

**ORDINANCE NO. 2010-888**

AN ORDINANCE OF THE CITY OF DEER PARK, WASHINGTON, APPROVING THE ZONING MAP AMENDMENT COMMONLY KNOWN AS THE REILLY FAMILY, LLC ZONING MAP AMENDMENT; CHANGING THE ZONING CLASSIFICATION OF REAL PROPERTY GENERALLY DESCRIBED AS SPOKANE COUNTY TAX PARCEL NOS. 28012.0064 AND 28012.0016 FROM RESIDENTIAL 2A TO DIVERSIFIED COMMERCIAL; AND SETTING AN EFFECTIVE DATE.

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**WHEREAS**, the owner of the real property that is the subject of this rezone Ordinance petitioned the City for a rezone of the real property consistent with the City Comprehensive Plan and Future Land Use Plan Map which designates the property that is the subject of this Ordinance "Mixed Use-Residential and Commercial"; and

**WHEREAS**, on March 22, 2010, following a Public Hearing concerning this matter, the City of Deer Park Planning Commission adopted Findings of Fact, Conclusions of Law, and Determination on City of Deer Park Change of Zone Application No. 2010-2 (hereinafter "Findings of Fact, Conclusions and Determination"), which determination consisted of a recommendation of approval of the action set forth in this Ordinance; and

**WHEREAS**, the Findings of Fact, Conclusions, and Determination of the Planning Commission on City of Deer Park Change of Zone Application No. 2010-2, are hereby adopted and incorporated into this Ordinance by reference, and a copy is attached hereto and marked as Exhibit "A" to this Ordinance and made a part herein as if set forth in full; and

**WHEREAS**, the real property that is the subject of this rezone Ordinance is commonly known as the Reilly Family, LLC property located on the north side of East Crawford Avenue,

east of Weber, and west of Country Club Drive in the City, and generally described as Spokane County Assessor's Parcel Nos. 28012.0064 and 28012.0016 and legally described in Section 4 of this Ordinance, and is depicted on the Map, Exhibit "B" to this Ordinance, which by this reference is made a part herein as if set forth in full; and

**WHEREAS**, the City Council finds that passage of this Ordinance is beneficial to the general welfare of the City, constitutes good zoning practice, and the actions taken as set forth in this Ordinance are otherwise in compliance with City Ordinances, the City Comprehensive Plan, and state law; **NOW, THEREFORE**,

**THE CITY COUNCIL OF THE CITY OF DEER PARK, WASHINGTON, DO  
ORDAIN AS FOLLOWS:**

**Section 1:** The real property commonly known as the Reilly Family, LLC property located on the north side of East Crawford Avenue, east of Weber, and west of Country Club Drive, and generally described as consisting of Spokane County Assessor's Parcel Nos. 28012.0064 and 28012.0016 and legally described in Section 4 of this Ordinance, and as depicted on the Map, Exhibit B" to this Ordinance, should be and hereby is rezoned from Residential 2A to Diversified Commercial and the City Community Services Director is hereby directed to cause the official Zoning Map of the City to be revised to reflect this amendment.

**Section 2:** The decision of the City Council to rezone the properties that are the subject of this Ordinance is based upon the Findings of Fact, Conclusions and Determination as set forth in Exhibit "A" to this Ordinance and upon the material filed with the City under Change of Zone Application No. 2010-2.

**Section 3:** A State Environmental Policy Act (SEPA) Determination of Non-significance (DNS) was issued February 12, 2010 and subsequently published as required and concurrently distributed for comment to interested public agencies. This DNS is hereby affirmed and the Mayor is authorized to issue a SEPA Notice of Action.

**Section 4:** The real property that is the subject of this rezone ordinance is legally described as follows:

The South ½ of the Southwest ¼ of the Northwest ¼, lying East of  
Weber Avenue, in Section 1, Township 28 North, Range 42 East,  
W.M.,

Except Deer Park -- Milan Road (E. Crawford Avenue);

{CDZW0142750.DOC;1\00003.150008}

ORDINANCE NO. 2010-088

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Situate in the County of Spokane, State of Washington.

Section 5: If any section, sentence, clause, or phrase of this Ordinance shall be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or the constitutionality of any other section, sentence, clause, or phrase of this Ordinance.

Section 6: This Ordinance shall take effect and be in full force five (5) days after this Ordinance or a Summary thereof consisting of the title is published.

APPROVED:



MAYOR ROBERT WHISMAN

ATTEST/AUTHENTICATED:



DEBY CRAGUN, CITY CLERK

APPROVED AS TO FORM:



CHARLES D. ZIMMERMAN  
CITY ATTORNEY

|                            |   |                 |
|----------------------------|---|-----------------|
| FILED WITH THE CITY CLERK  | : | <u>4/2/10</u>   |
| FIRST READING              | : | <u>4/7/10</u>   |
| SECOND READING             | : | <u>4/21/10</u>  |
| THIRD READING AND ADOPTION | : | <u>5/5/10</u>   |
| PUBLISHED                  | : | <u>5/11/10</u>  |
| EFFECTIVE DATE             | : | <u>5/17/10</u>  |
| ORDINANCE NO.              | : | <u>2010-388</u> |

**FINDINGS OF FACT, CONCLUSIONS  
OF LAW, AND DETERMINATION**

**CITY OF DEER PARK  
CHANGE OF ZONE APPLICATION NO. 2010-2**

In regards to the findings requirements of Chapter 18.100 of the Deer Park Municipal Code, the Planning Commission of the City of Deer Park hereby finds and concludes the following with respect to Change of Zone Application No. 2010-2:

1. The Comprehensive Plan for the City of Deer Park embodies the following "Future Land Use Plan Map" designation for the property in question as Mixed Use Residential and Commercial.
2. The change of zone requested does comport with the intent of said Comprehensive Plan's "Future Land Use Plan Map" designation in that the proposed zoning would allow for Single Family and Two Family style residential dwellings, Multi-family residential structures and Commercial development.
3. The change of zone does constitute good zoning practice in that the proposed zoning classification is consistent with zoning classification of adjacent parcels, and the current and potential development of single family and multi-family dwellings in the area, and the further potential development of lands to the South and across Crawford Avenue.
4. A more restrictive zoning classification than requested and/or a change of zone of less land than requested would not be in the public interest in that the change of use encourages full utilization and development of the parcel.
5. The change of zone is of public necessity in the interest of the City's general welfare in that the proposed reclassification of zone provides for potential development of the parcel to comply with various goals and policy provisions for development as listed in the Comprehensive Plan.

The Planning Commission of the City of Deer Park does hereby determine the following based upon the aforementioned findings and conclusions:

The Planning Commission recommends to the City Council approval of the Change of Zone Application No. 2010-2 as submitted, and further recommends that the City Council adopt an ordinance to remove the following described real property from the Residential 2A Zone, as set forth in DPMC Chapter 18.23, and place it in the Diversified Commercial Zone, as set forth in DPMC Chapter 18.40, and amending the Official Zoning Map of the City adopted September 15, 1999, with ordinance 1999-723, and further amended on August 5, 2009, with ordinance 2009-880:

City of Deer Park  
Findings of Fact, Conclusions of Law, and Determination  
Regarding Zone Change Application No. 2010-2

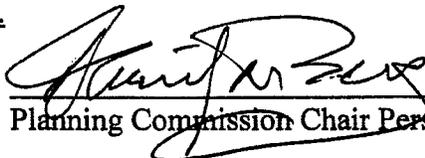
The South ½ of the Southwest ¼ of the Northwest ¼, lying East of Weber Avenue, in Section 1, Township 28 North, Range 42 East, W.M.,

EXCEPT Deer Park – Milan Road (E. Crawford Avenue);

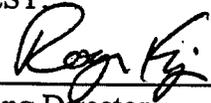
Situate in the County of Spokane, State of Washington.

Tax Account Number: 28012.0064 and 28012.0016

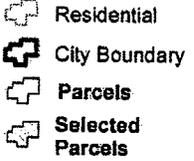
Adopted this 22 day of MARCH 2010.

  
\_\_\_\_\_  
Planning Commission Chair Person

ATTEST:

  
\_\_\_\_\_  
Planning Director

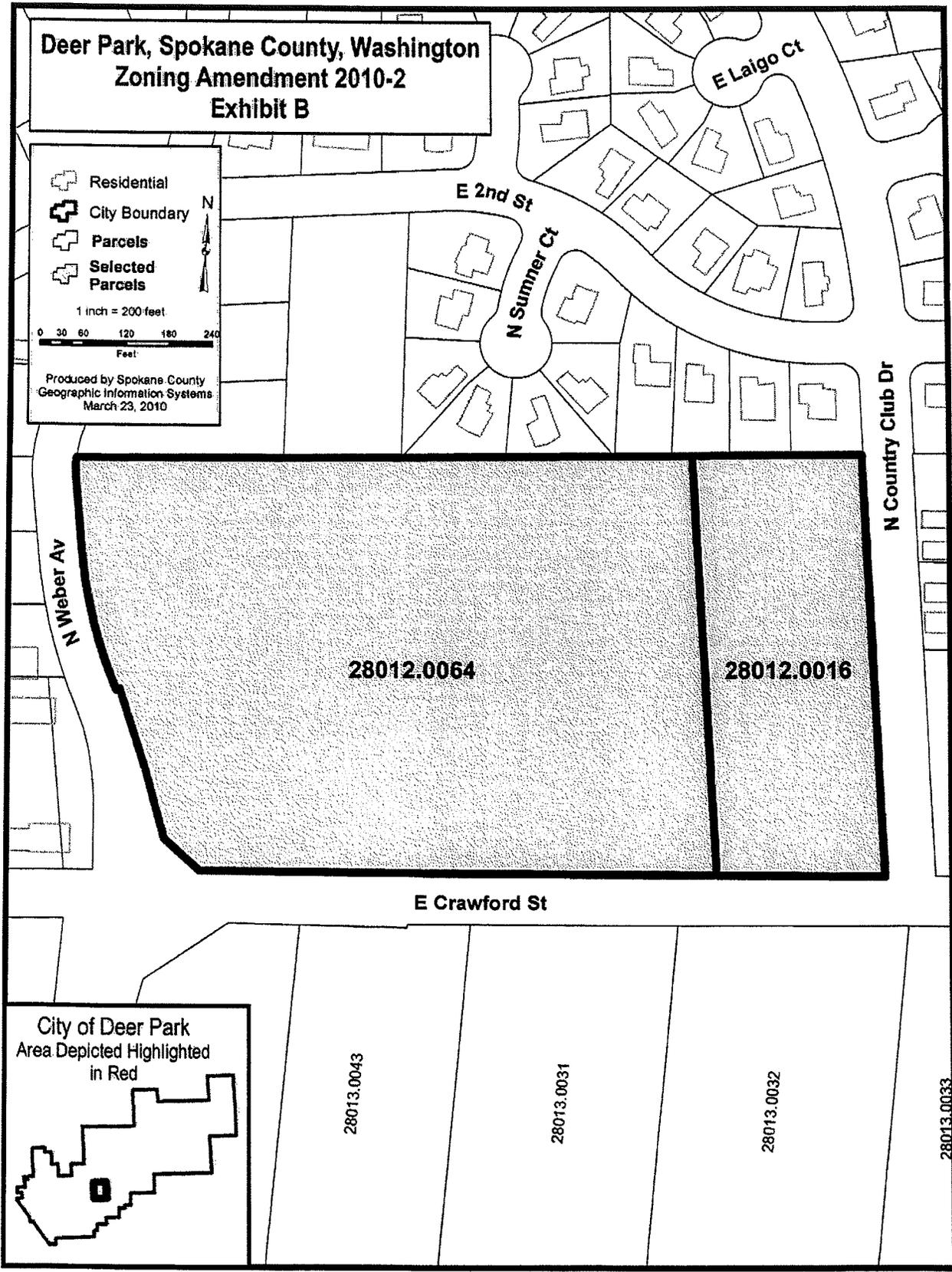
**Deer Park, Spokane County, Washington  
Zoning Amendment 2010-2  
Exhibit B**

  
Residential  
City Boundary  
Parcels  
Selected Parcels

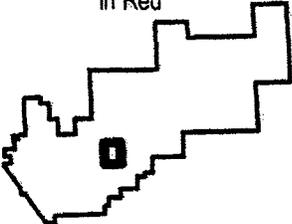
1 inch = 200 feet

0 30 60 120 180 240  
Feet

Produced by Spokane County  
Geographic Information Systems  
March 23, 2010



**City of Deer Park  
Area Depicted Highlighted  
in Red**



28013.0043

28013.0031

28013.0032

28013.0033