



ORDINANCE NO. 3089-08

**An Ordinance Amending Ordinance No. 2021-94,
as Amended, Amending the Comprehensive Plan Map
Designation from 1.3 (Single Family) and 4.4 (Mixed Use
Commercial – Multi Family) to 2.2 (Colleges/Universities),
and Adding The Institutional Overlay Zone to the Proposed
Expansion Area Located East of North Broadway, and West
of Broadway, South of the Existing Campus**

WHEREAS, the City of Everett adopted a new Comprehensive Plan in August, 1994, in conformance with the Washington State Growth Management Act; and

WHEREAS, the Growth Management Act, codified as Chapter 36.70A, allows for comprehensive plans to be amended on an annual basis; and

WHEREAS, The Growth Management Act requires the City to update its Comprehensive Plan at regular intervals; and

WHEREAS, Everett Community College (ECC) is an institution of higher learning located in both a residential neighborhood with residential zoning, and in the commercial area along Broadway with commercial zoning, and has expanded over time per the direction of the Comprehensive Plan; and

WHEREAS, the City initiated its 2007 annual comprehensive plan amendment process in July, 2007, which included consideration of Land Use Map amendments and rezone applications initiated by property owners; and

WHEREAS, ECC submitted an application for an amendment to the Land Use map for a 17 acre expansion area located east of Broadway and south of the existing campus on the west side of Broadway from 1.3 (Single Family) and 4.4 (Mixed Use Commercial – Multi Family) to Colleges / Universities (2.2), for the area indicated in (Exhibit A); and

WHEREAS, this action also includes a change in zoning for the expansion area from B-2 (Community Business) and R-2 (Single Family) to B-2-I (Institutional Overlay) and R-2-I (Institutional Overlay), depicted in Exhibit B; and

WHEREAS, the proposal is based on a Master Plan site revision submitted to the City by ECC that will extend the current Master Plan from 2011 to 2015, see Exhibit C, with a depiction at Exhibit D showing how the Master Plan expansion area could appear after full buildout.

WHEREAS, the Planning Commission held three opportunities for comment with public input and hearings on November 27, 2007, April 7, 2008 and June 2, 2008, where public testimony was received along with College and City Planning staff presentations were various aspects of the proposal were considered; and

WHEREAS, EMC 19.33B.030 allows the institutional overlay zone to be established only in conjunction with a master plan which generally specifies the parameters for development of the property; and

WHEREAS, the Everett Zoning Code provides for zones which allow institutional uses such as proposed by ECC for the entire campus area, including the existing area and the expansion area, to develop in accordance with height, setback and other standards established through a public review process as well as standards applicable in the underlying zone, as specified; and

WHEREAS, following the June 2, 2008, public hearing the Planning Commission recommended approval of the proposed map amendment, rezone and Master Plan revision with conditions that mitigate adverse impacts to the existing and anticipated land uses in the immediate vicinity of the campus; and

WHEREAS, City Council held a public hearing to consider the request at which time it took additional public testimony and heard presentations from staff and the applicant on August 20, 2008, after which the City Council made the final decisions as reflected by this Ordinance; and

WHEREAS, CITY COUNCIL FINDS:

1. As a school ECC is identified in the Comprehensive Plan as an “essential public facility.” The following Comprehensive Plan Objectives and Policies specifically apply to this proposal:

Policy 2.11.4 Future expansion beyond the approved 2011 development will require additional review by the City, which may consist of amendments to the Institutional Overlay zone and Comprehensive Plan amendments. ECC must work with the surrounding neighborhood residents in planning future expansions. The approved Everett Community College Master Plan provides for expansion to the east to North Broadway and the north along Tower Street.

Objective 6.2.1 Ensure that the siting and construction of capital facilities considered essential public facilities are not precluded by the City's Comprehensive Plan.

2. The purpose for the requested Comprehensive Plan amendment, rezone and Master Plan revision is to allow ECC to expand in order to adapt to changing circumstances by meeting projected student population (Full Time Enrolled Students, or FTEs) growth through 2015 and beyond. This objective would in part be met if ECC and Providence Everett Medical Center were allowed to trade land as described by both institutions in their current applications.
3. The need for the proposed rezone is to help ensure ECC will meet projected FTE demand, while supporting improvements to North Broadway and the expansion area east of Broadway, while minimizing impacts to nearby residential areas.
4. To achieve the requested land use changes and related provisions, City Council needs to:
 - a. Amend the Comprehensive Plan land use map designation in the expansion area from 1.3 (Single Family) and 4.4 (Mixed Use Commercial – Multi Family) to Colleges / Universities (2.2), and .
 - b. Rezone the area from R-2 (Single Family) and B-2 (Community Business) to R-2-I (Institutional Overlay) and B-2-I (Institutional Overlay) including adoption of expansion phasing maps and related standards found herein.
5. Comprehensive Plan Policy 2.11.4. calls for ECC to submit a detailed master plan that will be implemented through the use of the Institutional Overlay Zone which will provide long term predictability for the College and surrounding neighborhood.
6. Comprehensive Plan Policy 2.11.4. calls for ECC to work with the neighborhood in development of the Master Plan, that the Plan shall provide for off-street parking and access improvements, and that principal access to the campus shall be taken from Broadway and North Broadway over the long term.
7. The proposed rezone includes provisions for parking to be brought onto the campus and off of nearby surface streets in a way that will mitigate impacts to surrounding residential areas.
8. Both ECC and nearby PEMC (Providence Everett Medical Center) are essential public facilities and important institutions in their own right that need to grow within the community. It is City Council's desire that ECC and PEMC work on expansion plans with surrounding neighborhood residents and the community to accommodate both organizations.
9. City Council support for the ECC proposal is in part based on submittal of Master Plan maps including specific phases of expansion as found in Exhibits C and D, which includes potential locations and numbers of buildings in the near-term and at full buildout.

10. City regulations concerning, but not limited to: landscaping, signage, and lighting shall be used to review each of the necessary construction permit phases.
11. The Draft Supplemental Environmental Impact Statement (DSEIS) for the 2007 Comprehensive Plan docket cycles reviewed ECC's proposal and identified impacts of changing the land use designation and rezoning and addressed those impacts.
12. The institutional overlay zone allows institutional land uses with special needs and impacts to be located in the Everett community in a manner which is compatible with surrounding land uses through a master plan review process.
13. The institutional overlay zone specifically allows for expansion of universities and colleges through the City's master plan review process.
14. The institutional overlay zone and master plan are reviewed using the review process described in EMC Title 15, Local Project Review Procedures.
15. The College initiated the establishment of an institutional overlay zone.
16. The Master Plan expansion proposal and supporting documents address the following factors: (a) permitted uses and ancillary uses (b) permitted intensity of development (c) traffic impacts including adequacy of access to the site and within the site, on street parking impacts and limitations other traffic related improvements (d) other ordinance requirements including drainage, noise, environmental impacts, and other requirements of local, state and federal laws and (e) phasing of development. It is anticipated that existing City development regulations will guide development, unless otherwise specified herein.
17. ECC met to discuss its Master Plan expansion concept with the neighboring community on December 6, 2006, December 18, 2006, February 20, 2007, March 15, 2007, April 10, 2007, April 12, 2007, September 13, 2007 and on May 29, 2008.
18. As a result of the review process, including public input, the Mater Plan was modified to include the specific development standards, location of certain buildings, and other conditions to address concerns of area residents and property owners.
19. The Planning Commission reviewed the proposed Master Plan, Comprehensive Plan amendment and rezone as presented in staff reports and heard public input at public hearings on November 27, 2007, April 7, 2008 and June 2, 2008, and subsequently recommended approval of the proposal at the June 2nd public hearing.
20. On June 2, 2008 the Planning Commission adopted Resolution 2008-07 recommending that the City Council approve the Master Plan revision and expansion through 2015.
21. The property totals 17.4 acres and so exceeds the five acre minimum required for institutional overlay applications.

22. The Master Plan sets the following standards: (a) revised end date of the Master Plan from the end of 2011 to the end of 2015, (b) building setback and height standards were revised and established as depicted in Exhibit E, and (c) early use of the expansion site was established for expanded parking east of Broadway.

23. The Planning Department, Planning Commission and City Council have considered the following in determining the standards for the ECC institutional overlay zone in this location: (a) compatibility with surrounding uses, (b) the unique characteristics of the subject property (c) the unique characteristics of the proposed uses, (d) the arrangement of buildings and open spaces as they relate to each other within the institutional campus (e) visual impact of the institution on the surrounding area, (f) public improvements proposed in connection with the institution, and (g) the public benefit provided by the institution.

24. Any conclusion below that may be construed as a finding is included here as such by this reference.

WHEREAS CITY COUNCIL CONCLUDES:

1. Any finding above that may be construed as a finding is included here as such by this reference.

2. The Comprehensive Plan amendment is supported by, or consistent with, the Comprehensive Plan. Land Use Policy 2.11.4 is the policy that most specifically applies to the consideration of ECC expansion that requires the redesignation of affected commercial and residential property. In this regard, ECC has identified its expansion needs, and the City has reviewed the proposed change to the commercial and residential land use designations in the context of the City's Comprehensive Plan, consistent with Land Use Policy 2.11.4. The Comprehensive Plan amendment is also consistent with other policies which apply more generally and which the Council reads consistently with Policy 2.11.4, namely, that existing land use designations may be changed in the context of the Comprehensive Plan update. Specifically, Land Use consistent with Policy 2.1.3., refers to a condition under which a residential use, found west of Broadway, may be converted to collage use, where use College use is already well established, which it is. Following this amendment the College use will be designated on the Land Use Map in the expansion area established herein. The proposed amendment is therefore, consistent with Land Use Policy 2.1.3., when read in conjunction with Policy 2.11.4.. Conditions of this Ordinance will require ECC expansion to be visually compatible with and minimize the parking and traffic impacts upon the residential neighborhood. Consistent with Land Use Policy 2.10.3, the City reviewed the impacts of the ECC proposal pursuant to EMC 19.33B, the review process for institutions specified by the zoning code, SEPA, and other applicable ordinances of the City. Consistent with Housing Policy 2.1.3, change from residential to college use is consistent with the criteria specified in the preceding Land Use Policies. (Findings 1, 5, 22 and 23)

3. Circumstances related to the subject property and the area in which it is located have changed sufficiently since the adoption of the Land Use Element to justify a change to the proposed land use designation. Specifically: (1) ECC has identified the need for future expansion based on student growth projections and (2) the expansion area has become available to the College, or been purchased, so that needed expansion could be carried out in a predictable, orderly manner over the coming years. (Findings 2, 3, 12, 13, 14 and 15)
4. The proposed land use designation is in the community's best interest. (Findings 1, 2, 3, 7 and 18)
5. The approval, as requested does not constitute a grant of special privilege to the proponent or any single owner of property because the College's expansion requirements in this area are unique and will be accomplished with the proposed change. (Finding 22)
6. The Master Plan expansion will not create pressure to change the land use designation of other properties in the vicinity. The Master Plan expansion accommodates long range anticipated land needs, thereby relieving pressure to further change the surrounding area. Much of the property in the vicinity is residential and commercial. (Findings 2, 3, 7 and 21)
7. The rezone is consistent with Comprehensive Plan Policies and the Comprehensive Land Use Map as amended for the reasons discussed herein. (finding 1, 4 and 5).
8. The Institutional Overlay zone, which will be governed by the Master Plan standards and provisions of the Everett Municipal Code, and the conditions set forth in Section 2 of this Ordinance, mitigate the adverse impacts upon land uses in the immediate vicinity of the subject property. (Findings 21, 22 and 23)
9. The rezone bears a substantial relation to the public health, safety and welfare by providing for additional higher educational needs while mitigating impacts. (Findings 2, 3 and 7)
10. The amendment to the land use map rezone promotes the best long term interests of the Everett community by providing a long term plan and framework for meeting the higher education needs of the Everett community, while mitigating impacts to the immediate vicinity. (Findings 6, 8, 10, 11, 16, 17, 19, 20 and 23)
11. The Master Plan complies with the procedural and substantive requirements of EMC 19.33B. (Findings 9, 12, 13, 14, 15 and 16)

NOW, THEREFORE, THE CITY OF EVERETT DOES ORDAIN:

Section 1: Approval.

1. The Comprehensive Plan land use map in the expansion area is hereby amended from 1.3 (Single Family) and 4.4 (Mixed Use Commercial – Multi Family) to Colleges / Universities (2.2), as depicted in Exhibit A.
2. The expansion area is hereby rezoned from B-2 (Community Business) and R-2 (Single Family) to B-2-I (Institutional Overlay) and R-2-I (Institutional Overlay), as depicted in Exhibit B.
3. The Planning Department is instructed to amend the Comprehensive Plan map and Zoning Map to reflect the changes made under 1 and 2, above. In the event of conflict between the attached legal description and City maps of the action areas defined herein, the maps shall guide boundary location decisions.
4. The Development Master Plan, based on phases of construction attached to this document as Exhibits C and D, are approved subject to conditions set forth herein.

Section 2: Conditions of Approval.

1. Exhibits A, B, C, D, E and F are hereby made part of this approval and incorporated herein by reference.
2. Building heights and setbacks shall be in accordance with the building area height map found at Exhibit E.
3. Any development standard not specified in this Ordinance, or the previous two Master Plan Ordinances for ECC, specifically Ordinance 2232-97 and Ordinance 2849-05, shall be determined by applicable underlying zone for the given location within the Master Plan area, as found in the Everett Zoning Code, Title 19.
4. ECC shall continue to provide off-street parking and access improvements
5. Principal access to the campus shall be taken from Broadway and North Broadway over the long term.
6. New construction in the expansion area established herein shall to the extent feasible be compatible with surrounding areas and uses.

7. The Master Plan shall cease to be in affect at the end of 2015 and shall be revised within one year of that time, or the application for such revision shall be in process and under review.

8. ECC is encouraged to work with the surrounding neighborhoods at important steps throughout the campus development process. Such contacts shall be undertaken by the College at no less frequent interval than the beginning period of each listed phase, as indicated in Exhibit C.

9. A construction mitigation Plan appropriate for the next phase of construction, or major campus building project will be submitted prior to each new phase of construction. These mitigation plans will be provided to City Council for its information.

10. Within 180 days of the effective date of this ordinance, PEMC shall provide for Planning Director review and approval a detailed program for accomplishing the Comprehensive Plan 2025 mode split objectives of not more than 64% by Single Occupant Vehicle, within the framework of EMC 46.68. The program shall include proactive measures PEMC will take to increase travel by transit, carpool, and non-motorized modes; interim targets between 2008 and 2025; a monitoring and reporting schedule; and contingencies in the event mode interim split targets are not being achieved. The Planning Director shall have the authority to require revisions to the proposed program to achieve compliance with mode split objectives. The program shall be evaluated prior to each phase of building construction or expansion and include compliance mechanisms the City may use if mode split objectives are not being met.

Section 3: Legal Description.

The legal description of the area subject to the rezone and Comprehensive Plan amendment set forth in Exhibit F of this Ordinance.

Section 4: Validity.

Should any section, subsection, paragraph, sentence, clause or phrase set forth in this Ordinance or its application to any person or situation be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance or its application to any other person or situation. The City Council of the City of Everett hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

Section 5: Purpose.

It is expressly the purpose of this Ordinance to provide for and promote the health, safety and welfare of the general public and not to create or otherwise establish or designate any particular

class or group of persons who will or should be especially protected or benefited by the terms of this Ordinance.

It is the specific intent of this Ordinance that neither provisions nor any term used in this Ordinance is intended to impose any duty whatsoever upon the City or any of its officers or employees.

Nothing contained in this Ordinance is intended nor shall be construed to create or form the basis of any liability on the part of the City, or its officers, employees or agents, for any injury or damage resulting from any action or inaction on the part of the City, its officers, employees or agents.

Section 6: Pending Actions.

The enactment of this Ordinance shall not affect any case, proceeding, appeal or other matter currently pending before the City or in any court.

Section 7: Corrections.

The City Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance including, but not limited to, the correction of scrivener's / clerical errors, references, ordinance numbering, section / subsection numbers and any references thereto.



Ray Stephanson, Mayor

ATTEST:



CITY CLERK

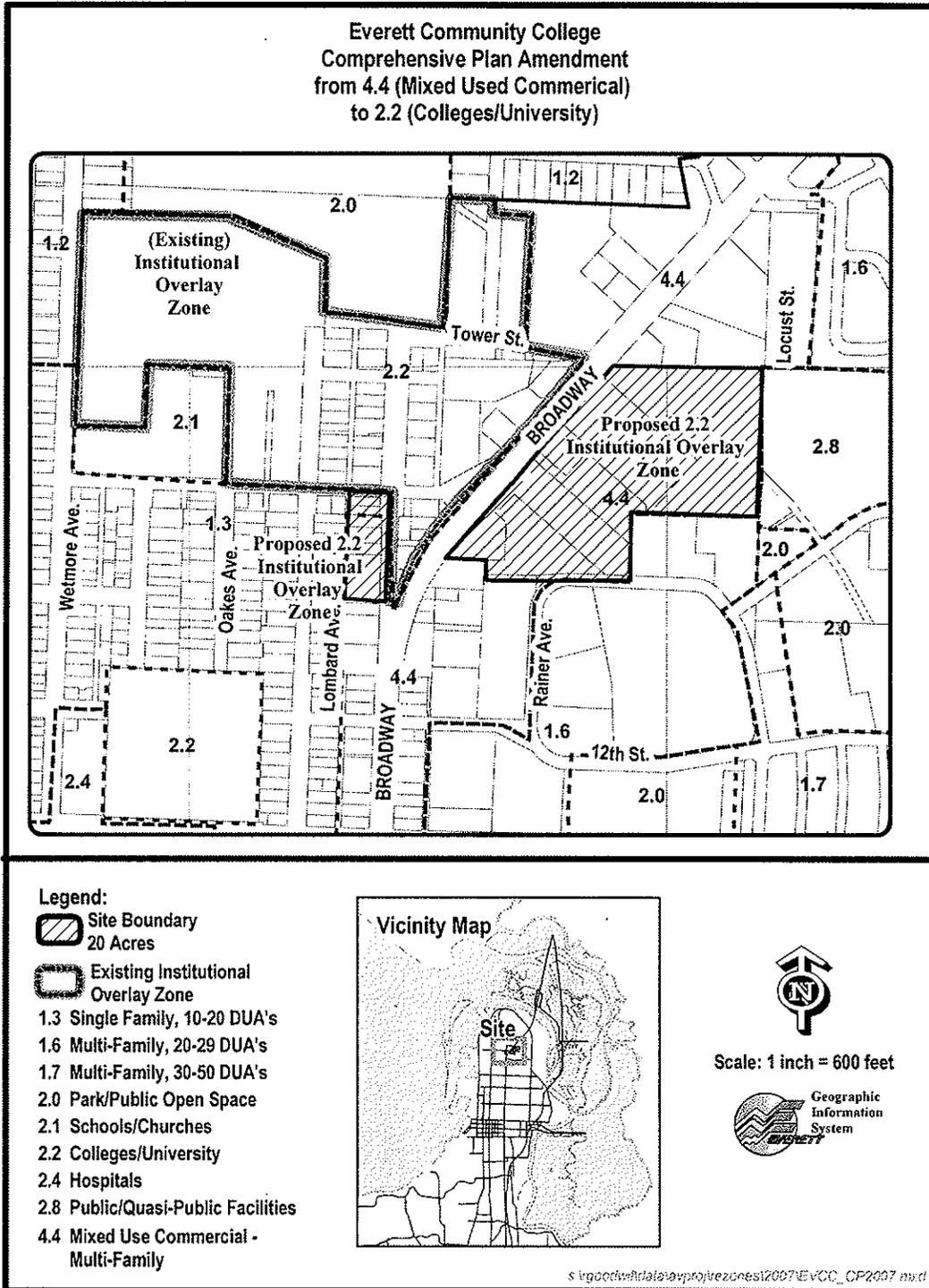
Passed: 8/20/08

Valid: 9/2/08

Published: 9/5/08

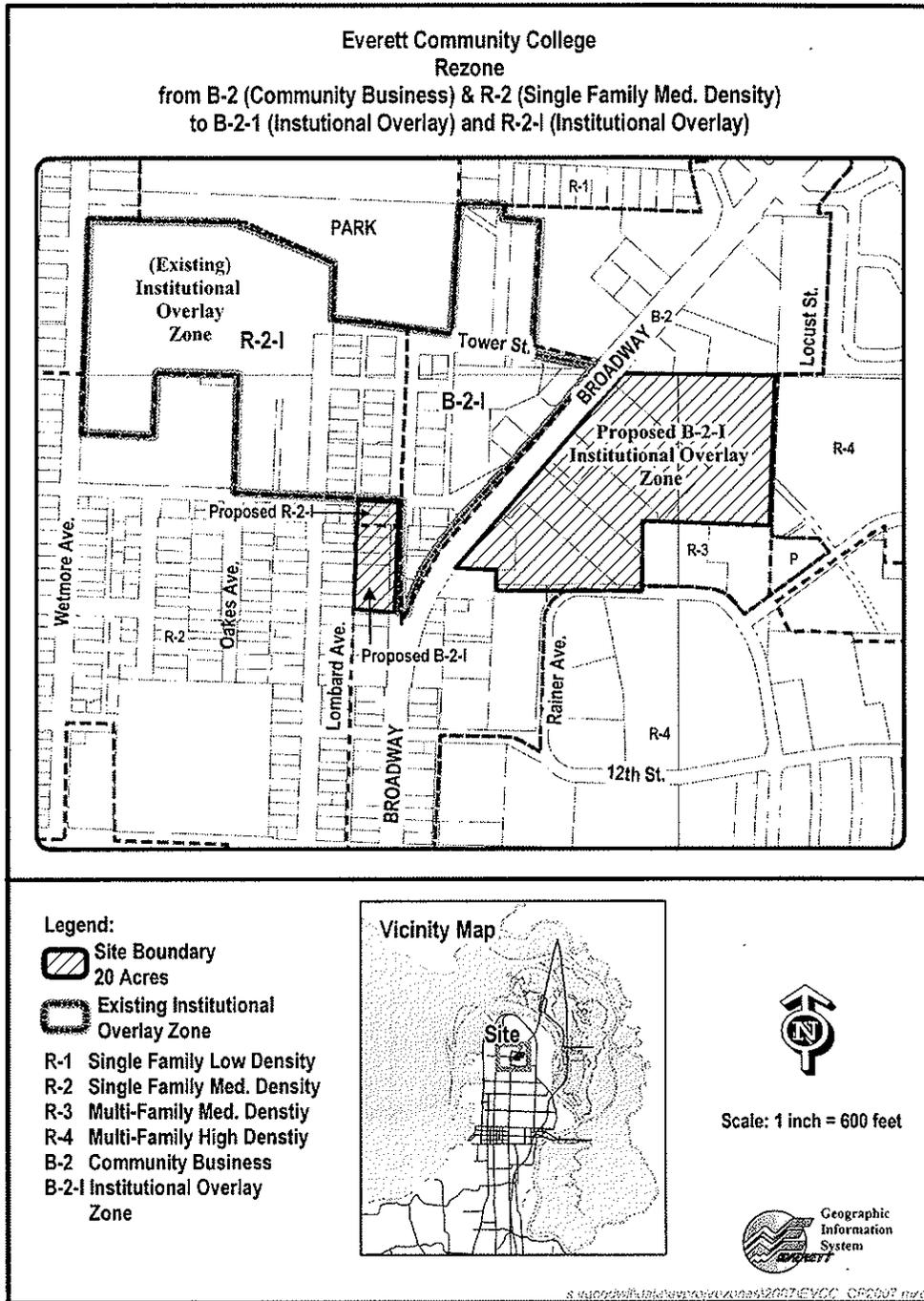
Effective Date: 9/17/08

Exhibit A



Note: "Proposed" areas are designated 2.2 (College / University) as a result of this action.

Exhibit B



Note: "Proposed" areas are zoned R-2-1 or B-2-1, as noted, as a result of this action.

Exhibit C-1
MASTER PLAN Diagram
 Phases 1 and 2 are completed

2009 – 2011

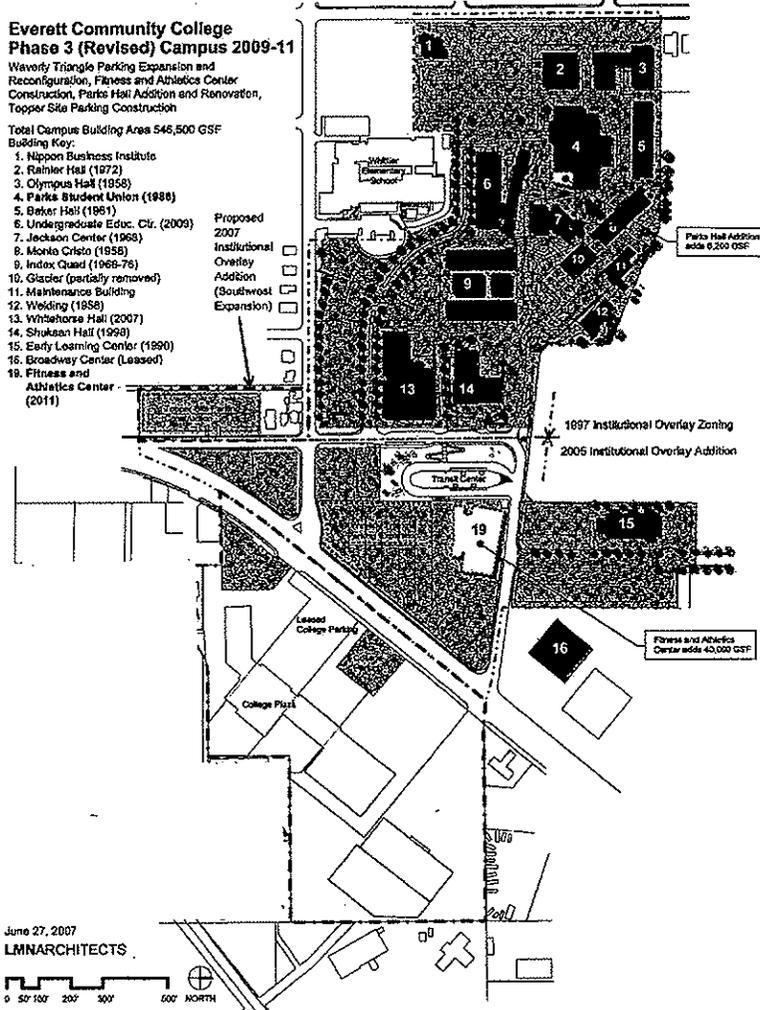


Exhibit C-2
MASTER PLAN Diagram

2011 – 2013

**Everett Community College
 Phase 4 Campus 2011-13**

Glacier and Monte Cristo Demolition,
 Index Replacement Construction, North Garage
 and Maintenance Replacement Construction,
 Original Maintenance Demolition

Total Campus Building Area 587,300 GSF

Building Key:

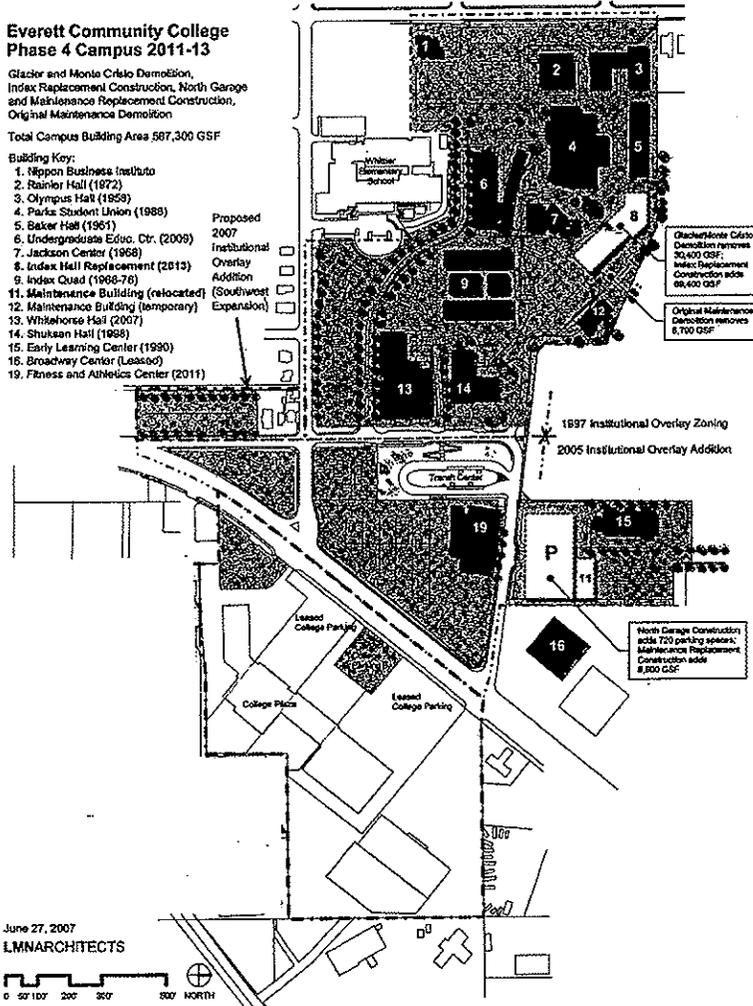
1. Nippon Business Institute
2. Rainier Hall (1972)
3. Olympus Hall (1959)
4. Parker Student Union (1988)
5. Baker Hall (1961)
6. Undergraduate Educ. Ctr. (2009)
7. Jackson Center (1968)
8. Index Hall Replacement (2013)
9. Index Quad (1968-78)
11. Maintenance Building (relocated)
12. Maintenance Building (temporary)
13. Whitehorse Hall (2007)
14. Shulman Hall (1968)
15. Early Learning Center (1990)
16. Broadway Center (Leased)
19. Fitness and Athletics Center (2011)

Proposed
 2007
 Institutional
 Overlay
 Addition
 (Southwest
 Expansion)

Glacier/Monte Cristo
 Demolition removes
 20,400 GSF;
 Index Replacement
 Construction adds
 89,400 GSF
 Original Maintenance
 Demolition removes
 6,700 GSF

1997 Institutional Overlay Zoning
 2005 Institutional Overlay Addition

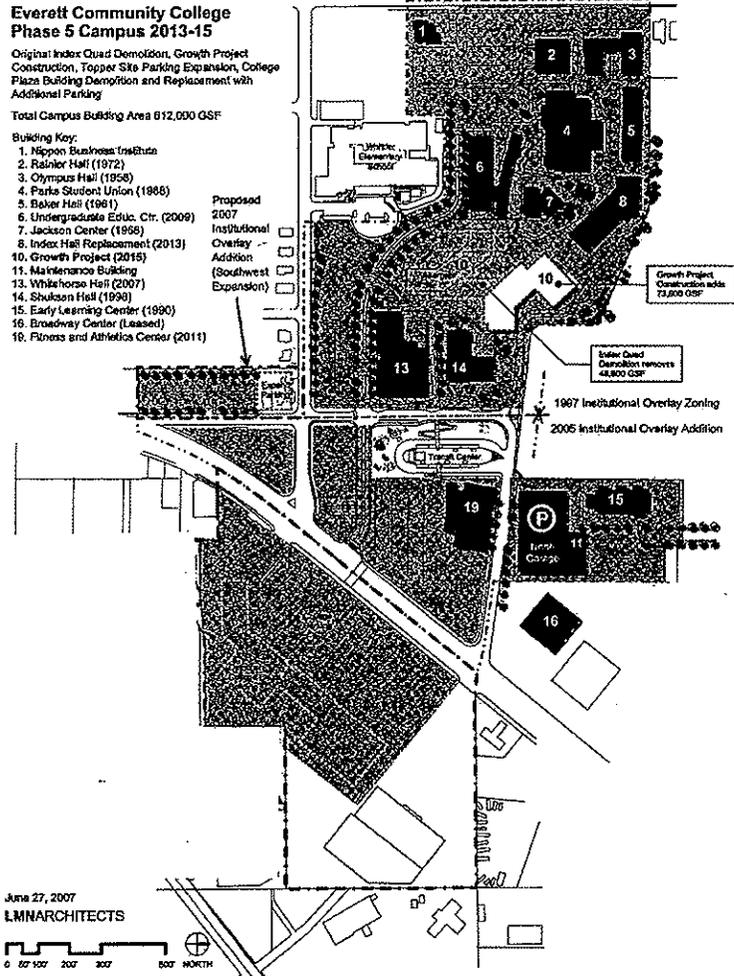
North Garage Construction
 adds 720 parking spaces;
 Maintenance Replacement
 Construction adds
 8,500 GSF



June 27, 2007
 LMNARCHITECTS

Exhibit C-3
MASTER PLAN Diagram

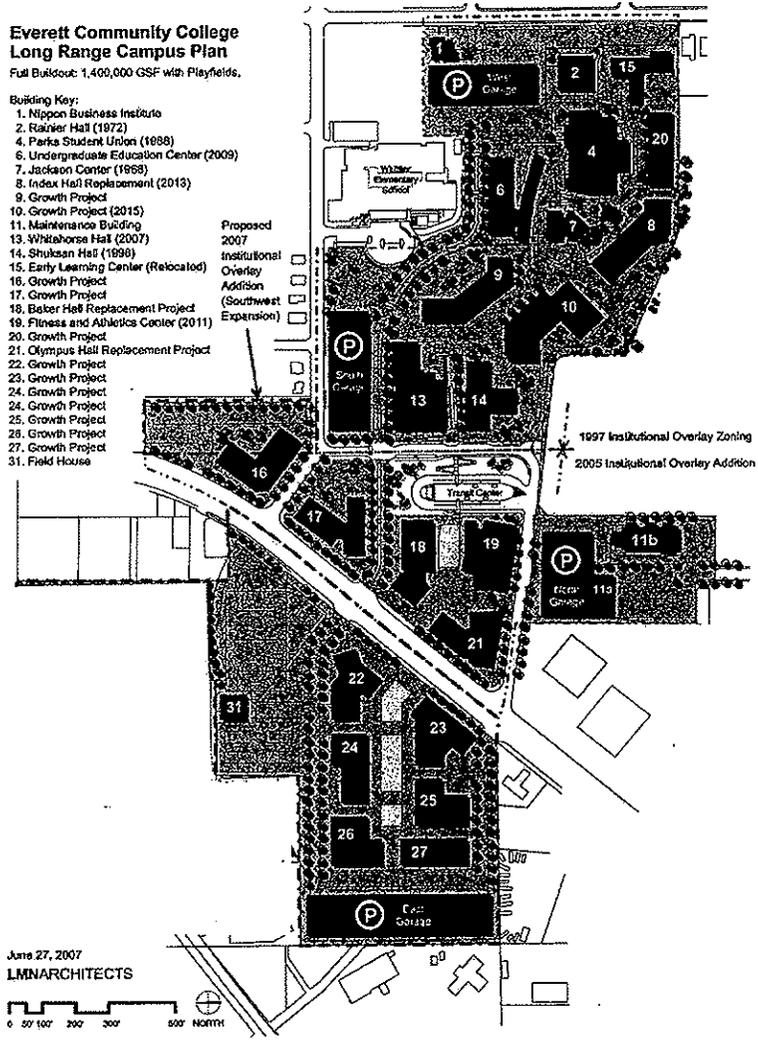
2013 – 2015



Everett Community College / Comprehensive Plan Map Change and Rezone Application

Exhibit D
MASTER PLAN Diagram

Full Buildout - Conceptual



Everett Community College / Comprehensive Plan Map Change and Rezone Application

Exhibit E Height and Setback Map

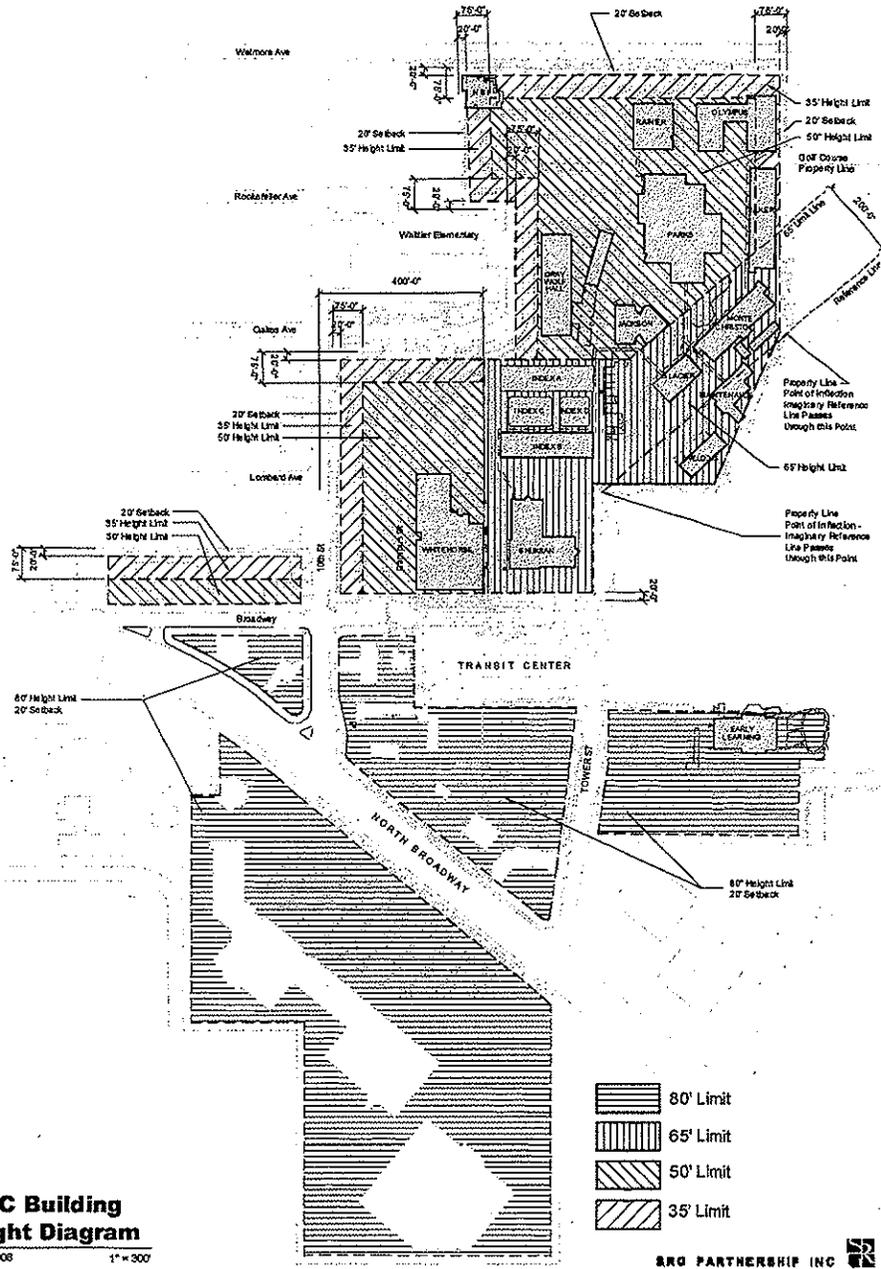


Exhibit F
legal description
ECC Rezone

Rezone Area East of Broadway:

ALL THAT PORTION of the NW1/4 of Section 17, Township 29 North, Range 5 East, W.M., described as follows:

All of lots 1 through 7, inclusive, City of Everett Binding Site Plan No. 1571-2-87, recorded under Auditor's file number 8904125002 in Volume 1 of Binding Site Plan's, pages 150-151, records of Snohomish County, State of Washington, together with the east ½ of the North Broadway right-of-way lying adjacent thereto.

Situate in the County of Snohomish, State of Washington.

Rezone Area West of Broadway:

ALL THAT PORTION OF the NW1/4 of Section 17, Township 29 North, Range 5 East, W.M., described as follows:

BEGINNING at the intersection of the platted centerlines of 10th Street and the north-south alley in block 221, Plat of Bailey Addition to Everett, according to the plat thereof, recorded in Volume 9, page 78, records of Snohomish County, State of Washington;

THENCE southerly along the platted centerline of the north-south alley in block 221 of said Plat of Bailey Addition and the southerly projection of said centerline to a point on said line that is 367.74 feet south of the north line of the SW1/4 of the NW1/4 of said section 17;

THENCE easterly along a line parallel to and 367.74 feet south of the north line of the SW1/4 of the NW1/4 of said section 17 to its intersection with the southerly projection of the platted centerline of Broadway as per the plat of Bailey Addition;

THENCE northerly along the said centerline of Broadway to its intersection with the centerline of 10th Street;

THENCE westerly along the centerline of 10th Street to the **POINT OF BEGINNING**.

Situate in the County of Snohomish, State of Washington.