ORDINANCE NO. 814

AN ORDINANCE OF THE CITY OF CARNATION, WASHINGTON, AMENDING CHAPTER 14.06 CMC SHORELINE MASTER PROGRAM; REPEALING AND REPLACING THE CITY'S SHORELINE MASTER PROGRAM WITH AN UPDATED VERSION THEREOF; ESTABLISHING NEW POLICIES, REGULATIONS, STANDARDS, ADMINISTRATIVE PROVISIONS, AND ENFORCEMENT PROCEDURES FOR THE CITY'S SHORELINE JURISDICTION; AMENDING CHAPTER 10 ENVIRONMENTAL ELEMENT OF THE CARNATION COMPREHENSIVE PLAN TO INCORPORATE THE GOALS AND POLICIES OF THE UPDATED SHORELINE MASTER PROGRAM BY REFERENCE; AMENDING CHAPTER 2.78 CMC HEARING EXAMINER TO CLARIFY THE REGULATORY APPROVALS SUBJECT TO THE HEARING EXAMINER’S JURISDICTION; ADOPTING LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, pursuant to Chapter 90.58 RCW, the City of Carnation has adopted and codified a Shoreline Master Program (SMP) at Chapter 14.06 CMC governing land use and development within the City’s shoreline jurisdiction; and

WHEREAS, the City desires to repeal and replace its existing SMP with new, updated policies, regulations, standards, administrative provisions, and enforcement procedures in accordance with the required Comprehensive Master Program Update, as well as amending Chapter 2.78 CMC to clarify the jurisdiction of the City’s Hearing Examiner over certain shoreline approvals; and

WHEREAS, in accordance with RCW 36.70A.480, the City desires to adopt and incorporate by reference the goals and policies of the updated SMP into the Carnation Comprehensive Plan; 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 July 27, 2011, together with the following:

A. The City is authorized by State law, including but not limited to Chapter 90.58 RCW, to enact local regulations governing the use and development of the shoreline area.

B. The Planning Board conducted a public hearing on the substance of this ordinance on July 26, 2011, and recommended adoption by the City Council. The City Council held a public hearing on this ordinance on September 6, 2011.

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 comply with applicable law and guidelines presently in effect.
G. The regulations set forth in this ordinance are consistent with and will implement the Growth Management Act and the City's Comprehensive Plan, and will further advance the public health, safety, and welfare.

H. A preliminary draft containing the substance of this ordinance was forwarded to the Department of Ecology (DOE) for review on October 18, 2011. By letter dated April 5, 2012, DOE approved the draft subject to several recommended changes. The regulations and policies set forth in this ordinance include the changes recommended by DOE.

Section 2. Repealer; Replacement. The Carnation Shoreline Master Program adopted under and attached to Ordinance No. 472 is hereby repealed in its entirety and replaced with Attachment A to this ordinance, attached hereto and incorporated herein by this reference as if set forth in full.

Section 3. Amendment of CMC 14.06.010. Section 14.06.010 of the Carnation Municipal Code is hereby amended to provide in its entirety as follows:

14.06.010 Adoption by reference.

The Carnation Shoreline Master Program, Attachment "A" to Ordinance No. 814 is hereby adopted by reference as the Shoreline Master Program for the City of Carnation pursuant to the Washington Shoreline Management Act, Chapter 90.58 RCW, and shall contain the following provisions as more fully set forth in Attachment "A":

<table>
<thead>
<tr>
<th>Section I</th>
<th>Introduction</th>
</tr>
</thead>
<tbody>
<tr>
<td>Section II</td>
<td>Goals</td>
</tr>
<tr>
<td>Section III</td>
<td>General Policies and Regulations</td>
</tr>
<tr>
<td>Section IV</td>
<td>Shoreline Jurisdiction and Environment Designation Policies and Regulations</td>
</tr>
<tr>
<td>Section V</td>
<td>Shoreline Use Policies and Regulations</td>
</tr>
</tbody>
</table>
Section VI  Shoreline Modification Policies and Regulations

Section VII  Administration and Enforcement

Appendices  Appendix A: Critical Areas Regulations
            Appendix B: Channel Migration Zone Map
            Appendix C: Environment Designations Map

A true and complete copy of the Carnation Shoreline Master Program shall be maintained at Carnation City Hall and made available for inspection and copying upon request.

Section 4.  Amendment of Comprehensive Plan Chapter 10. The “Floodplain” section of Carnation Comprehensive Plan Chapter 10 Environmental Element is hereby amended to provide in its entirety as set forth in Attachment B, attached hereto and incorporated by this reference as if set forth in full.

Section 5.  Amendment of CMC 2.78.090. Subsection 2.78.090(F) of Carnation Municipal Code is hereby amended to provide in its entirety as follows:

2.78.090  Powers.

The examiner shall be vested with the authority to:

F.  Hear and decide applications for conditional use permits, variances, subdivisions, shoreline conditional use permits, shoreline variances, or any other class or type of application for or pertaining to the development or use of land;

Section 6. Copy to Commerce and Ecology. 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 and the Washington Department of Ecology 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 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 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 and approval by the Washington Department of Ecology.

APPROVED by the Carnation City Council this 1st day of May, 2012.

[Signature]
MAYOR, JIM BERGER

ATTEST/AUTHENTICATED:

[Signature]
CITY CLERK, MARY OTNESS

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

[Signature]
J. ZACHARY LELL

FILED WITH THE CITY CLERK: .... 04/25/2012
PASSED BY THE CITY COUNCIL: .... 05/01/2012
PUBLISHED: .......................... 05/09/2012
EFFECTIVE DATE: .................... 05/14/2012
ORDINANCE NO. ........................ 814
ATTACHMENT A

City of Carnation Shoreline Master Program
FINAL dated May 1, 2012
ATTACHMENT B

“Floodplain” section of Carnation Comprehensive Plan
Chapter 10 Environmental Element

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**Floodplain.** Floodplains and other areas subject to flooding, collectively referred to as “frequently flooded areas,” perform important hydrologic functions (WAC 365-190-080(3)). The Federal Emergency Management Agency (FEMA) designates and classifies frequently flooded areas on their Flood Insurance Rate Maps.

Land within the City of Carnation is located within the revised FEMA designated 100- and 500-year floodplains of the Snoqualmie and Tolt Rivers. To address flooding hazards, quarried rock dikes were established in the 1930’s to protect surrounding farm and city lands. Floodway areas on the extreme west border of Carnation along with areas of the northern PAA experience flooding during periods of high rainfall coupled with rapid snow-pack melt. Mitigation funding programs area available through FEMA to assist structures that are susceptible to damage due to flooding.

The 100-year floodplain is comprised of two components: the floodway and the flood fringe. Generally the floodway is the area of fastest moving, deepest water where damage and safety threats are the greatest.

Absence of permanent structures in the floodway, such as houses and business, allows floodwater to move unimpeded and reduces the possibility for property damage. Only seasonal uses or water dependent facilities such as stream bank stabilization facilities, dams, diversions, storm water facilities and bridges should be allowed in these areas. The flood fringe is that portion of the floodway covered by floodwaters during a base flood. It is generally associated with standing water rather than rapidly flowing water.

The City’s Shoreline Master Program codified at Chapter 14.06 CMC addresses floodplain lands along the Snoqualmie, and protects those shorelines and floodplains from inappropriate development. Pursuant to RCW 36.70A.480, the Goals and Policies set forth in Sections I through IV of the City’s Shoreline Master Program, including any future amendments thereto, are hereby adopted and incorporated by reference into the Carnation Comprehensive Plan as if set forth in full. The City is mandated by the Growth Management Act (GMA) to develop land at urban levels, or at densities equal to or greater than 4 units per acre. Septic tanks in the area have been documented as failing, and urban densities cannot be achieved through the use of individual septic tanks. In addition, there is the potential for sewage contamination to the Tolt and Snoqualmie Rivers by inundated drainfields.

The King County Department of Health requires that new on-site sewage disposal systems shall be, to the extent possible, located outside the limits of the 100-year
floodplain. Installation of new on-site sewage disposal systems are prohibited inside a floodway, unless a waiver is granted by the King County Department of Health. New septic tanks are allowed in the flood fringe if no feasible alternative site is available. However, the drainfield must be located at least 100 feet from the ordinary high water mark of the river.

The Tolt River channel located in and bordering Carnation is fixed by a series of dikes. FEMA floodplain maps account for these dikes. Due to accelerated particulate infiltration influenced in part by logging practices, channel benchmarks are continually rising. The Tolt River's extreme flood stages are historically short periods of time. Floodwater Storage Areas lost to higher benchmarks directly affect flooding potential in the south and southeastern areas of Carnation. In order to protect the City from future flooding due to this particulate infiltration, the City will need to pursue a gravel harvesting program. Floodway areas need to be correctly mapped using historical and current data which sites rising benchmarks due to particulate infiltration.