

**CITY OF CARNATION
PLANNING BOARD**

FINDINGS, CONCLUSIONS AND RECOMMENDATIONS

SUBJECT: Amending Chapters 15.09 CMC Local Projects Review and 15.16 CMC Subdivisions

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 Chapters 15.09 CMC Local Projects Review and 15.16 CMC Subdivision.

1. Chapter 15.09 CMC Local Projects Review was last amended in 2008 by Ordinance 745. An amendment is proposed to Sections 15.09.150 in order to remove the requirement to send the conditions of plat or mitigation measures along with the Notice of Decision for a project permit. The requirement to send these documents in addition to the Notice of Decision is beyond those of the state statute governing local permitting, RCW 36.70B. The Notice of Decision sent to parties of record includes a statement to the effect that additional information will be provided upon request, and includes the contact information for the City Planner.
2. Section 15.09.220 as adopted in 2008 includes a requirement for local projects to be consistent with the City's Comprehensive Plan. Again, this is beyond the requirement for consistency with adopted development regulations found in RCW 36.70B. As development regulations (Title 15 in the Carnation Municipal Code) must be consistent

with Comprehensive Plan policies, it is redundant to also require that the permits themselves be consistent with the Comp Plan. The proposed amendment would remove this redundancy and also create a more efficient permitting process that complies with the state statutes.

3. Chapter 15.16 CMC Subdivision Part II Formal Subdivisions was last amended in 2008 by Ordinance 747. Proposed amendments to Subsection 15.16.250 Complete Application would remove the requirement for consistency with the Comprehensive Plan and Utility Plans, congruent with the proposed amendment with 15.09.150 as described above. Proposed additional subsection 15.16.295 provides criteria for staff review of a preliminary plat application.
4. 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.

(11) Citizen participation and coordination. Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts.

The proposed amendments allow for parties of record to receive desired information regarding land use permits.

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

The proposed amendments to Chapters 15.09 and 15.16 are consistent with the Goals and Policies identified in the Comprehensive Plan:

Goal LU4 – To enhance and maintain the character of the City by guiding land uses, development, services and facilities consistent with this plan and to promote orderly and efficient land use.

The proposed amendments would provide for efficient permitting of land development that is consistent with the City’s development regulations, and therefore consistent with the Comprehensive Plan.

Policy LU4.2: The City shall evaluate proposed development plans to determine whether existing public facilities have capacity to serve the development, or whether the developer will need to provide for additional public facilities.

The proposed criteria for staff review of formal subdivisions includes evaluating the adequacy of infrastructure and community facilities to serve the proposed development.

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.

Goal EE1 – Protect, preserve and enhance those features of the natural environment which are most sensitive to human activities ... and provide adequate mitigation of adverse environmental impacts.

The proposed criteria for staff review of formal subdivisions includes consideration of environmental impacts of proposed development and whether these impacts will be mitigated by the city's applicable development regulations.

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

The amendments to the Chapters 15.09 and 15.16 implement the goals of promoting livability by guiding land use development in accordance with the Comprehensive Plan and with state statutes.

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

The proposed amendments should improve efficiency of permit review and promote development that is consistent with the city's regulations. Therefore the cumulative impacts on the health, safety and welfare of the city should be positive.

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

The proposed amendments should not create adverse environmental impacts, and will promote permit processing that considers environmental impacts and applicable mitigation.

From the Public:

There were no comments from the Public regarding the proposed amendments to Chapters 15.09 and 15.16.

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 Chapters 15.09 CMC Local Projects Review and 15.16 CMC Subdivisions.

Dated this ¹² 26 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 15.09 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 _____, 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.

....

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.

....

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.

....

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 ____ 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. _____