

**ORDINANCE NO. 15-0434**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EDGEWOOD, WASHINGTON, APPROVING THE PLANNED RESIDENTIAL DEVELOPMENT FOR THE ARBORS AT EDGEWOOD, PHASE 2 (FILE NO. 4772); 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 Phase 2 of the Arbors at Edgewood proposal (File No. 4772); and

WHEREAS, following a public hearing on December 4, 2014, the City of Edgewood Hearing Examiner issued his Report and Recommendation dated December 17, 2014, 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 December 17, 2014 Report and Recommendation. The City Council further enters the following additional findings:

1.1 Pursuant to EMC 18.50.095(O), on February 10, 2015 the City Council considered the Hearing Examiner's Report and Recommendation 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. 4772, 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 The Arbors at Edgewood, Phase 2 PRD was processed by the City, specifically including without limitation the December 4, 2014 open record hearing, the February 10, 2015 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 December 17, 2014, attached hereto as Exhibit A and incorporated herein as if set forth in full. The Planned Residential Development known as The Arbors, Phase 2 (File No. 4772) 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 The Arbors at Edgewood, Phase 2 (File No. 4772).

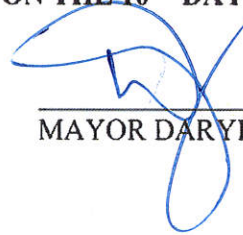
**Section 4. Notice of Decision.** This ordinance shall serve as the City's final land use decision with respect to the Planned Residential Development for The Arbors, Phase 2 (File No. 4772). A Notice of Decision shall be issued with respect to this decision in the manner specified by applicable City 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.

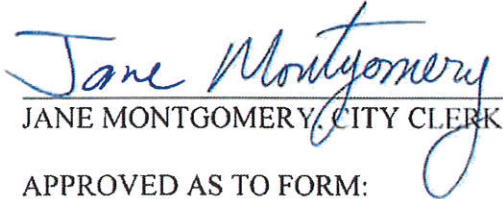
**Presented to Council for First, Second reading and adoption on February 10<sup>th</sup>, 2015**

**PASSED BY THE CITY COUNCIL ON THE 10<sup>th</sup> DAY OF FEBRUARY, 2015**



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MAYOR DARYL EIDINGER

ATTEST/AUTHENTICATED:

  
\_\_\_\_\_  
JANE MONTGOMERY, CITY CLERK

APPROVED AS TO FORM:

  
\_\_\_\_\_  
CITY ATTORNEY

DATE OF PUBLICATION: February 12, 2015

EFFECTIVE DATE: February 17, 2015