

ORDINANCE NO. 1247

AN ORDINANCE OF THE CITY OF STANWOOD, WASHINGTON, CHANGING THE ZONING CLASSIFICATION OF THE SLYE RADMACHER TRUST PROPERTY FROM LIGHT INDUSTRIAL TO MAIN STREET BUSINESS I AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, as one of the cities in Snohomish County, the City of Stanwood is required to adopt and regularly update its Comprehensive Plan and development regulations pursuant to the Washington State Growth Management Act (GMA); and

WHEREAS, on November 6, 2008, the Stanwood Planning Commission established the final docket of amendments to the Comprehensive Plan and development regulations to be considered during the 2008-2009 amendment process; and

WHEREAS, the zoning classification of the Slye/Radmacher Trust properties was included in Docket Application 08-2.2 Transit Overlay; and

WHEREAS, the City of Stanwood SEPA Responsible Official reviewed the amendment applications and issued a Determination of Non-significance (DNS) and an Adoption of Existing Environmental Documents on December 31, 2008; and

WHEREAS, on February 9, 2009, a public hearing was held by the Planning Commission and all persons wishing to provide public input concerning the docketed requests were heard; and

WHEREAS, public notice of the SEPA DNS and the above-referenced public hearing were provided as required by law; and

WHEREAS, the City Council held one joint public workshop with the Planning Commission on the proposed amendments February 26, 2009, and considered the testimony provided at the public hearing as well as the Planning Commission's recommendation on the proposed zoning classification change; and

WHEREAS, the City Council held workshop sessions to consider the proposed amendments on March 26th, April 9th, and April 23rd; and

WHEREAS, pursuant to RCW 36.70A.106, the City has notified the Washington State Department of Community, Trade, and Economic Development of the City's intent to adopt the proposed change in zone classification;

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF
STANWOOD, WASHINGTON, DO HEREBY ORDAIN AS FOLLOWS:**

Section 1. Adoption of Findings of Fact and Conclusions

Having reviewed all of the record made before the Planning Commission and the record before the City Council, the Findings of Fact and Conclusions attached hereto as Exhibit A are hereby adopted and incorporated herein by this reference.

Section 2. Change of Zoning Classification

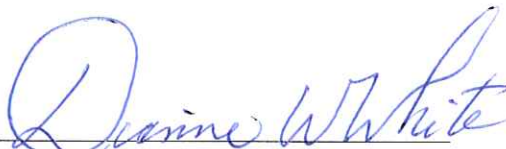
- 1) Parcel 32041900300200 Slye/Radmacher Trust Parcel .24 acres, as legally described and shown on Exhibit B, is hereby re-zoned from Light Industrial Zoning Classification to Main Street Business I Zoning Classification.

- 2) Parcel 32041900308100 Slye/Radmacher Trust Parcel .06 acres, as legally described and shown on Exhibit C, is hereby re-zoned from Light Industrial Zoning Classification to Main Street Business I Zoning Classification.

Section 3. Effective Date

This Ordinance shall take effect five days after its publication by summary.

PASSED by the City Council and signed by the Mayor this 11th day of June, 2009.

By: 
Dianne W. White, Mayor

Attest:

Approved as to form:

By: 
Melissa A. Collins, City Clerk

By: 
Grant K. Weed, City Attorney

FINDINGS OF FACT AND CONCLUSIONS

Findings of Fact:

- 1) The City of Stanwood adopted a GMA-compliant Comprehensive Plan in December, 2004.
- 2) As provided by RCW 36.70A and SMC 17.157.020, the State Growth Management Act, the City is entitled to amend its Comprehensive Plan by creating an annual docket of requested amendments.
- 3) Prior to the October 31, 2008, deadline, the Community Development Department filed City-generated docket items.
- 4) On November 19, 2007, the Stanwood Planning Commission approved the docket with the following items:
 - File No. LCPA08-1: Capital Facilities Element revisions and adoption of the 2009-2014 Capital Improvement Program
 - File No. LCPA
 - 08-2.1 Design Policy
 - 08-2.2 Transit Overlay
 - 08-2.3 Economic Development Policies
 - 08-2.4 Mineral Point
 - 08-2.5 Comprehensive Plan Amendment Process
 - 08-2.6 Comprehensive Plan Introduction
- 5) The zoning of Parcel 32041900300200 Slye/Radmacher Trust .24 acres and Parcel 32041900308100 Slye/Radmacher Trust .06 acres was considered as part of Application 08.22 Transit Overlay.
- 6) To re-zone Parcel 32041900300200 and Parcel 32041900308100, the findings in SMC 17.155.090 Decision Criteria are made as follows:
 - a. The change in classification must relate to the public health safety or welfare. In this instance re-classification would more readily implement the Transit Overlay, a designation adopted by the City Council in 2004 to provide land use uses and pedestrian oriented development to support provision of commuter rail and bus transportation.
 - b. The reclassification must be warranted because of changed circumstances or due to the need for additional land in the proposed land use category. In this instance the development of a train station immediately adjacent to this property is a changed circumstance that makes the range of uses in the Main Street Business I zone more feasible and practical.
 - c. The subject property is suitable for development or redevelopment with a wide range of uses allowed in the Main Street I business zone including mixed use residential/commercial, professional office, or retail.

- d. The reclassification will not be detrimental to uses and property in the vicinity. These properties abut properties which are already designed with the MBI zone and could be developed in a manner consistent with surrounding uses.
 - e. The reclassification has value for the community because it furthers the purpose of the Transit Overlay designation that was adopted by the City to encourage the kind of retail and pedestrian oriented use that will support downtown development and the success of the train station.
 - f. The reclassification is consistent with the Transit Overlay Designation of the Comprehensive Plan, and with the Transportation Element Goal TF 1 *Help achieve land use and resource conservation goals which help relieve traffic congestion and ensure safe, barrier-free mobility and accessibility for all members of the community*
 - g. The reclassification generally complies with standards in the Stanwood Municipal Code.
- 7) The Planning Commission held a duly noticed public hearing on the docket items including the proposed re-zone of the Slye/Radmacher Trust Properties on February 9, 2009.
- 8) Consistent with RCW 43.21C, the Responsible Official issued Determinations of Nonsignificance and Adoption of Existing Environmental Documents on December 31, 2008.
- 9) The Planning Commission and City Council held a joint workshop on these items on February 26, 2009 and the City Council held additional workshops on March 12 and 26, 2009 to consider this proposed re-zone.
- 10) At its regularly scheduled City Council meeting June 11, 2009, after review of the application, staff report, and Planning Commission recommendation and after consideration of the public testimony submitted at or as part of the public hearing, the City Council held first and second reading of Ordinance No. 1247.

Conclusions/Decision: Based upon the entire record in this matter, which shall be incorporated by this reference, the Stanwood City Council adopts the following conclusions and decisions.

- 1) Parcel 32041900300200 Slye/Radmacher Trust 24 acres is re-zoned from Light Industrial Zoning Classification to Mainstreet Business I Zoning Classification.
- 2) Parcel 32041900308100 Slye/Radmacher Trust .06 acres, is re-zoned from Light Industrial Zoning Classification to Mainstreet Business I Zoning Classification

EXHIBIT B

Legal Description; SEC 19 TWP 32 RGE 04 RT-34A) BAAP 30 FT E of SW COR
NE1/4SW 1/4TH N PLW 1/16LN 130FT M/L TO PT 250 FT WLY AT R ANG
FRM CTR LN GN RY TH SELY&PLT CTR LN GN RY 150 FT M/L to S BDY SD
NE1/4 SW 1/4 TH W 72 FT M/L POB

Change from Light Industrial Zoning Classification to Main Street Business I Zoning
Classification.

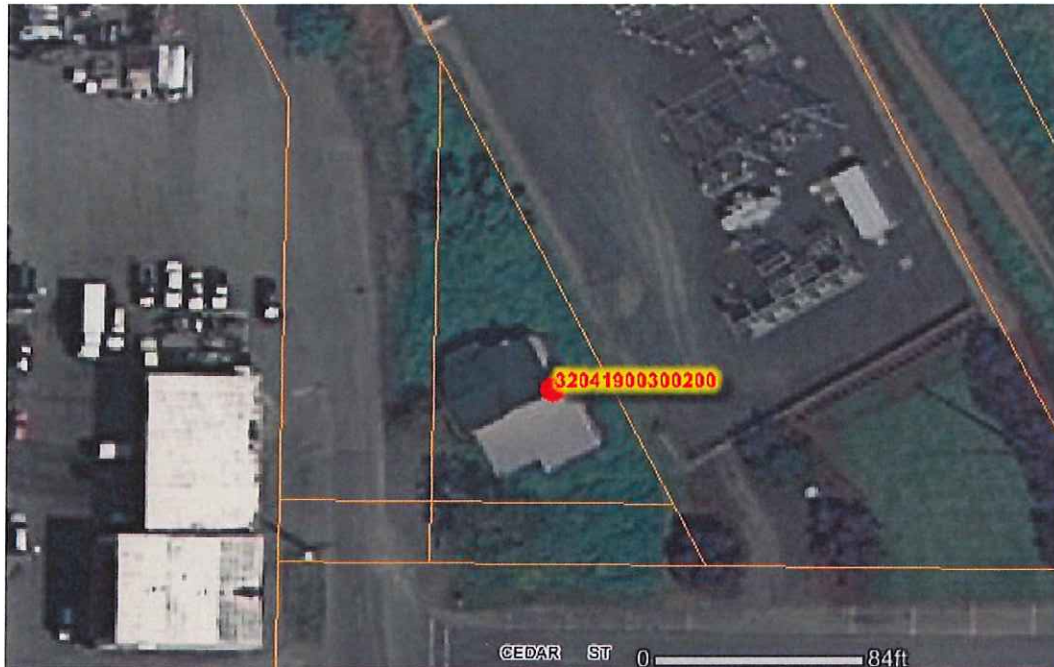


EXHIBIT C

Legal Description; SEC 19 TWP 32 RGE 04 RT-116) BAAP 30FT E of NW COR SE1/4 SW 1/4 E to PT 250FT MEAS AT R ANG to C/L GN R/W TH SELY & PLT C/L R/W TO N LN1ST ADD TO EA STANWOOD TH W TAP 30 FT E of W LN SE1/4 SW1/4 TH N TO TPB

Change from Light Industrial Zoning Classification to Main Street Business I Zoning Classification.

