ORDINANCE NO. 17-0514

AN ORDINANCE OF THE CITY OF EDEGW OOD, WASHINGTON, RELATING TO LAND USE AND ZONING, TERMINATING THE MORATORIUM ADOPTED IN ORDINANCE NO. 17-0504 ON THE ACCEPTANCE OF DEVELOPMENT APPLICATIONS FOR PLANNED RESIDENTIAL DEVELOPMENTS (PRD); REPEALING EDEGW OOD MUNICIPAL CODE (EMC) SECTION 18.50.095 – PLANNED RESIDENTIAL DEVELOPMENT; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, on March 12, 2014, the City Council adopted Ordinance Number 14-0416 adding a new section to the Edgewood Municipal Code (EMC) as Section 18.50.095 – Planned Residential Developments (PRD); and

WHEREAS, on July 11, 2017, the City Council adopted Ordinance No. 17-0504, which imposed a moratorium on the submission of all new PRD applications to address problems with ordinance language subjectivity and procedural approvals prescribed for the PRD in relation to other land development applications; and

WHEREAS, on August 8, 2017, the City Council held a public hearing on the moratorium, as required by RCW 36.70A.390; and

WHEREAS, on August 22, 2017, the City Council adopted Ordinance No. 17-0507, adopting the findings of fact required by RCW 36.70A.390, to support the maintenance of the moratorium; and

WHEREAS, during the moratorium, the City staff researched the effect of PRD development on the City in order to develop a recommendation on the question whether the PRD regulations should be amended or repealed; and

WHEREAS, the moratorium also allowed the City to review City visioning documents such as the remainder of the EMC, Comprehensive Plan, 2001 Final Environmental Impact Statement (FEIS) for the Comprehensive Plan; the basis and support used to craft the PRD code; the three adopted PRD projects; and codes from other municipalities; and

WHEREAS, the Comprehensive Plan and FEIS broadly address density for the entire city and do not examine methods to increase density on a case-by-case basis; and

WHEREAS, one of the reasons for the PRD adoption was to create or preserve usable open space for the enjoyment of the occupants and the general public; however, EMC Section 18.50.035, with was adopted in 2007 under City Ordinance No. 07-288, already allowed residential cluster developments (RCD) to reduce the buildable lot size requirements in various
zoning districts as a vehicle to preserve large areas of open land and protect environmentally sensitive areas; and

WHEREAS, the SEPA Responsible Official determined this action was Categorically Exempt per WAC 1987-11-800(19); and

WHEREAS, on October 31, 2017, the City sent a copy of this ordinance to the Washington State Department of Commerce, as required by RCW 36.70A.106(1); and

WHEREAS, the Planning Commission held a Public Hearing to receive public testimony regarding the Proposed Code Amendment at the November 20, 2017 Planning Commission meeting; and

WHEREAS, for the reasons set forth in the Staff Report dated November 21, 2017 to the Planning Commission and City Council, the Staff recommended that the PRD regulations be repealed; and

WHEREAS, after the public hearing, the Planning Commission submitted a formal recommendation of approval to the City Council for their consideration of this ordinance and the Planning Commission’s recommendation during its regular City Council meeting of December 12, 2017;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EDGEWOOD, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Moratorium Terminated. The six-month moratorium adopted in Ordinance 17-0504 is hereby terminated.

Section 2. Repealed. The current EMC Section 18.50.095 – Planned Residential Developments (PRD) is hereby repealed in its entirety.

Section 3. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 4. Effective Date. This Ordinance shall take effect and be in full force immediately upon adoption, having received the vote of a majority plus one of the entire Council.

ADOPTED BY THE CITY COUNCIL ON THE 9TH DAY OF JANUARY, 2018.

Daryl Eidinger, Mayor
ATTEST/AUTHENTICATED:

Rachel Pitzel, City Clerk

APPROVED AS TO FORM:

Carol Morris, CITY ATTORNEY

DATE OF PUBLICATION: 01/11/18
EFFECTIVE DATE: 01/16/18