ORDINANCE NO. 19-0560

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EDGEWOOD, PIERCE COUNTY, WASHINGTON, RELATING TO LAND USE AND ZONING, EXTENDING INTERIM ZONING ORDINANCE NO. 19-0558, ADOPTED ON SEPTEMBER 10, 2019, WHICH AMENDED INTERIM ZONING ORDINANCE NO. 19-0547, AS PREVIOUSLY AMENDED BY ORDINANCE NO. 19-0553, ON THE ACCEPTANCE OR PROCESSING OF NEW APPLICATIONS FOR RESIDENTIAL/MULTI-FAMILY DEVELOPMENTS IN THE MUR ZONE ON THE EAST SIDE OF MERIDIAN AVENUE AND IN THE TC ZONE ON THE EAST SIDE OF MERIDIAN SOUTH OF 22ND STREET EAST, AS SHOWN IN THE ATTACHED MAP AS EXHIBIT A, FOR A PERIOD OF SIX MONTHS

WHEREAS, the City of Edgewood plans under the Growth Management Act (Chapter 36.70A RCW); and

WHEREAS, pursuant to Chapter 35A.63 RCW and Chapter 36.70A RCW, the City of Edgewood has established various zoning districts to ensure orderly and appropriate land use development consistent with the City’s Comprehensive Plan; and

WHEREAS, except in special circumstances (RCW 36.70A.130(2)(a)), the City may consider amendments to the City’s Comprehensive Land Use Plan once a year; and

WHEREAS, the City has adopted procedures for the amendment of the City’s Comprehensive Plan in Chapter 18.60 of the Edgewood Municipal Code, which limit the consideration of amendments to once a year, and establishes a deadline for application submittal of December 31st of the current calendar year (EMC 18.60.130(D)); and

WHEREAS, the City received two Comprehensive Plan Amendments and Rezones, one entitled Uchida Farms (received December 27, 2017) and another entitled Lake Chalet (received December 27, 2017); and

WHEREAS, the City issued a Determination of Nonsignificance on September 27, 2018, which was not appealed; and

WHEREAS, on April 8, 2019, the City Council considered and approved the Interim Zoning Ordinance, No. 19-0547, during the Council’s regular meeting of April 8, 2019; and

WHEREAS, on May 7, 2019, the City Council held a study session and discussed the scope of Interim Zoning Ordinance No. 19-0547; and
WHEREAS, on May 14, 2019, the City Council heard staff presentations and public testimony on the issue whether Interim Zoning Ordinance No. 19-0547 should be terminated, modified or continued; and

WHEREAS, on May 28, 2019, the City Council adopted Resolution No. 19-0458, adopting findings of fact to support the continued maintenance of Interim Zoning Ordinance No. 19-0547; and

WHEREAS, on June 11, 2019, June 18, 2019, June 25, 2019, July 2, 2019, July 9, 2019, and July 16, 2019, the City Council added continued discussions for Interim Zoning Ordinance No. 19-0547 on each agenda; and

WHEREAS, on July 23, 2019, City Council voted 6-1 to modify the Interim Zoning Ordinance by limiting the geographic scope to the Mixed Use Residential (MUR) zone on the east side of Meridian Avenue and a portion of the Town Center (TC) zoning district, which is located only on the east side of Meridian Avenue south of 22nd Street East. City Council also provided direction to City staff regarding the next steps necessary under the Interim Ordinance; and

WHEREAS, on July 23, 2019, City Council voted 6-1 to modify the Interim Zoning Ordinance by limiting the geographic scope to the Mixed Use Residential (MUR) zone on the east side of Meridian Avenue and a portion of the Town Center (TC) zoning district, which is located only on the east side of Meridian Avenue south of 22nd Street East. City Council also provided direction to City staff regarding the next steps necessary under the Interim Ordinance; and

WHEREAS, on September 10, 2019, City Council approved the two Comprehensive Plan Amendments and Rezones for “Uchida Farms” and “Lake Chalet;” and

WHEREAS, the action by City Council to approve the Comprehensive Plan Amendments results in the need to perform the housekeeping measure of modifying the Interim Zoning Ordinance to remove an approximate 1.36-acre piece of property within the “Lake Chalet” project to allow the approved Comprehensive Plan Amendments and Rezones to be developed in accordance with the vision of the City Council and the proposal of the project; and

WHEREAS, on July 30, 2019, City Council directed staff to prepare a Request for Proposals (RFP) to conduct a study of the Town Center (TC) and Mixed Use Residential (MUR) zoning districts, which will include a review of uses, appropriateness of commercial integration with residential project, where a [minimum] 3/1 development would be feasible in Edgewood, and if any additional modifications to the EMC are necessary. Since this RFP is being presented on August 20, 2019 to City Council for their additional direction, the subsequent study will likely commence in early September; and

WHEREAS, on August 20, 2019, City Council reviewed the Request for Proposals (RFP) to conduct a study of the Town Center (TC) and Mixed Use Residential (MUR) zoning districts and recommended staff bring forward for a motion to approve publication at the next regular council meeting; and
WHEREAS, on October 1, 2019, City Council accepted the submitted proposal with the highest score in the ranking matrix and agreed to move forward with a contract that states Berk Consulting, Inc. will perform the TC and MUR study over the next five months; and

WHEREAS, a six-month extension of the Interim Zoning Ordinance will allow completion of the Berk study and an assessment of the next steps before the Interim Zoning Ordinance expires; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EDGEWOOD, WASHINGTON, HEREBY ORDAINS AS FOLLOWS:

Section 1. Extension of Edgewood Ordinance No. 19-0547, as amended by Ordinance Nos. 19-0553 and 19-0558, which adopted an Interim Zoning Ordinance on the acceptance and processing of new applications for residential/multi-family developments in the MUR zone on the east side of Meridian Avenue and in the TC zone on the east side of Meridian south of 22nd street east, as shown on Exhibit A of Ordinance No. 19-0558.

Section 2. Declaration of Emergency. This amendment to Interim Zoning Ordinance Nos. 19-0553 and 19-0547 must be adopted to be effective immediately in order to preserve the status quo while the City reviews and revises, as appropriate, its current development regulations and comprehensive plan relating to residential and multi-family residential development on the properties on the east side of Meridian Avenue within the MUR zoning district and on the majority of properties on the east side of Meridian Avenue south of 22nd Street East within the TC zoning district, as shown in Exhibit A as the “Affected Properties,” and to prevent new residential/multi-family residential permit applicants from potentially establishing vested rights inconsistent with the City’s future regulatory framework to be considered and adopted while the Interim Zoning Ordinance is effective. The findings and conclusions above are adopted by the City Council in support of the designation of this ordinance as a public emergency necessary for the protection of the public health, public safety, public property and public welfare. This ordinance shall take effect immediately upon adoption by the Council, by a vote of a majority of the Council plus one, and shall remain effective for six months unless earlier terminated by the City Council.

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

Section 4. Publication. This Ordinance will be published by an approved summary consisting of the title.

Section 5. Effective Date. This Ordinance has been passed by a majority plus one vote of the whole membership of the City Council, and shall take effect and be in force immediately upon passage.

PASSED BY THE EDGECWOOD CITY COUNCIL ON THIS 8TH DAY OF OCTOBER, 2019.
ATTEST:

Rachel Pitzel, CMC
City Clerk

APPROVED AS TO FORM:

Ann Marie Soto, Interim City Attorney

Date of Publication: October 10, 2019
Effective Date: October 15, 2019