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ORDINANCE NO. 846

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 26, 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 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 15.64.170. 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.

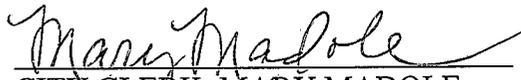
Section 6. Effective Date. This ordinance or a summary thereof consisting of the title shall be published in the official newspaper of the City, and shall take effect and be in full force five (5) days after publication.

APPROVED by the Carnation City Council this 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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