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ORDINANCE NO. 3368

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF EDMONDS TO CHANGE THE ZONING DESIGNATION OF CERTAIN REAL PROPERTY LOCATED AT 551 ELM WAY, COMMONLY KNOWN AS THE FOURNO REZONE, FILE NO. R-2001-31, FROM RM-2 TO RM-1.5; AUTHORIZING EXECUTION OF A CONCOMITANT ZONING AGREEMENT, AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

WHEREAS, the Planning Board at public hearing considered an amendment to the official zoning map and made its findings and recommendations to the City Council, and

WHEREAS, the City Council, after public hearing and review of the recommendations of the Planning Board has determined that the proposed amendment, if approved in conjunction with a proposed concomitant zoning agreement, conforms to the review criteria of the Edmonds Community Development Code and should be approved and therefore adopts the findings and conclusions of its Planning Board, and

WHEREAS, the City Council in making its determination that the rezone application comports with the review criteria set forth in ECDC 2.40, specifically concludes that the use of the property by the applicant mirrors the land uses and zoning of surrounding properties, and that changes within the immediate vicinity of the property justify approval of the rezone, and

WHEREAS, the City Council specifically notes and finds that testimony presented by the applicant regarding issues personal to the applicant, such as her retirement, the valuation of the property and her reliance on representations that the property could be used for a duplex, are not relevant to the City Council's determination and have not been considered as a basis for the approval of this rezone, and

WHEREAS, the City Council finds that the property is suitable for use in the zoning category proposed as limited by the concomitant zoning agreement and consistent with the use of surrounding properties as well with its comprehensive plan, NOW, THEREFORE,

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

Section 1. The official zoning map of the City of Edmonds, as adopted by action of the City Council, is hereby amended to change the zoning classification of certain real property located at 551 Elm Way, and legally described in file No. R-2001-34 and the attached Exhibit B from RM-3 (multiple residential-3,000 square feet) to RM-1.5 (multiple residential-1,500 square feet), subject to a concomitant zoning agreement, attached hereto as Exhibit A and incorporated by this reference as fully as if

herein set forth, and conditioned upon execution recording of the document as provided herein. The legal description of the property is set forth in Exhibit B, attached hereto and incorporated by this reference as fully as if herein set forth.

Section 2. The Planning Director is hereby instructed to effectuate the necessary amendments to the official zoning map of the City of Edmonds pursuant to this ordinance.

Section 3. The Mayor is hereby authorized to execute and the City Clerk to attest to, a document entitled “Covenant Regarding Use and Future Development”, attached hereto as Exhibit A and incorporated by this reference as fully as if herein set forth and referred to herein as a concomitant zoning agreement. The City Clerk is further directed to record said concomitant zoning agreement with the Snohomish County Auditor as a covenant running with the land. The cost of such recordation shall be paid by the applicant/owner.

Section 4. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

APPROVED:

MAYOR GARY HAAKENSON

ATTEST/AUTHENTICATED:

CITY CLERK, SANDRA S. CHASE

APPROVED AS TO FORM:

OFFICE OF THE CITY ATTORNEY:

BY _____
W. SCOTT SNYDER

FILED WITH THE CITY CLERK: 06/22/2001

PASSED BY THE CITY COUNCIL: 06/26/2001

PUBLISHED: 07/01/2001

EFFECTIVE DATE: 07/06/2001

ORDINANCE NO. 3368

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SUMMARY OF ORDINANCE NO. 3368

of the City of Edmonds, Washington

On the 26th day of June, 2001, the City Council of the City of Edmonds, passed Ordinance No. 3368. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF EDMONDS TO CHANGE THE ZONING DESIGNATION OF A CERTAIN REAL PROPERTY COMMONLY AS THE FOURNO REZONE, FILE NO. R-2001-31 FROM RM-2 TO RM-1.5; AUTHORIZING EXECUTION OF A CONCOMITANT ZONING AGREEMENT, AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

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

DATED this 27th day of June, 2001.

CITY CLERK, SANDRA S. CHASE