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ORDINANCE NO. 3416

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, ADOPTING A SIX MONTH INTERIM ORDINANCE REPEALING ECDC 20.35.080 IN ORDER TO CLARIFY THAT THE CITY COUNCIL, INSTEAD OF THE HEARING EXAMINER, SHALL MAKE FINAL DECISIONS ON PLANNED RESIDENTIAL DEVELOPMENT APPLICATIONS AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

WHEREAS, the Edmonds Community Development Code currently has conflicting provisions as to the review authority of the hearing examiner on planned residential development applications (PRD's) in that ECDC 20.35.080(A) provides that the hearing examiner makes final decisions on PRD's and ECDC 20.100.010(A)(3) provides that the examiner only makes recommendations on PRD's, and

WHEREAS, PRD's have been judicially construed to constitute rezones, the final decision of which cannot be delegated to another body by the City Council, and

WHEREAS, the City Council has determined that it should make final decisions on planned residential development applications as judicially required, NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF EDMONDS, WASHINGTON, DO
ORDAIN AS FOLLOWS:

Section 1. ECDC 20.35.080 is hereby to provide as follows:

20.35.080 Review Process

A. An application for a PRD has two stages. The first stage, the Preliminary PRD, includes the following:

1. Pre-Application Staff Review. The preliminary plans of the proposal shall be submitted to the Planning Manager for review and comment. This provides an opportunity for the developer to work with the city staff to design a total plan which best meets the goals of the city and the needs of the developer. Such potential problems as drainage, topography, circulation, site design and neighborhood impact should be identified and addressed before the proposal is submitted for formal review.

2. Optional Pre-Application Neighborhood Meeting. If the project contains unusual or severe environmental problems or unusual compatibility problems with adjoining properties, the Planning Manager may require the applicant to host a public pre-application neighborhood meeting to discuss and receive public comment on the conceptual proposal. Should the applicant desire, they may choose to host a public pre-application neighborhood meeting even though one is not required by the Planning Manager.

While this meeting will allow immediate public response to the proposal in its conceptual form, comments submitted during this meeting are not binding to the applicant or staff. However, staff may make general recommendations to the applicant as part of the formal application based on the input from this meeting to the extent that said comments are consistent with the adopted provisions of the Edmonds Community Development Code and Comprehensive Plan.

3. Review by the Architectural Design Board. The Design Board will review the project for compliance with the Urban Design Guidelines and/or the Single Family Design Criteria in section 060 of this chapter and forward their recommendation of the site and building design on to the Hearing Examiner for his consideration. Their review will be at one of their regularly scheduled meetings, but will not include a public hearing or the ability for the public to comment on the project.

4. A Public Hearing with the Hearing Examiner. The Hearing Examiner will review the proposed PRD for compliance with this section and make a recommendation to the City Council

on the Preliminary PRD (see ECDC section 20.100 and 20.105 for the review process).

If the proposal is denied, a similar plan for the site may not be submitted to the development services department for one year. A new plan which varies substantially from the denied proposal, as determined by the development services director, or one that satisfies the objections stated by the City Council may be submitted at any time.

An applicant who intends to subdivide the land for sale as part of the project shall obtain subdivision approval in accordance with Chapter 20.75 ECDC before any building permit or authorization to begin construction is issued, and before sale of any portion of the property. The preferred method is for the applicant to process the subdivision application concurrently with the planned residential development proposal.

B. The second stage of the PRD process, the Final PRD, consists of the City's review of the final plans for consistency with the Preliminary PRD approved by the City Council. The decision at this stage will be made by City Staff unless the Final PRD is submitted as a consolidated application with a permit that requires City Council review, i.e. a Formal Plat. The final PRD will be subject to the following review:

1. The applicant shall submit the final development plan to the development services director, conforming to the preliminary plan approved by the City Council, and all applicable conditions of that approval. The planning manager shall review the plan along with the city engineer and make a final decision. The plan shall contain final, precise drawings of all the information required by ECDC 20.35.030. The applicant shall also submit all covenants, homeowner's association papers, maintenance agreements, and other relevant legal documents.

2. If city staff finds that the final development plan conforms to the preliminary approval, and to all applicable conditions, staff shall approve the plan and its accompanying conditions as a covenant which touches and concerns the subject property, incorporating by reference all maps, drawings and exhibits required to specify the precise land use authorized. A file shall be maintained by the development services department containing all maps and other documents or exhibits referred to in the approval. The approval shall also contain a legal description of

the boundary of the proposal. The covenant shall be recorded with the county auditor if no subdivision plat is to be recorded.

3. The provisions of approval shall be restrictions on the development of the site. Revocation of approval or abandonment as provided in this chapter shall eliminate all requirements imposed under the planned residential development plan and shall cause the old underlying zoning requirements to be in full force and effect.

Section 1. As required by RCW 35A.63.220, this ordinance shall expire six months from the date of adoption. In the meantime, as further required by RCW 35A.63.220, the city clerk is directed to schedule a public hearing on this ordinance within sixty days of its adoption and the planning board is requested to make a recommendation on a final version of this ordinance to be adopted by the city council prior to its expiration.

Section 2. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

APPROVED:

MAYOR GARY HAAKENSON

ATTEST/AUTHENTICATED:

CITY CLERK, SANDRA S. CHASE

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY _____

FILED WITH THE CITY CLERK:	08/02/2002
PASSED BY THE CITY COUNCIL:	08/13/2002
PUBLISHED:	08/18/2002
EFFECTIVE DATE:	08/23/2002
ORDINANCE NO. <u>3416</u>	

SUMMARY OF ORDINANCE NO. 3416

of the City of Edmonds, Washington

On the 13th day of August, 2002, the City Council of the City of Edmonds, passed Ordinance No. 3416. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, ADOPTING A SIX MONTH INTERIM ORDINANCE AMENDING ECDC 20.35.080 IN ORDER TO CLARIFY THAT THE CITY COUNCIL, INSTEAD OF THE HEARING EXAMINER, SHALL MAKE FINAL DECISIONS ON PLANNED RESIDENTIAL DEVELOPMENT APPLICATIONS AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

The full text of this Ordinance will be mailed upon request.

DATED this 14th day of August, 2002.

CITY CLERK, SANDRA S. CHASE