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ORDINANCE NO. 3682

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING THE DEFINITION OF STREET SETBACK IN ECDC 21.90.140, ADOPTING A NEW SECTION ECDC 21.85.015 DEFINING RAINWATER COLLECTION TANK, AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

WHEREAS, the City of Edmonds is a signatory to the U.S. Mayors Climate Protection Agreement; and

WHEREAS, the Agreement urges the practice and promotion of sustainable building practices using the U.S. Green Building Council's LEED Program; and

WHEREAS, water efficiency is a major factor in LEED programs; and

WHEREAS, water efficiency can be achieved by installation of rainwater collection and reuse systems to provide water for toilets and urinals, mechanical cooling equipment and irrigation; and

WHEREAS, the major disincentives to installing rainwater collection and reuse systems are the displacement of developable areas and the cost of underground tanks; and

WHEREAS, the City Council finds it to be in the public interest to adopt an interim ordinance removing certain barriers in the Edmonds Community Development Code that discourage installation of rainwater collection and reuse systems; and

WHEREAS, both RCW 35A.63.220 (planning and zoning in code cities) and RCW 36.70A.390 (the Growth Management Act) authorize the use of interim zoning ordinances

where the City Council finds that the public health, safety and welfare so requires, NOW,
THEREFORE,

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

Section 1. Findings. The City Council hereby makes the following findings in
support of this interim Ordinance:

- a) The findings as set forth in the "WHEREAS" clauses are adopted and incorporated herein by this reference.
- b) Under the current code, permanent or semi-permanent above-ground rainwater collection tanks are not permitted on street setbacks.
- c) Hindering the practice and promotion of sustainable building practices is inconsistent with the City's responsibilities as a signatory to the U.S. Mayors Climate Protection Agreement.
- d) The City is authorized pursuant to RCW 35A.63.220 and RCW 36.70A.390 to adopt interim zoning control for the purpose of protecting the public health, safety and welfare while new development standards are considered, prepared and enacted.
- e) The interim amendment set forth herein is intended to protect the public health, safety and welfare.

Section 2. Amended. ECDC 21.90.140 Street Setback. is hereby amended to
read as follows:

21.90.140 Street Setback.

Street setback means the minimum distance required by this code for a building or structure to be set back from the street lot line. For purposes of this section, and this section only, the following shall not be considered a building or structure:

- A. Rainwater collection tanks laid completely underground.
- B. Partially or completely above-ground rainwater collection tanks in commercial and industrial zones that meet the following:

1. Occupy 10% or less of the setback area adjoining any specific street.
2. Do not exceed the maximum height for accessory structures of the zone.
3. Do not create a hazard to users of the street or nearby property.
4. Contain educational components, consisting of illustrated plaques, photographs, and/or other visual aids providing information on the purpose, function and benefits of the tanks in improving water efficiency and sustainability of the developments.

Section 3. Adopted. A new section, ECDC 21.85.015 Rainwater Collection Tank., is hereby adopted to read as follows:

21.85.015 Rainwater Collection Tank.

Rainwater collection tank means a fixed or attached (as opposed to portable) water tank and necessary appurtenances thereto used for storing rainwater collected from buildings, structures or surroundings on the same property as the water tank for reuse therein, thereby intended to improve the water efficiency and sustainability of the development. All surplus discharge must go into an approved stormwater system.

Section 4. Public Hearing. As required by RCW 35A.63.220, this interim Ordinance shall expire six months from the date of adoption, unless sooner repealed or subsequently extended by act of the City Council. In the meantime, as further required by RCW 35A.63.220, the City Clerk is directed to schedule a public hearing on this ordinance within sixty (60) days of its adoption. The City Council may in its discretion adopt additional findings in support of this interim Ordinance at the conclusion of the public hearing. The Planning Board is required to make a recommendation on the final version of this ordinance to be adopted by the City Council prior to its expiration.

Section 5. Ordinance to be Transmitted to Department. Pursuant to RCW 36.70A.106, this interim Ordinance shall be transmitted to the Washington Department of Community, Trade, and Economic Development as required by law.

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 interim Ordinance.

Section 7. 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.

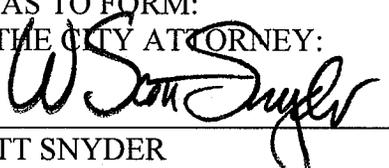
APPROVED:


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:	03/28/2008
PASSED BY THE CITY COUNCIL:	04/01/2008
PUBLISHED:	04/06/2008
EFFECTIVE DATE:	04/11/2008 (Expires in six months: 10/11/2008)
ORDINANCE NO. <u>3682</u>	

SUMMARY OF ORDINANCE NO. 3682

of the City of Edmonds, Washington

On the 1st day of April, 2008, the City Council of the City of Edmonds, passed Ordinance No. 3682. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING THE DEFINITION OF STREET SETBACK IN ECDC 21.90.140, ADOPTING A NEW SECTION ECDC 21.85.015 DEFINING RAINWATER COLLECTION TANK, 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 April, 2008.



CITY CLERK, SANDRA S. CHASE