

## **ORDINANCE NO. 2026-4**

### **AN ORDINANCE OF THE TOWN OF EATONVILLE, WASHINGTON, APPROVING A COMPREHENSIVE PLAN AMENDMENT AFFECTING PARCEL NUMBER 0416231053, AMENDING THE FUTURE LAND USE MAP FROM MIXED USE TO GENERAL COMMERCIAL**

**WHEREAS**, Tibeer Investments, LLC and the authorized representative David Baublits (the applicant) is the owner of the real property located at 349 Madison Ave S parcel number 0416231053.

**WHEREAS**, the applicant has submitted an application to rezone the entire subject property from Mixed Use (MU) to General Commercial (C2).

**WHEREAS**, the rezone required a comprehensive plan amendment changing the land use designation of the property.

**WHEREAS**, all fees associated with the comprehensive plan amendment application have been paid to the town; and

**WHEREAS**, a SEPA Determination of Non-Significance was issued on December 10<sup>th</sup>, 2025 and no comments directly relating to the land use action were made; and

**WHEREAS**, on January 5<sup>th</sup>, 2026, the Eatonville Planning Commission held a public hearing and received public comment regarding the applicant's request to rezone the subject property; and

**WHEREAS**, at least ten (10) days prior to the public hearing, notice of the public hearing was provided to all property owners within at least 300 feet of the proposed rezone and a public notice was posted on the subject property; and

**WHEREAS**, public notice was also published in the local newspaper at least ten (10) days prior to the public hearing; and

**WHEREAS**, having conducted the public hearing and considered the entire record, including but not limited to the Planning Department's file, a staff report, and public comment, the Planning Commission has in a vote of 4-0 (Commissioner Wilson recused herself) recommended approval of the application for the comprehensive plan amendment relating to the subject property; now, therefore,

**BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF EATONVILLE AS FOLLOWS:**

**Section 1. Findings and Conclusions.** The Town Council adopts the findings and conclusions of the Planning Commission Report dated March 3<sup>rd</sup>, 2026, a copy of which is attached hereto as Exhibit A and incorporated by this reference.

**Section 2. Final Decision.** Based on the recommendation of the Planning Commission and the findings of fact and conclusions of law set forth in Exhibit A, the Town Council approves the comprehensive plan amendment and the Town of Eatonville Future Land Use Map is hereby amended by changing the Land Use Designation for the property consisting of parcel number 0416231053, from Mixed Use to General Commercial.

**Section 3.** Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

**Section 4.** This ordinance shall take effect after publication of a summary, consisting of the title, pursuant to RCW 35.27.300.

1ST READING: 03/09/2026

2ND READING: 03/23/2026

**PASSED** by the Town Council of the Town of Eatonville and attested by the Clerk in authentication of such passage this \_\_\_\_ day of March, 2026.

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Emily McFadden  
Mayor

ATTEST:

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Miranda Doll  
Town Clerk

APPROVED AS TO FORM:

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Oskar Rey  
Town Attorney



## **Staff Report**

Nick Moore, Town Planner

# **Madison Ave – Tibeer/Town of Eatonville Rezone Rezone/Map Amendment/Comprehensive Plan Amendment**

**Board of Adjustment Hearing  
January 5th, 2026**

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**I. APPLICATION SCOPE:**

Petition for Zoning Map Amendment (Rezone) of 1 parcel within Eatonville town limits.  
Planning Commission recommendation for the rezone of 2 parcels within town limits to be rezoned

**II. PROJECT DESCRIPTION – TIBEER INVESTMENTS, LLC:**

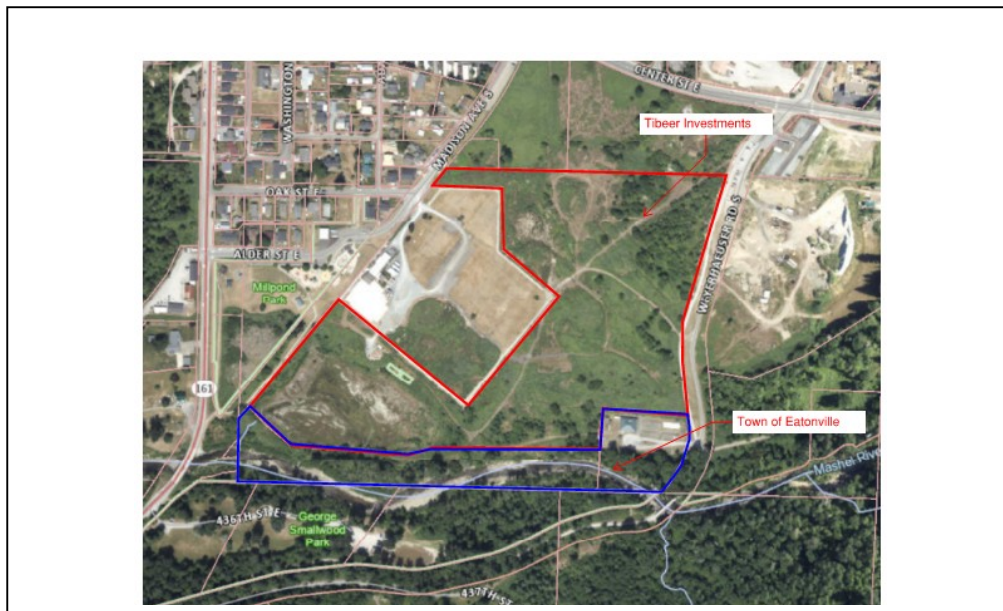
David Baublits (Representative for Tibeer Investments, LLC) has requested that the Town of Eatonville change parcel #0416231053 at 349 Madison Ave S from MU to C2. This requires a zoning map amendment and comprehensive plan amendment to accommodate a land use designation change.

**PROJECT DESCRIPTION – TOWN OF EATONVILLE**

The Town of Eatonville Planning commission has proposed a rezone of parcels 0416231054 and 0416231011. The Town is also proposing that the future Land Use Designation for parcel 0416231011 be changed to Public Use. Additionally, the Planning Commission is recommending that the Public Use Open Space layer on the zoning map be removed.

**III. GENERAL SITE LOCATION:**

The project proposal is generally located along the Eatonville Highway corridor within Town limits and it Urban Growth Area.



**IV. BACKGROUND:**

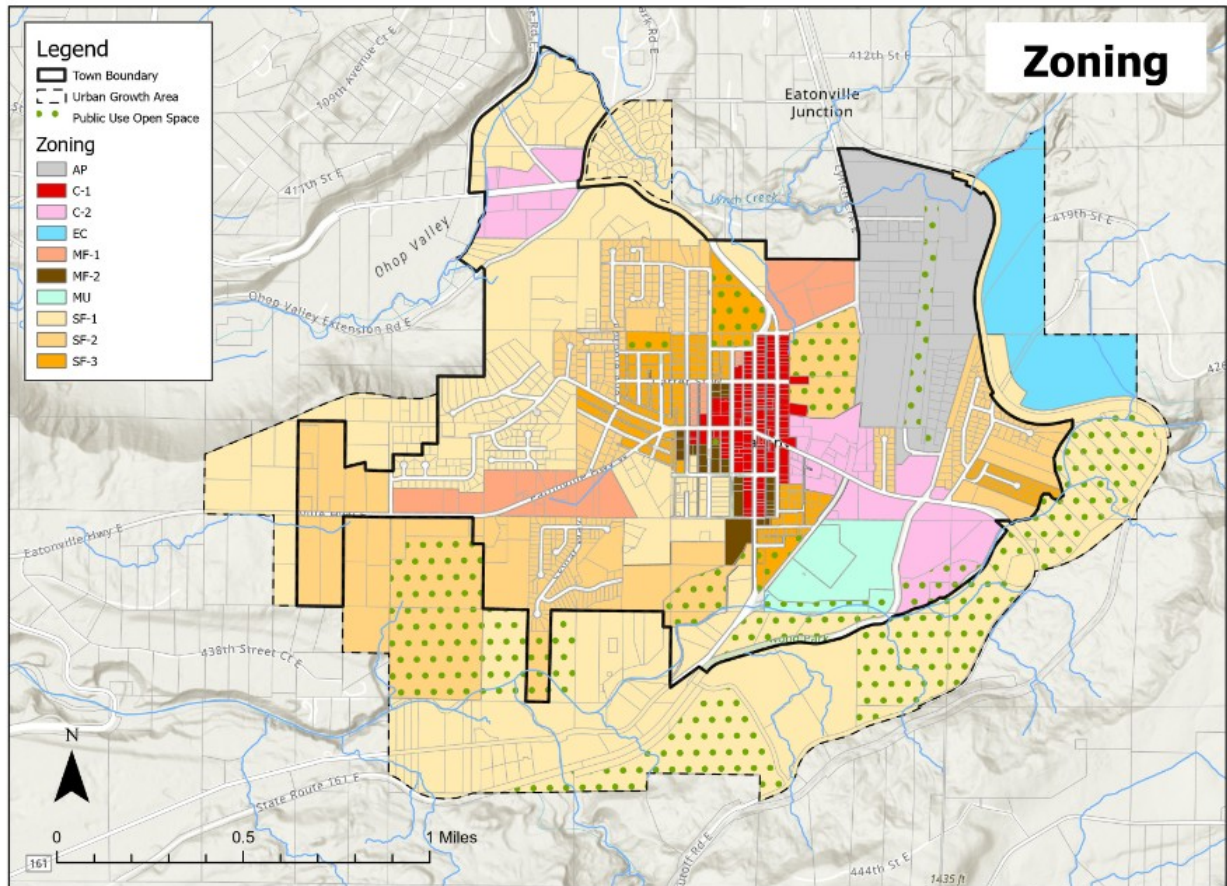
|                       |                                                                |
|-----------------------|----------------------------------------------------------------|
| Owner/Applicant:      | David Baublits – Tibeer Investments, LLC<br>Town of Eatonville |
| Application Type:     | Zoning Map Amendment, Comp Plan Amendment                      |
| Requested Use:        | Non-project Action                                             |
| Application Complete: | 11/14/2025                                                     |

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Tax Parcel Number: 0416231053

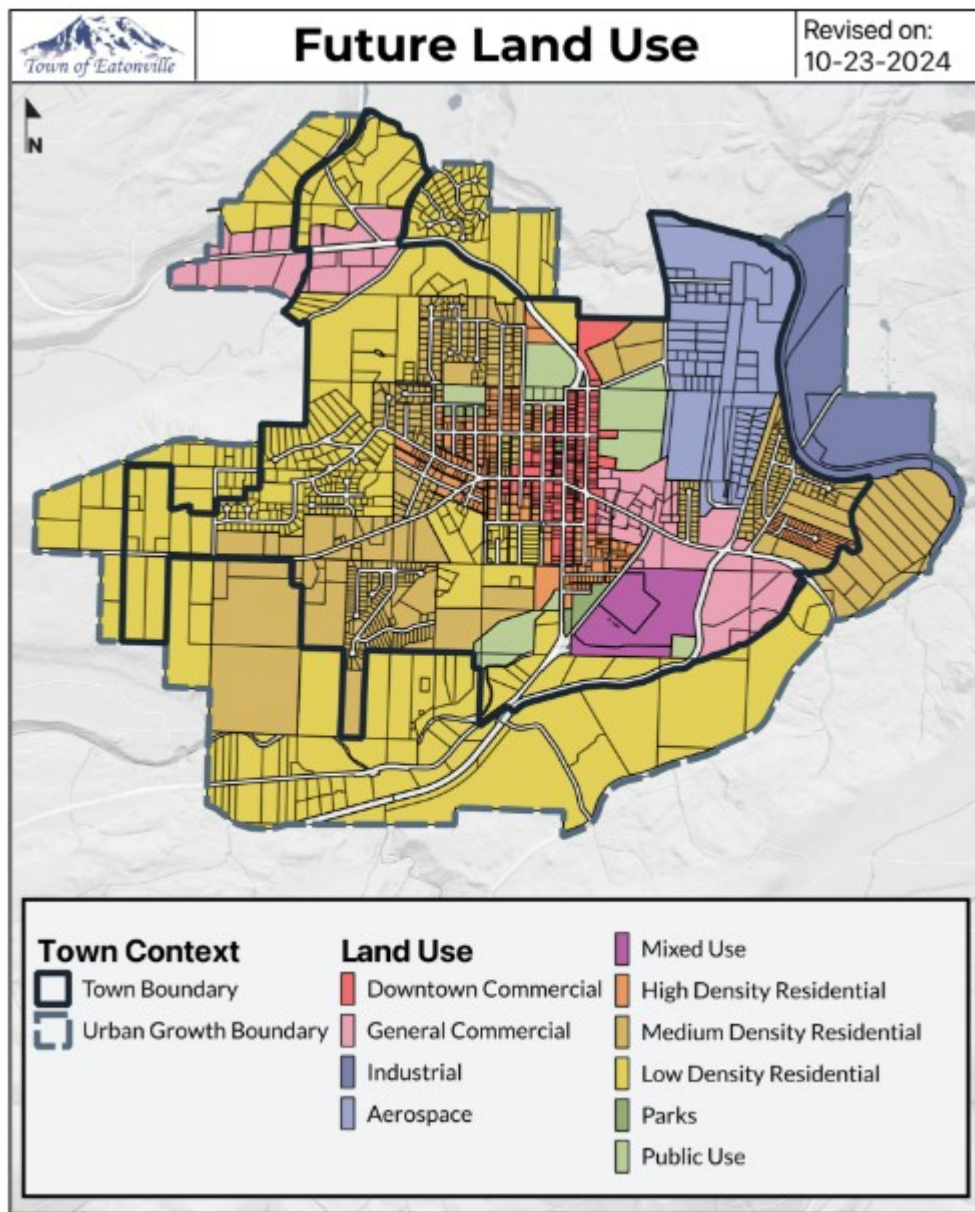
Existing Site Services: Water: Town of Eatonville  
Sewer: Town of Eatonville  
Power: Town of Eatonville

## Existing Zoning Map





## Existing Future Land Use Designation Map



Development Patterns: Vacant Land, Commercial Properties and Single-Family Residences

### V. REGULATIONS AND PROCEDURES:

For Board of Adjustment review and consideration, please find below some of the relevant Eatonville Municipal Codes (*EMC*) related to this proposal, including but not limited to:

RCW 36.70.410: Comprehensive Plan - Amendment

EMC Chapter 18.04, District Regulations:

**18.04.150. MU – Mixed use district.**

The purpose of the MU district is to implement the policies adopted in the land use

element of the comprehensive plan. This zone district is intended to provide a high level of diversity in housing types, including townhouses and flats ranging from two to three stories. In addition, ground floor neighborhood-scale commercial and/or office uses are encouraged to create a cohesive pedestrian-oriented community. These uses are designed to complement and support the downtown commercial development.

A. Principal Uses. Principal uses are:

1. Multifamily dwellings (i.e., apartments, townhouses, condominiums, and duplexes);
2. Single-family detached and attached dwellings; and
3. Nursing homes, retirement homes, convalescent centers, and congregate care residential facilities.

B. Secondary Uses. Secondary uses are:

1. For projects that include frontage on an arterial or collector street, neighborhood-scale commercial and/or office uses (consistent with the commercial uses permitted in EMC § 18.04.140, C-2 – General commercial district) are permitted on the ground floor of buildings. The neighborhood-scale commercial and office uses shall front on the arterial and collector streets and associated street intersections.
  - a. Except marijuana retail outlets shall not be allowed in the mixed-use district.
2. Home occupations in accordance with EMC § 18.08.040.
3. Accessory buildings that are subordinate to the principal building and are incidental to the use of the principal building on the same lot.
4. Electric vehicle battery charging stations; Levels 1, 2 and 3 subject to compliance with the development standards of EMC § 18.08.020.

C. Conditional Uses. Conditional uses shall be processed in accordance with EMC § 18.09.030. Conditional uses are:

1. Day care centers;
2. Adult family home or day care;
3. Public facilities and utilities and essential public facilities;
4. Wireless and cellular communication facilities;
5. Religious facilities; and
6. Schools.

D. Review Requirements. All development in this district shall be processed as a planned unit development (PUD), EMC § 18.04.190.

E. Density. The minimum density is six housing units per net acre with a

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maximum density of 15 housing units per net acre. Up to 23 housing units per net acre are permitted within developments that incorporate commercial and/or office uses on the ground floor.

To qualify for the density bonus, in mixed use projects the equivalent of 30 percent of the ground floor area (building footprint/gross area) of those structures fronting an arterial or a collector street shall be developed with retail or commercial uses.

- F. Maximum Lot Coverage. The maximum lot coverage shall be:
  - 1. Forty percent; or
  - 2. Fifty percent if a development incorporates retail uses on the first floor.
- G. Maximum Height. The maximum height shall be 40 feet or three stories.
- H. Street Setbacks. Street setbacks shall be 15 feet minimum from the back sidewalk or 20 feet minimum from the back of curb.
- I. Side Yard Setbacks. Side yard setbacks shall be no less than five feet each or 10 feet in total or more if determined by the fire chief.
- J. Rear Yard Setbacks. Rear yard setback requirements are zero feet unless determined otherwise by the fire chief.
- K. Landscaping. Landscaping requirements for the C-2 general commercial district in Chapter 18.07 EMC shall apply.
- L. Off-Street Parking. Off-street parking requirements for residential and commercial uses in Chapter 18.05 EMC shall apply.
- M. Sign Regulations. Sign regulations for commercial uses in Chapter 18.06 EMC shall apply.  
(Ord. 2006-04 § 2, 2006; Ord. 2019-04 § 2 (Exh. A), 2019; Ord. 2019-10 § 2 (Exh. A), 2019)

#### **18.04.140. C-2 – General commercial district.**

The purpose and intent of the general commercial district is to recognize the existence of commercial areas developed in strips along certain major thoroughfares; to provide use incentives and development standards which will encourage the redevelopment and upgrading of such areas; to provide for a range of trade, service, entertainment and recreation land uses which occur adjacent to major traffic arterials and residential uses; and to provide areas for development which are automobile-oriented and designed for convenience, safety and the reduction of the visual blight of uncontrolled advertising signs, traffic control devices and utility equipment.

- A. Principally Permitted Uses. Principally permitted uses are as follows:
    - 1. Trade.
      - a. Wholesale. Bakery.
-



- b. Retail – General Merchandise.
    - i. Department stores;
    - ii. Dry goods and general merchandise;
    - iii. Electrical supplies;
    - iv. Farm equipment;
    - v. Hardware;
    - vi. Heating and plumbing equipment;
    - vii. Lumberyards;
    - viii. Mail order houses;
    - ix. Merchandise vending machine operators;
    - x. Paint, glass and wallpaper;
    - xi. Variety stores.
  - c. Retail – Food.
    - i. Bakeries, with accessory manufacturing;
    - ii. Candy, nut and confectionery, with accessory manufacturing;
    - iii. Dairy products;
    - iv. Fruits and vegetables;
    - v. Groceries;
    - vi. Meat, fish and poultry;
  - d. Retail – Automotive, Marine Craft, Aircraft and Accessories.
    - i. Aircraft and accessories;
    - ii. Marine craft and accessories;
    - iii. Motor vehicles (new or used cars and recreation vehicles);
    - iv. Tires, batteries and accessories;
    - v. Gasoline service stations.
  - e. Retail – Apparel and Accessories. New or used apparel and accessories.
  - f. Retail – Furniture, Home Furnishings and Equipment. New or used and finished or unfinished furniture, home furnishings and equipment.
  - g. Retail – Eating and Drinking Establishments.
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- i. Drinking establishments (taverns and cocktail lounges);
  - ii. Eating establishments (restaurants, including formula take-out food restaurants).
- h. Retail – Other.
  - i. Antiques;
  - ii. Bicycles;
  - iii. Books;
  - iv. Bottled gas;
  - v. Cameras and photographic supplies;
  - vi. Cigars and cigarettes;
  - vii. Computers and software;
  - viii. Drug and proprietary items;
  - ix. Florists;
  - x. Fuel and ice dealers;
  - xi. Fuel oil;
  - xii. Gifts, novelties and souvenirs;
  - xiii. Hay, grains and feeds;
  - xiv. Jewelry;
  - xv. Liquor;
  - xvi. Newspapers;
  - xvii. Optical goods;
  - xviii. Pets and pet supplies;
  - xix. Secondhand merchandise;
  - xx. Sporting goods;
  - xxi. Stationery;
  - xxii. Videocassette sales and rentals;
  - xxiii. Marijuana retail.

2. Services.

- a. Finance, Insurance and Real Estate Services.
    - i. Banking and related services;
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- ii.      Commodity brokers, dealers and related services;
  - iii.     Housing and investment services;
  - iv.      Insurance brokers, agents and related services;
  - v.       Insurance carriers;
  - vi.      Real estate agents, brokers and related services;
  - vii.     Real estate operators, lessors and management services;
  - viii.    Real estate subdividing and developing services;
  - ix.      Security brokers and dealers and related services;
  - x.       Title abstracting and insurance services.
- b.       Personal Services.
- i.       Beauty and barber services;
  - ii.      Diaper services;
  - iii.     Funeral and crematory services;
  - iv.      Laundering and dry cleaning (self services);
  - v.       Laundering, dry cleaning and dyeing services;
  - vi.      Linen supply and industrial laundry services;
  - vii.     Photographic services;
  - viii.    Pressing, alteration and garment repair;
  - ix.      Rug cleaning and repair services;
  - x.       Shoe repair, shoe shining and hat cleaning services.
- c.       Business Services.
- i.       Advertising services;
  - ii.      Automobile and truck rental;
  - iii.     Blueprinting and photocopying services;
  - iv.      Business and management consulting services; adjustment and collection services;
  - v.       Consumer and mercantile credit reporting services; adjustment and collection services;
  - vi.      Detective and protective services;
  - vii.     Disinfecting and exterminating services;
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- viii. Employment services;
  - ix. Equipment rental and leasing services;
  - x. Food lockers without food preparation facilities;
  - xi. Motion picture distribution and services;
  - xii. News syndicate services;
  - xiii. Other dwelling and business services;
  - xiv. Outdoor advertising services;
  - xv. Photo finishing services;
  - xvi. Research, development and testing services;
  - xvii. Stenographic services and other duplicating and mailing services;
  - xviii. Trading stamp services;
  - xix. Window cleaning services.
  - d. Repair Services.
    - i. Armature rewinding services;
    - ii. Automobile repair services;
    - iii. Automobile wash services;
    - iv. Electrical repair services;
    - v. Fleet vehicle maintenance;
    - vi. Radio and television repair services;
    - vii. Reupholster and furniture repair services;
    - viii. Small engine repair;
    - ix. Truck repair;
    - x. Watch, clock and jewelry repair services.
  - e. Professional Services.
    - i. Accounting, auditing and bookkeeping services;
    - ii. Educational and scientific research services;
    - iii. Engineering and architectural services;
    - iv. Hospital services;
    - v. Legal services;
    - vi. Medical and dental laboratory services;
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- vii. Medical and dental services;
  - viii. Medical clinic, outpatient services;
  - ix. Sanitarium, convalescent and rest home services;
  - x. Urban planning services.
  - f. Contract Construction Services.
    - i. Building construction, general contractor services;
    - ii. Carpentering, wood flooring, and woodworking shops;
    - iii. Concrete services;
    - iv. Electrical services;
    - v. Masonry stonework, tile setting and plastering services;
    - vi. Painting, paper hanging and decorating services;
    - vii. Plumbing, heating and air conditioning services;
    - viii. Roofing and sheet metal services;
    - ix. Water well drilling services.
  - g. Educational Services.
    - i. Art and music schools;
    - ii. Barber and beauty schools;
    - iii. Business and stenographic schools;
    - iv. Correspondence schools;
    - v. Dancing schools;
    - vi. Driving schools, auto;
    - vii. Driving schools, truck;
    - viii. Vocational or trade schools.
  - h. Miscellaneous Services.
    - i. Animal grooming parlors;
    - ii. Business associations and organizations;
    - iii. Civic, social and fraternal associations;
    - iv. Labor unions and similar labor organizations;
    - v. Veterinary clinics and animal hospital services when located no closer than 150 feet to any residential use, providing the
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animals are housed indoors, with no outside runs, and the building is soundproofed. Soundproofing must be designed by competent acoustical engineers;

vi. Welfare and charitable services.

3. Residential.

a. Lodgings.

i. Hotels;

ii. Motels.

b. Existing dwellings may be rebuilt, repaired and otherwise changed for human occupancy. Accessory uses for existing dwellings may be constructed. Such uses are garages, carports, storage sheds and fences.

c. Transitional housing facilities, limited to a maximum of 20 residents at any one time and four resident staff.

d. Housing.

i. Single-family residential uses;

ii. Multifamily residential uses.

4. Cultural, Entertainment and Recreational.

a. Cultural Activities and Nature Exhibitions.

i. Art galleries;

ii. Historic and monument sites.

b. Public Assembly.

i. Amphitheaters;

ii. Arenas and field houses;

iii. Auditoriums;

iv. Drive-in movies;

v. Exhibition halls;

vi. Legitimate theaters (live);

vii. Motion picture theaters;

viii. Stadiums.

c. Amusements and Recreation.

i. Amusement parks;

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- ii. Athletic clubs;
- iii. Bowling;
- iv. Fairgrounds;
- v. Go-cart tracks;
- vi. Golf driving ranges;
- vii. Miniature golf;
- viii. Skating (roller or ice);
- ix. Tennis;
- x. Video arcades.

5. Other Uses.

- a. Other retail trade, service or entertainment or recreational uses that are of the same general character as those listed in this subsection, which are deemed compatible with other permitted uses in this district, and which operate in accordance with the stated purpose of this district.

b. Municipal uses and buildings.

B. Special Permit Uses. The following uses are permitted:

- 1. Nursery schools and day care centers;
- 2. Churches;
- 3. Drive-in restaurants;
- 4. Electric vehicle battery charging stations, Levels 1, 2 and 3 subject to compliance with the development standards of EMC § 18.08.020.

C. Accessory Uses. Permitted accessory uses are as follows:

- 1. Accessory uses and buildings customarily appurtenant to a permitted use, such as incidental storage facilities;
- 2. For permitted uses, hazardous substance land uses, including on-site hazardous waste treatment or storage facilities which do not accumulate more than 10,000 pounds of hazardous substances or wastes or any combination thereof at any one time on the site, subject to the provisions of EMC

§ 18.08.050(D)(9), except off-site hazardous waste treatment or storage facilities, which are not permitted in this district.

D. Conditional Uses. Conditional uses are as follows:

- 1. Printing and publishing establishments, and accessory uses and
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buildings customarily appurtenant to such use;

2. Mini warehouses and self-service storage;
3. General conditional uses as listed in EMC § 18.08.030, except for transitional housing with a maximum of 20 residents and four staff;
4. Kennels;
5. For permitted uses, accessory hazardous substance land uses which are not subject to cleanup requirements which accumulate more than 10,000 pounds of hazardous substances or wastes or any combination thereof at any one time on the site in any 30-day period of time, subject to the provisions of EMC

§ 18.08.050(D)(9), except off-site hazardous waste treatment or storage facilities, which are not permitted in this district;

6. Group homes class I-A, I-B, I-C, II-A, II-B, II-C and III;
7. Recreational vehicle parks.

E. Development Standards.

1. Minimum Lot. Minimum lot area is 10,000 square feet.
  2. Maximum Site Coverage. Maximum site coverage is 40 percent.
  3. Front Yard. There shall be a front yard of at least 25 feet in depth.
  4. Side Yard. No side yard is required, except when a side yard abuts a residential district, and then a 20-foot side yard shall be required.
  5. Rear Yard. No rear yard is required, except when a rear yard abuts a residential district, and then a 20-foot rear yard shall be required.
  6. Height Limitations. The height limitation is 40 feet, three stories.
  7. Landscaping. The landscaping requirements of Chapter 18.07 EMC shall apply.
  8. Outdoor Storage. Outdoor storage areas shall be fenced for security and public safety by a sight-obscuring fence unless it is determined through the development plan review that a sight-obscuring fence is not necessary.
  9. Building construction shall conform to the following criteria:
    - a. Visible walls shall be of lap siding, brick, stone, or stucco with no more than 50 percent glazing of any wall and glazing area calculated to include all mullions and jambs;
    - b. Roofs of buildings less than 25 feet tall shall be no flatter than four feet horizontal to one foot vertical and shall be finished with dark earth-toned flat tiles, shakes, textured shingles, or metal panels.
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F. Signs. The sign regulations of Chapter 18.06 EMC shall apply.

G. Off-Street Parking.

1. The off-street parking requirements of Chapter 18.05 EMC shall apply.
2. Off-street parking may be located in required yards, except in areas required to be landscaped.

(Ord. 94-06 § 2, 1994; Ord. 99-11 §§ 6, 7, 1999; Ord. 2007-17, 2007; Ord. 2018-13 § 3 (Exh. A), 2018; Ord. 2019-04 § 2 (Exh. A), 2019; Ord. 2019-10 § 2 (Exh. A), 2019)

#### Chapter 18.09. Administration:

##### *18.09.050 Amendments.*

*This title may be amended by the town council by changing the boundaries of zoning districts (rezones which change the official zoning map) or by changing any other provisions thereof (text amendments which add, delete or otherwise modify the text of this title) whenever the public necessity and convenience and the general welfare require such amendment, by following the procedures of this section.*

*A. Initiation. An amendment may be initiated as follows:*

*1. Amendments to the text of this title and official zoning map amendments may be initiated by resolution of intention by the town council. Text amendments are heard by the board of adjustment and recommended to the town council for final approval.*

*2. Amendments to the text of this title may be initiated by resolution of intention by the planning commission.*

*3. Official zoning map amendments (rezones) may be initiated by application of one or more owners, or their agents, of the property affected by the proposed amendment, which shall be made on a form prescribed by the planning director and filed with the planning director. The application shall be submitted at least 30 days prior to the next regularly scheduled public hearing date, and shall be heard by the planning commission within 45 days of the date of the application; provided, however, that this period may be extended in any case for which an environmental impact statement is required.*

*B. Public Hearing. The planning commission shall hold at least one public hearing on any proposed amendment, and shall give notice thereof in at least one publication in the local newspaper at least 10 days prior to the public hearing.*

*1. Notice shall be given to all property owners within at least 300 feet and, when determined by the planning director, a greater distance from the exterior boundaries of the property which is the subject of the application. Such notice is to be sent 10 days prior to the public hearing. The failure of any property owner to receive the notice of hearing will not invalidate the proceedings.*

*2. Public notices shall be posted in one conspicuous place on or adjacent to the property which is the subject of the application at least 10 days prior to the date of the public hearings. Public notice shall be accomplished through use of a two-foot by two-foot plywood face generic notice*

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board, to be issued by the town planning director, and as follows: The applicant shall apply to the town for issuance of the notice board, and shall deposit with the town planning director the amount of dollars as specified in the current rate and/or fee resolution. The applicant shall be responsible for placement of the notice boards in one conspicuous place on or adjacent to the property which is the subject of the application at least 14 days prior to the date of the public hearing. Planning department staff shall post laminated notice sheets and vinyl formation packets on the board no later than 10 days prior to the hearing. Upon return of the notice board in good condition to the planning director by the applicant, an amount of dollars of the initial notice board deposit shall be refunded to the applicant as specified in the current rate and/or fee resolution.

C. Standards and Criteria for Granting a Request for Rezone. The following standards and criteria shall be used by the planning commission and town council to evaluate a request for rezone. Such an amendment shall only be granted if the town council determines that the request is consistent with these standards and criteria:

1. The proposed rezone is consistent with the comprehensive plan;
2. The proposed rezone and subsequent development of the site would be compatible with development in the vicinity;
3. The proposed rezone will not unduly burden the transportation system in the vicinity of the property with significant adverse impacts which cannot be mitigated;
4. Circumstances have changed substantially since the establishment of the current zoning district to warrant the proposed rezone;
5. The proposed rezone will not adversely affect the health, safety and general welfare of the town.

D. Recommendation of Planning Commission. Following the public hearing provided for in this section, the planning commission shall make a report of findings and recommendations with respect to the proposed amendment and shall forward such to the town council, which shall have the final authority to act on the amendment.

E. City Council Action.

1. Within 30 days of receipt of the planning commission's recommendation, the town council shall, at a regular public meeting, consider the recommendation.
2. If the application for an amendment is denied by the town council, the application shall not be eligible for resubmittal for one year from date of the denial, unless specifically stated to be without prejudice. A new application affecting the same property may be submitted if, in the opinion of the planning commission, circumstances affecting the application have changed substantially. (Ord. 94-06 § 2, 1994).

## **VI. COMPREHENSIVE PLAN**

A land use designation change is necessary to properly reflect future potential use of the property.

## **VII. CRITICAL AREAS**

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Non-project Action

**VIII. STATE ENVIRONMENTAL POLICY ACT (SEPA):**

Pursuant to WA 197-11-800, a SEPA threshold Determination of Non-Significance (a DNS) was made 12/10/2025.

**IX. COMMENTS:**

None.

**X.**

**I. STAFF ANALYSIS & RECOMMENDATIONS – TIBEER INVESTMENTS:**

Pursuant to EMC 18.09.050, the requested Zoning Map Amendment/Rezone is permissible with a recommendation by the board of adjustment and approval through ordinance by the Eatonville Town Council.

In consideration of Staff recommendations, the Board of Adjustment is minimally required to make the following general findings in rendering a rezone decision, which include whether or not:

1. The proposed rezone is consistent with the comprehensive plan;
2. The proposed rezone and subsequent development of the site would be compatible with development in the vicinity;
3. The proposed rezone will not unduly burden the transportation system in the vicinity of the property with significant adverse impacts which cannot be mitigated;
4. Circumstances have changed substantially since the establishment of the current zoning district to warrant the proposed rezone;
5. The proposed rezone will not adversely affect the health, safety and general welfare of the town.

Based on the scope of the proposal and the existing pattern of development, it is Staff's opinion that the request is consistent with the Town's comprehensive plan if the future land use map is amended to reflect these changes.

Second, Staff believes the proposed rezone and subsequent development of the site would be compatible with development in the vicinity

Third, the Staff believes that the proposed rezone will not unduly burden the transportation system in the vicinity of the property with significant adverse impacts which cannot be mitigated

Fourth, it is the Staff's opinion that circumstances have changed substantially since the establishment of the current zoning district to warrant the proposed rezone.

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Fifth, the proposed rezone will not adversely affect the health, safety and general welfare of the town.

## **II. STAFF ANALYSIS & RECOMMENDATIONS – TOWN OF EATONVILLE:**

Pursuant to EMC 18.09.050, the requested Zoning Map Amendment/Rezone is permissible with a recommendation by the board of adjustment and approval through ordinance by the Eatonville Town Council.

In consideration of Staff recommendations, the Board of Adjustment is minimally required to make the following general findings in rendering a rezone decision, which include whether or not:

1. The proposed rezone is consistent with the comprehensive plan;
2. The proposed rezone and subsequent development of the site would be compatible with development in the vicinity;
3. The proposed rezone will not unduly burden the transportation system in the vicinity of the property with significant adverse impacts which cannot be mitigated;
4. Circumstances have changed substantially since the establishment of the current zoning district to warrant the proposed rezone;
5. The proposed rezone will not adversely affect the health, safety and general welfare of the town.

Based on the scope of the proposal and the existing pattern of development, it is Staff's opinion that the request is consistent with the Town's comprehensive plan if the future land use map is amended to reflect these changes and there

Second, Staff believes the proposed rezone will further preserve the site and support the public land use designation.

Third, the Staff believes that the proposed rezone will not unduly burden the transportation system in the vicinity of the property with significant adverse impacts which cannot be mitigated

Fourth, it is the Staff's opinion that circumstances have changed substantially since the establishment of the current zoning district to warrant the proposed rezone. Development along the Mashel River in the proposed rezoned area is unlikely, especially with MU zoning. SF-1 is the lowest intensity zoning the Town has and the public use land use designation alludes to future zoning changes to further preserve Town land along the Mashel River.

Fifth, the proposed rezone will not adversely affect the health, safety and general welfare of the town.

**Supplementary Findings and Recommendations:** On February 17<sup>th</sup>, 2026, the Planning Commission, with direction from staff also recommended removing the Public Use Open Space layer from the zoning map, as it does not correspond with any zoning code or the comprehensive plan land use designations.

## **III. FINDINGS OF FACT:**

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1. Pursuant to EMC 18.09.050., the applicant submitted a petition for the rezone of the following parcel: 0416231053
2. Pursuant to RCW 36.70.410 the application submitted a petition for a comprehensive plan amendment activated by the potential rezone of parcel: 0416231053
3. A SEPA Determination of non-significance (*a DNS*) was made December 10<sup>th</sup> , 2025, with a comment period ending at 5:00 PM on January 5<sup>th</sup> , 2025.
4. Public hearing notice was published in a local newspaper at least 10 days prior to the public hearing as well as all properties within 300 ft. of the proposed parcels to be rezoned.
5. The project has been reviewed by Public Works and found compliant with concurrency management, including compatibility with the 2024 comprehensive plan if the future land use map is amended and there is not an undue burden on future housing stock based on current buildable lands data.
6. On January 5<sup>th</sup>, 2025, the Eatonville Board of Adjustment held a public hearing and received public comment regarding the rezone and comprehensive plan amendment.
7. The applicant provided detailed findings of fact supporting the proposal (Appendix C)
8. A revised zoning map has been provided for visual context (Appendix A).
9. A revised future land use map has been provided for visual context (Appendix B).

Please circle the applicable selections below: **bold and underlined** for approval – *italic* for denial:

### **Rezone/Map Amendment/Comprehensive Plan Amendment**

10. The proposed rezones are / ***are not*** consistent with the comprehensive plan and ***will require a comprehensive plan amendment.***
  11. The proposed rezones and subsequent development of the site ***would/ would not*** be compatible with development in the vicinity;
  12. The proposed rezones ***will not/ will*** unduly burden the transportation system in the vicinity of the property with significant adverse impacts which cannot be mitigated
  13. Circumstances ***have*** / have not changed substantially since the establishment of the current zoning district to warrant the proposed rezone
  14. The proposed rezones ***will/ will not*** adversely affect the health, safety and general welfare of the town.
-

15. The comprehensive plan amendments **will/** will not satisfy concurrency with the Washington State Growth Management Act.

**IV. BOARD OF ADJUSTMENT DECISION:**

Having conducted the required public hearing and carefully considering the entire record, including but not limited to the Planning Department file, the recommendations and comments of Planning Staff, the presentation and comments of the Applicant and the public, by a vote of **5** in favor and 0 opposed, the Board of Adjustment hereby adopts the Planning Staff Analysis, Recommendations and Findings of Fact contained herein and as noted above, and hereby **APPROVES / DENIES Madison Ave – Tibeer Rezone/Comprehensive Plan amendment**

Having conducted the required public hearing and carefully considering the entire record, including but not limited to the Planning Department file, the recommendations and comments of Planning Staff, the presentation and comments of the Applicant and the public, by a vote of **5** in favor and 0 opposed, the Board of Adjustment hereby adopts the Planning Staff Analysis, Recommendations and Findings of Fact contained herein and as noted above, and hereby **APPROVES / DENIES Town of Eatonville Rezone – Comprehensive Plan amendment**

**V. CONDITIONS OF APPROVAL:**

N/A

\_\_\_\_\_  
Board of Adjustment Co-Chair

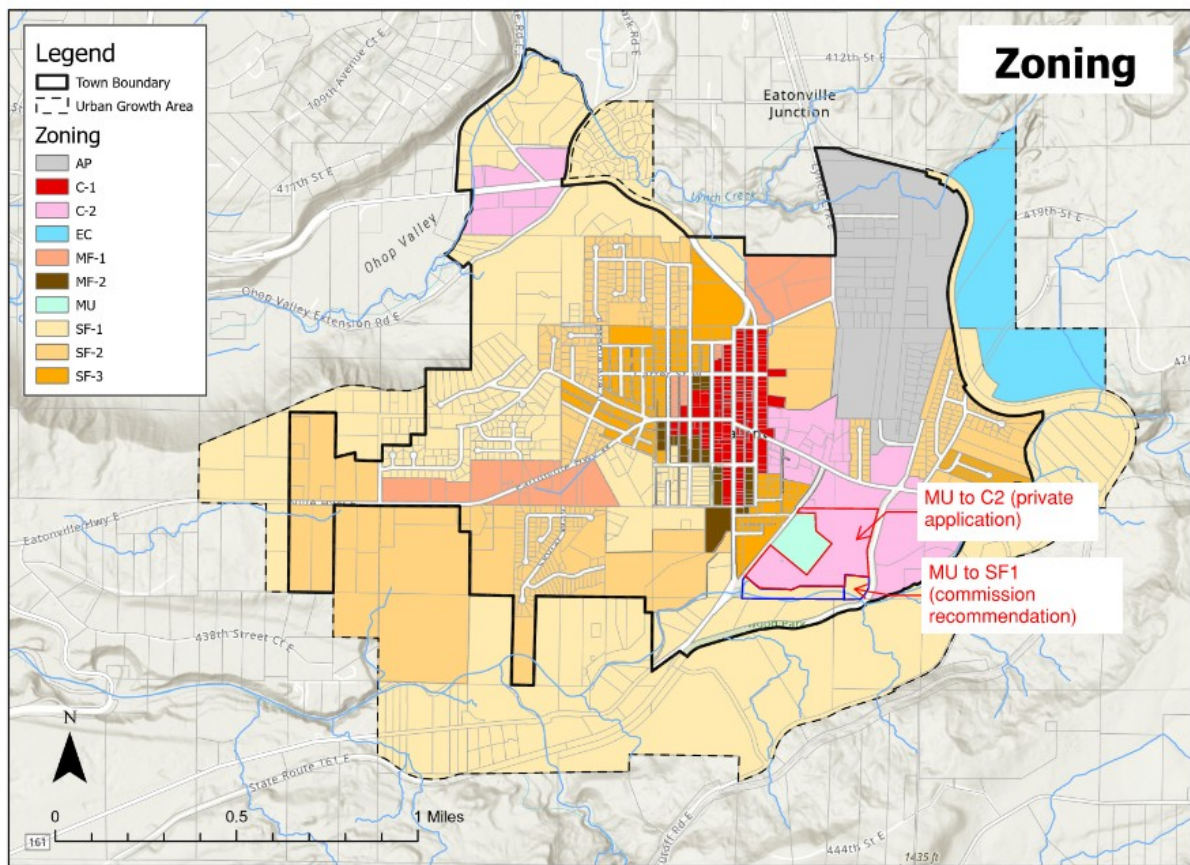
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Date

**VI. ATTACHMENTS:**

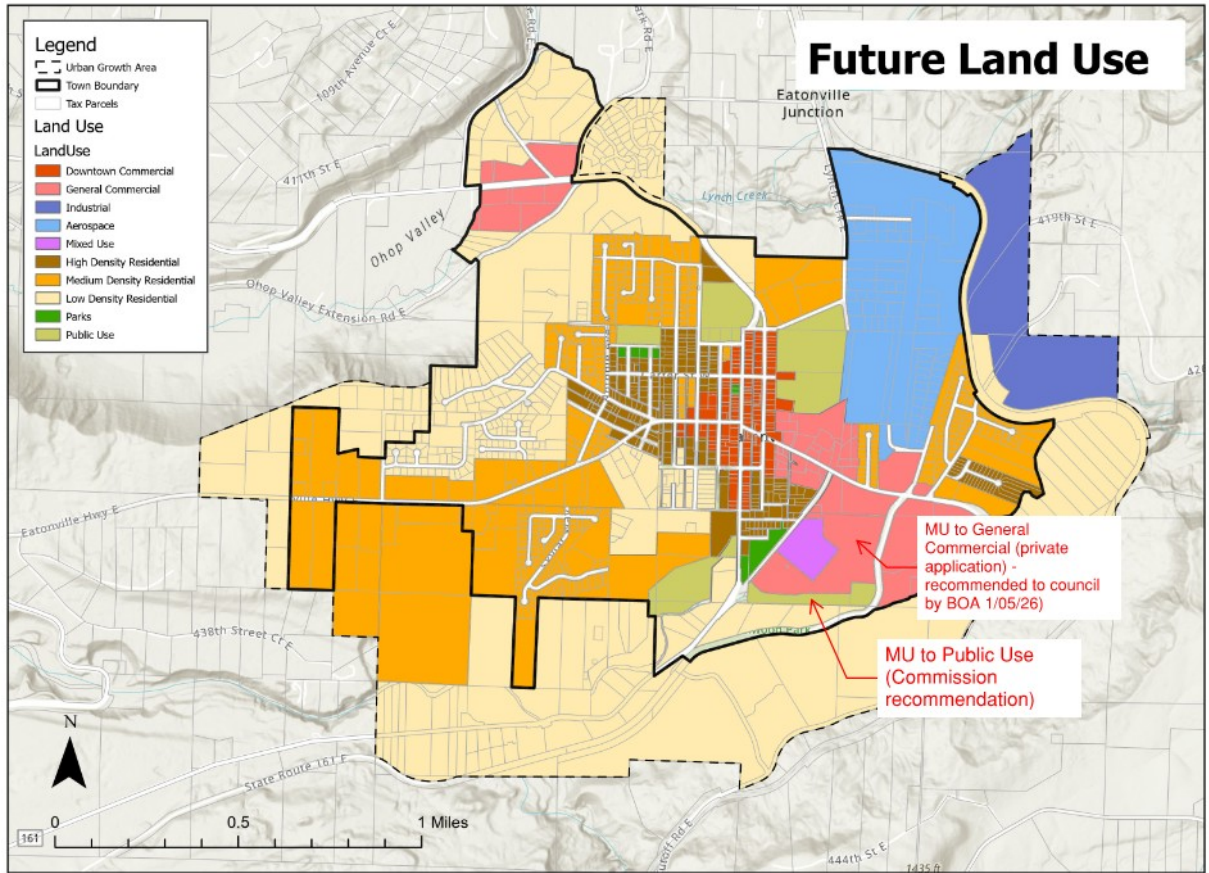
Attachments: Revised Zoning Map (Appendix A) , Revised Future Land Use Map, Applicant Findings of Fact- Tibeer Investments (Appendix C)

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## B – Revised Future Land Use Map



## **C – Required Findings from Tibeer Investments (see below)**

I. Introduction:

We respectfully request a zoning change for 27.6 acres at the address above from MU to C-2

II. Evaluation of Rezone request based on EMC 18.09.050(C) Criteria.

1. Consistency with the Comprehensive Plan: The rezone will require a comprehensive plan amendment, as the land use designation will be changing. The amendment will require an update to the future land use map and ultimately change the land use potential of the property. Mixed use zoned properties require a PUD with a minimum density of 6 residential units per acre, whereas the C-2 has no minimum density and a minimum lot size of 10,000 SF. Additionally, there is no required housing for developments in the C-2 zone where the MU zone mandates high density residential housing of different varieties, making housing allocations and future land use of the property more ambiguous if rezoned to C-2, furthermore provoking the need for a comprehensive plan amendment.
2. Compatibility with surrounding development: The properties to the North and East of this property are already zoned C-2. The only other property in town zoned MU is the Center Point Church property. They have no intention of developing that property past building their church.
3. Transportation and infrastructure impact: Property abuts Madison to the West and Weyerhaeuser to the East. No immediate development is planned so there is no immediate impact on traffic or infrastructure.
4. Changing circumstances since initial zoning: Need for more flexibility in developing the largest piece of raw land left in the Town. Commercial land in the UGA has since been removed by Pierce County.
5. Public health, safety and general welfare: Concentration of the C-2 zone in this area will not have an adverse effect on public health, safety and general welfare as this area is largely zoned C-2 already and is developed with high intensity commercial uses.

Rezoning to allow for more flexibility allows property owners to make decisions that will most enhance the financial health of the Town, whether that be through more housing, more commercial space or some combination of the two. Concentration of the C-2 zone in this area will not have an adverse effect on public health, safety and general welfare.

6. Conclusion: The proposed zoning change from MU to C-2 allows more flexibility for development that will benefit the Town through increased property tax revenue and potentially increased sales tax revenue, as the C-2 zone allows for greater commercial capacity than the MU zone.