

CITY OF LYNNWOOD
ORDINANCE NO. 1451

City of Lynnwood
DEC 12 2000
SCANNED

AN ORDINANCE AMENDING ORDINANCE NO. 1415, THE CITY ORDINANCE IMPLEMENTING THE STATE ENVIRONMENTAL POLICY ACT (SEPA) IN THE CITY OF LYNNWOOD, BY ADDING APPEALS PROCEDURES AND REVISING PROVISIONS PERTAINING TO PUBLIC NOTICE

WHEREAS, after proper notice, due hearing was held by the City Council to consider an amendment to the official text of the Municipal Code of the City of Lynnwood; and

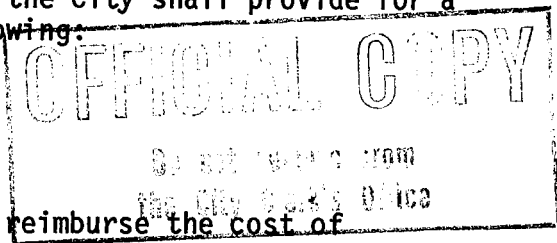
WHEREAS, upon motion duly made the City Council of the City of Lynnwood has determined to amend the official text of the Municipal Code of the City of Lynnwood;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LYNNWOOD DO ORDAIN AS FOLLOWS:

SECTION 1. Ordinance No. 1415, Part Seven, "SEPA and Agency Decisions," is hereby amended by adding thereto the following new sections of the Washington Administrative Code (WAC) Model Ordinance, Chapter 173-806:

WAC 173-806-170 Appeals.

- (1) The City establishes the following administrative appeal procedures under RCW 43.21C.075 and WAC 197-11-680:
 - (a) Any agency or person may appeal the City's procedural compliance with Chapter 197-11 WAC for issuance of the following:
 - (i) A final DNS: Appeal of the DNS must be made to the City Council within ten days of the date the DNS is final (see WAC 197-11-390(2)(a)).
 - (ii) A DS: The appeal must be made to the City Council within ten days of the date the DS is issued.
 - (b) For any appeal under this subsection, the City shall provide for a record that shall consist of the following:
 - (i) Findings and conclusions;
 - (ii) Testimony under oath; and
 - (iii) A taped or written transcript.
 - (c) The City may require the appellant to reimburse the cost of providing an electronic transcript.
 - (d) The procedural determination by the City's responsible official shall carry substantial weight in any appeal proceeding.
- (2) The City shall give official notice under WAC 197-11-680(5) whenever it issues a permit or approval for which a statute or ordinance establishes a time limit for commencing judicial appeal.



SECTION 2. That portion of City of Lynnwood Ordinance No. 1415, Part Five, Community, WAC 173-806-130, Public Notice, which reads as follows:

WAC 173-806-130 PUBLIC NOTICE

(1) Whenever the city issues a DNS under WAC 197-11-340 (2) those which previously required proposed D.S. clearing, grading, another agency, etc., or a DS under WAC 197-11-360(3) the city shall give public notice as follows:

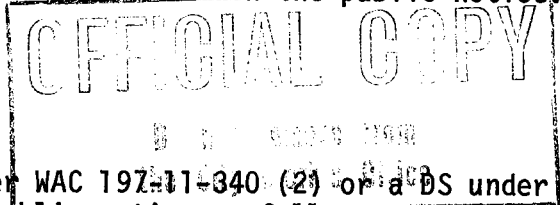
- (a) If public notice is required for a nonexempt license, the notice shall state whether a DS or DNS has been issued and when comments are due.
- (b) If no public notice is required for the permit or approval, the City shall give notice of the DNS or DS by:
 - (i) Posting the property, for site-specific proposals;
 - (v) A weekly listing of all DNS's and DS's issued during the past week under WAC-197-11-340(2) and WAC-197-11-360(3) shall be posted at City Hall.
- (c) Whenever the City issues a DS under WAC 197-11-360(3), the City shall state the scoping procedure for the proposal in the DS as required in WAC 197-11-408 ~~and in the public notice.~~

IS HEREBY AMENDED TO READ AS FOLLOWS:

WAC 173-806-130 PUBLIC NOTICE

(1) Whenever the city issues a DNS under WAC 197-11-340 (2) ~~or a DS under WAC 197-11-360(3)~~ the city shall give public notice as follows:

- (a) If public notice is required for a nonexempt license, the notice shall state whether a DS or DNS has been issued and when comments are due.
- (b) If no public notice is required for the permit or approval, the City shall give notice of the DNS or DS by:
 - (i) Posting the property, for site-specific proposals;
 - (v) A weekly listing of all DNS's and DS's issued during the past week under WAC-197-11-340(2) and WAC-197-11-360(3) shall be posted at City Hall.
- (c) Whenever the City issues a DS under WAC 197-11-360(3), the City shall state the scoping procedure for the proposal in the DS as required in WAC 197-11-408 and in the public notice.



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SECTION 3. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this ordinance.

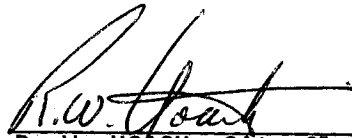
SECTION 4. This ordinance shall take effect and be in force five (5) days after its passage, approval and publication.

PASSED THIS 11th day of March, 1985, and signed in authentication of its passage this 11th day of March, 1985.



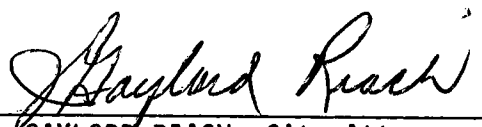
M. J. HRDLICKA, Mayor

ATTEST:



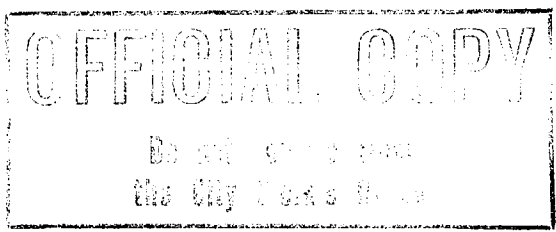
R. W. NOACK, City Clerk

APPROVED AS TO FORM:



J. GAYLORD RIACH, City Attorney

3496Z



Published: March 21, 1985