

CITY OF STANWOOD
Stanwood, Washington

ORDINANCE 1345

AN ORDINANCE OF THE CITY OF STANWOOD, WASHINGTON, AMENDING STANWOOD MUNICIPAL CODE (SMC) ; SECTION 17.80.030; SUBSECTION 17.80.031(9); SUBSECTION 17.80.33 (1) (e); AND SECTION 17.80.130 REGARDING MAJOR SITE DEVELOPMENT PERMITS, PROCEDURES AND THRESHOLDS AND PERMIT ISSUANCE TIMELINES; PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, Site development permit regulations are codified in Chapter 17.80 of the Stanwood Municipal Code; and

WHEREAS, Stanwood Municipal Code section 17.80 sets forth procedures and processes for major site development permits, and

WHEREAS, Green Valley Holdings, INC submitted a zoning code text amendment application (13-ZP0004) on March 12, 2013; and

WHEREAS, Green Valley Holdings, INC requested the elimination of the major development permit requirement for residential plats asserting that there was redundancy with other platting requirements; and

WHEREAS, City Community Development staff has drafted amendments to SMC chapter 17.80 to modify applicability thresholds and processing requirements for major site developments to improve efficiency and effectiveness of the regulations; and

WHEREAS, the Stanwood City Council desires to provide development regulations that provide streamlined permit processing while maintaining the ability to evaluate projects for compliance with needed public safety criteria;

WHEREAS, the Community Development Department issued a determination of non-significance on file 2013ZP0004 on March 15, 2013; and

WHEREAS, on March 25, a public hearing was held by the Stanwood Planning Commission regarding Application 2013ZP0004 and all persons wishing to provide public input concerning the zoning code text amendment were heard; and

WHEREAS, public notice of the above-referenced public hearing was provided in accordance with and as required by law; and

WHEREAS, the Stanwood City Council met April 11, 2013 and April 25, 2013 to consider the proposed zoning code text amendments; and

WHEREAS, pursuant to RCW 36.70A.106, the City has notified the Washington State Department of Commerce of the City's intent to adopt the proposed change in regulations; and

WHEREAS, consistent with State law, the City desires to update its development regulations to provide efficient administrative procedures;

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

SECTION 1. The City adopts the following Findings of Fact and Conclusions pursuant to SMC 17.155.090 (2)

The decision criteria for amending the Chapter 17 zoning are the following (SMC 17.155.090 (2)):

SMC 17.155.090 (2)

(a) The purpose and desired effect of the proposed zoning code amendment is consistent with the Stanwood Municipal Code. The proposed zoning text amendment eliminates potentially redundant procedural requirements that in some cases duplicate the analysis and findings required for preliminary plats. The proposed amendments also provide additional public review opportunities for multifamily commercial and industrial projects that are large enough to trigger SEPA thresholds. These actions are consistent with the city's desire to provide efficient and effective development as stated in the purpose statement in SMC 17.05.010.

(b) There is a positive relationship between the proposed zoning text amendments to the public health, safety and welfare of the community. SMC Title 17 Zoning, Chapter 17.080 as amended promotes the general public welfare by eliminating duplicate processing requirements for residential plats, and increases the opportunity for public review and comment of commercial industrial and multifamily proposals and eliminates a procedural waiting period for issuance of building permits.

(c) The proposed zoning text amendment is consistent with the Stanwood Comprehensive Plan.

The proposed zoning text amendment is consistent with the Economic Development Element of the Comprehensive Plan *policies* by improving the efficiency of permitting.

- ***EDG-6 Support local business by providing up to date information and equitable and efficient licensing/ permitting procedures***
- ***Policy EDP6.1 Ensure that City licensing and permitting procedures and development regulations are coherent, fair and expeditious.***

SECTION 2. SMC Section 17.80.030 entitled "Site development permit purpose and applicability – Major and administrative permits, when required" is hereby amended to read as follows:

17.80.030 Site development permit purpose and applicability – Major and administrative permits, when required.

(1) Purpose and Applicability

(a) The purpose of this chapter shall be to provide a coordinated review of zoning and other development regulations and to ensure that proposed site development complies with the city’s Comprehensive Plan, zoning regulations, public works standards, and other applicable development regulations.

(b) On or after the effective date of this code, any person wishing to undertake a development, except as provided in SMC [17.80.032](#), shall obtain an administrative site development permit and a major site development permit if applicable, in addition to obtaining any other permit required by law, prior to performing or undertaking any such development project. When a major site development permit is required, the major site development permit shall be processed first, and the administrative site development permit shall be processed upon completion of the major development permit review process.

(2) Administrative site development permits shall be processed as a Type I application and shall be issued for all projects except as provided in SMC [17.80.032](#) by the community development director in accordance with SMC [17.80.034](#), only after all requirements of SMC Title 17 Zoning have been met.

(3) Major site development permits shall be processed as a Type III application and shall be issued for major projects as defined herein by the hearing examiner in accordance with SMC [17.80.033](#), only after all requirements of SMC Title 17 Zoning have been met.

(4) A project shall be deemed to be a major project and subject to hearing examiner review if it exceeds any of the following criteria:

Major Site Development Permit Threshold Table

Zoning Acreage OR Nonresidential OR Dwelling

District	I Floor Area	Units
SR N/A5		
12.4 Acres		
SR 9.6 N/A5		
Acres		
SR 7.0 N/A4		

Zoning Acreage OR Nonresidential OR Dwelling				
District		I Floor Area	Units	
	<u>Aeres</u>			
SR 5.0	N/A			
	<u>Aeres</u>			
MR	<u>1 Acre</u>	<u>12,000+SF</u>	<u>40+</u>	
NB	<u>1 Acre</u>	<u>12,000+SF</u>	N/A	N/A
MB-I	<u>1 Acre</u>	<u>12,000+SF</u>	<u>20+</u>	N/A
MB-II	<u>1 Acre</u>	<u>12,000+SF</u>	<u>20+</u>	N/A
GC	<u>1 Acre</u>	<u>-12,000+SF</u>	N/A	N/A
LI	<u>1 Acre</u>		N/A	N/A
		<u>12,000+SF</u>		
GI	<u>1 Acre</u>		N/A	N/A
		<u>12,000SF</u>		
<u>TN</u>	<u>1 Acre</u>	<u>12,000+SF</u>	<u>40+</u>	<u>N/A</u>

NOTE: SF = Square Feet

N/A = Not Applicable

- (5) Land use actions that cause the demolition without replacement of more than 10 units of affordable housing as defined by this code shall be subject to all major site development permit requirements.
- (6) Activities under other laws, codes and regulations of the state or the federal government require an environmental impact statement shall be deemed a major

project for permit processing purposes. (Ord. 1253 § 3, 2009; Ord. 1110 § 3, 2002; Ord. 1037, 1998; Ord. 969, 1996; Ord. 929 Ch. 8(C)(1), 1995).

SECTION 3. SMC Section 17.80.031 paragraph (9) of “Site development permit terms and conditions” is hereby amended to read as follows (all other paragraphs other than (9) remain in effect and unchanged).

17.80.031 “Site development permit terms and conditions

(9) The site development permit shall be considered commenced when a building permit is issued.

SECTION 4. SMC Section 17.80.033 paragraph (1) (e) of “Major site development permit review procedures” is hereby amended to read as follows (all other paragraphs other than (17.80.033 (1) (e) remain in effect and unchanged.)

17.80.033 Major site development permit review procedures.

(1) Permit Required. Any person wishing to undertake a major project as defined herein shall obtain a major site development permit from the hearing examiner, in addition to obtaining any other permit required by law from any public agency prior to performing or undertaking any development, in accordance with the procedures of this section.

(e) The community development director shall make a recommendation to the hearing examiner to approve, deny, or condition the approval of the project.

SECTION 5. SMC Section 17.80.130 entitled “Table of land use procedures” is hereby amended to read as follows.

17.80.130 Table of land use procedures.

The following table sets forth the appropriate public comment period; pre-decision meeting; city department, body, or officer responsible for decisions; the type of appeal that is allowed; and the agency, body, board, or court to whom an appeal is served.

Type III:								
Major site development permit	15-day NOA 10-day NOH	CDD	<u>None</u>	HE	HE	No	No	Yes
Conditional use permit	10-day NOH	No	No	HE	HE	No	No	Yes
Preliminary plat	10-day NOH	CDD; CE	PC	HE	HE	No	No	Yes
PRD	10-day NOH	CDD	PC	HE	HE	No	No	Yes
Shoreline CUP	30-day NOA	No	No	HE	HE	No	No	Yes

	plus 15-day NOH							
Shoreline variance	30-day NOA plus 15-day NOH	No	No	HE	HE	No	No	Yes
Waiver of forest practices moratorium for non-single-family residence	15-day NOH	No	No	HE	HE	No	No	No

SECTION 6. Severability

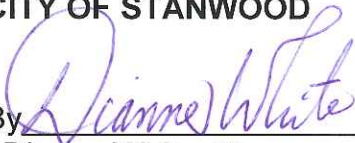
If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this Ordinance.

SECTION 7 Effective Date.

This Ordinance shall take effect and be in force five (5) days after its passage, approval, and publication as provided by law.

PASSED by the City Council and APPROVED by the Mayor this 25th day of April, 2013.

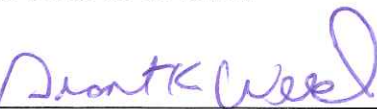
CITY OF STANWOOD

By 
Dianne White, Mayor

ATTEST:

By 
Greg Thrasher, City Clerk

Approved as to form:

By 
GRANT K. WEED, City Attorney

Date of Publication: 4/30/2013