

# CITY OF GRANITE FALLS, WASHINGTON

## ORDINANCE NO. 832-2012

**AN ORDINANCE OF THE CITY OF GRANITE FALLS, WASHINGTON, ADOPTING AN INTERIM OFFICIAL CONTROL ALLOWING LIGHT MANUFACTURING AND ASSEMBLY WITHIN AN ENCLOSED STRUCTURE WITHIN THE CENTRAL BUSINESS DISTRICT SUBJECT TO LANDSCAPING REQUIREMENTS AND NOISE GENERATION LIMITATIONS.**

**WHEREAS**, in May 2002 the zoning designation of certain property located at 509 East Stanley Street, Granite Falls, Washington was Residential 9,600 (R-9600) (“Property”); and

**WHEREAS**, in May 2002, the designation for the Property within the City of Granite Falls’ Comprehensive Plan was “Central Business”; and

**WHEREAS**, in June 2002 the City and Jason and Kimberly Smith (Purchaser) entered into a Purchase and Sale Agreement and Addendum #1 whereby the Purchaser agreed to purchase the Property expressly subject to the Property being rezoned by the City to allow the use of the Property for light manufacturing and assembly purposes; and

**WHEREAS**, the Purchase and Sale Agreement and Addendum #1 stated that the City would rezone the Property to Central Business in order to allow the use of the Property for light manufacturing and assembly purposes; and

**WHEREAS**, light manufacturing and assembly are not expressly permitted uses within Central Business zoning designation; and

**WHEREAS**, in June 2002 the Purchaser submitted a business license application for “wholesale/retail manufacturing” for the Property and approval of the business license application was recommended by City’s Planning Commission; and

**WHEREAS**, at a City Council meeting on June 12, 2002, the City Council approved Purchaser’s business license application as recommended by Planning Commission with the express understanding that the business included light manufacturing and assembly; and

**WHEREAS**, also at a City Council meeting on June 12, 2002, the Granite Falls City Council approved rezone of the Property from residential to Central Business with the understanding that the Purchaser would be able to operate their business on the Property as described in their business license application, including light manufacturing and assembly; and

**WHEREAS**, with the rezoning of the Property from residential to Central Business, approval of the business license application and the understanding that the business included indoor light manufacturing and assembly, the sale of the Property closed on December 3, 2002 and title of the Property was transferred to the Purchaser; and

**WHEREAS**, in May 2007 the City Council adopted the Unified Development Code (GFMC Title 19) which included changing the zoning designation of the Property from Central Business to Commercial Business District; and

**WHEREAS**, the permitted uses within the Commercial Business District remain essentially the same as those permitted in the former Central Business including not recognizing light manufacturing and assembly as permitted uses; and

**WHEREAS**, on or about June 28, 2007, the Purchaser submitted a building permit application to the City of Granite Falls to construct a structure on the Property to be used for the business previously described in their business license application, including indoor light manufacturing and assembly; and

**WHEREAS**, during the review of the building permit application questions were raised whether indoor light manufacturing assembly were permitted uses within the Commercial Business District;

**WHEREAS**, both the City and the Purchaser retained legal counsel to review the situation and written communications were exchanged between said legal counsel, but the situation was not resolved and the building permit application was neither approved or denied; and

**WHEREAS**, with the economic downturn that began at approximately the same time and with no clear resolution of the indoor light manufacturing and assembly issue, the Purchaser did not pursue approval of the building permit; and

**WHEREAS**, thereafter the Purchaser leased the Property for use as a bike shop and the City subsequently approved a business license on or about July 6, 2011, for use of the Property as a bike shop; and

**WHEREAS**, in February, 2012 the Purchaser began inquiring with the City about use of the Property for the reasons it was expressly purchased from the City in the first place – retail and indoor light manufacturing and assembly; and

**WHEREAS**, City officials have met with the Purchaser and discussed possible options to resolve the situation, including submission of an application to change the zoning designation of the Property within the City's Comprehensive Plan and Development Code (a process estimated to take a year or longer with an uncertain outcome), undoing the purchase and sale agreement, selling the property back to the City, and/or litigating the matter; and

**WHEREAS**, given the circumstances in which the Property was sold to the Purchaser, including the clear understanding of all parties that the Purchaser intended to open a business at the location which included retail, indoor light manufacturing and assembly, City officials discussed the possibility of an interim zoning change that would allow indoor light manufacturing and assembly under certain conditions within the Commercial Business District; and

**WHEREAS**, RCW 36.70A.390 and RCW 35.63.200 provide that the City Council may adopt an interim zoning map, interim zoning ordinance, or interim official control without holding a public hearing; and

**WHEREAS**, RCW 36.70A.390 and RCW 35.63.200 further provide that if the City adopts an interim zoning map, interim zoning ordinance, or interim official control without first holding a public hearing that the City shall hold a public hearing within at least 60 days of the commencement of the Ordinance;

**WHEREAS**, the City Administration recommends this Ordinance as an interim zoning change to permit the Property to be used for the intended purposes as described above and as understood by the parties when the Property was sold to the Purchaser; and

**WHEREAS**, the City Planner (City's SEPA Responsible Official) prepared an environmental checklist for this Ordinance as a non-project action and issued a Determination of Non-significance under the State Environmental Policy Act (RCW Chapter 43.21C); and

**WHEREAS**, the City Council held a public hearing regarding this Ordinance on May 2, 2012, and considered the testimony and information presented at said hearing including the written report and recommendation of the City Planner; and

**WHEREAS**, the City Council has determined that the interim official control measure contained in this Ordinance is necessary and appropriate under the above described facts and circumstances, to avoid unnecessary and costly litigation, and to protect the safety and welfare of the citizens of Granite Falls; and

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GRANITE FALLS, WASHINGTON, DO ORDAIN AS FOLLOWS:**

**Section 1.** The City Council hereby adopts the recitals of this Ordinance as the findings of fact to support the interim official control established by Section 2 of this Ordinance.

**Section 2.** Pursuant to RCW 36.70A.390 and RCW 35.63.200 and for a one hundred and twenty day (120) period from the date of passage of this interim Ordinance, Section 19.3.010 of Chapter 19.3 Zoning of the Granite Falls Municipal Code is hereby amended to read as follows:

#### 19.3.010 CENTRAL BUSINESS DISTRICT (CBD) ZONE

The Central Business District (CBD) Zone designation comprises mostly of retail dining, entertainment and similar businesses, which are conducted primarily indoors. Such uses include but are not limited to, grocery stores, drug stores, furniture stores, clothing stores, book stores, music stores, restaurants, movie theaters, and bowling alleys. It also includes many services such as law, accounting, and escrow offices as well as many other types of services. This zone is intended to provide for smaller scale specialty retail, entertainment and professional services in offices but not larger scale retail, facilities with outdoor storage or larger footprints. This zone provides for uses that are traditional to downtown business zones. Light manufacturing and assembly that takes place entirely indoors within an enclosed structure and that does not generate excessive noise are also allowed uses in the CBD zone.

**A. PRINCIPAL USES:**

Principal uses in the Central Business District (CBD) Zone are:

1. Retail and wholesale sales;
2. Personal services, including self service;
3. Offices;
4. Restaurants and taverns;
5. Health care facilities, excluding overnight accommodations;
6. Social and recreational facilities;
7. Hotels and motels;
8. Accessory structures and uses;
9. Parking facilities;
10. Indoor Light Manufacturing; Assembly.

**B. SECONDARY USES:**

Secondary uses in the Central Business District (CBD) Zone are:

1. Residential dwellings units in principal buildings;
2. Consumer goods repair;

C. CONDITIONAL USES:

Conditional uses in the Central Business District (CBD) Zone are:

1. Outside storage and display;
2. Veterinary clinics;
3. Churches and schools;
4. Public facilities;
5. Service stations;
6. Vehicle sales and service;
7. Multi-family dwellings on the same parcel as commercial use;
8. Bed and Breakfast;

D. MINIMUM LOT SIZE:

Minimum lot size in the Central Business District (CBD) Zone is two thousand (2,000) square feet.

E. MAXIMUM LOT COVERAGE:

Maximum lot coverage in the Central Business District (CBD) Zone is none.

F. MAXIMUM HEIGHT:

Maximum height in the Central Business District (CBD) Zone is fifty (50) feet.

G. MINIMUM BUILDING SETBACKS FOR NON-MANUFACTURING AND ASSEMBLY USES:

~~Minimum building setbacks in the Central Business District (CBD) Zone are (see additional information in Table 1, 19.3.0130)~~

1. Front yard: None;
2. Side yards: None;
3. Rear yard; Five (5) feet;

H. MINIMUM BUILDING SETBACKS FOR INDOOR LIGHT MANUFACTURING AND ASSEMBLY USES:

1. Street/public right-of-way: twenty (20) feet;
2. Side yard: None, except when abutting a residential zone then a minimum of five (5) feet;
3. Rear yard: None, except when abutting a residential zone then a minimum of five (5) feet.

I. REQUIRED LANDSCAPING FOR INDOOR LIGHT MANUFACTURING AND ASSEMBLY USES:

1. Street/public right-of-way: All street setback areas which border residential or commercial zones shall be landscaped to a depth of at least twenty (20) feet with natural or installed plant material to provide total coverage within three years.
2. Side and rear yard: Landscaping in setback areas which abuts a residential zone shall include a minimum five-foot (5) width of plantings which will reach a mature height of eight feet (8) from the ground level of the lot within two years. Such plantings may be installed and be spaced to provide a continuous screen at maturity. All fences, except chain link fences without slates, shall be placed on the inward side of any required side or rear yard landscaping.

J. PROHIBITED USES

Uses prohibited in the Central Business District are as follows:

1. Outside storage of equipment and vehicles for purposes other than retail sales and rentals. Outdoor storage of vehicles will be limited to an area 25% or less of gross square footage of the primary use.
2. Permanent construction yards for storage of equipment and construction products.
3. Light manufacturing and assembly activity that generate noise levels exceeding 65 dB (normal conversation at 3 feet) as measured at the property line.

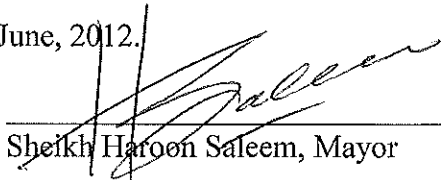
**Section 3.** This interim Ordinance shall expire and terminate one hundred and twenty days (120) from the date this Ordinance is passed by the City Council unless sooner repealed by the City Council. After said time period or if this Ordinance is repealed at an earlier date by the City Council, the version of Section 19.3.010 that was in effect prior to the passage of this Ordinance shall again be in effect without any further action of the City Council.

**Section 4.** If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance is declared invalid or unconstitutional for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance.

**Section 5.** This Ordinance shall take effect and be in force five (5) days after its passage and publication as provided by law.

**PASSED** by the City Council this 6<sup>th</sup> day of June, 2012.

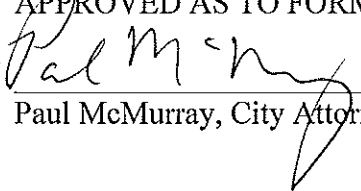
**APPROVED** by the Mayor this 6<sup>th</sup> day of June, 2012.

  
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Sheikh Haroon Saleem, Mayor

ATTEST/AUTHENTICATE:

  
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Darla Reese, City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Paul McMurray, City Attorney

FILED WITH THE CITY CLERK: \_\_\_\_\_, 2012  
PASSED BY THE CITY COUNCIL: June 6, 2012  
PUBLISHED: June 10, 2012  
EFFECTIVE DATE: June 15, 2012  
ORDINANCE NO.: 832-2012