

CITY OF LYNNWOOD
ORDINANCE NO. 2073

**AN ORDINANCE AMENDING CHAPTER 17.02 OF THE
LYNNWOOD MUNICIPAL CODE REGARDING
ADMINISTRATIVE APPEALS OF ACTIONS OR DECISIONS
UNDER THE STATE ENVIRONMENTAL POLICY ACT,
ADOPTED TO IMPLEMENT CHAPTER 347, LAWS OF 1995
(REGULATORY REFORM)**

WHEREAS, the City of Lynnwood is required to implement and adopt processes and regulations that are consistent with Chapter 347, Laws of 1995, Regular Session (also known as ESHB 1724 or Regulatory Reform), and

WHEREAS, the City Council of the City of Lynnwood determines that this Ordinance is necessary to comply with state law, namely ESHB 1724 and Chapter 36.70A (also known as the Growth Management Act "GMA"), and

WHEREAS, this Ordinance bears a substantial relationship to the public health, safety and welfare.

THE CITY COUNCIL OF THE CITY OF LYNNWOOD DO ORDAIN AS FOLLOWS:

Section 1: LMC 17.02.195 (1) Amended. Section 17.02.195 (1) of the Lynnwood Municipal Code is amended to read as follows:

- (1) The City establishes the following appeal procedures under RCW 43.21C.075 (as amended by Chapter 347, Laws of 1995 (ESHB 1724)), WAC Chapter 197-11-680, and RCW 43.21C.060:
 - (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 Determination of Non-Significance (DNS) or Mitigated DNS: The appeal must be filed in writing with the Planning Department within 14 calendar days of the date that the DNS or Mitigated DNS becomes final. Any and all appeals of a final DNS or Mitigated DNS shall be heard simultaneously with the underlying application for a City permit or approval. If processing the underlying application does not include a public hearing, the appeal shall be heard by the Hearing Examiner, pursuant to Process VI (LMC 1.35.600 et. seq.).

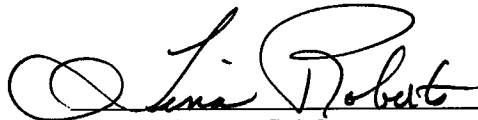
(ii) A final Determination Of Significance: The appeal must be filed in writing with the Planning Department within 14 calendar days of the issuance of the Determination Of Significance by the City. Any such appeal shall be processed according to Process VI (LMC 1.35.200 et seq.).

(b) Any person or agency may appeal to the City Council (pursuant to RCW 43.21C.060) any substantive action taken by the City pursuant to SEPA and WAC Chapter 197-11 (for example: requiring particular mitigation measures or denying a project) except for actions by the City Council by filing a written appeal with the Finance Director within 14 calendar days of final action on the underlying project. Any such appeal shall be processed according to Process VII.

Section 2: 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 3: Effective Date. This ordinance shall take effect and be in force five (5) days after its passage, approval and publication. However, the procedures set forth in this ordinance shall apply only to applications filed on or after April 1, 1996.

Passed this 25th day of March, 1996, and signed in authentication of its passage this 26th day of March, 1996.


TINA ROBERTS, Mayor

ATTEST:


Acting Finance Director

APPROVED AS TO FORM:


JOHN P. WATTS, City Attorney

PUBLISHED: