

ORDINANCE NO. 3444

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
MOUNT VERNON, WASHINGTON, REPEALING AND RE-ENACTING
MOUNT VERNON MUNICIPAL CODE CHAPTER 15.40, "CRITICAL AREA
ORDINANCE".**

WHEREAS, the requisite public hearing before the Planning Commission on November 18, 2008 was preceded with appropriate notice, published on October 22, 2008; and, the requisite City Council hearing of April 15, 2009 was preceded with appropriate notice also published on March 16, 2009; and,

WHEREAS, the requisite notice of adoption of the proposed amendments has been duly transmitted in compliance with RCW 36.70A.106 (1); and,

WHEREAS, the requirements for public participation in the development of this amendment as required by the State Growth Management Act (GMA) and by the provisions of City of Mount Vernon Resolution No. 491 have all been met; and,

WHEREAS, the City Council finds that the draft and final EIS and best available science review as issued January 24, 2007 adequately address the science and related environmental issues and provide a sound basis for the adoption of the alternative program recommended by the Planning Commission; and,

WHEREAS, the City Council finds that because no substantive changes have been made to the Critical Area Code that no new SEPA related review is necessary; and,

WHEREAS, the City Council adopts the recommendations set forth by the Planning Commission; and

NOW, THEREFORE,

**THE CITY COUNCIL OF MOUNT VERNON, WASHINGTON, DO ORDAIN AS
FOLLOWS:**

SECTION 1. Findings of Fact.

The Mount Vernon City Council makes the following findings:

- A. The amendments comply with the GMA and are consistent with the State's planning goals.
- B. The proposed amendments to the municipal code remove redundancies, combine related subsections, fix confusing or conflicting nomenclature and add language to clarify the intent of some code items. The code amendments will make the code easier to use.

SECTION 2. Repealer. The following is hereby repealed in its entirety:

A. Ordinance No. 3353, enacted December 14, 2007.

Entitled:

An Ordinance of the City Council of the City of Mount Vernon, Washington, Repealing and Re-Enacting Mount Vernon Municipal Code Chapter 15.40, “Additional SEPA Guidelines”, Renaming Said Chapter “Critical Area Ordinance”, Providing for Severability; and Establishing an Effective Date.

SECTION 3. With Chapter 15.40 being repealed, the reenacted chapter 15.40 shall be re-titled and now read as follows within the code attached to this ordinance, labeled as Exhibit A.

SECTION 4. City staff are hereby directed to complete preparation of the final ordinance, including correction of any typographical or editorial edits.

SECTION 5. Severability.

If any section, subsection, paragraph, sentence, clause or phrase of this ordinance or its application to any person or situation should be held to be invalid or unconstitutional for any reason by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this ordinance or its application to any other person or situation.

SECTION 6. Effective Date.

This ordinance or a summary thereof shall be published in the official newspaper of the City, and shall take effect and be in full force five days after passage and publication as provided by law.

PASSED AND ADOPTED this 15th day of April, 2009.

BUD NORRIS, Mayor

SIGNED AND APPROVED this 15th day of April, 2009.

ALICIA D. HUSCHKA, Finance Director

Approved as to form:

Kevin Rogerson
City Attorney

Published: