ORDINANCE NO. 16-0481

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EDGEWOOD, WASHINGTON, APPROVING THE PLANNED RESIDENTIAL DEVELOPMENT FOR EDGEWOOD HEIGHTS (FILE NO. 5212); ENTERING FINDINGS AND CONCLUSIONS IN SUPPORT OF SAID APPROVAL; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, in accordance with EMC 18.50.095, Azure Greene Consultants submitted an application seeking approval of a Planned Residential Development (PRD) for Edgewood Heights proposal (File No. 5212); and

WHEREAS, following a public hearing on July 21, 2016, the City of Edgewood Hearing Examiner issued his Report and Recommendation dated August 4, 2016 and further clarified on August 18, 2016, entering findings and conclusions and recommending approval of the proposed PRD subject to various conditions; and

WHEREAS, upon consideration of all relevant evidence contained in the administrative record, the City Council has determined that the proposed PRD, as conditioned, satisfies all applicable standards for approval; and

WHEREAS, the City Council desires to accept the Hearing Examiner’s recommendation and approve the proposed PRD;

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

Section 1. Findings and Conclusions. The City Council hereby adopts by reference and incorporates herein the above recitals and the findings and conclusions set forth in the Hearing Examiner’s August 4, 2016 Report and Recommendation and August 18, 2016 clarification letter. The City Council further enters the following additional findings:

1.1 Pursuant to EMC 18.50.095(O), on September 27, 2016 the City Council considered the Hearing Examiner’s Report and Recommendation along with the Hearing Examiner’s clarifying letter dated August 18, 2016 in a duly-noticed closed record review proceeding. Complete copies of the Report and Recommendation, as well as the underlying administrative record for File No. 5212, were made available to each Council Member in advance of the proceeding.
1.2 No City Council Member disclosed information warranting his/her recusal from participation in the proceeding under the Appearance of Fairness Doctrine.

1.3 The City Council limited its review to the factual information contained in the administrative record. No additional testimony or evidence was provided to or considered by the City Council.

1.4 The City Council approves and concurs in the manner in which Edgewood Heights PRD was processed by the City, specifically including without limitation the July 21, 2016 open record hearing, the September 27, 2016 closed record review proceeding, and all notices issued regarding the project.

Any of the above findings that could be reasonably construed as a conclusion is hereby adopted as such. Any of the above conclusions that could be reasonably construed as a finding is hereby adopted as such.

**Section 2. Approval of Planned Residential Development.** Based upon the findings and conclusions above, the City Council hereby accepts and adopts the Hearing Examiner’s Report and Recommendation dated August 4, 2016 along with a Hearing Examiner Clarifying letter dated August 18, 2016, attached hereto as Exhibit A and incorporated herein as if set forth in full. The Planned Residential Development known as Edgewood Heights (File No. 5212) is hereby APPROVED subject to the conditions set forth in the attached Report and Recommendation.

**Section 3. Recording.** A complete copy of this ordinance, together with the Planned Residential Development approved hereunder, shall be recorded against the title of the subject property covered by Edgewood Heights (File No. 5212).

**Section 4. Notice of Decision.** This ordinance shall serve as the City’s final land use decision with respect to the Planned Residential Development for Edgewood Heights (File No. 5212). A Notice of Decision shall be issued with respect to this decision in the manner specified by applicable City regulations.

**Section 5. 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 6. Effective Date.** A summary of this Ordinance consisting of its title shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after the date of publication.

**Presented to Council for First, Second reading and adoption on September 27, 2016**

**PASSED BY THE CITY COUNCIL ON THE 27th DAY OF September, 2016**

MAYOR DARYL EIDINGER
ATTEST/AUTHENTICATED:

[Signature]
RACHEL PITZEL, CITY CLERK

APPROVED AS TO FORM:

[Signature]
CITY ATTORNEY

DATE OF PUBLICATION:  September 29, 2016
EFFECTIVE DATE:  October 4, 2016
LEGAL NOTICE

September 28, 2016

NOTICE OF ORDINANCE PASSED BY EDGEWOOD CITY COUNCIL

The following is a summary of an Ordinance passed by the City of Edgewood City Council on the 27th day of September, 2016, and shall take effect and be in full force on the 4th day of October, 2016.

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The full text of the Ordinance is available at the City Clerk’s office, Edgewood City Hall, 2224 - 104th Ave. East, Edgewood, WA 98371 (253) 952-3299.

RACHEL PITZEL, CITY CLERK

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