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ORDINANCE NO. 3504

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING AN INTERIM ZONING REGULATION ORDINANCE NO. 3499 AMENDING THE PROVISIONS OF ECDC CHAPTER 20.100 TO ADOPT A NEW SECTION 20.100.050 RELATING TO DNR MORATORIUMS, AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

WHEREAS, RCW 76.09.060, the Forest Practices Act, provides that the City shall impose a six-year moratorium for the violation of the Forest Practices Act by a failure to comply with the terms of a Department of Natural Resources (DNR) permit or a failure to apply for a DNR permit as determined by the Washington State Department of Natural Resources, and

WHEREAS, said statutory provisions require the City to adopt procedures for lifting such a moratorium, and

WHEREAS, the City has provisions regarding the review of permits in the event of violation or public nuisance and these provisions would benefit from coordination with the procedures required to be adopted by the City, and

WHEREAS, the City has received notice that such a moratorium must be imposed and adopts this interim zoning ordinance pending final adoption of an ordinance in this regard,

WHEREAS, following adoption of Ordinance No. 3499, a public hearing was held on June 1, 2004, and

WHEREAS, the City Council deems it to be in the public interest to maintain the interim ordinance while clarifying its procedures; NOW, THEREFORE,

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

Section 1. Ordinance No. 3499 amending Chapter 20.100 Hearing Examiner, Planning Advisory Board and City Council review as an interim zoning ordinance by the addition of Section 20.100.050 Forest Practices Act Moratoriums, Section 1, is amended to read as follows:

20.100.050 Forest Practices Act moratorium.

When the City has been notified by the Washington State Department of Natural Resources (hereinafter DNR) that a violation of the Forest Practices Act has occurred, , pursuant to the requirements of RCW 79.09.060, the City by the Director of Development Services, shall impose a six-year moratorium on that portion of the property or project which has been converted from forest use, as such term is defined by statute or the order of DNR. The moratorium may be conditioned in order to preserve public safety and prevent further environmental damage.

A. The owner of the property or permittee impacted by the moratorium or any property owner within 300 feet of the site:

1) May appeal the nature and extent of the moratorium as a staff decision pursuant to the provisions of ECDC 20.105.010(A), or

2) May apply to the Director at any time during the six-year period for a lifting of the moratorium. The moratorium shall be lifted only upon a showing by the owner or permittee that all significant issues identified by the Director relating to safety, aesthetics, the violation of any City permit condition of approval and any violation of City code will be fully mitigated by the action of the permittee. In the event that any issue has not been fully mitigated, the lifting of the moratorium may be conditioned upon the future satisfaction of conditions or by a bond or other surety designed to mitigate the negative impacts of the applicant's actions and/or violations. The Director's review shall be processed pursuant to ECDC 20.95.050 and may be appealed pursuant to ECDC 20.105.010(A).

B. In the event that the City has initiated a review of an approved permit pursuant to the provisions of Section 20.100.050, the procedures in paragraph A. shall not apply and a hearing regarding whether, and under what conditions a moratorium may be lifted, shall be consolidated with a hearing under Section 20.100.040.

Section 2. 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.

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:	05/28/2004
PASSED BY THE CITY COUNCIL:	06/01/2004
PUBLISHED:	06/06/2004
EFFECTIVE DATE:	06/11/2004
ORDINANCE NO. <u>3504</u>	

SUMMARY OF ORDINANCE NO. 3504

of the City of Edmonds, Washington

On the 1st day of June, 2004, the City Council of the City of Edmonds, passed Ordinance No. 3504. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING AN INTERIM ZONING REGULATION ORDINANCE NO. 3499 AMENDING THE PROVISIONS OF ECDC CHAPTER 20.100 TO ADOPT A NEW SECTION 20.100.050 RELATING TO DNR MORATORIUMS, AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

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

DATED this 2nd day of June, 2004.

CITY CLERK, SANDRA S. CHASE