

Resolution No. 1999-09

[\(Council Minutes 99/02/16\)](#)

RESOLUTION NO. 1999-9

A RESOLUTION of the City Council of the City of Lakewood, Washington, extending the moratorium, initially established by Resolution No. 1998-29, on the filing of applications for residential density incentives, and/or planned unit developments

WHEREAS, the City of Lakewood, Washington, incorporated on the 28th day of February, 1996; and,

WHEREAS, in an attempt to address zoning and land use regulations in the City, the City Council adopted interim zoning and land development regulations patterned to a significant degree after those of Pierce County; and,

WHEREAS, such zoning and land use regulations are and were intended to be of an interim nature, to be operative until replaced by subsequent, non-interim regulations; and,

WHEREAS, since incorporation, the City has had the opportunity to apply these interim regulations to various development projects; and,

WHEREAS, through this experience, the City has recognized that project proponents of multiple family residential development projects, where such proponents propose to increase density above the base density within a residential classification, can do so through the use of residential density incentives, and/or planned unit developments as described in Lakewood Municipal Code, Section 18.35.020; and,

WHEREAS, the application of a residential density permit is ministerial in nature, and does not provide opportunities for public comment, other than that which may exist through the State Environmental Policy Act (SEPA); and,

WHEREAS, the interim zoning and land use regulations, specifically, Chapters 18.75 and 18.85 of the Lakewood Municipal Code, provide no direction as to how to review and process residential density incentives, and/or planned unit developments; and,

WHEREAS, the term, A planned unit development@ is not defined within the interim zoning and land use regulations; and,

WHEREAS, the City of Lakewood Community Development Department has not yet had the need or opportunity to seek policy guidance from the City Council as to the methods by which such requests should be reviewed and processed; and,

WHEREAS, because of this lack of definitive policy standards, the application of residential density incentives, and/or planned

unit developments could result in inconsistent administration of the interim zoning and land use regulations; and,

WHEREAS, such potential inconsistency could have deleterious impacts on the character of residential neighborhoods within the City, and could result in ineffective and inefficient administration and enforcement of regulations; and,

WHEREAS, in order to address the concerns identified above, a moratorium on residential density incentives, and/or planned unit developments was established; and,

WHEREAS, as the same concerns still exist and have not yet been addressed in the City's zoning, land use and comprehensive codes so that an extension of the moratorium would be appropriate; and,

WHEREAS, Section 35A.63.220 of the Revised Code of Washington authorizes the City Council to establish and extend moratoriums on interim regulations; and,

WHEREAS, pursuant to RCW 35A.63.220, a public hearing has been held by the City Council for consideration of the moratorium on residential density incentives, transfer of development rights, and/or planned unit developments, at which public hearing all persons wishing to speak to such subjects were heard.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKEWOOD, WASHINGTON, HEREBY RESOLVES as Follows:

Section 1. Moratorium Extended..

That the moratorium on the filing with the City of any applications for residential density incentives, and/or planned unit developments initially established by Resolution No. 1998-29 is hereby extended.

Section 2. Term of Moratorium Extension.

The term of the moratorium extension provided by this Resolution shall be from the effective date of February 17, 1999, and continuing for a period of six (6) months, unless repealed, extended or modified by the City Council after subsequent public hearing pursuant to RCW 35A.63.220, provided that the moratorium shall automatically expire upon the effective date of a final (not interim) comprehensive plan and a final (not interim) zoning code and final (not interim) land use regulations adopted by the City Council.

Section 3. Severability.

If any sections, sentence, clause or phrase of this Resolution shall be held to be invalid or unconstitutional by a court of component jurisdiction, or its application held inapplicable to any person, property or circumstance, such invalidity or unconstitutionality or inapplicability shall not effect the validity or constitutionality of any other section, sentence, clause or phrase of this Resolution or its application to any other person, property or circumstance.

Section 4. Effective Date.

That this Resolution and the moratorium provided for herein shall be in full force and effect upon passage and signatures hereon.

PASSED by the City Council this 16th day of February, 1999.

CITY OF LAKEWOOD

Bill Harrison, Mayor

Attest:

Alice M. Bush, CMC, City Clerk

Approved as to form:

Daniel B. Heid, City Attorney

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