

Appendix 1.D

Examples of Findings of Fact

ORDINANCE NO. 2019

**AN ORDINANCE ADOPTING THE SELAH GMA
PERIODIC UPDATE OF THE CRITICAL AREAS ORDINANCE**

WHEREAS, in compliance with the Washington State Growth Management Act (GMA), the City adopted a Comprehensive Plan in 2006; and,

WHEREAS, in accordance with RCW 36.70A.130, an adopted Comprehensive Plan shall be subject to continuing evaluation and review, and amendments to the Comprehensive Plan shall be considered no more frequently than once every year; and,

WHEREAS, the schedule established by the GMA in RCW 36.70A.130(4) mandates each fully planning city in Washington to take action to review and, if necessary, revise its comprehensive plan, development regulations and critical areas ordinance to ensure compliance with the Growth Management Act; and,

WHEREAS, the City has updated the Comprehensive Plan, development regulations and critical areas ordinance to ensure compliance with any changes to the GMA; to ensure compliance with the Yakima County Countywide Planning Policies; to fully reflect the issues and opportunities facing the City; to insure internal and regional consistency; and to revise policies and other language in the plan to update information, improve readability and eliminate redundancy; and,

WHEREAS, the Selah City Council has reviewed the updated critical areas ordinance regulations as required by the GMA; and,

WHEREAS, the amendments to the Critical Areas Ordinance implement the goals and policies of the Comprehensive Plan which establishes the community's desirable character and physical pattern of growth and preservation over the next 20 years; and,

WHEREAS, the GMA periodic update provides guidance in balancing the development of resources with the preservation of environmental values; and,

WHEREAS, the Comprehensive Plan sets goals and policies for growth that will be implemented through the development regulations and critical areas ordinance contained in the Selah Municipal Code, including the zoning ordinance and official zoning map, in a fiscally and environmentally responsible fashion; and,

WHEREAS, the recommended revisions incorporate changes in State law, Countywide Planning Policies, demographics and land use resources;

WHEREAS, Chapter 43.21C RCW, the State Environmental Policy Act (SEPA) requires

the City of Selah to conduct environmental review of the periodic update and amended Critical Areas Ordinance; and,

WHEREAS, on June 5, 2017, the City of Selah published in the legal advertising section of the Yakima Herald Republic, the legal newspaper for the City of Selah, notice of the City of Selah Council's public hearing scheduled for June 27, 2017, to consider the periodic update of the Selah Comprehensive Plan and Critical Areas Ordinance amendments. A Mitigated Determination of Nonsignificance (MDNS) was issued based on comments of agencies and affected tribes on May 30, 2017; and,

WHEREAS, the proposed Critical Areas Ordinance amendments were made available for review on the City of Selah's website at <http://www.selahwa.gov/>; and,

WHEREAS, all persons desiring to either provide written testimony or speak for or against or in relation to the proposed Critical Areas Ordinance amendments at public hearings held by the Planning Commission on June 6, 2017 and the City Council Meeting on June 27, 2017, were given a full and complete opportunity to be heard; and,

WHEREAS, the City Council of the City of Selah has concluded that the adoption and implementation of proposed Critical Areas Ordinance amendments is essential to direct the future growth and development of the City of Selah.

NOW THEREFORE BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF SELAH:

Section 1. Findings and Conclusions. The City Council bases its findings and conclusions on the entire record of testimony and exhibits, including the recommendation of the Planning Commission and all written and oral testimony before the City Council. The Selah City Council hereby adopts the following findings and conditions as recommended by the Planning Commission:

1. The proposed Comprehensive Plan Update and development regulation revisions, including amendments of SMC 10, SMC 11.50 and SMC 21 meet the requirements of the Growth Management Act.
2. As required by law, best available science was used in developing the amendments to the Critical Areas Ordinance. They incorporate recommendations made by the Washington Department of Ecology and the Yakama Nation. As required by WAC 365-195-925, the following findings are with respect to the Best Available Science (BAS) used in drafting the amendments:
 - a. The original amendments were prepared for the City by the Yakima Valley Conference of Governments (YVCOG) using best available science. Further

revisions in the original draft have been made by staff and recommended to the Planning Commission by the Department of Ecology, a State natural resource agency and the Yakama Nation. Consultation with State and Federal natural resource agencies and Tribes can provide a quick and cost-effective way to develop scientific information and recommendations (WAC 365-195-910(1)).

- b. It is the belief of staff that the best available science used by YVCOG along with the recommendations made by the Yakama Nation and Department of Ecology are applicable to the local area.
 - c. Special Consideration has been given in preparing the CAO updates to the preservation of anadromous fisheries, as indicated by the recommendations of the Yakama Nation and incorporation of those recommendations into the periodic update.
3. *Internal Consistency:* The proposed Critical Areas Ordinance amendments are consistent with and implement the Comprehensive Plan. They are consistent with the Growth Management Act and other requirements of State law. Both together and separately, the comprehensive plan update and Critical Areas Ordinance amendments further the goals of the Growth Management Act.
4. The public use and interest will be served.
5. *Environmental Review:* Environmental Review for the entire proposal was conducted under the State Environmental Policy Act (SEPA). A Determination of Nonsignificance (DNS) was issued on March 27, 2017 and withdrawn and a Mitigated Determination of Nonsignificance (MDNS) was issued on May 30, 2017. Comments that were made were received and considered. The City Council finds that environmental review that was conducted is adequate.
6. The proposed amendments were submitted to and received by the Department of Commerce for the required 60-day review on March 24, 2017. The review period ended May 23, 2017. Comments were received and considered related to definitions of wetland categories. These comments were incorporated into the currently proposed amendments.
7. *Public Participation:* Public notice of the public hearing was published in the official newspaper of the City and sent to all parties who expressed interest in being notified and who commented on the plan and development regulations through the public review and SEPA processes. Comments were received and considered.
8. This action is part of the required periodic update under the Growth Management Act.

Upon adoption of these amendments by the Selah City Council, the City will have taken all necessary action and the periodic update would be complete.

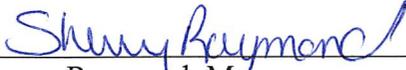
Section 2. Adoption of the City of Selah GMA Periodic Update. The City of Selah hereby adopts the City of Selah GMA Periodic Update, a copy of which is attached to this ordinance.

Section 3. Transmittal to State. This ordinance shall be submitted to the Washington Department of Commerce for their records within 10 days of adoption.

Section 4. Severability/Validity. The provisions of this ordinance are declared separate and severable. If any section, paragraph, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this ordinance. The City Council hereby declares that they would have passed this ordinance and each section, paragraph, subsection, clause or phrase thereof irrespective of the fact that any one or more sections, paragraphs, clauses or phrases were unconstitutional or invalid.

Section 5. Effective Date. This ordinance shall be in full force and effect 5 days after its passage and publication as required by law.

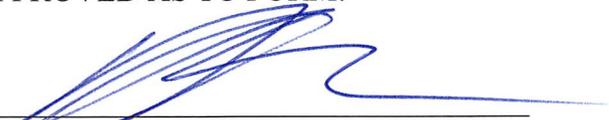
Dated this 27th day of June, 2017


Sherry Raymond, Mayor

ATTEST:


Dale E. Novobielski, Clerk-Treasurer

APPROVED AS TO FORM:


Robert Noe, City Attorney

ORDINANCE NO. 2019

CITY OF BELLEVUE, WASHINGTON

RESOLUTION NO. 9152

A RESOLUTION regarding completion of the required periodic update to City of Bellevue development regulations for consistency with the requirements of the Growth Management Act pursuant to Chapter 36.70A RCW.

WHEREAS, the Bellevue Comprehensive Plan initially was adopted on December 6, 1993, and was updated November 29, 2004; and

WHEREAS, on October 22, 2012, the Bellevue City Council initiated a Comprehensive Plan update to respond to the requirement of the state Growth Management Act to periodically update such plans; and

WHEREAS, the City engaged in a multi-year planning process to update the Comprehensive Plan that included public events and open houses; over 70 meetings of different boards and commissions; an online strategy that included a project website, social media, and online open house; meetings with neighborhoods and stakeholders; a series of press releases and op-eds; and a speaker series; and

WHEREAS, the Planning Commission held a public hearing on March 4, 2015, with regards to the proposed update to the Comprehensive Plan; and

WHEREAS, on March 25, 2015, the Planning Commission recommended that the City Council approve such proposed update; and

WHEREAS, the Planning Commission's recommendation was presented to the City Council by representatives of the Planning Commission, Arts Commission, Environmental Services Commission, Human Services Commission, Parks and Community Services Board, and Transportation Commission on April 6, 2015; and

WHEREAS, pursuant to RCW 36.70A.130(1), the City Council adopted the Comprehensive Plan update on August 3, 2015; and

WHEREAS, following adoption of the Comprehensive Plan update in August 2015, City worked to evaluate its development regulations to ensure consistency with the requirements of Chapter 36.70A RCW; and

WHEREAS on April 4, 2016, City of Bellevue staff completed an analysis of the City's development regulations for consistency with the requirements of Chapter 36.70A RCW, and staff found the development regulations and protections currently in effect complied with Chapter 36.70A RCW, with the exception of certain critical areas regulations; and

WHEREAS, the Bellevue City Council held a public hearing on April 18, 2016 to receive public comments on the recommended staff findings on review, but no members of the public made any comments; and

WHEREAS, based on its review of the requirements of Chapter 36.70A RCW, the analysis and findings prepared by staff, and the lack of public comments received at the public hearing, the City Council found and declared pursuant to Resolution No. 9094 that the development regulations and protections currently in effect comply with Chapter 36.70A RCW, with the exception of certain critical areas regulations; and

WHEREAS, pursuant to RCW 36.70A.130(7), the deadline for the City to review its critical area regulations and to provide an update to the Washington Department of Commerce passed on June 30, 2016; and

WHEREAS, although the City had worked diligently to complete the Best Available Science and Existing Conditions Technical Reports and Gap Analysis (included with the Resolution as Attachment 1 and to develop a package of code amendments to ensure that the Bellevue critical areas overlay complies with the critical areas regulations in Chapter 36.70A RCW, more time was needed for the City to complete its review and adoption of necessary code amendments; and

WHEREAS, the Bellevue City Council held a public hearing on October 10, 2016, to receive public comments on the recommended code amendments necessary to comply with the critical areas regulations in Chapter 36.70A RCW; and

WHEREAS, contemporaneously to the GMA required update to the critical areas regulations, the City of Bellevue submitted its required update to its Shoreline Master Program to the Department of Ecology in compliance with the Shoreline Management Act (SMA) Chapter 90.58 RCW; and

WHEREAS, the required update to the Shoreline Master Program submitted to the Department of Ecology on December 30, 2015, and the updates subsequently required to the Bellevue critical areas overlay amend overlapping sections of the Bellevue City Code; and

WHEREAS, in order to avoid confusion or inadvertent inconsistencies between the amendments to the Bellevue critical areas overlay necessary to comply with GMA, and amendments that were approved by the Council to comply with SMA, the GMA and SMA updates have been consolidated in a single code amendment included in this Resolution as Attachment 1, and

WHEREAS, Chapter 90.58 RCW has granted to the Department of Ecology approval authority over local shoreline master programs, and the Bellevue shoreline master program incorporates the critical areas overlay by reference, the shoreline

master program and critical area updates will both become effective upon approval by the Department of Ecology; and

WHEREAS, based on its review of the requirements of Chapter 36.70A RCW, the analysis and findings prepared by city staff and consultants, the City Council finds and declares that the review and findings have been prepared in conformance with Chapter 36.70A RCW, Chapter 90.58 RCW, Chapter 43.21C RCW, and sections 20.35.400 through 440 and Part 20.30J of the Bellevue City Code; now, therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES RESOLVE AS FOLLOWS:

Section 1. Based on its review of the requirements of Chapter 36.70A RCW, the analysis and findings prepared by staff, and the public comments received, the City Council hereby finds and declares that the development regulations and protections as updated by code amendments contained in Attachment 1 to this Resolution comply with Chapter 36.70A RCW and that the update required by RCW 36.70A.130(1)(a) is complete.

Section 2. The City Manager is hereby authorized to submit this Resolution along with the attachments to the Washington State Department of Commerce to demonstrate compliance with the required GMA periodic update completed as of the date of this Resolution.

Section 3. The City Manager is hereby further authorized to submit this Resolution along with the attachments to the Washington State Department of Ecology for review and to become effective upon Ecology approval.

Passed by the City Council this 10th day of October, 2016, and signed in authentication of its passage this 12th day of October, 2016.

(SEAL)



John Stokes, Mayor

Attest:


Kyle Stannert, City Clerk

CITY OF BELLEVUE, WASHINGTON

RESOLUTION NO. 9152

A RESOLUTION regarding completion of the required periodic update to City of Bellevue development regulations for consistency with the requirements of the Growth Management Act pursuant to Chapter 36.70A RCW.

WHEREAS, the Bellevue Comprehensive Plan initially was adopted on December 6, 1993, and was updated November 29, 2004; and

WHEREAS, on October 22, 2012, the Bellevue City Council initiated a Comprehensive Plan update to respond to the requirement of the state Growth Management Act to periodically update such plans; and

WHEREAS, the City engaged in a multi-year planning process to update the Comprehensive Plan that included public events and open houses; over 70 meetings of different boards and commissions; an online strategy that included a project website, social media, and online open house; meetings with neighborhoods and stakeholders; a series of press releases and op-eds; and a speaker series; and

WHEREAS, the Planning Commission held a public hearing on March 4, 2015, with regards to the proposed update to the Comprehensive Plan; and

WHEREAS, on March 25, 2015, the Planning Commission recommended that the City Council approve such proposed update; and

WHEREAS, the Planning Commission's recommendation was presented to the City Council by representatives of the Planning Commission, Arts Commission, Environmental Services Commission, Human Services Commission, Parks and Community Services Board, and Transportation Commission on April 6, 2015; and

WHEREAS, pursuant to RCW 36.70A.130(1), the City Council adopted the Comprehensive Plan update on August 3, 2015; and

WHEREAS, following adoption of the Comprehensive Plan update in August 2015, City worked to evaluate its development regulations to ensure consistency with the requirements of Chapter 36.70A RCW; and

WHEREAS on April 4, 2016, City of Bellevue staff completed an analysis of the City's development regulations for consistency with the requirements of Chapter 36.70A RCW, and staff found the development regulations and protections currently in effect complied with Chapter 36.70A RCW, with the exception of certain critical areas regulations; and

WHEREAS, the Bellevue City Council held a public hearing on April 18, 2016 to receive public comments on the recommended staff findings on review, but no members of the public made any comments; and

WHEREAS, based on its review of the requirements of Chapter 36.70A RCW, the analysis and findings prepared by staff, and the lack of public comments received at the public hearing, the City Council found and declared pursuant to Resolution No. 9094 that the development regulations and protections currently in effect comply with Chapter 36.70A RCW, with the exception of certain critical areas regulations; and

WHEREAS, pursuant to RCW 36.70A.130(7), the deadline for the City to review its critical area regulations and to provide an update to the Washington Department of Commerce passed on June 30, 2016; and

WHEREAS, although the City had worked diligently to complete the Best Available Science and Existing Conditions Technical Reports and Gap Analysis (included with the Resolution as Attachment 1 and to develop a package of code amendments to ensure that the Bellevue critical areas overlay complies with the critical areas regulations in Chapter 36.70A RCW, more time was needed for the City to complete its review and adoption of necessary code amendments; and

WHEREAS, the Bellevue City Council held a public hearing on October 10, 2016, to receive public comments on the recommended code amendments necessary to comply with the critical areas regulations in Chapter 36.70A RCW; and

WHEREAS, contemporaneously to the GMA required update to the critical areas regulations, the City of Bellevue submitted its required update to its Shoreline Master Program to the Department of Ecology in compliance with the Shoreline Management Act (SMA) Chapter 90.58 RCW; and

WHEREAS, the required update to the Shoreline Master Program submitted to the Department of Ecology on December 30, 2015, and the updates subsequently required to the Bellevue critical areas overlay amend overlapping sections of the Bellevue City Code; and

WHEREAS, in order to avoid confusion or inadvertent inconsistencies between the amendments to the Bellevue critical areas overlay necessary to comply with GMA, and amendments that were approved by the Council to comply with SMA, the GMA and SMA updates have been consolidated in a single code amendment included in this Resolution as Attachment 1, and

WHEREAS, Chapter 90.58 RCW has granted to the Department of Ecology approval authority over local shoreline master programs, and the Bellevue shoreline master program incorporates the critical areas overlay by reference, the shoreline

master program and critical area updates will both become effective upon approval by the Department of Ecology; and

WHEREAS, based on its review of the requirements of Chapter 36.70A RCW, the analysis and findings prepared by city staff and consultants, the City Council finds and declares that the review and findings have been prepared in conformance with Chapter 36.70A RCW, Chapter 90.58 RCW, Chapter 43.21C RCW, and sections 20.35.400 through 440 and Part 20.30J of the Bellevue City Code; now, therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES RESOLVE AS FOLLOWS:

Section 1. Based on its review of the requirements of Chapter 36.70A RCW, the analysis and findings prepared by staff, and the public comments received, the City Council hereby finds and declares that the development regulations and protections as updated by code amendments contained in Attachment 1 to this Resolution comply with Chapter 36.70A RCW and that the update required by RCW 36.70A.130(1)(a) is complete.

Section 2. The City Manager is hereby authorized to submit this Resolution along with the attachments to the Washington State Department of Commerce to demonstrate compliance with the required GMA periodic update completed as of the date of this Resolution.

Section 3. The City Manager is hereby further authorized to submit this Resolution along with the attachments to the Washington State Department of Ecology for review and to become effective upon Ecology approval.

Passed by the City Council this 10th day of October, 2016, and signed in authentication of its passage this 12th day of October, 2016.

(SEAL)



John Stokes, Mayor

Attest:


Kyle Stannert, City Clerk

EXHIBIT A

ORDINANCE NO. 1649

Findings of Fact

**Review and Revision of Comprehensive Plans and Development
Regulations Required (RCW 36.70A.040)**

1. Counties and cities required to plan under RCW 36.70A.040 must review, and revise if necessary, their entire comprehensive plan and development regulations. These cities and counties should affirm this status in their findings.
2. The City of Des Moines is required to plan under RCW 36.70A.040. Every seven years, RCW 36.70A.130(1) requires City of Des Moines to take legislative action to review and, if needed, revise its comprehensive plan and development regulations, including its policies and regulations designating and conserving natural resource lands and designating and protecting critical areas to comply with the requirements in Chapter 36.70A RCW.
3. Pursuant to RCW 36.70A.130(4), the deadline for the City of Des Moines to comply with the update required by RCW 36.70A.130(1) is June 30, 2015.
4. On June 25, 2015, the City of Des Moines adopted Ordinance No. 1623 revising and updating the comprehensive plan now entitled *Des Moines 2035: Charting Our Course for a Sustainable Future*.
5. Washington Department of Commerce August 19, 2015 letter to the City of Des Moines indicating:
 - a. Receipt of Des Moines's adopted Ordinance No. 1623 on June 6, 2015;
 - b. Completion of the City's comprehensive plan review and update required under RCW 36.70A.130(1); and
 - c. Notifying the City of the need to finalize the review and update of the City's development regulations and critical area regulations.
6. On August 11, 2015, consultant Parametrix prepared a technical memorandum related to the Federal Emergency Management Agency's National Flood Insurance Program Compliance Review

that discussed the City's on-going participation in the Program and strategies to achieve compliance with the Biological Opinion from National Marine Fisheries Services to apply Reasonable and Prudent Alternatives to protect listed species and their critical habitat, referred to as Door 1, Door 2, or Door 3 strategies and recommending that the City of Des Moines remain in Door 3.

7. On October 26, 2015, consultant AHBL, Inc. prepared a GAP analysis of the City's environmentally critical area regulations currently in effect in the City of Des Moines for consistency with the requirements of Chapter 36.70A.172 RCW and best available science. This analysis was supplemented by a February 12, 2016 technical memorandum related to the National Flood Insurance Program Compliance. Based on this analysis, AHBL, Inc. prepared proposed revisions to Des Moines environmentally critical area regulations it concluded are needed to comply with Chapter 36.70A RCW.
8. The Des Moines City Council Environment Committee reviewed the analysis and recommended updates to the environmentally critical area regulations at their February 18, 2016 meeting and recommended that proposed revisions be brought forward to the full City Council at a public hearing.
9. On March 10, 2016, a 60-day notice of intent to adopt the proposed amendments was sent to the Washington State Department of Commerce and the City received acknowledgement from Commerce that the procedural requirements of RCW 36.70A.106 have been met on March 16, 2016.
10. On March 31, 2016, Des Moines City Council adopted Resolution No. 1327 setting a public hearing date on May 12, 2016 to consider Draft Ordinance No. 15-147 amending the City of Des Moines development regulations relating to the protection and regulation of environmentally critical areas to ensure compliance with the Washington State Growth Management Act (chapter 36.70A RCW).
11. On April 6, 2016 a combined Notice of Public Hearing and SEPA Determination of Nonsignificance was issued providing for a 15-day comment period and 10-day appeal period and no comments or appeals were filed.
12. On May 12, 2016, the Des Moines City Council held a public hearing to receive public comments on the recommended findings on review and proposed revisions. Based on its review of the

requirements of Chapter 36.70A RCW, the analysis and proposed revisions prepared by (staff and consultants AHBL, Inc. and Parametrix), the recommended findings on review and proposed revisions, the Des Moines City Council finds and declares that the review and needed revisions have been prepared in conformance with applicable law, including Chapter 36.70A RCW, Chapter 43.21C RCW, and appropriate public participation and adoption process established in chapter 18.20 DMMC.

ORDINANCE NO. 4026

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING THE CRITICAL AREAS REGULATIONS CONTAINED IN EDMONDS COMMUNITY DEVELOPMENT CODE CHAPTERS 23.40 ENVIRONMENTALLY CRITICAL AREAS GENERAL PROVISIONS, 23.50 WETLANDS, 23.60 CRITICAL AQUIFER RECHARGE AREAS, 23.70 FREQUENTLY FLOODED AREAS, 23.80 GEOLOGICALLY HAZARDOUS AREAS, AND 23.90 FISH AND WILDLIFE HABITAT CONSERVATION AREAS, AMENDING ECDC SECTION 19.00.025, A PROVISION OF THE BUILDING CODE RELATED TO FREQUENTLY FLOODED AREAS, AMENDING ECDC SECTION 21.40.030, TO ADD A NEW EXCEPTION TO THE DEFINITION OF "HEIGHT" FOR USE IN COASTAL HIGH HAZARD AREAS AND COASTAL "A" FLOOD ZONES; AMENDING CERTAIN PERMIT REVIEW PROCESSES RELATED TO CRITICAL AREAS IN ECDC SECTIONS 20.01.003 AND 20.03.002.

WHEREAS, the City of Edmonds is required to plan under RCW 36.70A.040; and

WHEREAS, RCW 36.70A.130(1) requires City of Edmonds to take legislative action to review and, if needed, revise its comprehensive plan and development regulations, including its policies and regulations designating and conserving natural resource lands and designating and protecting critical areas to comply with the requirements in chapter 36.70A RCW (the Growth Management Act or GMA); and

WHEREAS, on June 16, 2015, the city council of the City of Edmonds reviewed its comprehensive plan and conducted a public hearing on the 2015 update to the City of Edmonds comprehensive plan; and

WHEREAS, the City of Edmonds adopted the 2015 update to the City of Edmonds comprehensive plan with Ordinance 4003; and

WHEREAS, based on early direction from the City Council, the 2015 update did not involve a major policy shift, but instead focused on consistency and streamlining, including the latest data, as well as the addition of several performance measures; and

WHEREAS, it was determined during this review process that, with the exception of the critical areas regulations, the City of Edmonds' development regulations remained consistent with and would continue to implement the comprehensive plan and the proposed update to it so that no other development regulations would need to be revised at this time; and

WHEREAS, the Growth Management Act (GMA) defines "critical areas" to include the following areas and ecosystems: (a) wetlands; (b) areas with a critical recharging effect on aquifers used for potable water; (c) fish and wildlife habitat conservation areas; (d) frequently flooded areas; and (e) geologically hazardous areas; and

WHEREAS, the GMA requires that each city adopt development regulations that protect critical areas; and

WHEREAS, cities in Snohomish County are expected to take action to review and, if needed, revise their comprehensive plans and development regulations to ensure the plan and regulations comply with the requirements of the GMA on or before June 30, 2015, and every eight years thereafter; and

WHEREAS, cities must include the best available science in developing policies and development regulations to protect the functions and values of critical areas; and

WHEREAS, cities must give special consideration to conservation or protection measures necessary to preserve or enhance anadromous fisheries; and

WHEREAS, the City has not comprehensively reviewed its critical areas ordinance and best available science since 2005 when the current version of the critical area regulations became effective; and

WHEREAS, the City selected environmental consultants ESA to assist the City in updating the 2004 City's Best Available Science Report (Exhibit 1 to September 8, 2015 agenda memo 7969) and to evaluate the City's critical area regulations given the changes in science; and

WHEREAS, the Best Available Science addendum prepared by ESA reviewed the current science related to critical areas as it has changed since 2004 (see Exhibit 2 to September 8, 2015 agenda memo 7969); and

WHEREAS, ESA also prepared a memo for the City's review that outlines certain provisions that may deviate from Best Available Science, as required by WAC 365-195-915; and

WHEREAS, the Planning Board reviewed proposed changes to the critical area regulations over the course of five Planning Board meetings between March 25 and July 22, 2015; and

WHEREAS, the Board's review included a July 8, 2015 public hearing; and

WHEREAS, the Planning Board forwarded its recommended changes to the City's critical area regulations to the City Council; and

WHEREAS, the Planning Board also forwarded a recommendation for some modifications to the building code Title 19 ECDC and definitions in Title 21 ECDC, in conjunction with its recommendations on critical areas and frequently flooded area regulations; and

WHEREAS, the City Council reviewed the draft updated critical area regulation as recommended by the Planning Board at the September 8, 2015 Council meeting and continued that review at the September 22, 2015 Council meeting; and

WHEREAS, the City Council held a public hearing at the October 6, 2015 City Council meeting and continued to review the critical area regulations at the November 2, 2015 City Council meeting; and

WHEREAS, the City Council directed the City Attorney to prepare an ordinance to adopt the updated critical areas regulations as amended by the City Council during the December 15, 2015 City Council meeting; and

WHEREAS, the Mayor asked the City Council to reconsider the amendments that were approved during the December 15, 2015 City Council meeting; and

WHEREAS, the Mayor forwarded to the City Council a December 22, 2015 memo that addresses the implications of the December 15, 2015 amendments; and

WHEREAS, on January 26, 2016, the City Council adopted a critical areas ordinance in the form of Ordinance 4017, which included the eight amendments made at the December 15, 2015 City Council meeting; and

WHEREAS, Ordinance 4017 was vetoed by Mayor Earling on January 28, 2016; and

WHEREAS, at the February 2, 2016 City Council meeting, rather than voting on whether to override the veto, the City Council discussed returning to the December 15, 2015 (pre-amendments) version of the critical area regulations and providing staff a new set of proposed amendments, using that version as a baseline, for discussion at future City Council meetings; and

WHEREAS, an initial set of proposed amendments were discussed at the February 23, 2016 City Council meeting; and

WHEREAS, the City Council adopted Resolution 1351 on March 1, 2016, which expressed a goal date of April 30, 2016 for adoption of another critical areas ordinance and made a finding that, except for the critical areas ordinance, the required 2015 review of the City's comprehensive plan and development regulations had been completed and found to be consistent with the GMA; and

WHEREAS, the City Council decided to hold another public hearing on potential amendments to the draft critical area regulations on March 15, 2016; and

WHEREAS, the City Council took preliminary action on the proposed amendments on March 15, 2016, April 5, 2016, April 12, 2016 and April 19, 2016; and

WHEREAS, this ordinance serves as the final legislative action required by the City under RCW 36.70A.130 for the 2015 review and update;

NOW, THEREFORE,

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

Section 1. The following chapters of the Edmonds Community Development Code are hereby amended to read as set forth in **Attachment A** hereto, which is incorporated herein by this reference as if set forth in full (new text is shown in underline; deleted text is shown in ~~striketrough~~; text moved from one location to another is shown in double underline where it was moved to and shown in ~~double striketrough~~ where it was moved from; new graphics have an underline under the graphic; deleted graphics have been crossed-out with an X): chapter 23.40, entitled "Environmentally Critical Areas General Provisions;" chapter 23.50, entitled "Wetlands;" chapter 23.60, entitled "Critical Aquifer Recharge Areas;" chapter 23.70, entitled