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ORDINANCE NO. 3608

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, EXTENDING A ZONING MORATORIUM ON THE ACCEPTANCE OF ARCHITECTURAL DESIGN BOARD APPLICATIONS OR BUILDING PERMIT APPLICATIONS, NOT OTHERWISE VESTED PURSUANT TO STATE LAW PRIOR TO DATE OF ENACTMENT OF THIS ORDINANCE WHICH SEEK TO UTILIZE MODULATED DESIGN IN ORDER TO OBTAIN A BUILDING HEIGHT IN EXCESS OF THE TWENTY-FIVE FOOT HEIGHT LIMITATION ESTABLISHED BY ECDC 15.40.020(A)(2), PROVIDING FOR EXPIRATION, AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

WHEREAS, the decision of the Snohomish County Superior Court in *Bauer v. City of Edmonds* interpreted certain provisions of City ordinance in a manner different than they have been historically and consistently applied by the City, and

WHEREAS, said decision controls the application considered in the Land Use Petition Act case but does not have controlling precedential value with respect to other applications which may be filed with the City, and

WHEREAS, the City Council has received the recommendations of its Planning Board regarding changes to the Comprehensive Plan and zoning code which may address any or all of these issues, but is in the midst of deliberations in a quasi-judicial proceeding and does not want a frank discussion of the recommendations to appear to violate the Appearance of Fairness Doctrine nor to discuss issues raised in the quasi-judicial proceeding outside of the context of that decision, and

WHEREAS, the City Council deemed it to be in the public interest to enact a zoning moratorium by Ordinance 3530, and extended by Ordinance 3555, 3576 and 3595 until such time as either a regular change in the City's Comprehensive Plan and zoning code is enacted or until such time as interim zoning measures clarifying the City's position could be enacted, and

WHEREAS, the original moratorium is about to expire, and following public hearing on November 6, 2006, the City Council deems it to be in the public interest to extend the moratorium noting its continuing good faith efforts to review alternatives regarding building height in the downtown area, NOW, THEREFORE,

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

Section 1. Pursuant to RCW 36.63.020, 36.70.795 and 36.70A.390, a moratorium is hereby renewed on the receipt of applications of Architectural Design Board approval or building permit approval for projects not otherwise vested pursuant to state law or City ordinance, which seek to utilize the provisions of ECDC 16.50.020(A)(2) in order to obtain a height limit in excess of twenty-five feet based in whole or in part upon modulated building design.

Section 2. This ordinance is limited to six months duration and shall expire on its own terms unless extended following public hearing, by act of the City Council.

Section 3. 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 HAAKENSEN

ATTEST/AUTHENTICATED:

CITY CLERK, SANDRA S. CHASE

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY

W. SCOTT SNYDER

FILED WITH THE CITY CLERK:	11/03/2006
PASSED BY THE CITY COUNCIL:	11/06/2006
PUBLISHED:	11/12/2006
EFFECTIVE DATE:	11/17/2006
ORDINANCE NO. <u>3608</u>	

SUMMARY OF ORDINANCE NO. 3608

of the City of Edmonds, Washington

On the 6th day of November, 2007, the City Council of the City of Edmonds, passed Ordinance No. 3608. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, EXTENDING A ZONING MORATORIUM ON THE ACCEPTANCE OF ARCHITECTURAL DESIGN BOARD APPLICATIONS OR BUILDING PERMIT APPLICATIONS, NOT OTHERWISE VESTED PURSUANT TO STATE LAW PRIOR TO DATE OF ENACTMENT OF THIS ORDINANCE WHICH SEEK TO UTILIZE MODULATED DESIGN IN ORDER TO OBTAIN A BUILDING HEIGHT IN EXCESS OF THE TWENTY-FIVE FOOT HEIGHT LIMITATION ESTABLISHED BY ECDC 15.40.020(A)(2), PROVIDING FOR EXPIRATION, AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

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

DATED this 7th day of November, 2007.

CITY CLERK, SANDRA S. CHASE