ORDINANCE NO. 16-0464

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EDGEWOOD, WASHINGTON, AMENDING CHAPTER 20.05 EMC SEPA; UPDATING AND CLARIFYING THE CITY’S STATE ENVIRONMENTAL POLICY ACT REGULATIONS AND REFERENCES IN RELATION TO ENVIRONMENTALLY SENSITIVE AREAS; 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 EDGEWOOD, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Findings. The above recitals, together with the content of Agenda Bill No. 16-0464, 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 20.05.090. Section 20.05.090 of the Edgewood Municipal Code is hereby amended to provide in its entirety as follows:

20.05.090 Environmentally sensitive Critical areas.

A. The following categorical exemptions set forth in WAC 197-11-800 shall not apply when a project proposal is located in or partially within sensitive critical areas as defined within Title 14 EMC: WAC 197-11-800(1), (2c), (2e), (2f), (2g), (6a), (25h).

B. The city shall treat proposals located wholly or partially within an environmentally sensitive critical area no differently than other proposals under this chapter, making a threshold determination for all such proposals. The city shall not automatically require an EIS for a proposal merely because it is proposed for location in an environmentally sensitive critical area.

C. Certain exemptions do not apply to lands covered by water, regardless of whether such lands covered by water are mapped. WAC 197-11-756 provides the definition for lands covered by water (Ord. 02-200 § 2; Ord. 97-69 § 1(9); Ord. 96-03. Formerly 14.05.090)

Section 3. 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 applicable State law.

Section 4. 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 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.

Mayor, Daryl Eidinger

ATTEST/AUTHENTICATED:

Jane Montgomery
Acting City Clerk, Jane Montgomery, CMC

APPROVED AS TO FORM:

City Attorney, Zach Lell

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. 16-0464
AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EDGEWOOD, WASHINGTON, AMENDING CHAPTER 20.05 EMC SEPA; UPDATING AND CLARIFYING THE CITY’S STATE ENVIRONMENTAL POLICY ACT REGULATIONS AND REFERENCES IN RELATION TO ENVIRONMENTALLY SENSITIVE AREAS; 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.

Acting City Clerk, Jane Montgomery, CMC

Published in the News Tribune on: April 28, 2016