

**CITY OF GRANITE FALLS
GRANITE FALLS, WASHINGTON**

ORDINANCE NO. 925-2017

AN ORDINANCE OF THE CITY OF GRANITE FALLS, WASHINGTON, ADOPTING 2017 ANNUAL DOCKET AMENDMENTS TO SECTION 19.07.020 (J) OF THE GRANITE FALLS MUNICIPAL CODE REGARDING UPDATED STORMWATER MANAGEMENT REGULATIONS; MAKING FINDINGS OF FACT; PROVIDING FOR SEVERABILITY; REQUIRING A COPY BE PROVIDED TO THE DEPARTMENT OF COMMERCE; PROVIDING FOR SUMMARY PUBLICATION BY TITLE ONLY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Federal Clean Water Act, 33 U.S.C. 1251 *et seq.* (the Act), requires certain local governments such as the City of Granite Falls to implement stormwater management programs and regulations within prescribed time frames, and pursuant to said Act the United States Environmental Protection Agency (EPA) has adopted rules for such stormwater programs and regulations; and

WHEREAS, the EPA has delegated authority to the Washington State Department of Ecology (Ecology) to administer such stormwater programs and regulations, and Ecology has issued the Western Washington Phase II Municipal Stormwater Permit, effective August 1, 2013 through July 31, 2018, which requires local governments such as the City of Granite Falls to implement numerous stormwater management requirements, including adopting Ecology's 2012 Stormwater Management Manual with as Amended in December 2014 for Western Washington and related regulations by December 31, 2016; and

WHEREAS, in 2010, the City Council adopted Ordinance No. 796-10, which adopted the Department of Ecology's 2005 Stormwater Management Manual for Western Washington and related regulations, as set forth in Ch. 19.07 GFMC; and

WHEREAS, in order to comply with the currently effective Western Washington Phase II Municipal Stormwater Permit, the city has adopted Ecology's 2012 Stormwater Management Manual for Western Washington as amended in December 2014 , and now wishes to make amendments to city code consistent with the new manual as set forth below and in the attached Exhibit A; and

WHEREAS, on November 25, 2016, the City's SEPA Responsible Official complied with the State Environmental Policy Act (SEPA) by issuing a Determination of Nonsignificance (DNS) for the adoption of the proposed Stormwater Management regulations and by complying with SEPA's procedural requirements for issuing the DNS; and

WHEREAS, the City Council has determined that it is in the public interest and in furtherance of the public health and welfare to adopt revisions to the Granite Falls Municipal Code as set forth in the attached Exhibit A;

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF GRANITE FALLS,
WASHINGTON DO ORDAIN AS FOLLOWS:**

Section 1. Findings. The City Council hereby adopts the following findings in support of this Ordinance, together with the recitals expressed herein.

1. RCW 36.70A.470(2) stipulates that all cities planning under the Growth Management Act (RCW36.70A.040) shall provide procedures for any interested citizen or agency to suggest comprehensive plan and development regulation amendments.
2. The suggested amendments pursuant to RCW 36.70A.470(2) are to be docketed and considered on at least an annual basis.
3. The City of Granite Falls docket procedures are provided under GFMC 19.04.130(F).
4. Pursuant to GFMC 19.04.130(F)(1), a notice advertising the Docket opening was published in the City's newspaper of record, the Everett Daily Herald, on August 31, 2016 and posted at the Granite Falls City Hall, Library and US Post Office.
5. On November 21, 2016 in response to the Department of Ecology mandate to adopt and implement Ecology's 2012 Stormwater Management Manual by December 31, 2016, the City Staff/Consultant Team submitted an application, ZCA2017-006, proposing amendments to update the stormwater related GFMC regulations pursuant to the adoption of said manual.
6. On November 29, 2016, the Planning Commission recommended the ZCA2017-006 proposed amendments described in Exhibit A and Ordinance Nos. 920-2016, 923-2016, and 924-2017 be included in the Comprehensive Plan and Development Regulations Annual Docket for 2017.
7. GFMC 19.04.0130(F)(3) requires the City Council to adopt a resolution directing the Designated City Official to proceed with processing of the selected Docket amendments.
8. On January 11, 2017, the City Council adopted Resolution No. 2017-02, a resolution directing the Designated Official to proceed with analysis and processing of the 2017 Comprehensive Plan and Development Regulations Annual Docket as recommended by the Planning Commission.
9. As required under RCW 36.70A.106, ZCA2017-006 *Stormwater Regulations Update* proposed amendments were submitted to the Department of Commerce for expedited review by state agencies on November 30, 2016. The state agency review period ended without comment, i.e. the city has met the GMA notice (for review & comment requirement) to state agencies.
10. On November 25, 2016, a Declaration of Non-significance (DNS) was issued to initiate the required environmental review process by local and state agencies and the public regarding the ZCA2017-006 *Stormwater Regulations Update* proposed amendments. The comment and appeal periods for the DNS ended without comment or an appeal.
11. Granite Falls Municipal Code (GFMC) 19.04.130(D)(6) requires the City Council to hold a public hearing on the Planning Commission's recommendation regarding amendments to the development regulations or other official control prior to either approving, approving with conditions, or denying the proposed amendments.
12. On February 3, 2017, the City Council public hearing notice was posted at the local U.S. Post Office, City Hall, and Granite Falls Library.

13. On February 3, 2017, the City Council public hearing notice was published in the Everett Daily Herald Newspaper.
14. On February 15, 2017, the City Council held a public hearing to receive public testimony and information regarding the ZCA2017-006 *Stormwater Regulations Update* amendments.
15. Following the close of the public hearing, the City Council deliberated the testimony and information received during the public hearing, adopted findings of fact, and approved ZCA2017-006 *Stormwater Regulations Update* amendments.
16. Approval of ZCA2017-006 amends the city's stormwater regulations to bring said regulations into compliance with the requirement to implement the Department of Ecology 2012 Stormwater Management Manual for Western Washington as amended in December, 2014 to encourage and allow the use of low impact development techniques in the city.
17. The ZCA2017-006 amendments also provide minor text changes to improve readability and clarity of the city's stormwater regulations.
18. The ZCA2017-006 *Stormwater Regulations Update* amendments are in conformance with the applicable goals and policies of the Granite Falls Comprehensive Plan and thereby, will have a positive impact on the city's growth and development.

Section 2. Section 19.07.020 (J)(2)(b)(ii) of the Granite Falls Municipal Code is hereby amended as presented in Exhibit A. The balance of 19.07.020(J) is unchanged by this amendment.

Section 3. Severability. If any section, subsection, sentence, clause, phrase or word of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality thereof shall not affect the validity or constitutionality of any other section, subsection, sentence, clause, phrase or word of this ordinance.

Section 4. Copy to Department of Commerce. Pursuant to RCW 36.70.A.106(3), the City Clerk is directed to send a copy of this Ordinance to the State Department of Commerce for its file within ten (10) days after adoption of this Ordinance.

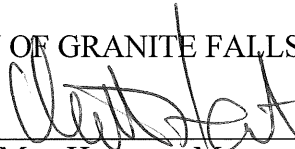
Section 5. Publication and Summary. This Ordinance or summary thereof consisting of the title shall be published in the official newspaper of the City.

Section 6. Effective Date. This ordinance shall take effect five days after the date of its publication by summary.


ADOPTED by the City Council and APPROVED by the Mayor this 15th day of February, 2017.

CITY OF GRANITE FALLS


By


Matt Hartman, Mayor

ATTEST:

By 
Darla Reese, City Clerk

APPROVED AS TO FORM:

By 
Thomas Graafstra, City Attorney

Date of First and Last Reading: Feb. 15, 2017
Date of Publication: Feb. 18, 2017
Effective Date: Feb. 23, 2017

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EXHIBIT A

Granite Falls Municipal Code Section 19.07.020(J)(2)(b)(ii) is hereby amended to read as follows:

19.07.020 Critical Areas Regulations is amended to read as follows:

(J) Performance Standards for Critical Areas

(2) Wetlands

(b) Allowed Activities within Wetland Buffers

(ii) Vegetation-lined swales or other vegetated low impact development facilities designed for stormwater management; provided that they are placed within the outer 25 percent of the buffer of Category III wetlands only.