

CITY OF MEDINA, WASHINGTON

RESOLUTION NO. 442

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MEDINA, WASHINGTON, ADOPTED PURSUANT TO RCW 36.70A.390 AND RCW 35A.63.220, EXTENDING THE MORATORIUM ADOPTED BY THE MEDINA CITY COUNCIL UNDER RESOLUTION NO. 438 FOR AN ADDITIONAL SIX-MONTH PERIOD TO PREVENT THE SUBMISSION, RECEIPT AND PROCESSING OF STREET VACATION PETITIONS AFFECTING ANY RIGHTS OF WAY WITHIN THE CITY; ADOPTING SUPPORTIVE FINDINGS AND A WORK PLAN; SETTING AN EFFECTIVE DATE; AND PROVIDING FOR SEVERABILITY.

WHEREAS, the City of Medina (City) regulates the use and development of land within the City through the standards and procedures codified in the Medina Municipal Code (MMC), including the vacation, acquisition, use and development of the City's roads and rights-of-way (collectively ROW) under MMC Chapter 16.12; and

WHEREAS, the City's ROW are highly visible and are extremely important to the City's current and future transportation needs; and to the City's character, identity and development; and comprise a significant and valuable public asset related to the City's long term planning goals and community vision; and

WHEREAS, the City received and processed three different ROW vacation petitions in recent years, each of which presented unique issues and concerns; consumed significant City resources, staff time and expenses to review and decide; and resulted in the subsequent preparation, review and adoption of MMC modifications to better regulate and protect the City's ROW and provide better guidance to the public, City and Council concerning the issues and processes involved in such petitions; and

WHEREAS, in the process of reviewing and acting on those ROW vacation petitions the City and Council became aware of the need for further changes in the MMC to address adequate and timely public notice requirements, cost identification, limitation and recovery; and evaluation of potential gift of public funds issues; and the establishment of long term planning and use policies which can be timely integrated into the City's ongoing 2024 Comprehensive Plan update; and

WHEREAS, the City and Council desire to undertake the work described above without having disruptions or interruptions that would be created by the filing of any ROW vacation petition; and

WHEREAS, the City Council wishes to temporarily suspend filing of any ROW vacation petitions in order to enable the City's comprehensive and timely review, promulgation and adoption of street vacation policies and regulatory changes, and to that end shall use the statutory authorities above and others as applicable, to perform, extend, complete and terminate the moratorium(s) authorized by this Resolution, all as the City Council may then determine to be necessary or appropriate; and

WHEREAS, on October 23, 2023 the City Council adopted Resolution No. 438 establishing a six-month moratorium on acceptance and processing of any applications for ROW vacation; and

WHEREAS, that moratorium will expire on April 23, 2023, unless it is extended; and

WHEREAS, on February 26, 2024, the City Council held a study session and discussed extending the moratorium and establishing a Work Plan; and

WHEREAS, the Council directed a public hearing be duly noticed and held on April 8, 2024 for considering a six month extension of the moratorium and adoption of the Work Plan; and

WHEREAS, the duly-noticed the public hearing was held by the City Council on April 8, 2024 and having considered the matter, the City Council finds it in the public health, safety, and general welfare to extend the moratorium for an additional six months and to adopt the proposed Work Plan;

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

Section 1. Preliminary Findings in Support of Resolution. The City Council hereby adopts the foregoing recitals as its findings in support of this Resolution and additionally adopts the following findings in further support of this Resolution:

1.1 The City is authorized pursuant to applicable state law, including without limitation RCW 35A.63.220 and RCW 36.70A.390, to adopt temporary moratoria for the purpose of preserving the status quo while new policies and standards are considered, prepared and enacted.

1.2 Imposing a temporary moratorium upon the receipt and processing of ROW vacation petitions as provided herein will serve the public interest by ensuring that such proposals will not be considered, reviewed and/or evaluated under the City's current policies and regulations, which the Council intends to study, update, amend and adopt.

1.3 Adoption of this Resolution is necessary to prevent the accrual of claimed or vested rights that are or may be inconsistent with the City's community planning activities and vision as articulated herein. As such, a public emergency exists requiring that this Resolution take effect immediately upon passage.

Section 2. Temporary Moratorium Imposed; Duration. The City Council hereby imposes a moratorium upon the receipt and processing of any and all ROW vacation petitions affecting City ROW. Said moratorium shall be for an initial period of six months and shall include all extensions thereof as may be approved by the City Council.

Section 3. Effective Date of Resolution and Moratorium. This Resolution and the moratorium adopted herein shall be effective on the date of its adoption by the City Council as set forth in Section 6 below (Effective Date).

Section 4. Adoption of Work Plan. The City Council hereby adopts the Work Plan that is attached to this Resolution as Exhibit "A".

Section 5. Interpretation. Under the direction of the City Manager, City Staff is authorized to apply, construe, administer, and issue interpretations of this Resolution.

Section 6. Effective Date. This Resolution shall be in full force and effect immediately upon passage and signature by the Mayor and provided by law and shall remain effective for a period of up to six (6) months unless terminated earlier.

Section 7. Severability. If any section, sentence, clause, or phrase of this Resolution should be held to be invalid or unconstitutional by a court or other tribunal of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this Resolution.

PASSED BY THE CITY COUNCIL OF THE CITY OF MEDINA ON THE 8th DAY OF APRIL, 2024 BY A VOTE OF ____ FOR, ____ AGAINST, AND ____ ABSTAINING, AND SIGNED IN AUTHENTICATION THEREOF ON THE 8th DAY OF APRIL, 2024.

Jennifer H. Garone, Acting Mayor

APPROVED AS TO FORM:
Inslee, Best, Doezie & Ryder, P.S.

ATTEST:

Jennifer S. Robertson, City Attorney

Aimee Kellerman, City Clerk

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
RESOLUTION NO. **XXX**

EXHIBIT “A”

WORK PLAN FOR RIGHT OF WAY VACATION

1. Review of Existing Rights of Way.

- a) Working to identify Medina rights of way, whether opened or unopened, including identifying unpaved portions of opened right of way.
- b) Review projected future land use in the City and projected impacts on use of opened rights of way and projected need for expansion of existing right of way or improving unopened right of way for transportation and other public purposes, including landscaping, parking, ped/bike use, etc.
- c) Identifying future public use of unopened or unimproved portions of rights of way.

2. Review of Chapter 12.44 MMC.

- a) Consider whether updates are needed. Possible updates may include revisions focused on creating additional transparency, including additional process, public notice, and outreach.
- b) Updates may also include specific additional analysis performed by staff.
- c) Updates may also include new code to create a similar process for applications to vacate utility easements.
- d) Establish a schedule to bring forward any proposed revisions to Council so that the updates take effect prior to expiration of moratorium.

3. Creation of City Policy.

- a) Consider the creation of internal policy for processing petitions for vacation and evaluating petitions for vacation, including:
 - adding additional council touch points (i.e., study sessions as well as the public hearing),
 - establishing standards for informing the general public about pending petitions for vacation, and
 - requiring staff analysis of future development patterns in Medina and the need for rights of way with that context.