

## ORDINANCE NO. 531

**AN ORDINANCE OF THE CITY OF SHORELINE, WASHINGTON REPLACING THE SURFACE WATER MANAGEMENT CODE AND AMENDING PROPERTY DEVELOPMENT STANDARDS FOR SURFACE WATER IN THE DEVELOPMENT CODE; AND AMENDING CHAPTERS 13.10, 20.60 AND 20.70 AND SECTIONS 20.20.010-.060, 20.30.040-.290, 20.30.740, 20.40.140, 20.50.020-.340 and 20.90.040 OF THE SHORELINE MUNICIPAL CODE.**

WHEREAS, a public participation process was conducted to develop and review staff proposed amendments to the Development Code including:

- A public comment period on the proposed amendments was advertised from September 8, 2008 to November 6, 2008; and
- The Planning Commission held a Public Hearing and formulated its recommendation to Council on the proposed amendments on November 6, 2008;

WHEREAS, a SEPA Determination of Nonsignificance was issued on October 22, 2008 in reference to the proposed amendments to the Development Code and the Surface Water Management Code; and

WHEREAS, the proposed amendments were submitted to the State Department of Community Development on October 20, 2008 for comment pursuant to WAC 365-195-820; and

WHEREAS, no comments were received from the State Department of Community Development; and

WHEREAS, the Council finds that the amendments adopted by this ordinance are consistent with and implement the Shoreline Comprehensive Plan and comply with the adoption requirements of the Growth Management Act, Chapter 36.70A. RCW; and

WHEREAS, the Council finds that the amendments adopted by this ordinance meet the criteria in SMC 20.30.350 for adoption of amendments to the Development Code;

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

**Section 1. Amendment.** Shoreline Municipal Code Title 20 chapters 20.60 and 20.70 and sections 20.20.010-.060, 20.30.040-.290, 20.30.740, 20.40.140, 20.50.020-.340 and 20.90.040 are amended as set forth in Exhibit 1, which is attached hereto and incorporated herein.

**Section 2. Repeal, New Chapter.** Shoreline Municipal Code Chapter 13.10 is hereby repealed in its entirety and a new chapter 13.10 is adopted as set forth in Exhibit 2 attached hereto and incorporated herein.

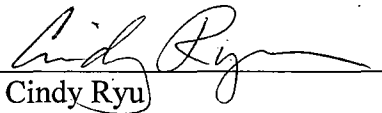
**Section 3. Severability.** Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be preempted by state or

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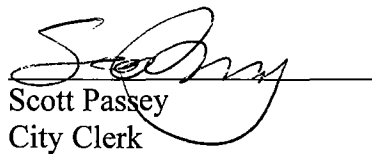
federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

**Section 3. Effective Date and Publication.** A summary of this ordinance consisting of the title shall be published in the official newspaper. This ordinance shall take effect April 1, 2009

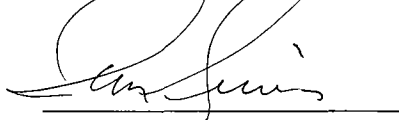
**PASSED BY THE CITY COUNCIL ON JANUARY 26, 2009.**

  
\_\_\_\_\_  
Mayor Cindy Ryu

**ATTEST:**

  
\_\_\_\_\_  
Scott Passey  
City Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Ian Sievers  
City Attorney

Date of Publication: January 29, 2009  
Effective Date: April 1, 2009

20.20.010-.060

Definitions that must be revised or reviewed

**BMP Manual**

~~A stormwater best management practices manual that presents BMPs and procedures for existing facilities and activities and for new development activities not covered by the City Surface Water Design Manual.~~

**Critical Drainage Area**

~~An area which has been formally determined by the department as designated by the City Manager to require more restrictive regulation than City wide standards afford in order to mitigate severe flooding, drainage, erosion or sedimentation problems which result from the cumulative impacts of development and urbanization.~~

**Deviation to the Engineering Standards**

~~A mechanism to allow the City to grant an adjustment or exception to the application of engineering standards.~~

**Erosion**

~~The process by which soil particles are mobilized and transported by natural agents such as wind, rainsplash, frost action or surface water flow.~~

The wearing away of the land surface by running water, wind, ice, or other geological agents, including such processes as gravitational creep. Also, detachment and movement of soil or rock fragments by water, wind, ice, or gravity.

**Hardscape**

Any structure or other covering on or above the ground that includes materials commonly used in building construction such as wood, asphalt and concrete, and also includes, but is not limited to, all structures, decks and patios, paving including gravel, pervious or impervious concrete and asphalt.

**Hardscape Area**

The total area of a lot or parcel that is covered by hardscape features and surfaces.

**High-use Site**

~~A commercial or industrial site that:~~

~~A. Has an expected average daily traffic (ADT) count equal to or greater than 100 vehicles per 1,000 square feet of~~

~~gross building area;~~

- ~~B. Is subject to petroleum storage or transfer in excess of 1,500 gallons per year, not including delivered heating oil; or~~
- ~~C. Is subject to use storage, or maintenance of a fleet of 25 or more diesel vehicles that are over 10 tons net weight (trucks, buses, trains, heavy equipment, etc.). Also included is any road intersection with a measured ADT count of 25,000 vehicles or more on the main roadway and 1,000 vehicles or more on any intersecting roadway, excluding projects proposing primarily pedestrian or bicycle use improvements. (1998 King County Surface Water Design Manual)~~

High-use sites are those that typically generate high concentrations of oil due to high traffic turnover or the frequent transfer of oil. High-use sites include:

- A. An area of a commercial or industrial site subject to an expected average daily traffic (ADT) count equal to or greater than 100 vehicles per 1,000 square feet of gross building area;
- B. An area of a commercial or industrial site subject to petroleum storage and transfer in excess of 1,500 gallons per year, not including routinely delivered heating oil;
- C. An area of a commercial or industrial site subject to parking, storage or maintenance of 25 or more vehicles that are over 10 tons gross weight (trucks, buses, trains, heavy equipment, etc.); or
- D. A road intersection with a measured ADT count of 25,000 vehicles or more on the main roadway and 15,000 vehicles or more on any intersecting roadway, excluding projects proposing primarily pedestrian or bicycle use improvements.

**Impervious Surface** ~~Any material that prevents absorption of stormwater into the ground. A hard surface area which either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development. A hard surface~~

area which 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.

<b>Infiltration Rate</b>	The rate of water entry into the soil expressed in inches per hour.
<b>Regional Stormwater Management Facility</b>	A surface water control structure installed in or adjacent to a stream or wetland of a basin or sub-basin, <del>by the surface water management (SWM) division or a project proponent.</del> Such facilities protect downstream areas identified by <u>the City SWM</u> as having previously existing or predicted significant regional basin flooding or erosion problems.
<b><u>Special Drainage Areas</u></b>	<u>An area which has been formally determined by the City to require more restrictive regulation than City-wide standards afford in order to mitigate severe flooding, drainage, erosion or sedimentation problems which result from the cumulative impacts of development</u>
<b><u>Stormwater Manual</u></b>	<u>The most recent version of the Stormwater Management Manual for Western Washington published by Washington Department of Ecology ("Stormwater Manual")</u>
<b>Wetpond</b>	<del>An artificial water body constructed as a part of a surface water management system.</del>

**Table 20.30.040 – Summary of Type A Actions and Target Time Limits for Decision, and Appeal Authority**

Action Type	Target Time Limits for Decision	Section
Type A:		
1. Accessory Dwelling Unit	30 days	20.40.120, 20.40.210
2. Lot Line Adjustment including Lot Merger	30 days	20.30.400
3. Building Permit	120 days	All applicable standards
4. Final Short Plat	30 days	20.30.450
5. Home Occupation, Bed and Breakfast, Boarding House	120 days	20.40.120, 20.40.250, 20.40.260, 20.40.400
6. Interpretation of Development Code	15 days	20.10.050, 20.10.060, 20.30.020
7. Right-of-Way Use	30 days	12.15.010 – 12.15.180
8. Shoreline Exemption Permit	15 days	Shoreline Master Program
9. Sign Permit	30 days	20.50.530 – 20.50.610
10. Site Development Permit	60 days	20.20.046, 20.30.315, 20.30.430
11. Variances <u>Deviation</u> from Engineering Standards	30 days	20.30.290
12. Temporary Use Permit	15 days	20.40.100, 20.40.540
13. Clearing and Grading Permit	60 days	20.50.290 – 20.50.370
14. Planned Action Determination	28 days	20.90.025

**20.30.290 Variance Deviation from the engineering standards (Type A action).**

- A. Purpose.** ~~Variance-Deviation~~ from the engineering standards is a mechanism to allow the City to grant an adjustment in the application of engineering standards where there are unique circumstances relating to the proposal. ~~that strict implementation of engineering standards would impose an unnecessary hardship on the applicant.~~
- B. Decision Criteria.** The ~~Department~~ Director shall grant an engineering standards deviation~~variance~~ only if the applicant demonstrates all of the following:
1. The granting of such deviation~~variance~~ will not be materially detrimental to the public welfare or injurious or create adverse impacts to the property or other property(s) and improvements in the vicinity and in the zone in which the subject property is situated;
  2. The authorization of such deviation~~variance~~ will not adversely affect the implementation of the Comprehensive Plan adopted in accordance with State law;
  3. A deviation~~variance~~ from engineering standards shall only be granted if the proposal meets the following criteria:
    - a. Conform to the intent and purpose of the Code;
    - b. Produce a compensating or comparable result which is in the public interest;
    - c. Meet the objectives of safety, function and maintainability based upon sound engineering judgment.
  4. Deviations~~Variances~~ from road standards must meet the objectives for fire protection. Any deviation~~variance~~ from road standards, which does not meet the International Fire Code, shall also require concurrence by the Fire Marshal.
  5. Deviations~~Variances~~ from drainage standards contained in the Stormwater Manual and title 13.10 SMC must meet the objectives for appearance and environmental protection.

6. Deviations~~Variancees~~ from drainage standards contained in the Stormwater Manual and title 13.10 SMC must be shown to be justified and required for the use and situation intended.
  
7. Deviations~~Variancees~~ from drainage standards for facilities that request use of emerging technologies, an experimental water quality facility or flow control facilities must meet these additional criteria:
  - a. The new design is likely to meet the identified target pollutant removal goal or flow control performance based on limited data and theoretical consideration,
  - b. Construction of the facility can, in practice, be successfully carried out;
  - c. Maintenance considerations are included in the design, and costs are not excessive or are borne and reliably performed by the applicant or property owner;
  
8. Deviations~~Variancees~~ from utility standards shall only be granted if following facts and conditions exist:
  - a. The deviation~~variancee~~ shall not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and in the zone in which the property on behalf of which the application was filed is located;
  - b. The deviation~~variancee~~ is necessary because of special circumstances relating to the size, shape, topography, location or surrounding of the subject property in order to provide it with use rights and privileges permitted to other properties in the vicinity and in the zone in which the subject property is located;
  - c. The granting of such deviation~~variancee~~ is necessary for the preservation and enjoyment of a substantial property right of the applicant possessed by the owners of other properties in the same zone or vicinity. (Ord. 406 § 1, 2006; Ord. 238 Ch. III § 7(a), 2000).

**20.30.750 Declaration of public nuisance, enforcement.**

- A. A Code Violation, as used in this subchapter, is declared to be a public nuisance and includes violations of the following:
1. Any City land use and development ordinances or public health ordinances;
  2. Any public nuisance as set forth in Chapters 7.48 and 9.66 RCW;
  3. Violation of any of the Codes adopted in Chapter 15.05 SMC;
  4. Any accumulation of refuse, except as provided in Chapter 13.14 SMC, Garbage Code;
  5. Nuisance vegetation; and
  6. Discarding or dumping of any material onto the public right-of-way, waterway, or other public property.
  7. Violation of any of the provisions of Chapter 13.10 SMC
- B. No act which is done or maintained under the express authority of a statute or ordinance shall be deemed a public nuisance. (Ord. 406 § 1, 2006; Ord. 391 § 4, 2005; Ord. 251 § 2(E), 2000; Ord. 238 Ch. III § 10(d), 2000).

20.40.140 Other uses.

NAICS #	SPECIFIC USE	R4- R6	R8- R12	R18- R48	NB & O	CB & NCBD	RB & I
<b>EDUCATION, ENTERTAINMENT, CULTURE, AND RECREATION</b>							
	Adult Use Facilities					P-i	P-i
71312	Amusement Arcade						P
71395	Bowling Center				C	P	P
6113	College and University				S	P	P
56192	Conference Center	C-i	C-i	C-i	P-i	P-i	P-i
6111	Elementary School, Middle/Junior High School	C	C	C			
	Gambling Uses (expansion or intensification of existing nonconforming use only)				S-i	S-i	S-i
71391	Golf Facility	P-i	P-i	P-i			
514120	Library	C	C	C	P	P	P
71211	Museum	C	C	C	P	P	P
	Nightclubs (excludes Adult Use Facilities)					C	P
7111	Outdoor Performance Center						S
	Parks and Trails	P	P	P	P	P	P
	Performing Arts Companies/Theater (excludes Adult Use Facilities)					P-i	P-i
6111	School District Support Facility	C	C	C	C	P	P
6111	Secondary or High School	C	C	C	C	P	P
6116	Specialized Instruction School	C-i	C-i	C-i	P	P	P
71399	Sports/Social Club	C	C	C	C	P	P
6114 (5)	Vocational School	C	C	C	C	P	P
<b>GOVERNMENT</b>							
9221	Court					P-i	P-i
92216	Fire Facility	C-i	C-i	C-i	P-i	P-i	P-i
	Interim Recycling Facility	P-i	P-i	P-i	P-i	P-i	P-i
92212	Police Facility				S	P	P
92	Public Agency or Utility Office	S-i	S-i	S	S	P	P
92	Public Agency or Utility Yard	P-i	P-i	P-i			P-i
221	Utility Facility	C	C	C	P	P	P
	Utility Facility, Regional stormwater management	C	C	C	P	P	P
<b>HEALTH</b>							
622	Hospital	C-i	C-i	C-i	C-i	P-i	P-i
6215	Medical Lab					P	P
6211	Medical Office/Outpatient Clinic	C-i	C-i	C-i	P	P	P
623	Nursing and Personal Care Facilities			C	C	P	P
<b>REGIONAL</b>							

	School Bus Base	S-i	S-i	S-i	S-i	S-i	S-i
	Secure Community Transitional Facility						SCTFS-i
	Transfer Station	S	S	S	S	S	S
	Transit Bus Base	S	S	S	S	S	S
	Transit Park and Ride Lot	S-i	S-i	S-i	P	P	P
	Work Release Facility						S-i
<b>P = Permitted Use</b> <b>S = Special Use</b> <b>C = Conditional Use</b> <b>-i = Indexed Supplemental Criteria</b> <b>SCTFS = Secure Community Transitional Facility Special Use</b>							

**Table 20.50.020(1) – Densities and Dimensions in Residential Zones**

*Note: Exceptions to the numerical standards in this table are noted in parenthesis and described below.*

Residential Zones							
STANDARDS	R-4	R-6	R-8	R-12	R-18	R-24	R-48
Base Density: Dwelling Units/Acre	4 du/ac	6 du/ac (1)(7)	8 du/ac	12 du/ac	18 du/ac	24 du/ac	48 du/ac
Min. Density	4 du/ac	4 du/ac	4 du/ac	6 du/ac	8 du/ac	10 du/ac	12 du/ac
Min. Lot Width (2)	50 ft	50 ft	50 ft	30 ft	30 ft	30 ft	30 ft
Min. Lot Area (2)	7,200 sq ft	7,200 sq ft	5,000 sq ft	2,500 sq ft	2,500 sq ft	2,500 sq ft	2,500 sq ft
Min. Front Yard Setback (2) (3)	20 ft	20 ft	10 ft	10 ft	10 ft	10 ft	10 ft
Min. Rear Yard Setback (2) (4) (5)	15 ft	15 ft	5 ft	5 ft	5 ft	5 ft	5 ft
Min. Side Yard Setback (2) (4) (5)	5 ft min. and 15 ft total sum of two	5 ft min. and 15 ft total sum of two	5 ft	5 ft	5 ft	5 ft	5 ft
Base Height	30 ft (35 ft with pitched roof)	30 ft (35 ft with pitched roof)	35 ft	35 ft	35 ft (40 ft with pitched roof)	35 ft (40 ft with pitched roof)	35 ft (40 ft with pitched roof) (8) (9)
Max. Building Coverage (6)	35%	35%	45%	55%	60%	70%	70%
Max. Impervious Surface Hardscape Area (2)(6)	45%	50%	65%	75%	85%	85%	90%

*(6) The maximum building coverage shall be 35 percent and the maximum impervious hardscape area shall be 50 percent for single-family detached development located in the R-12 zone, excluding cottage housing.*

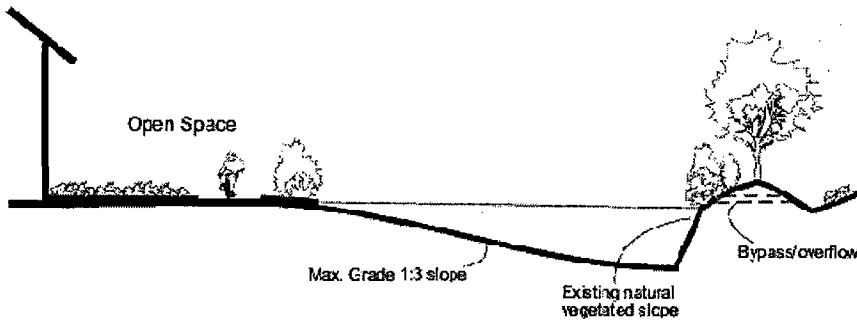
**Table 20.50.020(2) – Densities and Dimensions for Residential Development in Nonresidential Zones**

<b>STANDARDS</b>	<b>Neighborhood Business (NB) and Office (O) Zones</b>	<b>Community Business (CB) Zone</b>	<b>Regional Business (RB) and Industrial (I) Zones</b>
Maximum Density: Dwelling Units/Acre	24 du/ac	48 du/ac	No maximum
Minimum Front Yard Setback	10 ft	10 ft	10 ft
Minimum Side Yard Setback from Nonresidential Zones	5 ft	5 ft	5 ft
Minimum Rear Yard Setback from Nonresidential Zones	15 ft	15 ft	15 ft
Minimum Side and Rear Yard (Interior) Setback from R-4 and R-6	20 ft	20 ft	20 ft
Minimum Side and Rear Yard Setback from R-8 through R-48	10 ft	10 ft	15 ft
Base Height (1)	35 ft	60 ft	65 ft (2)
Maximum Impervious Surface/Hardscape Area	85%	85%	95%

**20.50.160 Open space – Standards**

Exception 20.50.160(A)(3): Stormwater runoff tracts may be credited for up to 50 percent of the on-site recreation space requirement, subject to the following criteria:

1. The stormwater runoff tract is dedicated or reserved as a part of a recreation space tract;
2. The detention pond shall be constructed to meet the following conditions:
  - a. The side slope of the stormwater facilities shall not exceed grade 1:3 (one vertical to three horizontal) unless slopes are existing, natural and covered with vegetation,
  - b. Any bypass system or an emergency overflow pathway shall be designed to handle flow exceeding the facility design and located so that it does not pass through active recreation areas or present a safety hazard,
  - c. The stormwater facilities shall be landscaped in a manner to enhance passive recreation opportunities such as trails and aesthetic viewing, and
  - d. The stormwater facilities shall be designed so they do not require fencing pursuant to the ~~surface water design manual~~. Stormwater Manual.



**Figure Exception to 20.50.160(A)(2) and (3):** Example of stormwater facility design which does not require fencing.

**20.50.230 Site planning – Setbacks and height – Standards.**

**Table 20.50.230 – Dimensions for Commercial Development in Commercial Zones**

Note: Exceptions to the numerical standards in this table are noted in parenthesis and described below.

STANDARDS	Neighborhood Business (NB) and Office (O) Zones	Community Business (CB)	Regional Business (RB) and Industrial (I) Zones
Min. Front Yard Setback (Street) (1) (2)	10 ft	10 ft	10 ft
Min. Side and Rear Yard (Interior) Setback from NB, O, CB, RB, and I Zones (2)	0 ft	0 ft	0 ft
Min. Side and Rear Yard (Interior) Setback from R-4 and R-6 (2)	20 ft	20 ft	20 ft
Min. Side and Rear Yard (Interior) Setback from R-8 through R-48 (2)	10 ft	10 ft	15 ft
Base Height (5)	35 ft (3)	60 ft	65 ft (4)
Max. Impervious Surface Hardscape Area	85%	85%	90%

**Subchapter 5. Tree Conservation, Land Clearing and Site Grading  
Standards – Sections 25.50.290 thru .370****20.50.310 Exemptions from permit**

- B. **Partial Exemptions.** With the exception of the general requirements listed in SMC 20.50.300, the following are exempt from the provisions of this subchapter, provided the development activity does not occur in a critical area or critical area buffer. For those exemptions that refer to size or number, the thresholds are cumulative during a 36-month period for any given parcel:
1. The removal of up to six significant trees (see Chapter 20.20 SMC, Definitions) and associated removal of understory vegetation from any property.
  2. Landscape maintenance and alterations on any property that involves the clearing of less than 3,000 square feet, or less than 1,500 square feet if located in a critical special drainage area, provided the tree removal threshold listed above is not exceeded. (Ord. 434 § 1, 2006; Ord. 398 § 1, 2006; Ord. 238 Ch. V § 5(C), 2000).

**20.50.320 Specific activities subject to the provisions of this subchapter.**

All activities listed below must comply with the provisions of this subchapter. For those exemptions that refer to size or number, the thresholds are cumulative during a 36-month period for any given parcel:

- A. The construction of new residential, commercial, institutional, or industrial structures or additions.
- B. Earthwork of 50 cubic yards or more. This means any activity which moves 50 cubic yards of earth, whether the material is excavated or filled and whether the material is brought into the site, removed from the site, or moved around on the site.
- C. Clearing of 3,000 square feet of land area or more or 1,500 square feet or more if located in a ~~critical~~ special drainage area.
- D. Removal of more than six significant trees from any property.
- E. Any clearing or grading within a critical area or buffer of a critical area.
- F. Any change of the existing grade by four feet or more.
- G. Any work that occurs within or requires the use of a public easement, City-owned tract or City right-of-way.
- H. Any land surface modification not specifically exempted from the provisions of this subchapter.
- I. ~~Construction or creation of new~~ Development that creates new, replaced or a total of new plus replaced impervious surfaces over 1,500 square feet in size, or 500 square feet in size if located in a landslide hazard area or ~~critical~~ special drainage area.
- J. Any construction of public drainage facilities to be owned or operated by the City.
- K. Any construction involving installation of private storm drainage pipes 12-inch in diameter or larger.

- L. Any modification of, or construction which affects a stormwater quantity or quality control system. (Does not include maintenance or repair to the original condition).
  
- M. Applicants for forest practice permits (Class IV – general permit) issued by the Washington State Department of Natural Resources (DNR) for the conversion of forested sites to developed sites are also required to obtain a clearing and grading permit. For all other forest practice permits (Class II, III, IV – special permit) issued by DNR for the purpose of commercial timber operations, no development permits will be issued for six years following tree removal. (Ord. 398 § 1, 2006; Ord. 238 Ch. V § 5(D), 2000).

ORIGINAL

**20.50.330 Project review and approval.**

- A. **Review Criteria.** The Director shall review the application and approve the permit, or approve the permit with conditions; provided that the application demonstrates compliance with the criteria below.
1. The proposal complies with SMC 20.50.340 through 20.50.370, or has been granted a variance-deviation from the engineering standards.
  2. The proposal complies with all standards and requirements for the underlying permit.
  3. If the project is located in a critical area or buffer or has the potential to impact a critical area, the project must comply with the critical areas standards.
  4. The project complies with all requirements of the engineering standards and the SMC 13.10.200 Surface Water Design Manual Management Code and adopted standards.
  5. All required ~~bonds~~ financial guarantees or other assurance devices are posted with the City.

*Terminology changed to implement Stormwater Manual and Surface Water Management Code.*

**20.50.340 Basic operating conditions and standards of performance.**

- A. Any activity that will clear, grade or otherwise disturb the site, whether requiring a clearing or grading permit or not, shall provide erosion and sediment control (ESC) that prevents, to the maximum extent possible, the transport of sediment from the site to drainage facilities, water resources and adjacent properties. Erosion and sediment controls shall be applied as specified by the temporary ESC measures and performance criteria and implementation requirements in the adopted stormwater management design manual SMC 13.10.200 Surface Water Management Code and adopted standards.

*Terminology changed to implement Stormwater Manual and Surface Water Management Code.*

ORIGINAL

**20.60.060 Purpose.**

The purpose of this subchapter is to describe requirements for new development to:

- A. Reduce flooding, erosion, and sedimentation;
- B. Prevent and mitigate habitat loss;
- C. Enhance groundwater recharge; and
- D. Prevent surface and subsurface water pollution through the implementation of comprehensive and thorough permit review and construction inspection. (Ord. 238 Ch. VI § 3(A), 2000).

**20.60.070 General provisions Adequate surface water management system.**

All new development shall be served by an adequate surface water management system as follows:

- A. The existing or proposed system is adequate if the site of the development proposal site is served by a surface water management system approved by the Department as being consistent with the design, operating and procedural requirements adopted by the City as defined in chapter 13.10 SMC, Surface Water Management Code and adopted standards.
- B. For the issuance of a building permit, preliminary plat approval, or other land use approval, the applicant shall demonstrate that:
  - 1. The existing surface water management system available to serve the site complies with the design standards specified above; or
  - 2. The proposed improvements to an existing surface water management system or a proposed new surface water management system comply with the design standards specified above.
- B. For a formal subdivision, special use permit or zone reclassification, the phased installation of required surface water management improvements shall be stated in the approving ordinance. Such phasing may require that a financial guarantee be deposited. (Ord. 238 Ch. VI § 3(B), 2000).

**Comment:** May want to move to section 20.30.360-480 regarding subdivisions.

**20.60.080 Development proposal requirements.**

A drainage review is required when any development proposal is subject to a City permit and any of the following:

- A. Would add 1,500 square feet or more of new impervious surface;
- B. Would construct or modify a public or private drainage system;
- C. Contains or is within 100 feet of a floodplain, stream, lake, wetland or closed depression, or a critical area overlay district;
- D. Is located within or within 100 feet of a landslide hazard area and would add 500 square feet or more of new impervious surface;
- E. Is located within or within 100 feet of an identified critical drainage area;
- F. Is a redevelopment project proposing \$100,000 or more of improvements to an existing high use site; or
- G. Is a redevelopment project proposing \$500,000 or more of site improvements and would create 1,500 square feet or more of contiguous pollution-generating impervious surface through any combination of new and/or replaced impervious surface. (Ord. 238 Ch. VI § 3(C), 2000).

**20.60.090 Core surface water and stormwater requirements.**

Every development proposal with drainage review required must meet each of the following core requirements in addition to those described in the Surface Water Design Manual.

- A. **Core Requirement #1: Discharge at the Natural Location.** All surface water and stormwater runoff from a development proposal shall be discharged at the natural location so as not to be diverted onto, or away from, downstream properties. The manner in which runoff is discharged from the project site shall not create a significant adverse impact to downhill properties or drainage systems.
- B. **Core Requirement #2: Off-site Analysis.** The initial application submittal for development proposals shall include an off-site analysis report that contains

~~an assessment of potential off-site drainage impacts associated with a development proposal, called a level one downstream analysis; and proposed appropriate mitigations to those impacts.~~

~~C. **Core Requirement #3: Flow Control.** If a development proposal would add a minimum of 1,500 square feet of new impervious surface and any related land cover conversion, the proposal shall include facilities to meet a minimum of level two flow control requirements and the flow control implementation as specified in the Surface Water Design Manual.~~

~~D. **Core Requirement #4: Conveyance System.** All engineered conveyance system elements for development proposals shall be analyzed, designed and constructed to provide the minimum level of protection against overtopping, flooding, erosion and structural failure as specified by the conveyance requirements for new and existing systems and conveyance implementation requirements described in the Surface Water Design Manual.~~

~~E. **Core Requirement #5: Erosion and Sediment Plan.** All development proposals that will clear, grade, or otherwise disturb the site shall provide erosion and sediment control, in accordance with the adopted Best Management Practices (BMP) Manual, that prevents, to the maximum extent possible, the transport of sediment from the site to drainage facilities, water resources and adjacent properties.~~

~~F. **Core Requirement #6: Maintenance and Operation.** Development proposals shall include provisions for the maintenance of all drainage facilities. It is the responsibility of the applicant/property owner to:~~

- ~~1. Make these provisions in compliance with City maintenance standards as described in the Surface Water Design Manual, or~~
- ~~2. Make provisions by which the City is granted an easement or covenant and assumes maintenance and operation as described in the Surface Water Design Manual.~~

~~G. **Core Requirement #7: Financial Guarantees and Liability.** All drainage facilities constructed or modified for development projects, except downspout infiltration and dispersion systems for single family residential lots, must comply with the liability requirements and the financial guarantee requirements of the City.~~

~~H. Core Requirement #8: Water Quality.~~ Development proposals shall provide water quality treatment facilities to treat polluted surface water and stormwater runoff generated by the addition and/or replacement of 1,500 square feet or more of pollution-generating impervious surface or one acre or more of pollutant-generating pervious surfaces. At a minimum, the facilities shall reduce pollutant loads by meeting the applicable annual average performance goals listed below for 95 percent of the annual average runoff volume:

- ~~1. Basic water quality: remove 80 percent of the total suspended solids;~~
- ~~2. Sensitive lake protection: remove 50 percent of the total phosphorus; and~~
- ~~3. Resource stream protection: remove 50 percent of the total zinc. (Ord. 238 Ch. VI § 3(D), 2000).~~

**~~20.60.100 Special requirements.~~**

~~Every development proposal required to have drainage review shall meet all of the special requirements that apply to the site. The Department shall review each development proposal and determine if any of the special requirements apply.~~

**~~A. Special Requirement #1: Other Adopted Area Specific Requirements.~~**

~~This requirement applies to development proposals located in a designated critical drainage area, erosion hazard area, basin plan, or shared facility plan.~~

**~~B. Special Requirement #2: Floodplain/Floodway Delineation.~~**

~~If a development proposal contains or is adjacent to a stream, lake, wetland or closed depression, then the 100-year floodplain boundaries, and floodway (if available or if improvements are proposed floodplain), shall be delineated on the site improvement plans, and on any final subdivision maps.~~

**~~C. Special Requirement #3: Flood Protection Facilities.~~**

~~If a development proposal contains or is adjacent to a Class 1 or 2 stream with an existing flood protection facility, or proposes to construct a new one, then the flood protection facility(s) shall be analyzed and/or designed as specified in the Surface Water Design Manual.~~

**~~D. Special Requirement #4: Source Control.~~**

~~If a development proposal requires a commercial building or commercial site development permit, then~~

~~water quality source controls shall be applied to prevent rainfall and runoff from coming into contact with pollutants to the maximum extent possible. Water quality source controls shall be applied in accordance with City Code and the Surface Water Design Manual. All structural source controls shall be identified on the site improvement plans and profiles or final maps prepared for the proposed project.~~

~~E. **Special Requirement #5: Oil Control.** If a development proposal is a high-use site or is a redevelopment project proposing \$100,000 or more of improvements to an existing high-use site, then oil control shall be applied to all runoff from the high-use portion of the site as specified in the Surface Water Design Manual. (Ord. 238 Ch. VI § 3(E), 2000).~~

**20.60.110 Construction timing and final approval.**

~~A. No work for a permitted development related to permanent or temporary storm drainage control shall proceed without the approval of the Director.~~

~~B. Erosion and sediment control measures associated with both the interim and permanent drainage systems shall be:~~

~~1. Constructed in accordance with the approved plan prior to any grading or land clearing other than that associated with an approved erosion and sediment control plan;~~

~~2. Satisfactorily sequenced and maintained until all improvements, restoration, and landscaping associated with the permit and/or for the project are completed, and the potential for onsite erosion has passed.~~

~~C. Prior to the construction of any improvements and/or buildings on the site, those portions of the drainage facilities necessary to accommodate the control of surface water and stormwater runoff discharging from the site shall be constructed and in operation. Recording of formal and administrative subdivisions may occur prior to the construction of drainage facilities when approved in writing by the Director of the Department only to minimize impacts that may result from construction during inappropriate times of the year. If recording of formal or administrative subdivisions occurs prior to the construction of the drainage facilities (when approved in writing by the Director of the Department to minimize impacts that may result from construction during inappropriate times of the year) then a bond will be posted to cover the cost of the unbuilt drainage facilities and a deadline for completion of the drainage facilities will be imposed.~~

~~D. When required to construct a drainage facility, the applicant shall maintain a combined single limit per occurrence liability policy. This policy shall:~~

- ~~1. Be in the amount established by the City;~~
- ~~2. Name the City as an additional insured and protect City from liability relating to the construction or maintenance of the facility until construction approval or acceptance for maintenance, whichever is last.~~

~~— Proof of this required liability policy is required prior to commencing construction of any drainage facility. (Ord. 238 Ch. VI § 3(F), 2000).~~

**~~20.60.120 Water quality.~~**

~~A. The purpose of this section is to protect the City's surface and ground water quality by providing minimum requirements for reducing and controlling the discharge of contaminants. The City recognizes that water quality degradation can result either directly from one discharge or through the collective impact of many small discharges. Therefore, this section prohibits the discharge of contaminants into surface water, stormwater and ground water, and outlines preventive measures to restrict contaminants from entering such waters. These measures include the implementation of best management practices (BMPs) by the residents of City of Shoreline.~~

~~B. Discharges into City Waters. It is unlawful for any person to discharge any contaminants into surface water, stormwater, ground water, or Puget Sound. Contaminants include, but are not limited, to the following:~~

- ~~1. Trash or debris;~~
- ~~2. Construction materials;~~
- ~~3. Petroleum products including but not limited to oil, gasoline, grease, fuel oil, heating oil;~~
- ~~4. Antifreeze and other automotive products;~~
- ~~5. Metals in either particulate or dissolved form;~~
- ~~6. Flammable or explosive materials;~~

- ~~7. Radioactive material;~~
- ~~8. Batteries;~~
- ~~9. Acids, alkalis, or bases;~~
- ~~10. Paints, stains, resins, lacquers, or varnishes;~~
- ~~11. Degreasers and/or solvents;~~
- ~~12. Drain cleaners;~~
- ~~13. Pesticides, herbicides, or fertilizers;~~
- ~~14. Steam cleaning wastes;~~
- ~~15. Pressure washing wastes;~~
- ~~16. Soaps, detergents, or ammonia;~~
- ~~17. Spa or chlorinated swimming pool water;~~
- ~~18. Chlorine, bromine, and other disinfectants;~~
- ~~19. Heated water;~~
- ~~20. Animal and human wastes;~~
- ~~21. Sewage;~~
- ~~22. Recreational vehicle waste;~~
- ~~23. Animal carcasses;~~

ORIGINAL

- ~~24. Food wastes;~~
  - ~~25. Bark and other fibrous materials;~~
  - ~~26. Collected lawn clippings, leaves, or branches;~~
  - ~~27. Silt, sediment, or gravel;~~
  - ~~28. Dyes, with the following exception: Dye testing is allowable but requires verbal notification to the City at least one business day prior to the date of the test;~~
  - ~~29. Chemicals not normally found in uncontaminated water;~~
  - ~~30. Any hazardous material or waste, not listed above.~~
- ~~C. Any connection that could convey anything not composed entirely of natural surface water and stormwater directly to surface, storm, or ground water is considered an illicit connection and is prohibited with the following exceptions:~~
- ~~1. Connection conveying allowable discharges;~~
  - ~~2. Connections conveying discharges pursuant to an NPDES permit (other than an NPDES stormwater permit) or a State Waste Discharge Permit; and~~
  - ~~3. Connections conveying effluent from onsite sewage disposal systems to subsurface soils.~~
- ~~D. The following types of discharges shall not be considered prohibited discharges unless the Director determines that the type of discharge, whether singly or in combination with others, is causing significant contamination to surface, storm, or ground water, or damage to a built or natural surface or stormwater conveyance system, including erosion damage:~~
- ~~1. Potable water;~~

- ~~2. Potable water line flushing;~~
- ~~3. Uncontaminated water (including sedimentation) from crawl space pumps or footing drains;~~
- ~~4. Lawn watering;~~
- ~~5. Residential car and boat washing;~~
- ~~6. Dechlorinated swimming pool water;~~
- ~~7. Materials placed as part of an approved habitat restoration or bank stabilization project;~~
- ~~8. Natural uncontaminated surface water or ground water;~~
- ~~9. Flows from riparian habitats and wetlands;~~
- ~~10. The following discharges from boats: engine exhaust, cooling waters, effluent from sinks, showers and laundry facilities and treated sewage from Type I and Type II marine sanitation devices;~~
- ~~11. Common practices for water line or water well disinfection; and~~
- ~~12. Other types of discharges as determined by the Director.~~

~~E. A person shall not be in violation of discharge regulations if the following conditions exist:~~

- ~~1. That person has properly designed, constructed, implemented and is maintaining BMPs, and contaminants continue to enter surface water and stormwater or ground water;~~
- ~~2. The person can demonstrate that there are no additional contaminants being discharged from the site above the background conditions of the water entering the site.~~

~~—The said person however, is still liable for prohibited discharges through illicit connections, dumping, spills, improper maintenance of BMPs, or other discharges that allow contaminants to enter surface water and stormwater or ground water.~~

~~3. Emergency response activities or other actions that must be undertaken immediately or within a time too short to allow full compliance with this section, to avoid an imminent threat to public health or safety, shall be exempt from this section. In such a case, steps should be taken to ensure that the discharges resulting from such activities are minimized to the greatest extent possible. In addition, recurrences shall be restricted by evaluating BMPs and the site plan, where applicable. The City shall be notified of the occurrence as close to the incident date as is feasible. (Ord. 238 Ch. VI § 3(G), 2000).~~

ORIGINAL

**~~20.60.130 Best management practices.~~**

~~A. The City adopts "Urban Landuse BMPs, Volume IV of the 1992 Stormwater Management Manual for the Puget Sound Basin" (DOE SWMM), and future amendments by reference as the Source Control BMP Manual for the City of Shoreline.~~

**~~B. Applicability.~~**

~~1. Persons implementing BMPs through another Federal, State, or local program will not be required to implement the BMPs prescribed in the City's manual, unless the Director determines the alternative BMPs to be ineffective at reducing the discharge or contaminants. If the other program requires the development of a best management practices plan, the person shall make their plan available to City upon request. Qualifying exemptions include, but are not limited to, persons who are:~~

~~a. Required to obtain a general or individual NPDES permit for stormwater discharges from the Washington State Department of Ecology;~~

~~b. Permitted under a Washington State Department of Ecology NPDES general or individual permit for commercial dairy operations;~~

~~c. Implementing BMPs in compliance with the management program of the City's municipal NPDES permit;~~

~~d. Identified by the Director as being exempt from this section.~~

~~2. Persons conducting normal single family residential activities will not be required to implement the BMPs prescribed in the City's BMP Manual, unless the Director determines that these activities pose a hazard to public health, safety, or welfare. (Ord. 238 Ch. VI § 3(H), 2000).~~

**20.70.030 Required street improvements.****20.70.035 Required stormwater drainage facilities**

The purpose of this section is to identify the types of development proposals to which the provisions of this chapter apply.

- A. All development and redevelopment as defined in the Stormwater Manual shall provide stormwater drainage improvements shall that meet the minimum requirements of the Stormwater Manual.
- B. Development proposals that do not require City-approved plans or a permit still must meet the requirements specified in this chapter.
- C. It shall be a condition of approval for development permits that required improvements be installed by the applicant prior to final approval or occupancy.
- D. These provisions shall apply to all development and redevelopment, as defined in the Stormwater Manual.

**20.70.070 Dedication of stormwater facilities – Drainage facilities not accepted by the City.**

- A. The property owner and the applicant required to construct a drainage facility shall remain responsible for the facility's continual performance, operation and maintenance and remain responsible for any liability as a result of these duties. This responsibility includes maintenance of a drainage facility that is:
1. Under a maintenance guarantee or defect guarantee;
  2. A private road conveyance system;
  3. Released from all required financial guarantees prior to date of this Code;
  4. Located within and serving only one single-family residential lot;
  5. Located within and serving a multifamily or commercial site unless the facility is part of an approved shared facility plan;
  6. Located within or associated with an administrative or formal subdivision which handles runoff from an area of which less than two-thirds is designated for detached or townhouse dwelling units located on individual lots unless the facility is part of an approved shared facility plan;
  7. Previously terminated for assumption of maintenance responsibilities by the Department; or
  8. Not otherwise accepted by the City for maintenance.
- B. Prior to the issuance of any of the permits for any multifamily or nonresidential project required to have a flow control or water quality treatment facility, the applicant shall record a declaration of covenant as specified in the ~~Surface Water Design Manual~~ SMC 13.10.200 Surface Water Management Code and adopted standards. The restrictions set forth in such covenant shall include, but not be limited to, provisions for notice to the property owner of a City determination that maintenance and/or repairs

are necessary to the facility and a reasonable time limit in which such work is to be completed.

1. In the event that the titleholders do not effect such maintenance and/or repairs, the City may perform such work upon due notice. The titleholders are required to reimburse for any such work. The restrictions set forth in such covenant shall be included in any instrument of conveyance of the subject property and shall be recorded with the county.
  2. The City may enforce the restrictions set forth in the declaration of covenant provided in the ~~Surface Water Design Manual~~ SMC 13.10.200 Surface Water Management Code and adopted standards.
- C. Where not specifically defined in this section, the responsibility for performance, operation and maintenance of drainage facilities and conveyance systems, both natural and constructed, shall be determined on a case by case basis. (Ord. 238 Ch. VII § 2(C-2), 2000).

ORIGINAL

**20.90.040 Dimensional standards.**

**Table 20.90.040 – North City Business District Site Development Standards**

Standards	Main Street 1	Main Street 2
Maximum front (street setback)	0 ft. (3) (4)	10 ft. (1) (3) (4)
Minimum side and rear yard setback from nonresidential zones	0 ft. (5)	0 ft. (5)
Minimum side and rear yard setback from residential zones	15 ft.	15 ft.
Base height	60 ft.	60 ft.
Upper floor setback (transition line) for all portions of a building along street and edges along adjacent residential zones	10 ft. (2) (4)	10 ft. (2) (4)
Maximum impervious surface <del>Hard</del> <u>Hardscape Area</u>	85%	85%

Note: Exceptions to the numerical standards in this table are noted in parenthesis and described below.

Exceptions to Table 20.90.040:

- (1) Residential development (excluding mixed use) shall have a minimum 10-foot wide, fully landscaped front yard measured from the back of the sidewalk.
- (2) Buildings located at corners should serve as gateways to the neighborhood, distinguishable from the rest of the buildings. Sixty-foot height shall be allowed without upper floor setbacks on corners. This shall only be done when a corner emphasis is desired. After 50-foot distance from a corner, building shall comply with upper level setbacks as specified in Table 20.90.040.
- (3) Corner buildings shall be set back by two feet from the street frontage line.
- (4) Unenclosed balconies on sides of the building that are above the 35-foot transition line setback shall be permitted to encroach into the 10-foot setback.
- (5) Side and rear setbacks for buildings are not required, unless an adjacent building existing at the time of development has windows facing the side or rear. Then any new building shall provide minimum setback of five feet.

(Ord. 281 § 7, 2001).

ORIGINAL

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## Surface Water Utility

### 13.10.100 Purpose

A Surface Water Utility is necessary to promote 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. Protect and enhance 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 RCW 90.48 Water Pollution Control.
- C. Provide 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.

### 13.10.105 Definitions

The following terms are defined for the purpose of implementing the provisions of SMC 13.10.

- 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 10mg/Liter chlorine.
- D. "Comprehensive Plan" means the plan and amendments as described in Chapter 16.05 SMC.
- E. "Critical areas" means critical areas as defined in SMC 20.20.014.
- F. "Dangerous Waste" means those solid wastes designated in the Washington Administrative Code (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 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 SMC chapter 20.30 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 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, erosion and sediment control facility and other structure and appurtenance that provides for drainage.
- 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. "Illicit connection" means any man-made conveyance that is connected to a municipal separate storm sewer without a permit, 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.
- O. "Illicit Discharge" means any discharge to a municipal separate storm sewer that is not composed entirely of stormwater.
- P. "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.
- Q. "Low Impact Development" 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 pre-development hydrologic functions.
- R. "Municipal separate stormwater 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):
  - a. owned or operated by the state, city, county, or special purpose district having jurisdiction over disposal of wastes, storm water, or other wastes,

- or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States;
- b. designed or used for collecting or conveying stormwater;
  - c. which is not a combined sewer; and
  - d. which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR 122.2.
- S. "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.
- T. "Operation and Maintenance plan" means a set of instructions and schedules to keep drainage facilities working to meet the design performance criteria.
- U. "Record drawings" means a submittal documenting as-built conditions of a permitted development or redevelopment project.
- V. "Redevelopment" means, on a site that is already substantially developed (i.e., has 35% or more of existing impervious surface coverage), the creation or addition of impervious 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 surface that is not part of a routine maintenance activity; and land disturbing activities.
- W. "Runoff" means water that travels across the land surface and discharges to water bodies either directly or through a collection and conveyance system.
- X. "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.
- Y. "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.

#### **13.10.110 Utility Created**

- A. There is hereby created and established the Surface Water Utility of the City of Shoreline under which the provisions of this chapter shall be carried out.
- B. The Director is authorized to administer, implement, and enforce the provisions of this chapter. The Director may establish inspection programs to ensure compliance with the requirements of this subchapter and the Western Washington Phase II Municipal Stormwater Permit (Phase II Permit).

**13.10.120 Revenue and Expenditures**

A. Fees and discounts 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 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, or to pay or secure the payment of all or any portion of any debt issued for such purpose and the related reserve and coverage requirements.

C. Fees shall not be transferred to any other funds of the City except to pay for expenses attributable to the surface water system.

**13.10.200 Adoption of Stormwater Management Manual**

A. The 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". All activities which have the potential to impact surface water and stormwater shall comply with the standards set forth in the current 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 Engineering Development 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. When low impact development techniques are employed, the design and construction shall be consistent with the most recent version of Low Impact Development, Technical Guidance for Puget Sound (Puget Sound Action Team & Washington State University, Pierce County Extension), or consistent with techniques approved by the Public Works Director.

C. Emerging Technologies.

1. The use of emerging technologies is encouraged. Examples of emerging technologies include media filters, catch basin inserts, 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 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 20.30.290 SMC

#### **13.10.225 Minimum Requirements**

The requirements of this subchapter are minimum requirements. They do not replace, repeal or supersede more stringent requirements, rules, regulations, covenants, standards, or restrictions. Where this subchapter imposes requirements which are more protective of human health or the environment than those set forth elsewhere, the provisions of this subchapter shall prevail.

#### **13.10.230 Special Drainage Areas**

A. The Public Works 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 Guide.

#### **13.10.235 Inspections**

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

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 City 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 City 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.

#### **13.10.240 Record Drawings and Certifications**

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 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.

### **13.10.245 Operation and Maintenance**

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.

B. When required, the Planning and Development Services Director shall prepare a declaration of covenant for signature by the owner.

C. The owner 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 Director.

D. The dedication of surface water facilities in the public right-of-way shall comply with 20.70.060 and 20.70.070 SMC.

### **13.10.320 Prohibited Discharges**

A. Any discharge into a Municipal Separate Stormwater System (MS4) or water of the State 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 City 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, 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;

ORIGINAL

- 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 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, 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 City at least one business day prior to the date of the test; and
  26. Any chemical or dangerous waste not listed above.

### **13.10.330 General Requirements**

- A. Requirement to Implement Best Management Practices.
1. Best Management Practices as specified in the Volume II (Construction Stormwater Pollution Prevention) and 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 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 non-potable 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 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 non-structural BMPs as defined in the Stormwater Manual. The Director may require any person responsible for a property or premise, which is, or may be, the source of an illicit discharge to implement, at their own expense, additional structural and non-structural 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 non-hazardous materials, said person shall notify the City 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 onsite written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

### **13.10.340 Inspections and Investigations**

A. The 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; and evaluating the condition of drainage control facilities and other BMPs.

B. Property owners shall allow access to all parts of the premises for the purpose of inspection, sampling, examination, 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.

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

D. The 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. Such obstructions shall not be replaced. The costs of clearing obstructions shall be born by the property owner.

#### **13.10.400 Violations**

Any activity or action caused or permitted to exist in violation of Chapter 13.10 SMC 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.