

CITY OF STANWOOD  
WASHINGTON

ORDINANCE NO. 1493B

AN ORDINANCE OF THE CITY OF STANWOOD, WASHINGTON, RENEWING THE ADOPTED INTERIM DEVELOPMENT REGULATIONS AMENDING TITLE 17 OF THE STANWOOD MUNICIPAL CODE TO PROHIBIT THE FILING OF APPLICATIONS FOR LICENSES, PERMITS AND APPROVALS FOR ANY ENHANCED SERVICES FACILITY OR COMPARABLE BUSINESS IN THE CITY FOR AN ADDITIONAL SIX MONTHS, PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

**WHEREAS**, chapter 70.97 RCW provides for the licensing, operations and management of Enhanced Service Facilities in the State of Washington; and

**WHEREAS**, according to section 70.97.010 RCW, Enhanced Service Facilities is defined as a facility that provides support and services to persons for whom acute inpatient treatment is not medically necessary; and

**WHEREAS**, the City Council understands that Enhanced Service Facilities are needed throughout the State of Washington, however without proper zoning controls, permitting of such a facility in the City of Stanwood could result in potential negative impacts on the community;

**WHEREAS**, on October 15, 2020 the Stanwood City Council adopted Ordinance 1493 prohibiting Enhanced Service Facilities in the City of Stanwood for six-months and setting the date of December 10, 2020 for the public hearing on the interim regulations; and

**WHEREAS**, the City Council held a public hearing on December 10, 2020 and after taking public testimony, continued the interim regulations prohibiting Enhanced Service Facilities in the City and directed the Planning Commission and City staff to evaluate and provide recommendations on appropriate regulations for siting of Enhanced Services Facilities and comparable businesses within the City; and

**WHEREAS**, Ordinance 1493 expires on April 15, 2021; and

**WHEREAS**, RCW 35A.63.220 and 36.70A.390 authorize the renewal of interim regulations for an addition six-month period; and

**WHEREAS**, the City of Stanwood's Planning Commission has held three meetings on the topic since January 2021 which included an initial review of the overall topic, evaluation of similar type uses in Stanwood and the surrounding area, and review

of the city's existing zoning code related to health care facilities; and

**WHEREAS**, additional time is needed for the Stanwood Planning Commission to evaluate appropriate zoning regulations regarding the placement of Enhanced Service Facilities in the city; and

**WHEREAS**, the City Council desires to extend the interim regulations on the acceptance of land use applications for Enhanced Services Facilities as defined in RCW 70.97.010 for an additional six months in order to preserve the status quo while the Planning Commission and the City Council evaluate and consider appropriate zoning regulations for Enhanced Services Facilities and comparable businesses within the City.

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

**Section 1. Findings of Fact.** The "whereas" recitals as listed above are adopted as findings of fact as if fully set forth herein.

**Section 2. Duration.** Ordinance 1493, Enhanced Service Facilities Interim Zoning Regulations, shall remain in full force and effect as adopted on October 15, 2020 and shall remain in effect until October 15, 2021, unless repealed, extended or modified by the City Council after subsequent public hearing pursuant to RCW 35A.63.220 of 36.70A.390.

**Section 3. Work Plan Established.** The Planning Commission, with the assistance of city staff shall, during the term of this ordinance extension, analyze appropriate zones and regulations to determine how best to regulate Enhanced Services Facilities. The Commission shall deliver their recommendations to the Stanwood City Council prior to the expiration of the moratorium herein.

**Section 4. Severability - Construction.** If a section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason by any court of competent jurisdiction; such decision shall not affect the validity of the remaining portions of this ordinance. If the provisions of this ordinance are found to be inconsistent with other provisions of the Stanwood Municipal Code, the provisions of this ordinance shall control.

**Section 5. Effective Date.** This ordinance 1493B adopts Findings of Fact as was required when the Council approved Ordinance 1493 which took full force and effective upon immediately upon passage as it was approved by a majority plus one of the entire membership of the City Council, as required by RCW 35A.12.130.

**PASSED AND APPROVED** by the Stanwood City Council this 25th day of March 2021.

CITY OF STANWOOD

*Elizabeth Callaghan*

Elizabeth Callaghan (Mar 26, 2021 10:23 PDT)

Elizabeth Callaghan, Mayor

ATTEST:

*Sara Robinson*

By: \_\_\_\_\_

Sara Robinson  
City Clerk

APPROVED AS TO FORM:

By: *BV*  
Brett Vinson (Mar 26, 2021 10:41 PDT)

Brett Vinson, City Attorney

Date of Publication: March 30, 2021

Effective Date: April 6, 2021