

ORDINANCE NO. 2019-985

AN ORDINANCE OF THE CITY OF DEER PARK, WASHINGTON, APPROVING THE ZONING MAP AMENDMENT COMMONLY KNOWN AS THE BETTER BUILT CONSTRUCTION ZONING MAP AMENDMENT; CHANGING THE ZONING CLASSIFICATION OF REAL PROPERTY GENERALLY DESCRIBED AS SPOKANE COUNTY TAX PARCEL NO. 28012.0068 FROM RESIDENTIAL 2A TO DIVERSIFIED COMMERCIAL; AND SETTING AN EFFECTIVE DATE.

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 April 8, 2019, 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. 2019-01 (hereinafter referred to as (“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. 2019-01, 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 Better Built Construction LLC property located on the east side of N. Country Club

Drive, and north of E. Crawford Avenue, and generally described as Spokane County Assessor's Parcel Nos. 28012.0068 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 Better Built Construction LLC property located on the east side of the N. County Club Drive, and north of E. Crawford Avenue, and generally described as consisting of Spokane County Assessor's Parcel Nos. 28012.0068 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. 2019-01.

Section 3: A State Environmental Policy Act (SEPA) Determination of Non-significance (DNS) was issued February 14, 2019 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:

Parcel 28012.0068 A portion of the Southwest Quarter of the Northeast Quarter of the Northwest Quarter of Section 1, Township 28 North, Range 42 East W.M., lying North of and abutting the Deer Park-Milan Road and described as follows:

Commencing at the Southwest corner of the Northwest Quarter of said Section 1, Thence S 89°39'00"E along the South line of the Northwest quarter 1196.99 feet, Thence N 2°19'02"W 35.04 feet to the POINT OF BEGINNING, Thence continuing N 2°19'02"W 322.04 feet to the Southwest corner of Lot 6, "Santa's Addition to Deer Park", per plat filed thereof in Book 17 of Plats, Page 75, Records of Spokane County, Thence S 89°38'00"E along the South line of Lot 6 and parallel with the South line of the Northwest Quarter 201.72 feet to the Southeast corner of said Lot 6, Thence S 0°22'00"W along the West lines of Lots 7, 10 and 12 of said Santa's Addition 321.69 feet to the North right of way line of Deer Park-Milan Road, Thence N 89°38'00"W along said North right of way 184.64 feet to the POINT OF BEGINNING.

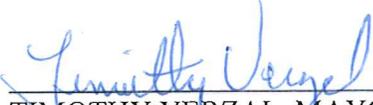
EXCEPT Any portion lying within Country Club Drive.

Situate in the City of Deer Park, 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:


TIMOTHY VERZAL, MAYOR

ATTEST/AUTHENTICATED:


DEBY CRAGUN, CITY CLERK

APPROVED AS TO FORM:


CHARLES D. ZIMMERMAN
CITY ATTORNEY

FILED WITH THE CITY CLERK	:	<u>4/10/19</u>
FIRST READING	:	<u>4-17-19</u>
SECOND READING	:	<u>05-01-19</u>
THIRD READING AND ADOPTION	:	<u>05-15-19</u>
PUBLISHED	:	<u>05-17-19</u>
EFFECTIVE DATE	:	<u>05-24-19</u>
ORDINANCE NO.	:	<u>2019-985</u>

SUMMARY OF ORDINANCE NO. 2019-985

of the City of Deer Park, Washington

On the 15TH day of May, 2019, the City Council of the City of Deer Park, Washington, passed Ordinance No. 2019-985. A summary of the content of said Ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF DEER PARK, WASHINGTON, APPROVING THE ZONING MAP AMENDMENT COMMONLY KNOWN AS THE BETTER BUILT CONSTRUCTION ZONING MAP AMENDMENT; CHANGING THE ZONING CLASSIFICATION OF REAL PROPERTY GENERALLY DESCRIBED AS SPOKANE COUNTY TAX PARCEL NO. 28012.0068 FROM RESIDENTIAL 2A TO DIVERSIFIED COMMERCIAL; AND SETTING AN EFFECTIVE DATE.

The full text of this Ordinance will be mailed upon request.

DATED this 16TH day of May 2019.



DEBY CRAGUN, CITY CLERK

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

**CITY OF DEER PARK
CHANGE OF ZONE APPLICATION NO. 2019-01**

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. 2019-01:

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. 2019-01 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 initially adopted September 15, 1999, with ordinance 1999-723,

and further amended with subsequent amendments, the latest being on June 6, 2018, with ordinance 2018-974:

A portion of the Southwest Quarter of the Northeast Quarter of the Northwest Quarter of Section 1, Township 28 North, Range 42 East W.M., lying North of and abutting the Deer Park-Milan Road and described as follows:

Commencing at the Southwest corner of the Northwest Quarter of said Section 1, Thence S 89°39'00"E along the South line of the Northwest quarter 1196.99 feet, Thence N 2°19'02"W 35.04 feet to the POINT OF BEGINNING, Thence continuing N 2°19'02"W 322.04 feet to the Southwest corner of Lot 6, "Santa's Addition to Deer Park", per plat filed thereof in Book 17 of Plats, Page 75, Records of Spokane County, Thence S 89°38'00"E along the South line of Lot 6 and parallel with the South line of the Northwest Quarter 201.72 feet to the Southeast corner of said Lot 6, Thence S 0°22'00"W along the West lines of Lots 7, 10 and 12 of said Santa's Addition 321.69 feet to the North right of way line of Deer Park-Milan Road, Thence N 89°38'00"W along said North right of way 184.64 feet to the POINT OF BEGINNING.

EXCEPT Any portion lying within Country Club Drive.

Situate in the City of Deer Park, County of Spokane, State of Washington.

Tax Account Number: 28012.0068

Adopted this 8th day of April 2019



Planning Commission Chair Person

ATTEST:



Planning Director

Measure [More Info](#)



EXHIBIT B