ORDINANCE NO. 807

AN ORDINANCE OF THE CITY OF CARNATION, WASHINGTON, AMENDING CHAPTER 15.09 CMC LOCAL PROJECT REVIEW AND CHAPTER 15.18 CMC LAND USE APPROVALS; AMENDING THE CITY'S PROJECT PERMIT MATRIX TO INCLUDE A DESIGNATION FOR MINOR SITE DEVELOPMENT REVIEW; REVISING AND CLARIFYING THE THRESHOLDS AND PROCEDURES FOR THE CITY'S ADOPTED SITE DEVELOPMENT REVIEW REGULATIONS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, pursuant to Chapter 35A.63 RCW and Chapter 36.70A RCW, the City of Carnation has established zoning and land use regulations governing development activity within the City; and

WHEREAS, the City desires to update and revise the site development review regulations codified at Chapter 15.18 CMC and the corresponding permit processing procedures codified at Chapter 15.09 CMC; and

WHEREAS, the updated and revised designations set forth in this ordinance will facilitate desired development activity and will clarify and streamline the City's site development review process; 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 October 25, 2011, 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, Chapter 36.70B RCW and Chapter 36.70A RCW, to enact local regulations governing the use and development of real property within the City's jurisdiction.

B. The Planning Board conducted a public hearing on the substance of this ordinance on October 25, 2011, and recommended adoption by the City Council. The City Council held a public hearing on this ordinance on January 17, 2012, which was continued to February 7, 2012.

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 are consistent with and will implement the City's Comprehensive Plan, and will further advance the public health, safety and welfare.

Section 2. Amendment of CMC 15.18.160. Section 15.18.160 of the Carnation Municipal Code is hereby amended to provide in its entirety as set forth in Exhibit A, attached hereto and incorporated herein by this reference as if set forth in full.

Section 3. Amendment of CMC 15.09.050. Section 15.09.050 of the Carnation Municipal Code is hereby amended to provide in its entirety as set forth in Exhibit B, attached hereto and incorporated herein by this reference as if set forth in full.

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 or tribunal 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 7th day of February, 2012.

DEPUTY MAYOR, FRED BERESWILL

ATTEST/AUTHENTICATED:

CITY CLERK, MARY OTNESS

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY: J. ZACHARY LELL

FILED WITH THE CITY CLERK: 12/13/2011

PASSED BY THE CITY COUNCIL: 02/07/2012
PUBLISHED: 02/15/2012
EFFECTIVE DATE:..... 02/20/2012
ORDINANCE NO. 807

Exhibit A

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15.18.160 Applicability.

A. Site Development Review

1. Applicability: Site Development Review shall be required for any of the following:
   a. New construction of 4,000 or more square feet, excluding single family dwellings.
   b. Expansions involving the addition of 4,000 square feet or more to an existing building or structure, except: (i) where the size of the addition is equal to 15 percent or less of the building or structure's existing gross floor area, and (ii) expansions to single family dwellings.
   c. Any multi-family building that will create 5 or more new dwelling units, regardless of size.
2. Site Development Review Permits shall be a Type 2 permit.

B. Minor Site Development Review

1. Applicability: Minor Site Development Review shall be required for any of the following:
   a. Any new construction of less than 4,000 square feet for which a building permit is required, excluding single family dwellings.
   b. Any multi-family building that will create 4 or less new dwelling units, regardless of size.
   c. Reconfiguration of a parking area, means of ingress or egress or site circulation, regardless of whether a building permit is required, unless the small size of the proposed use or other factor(s) justify a waiver in the sole discretion of the city planner.
2. A Minor Site Development Review shall be a Type 1 permit.
3. A Minor Site Development Review shall meet all of the approval criteria set forth in this chapter.
4. Applicants may not utilize successive Minor Site Development Review permits to avoid the threshold requirements for undergoing regular Site Development Review pursuant to subsection (A). Where a Minor Site Development Review permit has been issued for a site, any additional Minor Site Development Review requested during the following two years shall be processed as a regular Site Development Review permit in accordance with subsection (A).

~~Site development review shall be required for the following:~~

~~1. New construction exceeding two thousand square feet for which building permits are required under the building code, in any of the land use designations shown in the table of permissible uses under Chapter 15.44 CMC, excluding permits authorizing the development of single-family residences on a site zoned for residential construction.~~

~~2. All expansion or remodel of structures for which building permits are required under the building code excluding applications for permits where the building or other structure is being expanded by fifteen percent or less of the building's existing floor area or size and excluding permits for expansion or remodel of residential buildings or structures on sites zoned for detached single-family residential.~~

~~B. A minor site development plan shall be required for any new use for a nonsingle-family residential site which includes reconfiguration of a parking area, means of ingress and egress, site circulation or the addition of a structure that does not require a building permit. Unless the small size of the proposed use or other factor(s) justify a waiver in the sole discretion of the city planner, a minor site development plan must meet all of the application and approval criteria set forth in this chapter.~~

C. The site that is being reviewed pursuant to this chapter shall consist of all lots accommodating the development project.
(Ord. 748 § 2 (Exh. A) (part), 2008)

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Exhibit B

15.09.050 Project permit application framework.

The following project permit applications shall be reviewed and processed in accordance with the project permit application type specified below.

EXEMPT	TYPE I	TYPE II	TYPE III	TYPE IV	TYPE V
	BUILDING PERMITS (CMC Title 16)	SPECIAL USE PERMITS (CMC 15.18.010 et seq.)	CONDITIONAL USE PERMITS (CMC 15.18.010 et seq.)	PRELIMINARY LONG PLAT APPROVAL (CMC 15.16.190 et seq.)	FINAL PLAT APPROVAL (CMC 15.16.350) [1]
RIGHT-OF-WAY STREET USE PERMIT (CMC 15.56.250)	SIGN PERMITS (CMC 15.68.010)	CLEAR AND GRADING PERMITS that (1) involve 500 cu yds or more of material, (2) will create a 2 ft or greater change in grade at the property line, or (3) will permanently change existing drainage patterns[2].			
RIGHT-OF-WAY PERMIT (CMC 15.60.030)	BOUNDARY LINE ADJUSTMENT (CMC 15.16.600)	PRELIMINARY AND FINAL SHORT PLAT APPROVAL (CMC 15.16.010 et seq.)		PRELIMINARY LONG PLAT AMENDMENTS (CMC 15.16.370)	SITE SPECIFIC REZONE (CMC 15.36.110)
LANDMARK DESIGNATION (CMC 15.20.030)	TEMPORARY RESIDENCE PERMIT (CMC 15.44.030)	PRELIMINARY SHORT PLAT AMENDMENTS (CMC 15.16.460)			
TEMPORARY PUBLIC STRUCTURE PERMIT (CMC 15.44.050)	TEMPORARY RV USE PERMIT (CMC 15.44.030)	BINDING SITE PLAN (CMC 15.18.410 et seq.)	SHORELINE CONDITIONAL USE (CMC 15.92)		
SPECIAL USE PERMIT FOR SPECIAL EVENT (CMC 15.44.060)	OTHER CONSTRUCTION LEVEL PERMITS THAT ARE CATEGORICALLY EXEMPT FROM SEPA AND CMC TITLE 14.	RESIDENTIAL CONDOMINIUM BIND SITE PLAN (CMC 15.18.520 et seq.)	SHORELINE VARIANCE (CMC 15.92.120)		

STREET VACATIONS	ADMINISTRATIVE INTERPRETATIONS (CMC 15.09.010)	SHORELINE SUBSTANTIAL DEVELOPMENT PERMIT (CMC 15.92)	VARIANCE (CMC 15.20.030)		
OTHER PERMITS THAT THE CITY COUNCIL DETERMINES BY ORDINANCE OR RESOLUTION PRESENT SPECIAL CIRCUMSTANCES THAT WARRANT A DIFFERENT REVIEW PROCESS.	DESIGN REVIEW, MINOR EXTERIOR REMODEL (CMC 15.18.340)	SITE DEVELOPMENT REVIEW (CMC 15.16.150 et seq.)	SIGN VARIANCE (CMC 15.68.120)		
LEGISLATIVE DECISIONS (AREA WIDE REZONES, COMPREHENSIVE PLAN AMENDMENTS)	CLEAR AND GRADING PERMIT under 500 cu yds	DESIGN REVIEW, MAJOR EXTERIOR REMODEL (CMC 15.18.270)	CRITICAL AREAS REASONABLE USE EXCEPTION (CMC 15.88.050)		
	MINOR SITE DEVELOPMENT REVIEW (CMC 15.18.160.B)				

(1) Final plat approval shall be by city council decision but shall not include an open record public hearing.
(2) The applicant shall bear the burden of demonstrating that existing drainage patterns will not be disrupted by the grading, excavation or filling activity. This demonstration may be made by submittal of topographical site maps, photographic evidence, or other engineering documentation. The public works director shall have sole discretion in determining the sufficiency of any such documentation.