AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
EDGECWOOD, WASHINGTON, AMENDING TITLE 14 EMC, CRITICAL
AREAS AS PART OF THE CITY’S MANDATORY GMA UPDATE;
UPDATING RELEVANT DEFINITIONS IN THE CITY’S CRITICAL
AREAS REGULATIONS; CLARIFYING THE USE OF BEST
AVAILABLE SCIENCE IN THE CRITICAL AREAS INVENTORY
MAPPING PROCESS; SETTING FORTH LEGISLATIVE FINDINGS;
PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN
EFFECTIVE DATE.

WHEREAS, the Washington State Growth Management Act requires the City of
Edgewood to periodically review and update the City’s development regulations consistent with
changes made by the State Department of Commerce and State law; and

WHEREAS, the City of Edgewood Planning Commission discussed the amendments
contained in this ordinance at the September 21, 2015 regular Planning Commission meeting and
formally recommended approval thereof; and

WHEREAS, a 60-day Notice of Intent to Adopt was sent to the Washington State
Department of Commerce on September 16, 2015 pursuant to RCW 36.70A.106; and

WHEREAS, a State Environmental Policy Act (SEPA) Determination of
Nonsignificance (DNS) was issued for the amendments on September 15, 2015; and

WHEREAS, the Edgewood Planning Commission conducted a public hearing regarding
the amendments on October 5, 2015 to take comments from interested parties; and

WHEREAS, the amendments do not modify any development standards or requirements
beyond updating references to reflect various requirements of the Growth Management Act and
various updates to State Law;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EDGECOOD,
WASHINGTON, DO ORDAIN ASfollowS:
Section 1.   Findings. The above recitals, together with the content of Agenda Bill No. 16-0461, are hereby adopted by reference as legislative findings in support of this ordinance. The City Council further enters the following additional findings:

A. The code amendments set forth herein bear a substantial relation to the public health, safety and welfare.

B. The code amendments set forth herein are in the best interest of City of Edgewood residents.

C. The code amendments set forth herein satisfy all relevant criteria for approval and adoption, including but not limited to the standards codified in Title 18 EMC.

D. The code amendments set forth herein have been processed, reviewed, considered and adopted in material compliance with all applicable state and local procedural requirements, including but not limited to the requirements codified in Title 18 EMC and Chapter 36.70A RCW.

E. All relevant procedural requirements of the State Environmental Policy Act have been satisfied with respect to this ordinance.

Section 2.   Amendment of EMC 14.10.060. The definition of “Fish and Wildlife Habitat Areas” contained in subsection 14.10.060(B) of the Edgewood Municipal Code is hereby amended to provide in its entirety as follows:

“Fish and wildlife habitat areas” means those areas identified as being of critical importance to maintenance of fish, wildlife, and plant species, including areas with which endangered, threatened, and sensitive species have a primary association; habitats and species of local importance; naturally occurring ponds under 20 acres and their submerged aquatic beds that provide fish or wildlife habitat; waters of the state; lakes, ponds, streams, and rivers planted with game fish by a governmental or tribal entity, or private organization; state natural area preserves and natural resource conservation areas. This does not include such artificial features or constructs as irrigation delivery systems, irrigation infrastructure, irrigation canals, or drainage ditches that lie within the boundaries of and are maintained by a port district or an irrigation district or company.
Section 3. Amendment of Chapter 14.10 EMC, Appendix A. The preface statement of Appendix A (Mapping Sources) to Chapter 14.10 of the Edgewood Municipal Code, as referenced in EMC 14.10.140, is hereby amended to provide in its entirety as follows:

The following sources of information and/or Best Available Science may be used to indicate the presence of critical areas within Edgewood and provide data used in the development of the city of Edgewood critical areas atlas maps:

Section 4. Amendment of EMC 14.30.020. Subsection 14.30.020(A)(1) of the Edgewood Municipal Code is hereby amended to provide in its entirety as follows:

1. Wetlands are those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

Section 5. Purpose: Intent. The purpose of this ordinance is to ensure that the City’s codes accurately reflect the mandated updates associated with the Growth Management Act and other legislative amendments to the law specific to Title 14 EMC Critical Areas.

Section 6. Transmittal to State. Pursuant to RCW 36.70A.106, a copy of this ordinance shall be submitted to the Washington State Department of Commerce, Growth Management Services.

Section 7. 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 8. 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.

Mayor, Daryl Eddinger

ATTEST/AUTHENTICATED:

[Signature]
Acting City Clerk, Jane Montgomery CMC

APPROVED AS TO FORM:

[Signature]
City Attorney, Zach Reiff

Date of Publication: April 28, 2016
Effective Date: May 3, 2016
CITY OF EDGEWOOD
2224 - 104th Ave. East
Edgewood, WA 98371
(253) 952-3299
Fax: (253) 952-3537

LEGAL NOTICE

Date: April 27, 2016

NOTICE OF ORDINANCE PASSED BY EDGEWOOD CITY COUNCIL

The following is a summary of an Ordinance passed by the City of Edgewood City Council on the 26th day of April, 2016, and shall take effect and be in full force on the 3rd day of May, 2016.

ORDINANCE NO. 16-0461

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EDGEWOOD, WASHINGTON, AMENDING TITLE 14 EMC, CRITICAL AREAS AS PART OF THE CITY'S MANDATORY GMA UPDATE; UPDATING RELEVANT DEFINITIONS IN THE CITY'S CRITICAL AREAS REGULATIONS; CLARIFYING THE USE OF BEST AVAILABLE SCIENCE IN THE CRITICAL AREAS INVENTORY MAPPING PROCESS; SETTING FORTH LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

The full text of the Ordinance is available at the City Clerk's office, Edgewood City Hall, 2224 - 104th Ave. East, Edgewood, WA 98371 (253) 952-3299.

[Signature]
Acting City Clerk, Jane Montgomery, CMC

Published in the News Tribune on: April 28, 2016

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