

ORDINANCE No. 2013-06-16

An interim ordinance relating to stormwater regulation and land use; amending Chapter 40.385 of the Clark County Code; amending the Clark County Stormwater Manual to conform to the newly-amended code; and providing for an effective date.

WHEREAS, the federal district court ruled on June 6, 2013 that, although Clark County is currently operating in compliance with its municipal stormwater permit (Permit), a portion of the County's stormwater ordinance is not consistent with the flow control standard of the Permit; and

WHEREAS, the County has requested the Washington Department of Ecology for guidance concerning its stormwater ordinance, but has not received an answer; and

WHEREAS, the Board of County Commissioners desires to take immediate action to comply with the order of the federal court and the stormwater Permit; and

WHEREAS, a stormwater code amendment would bring the County ordinance in line with its practice of applying the flow control standard set forth in the Permit to development approvals, permits and authorizations that trigger that standard; and

WHEREAS, the Clark County Stormwater Manual must also be amended to make the County's regulatory documents fully consistent with the Permit standard; and

WHEREAS, RCW 35.63.200 and RCW 36.70A.390 provide that the County may adopt an interim zoning ordinance without holding a public hearing; and

WHEREAS, the Board of County Commissioners has determined that the adoption of the stormwater ordinance amendment as an interim ordinance, and the adoption of the Stormwater Manual amendment, are within the best public interest for the health, safety and welfare of the citizens of Clark County; now, therefore,

BE IT ORDERED, RESOLVED AND DECREED BY THE BOARD OF COUNTY COMMISSIONERS OF CLARK COUNTY, STATE OF WASHINGTON, AS FOLLOWS:

Section 1. Amendatory. That portion of Section 2, Exhibit 1 of Ordinance 2009-01-01, as most recently amended by Section 2, Part 22 of Attachment A, and codified as CCC 40.385.010.D, are each hereby amended as follows:

40.385.010 INTRODUCTION

D. Definitions.

For the purposes of this chapter, the following definitions shall apply. Additional definitions can be found in the SWMMWW.



Stormwater Manual	"Stormwater Manual" means the November 2009 <u>June 2013</u> stormwater manual maintained by Clark County Public Works <u>Environmental Services</u> .
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Section 2. Amendatory. That portion of Section 2, Exhibit 1 of Ordinance 2009-01-01, and codified as CCC 40.385.020.C.2, are each hereby amended, as follows:

40.385.020 STANDARDS – STORMWATER CONTROL

C. Quantity Control.

2. Pre-development Land Cover Requirements.
 - a. The pre-developed condition to be matched shall be ~~the land cover condition existing at the time of the development application~~ historic, forested land cover unless reasonable, historic information is provided that indicates the site was prairie prior to settlement.
 - b. Where an approved basin plan exists, the land cover condition to be matched shall be commensurate with achieving a target flow regime identified in the study. If no land cover condition or target flow regime is identified, land cover condition to be matched shall be as required above.
 - c. This requirement is not applicable to project sites designed to retain all stormwater runoff on-site.

Section 3. Amendatory. The Clark County Stormwater Manual is hereby amended as follows:

Part A. Manual Cover and Cover Page

The date shown on manual cover and cover page is changed from November 2009 to June 2013.

Part B. Manual Page 5-6

Pre-Development Land Cover The section titled "Pre-Development Land Cover" on Clark County Stormwater Manual Pages 5-6 is amended to read as follows:

The pre-developed condition ~~for modeling flow control facilities~~ shall be historic, forested land cover unless reasonable, historic information is provided that indicates the site was prairie prior to settlement. ~~The pre-developed condition for modeling flow control facilities shall be the land cover condition existing at the time of the development application.~~ Where an approved watershed study exists, the land cover condition to be matched shall be commensurate with achieving a target flow regime identified in the study. If no land cover condition or target flow regime is identified, land cover condition to be matched shall be as required above.

Section 4. Effective Date. This Ordinance shall take effect immediately upon its signing by the Chair of the Board of County Commissioners.

Section 5. Instructions to Clerk. The Clerk of the Board shall:

1. Transmit a copy of this Ordinance to the Washington State Department of Commerce within 10 days of its adoption, pursuant to RCW 36.70A.106;
2. Record a copy of this Ordinance with the Clark County Auditor;
3. Cause notice of the adoption of this Ordinance to be published forthwith, pursuant to RCW 36.70A.290;
4. Transmit a copy of the adopted amendments to CCC 40.385.010 and 40.385.020 to Code Publishing Inc. forthwith, to update the electronic version of the Clark County Code; and
5. Schedule a duly noticed public hearing by the Board of County Commissioners on this Ordinance for a date no later than 60 days after its adoption.

ADOPTED this 18 day of June, 2013

Attest:

BOARD OF COUNTY COMMISSIONERS
FOR CLARK COUNTY, WASHINGTON

Jana Redline

Deputy Clerk to the Board

By

SA

Steve Stuart, Chair

By

Tom Mielke, Commissioner

Approved as to Form Only
ANTHONY F. GOLIK
Prosecuting Attorney

By

Christine Cook

Christine Cook
Deputy Prosecuting Attorney

By

David Madore, Commissioner