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01/16/20

**ORDINANCE NO. 927**

AN ORDINANCE OF THE CITY OF CARNATION, WASHINGTON, AMENDING THE CITY'S OFFICIAL ZONING MAP; APPROVING A REQUEST TO RECLASSIFY THE ZONING DESIGNATION OF PARCEL NOS. 212507-9063, 212507-9062, AND 212507-9035 FROM LIGHT INDUSTRIAL / MANUFACTURING (LI/M) AND SERVICE COMMERCIAL (SC) TO RESIDENTIAL 12 (R 12); SETTING FORTH FINDINGS AND CONCLUSIONS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

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WHEREAS, MainVue Homes LLC submitted an application to the City requesting a site-specific rezone of three contiguous parcels of real property located along Tolt Avenue and designated as Tax Parcel Nos. 212507-9063, 212507-9062, and 212507-9035, respectively (“collectively, the Property”); and

WHEREAS, the City of Carnation Hearing Examiner conducted a public hearing on the proposed rezone on December 10, 2019, and provided a recommendation to the City Council; and

WHEREAS, the City Council reviewed the record at a closed record proceeding, and carefully considered all relevant testimony and written materials submitted at said hearing or otherwise made part of the administrative record; and

WHEREAS, for the reasons set forth herein and/or incorporated herein by reference, the City Council has determined that the applicant's request to rezone the Property from LI/M and SC to R12 satisfies all relevant decisional criteria and should be granted; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF CARNATION, WASHINGTON, DO  
ORDAIN AS FOLLOWS:

Section 1. Findings and Conclusions. The City Council adopts the above recitals as findings in support of this ordinance. The Council further specifically finds and concludes as follows:

A. The Hearing Examiner's recommendation, dated December 23, 2019 for this matter is hereby adopted as City Council findings as fully as if set forth herein.

B. The City Council has not considered any representations made by the applicant that if the rezone is granted the Property will be used for only one of the possible range of uses permitted in the requested classification. The Council has instead considered whether the entire range of permitted uses in the requested classification is more appropriate than the range of uses in the existing classification. The Council has made this determination based upon due consideration of the City's zoning code, specifically including without limitation the expressed purposes of and allowed uses within the Urban Residential zoning districts as expressed in CMC 15.36.010.

C. The City Council has not regarded as controlling any advantages or disadvantages to the applicant but has instead considered the impact of the proposed rezone on the public at large.

D. The zone reclassification effectuated under this ordinance has been processed in material compliance with all applicable state and local procedural requirements, specifically including without limitation all required public notices.

E. The zone reclassification effectuated under this ordinance satisfies the decisional criteria codified at CMC 15.100.070(A) as follows:

(1) *The proposed rezone advances the public health, safety or welfare.*

CMC 15.100.070(A)(1). The proposed rezone will allow high density housing that should provide reasonably affordable residential dwellings in an area served by all urban level facilities and services such as municipal water, sewers, electricity, and public streets. Any residential project approved for the site will include sidewalk and trail connectivity and will also provide pedestrian access to the abutting Tolt Middle School. The site also abuts the Eastside Fire District fire station at its northwest corner that can provide immediate emergency response. Frontage improvements must include curbs, sidewalk, and gutter to match the Tolt Avenue Action Plan.

(2) *The proposed rezone is consistent with and implements the*

*comprehensive plan.* CMC 15.100.070(A)(2). The rezone is consistent with and will implement relevant provisions of the City's comprehensive plan, specifically including without limitation the following goals and policies.

a. Land Use Map. The Land Use Map designation for the

Property is High Density Residential, which corresponds to the R12 zone. The requested rezone is consistent with and will implement this designation.

b. Land Use Element—Chapter 3. The following Land Use

Element goals and policies are met by the proposed rezone:

**Policy LU2.1. Encourage new development that provides a variety of housing densities, types, sizes, costs and locations to meet future demand for a full range of housing options, including housing that is affordable to all segments of the population.**

**Policy LU4.1: Ensure that new development does not outpace the City's ability to provide and maintain adequate public facilities and services by allowing new development to occur only when and where adequate facilities exist or will be provided.**

**Goal H1: Ensure adequate housing for all current and future residents of Carnation by achieving and maintaining a high-quality residential housing stock.**

The R12 zone requires a mixture of single-family and multi-family type housing units. The proposed rezone will allow high density housing that should provide reasonably affordable residential dwellings in an area served by all urban level facilities and services such as municipal water, sewers, electricity, and public streets. This area of the city is planned for homes under the current Comprehensive Plan and is currently underserved. This creates another option to meet projected growth targets. The R12 zone has design standard that will apply to the new development. The City's wastewater and sewer systems have adequate capacity to support all developable land within the Urban Growth Area, including this property.

(3) *There has been a change in circumstance that supports the proposed rezone.* Since this property was first zoned Light Industrial/Manufacturing and Service Commercial, the City's population has increased and is projected to keep increasing in the future. According to the City's 2015 Comprehensive Plan, Carnation's population increased 79% from 1970 to 1980. It grew 31% from 1980 to 1990 and 52.3% from 1990 to 2000. While a new public sewer system was completed in 2008 that would enable increased density of development, a downturn in the economy that began in 2009 decreased the demand for new housing and the projected growth did not occur... As of the date of this land use element adoption, there are approximately 130 new residential lots in formation, with housing starts expected to be spread over the next several years. The 2020 Census of population will show significant population growth within the City.

(4) *The proposed rezone will not have a significant adverse impact upon surrounding properties.* The City's SEPA official issued a Mitigated Determination of Non-

significance for the proposed rezone, concluding that the reclassification of the Property to R12 would have no significant adverse environmental impact. The administrative record does not contain substantial, credible evidence undermining this conclusion or otherwise demonstrating that the rezone would have a significant adverse impact on surrounding properties. At such time that physical development of the Property is sought in the future, appropriate mitigation measures may be imposed as conditions of permit approval.

Section 2. Amendment of Official Zoning Map. The City's Official Zoning Map is hereby amended by the reclassification of Tax Parcel Nos. 212507-9063, 212507-9062, and 212507-9035 from LI/M and SC to R 12. Pursuant to CMC 15.36.110(B), the City Manager is authorized and directed to update the Official Zoning Map in accordance with this amendment.

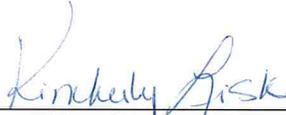
Section 3. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 4. Reconsideration; Effective Date. The effective date of this ordinance shall be delayed until expiration of the reconsideration period as follows:

A. In accordance with CMC 15.10.100, any party of record may file a written petition for reconsideration within 10 days of the City Council's adoption of this ordinance. If a timely reconsideration petition is filed, the City Council shall proceed to reconsider its original decision pursuant to the standards and procedures set forth in CMC 15.10.100(E); provided, that the City Council will not consider any new evidence and/or changes proposed by the applicant because of the closed record nature of the Council's proceeding.

B. If no timely reconsideration petition is filed, or if the City Council ultimately denies any such petition in accordance with CMC 15.10.100(E), this ordinance or a summary thereof consisting of the title shall thereafter be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after publication.

APPROVED by the Carnation City Council this 21st day of January, 2020.

  
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MAYOR, KIMBERLY LISK

ATTEST/AUTHENTICATED:

  
\_\_\_\_\_  
CITY CLERK, MARY MADOLE

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

BY   
\_\_\_\_\_  
J. ZACHARY LELL

FILED WITH THE CITY CLERK: ..... 01/17/2020  
PASSED BY THE CITY COUNCIL: .... 01/21/2020  
PUBLISHED: ..... 02/07/2020  
EFFECTIVE DATE:..... 02/12/2020  
ORDINANCE NO. .... 927