RESOLUTION NO. 19-0458

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
EDGWOOD, WASHINGTON, ADOPTING FINDINGS OF
FACT TO SUPPORT THE CONTINUED MAINTENANCE OF
INTERIM ZONING ORDINANCE NO. 19-0547, RELATING TO
LAND USE AND ZONING, PROHIBITING THE
ACCEPTANCE OF APPLICATIONS FOR NEW
RESIDENTIAL/MULTI-FAMILY DEVELOPMENT IN THE
TOWN CENTER (TC), COMMERCIAL (C), MIXED USE
RESIDENTIAL (MUR) AND BUSINESS PARK (BP) ZONES,
FOR A PERIOD OF SIX MONTHS, ALL AS ALLOWED BY
RCW 35A.63.220 AND RCW 36.70A.390.

WHEREAS, the Edgewood City Council may adopt an interim zoning ordinance that
extends for a period of six months as long as the Council holds a public hearing on the proposed
interim zoning ordinance within sixty days after adoption, and subsequently adopts findings of fact
in support (RCW 36.70A.390, 35A.63.220); and

WHEREAS, on April 9, 2019, the Edgewood City Council adopted Ordinance No. 19-
0547, which adopted an interim zoning ordinance on the acceptance of applications for new
residential/multi-family development in the Town Center (TC), Commercial (C), Mixed Use
Residential (MUR) and Business Park (BP) zones, for a period of six months; and

WHEREAS, after the requisite public notice was provided, the City Council held a public
hearing on May 14, 2019, (which was during this sixty day period) on Ordinance No. 19-0547; and
WHEREAS, the City Council considered this Resolution during its regular study session of May 21, 2019 as well as the Council’s regular meeting on May 28, 2019;

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

Section 1. Public Hearing. The City Council’s public hearing was held on May 14, 2019.

Section 2. Staff Report. Darren Groth, the Community Development Director, presented the staff report. He reminded the Council of their May 7, 2019 study session discussions on the subject of the interim zoning ordinance, which included the manner in which the City was required to comply with the Growth Management Act. Information included in the Pierce County Buildable Lands Report, and other facts relevant to the TC, C, MUR and BP zoning districts were also presented at that time.\(^1\) As a result of those discussions, Mr. Groth prepared an amendment to the interim zoning ordinance which would have the effect of narrowing its scope, so that it would only apply to the MUR zoning district on the east side of Meridian Avenue.\(^2\) Finally, he recommended that the Council use the Planning Commission in order to vet his recommendation.

Section 3. Public Testimony. The following is a list of the members of the public who provided testimony during the public hearing, together with a brief summary of their testimony:

A. Satwant Sing. Mr. Sing asked that his attorney, Ruben Schutz be allowed to present testimony on his behalf.

\(^1\) The City Council received the portion of the 2014 Pierce County Buildable Lands Survey for Edgewood during its Study Session on May 22, 2019.

\(^2\) This proposed ordinance was included in the Council packet for the May 14, 2019 regular City Council meeting, and copies were also available to members of the public during the public hearing.
B.  Ruben Schutz. Mr. Schutz stated that the interim zoning ordinance affects the Northwood Estates project because it is proposed in the TC zoning district. The project includes multi-family residential and 18,000 square feet of retail and commercial space that fronts Meridian Avenue. While he admitted that the City Council has much legislative discretion to adopt an interim zoning ordinance, Mr. Schutz asked that the Council either modify it along the line of what has been recommended by staff; amend it to include the exception described in his letter or terminate it. He felt that as the ordinance was currently drafted, it is too broad because it prohibits applications for commercial development that are paired with residential uses. If the purpose of the interim zoning ordinance is to prohibit residential and multi-family uses that are not paired with retail or commercial uses, then the Northwood project should be exempt. He also asked that the Council consider this request on the basis of fairness because the property is subject to LID assessments. These assessments were calculated based on the expectation that the property could be used for the purposes allowed in the underlying zone.

C.  Don Huber. Mr. Huber stated that his property is located on the west side of the MUR zone. If the staff's recommendation were adopted by the City Council, his property would not be affected by the interim zoning ordinance, so he had nothing else to say.

D.  Chris Van Dyke. Mr. Van Dyke identified himself as a community marketing consultant and political hack from Bainbridge Island. He wanted to let the Council know that Mr. Sing’s project (Northwood Estates) was not proposed “out of the blue.” Three weeks ago, he

---

3 Mr. Schutz also sent a letter dated May 6, 2019 to the Mayor and City Council members on the subject of the Ordinance 19-0547. This letter has been incorporated into the administrative record on the interim zoning ordinance.

4 Mr. Huber wrote a letter to the Mayor and City Council dated April 22, 2019 on the interim zoning ordinance. This letter has been incorporated into the administrative record.
received a notice that the application was complete. Mr. Van Dyke believes that Mr. Sing played by the rules, but the interim zoning ordinance brought his significant monetary investment to a grinding halt. However, he wanted to thank the staff because in his experience, it is rare for any municipality to be as receptive as Edgewood’s staff. He asked that members of the audience stand up at that point, if they supported Mr. Sing.

_Elicia Lambert._ Ms. Lambert stated that she was in favor of the continued maintenance of the interim zoning ordinance as written. She believes that the City needs time to plan, and that City infrastructure could suffer otherwise.

_Sara Wagner^5_. Ms. Wagner supports the original interim zoning ordinance because the City of Edgewood is unlike any other City. It has upheld the character of the community. She believes that we need to do more as we grow, in order to ensure that we do not lose everything to overdevelopment. According to Ms. Wagner, developers want to maximize profit by maximizing densities. She compared the growth rate in Edgewood to the growth rate in Sumner and Seattle, and concluded that Edgewood has been absorbing substantially more growth than other cities. She felt that we should require more of residential developers. Finally, she recalled her experience with one city that required developers to provide 25% open space.

_Linda Howard._ Ms. Howard stated that she came to the hearing in order to support the original interim zoning ordinance. She has lived here her entire life, but recently has heard nothing but negative comments about the City. Ms. Howard believes that as Edgewood was originally planned, it was great, and she would therefore support the original ordinance.

---

^5 Ms. Wagner submitted a written, undated statement, which has been incorporated into the administrative record.
David Zahner. Mr. Zahner moved here seven years ago and loves it. However, now he sees more contractors than people. He feels that we are losing Edgewood. Right now, he doesn’t even recognize a nearby ten acre plat that will be sold to developers. He thinks that people want to come here in order to make money. As for how the roads are – they will get worse. Mr. Zahner asked the Council to keep Edgewood the way it is and keep growth responsible.

James Carerro. Mr. Carerro lives in Lakewood and is Don Huber’s architect. He is also on the Lakewood Planning Commission, which recently passed a downtown plan. He feels that the Lakewood zoning code is similar to Edgewood’s in the way it is set up because it is more “urban” here. He believes that we have to accommodate growth and comply with the Growth Management Act. If we must accommodate growth, where will it take place? Personally, Mr. Carerro believes that it is going in the right direction. While the original ordinance was a response to neighborhood concerns about development, it encompasses too much. The City needs to be mindful of being fair to both developers and residents.

Justin Yonker. Mr. Yonker lives in Yakima and is associated with the Cascadia Senior Living project. They have already had a pre-application meeting with staff and doesn’t think this project would be affected by the interim zoning ordinance. While it is a residential use, the use is still commercial. Mr. Yonker believes that they are in Edgewood for the long-term, with about 300 employees and zero plans of liquidity of any properties. Also, senior living uses have a low impact on traffic and schools. They did a market study and have identified a need for this use in Edgewood. Finally, he urged the Council to adopt the amended ordinance or exempt senior housing from the original interim zoning ordinance.
Jason Neil. Mr. Neil is in favor of the original interim zoning ordinance. He believes that there are a lot of apartments being constructed and there are two large duplexes that haven’t yet been completed. He asked that the Council wait to see what the effect on the community is from these developments before allowing more development. Finally, he noted that everyone living in Edgewood is in favor of the original interim zoning ordinance and everyone from outside Edgewood wants the Council to adopt the staff’s proposed ordinance.

David Vincent. Mr. Vincent is an architect for Mr. Sing on the Northwood project. He has been working on it for about a year and a half. He notes that there has been a lot of work performed and much money has been spent on a traffic study, geotech reports. Therefore, he doesn’t believe that the interim zoning ordinance should apply to the Northwood project, only future projects or those that have not submitted applications. The density allowed by code is minimal. Mr. Vincent doesn’t think that it is fair to apply the interim zoning ordinance on existing projects. He said that the City staff has been really helpful and that he would support the amended ordinance proposed by staff.

Ron Milner. Mr. Milner believes that the growth in Edgewood is good, but too much is bad, especially if there aren’t sufficient first responders.

Eric Lamden. Mr. Lamden noted that the developers state that the interim zoning ordinance is unfair, but what about the effect of the developments on the people who live here. We want to preserve it for generations to come.

Shawna Able. Ms. Able is Mr. Sing’s realtor for the Northwood Estates project. She stated that sewer assessments on Meridian forced some property owners to have to sell their properties. What will happen if they can’t develop their properties according to the zoning? The property
owners will lose their properties. She complained that you can’t have a fruit stand on Meridian, you can’t ride horses down Meridian. We are not developers, and if the sale can’t go through because of the passage of this interim zoning ordinance, people will lose their properties.

Kim Adams. Ms. Adams stated that the person who is selling her property to Mr. Sing is in her 90’s and has had a $90,000 LID assessment imposed on that property. There is no way for her to pay it except for selling her property. With the interim zoning ordinance, the LID assessment won’t get paid.

Jim Schmidt. Mr. Schmidt is part owner of the property that the other commenters are talking about. This is an emotional subject for him. His wife’s parents owned the property for 60 years and had a fruit stand. They left the property to his wife, and Edgewood put the sewer on the property at the same time. There is a $443,000 sewer assessment on it to be paid. He doesn’t know about the interim zoning ordinance, but he does know that a lot of people will suffer. There is traffic on Meridian, and that traffic won’t change. This whole area is growing.

Jason Rameriz. Mr. Rameriz states that the City spent money on Buxton, Panzanno, but in Edgewood, he can’t get his clothes dry-cleaned and he can’t go to the grocery store. He believes that we need businesses that will be here for my daughter, if she decides that she wants to stay in Edgewood.

Written testimony: The following e-mails were submitted to the City Council on May 15, 2019, and were not considered by the City Council in their deliberations held immediately after the hearing (although they are now included in the administrative record): (1) e-mail dated 5-15-19 from Barbara Boettcher; (2) e-mail dated 5-15-19 from Kelly Rathburn; (3) e-mail dated 5-15-19 from Kelly Rathburn; (4) e-mail dated 5-15-19 from Linda Shampine.

7
Section 4. Close of Public Hearing. By 7:53 p.m., there were no other members of the public desiring to testify, and the public hearing was closed.

Section 5. Council Deliberations. The Mayor reiterated the three options available to the City Council at this point in time: (1) vote to keep interim zoning ordinance No. 19-0457 in place; (2) terminate or repeal interim zoning ordinance No. 19-0457; or (3) modify interim zoning ordinance No. 19-0457.

The Council asked Mr. Groth to identify the properties that were identified by the members of the public as being affected by the interim zoning ordinance. The portion of the City’s Official Zoning Map, as included in the Council packet, was pulled up on the overhead projector and the properties identified.

The Council asked Mr. Groth to explain how the staff recommendation meets the needs of the individuals here today. Mr. Groth responded by saying that their properties would not be included in the scope of the interim zoning ordinance, if the staff recommendation was adopted. Both of the properties (owned by Mr. Huber and the Northwood Estates) are outside of the “affected area” as identified on the map.

One Councilmember stated that while there is concern about apartments, we need jobs in Edgewood. The apartments bring in jobs. Considering that we went from 9,000 people to 11,000 people since 2009, this doesn’t meet the expectation that we should have 20,000 people. Also, we don’t have any senior citizen centers, so this is a real balancing act.

One Councilmember proposed that we stay with the original interim zoning and then address the affected development projects individually.
The Mayor stated that we all need to realize that Edgewood is changing, and we get to decide how Edgewood will change. People are coming into City Hall to complain about huge sewer assessments. This is a balancing act that we are all faced with.

One Councilmember stated that he has lived here since the Windmill was at the top of Jovita, and he ran for Council in order to become part of the community. He doesn’t want this City to become Federal Way. Compliance with the Growth Management Act is a balancing act for the quality of life of the citizens, and you don’t get growth in a small community.

One Councilmember felt that the City needs to look at what we have and the fact that the density was allocated along Meridian. The property owners along there took the risk. We now have some surplus in our budget and it is not fair to expect someone who has taken a financial risk to take an additional hit.

Another Councilmember stated that this issue needs to be discussed in a study session in order to fully explore the other options.

This comment was affirmed by another Councilmember, who sympathized with the property owners, but believed that we need to articulate whether we want the development and where it should be. She stated that the Council should explain why it made the decision on the interim zoning ordinance. This couldn’t be done at the last study session, which went to 11:00 p.m.

There were comments by the Council that the interim zoning ordinance needed to be examined “holistically,” and that action on the ordinance should be tabled, and that it needed a
better map. There was agreement by one Councilmember that he still had a lot of questions about the ordinance, even though the Council talked about it in study session until 11:00 p.m.

**Section 6. Council action.** The Council voted to keep interim zoning ordinance No. 19-0547 in place, as it is. As part of the public hearing, the staff was directed to draft the necessary findings of fact to support the Council’s decision.

**Section 7. Effective Date.** This resolution will take effect immediately upon passage by the City Council.

**ADOPTED this 28TH day of May, 2019**

[Signature]

Daryl Eidinger, Mayor

**ATTEST:**

[Signature]

Rachel Pitzel, City Clerk