

**ORDINANCE NO. 3756**

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, ADOPTING A NEW ECDC 17.40.060 SETBACK EXEMPTION TO ESTABLISH A QUALIFIED BUILDING SETBACK EXEMPTION FOR RESIDENTIAL PROJECTS WITH EXPIRED COUNTY BUILDING PERMITS, AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

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WHEREAS, the City of Edmonds ("City") annexed significant areas within unincorporated Snohomish County ("County") in 1994 and 1995; and

WHEREAS, the City and the County entered into an interlocal agreement ("ILA") to coordinate as well as to facilitate the transfer of building permit applications and development permits in process by the County; and

WHEREAS, the ILA required the County to notify the City of the status of unexpired permits being processed and administered by the County in the annexation area; and

WHEREAS, it has been brought to the City's attention that the County did not notify the City that certain building permits that were being administered by the County following annexation expired without final approval; and

WHEREAS, under the current code, projects in the annexation area with expired permits from the County ("Projects") must be updated to meet all criteria of the Edmonds Community Development Code ("ECDC"); and

WHEREAS, updating Projects to meet certain criteria in the ECDC, such as certain building setback requirements, may not be possible without undoing improvements that have already been partially inspected and approved; NOW, THEREFORE,

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

Section 1. Adopted. A new section, ECDC 17.40.060 Setback Exemption., is hereby adopted to read as follows:

**17.40.060 Setback Exemption.**

A. Notwithstanding the current criteria in the ECDC relating to residential building setbacks, development projects in areas annexed by the City of Edmonds from unincorporated Snohomish County since January 1, 1994 with building permits from Snohomish County that were valid on the effective date of the annexation, but which have subsequently expired without final approval, shall be exempt from the setback requirements specified in ECDC 16.20.030 and 16.30.030; PROVIDED that the development projects are (1) residential in nature; (2) located in residentially zoned areas of the City of Edmonds; (3) meet setback requirements of the then current Snohomish County code in effect on the effective date of the annexation; (4) consistent with the plans approved by the County (it will be the applicant's responsibility to provide the City with evidence that the project was approved by the County); and (5) compliant with all other applicable criteria in the current ECDC.

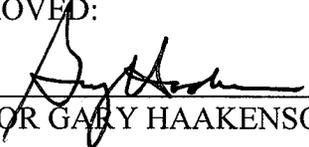
B. Nothing in this section shall be interpreted to allow any development project in the City of Edmonds, for which a valid building permit from the City is required under the current ECDC, to begin, proceed or be completed without the same.

Section 2. Ordinance to be Transmitted to Department. Pursuant to RCW 36.70A.106, this Ordinance shall be transmitted to the Washington State Department of Commerce (formerly the Washington Department of Community, Trade, and Economic Development) as required by law.

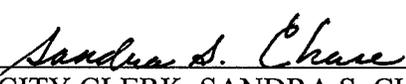
Section 3. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect

five (5) days after passage and publication of an approved summary thereof consisting of the title.

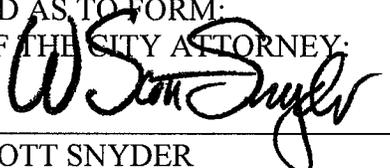
APPROVED:

  
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:	10/02/2009
PASSED BY THE CITY COUNCIL:	10/06/2009
PUBLISHED:	10/11/2009
EFFECTIVE DATE:	10/16/2009
ORDINANCE NO. <u>3756</u>	

**SUMMARY OF ORDINANCE NO. 3756**

of the City of Edmonds, Washington

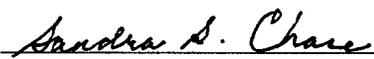
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On the 6th day of October, 2009, the City Council of the City of Edmonds, passed Ordinance No. 3756. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, ADOPTING A NEW ECDC 17.40.060 SETBACK EXEMPTION TO ESTABLISH A QUALIFIED BUILDING SETBACK EXEMPTION FOR RESIDENTIAL PROJECTS WITH EXPIRED COUNTY BUILDING PERMITS, AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

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

DATED this 7th day of October, 2009.

  
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CITY CLERK, SANDRA S. CHASE

# Affidavit of Publication

STATE OF WASHINGTON,  
COUNTY OF SNOHOMISH

} S.S.



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of the City of Edmonds, Washington

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The full text of this Ordinance will be mailed upon request.  
DATED this 7th day of October, 2009.

CITY CLERK, SANDRA S. CHASE

Published: October 11, 2009.

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. 3756

Setback Exemption

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:

October 11, 2009

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

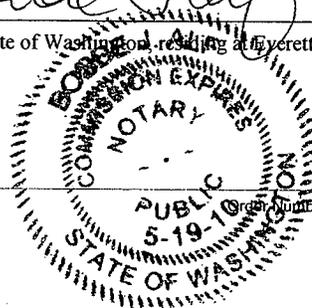
Principal Clerk

Subscribed and sworn to before me this

12th

day of October, 2009

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



RECEIVED

OCT 20 2009

EDMONDS CITY CLERK