

CITY OF PACIFIC
WASHINGTON

ORDINANCE NO. 1802

AN ORDINANCE OF THE CITY OF PACIFIC, WASHINGTON, REZONING CERTAIN REAL PROPERTY LOCATED AT 781 VALENTINE AVENUE SE

WHEREAS, the Pacific Planning Commission made application to formally rezone certain real property located at 781 Valentine Avenue SE, Pacific, Washington, more particularly described in File No. RE-09-001; and

WHEREAS, the City Council has received the report from the Hearing Examiner recommending approval of the rezone; and

WHEREAS, the City Council adopts the recommended findings and conclusions of its Hearing Examiner finding that the rezone of the site of approximately 73,944 square feet is consistent with the City's Comprehensive Plan and zoning ordinance,

NOW, THEREFORE, THE CITY COUNCIL OF PACIFIC, WASHINGTON, DOES ORDAIN AS FOLLOWS

Section 1. A proposed rezone of certain property located at 781 Valentine Avenue SE, Pacific, Washington, consisting of 73,944 square feet and described on the attached Exhibit A incorporated by this reference as fully as if herein set forth, as well as in Planning File No. RE-09-001 is hereby approved, rezoning said portion of property from Office Park (OP) to Light Industrial (LI).

Section 2. The Community Development Director is hereby directed to amend the City's zoning map to reflect this change.

Section 3. 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 4. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF ON THE 9th DAY OF MAY, 2011.

CITY OF PACIFIC



RICHARD HILDRETH, MAYOR

ATTEST/AUTHENTICATED:



JANE MONTGOMERY, CITY CLERK

APPROVED AS TO FORM:



ALBERT A. ABUAN, CITY ATTORNEY

FILED WITH THE CITY CLERK: 04.28.11
PASSED BY THE CITY COUNCIL: 05.09.11
PUBLISHED: 05.13.11
EFFECTIVE DATE: 05.18.11
ORDINANCE NO: 1802



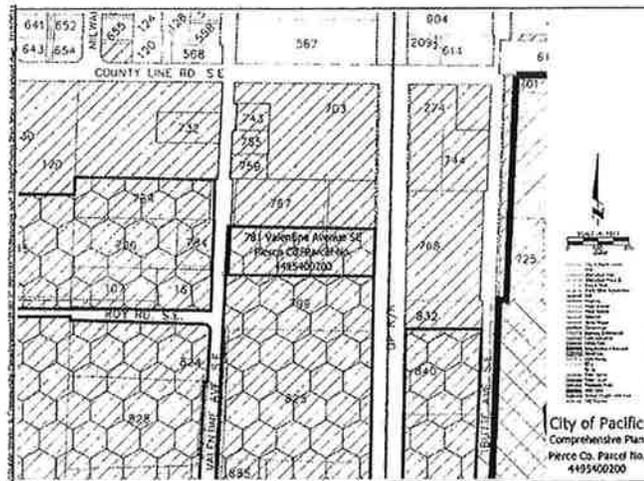
TO: Pacific Hearing Examiner
FROM: Paula Wiech, AICP, Planner
DATE: April 14, 2011
SUBJECT: REZONE 09-001 – 781 Valentine Avenue SE – Parcel #4495400200

I. INTRODUCTION

Staff, on behalf of Lakeridge Commercial LLC, requests that the Pacific Hearing Examiner recommend to Pacific City Council to amend the Zoning Map to show the property addressed as 781 Valentine Avenue SE as Light Industrial.

In 1997 the Office Park (OP) District was created in the recently annexed (1995) Pierce County portion of Pacific as a “buffer” to protect residential properties in the adjacent King County portion from the negative effects of light industrial uses. This district ran roughly from the King/Pierce County Line, south to the right-of-way of Roy Road. East of the terminus of Roy Road at Valentine Avenue SE, the district captured parcels roughly corresponding to that distance south of the County Line.

In 2001, the OP district was reduced to one-half the distance from County Line to Roy Road along the length of Roy, dipping south to its original position east of Valentine.



The 2001 City of Pacific Comprehensive Plan map showed the Office Park district (orange) distinguished from the Light Industrial District (brown) using general areas of color separated from each other by a wide white area that ran diagonally through the subject property. In subsequent Zoning maps, the subject parcel has remained in the Office Park (OP) zone.

The owner of 781 Valentine Avenue SE applied for a Comprehensive Plan Map amendment in December 2009 (CP-09-001). The proposal was reviewed by the Planning Commission over several meetings. An Environmental Checklist evaluated this proposal along with other 2010 Comprehensive Plan proposed amendments. A SEPA DNS (SEPA-10-006) was proposed on September 10, 2010 and became final on October 1, 2010. A Public Hearing was advertised and held on the proposal on October 26, 2010, after

which the Pacific Planning Commission formally recommended adoption of the Comprehensive Plan Map change to the Pacific City Council.

The City Council heard the measure at their December, 2010 Workshops, and then formally adopted the Comprehensive Plan Map change by Ordinance No 1794 at their January 10, 2011 Regular Meeting.

Lakeridge Commercial LLC also formally applied for Zoning Map Amendment in late 2009

The subject will be considered at a Public Hearing, which has been officially established for April 19, 2011 beginning at 9:00 am (or as soon thereafter) in Pacific City Hall.

Process

A SEPA Environmental Checklist (attached) was submitted with the application for all Comprehensive Plan changes, including a Map change that redistricted the property from OP to LI. Having received no comments, the Responsible Official for the City of Pacific issued a Final Determination of Non-Significance (DNS) on October 1, 2010. Since there was no difference in project proposals, the City believes that that specific SEPA process satisfied the requirements contained within PMC 16.28.040 for the Type V Permit Rezone application.

Public Notice of the Hearing for subject rezone was advertised in the Auburn Reporter (City's official Newspaper of Record) on March 25, 2011, with the public comment period closing on April 15, 2011. Public comments (if any) will be entered into the record by the Examiner at the Public Hearing.

The Notice of Rezone Hearing was mailed to all properties within 300 feet of subject property via US Postal Service and posted in accordance with established methods of publication (PMC 16.30.030).

Pacific Municipal Code 16.28.110 cites that rezones are legislative actions, not land use permits. However, individual rezones are quasi-judicial actions, and as such shall be processed as if they were Type V permits. Individual rezones may be initiated by the planning commission, the city council, or anyone with ownership interest in the land. The criterion for granting rezones shall be conformance to the comprehensive plan.

Upon Hearing Examiner review and recommendation, the matter will be forwarded to the Pacific City Council for formal consideration and action.

Vicinity Map

The proposal site is located at 781 Valentine Avenue SE, south of County Line Road and north of Roy Road, on the east side of Valentine Avenue. The parcel to the north is zoned Office Park, and is fully developed with an office/warehouse building. The UP Railroad tracks run along the eastern property line. To the south, a Light Industrial zoned property contains a warehouse and offices, and is engaged in heavy equipment rentals and sales. Across Valentine to the west, properties are zoned Light Industrial and are involved in heavy construction.

Issues to be examined:

- 1) **Is the proposed amendment consistent with the policies of the City of Pacific Comprehensive Plan?** *The requested zoning change, to Light Industrial use is consistent with the Comprehensive Plan.*
- 2) **Does the proposal meet Concurrency standards contained within the City of Pacific Municipal Code 16.34?** *The subject property is undeveloped, but served by City of Pacific sewer and water service and a Minor Arterial street. Improvements needed to meet concurrency will be evaluated through a Fill and Grade and Site Development permits.*

3) **Would the resulting maximum allowable use be compatible with adjacent uses?** *The subject property is best suited for non-residential type development due to its location on Valentine Avenue SE. The commercial building to the north also provides buffering that mitigates noise and aesthetic concerns to residential properties to the north.*

4) **Could potential infrastructure and traffic impacts associated with the maximum use be effectively mitigated?** *The rezoning does not impact the existing, adequate provision of public services, including transportation, water, sewerage, schools, and parks, nor do they impact the existing availability of public utilities and services. All will continue to be available to serve the site. The Site Development permit will examine and potentially provide for mitigation of impacts.*

5) **Does the proposed use of the property involve special environmental impacts or threats to the public welfare?** *No. The property does contain a delineated wetland buffer on its eastern edge; however, this area is protected by adhering to the extent of the current development. The rezoning does promote public health, public safety, and the general welfare by allowing for continued light industrial development in an area with access to urban infrastructure and services, including: public water; SR167, an arterial street (Stewart Road), and emergency services.*

II. SUPPORTING COMPREHENSIVE PLAN GOALS & POLICIES

Chapter 2 - Land Use Element

Policy LU-4.2.7: Light Industrial (LI) - *This land use category is intended for industrial uses, and compatible commercial uses designed to have minimal impact to the surrounding neighborhood. Light Industrial development should have a high degree of landscaping and buffering, especially adjacent to residential uses. Such uses generally include warehousing; fabrication; resource based uses with adequate environmental controls to prevent off site impacts; equipment repair; and office and retail uses associated with these uses.*

Policy LU-11.3: *Support development and redevelopment of industrial lands that make positive contributions to the environment of Pacific and individual land areas, the City of Pacific, and the region.*

GOAL LU 13: Reserve areas appropriate for industrial development

Policy LU-13.1: *The City recognizes that industrial developments place varying demands on the community's quality of life and service capabilities. In addition to demonstrating a development's consistency with Plan policies, applicable land use regulations, and environmental policies, significant industrial development shall be encouraged to provide a balance between service demands and impacts placed on the City's quality of life vs. the local benefits derived from such development.*

Policy LU 16.2: *Preserve environmental quality by taking into account the land's natural development constraints and mitigating environmental impacts in critical areas.*

Policy LU 16.3: *Promote efficient use of renewable resources, water, and energy through the use of natural drainage, indigenous landscaping, energy efficient siting and building construction, and recycling.*

Policy LU 16.4: *Development of all sites shall be consistent with applicable environmental standards and policies.*

Chapter 6 – Economic Development Element

1. ED 3. FUTURE NEEDS

In keeping with the City's commitment to the preservation of its quality of life, Pacific's future economic strategy rests on... "Using a large amount of relatively scarce flat land for commercial and industrial parks that is currently undeveloped or underdeveloped";

ED-22: *Support and retain small businesses for the employment and services they provide to the community.*

III. APPLICABLE PACIFIC MUNICIPAL CODES

Chapter 16.28 Type V Permit Procedures

16.28.110 Rezones and Annexations

Chapter 20.54.020 Office Park Districts – Permitted Buildings and Uses.

OP zones exclude several light industrial uses, including outside storage.

Chapter 20.60.020 – 050 Light Industrial Districts (LI)

A greater variety of uses are allowed in LI districts. Note: this would place this property in the Manufacturing Industrial Overlay area (See asterisks in LI chapter).

IV. EXISTING LAND USE AND ENVIRONMENTAL CONSTRAINTS

The subject site is described as the S ½ of Lot 2, Block 58, C.D. Hillman's Pacific City Addition, Division #4. It is 1.7 acres of vacant land that previously had a house and garage on it.

The site is generally level, except for a slight depression along the southeastern edge abutting the UP Railroad parcel. A Wetland Report confirmed a category 4 wetland associated with the north-south ditch on the UP property, and a 25 foot buffer is indicated on the attached site plan.

V. ADJACENT LAND USES

North: 767 Valentine Ave. SE contains a 16,694 s.f. building, shop/warehouse and offices for Evergreen Concrete Cutting on 1.1 acres. The balance of the site is paved, exclusive of required landscaping and stormwater detention system. It is zoned Office Park (OP)

East: UP Railroad raised tracks run north-south abutting the eastern edge.

South: 799 Valentine Ave. SE contains a 9,400 s.f. building, shop/warehouse and offices for Allwest Underground, a heavy equipment rental company and yard, on 2 acres zoned Light Industrial (LI).

West: 784 Valentine Ave. SE is directly across from the subject property. It contains a 1,600 s.f. Building converted from a residence to AlPac Pizza and convenience store. This property is surrounded on three sides by Riverton Contractors yard. All properties are zoned LI.

VI. PUBLIC SERVICES, INFRASTRUCTURE AND TRAFFIC CIRCULATION

Water, sewer and other utilities are available to this site. Additional vehicle trips per day to current traffic levels will be assessed at the time of Site Development application.

VII. SUMMARY OF FINDINGS

1. The proposal is compatible with the industrial use of the Office Park zoned property to the north.
2. The proposal is compatible with the existing Light Industrial uses to the west and south.
3. There are currently no indications the site is impacted by environmental constraints.

4. There is a substantial public interest in the industrial use of the property within Pacific's Manufacturing Industrial Center.
5. A SEPA environmental checklist was submitted with the application for the Comprehensive Plan Map change that redistricted the subject portion of the property from OP to LI. The City of Pacific issued a Final Determination of Non-Significance (DNS) on October 1, 2010. The City believes that this SEPA process satisfies the requirements contained within PMC 16.28.040.
6. Pacific Municipal Code 16.28.100 provides that Type V permit decisions may not be administratively appealed. Judicial review is available pursuant to RCW 36.70C.040.

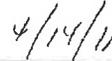
VIII. RECOMMENDATION

Staff believes the rezone is suitable for the subject property, and has given reasonable consideration to the character of the neighborhood, much of which is developed with light industrial uses. Properties to the north provide a buffer against residential uses and the residential zoning further north. The rezone request supports the location and character of surrounding properties. Valentine Avenue SE is a minor arterial in the process of being improved. It provides access to Stewart Road, a major arterial and access to SR 167. Thus staff recommends approval of the subject property to being rezoned to Light Industrial.

Submitted this day to the Pacific Hearing Examiner,



Paula J. Wiech, AICP, Planner
City of Pacific



Date

ATTACHMENTS

- A. Application for Rezone
- B. SEPA Environmental Checklist
- C. SEPA Determination of Non-Significance
- D. Relevant Pacific Municipal Codes



CITY OF PACIFIC
100 – 3rd Avenue Southeast
Pacific, WA 98047

RECEIVED
CITY OF PACIFIC

APR 27 2011

COMMUNITY DEVELOPMENT
PUBLIC WORKS DEPARTMENT

April 25, 2011

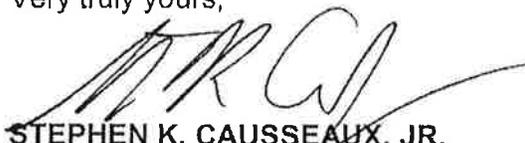
Lakeridge Commercial LLC
P.O. Box 7230
Bonney Lake, WA 98391

**RE: Rezone 09-001
781 Valentine Avenue S.E.
Parcel # 4495400200**

Dear Applicant:

Transmitted herewith is the report and recommendation of the City of Pacific Hearing Examiner relating to the above-entitled matter.

Very truly yours,



STEPHEN K. CAUSSEAU, JR.
Hearing Examiner

SKC/jjp

cc: Parties of Record
CITY OF PACIFIC

OFFICE OF THE HEARING EXAMINER

CITY OF PACIFIC

REPORT AND RECOMMENDATION

CASE NO.: Rezone 09-001
781 Valentine Avenue S.E.
Parcel # 4495400200

APPLICANT: Lakeridge Commercial LLC
P.O. Box 7230
Bonney Lake, WA 98391

SUMMARY OF REQUEST:

Request for zone reclassification from OP to LI for a parcel located at 781 Valentine Avenue S.E.

SUMMARY OF RECOMMENDATION:

Approval.

PUBLIC HEARING:

After reviewing City of Pacific Community Development Department Staff Report and examining available information on file with the application, the Examiner conducted a public hearing on the request as follows:

The hearing was opened on April 19, 2011, at 9:07 a.m.

Parties wishing to testify were sworn in by the Examiner.

The following exhibits were submitted and made a part of the record as follows:

EXHIBIT "1" - City of Pacific Community Development Department Staff Report and Attachments

PAULA WIECH, associate planner, appeared, presented the City Staff Report, and testified that she had prepared the report. The applicant requests a zone reclassification from Office Park (OP) to Light Industrial (LI). The City Council has already approved a Comprehensive Plan amendment changing the designation to LI. The City created the OP classification two years after it annexed Pierce County property into the City. At the time of

annexation the City zoned the property for single-family residential uses. The OP classification was adopted later and created a buffer zone between industrial uses to the south and single-family uses to the north. The City subsequently determined that the LI properties generated more demand than the OP properties. At present the LI zone is to the west and south of the present parcel and the Union Pacific Railroad tracks are to the east. Even though the parcel to the north is zoned OP it is fully developed with an office/warehouse building and asphalt parking area. Four homes still remain to the north on Valentine Avenue.

No one spoke further in this matter and so the Examiner took the request under advisement and the hearing was concluded at 9:20 a.m.

NOTE: A complete record of this hearing is available in the City of Pacific Community Development Department.

FINDINGS, CONCLUSIONS, AND RECOMMENDATION:

FINDINGS:

1. The Hearing Examiner has admitted documentary evidence into the record, viewed the property, heard testimony, and taken this matter under advisement.
2. A SEPA Environmental Checklist was submitted with the application for all Comprehensive Plan changes, including a Map change that redistricted the property from OP to LI. Having received no comments, the Responsible Official for the City of Pacific issued a Final Determination of Non-Significance (DNS) on October 1, 2010. Since there was no difference in project proposals, previous SEPA process satisfied the requirements contained within PMC 16.28.040 for the Type V Permit Rezone application.
3. Public Notice of the rezone hearing was advertised in the Auburn Reporter (City's official Newspaper of Record) on March 25, 2011, with the public comment period closing on April 15, 2011. A Notice of Rezone Hearing was mailed to all properties within 300 feet of subject property via US Postal Service and the site was posted in accordance with established methods of publication (PMC 16.30.030).
4. Lakeridge Commercial, LLC (Lakeridge), has a possessory ownership interest in a rectangular, 1.7 acre, unimproved parcel of property extending between the east side of Valentine Avenue S.E. and the Union Pacific Railroad tracks. The site, parcel number 4495400200, abuts Valentine Avenue for approximately 160 feet. The parcel is presently located within the Office Park (OP) zone classification of the Pacific Municipal Code (PMC), and the applicant requests a zone reclassification to Light Industrial (LI).

5. Parcels to the west across Valentine Avenue and the parcel abutting the south property line are located within the LI zone classification. The parcel abutting the north property line is located within the OP classification. Surrounding uses include the Union Pacific Railroad track to the east, an office/warehouse building to the north, a heavy equipment rental and sales business to the south, and heavy construction businesses to the west across Valentine Avenue. A zone reclassification to LI will allow the applicant to improve the parcel with a use consistent with abutting uses in all directions.
6. Section 16.28.110 PMC entitled "Rezoning and Annexations" provides in part:
 - A. ...However, individual rezoning actions are quasi-judicial actions, and as such shall be processed as if they were Type V permits. Individual rezoning actions may be initiated by the planning commission, the city council, or anyone with ownership interest in the land. The criterion for granting rezoning actions shall be conformance to the comprehensive plan.

In the present case the Pacific City Council by Ordinance No. 1794 amended the Pacific Comprehensive Plan on January 10, 2011. Pursuant to said ordinance the City Council changed the comprehensive plan designation of the parcel to Light Industrial. Thus, the proposed zone reclassification to LI conforms to the comprehensive plan in accordance with PMC 16.28.110.

7. In addition to determining conformance with the comprehensive plan designation, an applicant for a site specific rezoning must also show that the said rezoning is consistent with comprehensive plan goals and policies. Findings on consistency therewith are hereby made as follows:
 - A. As previously found the proposed zoning code amendment will bring the zoning of the parcel into conformance with the comprehensive plan.
 - B. The City of Pacific provides sewer and water service to the site and Valentine Avenue is classified as a minor arterial street. Thus, concurrency standards contained within the City of Pacific Municipal Code Chapter 16.34 will be met for any LI use that could locate on the site.
 - C. As previously found the maximum allowable uses within the LI classification are compatible with adjacent uses. All abutting properties are improved with LI uses and the commercial building to the north provides buffering for single-family residential dwellings to the north thereof.
 - D. The zone reclassification will not impact the provision of adequate public services to include transportation, water, sewage, schools, and parks. The rezoning does not impact the provision of future public utilities and services as

all will remain available to serve the site.

- E. The zone reclassification does not create special environmental impacts or threats to the public welfare. The City's critical areas ordinances will protect any such areas and the zone reclassification will allow a use consistent with existing uses in the area.

CONCLUSIONS:

1. The Hearing Examiner has jurisdiction to consider and make recommendations on the issues presented by this request.
2. The applicant has shown that the request for an individual zone reclassification for a parcel located at 781 Valentine Avenue S.E. satisfies the criteria set forth in PMC 16.28.110 and therefore should be approved.

RECOMMENDATION:

It is hereby recommended to the Pacific City Council that the zone reclassification request for parcel number 4495400200 located at 781 Valentine Avenue S.E. be approved.

ORDERED this 25th day of April, 2011.



STEPHEN K. CAUSSEAU, JR.
Hearing Examiner

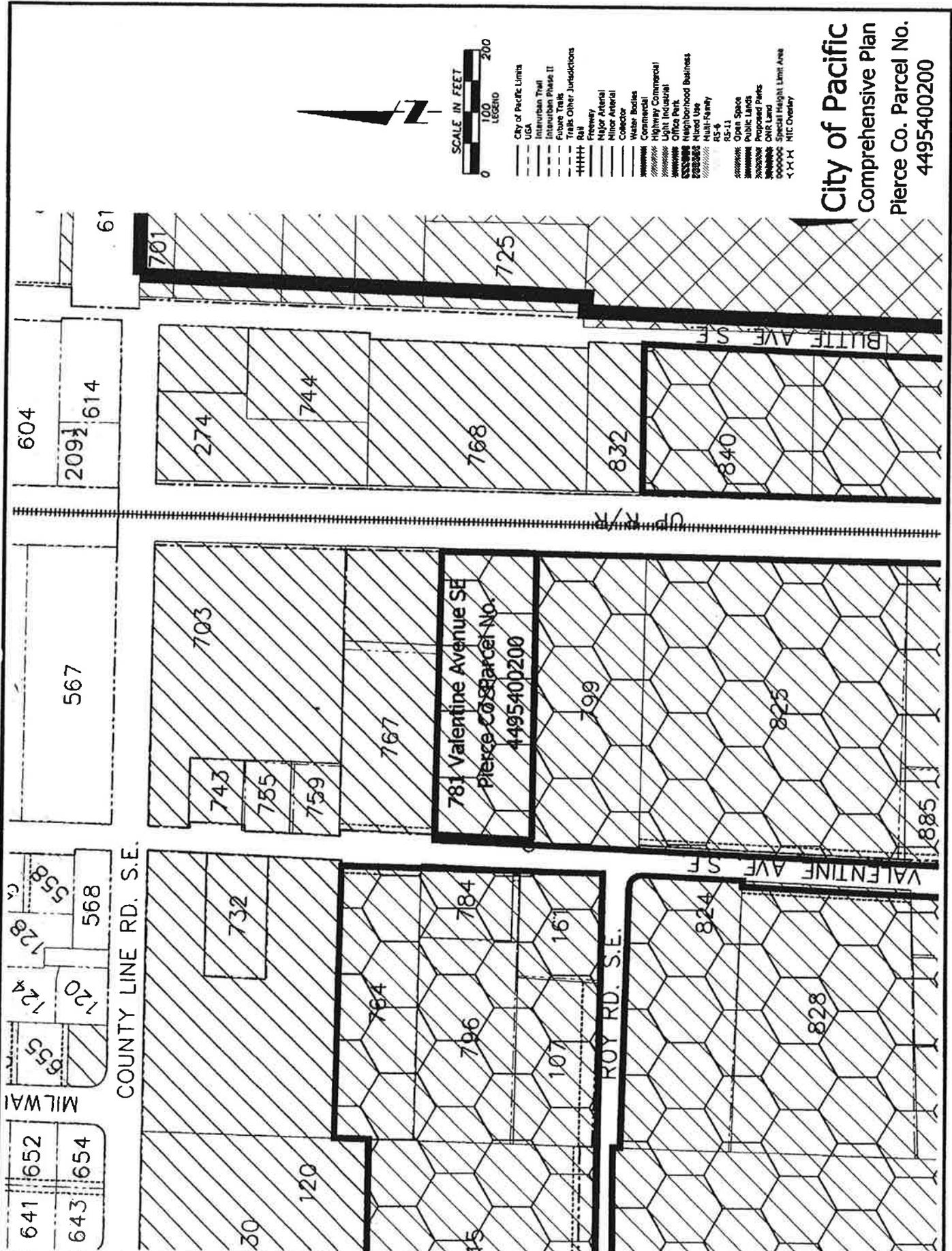
TRANSMITTED this 25th day of April, 2011, to the following:

APPLICANT: Lakeridge Commercial LLC
P.O. Box 7230
Bonney Lake, WA 98391

CASE NO: Rezone 09-001
781 Valentine Avenue S.E.
Parcel # 4495400200

NOTICE

1. **RECONSIDERATION:** Any aggrieved party or person affected by the recommendation of the Examiner may file with the Community Development department a written request for reconsideration based on any one of the following grounds materially affecting the substantial rights of said party or person:
 - A. Errors of procedure or misinterpretation of fact, material to the party seeking the request for reconsideration.
 - B. Irregularity in the proceedings before the Examiner by which such party was prevented from having a fair hearing.
 - C. Clerical mistakes in the official file or record transmitted to the Examiner, including errors arising from inadvertence, oversight, or omission, which may have materially affected the Examiner's decision on the matter.
The request must be filed no later than 4:30 p.m. on May 13, 2011, (14 working days) with the Community Development Department along with the required reconsideration fee at 100 – 3rd Avenue SE, Pacific, Washington 98047. This request shall set forth the bases for reconsideration as limited by the above. The Examiner shall review said request in light of the record and take such further action as he/she deems proper; including, but not limited to, denying the request, granting the request, with or without oral argument, and may render a revised decision.
2. Appeal of City Council's final decision. The final decision of the City of Pacific City Council may be appealed to the courts.



STATE OF WASHINGTON, COUNTY OF KING }
AFFIDAVIT OF PUBLICATION

PUBLIC NOTICE

Linda M Mills, being first duly sworn on oath that she is the Legal Advertising Representative of the

Auburn Reporter

a weekly newspaper, which newspaper is a legal newspaper of general circulation and is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a weekly newspaper in King County, Washington. The Auburn Reporter has been approved as a Legal Newspaper by order of the Superior Court of the State of Washington for King County.

The notice in the exact form annexed was published in regular issues of the Auburn Reporter (and not in supplement form) which was regularly distributed to its subscribers during the below stated period. The annexed notice, a:

Public Notice

was published on May 13, 2011.

The full amount of the fee charged for said foregoing publication is the sum of \$66.39.


Linda M. Mills

Legal Advertising Representative, Auburn Reporter
Subscribed and sworn to me this 13th day of May, 2011.


Kathy Dalseg

Notary Public for the State of Washington, Residing
in Covington, Washington
P. O. Number:



RECEIVED
CITY OF PACIFIC

MAY 31 2011

SUMMARY OF
ORDINANCES
NO. 1802
CITY CLERK/PERSOINNEL
MANAGER

City of Pacific, Washington

On the 9th, of May, 2011, the City Council of the City of Pacific, Washington, passed Ordinance No. 1802. A summary of the content of said ordinances, consisting of their titles, provides as follows:

**ORDINANCE NO. 1802
AN ORDINANCE OF THE
CITY OF PACIFIC,
WASHINGTON, REZONING
CERTAIN REAL PROPERTY
LOCATED AT 781
VALENTINE AVENUE SE**

The full text of these ordinances will be mailed upon request, in accordance with the City's fee schedule.

Dated the 9th, of May 2011
Jane Montgomery, City Clerk
Published in Auburn Reporter
on May 13, 2011. #489796.