

ORDINANCE NO. 4007

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, ADOPTING FINDINGS AND CONCLUSIONS AND APPROVING A CHANGE IN ZONING FOR THE PARCEL LOCATED AT 21900 HIGHWAY 99 FROM GENERAL COMMERCIAL (CG2) WITH A CONCOMITANT AGREEMENT LIMITING THE USES ON THE PROPERTY TO GENERAL COMMERCIAL (CG2) WITHOUT ANY SUCH CONCOMITANT AGREEMENT; AUTHORIZING AMENDMENT OF THE CITY'S OFFICIAL ZONING MAP; RELEASING THE CONCOMITANT AGREEMENT AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

WHEREAS, on June 2, 2015, an application (File #PLN20150024) was submitted by Merlone Geier Partners to rezone a portion of a 9.1 acre property located at 21900 Highway 99 (at the northwest corner of 220th Street SW and Highway 99); and

WHEREAS, the application was determined to be complete on June 30, 2015; and

WHEREAS, a combined Notice of Application, SEPA Determination, and Public Hearing was issued on July 2, 2015; and

WHEREAS, the property is currently zoned General Commercial (CG2) with the western half of the property encumbered by a concomitant agreement dated July 10, 1991 (File #R-02-90); and

WHEREAS, Section 5 of that July 10, 1991 concomitant agreement states: "Owner, its heirs, successors or assigns, or Edmonds may, upon application, apply to amend or terminate the provisions of this Agreement or to change the zoning on said property. Said application to change or terminate the provisions and covenants or to rezone said property shall

be heard in the normal manner at appropriate public hearings as any other application for a rezone of property in the City of Edmonds. Such action by either party shall not release the Owner, its heirs, successors or assigns from the obligations assumed under this Agreement, unless and until such application shall be duly approved by Edmonds;” and

WHEREAS; if approved, the rezone would release the concomitant agreement and its restrictions on the western half of the property and leave the property subject to the CG2 zoning regulations without any contractual limitations; and

WHEREAS, the concomitant agreement currently restricts any type of change to the western portion of the property; and

WHEREAS, if removed, the underlying zoning of General Commercial (CG2) will remain in place; and

WHEREAS, staff made a recommendation to the Planning Board which in turn conducted an open-record public hearing and forwarded a recommendation to the City Council; and

WHEREAS, the city council held a closed-record review of the project and directed the city attorney to prepare an ordinance to formally rezone the property as recommended by staff and the planning board; NOW, THEREFORE,

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

Section 1. For its findings and conclusions in support of the rezone effected by this ordinance, the City Council hereby adopts by this reference the findings and conclusions contained in the Planning Division Advisory Report, Findings, Analysis and Recommendations dated July 16, 2005 and contained in File No. PLN20150024.

Section 2. A portion of the 9.1 acre property located at 21900 Highway 99, Edmonds, Washington and shown on the map dated May 28, 2015, attached as **Exhibit A** hereto, is hereby rezoned from contract General Commercial (CG2) to General Commercial (CG2) without any contract. Exhibit A is hereby incorporated by this reference as if set forth in full. Because the property has now been rezoned, the concomitant Agreement and Covenants dated July 10, 1991 is released and shall have no further effect.

Section 3. The Development Services Director or her designee is hereby authorized and directed to make appropriate amendments to the Edmonds Zoning Map in order to properly designate the rezoned property as General Commercial (CG2) pursuant to Section 2 of this ordinance.

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 DAVID O. EARLING

ATTEST/AUTHENTICATED:


CITY CLERK, SCOTT PASSEY

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY 
JEFF TARADAY

FILED WITH THE CITY CLERK:	October 2, 2015
PASSED BY THE CITY COUNCIL:	October 6, 2015
PUBLISHED:	October 11, 2015
EFFECTIVE DATE:	October 16, 2015
ORDINANCE NO.	4007

SUMMARY OF ORDINANCE NO. 4007

of the City of Edmonds, Washington

On the 6th day of October, 2015, the City Council of the City of Edmonds, passed Ordinance No. 4007. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, ADOPTING FINDINGS AND CONCLUSIONS AND APPROVING A CHANGE IN ZONING FOR THE PARCEL LOCATED AT 21900 Highway 99 FROM GENERAL COMMERCIAL (CG2) with a CONCOMITANT AGREEMENT limiting the uses ON THE PROPERTY TO GENERAL COMMERCIAL (CG2) without any such CONCOMITANT AGREEMENT; AUTHORIZING AMENDMENT OF THE CITY'S OFFICIAL ZONING MAP; RELEASING THE CONCOMITANT AGREEMENT AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

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

DATED this 7th day of October, 2015.


CITY CLERK, SCOTT PASSEY

Exhibit A

See attached zoning map

Everett Daily Herald

Affidavit of Publication

State of Washington }
County of Snohomish } ss

Kathleen Landis being first duly sworn, upon oath deposes and says: that he/she is the legal representative of the Everett Daily Herald a daily newspaper. The said newspaper is a legal newspaper by order of the superior court in the county in which it is published and is now and has been for more than six months prior to the date of the first publication of the Notice hereinafter referred to, published in the English language continually as a daily newspaper in Snohomish County, Washington and is and always has been printed in whole or part in the Everett Daily Herald and is of general circulation in said County, and is a legal newspaper, in accordance with the Chapter 99 of the Laws of 1921, as amended by Chapter 213, Laws of 1941, and approved as a legal newspaper by order of the Superior Court of Snohomish County, State of Washington, by order dated June 16, 1941, and that the annexed is a true copy of EDH662505 ORDINANCE 4007, 4008 as it was published in the regular and entire issue of said paper and not as a supplement form thereof for a period of 1 issue(s), such publication commencing on 10/11/2015 and ending on 10/11/2015 and that said newspaper was regularly distributed to its subscribers during all of said period.

The amount of the fee for such publication is \$49.88.

Kathleen Landis

Subscribed and sworn before me, on this

10 day of October,
2015.

Debra Ann Grigg

DEBRA ANN GRIGG
Notary Public
State of Washington
My Commission Expires
October 31, 2017

Notary Public in and for the State of
Washington.

SUMMARY OF ORDINANCES
of the City of Edmonds, Washington

On the 6th day of October, 2015, the City Council of the City of Edmonds, passed the following Ordinances. Summaries of the content of said ordinances consisting of titles are provided as follows:

ORDINANCE NO. 4007

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, ADOPTING FINDINGS AND CONCLUSIONS AND APPROVING A CHANGE IN ZONING FOR THE PARCEL LOCATED AT 21900 HIGHWAY 99 FROM GENERAL COMMERCIAL (CG2) WITH A CONCOMITANT AGREEMENT LIMITING THE USES ON THE PROPERTY TO GENERAL COMMERCIAL (CG2) WITHOUT ANY SUCH CONCOMITANT AGREEMENT; AUTHORIZING AMENDMENT OF THE CITY'S OFFICIAL ZONING MAP; RELEASING THE CONCOMITANT AGREEMENT AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE

ORDINANCE NO. 4008

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING ECC 8.48 TO ADD COLUMBUS DAY AS A "PUBLIC HOLIDAY" FOR THE PURPOSES OF THAT SECTION; PROVIDING FOR SEVERABILITY; AND SETTING AN EFFECTIVE DATE

The full text of these Ordinances will be mailed upon request.
DATED this 7th day of October, 2015.

CITY CLERK, SCOTT PASSEY

Published: October 11, 2015.

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