

ORDINANCE 1249

AN ORDINANCE OF THE CITY OF STANWOOD, WASHINGTON, IMPLEMENTING CONCURRENT DEVELOPMENT STANDARD AMENDMENTS TO SMC TITLE 17, ZONING, REVIEWED AS PART OF THE 2009 COMPREHENSIVE PLAN DOCKET, BY AMENDING, SECTION 17.77 TRANSIT OVERLAY ZONE REGULATIONS, SECTION 17.80.10 ADMINISTRATION OF THE PLANNING COMMISSION, SECTION 17.105. 110 PARKING STANDARDS IN THE MBI ZONE, AND SECTION 17.157 THE COMPREHENSIVE PLAN AMENDMENT PROCESS, 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, concurrent consideration of these development standards was considered as part of Application 08-2.2 Transit Overlay, and Application 08-2.5 Comprehensive Plan Amendment Process; 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 code changes; 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 zoning code changes;

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

Section 1. Stanwood Municipal Code Chapter 17.77 Transit Overlay, Section 17.77.010 Purpose, is hereby amended to read as follows:

17.77.010 Purpose.

The purpose of the transit overlay is to provide citizens with coordinated land use, parking and transportation options, services that support the development of a pedestrian oriented Downtown Center and by guiding development of a multi-modal hub that incorporates bus, train and paratransit service, as well as parking and ride, bicycle and pedestrian facilities. Development within the transit overlay is intended to be coordinated with a new train station in the east end of downtown as a regional commuter rail system is developed along the existing rail right-of-way.

Section 2. Stanwood Municipal Code Chapter 17.77 Transit Overlay, Section 17.77.050 Master Plan, is hereby amended to read as follows:

17.77.050 Master Plan Site Plan Criteria.

~~(1) Site Plan Criteria Master Plan Required. Development of the transit overlay should be preceded by a master plan for the areas that lay out an integrated development meeting the purpose, definitions, and regulations in this chapter. The binding site plan; process may be utilized to formalize the master plan. The master plan may incorporate that accommodate redevelopment when necessary. The master plan shall be approved by the planning commission prior to any permit issuance.~~

~~(2) Mandatory uses. The master plan shall have as its central feature a park and ride lot and a transit station. Other uses shall be permitted as defined in SMC 17.77.060.~~

~~(3) Pedestrian connections shall be provided between all parking stalls and surrounding buildings.~~

~~(4) Building Orientation. All buildings shall be oriented to provide pedestrian entries along public streets and from the park and ride facility parking lot.~~

Section 3. Stanwood Municipal Code Chapter 17.77 Transit Overlay, Section 17.77.060 Permitted Uses Subsection 17.77.060(5) Business and Professional Services, is hereby

amended to read as follows:

17.77.060 Permitted Uses.

(5) Business or Professional Services.

Establishments primarily engaged in rendering services to other businesses or private individuals on a fee or contract basis.

- (a) Legal services
- (b) Finance, insurance, and real estate services,
- (c) Travel services
- (d) Professional Consultants
- (e) Schools, Other
- ~~(e)(f)~~ Accessory building, structures

Section 4. Stanwood Municipal Code Chapter 17.77 Transit Overlay, Section 17.77.070, Development Standards is hereby amended to read as follows:

17.77.070 Development Standards.

(1) Dimensional Requirements

(a) Minimum Acreage None. ~~The minimum acreage for consideration of a TO development is two acres~~

(b) Building Heights. Maximum heights shall be as follows:

- (i) Forty feet for transit station.
- (ii) Thirty feet for all other buildings.

(c) Density. Maximum density for residential units is 24 dwellings per acre.

(d) Setbacks. All buildings shall be set back from street frontages, pedestrian corridors, and the ~~park and ride~~ parking lot at least 13 feet to accommodate an eight-foot sidewalk or pedestrian corridor and five feet of landscaping. Side setbacks from adjoining buildings are not required.

(2) Design Standards.

(a) Pedestrian Orientation. All buildings shall be designed for pedestrian orientation, utilizing the architectural design standards in SMC 17.112.050.

(b) Buildings may provide entries and shall provide windows along any pedestrian corridor.

(3) Parking Standards. ~~Parcels in the Transit Overlay are regulated by the Off Street parking requirements in the MBI zoning district in Section 17.105.110. The park and ride lot shall be designed to accommodate parking commuters as well as users of surrounding buildings in the TO. As part of the master plan approval process, the applicant shall submit a parking study to show the park and ride is adequately sized to~~

~~meet parking needs. This evaluation, as determined by the planning director, shall supercede the off-street parking standards of SMC 17.105.140. Other design standards of Chapter 17.105 SMC shall still apply.~~

~~(4) Landscaping. As part of the master plan approval process, The applicant shall submit a landscaping plan for the entire site that meets or exceeds the standards of Chapter 17,145 SMC.~~

(5) Other Sections of Codes and Standards. The specific standards in this section shall override the corresponding standards of the underlying zone. Nothing in this section shall override other sections of the Stanwood Municipal Code or the public works standards, except as noted herein. (Ord 1164 § 4, 2004).

Section 5. Stanwood Municipal Code Chapter 17.80 Administration. Subsection 17.80.010 (1) Continuation of Planning Commission is hereby amended to read as follows:

~~17.80.010 Continuation of Pplanning Ceommission.~~

~~(1) Continuation of Planning Commission. Pursuant to Chapter 35A.63 RCW, there is hereby continued established a planning commission comprised of seven members appointed by the mayor and confirmed by the city council. At least five members of the planning commission shall reside within the corporate limits or the urban growth boundary of the City of Stanwood.~~

Section 6. Stanwood Municipal Code Chapter 17.80 Administration. Section 17.80.010 Planning Commission Subsection (8) Powers and Duties is hereby amended to read as follows:

~~(8) Powers and Duties. The planning commission shall advise the mayor and council in matters concerning the comprehensive land use and development of the city and its environs hold public meetings and hearings when called for by this code when requested by the city council, and provide the council with copies of all minutes of each session of the commission. The commission shall prepare and submit to the city council for adoption any additional plans and undertake any plans and studies assigned by the City Council to better accomplish the objectives, intent, purpose, scope, goals, and policies of this code. The commission shall also perform other duties as assigned by city council.~~

Section 7. Stanwood Municipal Code Chapter 17.105 Parking. Section 17.105.110 Off Street Parking in the MBI zoning districts Subsection (1) and Subsection (2) Parking in Main Street Business Zone are hereby amended to read as follows:

~~17.105.110 Off Street Parking Requirements in the MBI Zoning District.~~

~~(1) Number of Spaces. To promote a more compact, pedestrian-friendly central business district Downtown Center in Stanwood, the off-street parking requirements for retail trade, personal and business service establishments and offices, night clubs and health clubs (as contained in the Table of Off-Street Parking Requirements contained in SMC 17.105.140) are reduced by 50 percent when they are proposed to be located in the~~

MB-I zoning district. Commercial Uses with MBI zoning in the Transit Overlay Zone are exempt from the requirements for off-street Parking provided the use is a permitted use in the Overlay.

~~(2) Parking in Main Street Business Zones. Location and Orientation of Parking.~~
~~(a) In the MBI zone, no off-street parking stalls are permitted between the building and the street-front sidewalk (parking shall be provided in the rear of the buildings and on street). This requirement may be waived when restoration or reuse of an existing structure forces parking in front due to the location of the existing building Parcels~~

Section 8. Stanwood Municipal Code Chapter 17.157 Section 17.157.020 When Amendments Will be Adopted is hereby amended to read as follows:

17.157.020 When amendments will be adopted.

All amendments to the Comprehensive Plan shall be considered concurrently and no more than once each year except in the event of an emergency as outlined in SMC 17.157.130. The proposed plan amendments shall be considered concurrently by the planning commission so that their cumulative effects can be ascertained. The city council shall consider proposed amendments by September ~~March~~ of each year. A proposed plan amendment may include new plan elements, or a change to plan elements, goals and policies, the future land use map, other components of the plan or program elements, or the results from annexation actions. All amendments to the Comprehensive Plan will be required to meet the requirements for SEPA review (Chapter 17.149 SMC). (Ord. 1110 § 3, 2002; Ord. 1025, 1998).

Section 9. Stanwood Municipal Code Chapter 17.157, Section 17.157.040, How to propose an amendment, is hereby amended to read as follows:

17.157.040 How to propose an amendment.

- (1) An application shall be made to the planning department per SMC 17.157.060.
- (2) The planning department sets ~~October 31~~ August 31 of any given year as the deadline for plan amendment requests to be considered for decision the following year; however, a request will be accepted at any time. Those amendment requests received after the established deadline will not be considered by the commission for that year. Proposed plan amendments consisting of changes to the city's capital facilities plan and program (CFP) will generally be accepted later than other proposed amendments because of the CFP's relationship to the city's budget or its modification. Amendments consisting of changes to the city's CFP will be received no later than December ~~November~~ 30th. (Ord. 1110 § 3, 2002; Ord. 1025, 1998).

Section 10. Stanwood Municipal Code Chapter 17.157, Section **17.157.050, Selection Procedure**, is hereby amended to read as follows.

17.157.050 Selection procedure.

The planning department shall docket all amendment requests upon receipt to ensure that all requests receive due consideration and are available for review by the public. The planning department will provide an assessment and recommendation on all proposed amendments to be included in the annual Docket Work Program. (SMC 17.157.070) and shall forward proposed work program amendment requests with recommendations to the Planning Commission for briefing and to the City Council for decision. This assessment shall include, but not be limited to, the criteria contained in SMC 17.157.080. The ~~planning commission~~ City Council will review this assessment and decide which amendment request(s) will be considered.

Criteria for prioritizing plan amendment requests will include:

- (1) Determining if the request is site specific;
- (2) The order of receipt;
- (3) ~~A study of~~ The same area or issue was not reviewed within the last year ~~(this may be cause for the commission to define further review);~~
- (4) Possibility for incorporation into planned or active projects (if a request can be incorporated into a planned or active project, it may receive immediate consideration). (Ord. 1110 § 3, 2002; Ord. 1084 § 3, 2000; Ord. 1025, 1998).

(5) The proposed amendment is

1) consistent with the Vision of the Comprehensive Plan;

2) proposes a policy refinement consistent with broad policy objectives;

and

3) presents a new policy objective supported by the City Council.

The City Council shall approve the Docket Work Program and refer it to the Planning Commission for review.

Section 11. Stanwood Municipal Code Chapter 17.157 Section **-17.157.070 Review of proposed amendments** is hereby amended to read as follows:

17.157.70 Review of Proposed Amendments.

The planning department will evaluate the amendment request, collect necessary data, and conduct the appropriate analysis and environmental assessment. The department will solicit comments from the general public, organizations, agencies, other governmental departments and adjacent jurisdictions. The department will then report and make recommendations as appropriate. The department will present the proposed amendments to the planning commission. The planning commission shall conduct a public hearing and make recommendations to the city council concerning proposed amendments ~~within 120 days of the October 31st deadline. The city council shall consider the recommended amendments within 30 days after receiving the recommendation from the planning commission..~~ (Ord. 1110 § 3, 2002; Ord. 1084 § 3, 2000; Ord. 1025, 1998).

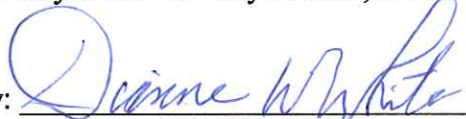
Section 12. Having reviewed all of the record made before the Planning Commission and the record before the City Council, the Findings of Fact and Conclusions attached hereto as Exhibit A are hereby adopted and incorporated by this reference.

Section 13. If any section, sentence, clause, or phrase of this Ordinance is 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 14. 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) Consideration of concurrent of development standards was considered as part of the Docket in Application 08-2.2 Transit Overlay, and Application 08-2.5.Comprehensive Plan Amendment: Process.
- 6) The proposed amendments to development standards are consistent with the Comprehensive Plan as amended June 11, 2009.
- 7) The Planning Commission held a duly noticed public hearing on the docket items including the proposed development standards amendments 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. 1249.

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) SMC 17.77. Transit Overlay Designation is amended to:
 - a. Modify the Purpose consistent with the revised Purpose of the Land Use Element of the Comprehensive Plan.
 - b. Delete the Master Plan requirements and substitute Site Plan requirements.
 - c. Add "Schools, Other" as a permitted use.
 - d. Amend all references to "park and ride facility" to refer to "parking lot".
 - e. Eliminate minimum acre project requirements.
 - f. Eliminate provisions for use of city park and ride as part of a master plan application.
 - g. Incorporate a cross reference to parking standards in the MBI Zone Classification.
 - h. Eliminate reference to a master plan process in the landscape standards.

- 2) SMC 17.80 Administration is amended to:
 - a. Clarify that the Planning Commission is established.
 - b. Clarify that the Planning Commission shall review plans and studies assigned by the City Council.

- 3) SMC 17.105,110 Off Street Parking Requirements in the MBI Zoning District is amended to:
 - a. Change references from "central business district" to Center Downtown.
 - b. Exempt commercial uses with MBI zoning located in the Transit Overlay from off-street parking requirements.

- 4) SMC 17.157 Comprehensive Plan Amendments is amended to"
 - a. Change the date for Council consideration from March to September.
 - b. Change the amendment filing date for general applications from October 31 to August 31, and for Capital Facilities from November 30th to December 30th.
 - c. Provide for Planning Commission review and City Council decision of the Docket Work Program.
 - d. Clarify language about consideration of applications in two subsequent years.
 - e. Add findings for approval of amendments.
 - f. Eliminate a requirement that the Planning Commission transmit recommendations to the City Council within 120 days and that the Council consider the recommendations within 30 days after receipt.