

ORDINANCE No. 1245

AN ORDINANCE OF THE CITY OF STANWOOD, WASHINGTON, AMENDING CHAPTER 17.35 SMC AND THE SINGLE FAMILY RESIDENTIAL 9.6 ZONE STANDARDS, TO ESTABLISH LOT SIZE AND SETBACK STANDARDS FOR LOTS VESTED TO COUNTY ZONING STANDARDS.

WHEREAS, The City of Stanwood has an Urban Growth Area of 448 acres as reported in the Buildable Lands Report of 2007; and

WHEREAS, the Snohomish County Comprehensive Plan designation is Urban Low Density Residential 4-6 DU/acre with R-7.2 zoning for 256 acres of the Stanwood Urban Growth Area, and the City Comprehensive Plan is Low Density Residential 3.5-5 DU/acre with pre-zoning of RS 9.6 for this area; and

WHEREAS, the County and City Comprehensive Plans have overlapping density ranges, but the zoning classifications have significantly different development standards for density calculations, lot area, lot width, lot depth, and building setbacks; and

WHEREAS, property within the Urban Growth Area from time to time is approved or vested for urban development under Snohomish County standards prior to annexation into the City; and

WHEREAS, subdivisions approved or vested in the County can be conforming to the City Land Use Designation of Low Density Residential but non-conforming to the City RS 9.6 zoning standards for lot area and setbacks; and

WHEREAS, preliminary subdivision approvals are valid for a period of five years, and upon annexation, the City would have to honor the terms and conditions of approval for the remainder of such subdivisions' approval terms; and

WHEREAS, upon annexation the City desires that such vested subdivisions be "conforming" under the City's zoning regulations with respect to lot size, lot frontage, and setbacks; and

WHEREAS, the City and the County entered into an Interlocal Agreement effective September 28, 2004, which provides for an orderly transition of services at the time of annexation of unincorporated areas of the County into the City; and

WHEREAS, Section 3.1 of said Interlocal Agreement provides that the City agrees to adopt and maintain land use designations and zones for annexation areas, which will allow the City to accommodate its share of the population allocation assigned to the County under the Growth Management Act; and

WHEREAS, the application for amendment to the development regulations for the SR 9.6 zone was initiated as part of the 2008-2009 Docket review of the Comprehensive Plan and concurrent zoning and development regulations as part of Application 08-2.4 Mineral Point; and

WHEREAS, on November 19, 2008, the Stanwood Planning Commission established the final docket of amendments to be considered during the 2008-2009 amendment process; and

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

WHEREAS, on February 9, 2009 the Stanwood Planning Commission held a public hearing on Application 08-2.4, including alternative proposals to allow development of “conforming” zoning for properties vested to County standards prior to annexation, and all persons wishing to provide public input concerning the requests were heard; and,

WHEREAS, the Planning Commission recommended that the City Council consider amending the development standards in RS9.6 zone as a means of accomplishing conforming zoning standards for affected properties, rather than pursue a comprehensive plan amendment and re-zoning of properties upon annexation; and

WHEREAS, the amendments proposed to the development standards of the RS 9.6 zone are consistent with the Stanwood Comprehensive Plan Residential Low Density Land Use Designation, because the exception providing for lot size and setback modification can only be applied when the overall density of the plat in question is consistent with the Comprehensive Plan; and

WHEREAS, public notice of the above-referenced SEPA DNS and 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 on February 26, 2009 and considered the testimony provided at the public hearing as well as the Planning Commission’s recommendation; 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 amendments to the development standards in Chapter 17.35 SMC, Single Residential Family 9.6 Zoning District.

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 the record before the Planning Commission and the City Council, the City Council hereby adopts the Findings of Fact and Conclusions, which are attached hereto as Exhibit A and are incorporated herein by this reference.

Section 2. SMC 17.35.040 "Table of dimensional and density requirements SR 9.6 Zoning District" is hereby amended to modify Note 8 and Note 11 to read as follows:

1) Note 8

The planning director or hearing examiner may, upon request, approve smaller lot sizes to a minimum of 8,000 square feet and/or widths to a minimum of 60 feet for the fewest number of lots necessary if development under the city regular standards precludes the development from meeting minimum urban net density as established under the Growth Management Act. In addition, lots in plats vested to Snohomish County standards prior to annexation may have lots size reduced to 5,000 sq. ft., lot width reduced to 50 feet, and lot depth reduced to 75 feet, provided that overall density of the plat conforms to the Land Use Element of the Stanwood Comprehensive Plan.

2) Note 11

The community development director may approve a reduced side and rear setback of five feet when the adjacent tract is devoted to open space, recreation space, or storm water detention. In addition, development on lots in plats vested to Snohomish County standards prior to annexation may conform to RS 5.0 zoning district standards, as set forth in SMC 17.45.040.

Section 3. Severability. 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 4. 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 26th day of March, 2009.

By: _____


Dianne W. White, Mayor

Attest:

Approved as to form:

By: Melissa A. Collins
Melissa A. Collins, City Clerk

By: Grant K. Weed
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 Application 08-2.4 Mineral Point as part of the 2008-2009 Docket, which considered alternative methods of amending the comprehensive plan and zoning regulations to allow conforming lots for development vested under County regulations but annexed into the City.
- 4) On November 19, 2007, the Stanwood Planning Commission approved the docket including item 08-2.4 addressing the Mineral Point plat.
- 5) The Mineral Point plat is an example of a property vested to Snohomish County standards by County (File No. 07-111492 SD) to create 69 single family lots, which application the County determined to be vested on September 27, 2007. The plat at 3.46 dwelling units per gross acre does conform to the density standards in the Stanwood Residential Low Density Comprehensive Plan Designation but does not conform to the RS 9.6 zone lot standards in effect.
- 6) The Mineral Point property is part of a larger 31.76 acre area known as the Manning-Dickenson, a.k.a. Weatherby/Leavitt, annexation (City File No. LANN06-3), effective March 8, 2009.
- 7) As part of the review of county and city zoning standards prior to effectuation of the annexation, the City entered into a Development Agreement with Weatherby I LLC, effective March 8, 2009 and agreed to process the Mineral Point plat within the City using the vested County development standards. As part of the Development Agreement the property owner agreed to modify the lot size and dimensions and setbacks for future development to approximate conforming lots under Stanwood zoning standards. The City also agreed to process either a zoning text amendment or a comprehensive plan amendment and re-zone as part of the 2008-2009 docket to allow the lots created under the vested Mineral Point plat, to be considered "conforming" under the City's zoning code.
- 8) The conforming status of lots is desired by the City to allow future homeowners greater use and improvement of their property, and to facilitate more efficient administration of zoning regulations. Non conforming properties are restricted by SMC 17.25.175 and 175.25.180 in terms of future expansion and modification.

- 9) On February 23, 2009 the Stanwood Planning Commission deliberated on the docketed application 08-2.4 for Mineral Point and recommended that Alternative # 3, Development Standard amendments to the RS 9.6 zone, be enacted rather than a comprehensive plan amendment and re-zoning.
- 10) The zoning text amendment to the development standards in the RS 9.6 zone and does not require a concurrent comprehensive plan text amendment.
- 11) Application 08-2.4 was initially considered as part of the docket and processed consistent with SMC 17.157, Comprehensive Plan. In addition, the review process for this amendment complies with the application, notice and public hearing requirements of SMC 17.155 which addresses zoning text amendments. SMC 17.155 does not include mandatory findings for zoning text amendments. However, the amendment does comply with the Stanwood Comprehensive Plan based on the following facts:
 - i. The RS 9.6 zone is the implementing zone for the Low Density Residential Land Use Designation, with a density range of 3.5-5 dwelling units per gross acre.
 - ii. The zoning text amendment limits the application of reduced lot size, lot width and lot depth to those plats that conform to this density range as allowed in the Land Use Element.
- 12) The Planning Commission held a duly noticed public hearing on the amendment on February 9, 2009.
- 13) Consistent with RCW 43.21C, the Responsible Official issued Determinations of Nonsignificance and Adoption of Existing Environmental Documents on December 31, 2008.
- 14) The Planning Commission and City Council held a joint workshop on February 26, 2009.
- 15) On March 12 and 26, 2009 at its regularly scheduled City Council meetings, which were open to the public, after review of the applications, staff reports, and Planning Commission recommendations 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. 1245, adopting amendments to the development standards in the RS 9.6 zone.

Conclusions/Decision: Based upon the entire record in this matter, which shall be incorporated by this reference, the Stanwood City Council approves the following zoning text amendment:

Zoning Text Amendment to Requirements in the RS 9.6 Zone, Table of Dimensional and Density Section 17.35.040 Notes 8 and 11 to allow lot size, width, depth and setbacks consistent with the RS 5.0 zone for parcels already vested to County standards.