

**CITY OF CARNATION
PLANNING BOARD**

FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

SUBJECT: Amending Chapters 15.64 CMC Part II Drainage, Erosion Control and Stormwater Management

STATE AGENCY REVIEW: In accordance with RCW 36.70A.106, the proposed Comprehensive Plan Update was submitted to the Washington State Office of Community Development on June 12, 2014 for 60 day agency review.

SUMMARY OF RECOMMENDATION AND DECISIONS:

Staff Recommendation: Recommend approval of the legislative proposals.

Planning Board Decision: Recommend approval of the legislative proposals.

PUBLIC HEARING:

The Planning Board conducted a public hearing on the proposed adoption of the Economic Development Element and amendments to the Capital Facilities Elements of the Comprehensive Plan on June 24, 2014. The Hearing was opened at 7:02 PM and closed at 7:51 PM. Participants at the public hearing and exhibits offered and entered are listed in this report. A verbatim recording of the hearing is available at the City Clerk's office.

HEARING COMMENTS:

The following is a summary of the comments offered at the Public Hearing:

From the City: Linda Scott, City Planner, reviewed the proposed legislative action Staff Report, which states that:

Amending Chapter 15.64 CMC Part II Drainage, Erosion Control and Stormwater Management

1. CMC 15.64 Part II was adopted by Ordinance 553 in 1997 and was revised in 2010 by Ordinance 781 and in 2012 by Ordinance 816. The purpose of the 2010 revision was to utilize existing conditions as the benchmark for modeling the quantity of stormwater runoff allowed rather than conditions that would be in effect if there had been no modification to the land at all, typically forested conditions. In other words, the purpose of the revision was to "do no harm" rather than to mimic forested conditions. The 2012 revision provided administrative flexibility under specific conditions of high seasonal water table that may occur within the City.
2. The purpose of the current proposed revision is to change the threshold for drainage permit review from 1,000 square feet of impervious surface to 2,000 square feet, which

is consistent with the 2012 Department of Ecology Stormwater Manual. The amendment also exempts new single family residences from the requirement of obtaining a separate drainage permit, as drainage can be regulated as part of the building permit.

3. This proposed amendments meet the criteria set forth in CMC 15.100.030(E)(2), as follows:

a. Consistency with the Growth Management Act (Chapter 36A.70 RCW):

The amendments to Titles 15 are consistent with the following Planning Goals of the Growth Management Act (RCW 36.70A.020):

(7) Permits. Applications for both state and local government permits should be processed in a timely and fair manner to ensure predictability.

The proposed amendments would allow for timely and efficient permit processing, in keeping with the statutory requirements for local project review.

Goal 10. Environment. Protect the environment and enhance the state's high quality of life, including air and water quality, and the availability of water.

The proposed amendment provides for efficient and timely permitting (Goal 7) while still achieving the goals of environmental protection and protection of property (Goal 10).

b. Consistency with existing goals and policies of the comprehensive plan.

The proposed amendments to Chapters 15.64 Part II are consistent with the Goals and Policies identified in the Comprehensive Plan:

Goal LU1 – To create a balanced community by providing for growth in a responsible manner that enhances community quality and values and protects the rights of property owners.

Efficient and timely permitting that also provides adequate stormwater management will provide for responsible growth and protect property owners.

Policy LU4.13: The City will process land use permits in a consistent and timely manner, in accordance with state and local laws and regulations.

The proposed amendments would promote timely permit processing that is consistent with pertinent local and state regulations.

Policy EE3.1 Determine and document the environmental impacts of new development on water quality as part of all review processes and require appropriate mitigating measures....

The proposed amendment balances the need for stormwater management that does not result in damage to property or an adverse impact to groundwater resources with the need to allow development within City limits and to provide timely and consistent permitting of land use development.

c. *Whether the proposal adequately implements the goals and policies of the comprehensive plan.*

The amendments to CMC 15.64 Part II provide flexibility to the City in managing stormwater impacts of new development and redevelopment, without causing property damage or violating applicable state or federal regulations. The efficiency permitted by the amendments promotes infill development..

d) *The cumulative impact of the proposed amendment upon the health, safety, and welfare of the city;*

The proposed amendments to CMC 15.64 Part II should not result in adverse effects on the health, safety and welfare of the City. The efficiency allowed by the proposed amendments is balanced by the requirements to provide protection of the environment and downstream properties.

e) *The probable significant adverse environmental impacts of the proposal, if any.*

The proposed amendments should not create adverse environmental impacts as stormwater management will be adequately provided for in the permitting process.

From the Public:

There were no comments from the Public on the proposed amendment to 15.64 CMC Part II Drainage, Erosion Control and Stormwater Management.

FINDINGS, CONCLUSIONS AND RECOMMENDATIONS FOR THE COMPREHENSIVE PLAN UPDATE:

Having considered the entire record in this matter, the Carnation Planning Board now makes and enters the following:

A. FINDINGS AND CONCLUSIONS

1. The proposed amendments are consistent with the Growth Management Act (Chapter 36.70A RCW);
2. The proposed amendments are consistent with the goals and policies of the Comprehensive Plan;
3. The proposal adequately implements the goals and policies of the comprehensive plan;
4. There are no cumulative impact of the proposed amendment upon the health, safety, and welfare of the city;
5. There are no probable significant adverse environmental impacts of the proposal if any.

B. RECOMMENDATION:

Based on the foregoing findings of fact and conclusions, the Carnation Planning Board recommends that the City Council adopt an ordinance amending Chapter 15.64 Part II Drainage, Erosion Control and Stormwater Management.

Dated this 20th day of June 2014.


Tracey Blackburn, Chairperson,
Carnation Planning Board

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JZL/
5/31/14

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF CARNATION, WASHINGTON, AMENDING CHAPTER 15.64 CMC FLOODWAYS, FLOODPLAINS, DRAINAGE AND EROSION; AMENDING THE CITY'S STORMWATER MANAGEMENT REGULATIONS TO ADOPT THE 2012 DEPARTMENT OF ECOLOGY STORMWATER MANAGEMENT MANUAL, REVISING THE DRAINAGE PERMIT THRESHOLD FOR DEVELOPMENT ACTIVITY, AND CLARIFYING THE APPLICABILITY OF OTHER STORMWATER REGULATORY REQUIREMENTS EVEN WHERE PARTICULAR DEVELOPMENTS ARE EXEMPT FROM CHAPTER 15.64 CMC; SETTING FORTH LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City has adopted standards and regulations governing drainage and stormwater management at Chapter 15.64 CMC; and

WHEREAS, the City Council desires to update and amend said regulations in order to adopt by reference the most recent Department of Ecology Stormwater Management Manual, to revise the threshold for obtaining a separate drainage permit, and clarifying that development activities must independently comply with all applicable stormwater requirements established by other federal, state and local regulations even where a particular proposal is exempt from the permitting requirements of Chapter 15.64 CMC ; NOW, THEREFORE,

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

Section 1. Findings. The City Council hereby adopts the above recitals as findings in support of the regulations set forth in this ordinance. The City Council further adopts by reference the findings of the Planning Board dated June 24, 2014, together with the following:

A. The City is authorized by State law, including but not limited to Chapter 35A.11 RCW, Chapter 35A.63 RCW and Chapter 36.70A RCW, to enact local regulations governing the development and use of real property.

B. The Planning Board conducted a public hearing on the substance of this ordinance on June 24, 2014, and recommended adoption by the City Council. The City Council held a public hearing on this ordinance on _____, 2014.

C. The regulations set forth in this ordinance have been processed and considered by the City in material compliance with all applicable procedural requirements, including but not limited to requirements related to public notice and comment.

D. All relevant requirements of SEPA have been satisfied with respect to this ordinance.

E. The City Council has carefully considered, and the regulations set forth in this ordinance satisfy, the review criteria codified at CMC 15.100.030(E).

F. The regulations set forth in this ordinance will advance the public health, safety and welfare.

Section 2. Amendment of CMC 15.64.170. Subsection 15.64.170(A) of the Carnation Municipal Code is hereby amended to provide in its entirety as follows:

15.64.170 Stormwater standards adopted.

The 2012 edition of the Washington State Department of Ecology's Stormwater Management Manual for Western Washington ("the

manual") is hereby adopted by reference, including any future amendments, revisions, updates or future year editions thereof. A copy of the manual shall be maintained at city hall and made available for public inspection and copying upon request.

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Section 3. Section 15.64.230 of the Carnation Municipal Code is hereby amended by revisions to subsection (A)(1) and a new subsection (F) to provide in their respective entirety as follows:

15.64.230 Permits required for regulated activities.

A. Regulated activities include:

1. All new development or redevelopment except for single family residential development, the result of which is to create, add or otherwise cause to exist upon a development site two thousand square feet or more of: (i) new impervious surface area, (ii) replaced impervious surface area, or (iii) new impervious surface area plus replaced impervious surface area;

.....

F. Nothing in this chapter shall be construed as exempting any development project or activity from any other requirement concerning storm runoff under any applicable federal, state or local regulation, specifically including without limitation any other provision of the CMC.

Section 4. Copy to Commerce. Pursuant to RCW 36.70A.106, the Planning Director is hereby authorized and directed to provide a copy of this ordinance to the Washington Department of Commerce within 10 days of adoption.

Section 5. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 6. Effective Date. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after publication.

APPROVED by the Carnation City Council this ____ day of _____, 2014.

MAYOR, JIM BERGER

ATTEST/AUTHENTICATED:

CITY CLERK, MARY MADOLE

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY _____
J. ZACHARY LELL

FILED WITH THE CITY CLERK:
PASSED BY THE CITY COUNCIL:
PUBLISHED:
EFFECTIVE DATE:
ORDINANCE NO. _____