CITY OF BUCKLEY, WASHINGTON

ORDINANCE NO. 28 - 19

AN ORDINANCE OF THE CITY OF BUCKLEY, WASHINGTON, CONCERNING A PORTION OF PROPERTY LOCATED AT AN UNADDRESSED PARCEL ON THE SOUTH SIDE OF RYAN ROAD (PARCEL NUMBER 0619105002); TO ALLOW A REZONE THAT RECONFIGURES THE ZONING DESIGNATION RESULTING IN AN INCREASED AREA OF NEIGHBORHOOD MIXED USE ZONE AND DECREASED AREA OF LIGHT INDUSTRIAL ZONE ON THIS SPLIT-ZONED PARCEL; 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 parcel is designated Industrial and General Commercial by the City Comprehensive Plan; and

WHEREAS, both Light Industrial and Neighborhood Mixed Use are implementing zones within the IGC Comprehensive Plan designation; and

WHEREAS, the subject 7.95-acre unaddressed property located on the south side of Ryan Road (Parcel #0619105002) is currently zoned Neighborhood Mixed Use (NMU) on the southern half (~4 acres) of the parcel and Light Industrial (LI) on the northern half (~ 4 acres) adjacent to Ryan Road; and

WHEREAS, the buildable area of the parcel is impacted by the presence of a Category III wetland with a regulatory 100-foot buffer and the necessity for roadway and stormwater infrastructure which limits the amount of the NMU portion of the site available for development; and

WHEREAS, the NMU zone is intended to allow for mixed residential and the development of small commercial businesses in residential neighborhoods; and

WHEREAS, the LI zone is intended to be compatible with the General Commercial (GC) zone, have easy access from arterials, and is intended for business uses that by their nature have a higher level of noise and/or possible use of hazardous materials, and include industrial uses, the most intense commercial uses, and light manufacturing, such as metal working; and

WHEREAS, the City Comprehensive Plan recognizes the LI zone is not conducive to residential development; and

WHEREAS, the surrounding land is mostly zoned low-density residential except for two parcels adjacent to the west; and

WHEREAS, the applicant is not requesting a change in the base zones on the subject property, but rather a reorientation of the amount of each zone such that the LI portion will be 0.81 acres and the balance will be NMU; and

WHEREAS, both of the requested zoning areas exceed the minimum space requirements for an individual parcel within the respective zones; and

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

WHEREAS, minimizing the LI zone and increasing the developable portion of the NMU zone will improve this parcel's compatibility with the surrounding neighborhood as it transitions to low intensity single-family uses; and

WHEREAS, the City provided proper notice of this application and the public hearing pursuant to the Buckley Municipal Code; and

WHEREAS, this rezone is exempt from State Environmental Policy Act (SEPA) review pursuant to WAC 197-11-800(6)(c); and

WHEREAS, the Hearing Examiner conducted a public hearing on this proposal on November 12, 2019; and

WHEREAS, the Hearing Examiner recommended, on November 20, 2019, that Buckley City Council grant the applicant's request for a rezone; and

WHEREAS, the City Council finds that the applicant's request for a rezone is consistent with the goals and policies of the Comprehensive Plan and the Buckley Municipal Code and is granted;

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

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

Section 2. The subject property on the south side of Ryan Road, parcel #0619105002 is hereby rezoned to increase the area of Neighborhood Mixed Use and decrease the area of Light Industrial, in accordance with land areas reflected in the applicant's proposal.

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 26th day of November 2019.

Pat Johnson

Mayor Pat Johnson

ATTEST:

Treva Percival

Treva Percival, City Clerk

APPROVED AS TO FORM:

Phil Olbrechts

Phil Olbrechts, City Attorney

Published: December 4, 2019
Effective: December 5, 2019