

ORDINANCE NO. 3611

AN ORDINANCE of the City of Port Angeles, Washington, rezoning approximately .32 acres from RS-7, Residential Single Family (RS-7) to Commercial Office (CO).

WHEREAS, the City received a complete application to rezone approximately .32 acres); described in the attached Exhibit A, from RS-7, Residential Single Family (RS-7) to Commercial Office (CO); and

WHEREAS, a public hearing was conducted by the Planning Commission on September 26, 2018; and

WHEREAS, the Planning Commission recommended to the City Council approval of the rezone application; and

WHEREAS, the requirements of the State Environmental Policy Act (Chapter 43.21C RCW) have been met; and

WHEREAS, the City Council, after conducting the records compiled by the Planning Commission and the Planning Commission's recommendation, finds that there have been changes in circumstances since the current zoning of the property was adopted and that the proposed rezone is in the best interest of the City and its citizens and is consistent with the Comprehensive Plan;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PORT ANGELES DO HEREBY ORDAIN as follows:

Section 1. The Findings and Conclusions marked Exhibit B and a map of the property marked Exhibit C are attached and hereby adopted and entered.

Section 2. The rezone application is hereby approved.

Section 3. The Official Zoning Map, Ordinance 2801 as amended, is hereby amended to change the zoning of that property described in Exhibit A from RS-7, Residential Single Family to CO, Commercial Office.

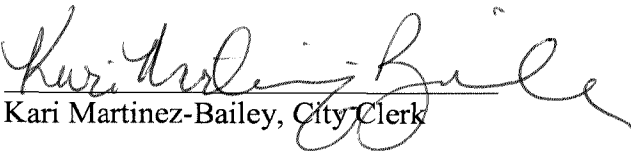
Section 4. The City Clerk is hereby directed to attach a copy of this Ordinance to the Official Zoning Map and to file certified copies with the Clallam County Auditor and Clallam County Assessor.

Section 4 - Effective Date. This Ordinance exercises authority granted exclusively to the City Council and is not subject to referendum. It shall be in force and take effect 5 (five) days after publication according to law.

PASSED by the City Council of the City of Port Angeles at a regular meeting of said Council held on the 6th day of November, 2018.


Sissi Bruch, M A Y O R

ATTEST:


Kari Martinez-Bailey, City Clerk

APPROVED AS TO FORM:


William E. Bloor, City Attorney

PUBLISHED: November 11, 2018
By Summary

Legal Descriptions

Property I.D.'s – 61664

Lots 8 and 9, Block 38, Norman R Smith Subdivision recorded in Volume 1 Page 38
recorded in Plat 1890-0000138

VI. FINDINGS OF FACT & STAFF ANALYSIS

Analysis and findings of fact from City Staff are based on the entirety on the application materials, Port Angeles Municipal Code (PAMC), standards, plans, public comment, and all other materials available during the review period. Collectively the information contained in the staff report is the record of the review. The findings and analysis in this report are a summary of the City Staff completed review.

City of Port Angeles Comprehensive Plan

All Rezone (REZ) applications must abide by the Port Angeles Comprehensive Plan. The following Port Angeles Comprehensive Plan policies are identified by Planning Division Staff to support the proposal in CUP Application No. 18-41:

Land Use Element		
Goal: G-3A	To guide current and future development within the City in a manner that provides certainty to its citizens about future land use and the flexibility necessary to meet the challenges and opportunities of the future.	
	Policy: P-3A.01	The Comprehensive Plan Land Use Map should be used as a conceptual guide for determining current and long-range zoning and other land use decisions. The map's land use designations are intended to show areas where general land use types are allowed. The area between land use designations should be considered an imprecise margin in order to provide flexibility in determining the boundary of such areas. When determining appropriate zoning designations for an area near a margin, the goals, policies and objectives of the Land Use Element should take precedence.
	Policy: P-3A.02	All land use decisions and approvals made by the City Council and/or any of its appointed Commissions, Boards or Committees should be consistent with the Comprehensive Plan and its land use map.
Goal: G-3-D	To create and maintain a healthy and diverse commercial sector for a balanced and stable local economy.	
	Policy: P-3-D.01	The City should encourage the recruitment of new and the retention of existing commercial developments and businesses, which are consistent with the goals and policies of this Comprehensive Plan.

Staff Analysis: REZ Application 18-41 abides by and is consistent with the goals, policies, and intent of the Land Use Element. The rezone of 215 North Francis Street will provide the Georgiana with services that are compatible with the intent of the Comprehensive Plan Land Use Map.

Port Angeles Municipal Code

The following Port Angeles Municipal Code (PAMC) provisions are seen as relevant to this application. Planning Division Staff provides comments under each provision as demonstration of the analysis that has occurred with the application review process and the findings of fact relevant to the application.

Title 17 – Zoning

PAMC Chapter 17.03.020, "Zoning Map", includes the purpose and direction of rezoning property in Port Angeles.

A zoning map, showing the location and the boundaries of the various zones in the City, shall be established as the Official Zoning Map and shall be an integral part of these Zoning Regulations. The Zoning Map shall be consistent with the City's Comprehensive Plan Land Use Map, and the land use designations on the Zoning Map shall be at the same or lesser intensity of uses and impacts on surrounding uses as the Comprehensive Plan Map. Where the zoning land use designation is at a lesser intensity than the comprehensive plan designation, a rezone may be granted if circumstances have been shown to be changed and the public use and interest is served. Where the zoning land use designation is at a greater intensity than the comprehensive plan designation, a rezone consistent with the comprehensive plan must be obtained before new development will be permitted.

Staff Analysis: The Comprehensive Plan Land Use Map designates the two lots as wholly within Commercial Use (see figure 1). Generally, Commercial Office (CO) zoning does not cross west of Francis Street north of Front Street. Zoning east of Francis Street is primarily CO zoning, and the zoning of the north half of Block 8 and Block 37 to the north is split between CO and RS-7, Residential Single Family. Any future proposal for the development of the two lots will be required to meet the standards of the Commercial Office zone located in Chapter 17.20 of the Port Angeles Municipal Code. This zone is the City's lowest intensity zone and is meant to act as a buffer between residential and higher intensity commercial zoning. Staff finds the propped zoning to comply with the Comprehensive Plan Land Use Map. Additional, Staff finds the proposed zoning is prevalent in the surrounding neighborhood and does not isolated or "split" zoning.

Title 18 – Growth Management

PAMC Chapter 18.02.070 – "Application Review Process", includes guidance on the state mandated application review process set forth in RCW 36.70B.

- A. *Public hearing limitation.* There shall be no more than one open record hearing and one closed record appeal conducted by the City on any development application.
- B. *Optional consolidated review.*
 - 1. When requested by the applicant, the City shall provide a single application review and approval process covering all development permits requested by an applicant for all or part of a project action and shall designate a single permit coordinator for such review.
 - 2. If an applicant elects the consolidated permit review process, the determination of completeness, notice of application, and notice of final decision must include all project permits being reviewed through the consolidated permit review process.
 - 3. Consolidated permit review shall be limited to a single open record hearing and no more than one closed record appeal.

4. In the case of consolidated project permit review, the Planning Commission shall conduct the single record public hearing and shall make the initial determination on the permits, which determination shall be either a recommendation or a final decision, depending on the processing requirements established by ordinance for each specific permit involved. The City Council shall be either the final decision-making or appellate body, depending upon the permit processing requirements for the specific permits involved.
- C. *Single report.* For project permits included in consolidated permit review that do not require an open record predecision hearing, the City shall provide a single report, which may be the City's permit decision document, which states all the recommendations and decisions made as of the date of the report on all related permits for the project. If a threshold determination other than a determination of significance has not been issued previously by the City, the report shall include or append this determination.
- D. *Combined meeting or hearing with other agency.*
1. Meetings or hearings on any project permit may be combined with any meeting or hearing held by another local, state, regional, federal, or other agency, provided that the meeting or hearing is held within the geographic boundary of the City. schedule in the event that additional time is needed in order to combine the hearings.
 2. Hearings shall be combined if requested by an applicant, as long as the joint hearing can be held within the time period specified in this chapter or the applicant agrees to the
- E. *Threshold determination appeals.* Except for the appeal of a determination of significance as provided in RCW 43.21C.075 and WAC 197-11-680, appeals of other threshold determinations shall be submitted prior to and combined with any predecision open record public hearing, if one is provided for the development application involved or combined with an appeal of the underlying project decision per PAMC 18.02.120.
- F. *Notice of decision.* A notice of decision, which may be a copy of the report or decision on the project permit application, shall be provided to the applicant and to any person who, prior to the rendering of the decision, requested notice of the decision or submitted substantive comments on the application. The notice of decision shall be consistent with Chapter 36.70B RCW and shall include a statement of any threshold determination made under Chapter 43.21C RCW and Chapter 197-11 WAC and the procedures for administrative appeal, if any. For non-administrative approvals, notice of the decision shall be published in the City's officially designated newspaper.

Analysis: Sections IV and VI of this staff report document the adherence to the requirements presented in Chapter 18.02.070 PAMC and RCW 36.70B. Planning Commission will forward a recommendation to the City Council, which will make a final decision concerning the application based on the Staff Report, Planning Commission recommendation and record, written public comment, and public testimony. Any appeal is required to be filed within 14 days of the notice of decision and will be heard in these cases may be appealed to Superior Court.

Comments

Comments received prior to the Planning Commission are summarized in Section V of this staff report.

Environmental Review

In accordance with WAC 197-11-800(6), this land use action has been determined to be categorically exempt from Washington State SEPA threshold determination rules, requirements, and procedures.

Consistency

In preparation and submission of a Rezone (REZ) application, the applicant has demonstrated how the requested rezone will be consistent and compatible with the Comprehensive Plan Land Use Map, and not contrary to the public use and interest. Staff has reviewed the REZ application in accordance with the City's Comprehensive Plan and the Port Angeles Municipal Code criteria. The recommendation of approval to change the City of Port Angeles Zoning Map will ensure future proposed uses are compatible for the surrounding site and support public health and safety.

Recommendation

It is the recommendation of Planning Division Staff that the Planning Commission recommend approval of Application No. 18-41, to amend the City of Port Angeles Zoning Map to the City Council. This recommendation is based on staff review, application materials, applicable code criteria, public comment and the findings included throughout the staff analysis and the conclusions included in Section VII of the staff report.

VII. DECISION & CONCLUSIONS

Having reviewed and considered the application materials, public comment, applicable criteria and all the information presented, the City Planning Division recommends the Planning Commission forward the recommendation of approval of Application No. 18-41 to the City Council, based on the findings within the staff analysis contained in this staff report and with the following conclusions:

1. Analysis and findings of fact from Staff are based on the entirety of the application materials, municipal code, standards, plans, public comment, and all other materials available during the review period. Collectively the information contained in the staff report is the record of the review. The analysis and findings in this report is a summary of the City Staff completed review.
2. As proposed, the rezone is in compliance with the City's Comprehensive Plan and Land Use Map.
3. Per PAMC Section 2.18.060 of the Port Angeles Municipal Code (PAMC), the City Council has the review authority and is authorized and directed to hear and decide on Rezone Applications. As to all of the foregoing issues and matters, the decision of the City Council shall be the final decision of the City. The decision of the City Council in these cases may be appealed to Superior Court. Appeals must be filed within 15 days of the notice of decision.
4. The proposed rezone meet the goals, policies, objectives and standards of the Comprehensive Plan related to the Land Use and Transportation Elements.

Current Zoning Map (Subject Property Outlined in Red)



Summary of Ordinances Adopted by the Port Angeles City Council on November 6, 2018

ORDINANCE NO. 3610

AN ORDINANCE of the City of Port Angeles, Washington amending sections of Chapter 13.12 electric rates; 13.44 water rates; 13.54 solid waste rates; and 13.65 wastewater rates; of the Port Angeles Municipal Code.

ORDINANCE NO. 3611

AN ORDINANCE of the City of Port Angeles, Washington, rezoning approximately .32 acres from RS-7, Residential Single Family (RS-7) to Commercial Office (CO).

ORDINANCE NO. 3612

AN ORDINANCE of the City of Port Angeles, Washington, rezoning approximately 15.35 acres from RS-9, Residential Single Family (RS-9) to Residential High Density (RHD).

These ordinances are not subject to referendum and shall take effect 5 days after passage and publication of summary.

The full texts of Ordinances are available at City Hall in the City Clerk's office, on the City's website at www.cityofpa.us, or will be mailed upon request. Office hours are Monday through Friday 8:00 a.m. to 5:00 p.m.

Kari Martinez-Bailey
City Clerk

Published by summary: Sunday, November 11, 2018