

**ORDINANCE NO. 768**

**AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON AMENDING CERTAIN SECTIONS OF THE SHORELINE MUNICIPAL CODE CHAPTER 13.10 SURFACE WATER UTILITY AND CHAPTER 13.12 FLOODPLAIN MANAGEMENT SO AS TO BE CONSISTENT WITH THE WESTERN WASHINGTON PHASE II NPDES PERMIT.**

WHEREAS, the City of Shoreline is a non-charter optional municipal code city as provided in Title 35A RCW, incorporated under the laws of the state of Washington; and

WHEREAS, the United States Environmental Protection Agency (EPA), under authority granted to it in the Clean Water Act's National Pollution Discharge Elimination System (NPDES) program, has adopted regulations for municipal stormwater systems; and

WHEREAS, in January 2007, as authorized by the EPA, the Washington State Department of Ecology (Ecology) issued a Phase II municipal stormwater permit (Phase II Permit) for Western Washington and Ecology has modified and reissued that Phase II Permit since then; and

WHEREAS, Ecology's last update and reissuance of the Phase II Permit occurred in August 2012; the current Phase II Permit is effective until 2018; and

WHEREAS, the City of Shoreline is subject to Ecology's Phase II Permit and must update its stormwater-related regulations to maintain consistency with the requirements of the current Phase II Permit; and

WHEREAS, the current Phase II Permit requires the City to review, revise, and make effective codes, rules, and other enforceable standards so as to incorporate and require Low Impact Development (LID) principles and LID Best Management Practices; and

WHEREAS, the City Staff, in consultation with Brown and Caldwell, determined the necessary amendments to ensure consistency with the current Phase II Permit; and

WHEREAS, on November 21, 2016, the City Council held a study session on the proposed code amendments; and

WHEREAS, the City Council has considered all relevant information in the public record and all public comments, written and oral; and

**THEREFORE, THE CITY COUNCIL OF THE CITY OF SHORELINE, WASHINGTON DO ORDAIN AS FOLLOWS:**

**Section 1. Amendment.** Shoreline Municipal Code (SMC) Chapter 13.10 Surface Water Utility is amended as set forth in Exhibit A to this Ordinance.

**Section 2. Amendment.** Shoreline Municipal Code (SMC) Chapter 13.12 Floodplain Management is amended as set forth in Exhibit B to this Ordinance.

**Section 3. Corrections by City Clerk or Code Reviser.** Upon approval of the City Attorney, the City Clerk and/or the Code Reviser are authorized to make necessary corrections to this ordinance, including the corrections of scrivener or clerical errors; references to other local, state, or federal laws, codes, rules, or regulations; or ordinance numbering and section/subsection numbering and references.

**Section 4. Severability.** Should any section, subsection, paragraph, sentence, clause, or phrase of this ordinance or its application to any person or situation be declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance or its application to any person or situation.

**Section 5. Publication and Effective Date.** A summary of this Ordinance consisting of the title shall be published in the official newspaper. This Ordinance shall take effect five days after publication.

**PASSED BY THE CITY COUNCIL ON 12<sup>th</sup> DAY OF DECEMBER, 2016.**

  
Mayor Christopher Roberts

ATTEST:

APPROVED AS TO FORM:

  
Jessica Simulcik Smith  
City Clerk

  
Margaret King  
City Attorney

Date of Publication: December 15, 2016  
Effective Date: December 20, 2016

**Chapter 13.10  
SURFACE WATER UTILITY**

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- 13.10.105 Definitions.**
- 13.10.110 Utility created.**
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- 13.10.200 Adoption of Stormwater Management Manual.**
- 13.10.225 Minimum requirements.**
- 13.10.230 Special drainage areas.**
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- 13.10.240 Record drawings and certifications.**
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13.10.100 Purpose.  SHARE

A surface water utility is necessary to provide for and promote the public health, safety, and welfare by:

- A. Establishing a program to comprehensively manage surface water with the intent of reducing flooding, erosion and sedimentation, preventing habitat loss, and enhancing groundwater recharge.
- B. Protecting and enhancing the water quality of water courses, water bodies, groundwater, and wetlands in a manner pursuant to and consistent with the Federal Clean Water Act, Department of Ecology's Western Washington Phase II Municipal Stormwater Permit related to the National Pollutant Discharge Elimination System (NPDES), and Chapter 90.48 RCW, Water Pollution Control.
- C. Providing design, construction, and maintenance criteria for permanent and temporary surface water drainage facilities for development and redevelopment activities.
- D. This chapter is adopted to protect the public and not for the benefit of any particular individual or class.  
[Ord. 531 § 2 (Exh. 2), 2009

13.10.105 Definitions.  SHARE

The following terms are defined for the purpose of implementing the provisions of this chapter:

A. "Best management practices" means schedules of activities, restrictions, maintenance procedures, and structural and/or managerial practices that, when used singly or in combination, prevent or reduce the release of pollutants and other adverse impacts to waters of the state.

~~B.~~ "City" means the City of Shoreline.

~~C.~~ "Chlorinated" means water that contains more than 10 milligrams per liter chlorine.

~~D.~~ "Comprehensive plan" means the City's comprehensive plan adopted pursuant to Chapter 36.70A RCW and such plan as amended, and as described in SMC Title 20 the City's current generalized coordinated long range land use policy statement adopted pursuant to the Growth Management Act, chapter 36.70A RCW that provides a basis for future development within the City... the plan and amendments as described in Chapter ~~SMC~~.

E. "Critical areas" means critical areas as defined in SMC 20.20.014 and regulated pursuant to SMC Chapter 20.80 Critical Areas.

~~F.~~ "Dangerous waste" means those solid wastes designated in WAC 173-303-070 through 173-303-100 as dangerous or extremely hazardous or mixed waste, as further defined under WAC 173-303-040.

~~G.~~ "Development" means land disturbing activities, including class IV general forest practices that are conversions from timber land to other uses; structural development, including construction or installation of a building or other structure; creation of ~~impervious~~ hard surfaces; and subdivision and binding site plans, as defined and applied in Chapter 58.17 RCW. Projects meeting the definition of "redevelopment" shall not be considered new development.

~~H.~~ "Declaration of covenant" means a legal document between the City and persons holding title to the property requiring the title holder to perform required maintenance and repairs on drainage facilities necessary to meet the City's specified standards within a reasonable time limit.

~~I.~~ "Director" means the public works director or designee, ~~except that when referring to enforcement of permitting and review processes defined in Chapter 20.30 SMC, "director" shall mean the director of Planning and development services or designee.~~

~~J.~~ "Discharge" means to throw, drain, release, dump, spill, empty, emit, or pour forth any matter or to cause or allow matter to flow, run or seep from land or be thrown, drained, released, dumped, spilled, emptied, emitted or poured into water.

K. "Drainage" means collection, conveyance, containment, and/or discharge of surface water and stormwater runoff.

L. "Drainage facility" means a constructed or engineered feature that collects, conveys, stores, ~~or treats,~~ or infiltrates stormwater runoff. "Drainage facility" includes, but is not limited to, a constructed or engineered stream, pipeline, channel, ditch, gutter, lake, wetland, closed depression, flow control or water quality treatment facility, infiltration facility, constructed low impact development facility(LID), erosion and sediment control facility and other structure and appurtenance that provides for drainage.

"Emergency" means any natural or human-caused event or set of circumstances that disrupts or threatens to disrupt or endanger the operation, structural integrity or safety of the drainage system; or endangers the health and safety of the public or environment; or otherwise requires immediate action by the utility.

M. "Emerging technologies" means treatment technologies that have not been evaluated with Department of Ecology-approved protocols, but for which preliminary data indicate that they may provide a necessary function(s) in a stormwater treatment system.

N. "Hard surface" means an area which either prevents or retards the entry of water into the soil mantle as under natural ~~an~~ conditions, an impervious surface, a permeable pavement, or a vegetated roof.

NO. "Illicit connection" means any manmade conveyance that is connected to a municipal separate storm sewer without a permit, or that is not intended for collecting and conveying stormwater discharges or the non-stormwater discharges allowed not prohibited pursuant to by SMC 13.10.320, excluding roof drains and other similar type connections. Examples of illicit connections include sanitary sewer connections, floor drains, channels, pipelines, conduits, inlets, or outlets that are connected directly to the municipal separate storm sewer system.

OP. "Illicit discharge" means any discharge to a municipal separate storm sewer that is not composed entirely of stormwater or of the non-stormwater discharges allowed by not prohibited pursuant to SMC 13.10.320.

Q. "Impervious surface" means a non-vegetated surface area that either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development. A non-vegetated surface area which development and -causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, parking lots or storage areas,

concrete or asphalt paving, gravel roads, packed earthen materials, and oiled, macadam or other surfaces which similarly impede the natural infiltration of stormwater.

~~PR~~-"Land disturbing activity" means any activity that results in movement of earth, or a change in the existing soil cover (both vegetative and non-vegetative) and/or the existing soil topography. "Land disturbing activities" include, but are not limited to, clearing, grading, filling, and excavation. Compaction that is associated with stabilization of structures and road construction shall also be considered a land disturbing activity. Vegetation maintenance practices are not considered land disturbing activity.

Stormwater facility maintenance is not considered land disturbing activity if conducted according to established standards and procedures.

~~QS~~-"Low impact development(LID)" means a stormwater and land use management strategy that strives to mimic pre-disturbance hydrologic processes of infiltration, filtration, storage, evaporation and transpiration by emphasizing conservation, use of on-site natural features, site planning, and distributed stormwater management practices that are integrated into a project design.

~~T~~-"Low impact development best management practices(LID BMP)" means distributed stormwater management practices, integrated into a project design, that emphasize pre-disturbance hydrologic processes of infiltration, filtration, storage, evaporation and transpiration. LID BMPs include, but are not limited to, bioretention,rainbioretention, rain gardens, permeable pavements, roof downspout controls, dispersion, soil quality and depth, minimal excavation foundations, vegetated roofs, and water re-use.

~~U~~-"Low impact development (LID) principles" means land use management strategies that emphasize conservation, use of on-site natural features, and site planning to minimize impervious surfaces, native vegetation loss, and stormwater runoff. ~~means stormwater management and land development strategy applied at the parcel and subdivision scale that emphasizes conservation and use of on-site natural features integrated with engineered, small-scale hydrologic controls to more closely mimic predevelopment hydrologic functions.~~

~~RV~~-"Municipal separate stormwater~~storm~~ sewerwater system (MS4)" means a conveyance, or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains):

1. Owned or operated by the state, city, county, or special purpose district having jurisdiction over disposal of wastes, stormwater, or other wastes, or a designated and approved management agency under Section 208 of the CWA that discharges to waters of the United States;
2. Designed or used for collecting or conveying stormwater;

3. Which is not a combined sewer; and

4. Which is not part of a publicly owned treatment works (POTW) as defined at 40 CFR 122.2.

~~SW~~-"Natural systems" means channels, swales, and other non-manmade conveyance systems as defined by the first documented topographic contours existing for the subject property, either from maps or photographs, or such other means as appropriate. In the case of outwash soils with relatively flat terrain, no natural location of surface discharge may exist.

~~TX~~-"Operation and maintenance plan" means a set of instructions and schedules to keep drainage facilities working to meet the design performance criteria.

~~UY~~-"Record drawings" means a submittal documenting as-built conditions of a permitted development or redevelopment project.

~~VZ~~-"Redevelopment" means, on a site that is already substantially developed (i.e., has 35 percent or more of existing impervious-hard surface coverage), the creation or addition of impervious-hard surfaces; the expansion of a building footprint or addition or replacement of a structure; structural development including construction, installation or expansion of a building or other structure; replacement of impervious hard surface that is not part of a routine maintenance activity; and land disturbing activities.

~~WAA~~-"Runoff" means water that travels across the land surface and discharges to water bodies either directly or through a collection and conveyance system.

~~XAB~~-"Stormwater Manual" means the Stormwater Management Manual for Western Washington, published by the Washington State Department of Ecology. The version in effect is the most recent version that has been approved for City use by the the Director.

~~XYAC~~-"Surface water" or "stormwater" means water originating from rainfall and other precipitation that is found on ground surfaces and in drainage facilities, creeks, rivers, streams, springs, seeps, ponds, lakes, wetlands, as well as shallow ground water.

~~YZAD~~-"Waters of the state" includes lakes, rivers, ponds, streams, inland waters, underground water, salt waters, estuaries, tidal flats, beaches, and lands adjoining the seacoast of the state, sewers, and all other surface waters and watercourses within the jurisdiction of the state of Washington. [Ord. 531 § 2 (Exh. 2), 2009]

13.10.110 Utility created.  SHARE

A. There is hereby created and established the surface water utility of the ~~city~~ City of Shoreline under which the provisions of this chapter shall be carried out.

B. The ~~director~~ Director is authorized to administer, implement, and enforce the provisions of this chapter. The ~~director~~ Director may establish inspection programs to ensure compliance with the requirements of this chapter and the Western Washington Phase II Municipal Stormwater Permit (Phase II Permit). [Ord. 531 § 2 (Exh. 2), 2009]

13.10.120 Revenue and expenditures.  SHARE

A. Fees, discounts and rebates associated with surface water management are set forth in the surface water management fee schedule in Chapter 3.01 SMC. All fees collected pursuant to this chapter shall be credited and deposited in the surface water utility enterprise fund pursuant to SMC 3.35.080.

B. Fees deposited in the surface water enterprise fund shall be expended for:

1. Administering, operating, maintaining, or improving the surface water system, including all or any part of the cost of planning, designing, acquiring, constructing, repairing, replacing, improving, regulating, educating the public, or operating drainage and stormwater facilities owned by the City;
2. Paying or securing the payment of all or any portion of any debt issued for ~~such purpose~~ the purposes set forth in SMC 13.10.120(B)(1) and the related reserve and coverage requirements;
3. Providing a rebate for previous developed properties for the construction of approved Low impact development best management practices including rain gardens, native vegetation or conservation landscaping, or pervious asphalt pavement or porous concrete. of at least 400 square feet secured by a property covenant for repayment of the rebate if the improvement is discontinued within 10 years of payment.

C. Fees shall not be transferred to any other funds of the ~~city~~ City except to pay for expenses attributable to the surface water system. [Ord. 659 § 1, 2013; Ord. 531 § 2 (Exh. 2), 2009]

13.10.200 Adoption of Stormwater Management Manual.  SHARE

A. The ~~city~~ City adopts by reference the ~~most recent version of the~~ Stormwater Management Manual for Western Washington published by Washington State Department of Ecology, henceforth referred to as "Stormwater Manual." ~~The effective version shall be the most recent version as that has been approved for City use by the dDirector. henceforth referred to as "Stormwater Manual."~~ All new development, redevelopment, and other activities which have the potential to impact surface water and

stormwater shall comply with the standards set forth in the current effective version of the following unless specifically exempted by the Stormwater Manual:

1. Stormwater Manual;
2. Western Washington Phase II Municipal Stormwater Permit, issued by the Washington Department of Ecology; and
3. City of Shoreline ~~E~~ngineering ~~D~~development ~~M~~anual~~guide~~.

B. Low Impact Development. Low impact development techniques shall be employed wherever feasible, ~~reasonable and appropriate before conventional on-site detention and infiltration methods are considered consistent with the requirements of the Stormwater Manual.~~ When low impact development techniques are employed, the design, ~~and construction, and ongoing maintenance~~ shall be consistent with the Stormwater Manual and the most recent version of Low Impact Development, Technical Guidance for Puget Sound (Puget Sound Action Team and Washington State University, Pierce County Extension), or consistent with techniques approved by the public works director. ~~Director~~

Low impact development principles shall also be employed wherever feasible in planning, site layout, and implementation of development and redevelopment projects. Low impact development principles include management strategies that emphasize conservation, use of on-site natural features, and site planning to minimize impervious surfaces, native vegetation loss, and stormwater runoff.

C. Emerging Technologies.

1. The use of emerging technologies is encouraged. Examples of emerging technologies include media filters, catch basin inserts, and engineered erosion control products, ~~and low impact development techniques.~~
2. The Washington State Department of Ecology's Technology Assessment Protocol (TAPE) or Chemical Technology Assessment Protocol (CTAPE) should be consulted by project proponents to determine which emerging technologies may be appropriate for use on their project site.
3. The ~~public works~~ Director has the authority to review and approve the use of emerging technologies.

D. Deviations to the standards may be requested pursuant to SMC 20.30.290. [Ord. 531 § 2 (Exh. 2), 2009]

13.10.225 Minimum requirements.  SHARE

The requirements of this chapter are minimum requirements. They do not replace, repeal or supersede more stringent requirements, rules, regulations, covenants, standards, or restrictions. Where this chapter imposes requirements which are more protective of human health or the environment than those set forth elsewhere, the provisions of this chapter shall prevail. [Ord. 531 § 2 (Exh. 2), 2009]

13.10.230 Special drainage areas.  SHARE

A. ~~The public works director~~The Director may designate "special drainage areas" where it has determined that the existing flooding, drainage, and/or erosion conditions present a threat of harm to the welfare or safety of the surrounding community.

B. Activities in special drainage areas shall meet additional drainage requirements that are outlined in the engineering development guidemanual. [Ord. 531 § 2 (Exh. 2), 2009]

13.10.235 Construction Inspections.  SHARE

A. All development and redevelopment that could impact surface water ~~may be~~is subject to inspection to assure consistency with the provisions of this chapter.

B. Work for which a permit is required shall be subject to inspection by the Director and such work shall remain accessible and exposed for inspection until approved. The Ceity shall not be liable for expenses for the removal or replacement of any material required to allow inspection.

C. The standards of this code shall be enforced regardless of an inspection and approval of work.

D. Reports of approved inspection agencies may be accepted.

E. The permit holder shall notify the Ceity when work is ready for inspection. The planning and development services Director, upon notification, shall make the requested inspections and either approve that the portion of the work inspected or notify the permit holder of any portions of work that fail to comply with this code. Any portions that do not comply shall be corrected and shall not be covered until authorized by the Director. [Ord. 531 § 2 (Exh. 2), 2009]

13.10.240 Record drawings and certifications.  SHARE

A. Before final approval of an engineered surface water drainage facility, the owner shall provide a record drawing that delineates the as-built conditions. ~~The planning and development services~~Director shall review and approve record drawings prior to final approval of the facility. Record drawings shall be prepared in accordance with the engineering development manual~~guide~~ and shall be stamped by a civil engineer.

B. The record drawings shall include a certification that all facilities function in accordance with the plans, specifications, hydraulic computations, and design volumes shown on the approved plans or as approved by the Ddirector. [Ord. 531 § 2 (Exh. 2), 2009]

13.10.245 Operation and maintenance.  SHARE

A. Pursuant to the Stormwater Manual, the owner shall prepare an operation and maintenance plan for the constructed surface water drainage facilities. This plan is subject to review and approval by the ~~planning and development services director~~ Director.

B. When required, the ~~planning and Director development services director~~ sshall prepare a declaration of covenant for signature by the owner. A covenant is required for all permanent stormwater facilities installed pursuant to the Stormwater Manual.

C. The ~~owner~~ owner, at their own expense, shall record the approved operation and maintenance plan and the associated declaration of covenant with King County recorder's office and provide a copy of the recorded document to the ~~planning and development services~~ public works ~~D~~director.

D. The dedication of surface water facilities located within the public right-of-way shall comply with SMC 20.70.060 and 20.70.070 140. [Ord. 531 § 2 (Exh. 2), 2009]

13.10.320 Prohibited discharges.  SHARE

A. Any discharge into a municipal separate ~~stormwater~~ storm sewer water system (MS4) or waters of the state that is not composed entirely of stormwater, either directly or via an illicit connection, ~~that is not composed entirely of stormwater~~ is considered an illicit discharge and is prohibited; provided, that the following discharges are not prohibited:

1. Discharges made pursuant to the Phase II Permit or other current permit issued or approved by the Department of Ecology.
2. Discharges resulting from activities undertaken to avoid or lessen an imminent threat to public health or safety. Such public health or safety activities should minimize prohibited discharges to the maximum extent practicable. The Ccity shall be notified of the occurrence within 24 hours.
3. Discharges not considered a significant source of contamination, as determined by the ~~public works director~~ Director, including:

- a. Spring water;
- b. Diverted stream flows;

- c. Uncontaminated water from crawl space pumps, foundation drains, or footing drains;
- d. Lawn watering or other activities using collected rainwater;
- e. Pumped groundwater flows that are uncontaminated;
- f. Materials placed as part of an approved restoration project;
- g. Natural uncontaminated surface water or groundwater;
- h. Flows from riparian habitats and wetlands;
- i. Uncontaminated groundwater that seeps into or otherwise enters surface and groundwaters;
- j. Air conditioning condensation.

4. Discharges where no additional pollutants are being discharged from the site above the background conditions of the water entering the site; provided, that any prohibited discharges through illicit connections, dumping, spills, improper maintenance of surface water facilities, or other discharges that allow pollutants to enter surface water or ground water in violation of state water quality standards is considered a violation.

B. Prohibited discharges include, but are not limited to, the following:

- 1. Domestic or sanitary sewage;
- 2. Trash or debris;
- 3. Construction materials;
- 4. Steam cleaning wastes;
- 5. Pressure washing wastes;
- 6. Heated water;
- 7. Animal carcasses;
- 8. Domestic animal wastes;
- 9. Food wastes;

10. Yard wastes;
11. Silt, sediment, or gravel;
12. Petroleum products, including but not limited to oil, gasoline, grease, fuel oil, and heating oil;
13. Soaps, detergents, or ammonia;
14. Chlorinated spa or swimming pool water;
15. Antifreeze and other automotive products;
16. Metals in excess of naturally occurring amounts, in either particulate or dissolved form;
17. Degreasers and/or solvents;
18. Commercial and household cleaning products;
19. Drain cleaners;
20. Chemicals not normally found in uncontaminated water;
21. Flammable or explosive materials;
22. Acids, alkalis, or bases;
23. Painting products;
24. Pesticides, herbicides, or fertilizers;
25. Dyes, with the following exception: Dye testing is allowable but requires verbal notification to the Ccity at least one business day prior to the date of the test; and
26. Any chemical or dangerous waste not listed above. [Ord. 531 § 2 (Exh. 2), 2009]

C. Conditionally allowable discharges, provided that the identified conditions are met:

1. Discharges from potable water sources, including but not limited to water line flushing, hyperchlorinated water line flushing, fire hydrant system flushing, and pipeline hydrostatic test water. Planned discharges shall be dechlorinated to a total residual chlorine concentration of 0.1 ppm or less, pH-adjusted, if necessary, and

- volumetrically and velocity controlled to prevent re-suspension of sediments in the MS4.
2. Discharges from lawn watering and other irrigation runoff. These discharges shall be minimized by property owners.
  3. Dechlorinated swimming pool, spa and hot tub discharges. The discharges shall be dechlorinated to a total residual chlorine concentration of 0.1 ppm or less, pH-adjusted and reoxygenized if necessary, volumetrically and velocity controlled to prevent re-suspension of sediments in the MS4. Discharges shall be thermally controlled to prevent an increase in temperature of the receiving water. Swimming pool cleaning wastewater and filter backwash shall not be discharged to the MS4.
  4. Street and sidewalk wash water, water used to control dust, and routine external building washdown that does not use detergents. The the amount of street and sidewalk wash, building wash, and dust control water used shall be minimized.
  5. Other non-stormwater discharges. The discharges shall be in compliance with the requirements of a pollution prevention plan reviewed by the City, which addresses control of such discharges.

### 13.10.330 General requirements. SHARE

#### A. Requirement to Implement Best Management Practices.

1. Best management practices as specified in ~~Volume II (Construction Stormwater Pollution Prevention), Volume IV (Source Control BMPs) and Volume V (Runoff Treatment BMPs)~~ of the Stormwater Manual shall be applied to any activity that might result in a prohibited discharge. Activities that ~~might~~ may result in prohibited discharges include, but are not limited to, the following:

- a. Land disturbing activity;
- b. Potable water line flushing;
- c. Lawn watering with potable water;
- d. Dust control with nonpotable water;
- e. Vehicle and boat washing;

- f. Pavement and building washing;
- g. Swimming pool and hot tub maintenance;
- h. Auto repair and maintenance;
- i. Building repair maintenance;
- j. Landscape maintenance;
- k. Dangerous waste handling;
- l. Solid and food waste handling; and
- m. Pesticide application.

2. The owner or operator of a residential, commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the stormwater drainage system or waters of the state through the use of structural and nonstructural BMPs as defined in the Stormwater Manual. The ~~director~~ Director may require any person responsible for a property or premises which is, or may be, the source of an illicit discharge to implement, at their own expense, additional structural and nonstructural BMPs to prevent the further discharge of pollutants to the stormwater drainage system.

B. Watercourse Protection. Any person owning property through which surface water or waters of the state passes shall keep and maintain that part of the watercourse within the property free of any activities or items that would pollute or contaminate the flow of water through the watercourse.

C. Notification of Spills. Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation has information of any known or suspected illegal discharge into the surface water, stormwater drainage system or water of the state, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of a release of hazardous materials, said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services. In the event of a release of nonhazardous materials, said person shall notify the Ccity no later than the next business day. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years after the date of the spill. [Ord. 531 § 2 (Exh. 2), 2009]

D. Declaration of Emergency. The Director shall make determination of emergency as defined in this chapter and authorize representatives of the utility or enforcement officers to take necessary abatement action during an emergency situation, to conduct inspections, take remedial action, or to carry out other duties imposed or required by this code subject to the provisions of this Chapter

13.10.340 Inspections and investigations and illicit discharges.  SHARE

A. The ~~director~~Director is authorized to establish inspection programs. Inspection programs may include: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher than typical sources of sediment or other pollutant or pollutants; inspections of businesses or industries of a type associated with higher than usual discharges of pollutant or pollutants; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; screening for or tracking illicit discharges or illicit connections; and evaluating the condition of drainage control facilities and other BMPs, including those located on private property.

B. Property owners shall allow access, with reasonable notice from the City, to all parts of the premises for the purpose of inspection, sampling, examination, abatement, and copying of records that must be kept under the conditions of an NPDES permit to discharge stormwater, and the performance of any additional duties as defined by state and federal law. In an event of emergency, reasonable notice is not required.

C. The ~~director~~Director shall have the right to set up necessary equipment to conduct monitoring or sampling of discharge from stormwater facilities.

D. The ~~director~~Director has the right to require the property owner to install stormwater facility monitoring equipment as necessary. Sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition at the property owner's expense. All devices used to measure stormwater flow and water quality shall be calibrated to ensure their accuracy.

E. Any temporary or permanent obstruction to the facility to be inspected and/or sampled shall be promptly removed by the property owner at the written or oral request of the ~~director~~Director. Such obstructions shall not be replaced. The costs of ~~clearing~~removing obstructions shall be born by the property owner. [Ord. 531 § 2 (Exh. 2), 2009]

13.10.400 Violations.  SHARE

Any activity or action caused or permitted to exist in violation of this chapter is a threat to public health, safety, and welfare, and is declared and deemed a public nuisance. Such violations are subject to enforcement under SMC 20.30.720 through 20.30.790. [Ord. 531 § 2 (Exh. 2), 2009]

A. Imminent Nuisance and Summary Abatement. If a violation exists, the City may summarily and without prior notice abate the condition. Notice of such abatement, including the reason for the abatement, shall be given to the person responsible for the property and the violation as soon as reasonably possible after the abatement. The Director shall make the determination of a condition, substance, act or other occurrence constituting an imminent nuisance requiring summary abatement. Costs, both direct and indirect, of the abatement may be assessed as provided under SMC 20.30.720 through 20.30.790.



## Chapter 13.12

### FLOODPLAIN MANAGEMENT

Sections:

- 13.12.100 General.
- 13.12.105 Definitions.
- 13.12.200 Floodplain administrator.
- 13.12.300 Regulatory data.
- 13.12.400 General development standards.**
- 13.12.500 Structure protection standards.
- 13.12.600 Habitat protection standards.
- 13.12.700 Permits.
- 13.12.800 Administration.

**13.12.400 General development standards.**

A. Subdivisions. This section applies to all subdivision proposals, short subdivisions, short plats, planned developments, and new manufactured housing parks, as well as expansions to manufactured housing parks.

1. All proposals shall be consistent with the need to minimize flood damage.
2. The proposed subdivision should have one or more new lots in the regulatory floodplain set aside for open space use through deed restriction, easement, subdivision covenant, or donation to a public agency.
3. In the regulatory floodplain outside the protected area, zoning must maintain a low density of floodplain development. The density of the development in the portion of the development outside the regulatory floodplain may be increased to compensate for land in the regulatory floodplain preserved as open space in accordance with SMC 20.70.150(A).
4. If a parcel has a buildable site outside the regulatory floodplain, the parcel shall not be subdivided to create a new lot, tract, or parcel that does not have a buildable site outside the regulatory floodplain. This provision does not apply to lots set aside from development and preserved as open space.
5. All proposals shall have utilities and facilities, such as sewer, gas, electrical, and water systems, located and constructed to minimize or eliminate flood damage.
6. All proposals shall ensure that all subdivisions have at least one access road connected to land outside the regulatory floodplain with the surface of the road at or above the FPE wherever possible.
7. All proposals shall have adequate drainage provided to avoid exposure to water damage and to reduce exposure to flood damage.
8. The final recorded subdivision plat shall include a notice that part of the property is in the SFHA, riparian habitat zone, and/or channel migration area, as appropriate.

B. Site Design.

1. Structures and other development shall be located to avoid flood damage.
  - a. If a lot has a buildable site out of the regulatory floodplain, whenever possible all new structures shall be located in that area.

b. If a lot does not have a buildable site out of the regulatory floodplain, all new structures, pavement, and other development must be sited in the location that has the least impact on habitat by locating the structures as far from the water body as possible, or by placing the structures on the highest land on the lot.

c. All new structures shall be set back at least 15 feet from the protected area.

2. All new development shall be designed and located in accordance with the applicable provisions of SMC Chapters 13.10 and to minimize the impact on flood flows, flood storage, water quality, and habitat.

a. Stormwater and drainage features shall incorporate low impact development techniques, if technically feasible, that mimic predevelopment hydrologic conditions, such as stormwater infiltration, rain gardens, grass swales, filter strips, disconnected impervious areas, permeable pavement, and vegetative roof systems.

b. If the proposed project will create new impervious surfaces so that more than 10 percent of the portion of the lot in the regulatory floodplain is covered by impervious surface, the applicant shall demonstrate that there will be no net increase in the rate and volume of the stormwater surface runoff that leaves the site or that the adverse impact is mitigated, as provided by SMC 13.12.600(F) and (G).