

**CITY OF LAKE STEVENS
LAKE STEVENS, WASHINGTON**

ORDINANCE NO. 920

AN ORDINANCE OF THE CITY OF LAKE STEVENS, AMENDING THE ZONING OF A PORTION OF 11 ACRES AS PART OF THE KJORSVIK REZONE (FILE NO. LUA2014-0010) NEAR THE EASTERN INTERSECTION OF SOPER HILL ROAD AND SR-9 BY REZONING SEVEN PARCELS OF THE PROJECT TO COMMERCIAL DISTRICT AND TWO PARCELS OF THE PROJECT TO LOCAL BUSINESS; REPEALING ORDINANCE 780; REPEALING RESOLUTION 2008-4 AND RESCINDING AND TERMINATING A DEVELOPMENT AGREEMENT RELATED TO A PREVIOUS REZONE, RECORDED UNDER SNOHOMISH COUNTY RECORDING NO. 200808120549; PROVIDING FOR SEVERABILITY AND EFFECTIVE DATE

WHEREAS, on December 9, 2013 the Lake Stevens City Council enacted Ordinance No. 903 adopting an updated Official Zoning Map; and

WHEREAS, the City received separate applications for a comprehensive plan map amendment (City File No. LUA2014-0009) and concurrent rezone (City File No. LUA2014-0010) on January 30, 2014 referred to as the Kjorsvik Rezone; and

WHEREAS, the Kjorsvik Rezone includes approximately 11 acres near the eastern intersection of SR-9 and Soper Hill Road (**Exhibit A**). The proposal would change zoning designation on parcels 00590700030401, 00590700032001, 00590700032000, 29050100401100, 00590700032002, 29050100401300 and 29051200200600, in the northeastern corner of the project area, to Commercial District (CD) from Multifamily Residential (MFR), High Urban Residential (HUR) and Suburban Residential (SR). The request would also change the zoning on parcels 00604900000804 and 00604900000706, in the southeastern corner of the project area, to Local Business (LB) from Mixed-Use (MU).

WHEREAS, Section 14.16C.090 of the Lake Stevens Municipal Code (LSMC) sets forth the process for rezone applications; and

WHEREAS, pursuant to LSMC 14.16C.090(b) the rezone is a minor amendment, as there are less than five tracts and less than 50 acres involved, but is considered an area-wide rezone because the proposed changes involve different property owners, changes across rights-of-way, and changes to more than one land use designation; and

WHEREAS, the Comprehensive Plan land use designation for the subject parcels are Commercial (COM) and Local Commercial (LC) per Ordinance No. 918, which support the Commercial District (CD) Local Business (LB) zoning designations per Table 14.36-I as found in Chapter 14.36 LSMC; and

WHEREAS, Ordinance No. 876 established the Commercial District zoning district, with the adoption of the Subarea Plans, in September 2012. This designation has been adopted into Chapter 14.36 LSMC, but not into chapters 14.40 (Permissible Uses) and 14.48 (Density and Dimensional Regulations). Chapter 14.38 LSMC contains the applicable use and development regulations for the Commercial District; and

WHEREAS, the southern parcels 00604900000804 and 00604900000706 are currently subject to a Development Agreement (Resolution 2008-4 / Snohomish County Recording No. 200808120549) tied to the Mixed-Use Designation, adopted by Ordinance No. 780; and

WHEREAS, upon approval of the proposed rezone to Local Business, the Development Agreement will no longer be applicable to the properties as the development agreement (Resolution 2008-4 / Snohomish

County Recording No. 200808120549) placed restrictions upon certain nighttime, high traffic and industrial land uses identified in sections 1 through 4 and grants the city authority to rescind the requirement for the development agreement as set forth in Ordinance 780.

WHEREAS, the City submitted 2014 Comprehensive Plan land use map, text and figure amendments to the Washington State Department of Commerce for its 60-day review on July 18, 2014; and

WHEREAS, the city issued a State Environmental Policy Act (SEPA) Mitigated Determination of Non-Significance on August 19, 2014 for M-2 (City File No. LUA2014-0009 / 0010) – one comment was received and no appeals were received within the 14-day comment period; and

WHEREAS, area-wide rezones are Type VI legislative decisions, per Table 14.16A-I as found in Chapter 14.16A LSMC, which requires a recommendation from the Planning Commission to City Council, based on written findings and conclusions, supported by evidence from an open-record hearing; and

WHEREAS, the Planning Commission conducted a duly noticed open-record public hearing pursuant to LSMC 14.16A on September 03, 2014, and all public testimony has been given full consideration; and

WHEREAS, the Planning Commission provided the City Council with a recommendation letter along with findings and conclusion to approve the rezone request pursuant to LSMC 14.16B.645 as the proposed rezone meets the legal criteria for approving a rezone as set forth in LSMC 14.16C.090 and applicable state requirements; and

WHEREAS, the City Council considered the Planning Commission’s recommendation on September 22, 2014 and October 13, 2014.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKE STEVENS DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. The City Council hereby adopts and incorporates by reference the findings and conclusions for approving a rezone, pursuant to LSMC 14.16C.090, set forth in the Planning Commission’s recommendation letter, dated September 3, 2014 and the staff report, dated August 29, 2014.

Section 2. The City Council makes the following conclusions based on the entire record of this proceeding, including all testimony and exhibits:

- A. The public hearings by the Planning Commission and City Council satisfy the public participation requirements of Chapter 14.16A LSMC.
- B. The SEPA process conducted for this ordinance satisfies the requirements of the State Environmental Policy Act codified in Chapter 43.21C RCW as implemented by Chapter 197-11 WAC and Title 16 LSMC.
- C. The zoning map amendment adopted by this ordinance complies with the Growth Management Act (Chapter 36.70A RCW).
- D. The zoning map amendment adopted by this ordinance is consistent with the adopted Lake Stevens Comprehensive Plan per Ordinance No. 918.

Section 3. The Official Zoning Map as amended and enacted by Ordinance 903 is hereby amended by rezoning parcels 00590700030401, 00590700032001, 00590700032000, 29050100401100, 00590700032002, 29050100401300 and 29051200200600 to Commercial District (CD) and rezoning parcels 00604900000804 and 00604900000706 to Local Business (LB) as depicted in **Exhibit A attached hereto and incorporated by this reference.**

Section 4. The city will review future development applications for the properties receiving the Commercial District zoning under the applicable use and development regulations of Chapter 14.38 LSMC.

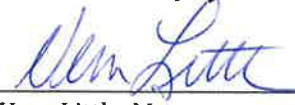
Section 5. Resolution 2008-4 (Snohomish County Recording No. 200808120549) and Ordinance 780 restricting the land uses on parcels 00604900000804 and 00604900000706 are hereby repealed and replaced with this ordinance and the development Agreement associated therewith is hereby RESCINDED AND TERMINATED and shall be of no further force and effect.

Section 6. This Ordinance or a separate instrument evidencing the rescission and termination of the Development Agreement, recorded under Auditor's No. 200808120549, shall be recorded following the effective date of this Ordinance.

Section 7. Severability. If any section, clause, phrase, or term of this ordinance is held for any reason to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance, and the remaining portions shall be in full force and effect.

Section 8. Effective Date and Publication. A summary of this ordinance consisting of its title shall be published in the official newspaper of the City. This ordinance shall take effect and be in full force five days after the date of publication.

PASSED by the City Council of the City of Lake Stevens this 13th day of October, 2014.



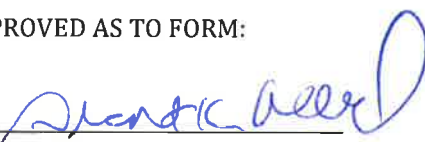
Vern Little, Mayor

ATTEST/AUTHENTICATION:



Barbara Stevens, City Clerk

APPROVED AS TO FORM:



Grant K. Weed, City Attorney

First Reading: September 22, 2014
Second Reading: October 13, 2014
Published: October 22, 2014
Effective Date: October 27, 2014

Exhibit A

