

CITY OF BUCKLEY, WASHINGTON

ORDINANCE NO. 10- 19

AN ORDINANCE OF THE CITY OF BUCKLEY, WASHINGTON, CONCERNING A PORTION OF PROPERTY LOCATED AT 646 NORTH RIVER AVENUE; TO ALLOW A REZONE FROM SENSITIVE TO R-20,000 RESIDENTIAL; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the current City Comprehensive Plan was adopted in 2015; and

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

WHEREAS, the subject property located at 646 North River Avenue was the subject of a Boundary Line Adjustment (BLA) that absorbed a small slice of land between the parent parcel and the Copperwynd subdivision deemed the “transfer area”; and

WHEREAS, the “transfer area” referred to as parcel B and the parent parcel A were zoned two different zoning designations resulting in the need for a rezone of the transfer area to match that of the parent parcel A; and

WHEREAS, the current use of parcel A is agricultural with an existing “permitted” marijuana production-operation. The previous and continued use of parcel B is vacant undeveloped land; and

WHEREAS, the subject parcel B is located between two R-20,000 zoned properties; and

WHEREAS, the Comprehensive Plan designation for both parcel A and parcel B is Urban Lower Density; and

WHEREAS, any current use of the property must comply with the City’s zoning code; and

WHEREAS, parcel A has been used for agricultural purposes and under a rezone will be continued as a marijuana production-operation, which was considered agricultural at the time building

permit application. The applicant is vested in agricultural use and therefore not subject to current requirements governing marijuana agriculture; and

WHEREAS, the Notice of application was mailed to all property owners within 300 feet on December 13, 2017 and published in the Enumclaw Herald on December 20, 2017. A public hearing notice was published in the Enumclaw Herald March 7, 2018; and

WHEREAS, a determination of non-significance was issued under the State Environmental Policy Act (SEPA) on February 14, 2018, with a comment period ending February 28, 2018; and

WHEREAS, the Hearing Examiner conducted a public hearing on this proposal on March 28, 2018; and

WHEREAS, the Hearing Examiner submitted a recommendation to the City Council on April 24, 2018 stating that the applicants request for rezone should be found to be consistent with the goals and policies of the Comprehensive Plan and the Buckley Municipal Code and should be granted subject to conditions listed within the Hearing Examiners report; and

WHEREAS, the City Council finds that the applicants request for rezone is consistent with the goals and policies of the Comprehensive Plan and the Buckley Municipal Code and is granted subject to conditions listed within the Hearing Examiners report;

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 property identified as parcel B located at 646 North River Avenue is hereby rezoned to R-20,000.

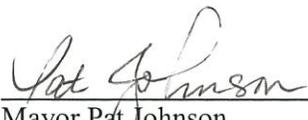
Section 3. Staff is authorized to change the 2015 zoning map to reflect this change.

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.

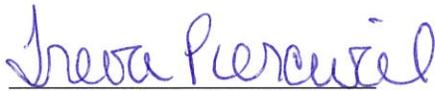
Section 6 Effective date. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the city, and shall take effect and be in full force five (5) days after publication.

APPROVED by the Buckley City Council this 11th day of June 2019.



Mayor Pat Johnson

ATTEST:



Treva Percival, City Clerk

APPROVED AS TO FORM:



Phil Olbrechts, City Attorney

PUBLISHED: June 19, 2019

EFFECTIVE: June 24, 2019