

**ORDINANCE NO. 2015-8**

**AN ORDINANCE OF THE TOWN OF EATONVILLE, WASHINGTON, APPROVING A SITE SPECIFIC REZONE FOR THE REAL PROPERTY LOCATED AT 110 OAK STREET EAST AND AMENDING THE EATONVILLE ZONING MAP BY CHANGING THE ZONING CLASSIFICATION FOR THE PROPERTY FROM MULTI-FAMILY RESIDENTIAL DISTRICT, HIGH DENSITY (MF-2) TO SINGLE-FAMILY RESIDENTIAL DISTRICT, HIGH DENSITY (SFR-3)**

**WHEREAS**, Curtis and Gretchen Hood (the applicant) are the owners of the real property located at 110 Oak Street East, Eatonville; Pierce County tax parcel number 3660000090 (the subject property); and

**WHEREAS**, the applicant has submitted an application to rezone the subject property from Multi-Family Residential District, High Density (MF-2) to Single-Family Residential District, High Density (SF-3) so as to be able to subdivide the property for the development of two single-family residences; and

**WHEREAS**, all fees associated with the rezone application have been paid to the town; and

**WHEREAS**, a SEPA Determination of Non-Significance was issued on August 26, 2015 and no comments were received; and

**WHEREAS**, on September 8, 2015, the Eatonville Planning Commission held a public hearing and received public comment regarding the applicant's request to rezone the subject property; and

**WHEREAS**, at least ten (10) days prior to the public hearing, notice of the public hearing was provided to all property owners within at least 300 feet of the proposed rezone and a public notice was posted on the subject property; and

**WHEREAS**, public notice was also published in the local newspaper at least ten (10) days prior to the public hearing; and

**WHEREAS**, having conducted the public hearing and considered the entire record, including but not limited to the Planning Department's file, a staff report, and public comment, the Planning Commission has unanimously recommended approval of the application for the rezone of the subject property; now, therefore,

**BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF EATONVILLE AS FOLLOWS:**

**Section 1. Findings and Conclusions.** Based on the Planning Department's file, the staff report prepared for the Planning Commission's public hearing (a copy of

which is attached as Exhibit A), and the materials submitted at the public hearing, all of which are incorporated herein by reference, the Town Council identifies the following findings of fact as relevant to the applicant's request for a site specific rezone.

- A. The Whereas clauses set forth above are adopted herein as findings of fact.
- B. The Town's Comprehensive Plan land use designation for the subject property is Multi-Family. The current zoning designation for the subject property is Multi-Family Residential District, High Density (MF-2).
- C. The Comprehensive Plan describes single family residential as the predominant land use in the Town. The residential land designation is described as encompassing both single family and multi-family development.
- D. The Comprehensive Plan identifies the following as goals and policies in support of residential land use: encouraging residential neighborhoods; encouraging the efficient use of developable residential land; and encouraging residential development adjacent to downtown.
- E. The abutting area land use designations are north: multi-family; south: single-family; east: single-family; and west: multi-family.
- F. The abutting area zoning designations are north: MF-2; south: SF-3; east: SF-3; and west: MF-2.
- G. The national recession that began in 2008 has had lingering affects on real estate development in the Town. Single-family residential development remains far more marketable than multi-family development.
- H. Development of the subject property will increase its tax assessed value and generate increased property tax and utility fees.
- I. The subject property was last rezoned in 2006.

**Section 2. Conclusions of Law.** Based on the findings of fact set forth above in Section 1, the Town Council makes the following conclusions of law:

- A. Section 18.09.050 of the Eatonville Municipal Code provides, in part:

*C. Standards and Criteria for Granting a Request for Rezone. The following standards and criteria shall be used by the planning commission and town council to evaluate a request for rezone. Such an amendment shall only be granted if the town council determines that the request is consistent with these standards and criteria:*

- 1. The proposed rezone is consistent with the comprehensive plan;*

- 2. The proposed rezone and subsequent development of the site would be compatible with development in the vicinity;*
- 3. The proposed rezone will not unduly burden the transportation system in the vicinity of the property with significant adverse impacts which cannot be mitigated;*
- 4. Circumstances have changed substantially since the establishment of the current zoning district to warrant the proposed rezone;*
- 5. The proposed rezone will not adversely affect the health, safety and general welfare of the town.*

B. The applicant has met his burden as to the five criteria set forth in EMC 18.09.050(C).

1. The rezone request is consistent with the Comprehensive Plan. The Plan identifies single family residential development as the predominant land use in the Town. The residential land use designation is recognized as encompassing both single-family and multi-family development. Development of the subject property with single-family residences furthers the goals and policies set forth in the Plan for residential land use.
2. The proposed rezone and subsequent development of the subject property is compatible with development in the vicinity. The land area abutting the subject property has a land use designation of either multi-family or single-family and a zoning designation of either MF-2 or SF-3. However, the existing pattern of actual land development abutting the subject property is entirely single-family residential use.
3. The proposed rezone will not unduly burden the transportation system in the vicinity of the subject property. Oak Street is a paved public road that is developed with curb, gutter, sidewalk, and street lighting. The addition of two single family residences will not burden the existing transportation system.
4. As a result of the 2008 national recession and its impact on residential development in the Town, single-family residences are much more marketable than multi-family residences. These changed circumstances since the property was rezoned in 2006 support the request to rezone.
5. The requested rezone has a substantial relation to the health, safety, and general welfare of the Town because once developed the property will generate additional tax revenue and because the rezone furthers the goals of the Town's Comprehensive Plan.

**Section 3. Final Decision.** Based on the recommendation of the Planning Commission and the findings of fact and conclusions of law set forth above, the Town Council approves the request to rezone and the Town of Eatonville Zoning Map is hereby amended by changing the zoning classification for the property located at 110 Oak Street East, Pierce County tax parcel number 366000090, from Multi-Family Residential District, High Density (MF-2) to Single-Family Residential District, High

Density (SF-3).

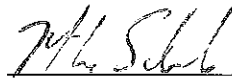
**Section 4.** Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

**Section 5.** This ordinance shall take effect after publication of a summary, consisting of the title, pursuant to RCW 35.27.300.

1ST READING: 09/28/2015

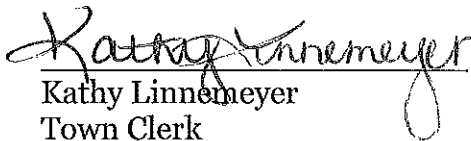
2ND READING: 10/12/2015

PASSED by the Town Council of the Town of Eatonville and attested by the Clerk in authentication of such passage this 12<sup>th</sup> day of October, 2015.



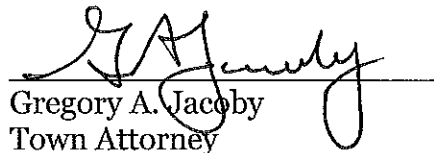
Mike Schaub  
Mayor

ATTEST:



Kathy Linnemeyer  
Town Clerk

APPROVED AS TO FORM:



Gregory A. Jacoby  
Town Attorney