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ORDINANCE NO. 3799

AN INTERIM ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, ADOPTING CERTAIN PROCEDURES WITH RESPECT TO THE ABANDONMENT, CONSTRUCTION AND AUTHORIZATION OF PUBLIC PROJECTS, STREET VACATIONS AND DEDICATIONS, PROVIDING FOR FILING WITH THE WASHINGTON STATE DEPARTMENT OF COMMUNITY TRADE AND ECONOMIC DEVELOPMENT, AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE AND PROVIDING FOR EXPIRATION.

WHEREAS, the City of Edmonds Comprehensive Plan, **Effect Of Plan**, Sections B and C establishes procedure for Hearing Examiner review and advisory recommendation to the City Council, and

WHEREAS, such provisions have been in effect for many years and, while superseded by the City's Comprehensive Facilities Plan and other procedures mandated by the Growth Management Act, remain in full force and effect, and

WHEREAS, there are no implementing provisions within the City's Community Development Code, and the Comprehensive Plain is not self executing, and

WHEREAS, the City is obligated to maintain consistency between its Comprehensive Plan and Zoning Code in order to remain in compliance with the requirements of the Growth Management Act, Chapter 36.70A RCW, and

WHEREAS, the Edmonds Planning Commission has scheduled a public hearing regarding the interim ordinance but has not yet returned its recommendation, and

WHEREAS, a public hearing was held June 1, 2010 regarding extension of the

existing interim ordinance, and

WHEREAS, the City Council deems it to be in the public interest to:

A. Adopt interim zoning procedures to ensure compliance with the provisions of the City's Comprehensive Plan; and

B. Continue with review of the aforementioned provisions of the Comprehensive Plan for review in the 2010 Comprehensive Plan amendment process, NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF EDMONDS, WASHINGTON, DO
ORDAIN AS FOLLOWS:

Section 1. The following interim zoning procedures are hereby established to be administered in conjunction with the procedural requirements of Title 20 of the Edmonds Community Development Code:

1.1 Public Projects No street, park or other public way, ground, place, space or public building or structure, or utility (whether publicly or privately owned) shall be abandoned, constructed or authorized until the Hearing Examiner has reviewed and reported to the City Council the location, extent and consistency with the Comprehensive Plan. The Hearing Examiner's report shall be advisory only.

1.1.1 A proposal to construct or authorize any of the public properties detailed in Section 1.1 which are listed on the Capital Facilities Plan, Parks Plan, Capital Improvements Plan or other Comprehensive Plan element may be heard either individually or as a group. The hearing before the Hearing Examiner for the construction or authorization of any project so listed in the Comprehensive Plan shall be listed on the Hearing Examiner's agenda, and notice published on the City's web site and on City bulletin boards.

1.2. Notice of the Hearing Examiner review of a public project, construction or authorization not shown on a Comprehensive Plan element shall be individually noticed in accord with ECDC 20.03.002. By way of illustration and not limitation, such procedures shall include posting, published notice and mailed notice to property owners within three hundred (300) feet of the project.

1.2. **Street Vacations and Dedication.** The Comprehensive Plan shall be consulted prior to the establishment, improvement, abandonment or vacation of any street. No dedication of any street or other area for public use shall be accepted by the City Council until its location, character, extent and effect thereof shall be considered by the Hearing Examiner with respect to the Comprehensive Plan. The Hearing Examiner's report shall be provided to the City Council with respect to the abandonment, vacation or dedication of any street or other right of way in public use. Dedications within the short subdivision process which do not require City Council acceptance of the dedication are exempt from this requirement. In any development permit process which has been delegated to the Hearing Examiner under the provisions of the Edmonds Community Development Code and includes the dedication of a street or other area for public use, the Hearing Examiner shall consider whether the action is consistent with the Comprehensive Plan as a part of the Hearing Examiner's determination on the underlying permit.

1.2.1 Hearing Examiner review shall be substituted for the Planning Board review provided for in Chapter 20.65.010 during the life of this interim ordinance. The hearing procedures and notification for any other process shall be consistent with the requirements of ECDC Chapter 20.65 and as a Type V procedure.

1.2.2 Review of a dedication with a permit shall be processed in the same manner as the underlying development permit.

1.2.3 Street vacations shall be processed as provided in Chapter 20.70 ECDC, provided, however, that the Hearing Examiner shall hold a hearing prior to City Council consideration.

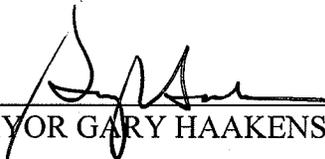
Section 2. These interim zoning procedures are adopted pursuant to the authorization of Chapter 36.70A RCW. A public was held on the adoption of these procedures on June 1, 2010.

Section 3. Notice of the adoption of this interim ordinance shall be provided to the Washington State Department of Community, Trade and Economic Development.

Section 4. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

Section 5. The adoption of an interim zoning procedure shall expire on its own terms six months after its effective date unless extended by act of the City Council.

APPROVED:



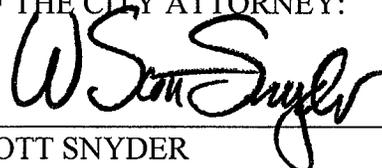
MAYOR GARY HAAKENSON

ATTEST/AUTHENTICATED:



CITY CLERK, SANDRA S. CHASE

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY 

W. SCOTT SNYDER

FILED WITH THE CITY CLERK: 05-28-2010
PASSED BY THE CITY COUNCIL: 06-15-2010
PUBLISHED: 06-20-2010
EFFECTIVE DATE: 06-25-2010
ORDINANCE NO. 3799

SUMMARY OF ORDINANCE NO. 3799

of the City of Edmonds, Washington

On the 15th day of June, 2010, the City Council of the City of Edmonds, passed Ordinance No. 3799. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN INTERIM ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, ADOPTING CERTAIN PROCEDURES WITH RESPECT TO THE ABANDONMENT, CONSTRUCTION AND AUTHORIZATION OF PUBLIC PROJECTS, STREET VACATIONS AND DEDICATIONS, PROVIDING FOR FILING WITH THE WASHINGTON STATE DEPARTMENT OF COMMUNITY TRADE AND ECONOMIC DEVELOPMENT, AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE AND PROVIDING FOR EXPIRATION.

The full text of this Ordinance will be mailed upon request.

DATED this 16th day of June, 2010.

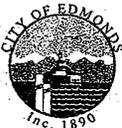


CITY CLERK, SANDRA S. CHASE

Affidavit of Publication

STATE OF WASHINGTON,
COUNTY OF SNOHOMISH

} S.S.



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The full text of this Ordinance will be mailed upon request.
DATED this 16th day of June, 2010.

CITY CLERK, SANDRA S. CHASE

Published: June 20, 2010.

The undersigned, being first duly sworn on oath deposes and says that she is Principal Clerk of THE HERALD, a daily newspaper printed and published in the City of Everett, County of Snohomish, and State of Washington; that said newspaper is a newspaper of general circulation in said County and State; that said newspaper has been approved as a legal newspaper by order of the Superior Court of Snohomish County and that the notice

Summary of Ordinance _____

No. 3799 _____

a printed copy of which is hereunto attached, was published in said newspaper proper and not in supplement form, in the regular and entire edition of said paper on the following days and times, namely:

June 20, 2010 _____

and that said newspaper was regularly distributed to its subscribers during all of said period.

Jody Inghl

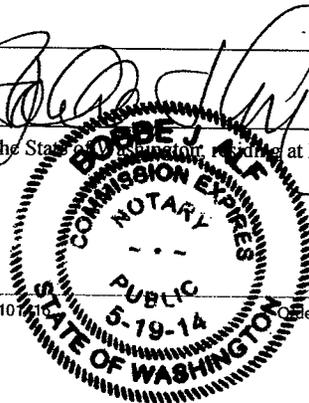
Principal Clerk

Subscribed and sworn to before me this _____

21st

day of June, 2010 _____

Notary Public in and for the State of Washington, residing at Everett, Snohomish County.



RECEIVED

JUL 01 2010

EDMONDS CITY CLERK

Account Name: City of Edmonds

Account Number: 10

Order Number: 0001700484