

ORDINANCE NO. 610

AN ORDINANCE OF THE CITY OF UNIVERSITY PLACE AMENDING TITLE 19 OF THE UNIVERSITY PLACE MUNICIPAL CODE "ZONING", 19.20 ZONING MAP, 19.25 USES AND CLASSIFICATION TABLES, AND 19.55 OVERLAY ZONES, TO CHANGE THE ZONING OF PARCEL 0220282021 AND A 1.33 ACRE PORTION OF PARCEL 0220282020 FROM CHAMBERS CREEK OVERLAY ZONE TO PUBLIC FACILITY OVERLAY ZONE, ADD "SCHOOL AUXILIARY SERVICES" AS A NEW USE TYPE, DELETE "BUS BARNS" AS AN EXAMPLE OF A LEVEL 2 TRANSPORTATION USE TYPE, AND ADD "USES PERMITTED OUTRIGHT OR BY CONDITIONAL USE PERMIT" IN THE PUBLIC FACILITY OVERLAY ZONE.

WHEREAS, in accordance with the State Growth Management Act the University Place City Council adopted a Comprehensive Plan on July 6, 1998 which became effective July 13, 1998 with amendments on May 1, 2000 and August 4, 2003; and

WHEREAS, the Growth Management Act requires the City to adopt development regulations which are consistent with and implement the Comprehensive Plan and the Act; and

WHEREAS, the City's Comprehensive Plan includes Goal LU7 to establish a Public Facilities Overlay, which identifies existing and planned public facilities; and

WHEREAS, the University Place School District's Transportation and Maintenance Facility is located in the Chambers Creek Properties Overlay Zone where it is considered a non-conforming use; and

WHEREAS, the University Place School District recently acquired the property on which the District's Transportation and Maintenance Facility is located and submitted an application to rezone the property from Chambers Creek Properties Overlay Zone to Public Facilities Overlay to conform with zoning intended for such uses; and

WHEREAS, the City's Comprehensive Plan includes policy LU7B stating that the Public Facilities Overlay should provide flexibility to manage public property in a manner that serves the greatest public benefit; and

WHEREAS, although Public Facilities are defined as properties and facilities in which a public agency, jurisdiction, district or similar entity has a real property interest, uses allowed in the Public Facility Overlay are limited to those uses allowed in the underlying zone; and

WHEREAS, the University Place School District's Transportation and Maintenance Facility is located in the R1 – Residential Zone where bus barns and maintenance facilities are not permitted and are therefore considered non-conforming uses; and

WHEREAS, on April 6, 2012 the University Place School District submitted an application to amend the University Place Municipal Code Title 19 to allow the District Transportation and Maintenance Facility in a Public Facility Overlay Zone, in conjunction with the request to rezone the recently acquired property in order to bring the use of the property into compliance with zoning; and

WHEREAS, the Planning Commission held a public meeting on June 6, 2012 to review and discuss proposed text amendments to the Zoning Code; and

WHEREAS, after notice in the Tacoma News Tribune the Planning Commission held a public hearing on June 20, 2012 after which the Planning Commission voted unanimously to recommend the City Council adopt the proposed Zoning Code text amendments; and

WHEREAS, after notice to adjacent property owners and in the Tacoma News Tribune, on July 17, 2012 the City's Hearings Examiner held a public hearing on the requested Zoning Map amendment to receive testimony on the matter; and

WHEREAS, the City's Hearings Examiner issued a report and recommendation on August 8, 2012 in which the Examiner stated the applicant had shown by a preponderance of evidence that the request for a zone classification satisfies all decision criteria set forth in UPMC 19.90.040(D) and therefore, the University Place City Council should approve the zone reclassification from Chambers Creek Properties Overlay to Public Facilities Overlay subject to conditions; and

WHEREAS, on July 2, 2012 the City's Environmental Official issued a Determination of Non-Significance (DNS) with notice published in the Tacoma News Tribune and a comment period ending on July 16, 2012; and

WHEREAS, the required State agency 14-day expedited review period on the proposed Zoning Code text and Map amendments began on July 2, 2012 and concluded on July 16, 2012 with no comments received; and

WHEREAS, on September 17, 2012 the University Place City Council held a study session to review and discuss the proposed Zoning Code text amendments; and

WHEREAS, the University Place City Council finds the text and map amendments are consistent with the goals, objectives and policies of the Comprehensive Plan; the proposed amendment is in the best interest of the citizens and property owners of the City; and the proposed amendment enhances the public health, safety, comfort, convenience, or general welfare.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF UNIVERSITY PLACE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Title 19 Zoning – Amendments. – University Place Municipal Code Chapters 19.25, and 19.55 are hereby amended as set forth in Exhibit "A" attached.

Section 2. Rezone Approval. University Place Municipal Code Chapter 19.20 "The Zoning Map" is hereby amended to change Parcel No. 0220282021 and a 1.33 acre portion of Parcel No. 0220282020 from Chambers Creek Properties Overlay Zone to Public Facilities Overlay Zone as depicted on Exhibit C attached hereto. The applicant shall adhere to the conditions of approval recommended by the Hearing Examiner in his report and recommendation dated August 8, 2012, a copy of which is attached hereto as Exhibit B.

Section 3. Copy to be Available. One copy of this Ordinance shall be available in the office of the City Clerk for use and examination by the public.

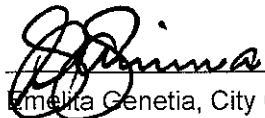
Section 4. Severability. If any section, sentence, clause, or phrase of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this Ordinance.

Section 5. Publication and Effective Date. A summary of this Ordinance consisting of its title shall be published in the official newspaper of the City. This Ordinance shall take effect five days after publication.

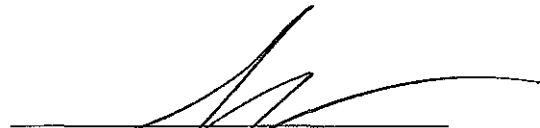
PASSED BY THE CITY COUNCIL ON OCTOBER 1, 2012.


Ken Grassi, Mayor

ATTEST:


Emelita Genetia, City Clerk

APPROVED AS TO FORM:


Steve Victor, City Attorney

Date of Publication: 10/03/12

Effective Date: 10/08/12

ORDINANCE NO. 610 - EXHIBIT A

Add a new Use Type "School Auxiliary Services" to UPMC 19.25.050 Civic/recreation/education use category – Descriptions.

R. School Auxiliary Services: use type refers to facilities that provide services to all or most school and school facilities in a school district as opposed to an individual school. Services may include but are not limited to transportation, school maintenance and cleaning, facility development, nutrition, printing, warehousing and security.

To eliminate a redundant use type, delete "school bus yards" as an example of a Transportation Level 2 use as follows:

Transportation use type refers to the provision of public or semi-public transportation services. Typical uses include parking garages, park-and-ride lots, commercial parking lots, bus shelters, bus stations, bus transfer centers, ferry docks, and other types of public and quasi-public transportation facilities.

Level 1. Transportation uses serving residential neighborhoods such as bus shelters.

Level 2. Transportation uses serving communities and regions, such as passenger rail stations, parking facilities, ~~school bus yards, bus barns,~~ weigh stations, bus stations, and transfer centers.

Amend UMPC Title 19.55.070 Public Facilities Overlay as follows:

- A. Purpose. The purpose of the public facilities overlay is to ensure the impacts associated with public facilities are appropriately mitigated and to provide exceptions to allow public facilities to best serve their clients and community with less cost to the taxpayer.
- B. Standards. Unless otherwise specified, all uses and standards of the underlying zone apply.
- C. Use: The following land uses shall be permitted in the Public Facility Overlay:
 - 1. Uses permitted outright
 - a) Education Level 1
 - b) Public Maintenance Facilities (established prior to 7/1/2012)
 - c) Public Safety Services (established prior to 7/1/2012)
 - d) Transportation Level I and II (established prior to 7/1/2012)
 - 2. Uses Permitted by Conditional Use Permit
 - a) Public Maintenance Facilities.
 - b) Public Safety Services
 - c) Public School Auxiliary Services
 - d) Transportation Level I and II

ORDINANCE NO. 610 - EXHIBIT B

Hearings Examiner Findings and Conclusions

1. The Hearings Examiner has jurisdiction to consider and decide the issues presented by this request.
2. The applicant has shown by a preponderance of evidence that the request for a zone reclassification satisfies all decision criteria set forth in UPMC 19.90.040(D). Therefore, the University Place City Council should approve said zone reclassification subject to the following conditions:
 - a. The applicant shall be aware that this approval does not constitute building or other permits approval, which must be obtained through the appropriate agencies.
 - b. On the north side of the parcel (64th Street side), subject to the County's approval, the District will install slats into the existing perimeter fence but will install no landscaping. Slats shall be a dark color (brown, green, or black). The slats shall be installed along the length of the fence on the northern side, commencing at the western end and extending to a large oak tree near the eastern end where existing vegetation obscures the view of the bus barn.
 - c. On the eastern side of the parcel (Chambers Creek Road side), commencing at the south side of the existing access gate the applicant shall install 75 linear feet of a low maintenance (i.e, low water usage) hedge (laurel, photinia, or equivalent) that will grow to a height of approximately four feet. Commencing at the end of the vegetation planting, the District shall install slats within the existing fence to the point where the terrain or vegetation obscures the bus barn. The District must water until such time as the landscaping has established itself. On the north side of the Chambers Creek Road gate, the District will try to plant one or more junipers next to the existing junipers.

Hearings Examiner Recommendation

It is hereby recommended that the University Place City Council approve the rezone of Parcel No. 0220282020 and a portion of Parcel No. 0220282021 from Chambers Creek Properties Overlay to Public Facilities Overlay subject to the conditions contained in the conclusions above.

EXHIBIT C

UNIVERSITY PLACE SCHOOL DISTRICT

BUS BARN AND MAINTENANCE FACILITY

REZONE AREA

