

Ordinance No. 621

An Ordinance rezoning property as
recommended by the Forks Planning Commission
(Brager Rezone part of 2015 Annual GMA Related Rezones)

The City Council of the City of Forks does ordains as follows:

Section 1. Facts Associated with Rezone. The City Council hereby adopts the following findings regarding this rezone:

- a. In 2015, as part of the mandatory Growth Management Act Comprehensive Plan updates, the City solicited for proposed changes to the City's Comprehensive Land Use Plan's land use map, as well as to the City Zoning Code Map;
- b. Bill & Susan Brager, owners of two parcels immediately east of City Hall that includes Miller Tree Inn, requested a rezone of their property. Addresses for the lots are 590 and 654 East Division Street. Their request was to change from Moderate Density Residential (R-3) to an overlap zone of Moderate Density Commercial/High Density Residential (OL-4).
- c. An analysis of the impacts of the requested changes was conducted pursuant to the City's code associated with the State Environmental Policy Act. A mitigated determination of non-significance was issued that covered the proposed rezone. The City did receive one comment from Planning Commissioner Beck clarifying a few of staff's answers to the SEPA checklist. No modification was made of the determination as a result of that comment.
- d. A hearing was held on 16 March 2016, and the findings and deliberations of the Planning Commission were provided to the Council at its hearing on 11 April 2016 and are incorporated herein by reference as if fully set forth. The Planning Commission recommended that the rezone be granted.
- e. This recommendation was forwarded to the City Council for its consideration on 11 April 2016. Notice of the Council's public hearing on these requests, and associated recommendations of the Forks Planning Commission, were provided by posting the property, by publication, and by mailing the notice to those with property located within 500' of the Brager's property.
- f. During the Council's hearing of 11 April 2016, staff gave their report on the procedures and issues raised to date and noted within this ordinance. After the staff report, Bill Brager as the applicant, stepped down from the Council table and addressed the Council as a member of the public explaining the basis for his request. Councilmember Brager then exited the room and did not participate in the public comment or discussion of the Council. Mayor Monohon opened the public hearing at 7:59 p.m. and none of the two members of the public provided any comments. Councilmember Hillcar asked about the difference in commercial activities associated with publicly owned property, and Fleck provided an answer. Councilmember Weissenfels asked for an explanation between Special and Conditional Use Permits. Fleck explained the procedural differences between the two.

Section 2. Findings. Based upon the information above, the Council makes the following findings regarding the Planning Commission's recommended rezones. The Council hereby finds and affirms that:

1. The Planning Commission had engaged in a public process on the proposal originally submitted and forwarded their recommendations as a result of that hearing;
2. The recommendations of the Planning Commission would be appropriate under the zoning code;
3. That this ordinance reflects the procedural elements of the process utilized by the City; and,
4. With no formal appeal of the SEPA MDNS decision filed with the City Council pursuant to FMC 14.10.200, the determinations made by City staff in this regard stand.

Section 3. **Determinations.** Based upon the above findings, the City Council hereby adopts as its determination the recommendation of the Planning Commission regarding the Brager's property;

Section 4. **Rezone of the Brager Property.** Based upon the findings and determinations above, and pursuant to the recommendation of the Forks Planning Commission, the Council hereby rezones the Brager's property, generally described below, from Moderate Density Residential (R-3) to an overlap zone of Moderate Density Commercial/High Density Residential (OL-4):

Described Property

654 East Division Street
590 East Division Street

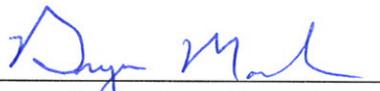
Legal: Lots 1 and 2 of the Miller Short Plat filed at Vol. 27, Pg. 62; generally located in the NW ¼ of the SE ¼ of the NE ¼ of Section 9, T28N, R13W, W.M., Clallam County being located at 590 and 654 East Division Street. However, Lot 1 of the Miller Short Plat was divided in January 2016 into two lots as part of the approved Brager Short Plat.

Parcel Numbers: 132809149020; and, 132809149010 with new parcel numbers pending.

Section 5. **Notice of this decision.** In addition to the publication required below, the Council hereby directs the City Attorney/Planner to provide notice of this decision to those property owners located within 500 feet of the property subject to the rezone.

Section 6. **Effective Date.** This ordinance shall take effect five days after its publication in the City's journal of record.

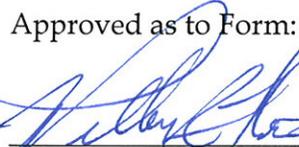
Adopted by the City Council, minus Councilmember Brager, on 11 April 2016


Bryon Monohon, Mayor

Attested to and authenticated by:


Audrey Grafstrom, Clerk/Treasurer

Approved as to Form:


William R. Fleck, Attorney/Planner