ORDINANCE NO. 17-0492

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EDGEWOOD, WASHINGTON, RELATING TO CRITICAL AREAS REGULATION, ADDING DEFINITIONS RELATING TO FLOOD CONTROL, ADDING CRITERIA FOR FLOOD HAZARD AREA VARIANCES, ADOPTING THE FLOOD INSURANCE STUDY FOR PIERCE COUNTY, WASHINGTON AND INCORPORATED AREAS, DATED MARCH 7, 2017, WITH ACCOMPANYING FLOOD INSURANCE RATE MAPS (FIRMs) AS APPENDICES; MAINTAINING ELIGIBILITY IN THE NATIONAL FLOOD INSURANCE PROGRAM (NFIP); ADDING THE INSTALLATION OF MANUFACTURED AND MOBILE HOMES TO THE LIST OF REGULATED USES AND ACTIVITIES FOR PURPOSES OF CRITICAL AREAS REGULATION, AMENDING THE PROVISIONS RELATING TO FLOOD HAZARD AREAS, AMENDING THE PROCEDURES FOR FLOOD HAZARD AREA REVIEW; AMENDING SECTIONS 14.10.060, 14.10.085, 14.10.130, 14.10.140, 14.20.020, 14.70.020, 14.70.030 AND 14.70.040, PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Edgewood (City) adopted its current floodplain management regulations with its Critical Areas Ordinance (No. 02-0200), establishing continued eligibility under the Federal Emergency Management Agency (FEMA) National Flood Insurance Program (NFIP); and

WHEREAS, FEMA recently released “The Flood Insurance Study for Pierce County, Washington and Incorporated Areas,” with an effective date of March 7, 2017; and

WHEREAS, in order to maintain eligibility in the NFIP, amendments must be made to the City’s floodplain management regulations prior to said effective date, in accordance with Section 60.3 of the Code of Federal Regulations (CFR); and

WHEREAS, a State Environmental Policy Act (SEPA) Determination of Nonsignificance (DNS) was issued for the amendments on January 9, 2017, and no timely appeals of said determination were filed; and
WHEREAS, a Notice of Proposed Amendment – Request for Expedited review was sent to the Washington State Department of Commerce on January 6, 2017 pursuant to RCW 36.70A.106, and granted with confirmation on January 23, 2017; and

WHEREAS, the City of Edgewood Planning Commission met to discuss the proposed amendments at the January 9, 2017 special and February 6, 2017 regular planning commission meetings; and

WHEREAS, the Planning Commission held a public hearing to review and gather public comment on February 6, 2017, providing recommendations on the proposed amendments; and

WHEREAS, the City Council met to discuss the proposed amendments at the February 7 and February 21, 2017 study sessions; and

WHEREAS, the first reading of this ordinance was performed at the February 14, 2017 regular City Council meeting; and

WHEREAS, the City Council held a public hearing to review and gather any remaining public comment on February 28, 2017, finalizing recommendations on the proposed amendments; and

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EDGEWOOD, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1.  Findings. The above recitals, together with the Agenda Bill No. 17-0492, are hereby adopted by reference as legislative findings in support of this ordinance. The City Council further enters the following additional findings:

A.  The regulation updates set forth herein are necessary to protect public health, safety and welfare.

B.  The regulation updates set forth herein are compatible with and advance the guiding principles, vision, and overall goals and policies of the comprehensive plan.

C.  Being weighed in light of cumulative effects of other amendments being considered, the regulation updates set forth herein are in the best interest of City of Edgewood residents.

D.  The regulation updates set forth herein address needs or changing circumstances of the city and region as a whole.

E.  The regulation updates set forth herein will not result in development that has significant adverse effects on community resources including, but not limited to, water resources, utilities, transportation, parks or schools.
F. The regulation updates set forth herein are consistent with the land uses and growth projections which were the basis of the comprehensive plan.

G. The regulation updates set forth herein are compatible with neighboring land uses and surrounding neighborhoods.

H. The regulation updates set forth herein are consistent with the remaining provisions and overall intent of the comprehensive plan.

I. The regulation updates set forth herein satisfy all relevant criteria for approval and adoption, including but not limited to the standards codified in EMC.

J. The regulation updates set forth herein have been processed, reviewed, considered and adopted in material compliance with all applicable state and local procedural requirements, in compliance with the Growth Management Act and other state and federal laws, including but not limited to the requirements codified in EMC and Chapter 36.70A RCW.

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

L. The regulation updates set forth herein are based upon best available science.

Section 2. Amendments to EMC. Those sections and subsections codified within Edgewood Municipal Code (EMC) associated with the regulation updates consistent with the requirements and findings stated herein are hereby updated consistent with requirements in their entirety as follows, attached hereto and incorporated herein by this reference as if set forth in full: Title 14 EMC, “Critical Areas”, as indicated in Exhibit A.

Section 3. Purpose: Intent. The purpose of this ordinance is to ensure that the City’s code maintains FEMA NFIP eligibility per Section 60.3 CFR.

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. Adoption by Reference. Pursuant to RCW 35A.12.140, one copy of the Flood Insurance Study for Pierce County, Washington and Incorporated areas, Dated March 7, 2017, with the Accompanying Flood Insurance Maps (FIRMs) have been filed in the office of the City Clerk for use and examination by the public while this ordinance is under consideration and shall be maintained thereafter once the ordinance is adopted.

Section 6. 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 7. 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 on five days after publication (March 7, 2017).
Presented to Council for its First Reading on February 14, 2017. 
Presented to Council for its Second Reading and Adoption on February 28, 2017.

PASSED BY THE CITY COUNCIL ON THE 28TH DAY OF FEBRUARY, 2017

[Signature]
Mayor Daryl Eidinger

ATTEST/AUTHENTICATED:

[Signature]
Rachel Pitzel, CMC, City Clerk

APPROVED AS TO FORM:

[Signature]
City Attorney,

DATE OF PUBLICATION: March 2, 2017
EFFECTIVE DATE: March 7, 2017