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5/19/15

ORDINANCE NO. 864

AN ORDINANCE OF THE CITY OF CARNATION,
WASHINGTON, AMENDING CHAPTER 15.64 CMC
FLOODWAYS, FLOODPLAINS, DRAINAGE AND
EROSION TO ADOPT IMPLEMENTING
REGULATIONS RELATED TO THE FEMA
BIOLOGICAL OPINION FOR CERTAIN
DEVELOPMENT ACTIVITIES WITHIN THE
FLOODPLAIN AREA; SETTING FORTH
LEGISLATIVE FINDINGS; PROVIDING FOR
SEVERABILITY; AND ESTABLISHING AN
EFFECTIVE DATE.

WHEREAS, the City has adopted standards and regulations governing
development within local floodway and floodplain areas at Chapter 15.64 CMC; and

WHEREAS, the City Council desires to update and amend said
regulations in order to ensure compliance with federal requirements arising out of the
2008 National Marine Fisheries Services (NMFS) Biological Opinion related to
protection of endangered salmon species, and the implementing regulatory guidance
subsequently promulgated by the Federal Emergency Management Agency (FEMA);
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 4, 2015, 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 May 26, 2015, and recommended adoption by the City Council. The City Council held a public hearing on this ordinance on August, 2015.

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 15.64.010. Subsection 15.64.010(B) of the Carnation Municipal Code is hereby amended to provide in its entirety as follows:

15.64.010 Findings—Purpose—Flood loss reduction.

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B. Purpose. It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

(1) To protect human life and health;

(2) To minimize expenditure of public money and costly flood control projects;

(3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(4) To minimize prolonged business interruptions;

(5) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in areas of special flood hazard;

(6) To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;

(7) To ensure that potential buyers are notified that property is in an area of special flood hazard; and

(8) To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

(9) To ensure that development within the special flood hazard area complies with applicable local, state and federal regulations.

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Section 3. Subsection 15.64.020(B) of the Carnation Municipal Code is

hereby amended to provide in its entirety as follows:

15.64.020 Administration.

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B. Application for Development Permit. Application for a development permit shall be made on forms furnished by the city and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

1. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;

2. Elevation in relation to mean sea level to which any structure has been floodproofed;

3. Certification by a registered professional engineer or architect that the floodproofing methods for any

nonresidential structure meet the floodproofing criteria in CMC 15.64.035(B); and

4. Description of the extent to which a watercourse will be altered or relocated as a result of proposed development.

5. A Floodplain Habitat Assessment as required by 44 C.F.R. 60.

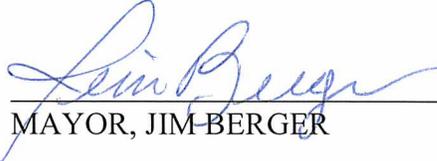
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Section 4. Copy to Commerce. Pursuant to RCW 36.70A.106, the Planning Director is hereby authorized and directed to provide a copy of this ordinance to the Washington Department of Commerce within 10 days of adoption.

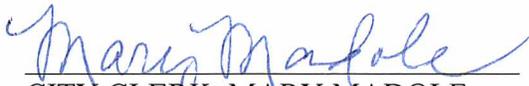
Section 5. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause 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 4th day of August, 2015.


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: 06/05/2015
PASSED BY THE CITY COUNCIL: 08/04/2015
PUBLISHED: 08/12/2015
EFFECTIVE DATE:..... 08/17/2015
ORDINANCE NO.864