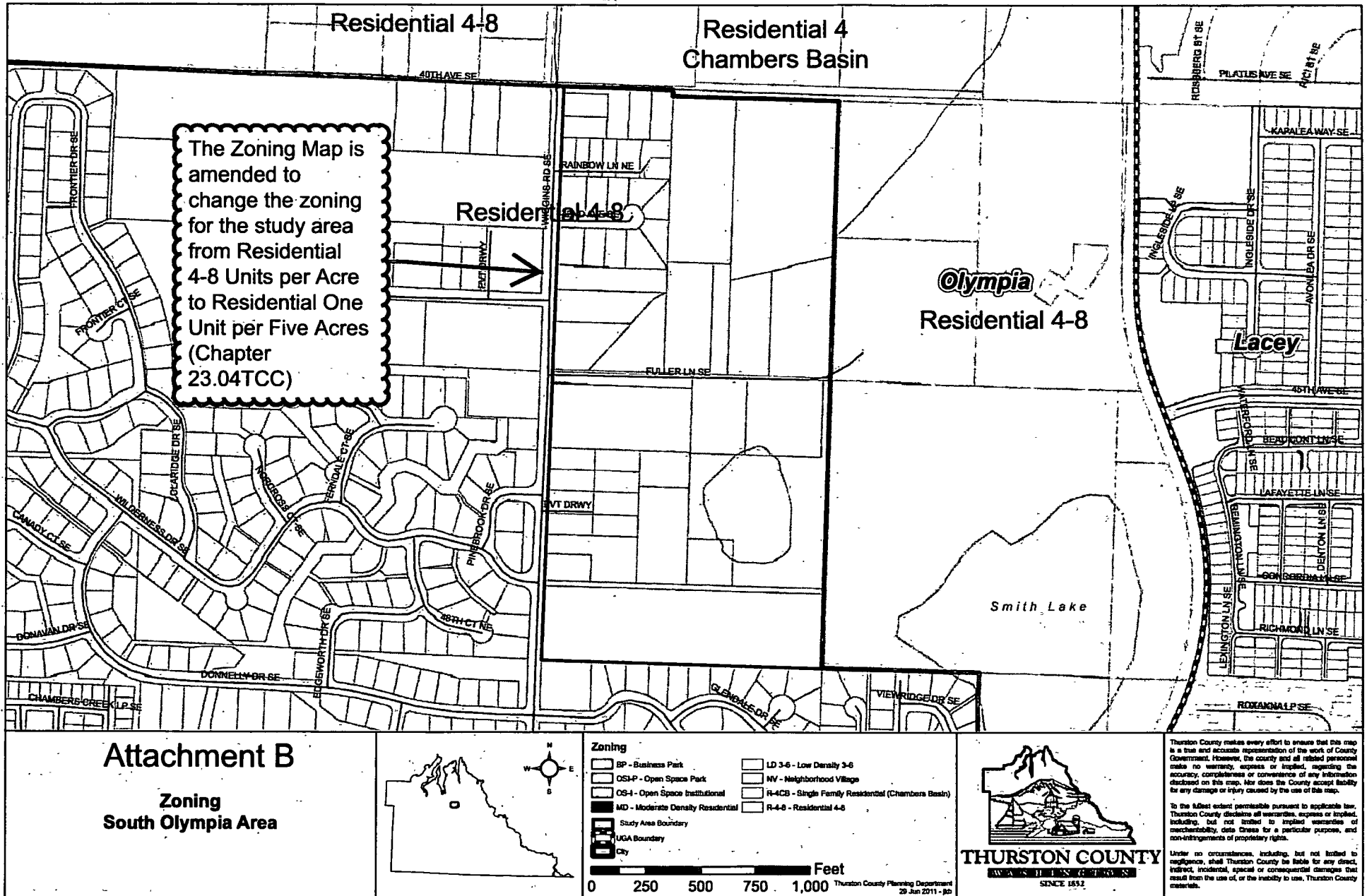


THURSTON COUNTY
WASHINGTON
SINCE 1852

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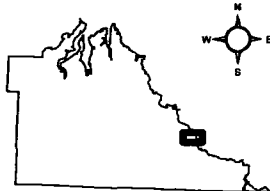
Under no circumstances, including, but not limited to, negligence, shall Thurston County be liable for any direct, indirect, incidental, special or consequential damages that result from the use of, or the inability to use, Thurston County materials.







Attachment C
Long Term Agriculture
Reconsideration
Zoning


Thurston County Planning Department
7 Jan 2013 - jrl



Thurston County Zoning
Residential

-  R 1/10 - Rural 1/10
-  RRR1/5 - Rural Residential Resource 1/5

Natural Resources

-  LTA - Long-term Agriculture



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