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ORDINANCE NO. 845

AN ORDINANCE OF THE CITY OF CARNATION, WASHINGTON, AMENDING CHAPTER 15.09 CMC LOCAL PROJECTS REVIEW AND CHAPTER 15.16 CMC SUBDIVISION; CLARIFYING AND REVISING THE CITY'S REQUIREMENTS FOR PROJECT PERMIT NOTICES OF DECISION; REMOVING COMPREHENSIVE PLAN COMPLIANCE AS A DECISIONAL CRITERION FOR SUBDIVISIONS AND OTHER PROJECT PERMITS; CLARIFYING THE ROLE OF THE CITY PLANNER IN REVIEWING PRELIMINARY PLAT APPLICATIONS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Carnation regulates the subdivision of land and other project permit applications through local regulations codified in part at Chapter 15.09 CMC and Chapter 15.16 CMC; and

WHEREAS, the City Council desires to update and amend the City's codified regulations by revising the requirements for project permit notices of decision, clarifying the role of City staff in reviewing preliminary plat applications, and removing prior references to Comprehensive Plan compliance as a decisional criterion for subdivisions and other project permits; 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, 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 Chapter 58.17 RCW to enact local regulations governing the subdivision of land and the processing, review and approval of land use permits.

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 August 19, 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 15.09.150. Subsections (A) and (B) of Carnation Municipal Code Section 15.09.150 are hereby amended to provide in their respective entirety as follows:

15.09.150 Notice of decision.

A. Issuance. The city planner shall issue a written notice of decision in connection with the city planner's or hearing body's decision on a Type II, III, IV, or V project permit application.

B. Contents. The notice of decision shall contain the following:

1. A copy of the planner's or hearing body's written decision, or a summary thereof, in the discretion of the city planner;
2. A statement of any threshold determination made under SEPA;
3. The procedures for administrative appeal, if any; and
4. A statement that affected property owners may request a change in valuation for property tax purposes notwithstanding any program of revaluation.

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Section 3. Amendment of CMC 15.09.220. Subsections (A) and (B) of Carnation Municipal Code Section 15.09.220 are hereby amended to provide in their respective entirety as follows:

15.09.220 Determination of consistency.

A. Purpose. When the city receives a project permit application, consistency between the proposed project and the applicable development regulations shall be determined through the process in this chapter.

B. Consistency. During project permit application review, the city shall first determine whether the items listed in this subsection are defined in the city's development regulations applicable to the proposed project. In the absence of applicable development regulations establishing decisional criteria for the permit type in question, the city shall determine whether the items listed in this subsection are defined in the city's adopted comprehensive plan. The applicable regulations or plans shall be determinative of the following:

1. The type of land use permitted at the site, including uses that may be allowed under certain circumstances, if the criteria for their approval have been satisfied;
2. The level of development, such as units per acre; density of residential development or other measures of density;
3. Availability and adequacy of infrastructure and public facilities identified in the comprehensive plan, if the plan or development regulations provide for funding of these facilities as required by Chapter 36.70A RCW; and

4. Character of the development, such as, but not limited to, density and/or intensity of the proposed development, dimensional standards, building height, bulk, and scale, architectural features, site design and layout requirements, landscaping, preservation of open space, critical area regulations, and other city development standards.

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Section 4. Amendment of CMC 15.16.250. Subsection 15.16.250(B) of the Carnation

Municipal Code is hereby amended to provide in its entirety as follows:

15.16.250 Complete application.

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B. Applications for a subdivision shall be signed by all property owners or their authorized agents, with supporting documents as required below and which contain sufficient information to determine compliance with adopted rules and regulations including, but not limited to, Chapter 43.21C RCW; SEPA as implemented by Chapter 197-11 WAC; CMC Title 12, Streets, Sidewalks and Public Places; CMC Title 13, Public Services; Chapter 14.04 CMC, Environmental Policy Act; CMC Title 15 Land Use, the civil engineering standards for water, sewer and streets, and administrative rules adopted to implement any such code or ordinance provisions.

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Section 5. Amendment of Chapter 15.16 CMC. Chapter 15.16 of the Carnation

Municipal Code is hereby amended by the addition of a new Section 15.16.295 to provide in its entirety as follows:

15.16.295 Preliminary Plat application – Staff review.

A. The city planner shall evaluate the proposal in relation to the requirements for a complete application found in Section 15.16.250 CMC, existing level-of-service, capacity of infrastructure, community facilities, and all applicable criteria for preliminary plat approval under this Title and Chapter 58.17 RCW. This evaluation shall be summarized in a determination of consistency which shall be a part of the staff report.

B. Staff review shall consider the environmental impacts of the project, and whether these impacts will be mitigated by the city's applicable development regulations.

Section 6. 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 State Department of Commerce within 10 days of adoption.

Section 7. 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 8. 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 19th day of August, 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: 07/31/2014
PASSED BY THE CITY COUNCIL: 08/19/2014
PUBLISHED: 08/27/2014
EFFECTIVE DATE:..... 09/02/2014
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