

**CITY OF BUCKLEY, WASHINGTON**

**ORDINANCE NO. 05- 14**

**AN ORDINANCE OF THE CITY OF BUCKLEY, WASHINGTON, CONCERNING THREE LOTS AT 203 PEARL STREET; TO ALLOW A REZONE FROM HISTORIC COMMERCIAL TO NEIGHBORHOOD MIXED USE; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.**

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**WHEREAS**, the current City Comprehensive Plan was adopted in 2005; and

**WHEREAS**, the Comprehensive Plan allows for various zones within each comprehensive plan district; and

**WHEREAS**, the subject property located at 203 Pearl Street was zoned Historic Commercial (HC) in 2008; and

**WHEREAS**, the use on that site in 2008 was single family residential non-conforming use; and

**WHEREAS**, the single family use was vacated in 2009, which resulted in a loss of non-conforming status; and

**WHEREAS**, any current use that occupies this residence must be commercial that complies with the City's zoning code; and

**WHEREAS**, the property owners desire to use the subject property for residential use as it was previously used; and

**WHEREAS**, the subject property is located between central commercial and R-6,000 zoned properties; and

**WHEREAS**, the subject property is thereby suited for a buffer zone; and

**WHEREAS**, the neighborhood mixed use zone is the City's buffer between commercial and residential zones; and

**WHEREAS**, a determination of non-significance was issued under the State Environmental Policy Act (SEPA) on April 2, 2014, with a comment period ending April 16, 2014; and

**WHEREAS**, the Planning Commission conducted a public hearing on this proposal on May 5, 2014; and

**WHEREAS**, the 60-day notice was received by the Washington State Department of Commerce on May 6, 2014 under Material Identification Number of 20237, informing it of the proposed change in development regulations; and

**WHEREAS**, a rezone approved by this ordinance would be consistent with the City of Buckley Future Land Use Map, a part of the Buckley Comprehensive Plan that designates the property subject to this rezone as Commercial & Mixed Use;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BUCKLEY, WASHINGTON, DO ORDAIN AS FOLLOWS:**

Section 1. The attached report serves as findings of fact and conclusions.

Section 2. The three properties located at 203 Pearl Street are hereby rezoned to Neighborhood Mixed Use.

Section 3. Staff is authorized to change the 2008 zoning map to reflect this change.

Section 4. Copy to the Department of Commerce. Pursuant to RCW 36.70A.106, the City Administrator is hereby authorized and directed to provide a copy of this ordinance to the State Department of Commerce within 10 days of adoption.

Section 5 Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 6 Effective date. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after publication.

APPROVED by the Buckley City Council this 27<sup>th</sup> day of May, 2014.

  
Mayor Pat Johnson

**ATTEST:**

  
Joanne Starr, City Clerk

**APPROVED AS TO FORM:**

  
Phil Olbrechts, City Attorney

PUBLISHED: June 4, 2014  
EFFECTIVE: June 9, 2014



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**COMPREHENSIVE PLAN AMENDMENT  
& REZONE FOR ANNAS ESTATE  
203 PEARL STREET**

**I. INTRODUCTION**

**To.** Honorable Pat Johnson, Mayor  
City Council Members

**From.** Chair Chuck Helmer  
City of Buckley Planning Commission

**Subject.** Commission Report:  
Findings, Conclusions, and Recommendation

**Hearing.** The hearing was conducted Monday, May 5, 2014, at 7 p.m. at the City of Buckley Multi-Purpose Center, 811 Main Street, in Buckley, WA 98321.

No one spoke either for or against either rezone application.

**Issues.**

**Additional.**

1. The current use is listed with the Pierce County assessor as "single family residential. The use was terminated several years ago. Any use must now be permitted under the Historic Commercial (HC) zone.
2. This process is quasi-judicial, which means the decision is to be protected from seeming unfairness by the decision-makers. While in review, the planning commissions, applicants, and public cannot discuss the project with the decision makers, which is the council. Discussions with council members may create a situation in which that council member may need to recuse himself from deciding the rezone/comprehensive plan amendment.

**II. BASIC INFORMATION**

**A. Application Information**

**1. Applicant.**

Gordon & Trudy Wozeniak  
P.O. Box 202  
Buckley, WA 98321

**2. Contact Information.**

Trudy Wozeniak



**3. Location, Address, Parcel Numbers, and RTSQ/Q.**

- a. The parcels are located at the intersection of Perkins, River, and Pearl.
- b. The address is 203 Pearl.
- c. The three parcel numbers are 2975000290, 7820000291, and 7820000292, from north to south.
- d. The Range, Township, Section, Quarter section/ Quarter section is 0619033/1.

**203 Pearl:**



2005 Comprehensive Plan map

2008 Zoning map

**4. Lot information.**

**a. Land Use.**

The current use of the land is vacant single family residential.

**b. Lot Size and Characteristics.**

The three lots are .0505 acres, .101 acres, and .101 acres, respectively.

**c. Terrain & Vegetation.**

The lots are flat, and covered in shrubs and grass.

**d. Neighboring Land Use.**

The parcels are surrounded by a variety of uses, including government (post office, and library), retail (liquor store and hair salon), and single family and duplex residences.

e. **Road Classification.**

River Avenue is classified as a secondary arterial, which has additional requirements in development. (See Development Guidelines and Public Works Standards, Section 4.)

5. **History.**

The lot shows a history of commercial and residential zoning. The first zoning code in 1961 shows the lots were designated "B-2."

The 2005 zoning map shows this area to be zoned R-6,000.

Under Ordinance 31-08, the designation was changed to Historic Commercial.



A portion of the 2005 zoning

map

**B. Proposal Description.**

1. **Existing Designations.**

a. **Comprehensive Plan Designation.**

The subject site is designated on the comprehensive plan map (**comp plan**) as Commercial and Mixed Use and is surrounded by parcels designated Commercial and Mixed Use to the west and northeast and Urban Low Density to the east and southwest.

b. **Zoning.**

The subject site is zoned Historic Commercial (**HC**); and is adjacent to HC-zoned property to the northeast, Central Commercial (**CC**) property to the west, and R-6,000 to the east and southwest.

c. **Other.**

Important in this discussion are the uses in the other zones along this street. The uses are a mix of multifamily, single family, commercial and public uses. Many of the uses are prohibited in the properties' current zone. Please see Attachment E.

2. **Proposed Designations.**

a. **Zoning.**

The applicant requests to rezone the lots to a single-family-

residential use; either to R-6,000 or NMU.

**b. Comprehensive Plan Designation.**

The applicant requests a designation change to Urban Lower Density; if the NMU zoning designation is granted, no designation change will be required.

**c. Other.**

The final designation of these parcels must meet the intent of the comprehensive plan (please see Section III.B.).

**C. Noticing Information**

**1. Public Participation and/or Notification.**

The Notice of Complete Application was published February 19, 2014.

The SEPA threshold determination of non-significance (DNS) was issued April 2, 2014, with a comment period ending April 16, 2014.

The Public Hearing Notice was published in the Wednesday, April 23, 2014, issue of The Enumclaw Courier Herald, and posted on the City Bulletin Boards.

**III. REZONE CRITERIA REVIEW**

**A. All rezones must conform to the city's comprehensive plan and city codes.**

**1. Section 19.06, Comprehensive Plan Amendments.**

**a. 19.06.020 Comprehensive plan – Annual amendment – Exceptions.**

(1) The comprehensive plan of the city of Buckley is the current or any future plan adopted pursuant to Chapter 36.70A RCW (the "Growth Management Act"). The comprehensive plan includes all subsequent annual amendments.

(2) Proposed amendments to the comprehensive plan shall be processed pursuant to this chapter and Chapter 20.01 BMC.

(3) RCW 36.70A.130 allows annual amendment(s) of the comprehensive plan; except that amendments to the comprehensive plan may be considered more frequently to address the following:

(a) Resolution of an emergency condition or a situation that involves public health, safety or welfare; and when adherence to the annual amendment process would be further detrimental to public health, safety or welfare;

(b) Initial adoption of an identified subarea plan designed to comply with the Growth Management Act and to be consistent with the city's comprehensive plan;

(c) An appeal of the plan filed with the Growth Management Hearings

Board or with the court;

(d) The adoption or amendment of a shoreline master program under Chapter 90.58 RCW;

(e) An amendment of the capital facilities element of the comprehensive plan that occurs in conjunction with the adoption of the city budget;

(f) Adoption of comprehensive plan designation(s) associated with an annexation and intended to take effect upon annexation, or another date specified; or

(g) Resolution of decision by an administrative agency, or court of competent jurisdiction. (Ord. 22-08 § 1 (Exh. A), 2008).

- i. **Fact.** The city is in the process of updating its 2005 comprehensive plan. No requests for comp plan amendments were received in the past few years.
- ii. **Findings.** The proposal is being processed according to BMC 20.01 as a C-1 permit.

**b. 19.06.030 Types of comprehensive plan amendments.**

(1) Site-Specific or Project-Specific Comprehensive Plan Amendments. Proponents of land development projects and/or property owner(s) or their authorized representative(s) may file an application for a proposed amendment to the comprehensive plan relating to a site-specific or project-specific proposal affecting the official map of comprehensive plan land use designations. Site-specific proposals must be filed concurrently with an application for a rezone for the subject site. Site-specific and project-specific comprehensive plan amendments are Type C-1 legislative decisions of the city council.

(2) City-Wide Comprehensive Plan Amendments. Proposals that broadly apply to the goals, policies and implementation strategies of the comprehensive plan, rather than amendments designed to address site-specific issues of limited applicability. These are typically suggestions for changes to the comprehensive plan text. City-wide comprehensive plan amendments are Type C-1 legislative nonproject decisions of the city council as per BMC 20.01.030.

- i. **Fact.** The project request is site specific.
- ii. **Findings.** The request qualifies as a site specific amendment and rezone under BMC 19.06.030(1). Applications for both comp plan amendment and zoning map change were filed with the city.

**c. 19.06.060 Docket process.**

The planning director shall prepare and administer a preliminary docket listing each application and containing written comments on proposed comprehensive plan amendments. Any interested party, including applicants, citizens and government agencies, may submit items to the docket.

(1) All comprehensive plan amendment applications must be completed and submitted to the department of planning and building by 5:00 p.m. on February 1st of any year in order to be considered during that year's amendment process. Completed applications that are received after the submission date will be placed on the docket for the following calendar year. Applications that are incomplete will be returned to

the applicant with a written statement reflecting items needed to complete the application.

(2) By March 15th of each year the planning director shall compile and maintain for public review a recommended final docket for project- or site-specific amendments and for citywide amendments, including any proposed development regulations necessary to implement such amendments. The director shall base these docket recommendations on a preliminary evaluation of the need, urgency, and appropriateness of the suggested comprehensive plan amendment as well as the planning department staff and budget availability to accommodate the public review process.

(3) The planning director shall provide notice of the recommended final dockets pursuant to the notice requirements of BMC 20.01.140.

(4) The planning director shall provide the recommended final docket of site- or project-specific amendments and city-wide comprehensive plan amendments, along with a brief description of each suggested plan amendment to the city council for review and consideration with recommendation as to compliance with the city's adopted comprehensive plan and appropriate city codes. The city council, after considering the planning director's recommended final dockets, shall adopt the final docket for the current year plan amendment cycle no later than June 1st of each year, except in 2008. (Ord. 22-08 § 1 (Exh. A), 2008).

- i. **Fact.** The city is in the process of updating its comprehensive plan; no other part of the comprehensive plan is under review except for this requested amendment.
- ii. **Findings.** As a quasi-judicial rezone and/or comp plan amendment and with no other comp plan amendments considered for adoption this year, this project is alone.
- d. **19.06.070 Plan amendment process.**

Upon adoption of the final docket, the annual plan amendment process shall be consistent with the general process and schedule described in Chapter 20.01 BMC. The planning commission shall make its recommendation to the city council prior to September 15th of the current year. The city council shall make a final decision on each proposed amendment by December 15th of the current year. (Ord. 22-08 § 1 (Exh. A), 2008).
- i. **Fact.** The site specific proposal's recommendation will be presented to council before September 15, 2014.
- ii. **Findings.** The site-specific rezone and comprehensive plan amendment request should be decided by the council before December 15, 2014.
- e. **19.06.080 Public notification.**

(1) Upon receipt of each application for a comprehensive plan amendment, the planning director will provide public notice as provided in BMC 20.01.140 to encourage maximum citizen participation. Additionally, general public notice shall be given at least 60 days, except in the case of emergency amendments, prior to the comprehensive plan amendment application deadline to inform the public of the annual plan amendment process, the deadline for plan amendment suggestions and

applications and how to obtain additional information.

(2) When the council considers a significant change to an amendment to the comprehensive plan or development regulation, and the change is proposed after the opportunity for review and comments has concluded, an additional opportunity for review and comment on the proposed change shall be provided before the council votes on the proposed change.

(3) An additional opportunity for public review and comment is not required if the change has been discussed during the hearing process or presented as an alternative during the hearing process. (Ord. 22-08 § 1 (Exh. A), 2008).

- i. **Fact.** Notice for the rezone was given in accordance with quasi-judicial projects.
- ii. **Findings.** Adequate notice for the rezone was given.

## 2. Section 19.52, Zoning Code Amendments.

### a. 19.52.010 Determination – Final action.

In determining what, if any, amendments to this title are to be adopted, the city council shall give due consideration to the proper relationship of such amendments to the comprehensive plan and to this entire title, it being the intent to retain the integrity and validity of the zoning districts herein described, and to avoid any isolated spot zoning changes in the zoning map.

Any amendments adopted by the council may be modified from the form in which they were advertised within the limits necessary to relate properly such amendment or amendments to this title. Final action on such modifications shall be subject to review and report of the planning commission prior to final passage by the council. (Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005; Ord. 652 Art. 9(12), 1961). *[Sentence separation added.]*

- i. **Fact.** The change to the map will not affect the zoning title, but will subtract area from one zone and add that area to another zone. Spot zones are those small areas that are zoned differently from the parcels around them.
- ii. **Findings.** The first part of this section discusses the written code as well as the zoned parcels. This report is to consider whether the request maintains zoning integrity.

Spot zones:

**R-6,000.** Because this parcel is adjacent to R-6,000 zoning, a change to R-6,000 would not be considered a spot zone.

**NMU.** Because NMU is a commercial buffer zone and it would be adjacent to a commercial zone, the change would not be considered a spot zone.

The second part of this section is procedural and not applicable to

this analysis at this time.

**b. 19.52.020 Priority of first application.**

No application for a change of zoning of any lot, parcel or portion thereof shall be considered by the council within one year of the final action of the council upon a prior application covering any of the same described land. This provision, however, shall not impair the right of the council to propose any amendment of change in the boundaries of any of the districts in this title on its own motion. (Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005; Ord. 652 Art. 9(12), 1961).

- i. Fact.** No requests for rezoning were submitted in the past two years.
- ii. Findings.** The council may approve, disapprove, or modify the recommendation from the planning commission.

**c. 19.52.030 Conditional rezone – Approval.**

As a condition precedent to the rezone of any parcel of land, the council may require that within a specified period of time an acceptable building permit application must be submitted for the use intended in the rezone application, and that failure to submit said building permit application and to start construction within a specified period of time will result in the rezone automatically becoming null and void and the property reverting back to the zone that existed at the time of the rezone application; provided, the council may extend any time limits set forth in the ordinance granting a conditional rezone if the application for extension is timely made, good cause is shown why the extension is necessary, and the proposed use remains consistent with the comprehensive plan as in effect at the time the extension is requested. Good cause shall relate to factors beyond the control of the applicant and inadequate financing shall not be considered a good cause. (Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005; Ord. 20-84 § 1, 1984).

- i. Fact.** The possibility to create a conditional rezone is noted.
- ii. Findings.** No rezone conditions are yet recommended.

**d. Facts. 19.52.040 Conditional rezone – Concomitant agreement.**

The council may, as a condition of any rezone, require the execution of an agreement concomitant to the rezone ordinance. The concomitant agreement may include such conditions as the council deems necessary in order to neutralize the impact of the proposed property usage upon public services, including streets, parks, utilities and other public services. The concomitant agreement may include both on-site and off-site improvements. The failure to comply with the terms of said concomitant agreement shall result in the rezone immediately becoming null and void and the property reverting to the zone that existed at the time of the rezone application. In the

alternative, the council may require specific performance of the agreement.

- i. **Fact.** The possibility to create a concomitant rezone is noted.
  - ii. **Findings.** No concomitant agreement is yet recommended
- e. **19.52.050 Conditional rezone - Indication on zoning maps.**  
If a rezone is conditionally granted under the provisions of this chapter, then the zoning map shall reflect the rezone subject to compliance with certain conditions, and the date for compliance shall be written upon the zoning map. A certified copy of the conditional rezone ordinance and the concomitant agreement, if applicable, shall be filed for record with the Pierce County auditor. (Ord. 22-08 § 1 (Exh. A), 2008; Ord. 22-05 § 1, 2005; Ord. 20-84 § 3, 1984).
- i. **Fact.** A conditional rezone is not yet recommended.
  - ii. **Finding.** It is anticipated that the zoning map will be altered if any change is made.

**B. Buckley Comprehensive Plan**

The comprehensive plan gives direction to the city's development by outlining goals and policies and *intent* that the city will develop a certain way. The plan is used in all decisions the city makes. All regulations must be in concert with this plan. The plan includes eight elements that must be considered in all actions by the city:

- |                          |                        |                        |
|--------------------------|------------------------|------------------------|
| 1. Land Use.             | 4. Urban Design.       | 7. Capital Facilities. |
| 2. Housing.              | 5. Transportation.     | 8. Utilities.          |
| 3. Economic Development. | 6. Parks & Recreation. |                        |

Not all of these elements are applicable for each project review, but all are reviewed.

**1. Land Use Element.**

This element contains nine sub elements:

- |                       |                      |                                 |
|-----------------------|----------------------|---------------------------------|
| General land use.     | Resource protection. | Public facilities & utilities   |
| Commercial land use.  | Parks & open space.  | Intergovernmental coordination. |
| Residential land use. | Transportation.      | Future land use map             |

Not all of the sub-elements will be applicable for the project review, but all are reviewed.

- a. **GOAL 1.1 ENSURE A HEALTHY AND PRODUCTIVE ENVIRONMENT FOR BUCKLEY'S CITIZENS BY PRESERVING BUCKLEY'S SMALL TOWN CHARACTER WHILE PROVIDING ADEQUATE LAND AND SERVICE CAPACITY FOR POPULATION AND EMPLOYMENT GROWTH.**

**Discussion.** Traditionally, development regulations have attempted to avert conflict by segregating different development types into districts with relatively uniform development characteristics such as permitted uses or height. In many areas of Buckley, this approach is a reasonable and effective method for regulating development.

- i. **Fact.** The land is situated in such a way that it could serve the city as a residence and/or a retail establishment. It is across the street from the post office and retail stores, duplexes to the southwest, single family residences to the northeast and east, and near the downtown Main Street core.

Attachment F compares the lists of uses in the three zones. The uses were categorized as residential, mixed use/buffer, commercial, public, and uncategorized.

**Residential.** The NMU zone contained the most permitted residential uses (15 compared to 13 in R-6,000), with R-6,000 having the most conditional residential uses (7 compared to 4 in HC).

**Mixed use/buffer.** The NMU zone contained the most permitted buffer uses (19 compared to 14 in HC). R-6,000 contained the most buffer conditional uses (2 compared to 1 in NMU.)

**Commercial.** The HC zone showed the most permitted commercial uses of the three zones (41 uses compared to 35 uses in NMU), with the NMU cone having the most commercial conditional uses (14 conditional uses compared to 11 in HC).

**Public/Uncategorized.** NMU and HC tied with 5 public/uncategorized permitted uses. NMU contained the most public/uncategorized conditional uses (9 compared to 6 in both HC and R-6,000).

- ii. **Finding.** NMU would provide the greatest buffer between the CC zone to the west and the R-6,000 zone to the east.

- b. **POLICY1.1.1** THE CITY SHOULD PRESERVE THE COMMUNITY'S UNIQUE QUALITIES IN PART THROUGH THE CONCENTRATION OF BUSINESS-COMMERCIAL AND HIGHER INTENSITY RESIDENTIAL DEVELOPMENT CLOSER TO THE HISTORIC DOWNTOWN CENTER OF THE CITY, AND BY INTEGRATING ADDITIONAL DENSITY IN THE RESIDENTIAL COMMUNITY IN A MANNER THAT WILL PROTECT THE SINGLEFAMILY AREAS FROM COMMERCIAL ENCROACHMENT. EXPANSION OF BUSINESS-COMMERCIAL DEVELOPMENT SHOULD OCCUR PRIMARILY OUTWARD FROM THE DOWNTOWN CORE AREA.

- i. **Fact.** The property is located between commercial and residential uses close to the historic downtown center. This policy states a desire

to buffer residences from commercial expansion by placing certain types of businesses and higher residential density uses here.

- ii. **Finding.** A mixed-use zoning category would act as a buffer for the residences to the east; in time. Attachment F shows the list of zoning uses – permitted, conditional, and accessory. The NMU zone appears to allow more flexibility and possible buffer uses between CC and R-6,000 than HC or R-6,000.

c. **POLICY 1.2.1 ENSURE ADEQUATE COMMERCIAL LAND SUPPLY EXISTS TO SUPPORT DESIRED USES THROUGH ZONING.**

- i. **Fact.** The request is to remove three lots from commercial zoning and place them under a residential zone; OR to rezone the properties from HC to NMU.
- ii. **Finding.** Removing the land from a commercial status would not conform to this policy. Retaining commercial and service uses, as well as providing more residential uses would provide a variety of uses that supports this policy.

e. **POLICY 1.2.3 MIXED USES—ENCOURAGE MIXED USE DEVELOPMENT WHERE APPROPRIATE, ESPECIALLY IN AND AROUND BUCKLEY’S HISTORIC CENTER THROUGH ZONING.**

- i. **Fact.** The properties are near the city’s historic center.
- ii **Finding.** The property is ideally suited to be zoned mixed-use.

f. **POLICY 1.3.2 PROVIDE ADEQUATE LAND AND DENSITIES THROUGH ZONING TO ACCOMMODATE HOUSING TARGETS WHILE PROTECTING AND ENHANCING THE CHARACTER, QUALITY, AND FUNCTION OF EXISTING RESIDENTIAL NEIGHBORHOODS.**

- i. **Fact.** The buildable lands report for 2014 of 2010 census data shows both commercial and residential development. All commercial and residential zones within the city contain many vacant and underused parcels: Table 6 (Attachment G) shows the R-6,000 zone to contain 30.04 acres, the NMU to contain 26.82 acres, and the HC to contain .02 acres. (Please see Attachment G.)
- ii. **Finding.** The site is between the CC zone and the R-6,000 zone and is appropriate for buffer zoning.

2. **Housing Element.**

a. **POLICY 2.1.2 CREATE AN EFFECTIVE TRANSITION BETWEEN DOWNTOWN, COMMERCIAL AREAS, AND RESIDENTIAL NEIGHBORHOODS THROUGH ZONING.**

- i. **Fact.** The current zoning layout creates layers and spots of commercial or single-family residential zoning. Uses on these lots are not currently permitted within the zones, but are allowed through the consideration of “grandfathering,” or allowing a legally-established

- use to continue after the law changes and prohibits it.
- ii. **Finding.** The area west of SR 410 has a layer of buffer zoning through use of the NMU. No such buffering exists on the east side of SR 410. Rezoning this area NMU supports this policy.
- b. **POLICY 2.2.3 ENCOURAGE MIXED-USE RESIDENTIAL/ COMMERCIAL DEVELOPMENT IN DESIGNATED COMMERCIAL AREAS. EVALUATE DEVELOPER INCENTIVES AND THE ESTABLISHMENT OF DESIGN STANDARDS.**
    - i. **Fact.** The HC zone allows residents above commercial establishments. (Incentives and design standards are not necessary to review in this application.) The NMU allows mixed uses outright as well as single-family development.
    - ii. **Finding.** The requirement for commercial development below residential does not match the various uses on the street, which are predominately residential.
- 3. Economic Development Element.**
- a. **GOAL 3.1 PROMOTE AND ENHANCE A STRONG AND SUSTAINABLE ECONOMIC CLIMATE.**

**Discussion.** A strong and sustainable economy allows residents access to job opportunities and provides revenue sources to ensure needed public services and infrastructure. A key to a healthy and sustainable local economy is to provide a climate that supports new and existing business enterprises. Businesses that both serve and employ local residents will contribute to Buckley's economic growth.

    - i. **Fact.** A strong economic climate should include commercial, residential, recreational, and governmental activities. This rezone is to change a zone on three parcels from commercial to residential, or from commercial to mixed use commercial/residential.
    - ii. **Finding.** Attachment F (see Policy 1.1.1.) shows the greatest number of mixed or buffer uses in the NMU zone. Allowing commercial services in the outer area around the core may increase the number of retail and non-service enterprises in the core area.
  - b. **POLICY 3.1.4 CREATE A WELL-DEFINED URBAN CORE CENTERED AROUND MAIN STREET AND THE HIGHWAY 410 INTERSECTION THROUGH IMPROVED SIGNAGE, URBAN DESIGN FEATURES, AND THE CREATION OF MIXED-USE DEVELOPMENT.**
    - i. **Fact.** The HC zone on Main Street is composed of historic buildings and commercial and service enterprises. The development on River avenue is a mixture of residential and commercial uses that are often contrary to the established zoning. No buffer zone exists in this area.
    - ii. **Finding.** The HC zone allows residences above retail, as does the NMU zone. Returning the land to the R-6,000 zone is contrary to this policy. This policy supports the rezone to NMU.

**4. Urban Design Element.**

**a. GOAL 4.1 ENHANCE THE BUILT ENVIRONMENT TO PROMOTE ECONOMIC AND SOCIAL VITALITY ALONG THE MAIN STREET COMMERCIAL CORE.**

**Discussion.** Thoughtful urban design has the potential to improve the Buckley downtown functionally as well as aesthetically. Good urban design is more than just beautification; it acts as a catalyst to improve ECONOMIC vitality, public safety, and sense of community. In the Buckley downtown, a thriving economy and a vibrant social atmosphere will go hand in hand. Urban design improvements can create a place where people want to visit and linger, and thus a place where businesses can succeed. Urban design will be a key element in helping to revitalize the downtown as the social and commercial heart of Buckley. To best achieve this goal, particular emphasis must be placed on the experience of the pedestrian. A pedestrian-friendly downtown will differentiate Buckley as a destination from other nearby automobile-oriented cities, and thus, will ensure the kind of face-to-face human interaction that is vital to a healthy community.

- i. Fact.** The site is part of an area that surrounds the urban core.
- ii. Finding.** As part of the variety of uses on River, which leads to Main Street, it would be advantageous for the River Avenue development to contain a mix of retail, service, and residential uses.

**b. POLICY 4.1.4 DEVELOP MIXED-USE BUILDINGS WITH HOUSING ABOVE COMMERCIAL SPACE.**

- i. Fact.** The HC zoning requires retail on the site if a residence is to be placed on the site; the retail is to be below the residence. As a buffer zone, the NMU zone allows commercial, residential, and mixed uses on NMU-zoned property.
- ii. Finding.** In this case, a structure exists and does not accommodate commercial uses. The NMU zone would allow the structure to be used as a residence until such time as the building is razed and the land is redeveloped.

**c. GOAL 4.2 STRENGTHEN THE RELATIONSHIP BETWEEN THE TRAIL AND DOWNTOWN.**

**Discussion.** A small plaza like the one above can help integrate the trail with downtown.

**Discussion.** The trail represents an untapped resource for the revitalization of Buckley's downtown. Through attention to the relationship between the trail and downtown, the redevelopment of the trail may serve as a catalyst for the economic revitalization of the downtown. The intersection of the trail and Main Street, the nexus between two of Buckley's most important economic and recreational corridors, stands to unite two vital urban functions.

i. **Fact.** The trail is on the opposite side of River Avenue from this site. River Avenue is an alternative to the Foothills Trail.

ii. **Finding.** River Avenue is to lead to Main Street from the north (Park Avenue) as well as from the south (Ryan Road.) Developing an area leading to Main Street that allows both residential and commercial uses supports this goal.

d. **POLICY 4.2.5 ENCOURAGE RETAIL CONSISTENT WITH RECREATIONAL USE ALONG THE TRANSITIONAL ZONE BETWEEN THE TRAIL AND THE DOWNTOWN CORE THROUGH THE USE OF DEVELOPMENT TAX CREDITS OR OTHER INCENTIVES.**

i. **Fact.** No transitional buffer zone exists between the trail and the downtown core.

ii. **Finding.** The transitional buffer zone of NMU should be established in this area as well as on this site. This policy supports the request to rezone the property to NMU.

5. **Transportation Element. (Not applicable.)**

6. **Parks & Recreation. (Not applicable.)**

7. **Capital Facilities Element. (Not applicable.)**

8. **Utilities Element. (Not applicable.)**

#### IV. **CONCLUSIONS & COMMISSION RECOMMENDATION.**

This review seeks conclusions and recommendations on two items. To be approved, the request must meet all zoning and comprehensive plan requirements.

1. A request to change the comp plan to Urban Lower Density and the zoning to R-6,000.

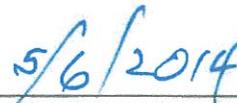
**Recommendation: Deny.**

2. A request to retain the comp plan designation and change the zoning to NMU.

**Recommendation: Approve.**



\_\_\_\_\_  
Planning Commission Chair Chuck Helmer



\_\_\_\_\_  
Date