

ORDINANCE NO. 05-0259

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EDGEWOOD, WASHINGTON, REPEALING AND REPLACING EMC CHAPTER 13.05 AND ADOPTING THE WASHINGTON STATE DEPARTMENT OF ECOLOGY STORMWATER MANAGEMENT MANUAL FOR WESTERN WASHINGTON, DATED FEBRUARY 2005, WITH AMENDMENTS.

WHEREAS, the City Council desires to repeal and replace the City’s current stormwater regulations with February 2005 edition of the Washington State Department of Ecology’s Stormwater Management Manual for Western Washington (SMMWW); and

WHEREAS, the City Council has determined that the February 2005 edition of the Washington State Department of Ecology’s Stormwater Management Manual for Western Washington (SMMWW) will ensure that appropriate stormwater management measures are in place to protect the public health, safety and welfare of the citizens of Edgewood.

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

Section 1. Repealer. Edgewood Municipal Code Chapter 13.05 is hereby repealed in its entirety and replaced with the following new Chapter.

**EDGEWOOD MUNICIPAL CODE
Chapter 13.05
Stormwater Manual – Site Development Regulations**

Sections:

- 13.05.001 Site Development Regulations.**
- 13.05.010 Exemptions.**
- 13.05.020 Definitions.**
- 13.05.030 Site Development Permits.**
- 13.05.040 Engineer’s Responsibility.**
- 13.05.050 Engineering Review Fee.**
- 13.05.060 Technical Equivalency.**
- 13.05.070 Hazards.**
- 13.05.080 Variances.**
- 13.05.090 Appeals.**
- 13.05.100 Penalties and Enforcement.**
- 13.05.110 Inspections, Right of Entry, Access.**
- 13.05.120 Applicability to Applications.**
- 13.05.130 Pre-existing Stormwater Facilities.**
- 13.05.140 Acceptance of Pre-existing Stormwater Facilities.**
- 13.05.150 Applicability.**
- 13.05.160 February 2005 Edition, Washington State Department Of Ecology Stormwater Management Manual For Western Washington (SMMWW) Adopted.**
- 13.05.170 Modifications to the SMMWW.**
- 13.05.180 Copy To Be Available.**
- 13.05.190 Conflict of Provisions.**
- 13.05.200 Severability.**
- 13.05.210 Effective Date.**

13.05.001 Site Development Regulations. These Regulations establish criteria for review and analysis of all development including, but not limited to, grading, formal subdivision, short subdivision, commercial building, binding site plans, planned unit developments, planned development districts, single family home construction, duplex construction, or other projects when so required by the City of Edgewood Hearing Examiner or City Council. All proposals for development, whether public or private, which are submitted to the City for review, must conform to these regulations, which are to be used as the basis for review, design, and construction.

These Regulations cannot address all situations. They are intended to assist, but not to substitute, competent work by professional engineers. It is expected that the professional engineer will bring to each project the best of the engineer's skills and abilities to see that the project is thoroughly analyzed and designed correctly, accurately, and in compliance with generally accepted engineering practices. These regulations are not intended to unreasonably limit any innovative or creative effort in design and construction which could result in better quality, cost savings, or improved performance of a project's storm drainage system.

These regulations are based on the premise that development should not impact adjacent or downstream property owners in a detrimental manner compared to the pre-development condition. The engineer shall show by calculations, plans, and engineering data that the proposed project meets the requirements of these regulations.

It is not the intent of these regulations to make City of Edgewood a guarantor or protector of public or private property with respect to development.

13.05.010 Exemptions. The following work is exempt from the requirements of these regulations:

- A. Complete Site Development Applications submitted prior to the effective date of this Chapter for City review and approval.
- B. Emergency projects which if not performed immediately would substantially endanger life or property.
- C. Public works and private sector road and utility projects completely within the road right-of-way or within easements adjacent to the right-of-way which do not add impervious surface (not to include trenching activities) or impact the watershed or downstream resources.
- D. Grading of land for agricultural purposes, provided that the requirements of Edgewood Municipal Code Title 14 – Critical Areas are met.
- E. Maintenance of public roads or flood control projects when done by a public agency and the project has been reviewed and approved for compliance with applicable State, Federal, County, and City regulations, and the work is in existing public right-of-way or easement dedicated to or on property owned by the City.
- F. Public Works Maintenance activities and Utility activities which have submitted and had approved an annual scope of work for routine repetitive activities detailing erosion and sediment control measures that comply with the provisions of the SMMWW or Regional Road Maintenance Endangered Species Act Program Guidelines developed by Tri-County Road Maintenance Technical Working Group August 2000 and which will be implemented during the specified activities.
- G. Routine agricultural practices such as discing, harrowing, plowing, etc., except in sensitive or critical areas.
- H. Emergency sandbagging, diking, ditching, filling or similar work during or after periods of extreme weather conditions when done to protect life or property.

- I. Washington State Department of Transportation (WSDOT) projects in which stormwater management standards, specifications, and practices are conducted in accordance with "WSDOT's Highway Runoff Manual" as approved by the Department of Ecology.
- J. All utility trenching and installation where said Utility has filed a yearly scope of work plan that addresses sediment and erosion control work methods that comply with the SMMWW.
- K. Projects that are covered under the State of Washington Model Toxics Control Act (MTCA) or the Federal Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA).
- L. The removal, deposit, or displacement of not more than a total of 50 cubic yards of material throughout the life of a development from its existing condition.
- M. The stockpiling or broadcasting of less than 50 cubic yards of topsoil, peat, sawdust, mulch, bark, chips or solid nutrients on a lot, tract, or parcel of land.

13.05.020 Definitions. The following definitions shall apply in the interpretation and enforcement of this Chapter:

- A. "Applicant" means the person, party, firm, corporation, or other legal entity that proposes to develop property in the City of Edgewood by submitting an application for any of the activities covered by these Regulations on a form furnished by the City and paying the required fees.
- B. City means the City Manager or his/her designee; also the City, its duly authorized representatives, and the jurisdictional boundaries of the City.
- C. "Development" means any man-made change to improved or unimproved real property including, but not limited to, construction of buildings or other structures, placement of manufactured home, mining, dredging, logging, clearing, filling, grading, paving, excavation, drilling operations, or the subdivision and short plat of property.
- D. "Director" shall mean the Director of the Public Works or designee as necessary to ensure compliance with these Regulations unless explicitly referenced otherwise.
- E. "Engineer" means a professional civil engineer, currently licensed by the State of Washington, retained by and acting on behalf of the Applicant. The term "engineer" also means design engineer and project engineer.
- F. "Geologist" means geologist, engineering geologist, or hydrogeologist registered in the State of Washington.
- G. "Manual" means the SMMWW including all amendments, corrections, and changes made through subsequent City ordinance.
- H. "Manufactured home " means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes, the term "manufactured home " also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes, the term "manufactured home " does not include park trailers, travel trailers, recreational vehicles or other similar vehicles.
- I. "Parcel" means any portion, piece, or division of land, fractional part or subdivision of block, according to plat or survey; portion of platted territory measured and set apart for individual and private use and occupancy.
- J. "Pothole" means a relatively sunken or low-lying area of the earth's surface, especially one having no natural outlet for surface drainage.
- K. "Redevelopment" means, on an existing developed site, change of pervious type, the creation or addition of impervious surfaces, external structural development including construction, installation or expansion of a building or other structure, and/or replacement of impervious surface that is not

part of a routine maintenance activity; and land disturbing activities associated with structural or impervious redevelopment.

- L. "Regulations" means this Chapter plus requirements contained in the SMMWW and applicable provisions of the Edgewood Municipal Code. Copies of the SMMWW is available for inspection and/or purchase at City Hall.
- M. "Short plat" is the map or representation of a short subdivision.
- N. "Short subdivision" is any voluntary or involuntary division or redivision of land into four or fewer lots, tracts, parcels, sites or subdivisions for the purpose of sale, lease or transfer of ownership.
- O. "Site" means any parcel or combination of contiguous parcels where grading, filling, clearing, or creation of an impervious surface is proposed, and which may be controlled by more than one property owner.
- P. "Washington State Department of Ecology Stormwater Management Manual for Western Washington (SMMWW)" means the manual adopted by City of Edgewood Ordinance 05-0259, which is incorporated into these regulations by reference and all amendments, corrections, additions made to it by subsequent City Ordinances. Copies of the Manual are available for inspection and/or purchase at City Hall.
- Q. "Site development plan" shall include the following, as specifically required by the City in each instance: site plan, erosion and sedimentation control plan, grading plan, storm drainage plan, stormwater drainage control report, soils report, flood study, entering sight distance variances and verifications, and other documents required in the review of proposed development of the property.
- R. "Site Development Permit" means a permit issued by the City authorizing the applicant to access the property; fill, grade and create a different type of pervious or impervious surface or any combination thereof.
- S. "Subdivision or final plat" is any voluntary or involuntary division or redivision of land into five or more lots, tracts, parcels, sites or division for the purpose of sale, lease, or transfer of ownership except as provided in subsection 8 of this Section.
- T. "Technical Equivalency" or "Technical Deviation" means an alternative design option requested by an Applicant or the Applicant's Engineer which deviates from the stipulated technical design standards or criteria found in the SMMWW.
- U. "Variance" means an adjustment to the development standards, that does not apply to use, that is reviewed and approved by the Hearing Examiner after at least one public hearing.

13.05.030 Site Development Permits.

- A. **Permits.** Issuance of a site development permit by the City does not, in any way, imply or signify that the proposal complies with the requirements of or is allowed by other City ordinances, regulations, or requirements, or State or Federal laws. The Applicant is in no way relieved of responsibility and liability for compliance with all State, Federal, and local rules, requirements, laws, ordinances, and regulations.
- B. **Permit Required.** Unless exempt from these Regulations, no person, party, firm, corporation, or entity shall do any grading, filling, clearing, excavating, or ditching, or create an impervious surface, or any development or redevelopment activity unless the work is in accordance with a valid site development permit from the City issued pursuant to the provisions of these Regulations. Each site must have a separate site development permit. The permit issuance, payment of fees, and plan review must be completed prior to plat approval or issuance of building permits.
- C. **Application for a Permit.** An application for a site development permit shall be made by the owner or owners agent with the City. The application must be accompanied by the appropriate number of site development plans as detailed in the Manual, including grading plans, erosion and sedimentation

control plans, storm drainage plans, and report(s). The Applicant may provide additional information, as appropriate, to identify the scope of work.

- D. Permit Issuance.** The City shall review the submitted information to determine if it complies with the provisions of these Regulations. If the proposed work, as identified by the application and plans, complies with the provisions herein or as imposed by the City pursuant to these Regulations or if they are corrected or amended to comply within the specified time limit and all applicable fees have been paid, the City shall issue a site development permit to the Applicant. The permit must be posted by the developer at the driveway location for the duration of the construction activity. The developer will be responsible for the weather proofing of the permit, posting apparatus, and maintenance of the permit.
- E. Permit Approval.** Upon receiving Hearing Examiner approval (if required) and after the expiration of the appeal period, site development permits may be issued for clearing, site grading, road construction, and installation of storm drainage facilities individually or under one site development permit. If separate applications are submitted, they must be accompanied by the pertinent plans and reports.
- F. Compliance.** The issuance of a site development permit shall not relieve the Applicant from complying with other applicable City regulations, State or federal regulations or laws.
- G. Permit Time Limit.** A site development permit shall be valid for three years from the date of approval or final plat approval by the City whichever comes last. A single one year extension may be granted if deemed appropriate by the City.
- H. Permit Expiration.** Unless governed by the provisions of RCW 58.17.140, a new application must be filed and a permit must be obtained for work not completed before the expiration of the previous site development permit within this time period. Said permit will be issued in compliance with the regulation in effect at the time of submittal of said new application.
- I. Changed Conditions, Stop Work Order, and Permit Revocation.** Should the City become aware of conditions that invalidate the original design data used to obtain the permit or determine that the Applicant is not complying with the conditions of the permit or approved plans, the City may revoke the original permit and/or order work stopped on the project. The City may require the Applicant to resubmit information or plans for review and approval and apply for a new permit. The City may order all or part of the permitted work stopped for any period of time for any of the following reasons:
 - 1. The Applicant fails to comply with the conditions of the permit.
 - 2. The permit was granted on the basis of erroneous or incomplete information submitted to the City by the engineer or Applicant.
 - 3. The weather related emergency conditions cause off-site or downstream drainage or water quantity or quality problems.
 - 4. The work has created a condition which is a hazard to life, endangers property, or adversely affects the use or stability of a public way or drainage course.

13.05.040 Engineer's/Geologist's Responsibility. All site development plans submitted to the City for review and approval shall be prepared by an Engineer and/or Geologist's with the exception(s) set forth in the SMMWW. The City will review the work for compliance with these Regulations. Should errors, omissions, or inaccurate data related to the submitted work come to the City's attention, the Applicant or Engineer/Geologist's as applicable shall correct all deficiencies and be responsible for any and all damages resulting from the defective work.

13.05.050 Engineering Review Fee. Engineering review fees as set forth in the City's fee schedule must be paid upon application for the site development permit. Additional review fees may be assessed by other City divisions and departments.

- A. Permit fees must be paid at the City and are non-refundable.
- B. City departments are exempt from fees set forth herein.

13.05.060 Technical Equivalency.

- A. The Director of Public Works may grant technical deviations from the requirements contained in this Chapter provided that all of the following are met:
 - 1. The granting of technical equivalency will not otherwise result in non-compliance with minimum requirements set forth in the SMMWW;
 - 2. The granting of technical equivalency will not violate the development conditions imposed upon the project;
 - 3. The granting of technical equivalency will produce a compensating or comparable result which is in the public interest;
 - 4. The granting of technical equivalency will meet the objectives of safety, function, appearance, environmental protection and maintainability based on sound engineering judgment.
- B. The Director of Public Works or designee shall make written findings supporting the determination of technical equivalency.

13.05.070 Hazards. Whenever the Director determines that any existing construction site, erosion/sedimentation problem and/or drainage facility poses a hazard to life and limb, endangers any property, and/or adversely affects the condition or capacity of other drainage facilities, the safety and operation of City right of way, utilities, and/or other property owned or maintained by the City, the applicant/person to whom a permit was issued, the owner of the property, the applicant/person responsible for maintenance, and/or other person or agent in control of said property, upon receipt of notice in writing from the Director shall within the period specified therein repair or otherwise address the cause of the hazardous situation in conformance with the requirements of this Chapter.

Should the Director have reasonable cause to believe that the situation is so adverse as to preclude written notice, he/she may take the measures necessary to eliminate the hazardous situation; provided, that he/she shall first make a reasonable effort to locate the owner before acting. In such instances the applicant of whom a drainage plan was required, owner of the property and/or person responsible for the maintenance of the facility shall be obligated for payment of all costs incurred. If costs are incurred and a financial guarantee pursuant to this Chapter or other City requirement has been posted, the Director shall have the authority to collect against the financial guarantee to cover costs incurred.

13.05.080 Variances. A variance may be requested to these regulations pursuant to the procedures and criteria set forth in EMC Title 18.

13.05.090 Appeals. Any person or agency aggrieved by a final act or decision of the City under these Regulations may appeal to the City Hearing Examiner pursuant to the provisions of EMC Chapter 2.40, as now enacted or hereafter amended. Administration, including staff report preparation and public hearing notification, shall be prepared by the City.

13.05.100 Penalties and Enforcement.

- A. **General.** Failure to comply with this Chapter and the Manual will be cause for withholding or withdrawing approval of the overall project plans, revocation of the site development permit, suspension of building inspections, forfeiture of the financial guarantee submitted to the City, and/or non-acceptance of the work by the City.
- B. **Impact of Forest Practices Permit.** A site development application or permit will not be issued on any parcel that has a valid non-conversion Forest Practices Permit for a period of six years from the date of the Forest Practice Application approval.
- C. **Illegal Earthwork.** The City may require the property owner to remove or replace illegal earthwork and/or restore and reclaim an illegally graded parcel. Earth material brought onto a parcel must be removed to a properly-permitted disposal site.
- D. **Enforcement Actions.** The Director shall be responsible for enforcing this Chapter. The Director is authorized to issue violation notices, cease and desist orders, levy fines, recover costs, issue notices of civil infraction, and/or institute both civil and criminal actions in the court. Recourse to any single remedy shall not preclude recourse to any other remedies available to the City.
- E. **Improper Construction.** Prior to acceptance or approval of the development, the City may remove, correct, or replace any improperly constructed facility, structure, or portion thereof which was allowed through an issued site development permit, and all expenses incurred by the City shall be paid by the property owner or Applicant. If the City is required to bring an action to recover such costs, the City will recover reasonable attorney's fees and interest at twelve percent per annum to run from the date the work was completed by the City. Applicants must agree to this provision as a condition of issuance of any permit authorized by these Regulations.
- F. **Cease and Desist Orders.** The City may serve a cease and desist order for violations of this Chapter. The order shall include the following:
 - 1. **Description of Violation:** A description of the specific nature, extent, and time of violation. The order may include the damage or potential damage resulting from the violation. A notice that the violation or the potential violation cease and desist may, in appropriate cases, specify corrective action to be taken within a given time. A civil infraction citation may be issued with the order pursuant to the provisions of EMC Chapter 1.10.
 - 2. **Effective Date:** The cease and desist order issued under this Section shall become effective immediately upon receipt by the person to whom the order is directed.
 - 3. **Compliance:** Failure to comply with the terms of a cease and desist order can result in enforcement action including, but not limited to, the issuance of a civil infraction citation.
 - 4. **Corrective Measures:** The order may include specific corrective measures to be taken to mitigate environmental damage.
 - 5. **Request for Hearing:** The order shall state that a hearing may be requested by an affected party by sending a written request for a hearing to the City Hearing Examiner within ten days of the receipt of said order.
- G. **Civil Infraction.** Any person who fails to comply with a written request of the Director or designee shall be liable to the City for a civil infraction pursuant to EMC Chapter 1.10, as well as all and any civil remedies available at law. Each violation, and in the case of a continuing violation, each day of continued violation shall be a separate and distinct violation. Civil penalties shall be assessed at a rate of two hundred fifty dollars (\$250.00) per day per violation, and statutory assessments will be in addition to this amount pursuant to EMC Chapter 1.10.010(A).
- H. **Civil Penalty.** The provisions of this Section are in addition to and not in lieu of any other penalty, sanction or right of action provided by law. The purpose of this penalty is to encourage

compliance with this Chapter and to obtain redress for ecological, recreational, and economic values lost or damaged due to the unlawful action. Any person who fails to obtain a necessary permit prior to conducting activities governed by the provisions of this Chapter shall be assessed a civil penalty as follows:

1. The Director may assess the violator a civil penalty a rate of two hundred fifty dollars (\$250.00) per day per violation. Each violation or each day of continued unlawful activity shall constitute a separate violation.
2. Any person who, through an act of commission or omission, aids in a violation shall be considered to have committed the violation for purposes of the civil penalty.
3. The penalty provided for in this Section shall be imposed by the Director in writing, either by certified mail with return receipt requested or by personal service, to the person incurring the penalty, describing the violation with reasonable particularity and ordering appropriate corrective action to be taken within a specified time.
4. Within thirty days after the notice of penalty is received, the person incurring the penalty may apply in writing to the Director for remission or mitigation of such penalty. Upon receipt of the application, the Director may remit or mitigate the penalty upon whatever terms is deemed proper to bring about compliance with this Chapter.
5. Any decision(s) regarding remission or mitigation of penalties imposed pursuant to this subsection may be appealed to the City Hearing Examiner under EMC Chapter 18.40.090.
6. If the penalty is not appealed, the violator will have up to thirty (30) days after receipt of notice for payment of the penalty, unless a written request is made to the Director and granted for a longer payment period.
7. All civil penalties recovered during the enforcement of this Section shall be deposited into a fund of the division taking the enforcement action.

I. Recovery of Costs Incurred by the City. Any person violating any of the provisions of this Chapter, who discharges or causes a discharge which violates the City NPDES permit and/or produces a deposit or obstruction or causes damage to or impairs the City stormwater disposal system or causes damage to physical, chemical, or biological systems, of waters of the State or waters of the United States, shall be liable to the City for any expense, loss, or damage caused by such violation or discharge, including the costs for bringing the City back into compliance with its NPDES permit associated with the violation of these regulations, and any fines levied for violations of the City's NPDES permit.

1. A bill issued by the Director or designee for collection of costs incurred is appealable within 14 days from the date of the letter. Appeals may be filed by submitting an appeal fee, in accordance with the City's fee schedule, along with written statement identifying the basis for disputing City claim to the department initiating the action.

J. Violators Punishable by Fine and Imprisonment. Any person who, without authorization, discharges pollutants into a municipal drainage system, uses an unapproved connection to discharge into a municipal drainage system, submits false information in permitting and reporting requirements, violates the terms and conditions of a permit, violates a cease and desist order issued by the Director or designee, fails to pay a civil penalty or cost recovery assessment, or obstructs or damages a municipal drainage system shall be deemed guilty of a misdemeanor. Any person convicted of a misdemeanor under this code shall be punished by a fine not to exceed five thousand dollar or by imprisonment not to exceed one year, or by both such fine and imprisonment, in accordance with EMC 1.10. Each person found guilty of a violation shall be deemed guilty of a separate offense for every day during any portion of which the violation is committed, continued, or permitted by such person and shall be punishable as provided for in this

Chapter. Any person who, through an act of commission or omission, procures, aids, or abets in violation shall be considered to have committed a violation for the purpose of this Section.

- K. Injunction and other Civil Remedies.** In addition to any other penalty or method of enforcement, the prosecuting attorney may bring civil actions and suits for damages, injunctive relief and/or for other civil remedies as necessary. Any violation of this Chapter shall constitute a public nuisance, and may be enjoined as provided by the Statutes of the State of Washington and EMC 1.10.
- L. Public Nuisance.** Any work carried out contrary to the provisions hereof shall constitute a public nuisance and may be enjoined as provided by the statutes of the State of Washington and EMC 1.10.

13.05.110 Inspections, Right of Entry, Access. The Director is authorized to make such inspections and take such actions as may be required to enforce the provisions of this Chapter.

Whenever necessary to make an inspection to enforce any of the provisions of this Chapter, or whenever the Director has reasonable cause to believe that violations of this Chapter are present or operating on a subject property or portion thereof, the Director may enter such premises at all reasonable times to inspect the same or perform any duty imposed upon the Director by this Chapter; provided that, if such premises or portion thereof is occupied, the Director shall first make a reasonable effort to locate the owner or other person having charge or control of the premises or portion thereof and demand entry.

Proper ingress and egress shall be provided to the Director to inspect or perform any duty imposed upon the Director by this Chapter. The Director shall notify the responsible party in writing of a failure to provide access. If the responsible party fails to respond within seven days from the receipt of notification, the Director may order the work required completed or otherwise address the cause of improper access. The obligation for the payment of all cost that may be incurred or expended by the City in causing such work to be done shall be imposed on the person holding title to the subject property.

13.05.120 Applicability to Applications. The following will be used in determining the applicability of this Chapter to applications:

- A.** For the purposes of this Chapter, a valid and fully complete development permit or approval application must include:
 - 1. An application form with all sections filled in;
 - 2. Copies of all existing easements, deed restrictions, or other encumbrances restricting the use of the subject property;
 - 3. A completed environmental checklist if required;
 - 4. Record of payment for any application fees specified in the City's fee schedule;
 - 5. Documentation of compliance with the application requirements in the SMMWW;
 - 6. Completed applications for other required permits or approvals if they are to be processed with the development applications, or copies of issued permits or applications if they have been previously approved; and
 - 7. Any other documents or information required in the EMC or the Hearing Examiner's Conditions for the specific permit or approval which is the subject of the development application.
- B.** Determination that an application is valid and fully complete will be made by the Director or designee.
- C.** For the purposes of this Chapter, the date that an application is valid and fully complete shall be determined according to the following specifications:

1. If the application is determined by the Director to be valid and fully complete, the date that the application was submitted and date-stamped at the permit counter shall be the date the application is deemed valid and fully complete.
 2. If the application is determined to be invalid and/or incomplete by the Director, and the information requested by the department to resolve the application's invalid or incomplete status is determined by the department to be valid and fully complete, then the date the application is deemed valid and fully complete shall be the date the last piece of requested information is submitted and date-stamped at the permit counter.
 3. If the applicant does not submit responses to a request from the department for additional information within ninety days, the application shall be deemed withdrawn by the applicant and no valid and fully complete application rights shall exist.
- D.** Although the Director shall determine the validity and completeness of an application for purposes of establishing a valid and fully complete application date, during the review of the completed application, the Director may require submittal of additional information.

13.05.130 Pre-existing Stormwater Facilities. The applicant/person required to construct a stormwater facility pursuant to the replaced Development Regulations-Site Development or older regulation, which is covered by a maintenance or defect financial guarantee or which has been released from all required financial guarantees prior to the effective date of Ordinance 05-0259, and all persons holding title to the property for which a facility was required shall be responsible for the continual operation and maintenance of the facility in accordance with standards and requirements established at the time of completion of the site development permit and for any liability as a result of breach of these duties.

13.05.140 Acceptance of Pre-existing Stormwater Facilities. The City may assume maintenance of pre-existing facilities only after the following conditions have been met:

- A.** All necessary easements or dedications entitling the City to properly maintain the stormwater facility have been conveyed to the City;
- B.** The Director of Public Works has determined maintenance of the facility will contribute to protecting or improving the health, safety, and welfare of the community based upon review of the following factors:
 1. Existence of or potential for flooding;
 2. Existence of or potential for downstream erosion;
 3. Existence of or potential for property damage due to improper function of the facility;
 4. Existence of or potential for safety hazard associated with the facility;
 5. Existence of or potential for degradation of surface or ground water quality or in-stream resources; or
 6. Existence of or potential for degradation to the general welfare of the community; and
 7. Improvements in residential plats/PDDs have been completed on at least 80% of the lots; and
 8. An inspection by the Director has determined that the stormwater facilities meets current codes and are functioning as designed; and,
 9. The stormwater facilities have had at least two (2) years of satisfactory operation and maintenance, unless otherwise waived by the Director; and,
 10. The person or persons holding title to the properties served by the stormwater facilities submit a petition containing the signatures of the title holders of more than 50% of the lots served by the stormwater facilities requesting that the City maintain the stormwater facilities; and

11. All easements and/or dedicated tracts required under this Ordinance, entitling the County to properly operate and maintain the subject stormwater facilities, have been conveyed to City and have been recorded with the Pierce County Auditor; and
12. The person or persons holding title to the properties served by the stormwater facilities show proof of the correction of any defects in the drainage facilities, as required by the Director; and
13. The Director has declared in writing acceptance of maintenance responsibility by the City. Copies of this document will be kept on file in the City Public Works office.

A stormwater facility which does not meet the criteria of this Section shall remain the responsibility of the applicant/person required to construct the facility and persons holding title to the property for which the facility was required. The decision of the Director is not appealable.

13.05.150. Applicability. Any project for which a building or grading permit is required shall provide stormwater management design meeting the requirements of Washington State Department of Ecology (DOE) Stormwater Management Manual for Western Washington (SMMWW), except as amended herein.

13.05.160. February 2005 Edition, Washington State Department of Ecology Stormwater Management Manual for Western Washington Adopted. The City adopts by reference the February 2005 Edition Washington State Department of Ecology (DOE) Stormwater Management Manual for Western Washington (SMMWW) including Optional Guidance 2.6, as modified herein.

13.05.170. Modifications to the SMMWW. The City hereby amends the SMMWW as follows:

All projects regardless of size and even if exempt from permit application submittal shall meet the following minimum requirements:

- Minimum Requirement #2: Construction Stormwater Pollution Prevention (SWPP); and
- Minimum Requirement #4: Preservation of Natural Drainage Systems and Outfalls.

Projects exempt from the requirements of 2005 DOE SMMWW are identified in Volume I Chapter 2.2. Such exemptions are briefly summarized below. See 2005 DOE SMMWW for further details.

- Forest practices regulated under Title 222 WAC except Class IV General Forest Practices that are conversions from timberland to other uses;
- Commercial agricultural practices, as defined in Volume I Glossary page 8, for production, except for conversion of timberland to agriculture or construction of impervious surfaces;
- Road maintenance;
- Underground utility projects.

Volume 1 Chapter 2.4.1 New Development - The following is applicable to new development within a project. See Volume I Chapter 2.4.2: Redevelopment for requirements applicable to redeveloped surfaces within the project.

Potholes. The following types of new development projects shall comply with Minimum Requirements #1 through #5 to the new and replaced impervious surfaces and the land disturbed if such projects discharge into a pothole or any surface or stormwater system that discharges into a pothole:

- Projects that create or add 120 square feet or more but less than 1,000 square feet of new impervious surface area and do not redevelop any existing impervious surfaces;

- Projects that convert less than 3/4 acres of native vegetation to lawn or landscaped areas;
- Projects that convert less than 2.5 acres of native vegetation to pasture;
- Projects that have land-disturbing activities of 2,000 square feet or more.

The following types of new development projects shall comply with Minimum Requirements #1 through #10 apply to the new impervious surfaces and converted pervious surfaces if such projects discharge into a pothole:

- Projects that add 1,000 square feet or more of new impervious surfaces;
- Projects that convert 3/4 acres or more of native vegetation to lawn or landscaped areas; or
- Projects that convert 2.5 acres or more of native vegetation to pasture.

Projects that have less than 7,000 square feet of land disturbing activity, that do not add impervious surfaces and do not convert existing pervious land covers shall comply with Minimum Requirement #2, Construction Stormwater Pollution Prevention.

Figure 2.2 – Flow Chart for Determining Requirements for New Development is not applicable for projects discharging to potholes.

Streams. The following is applicable to all new development that discharges into a stream or into any surface or stormwater system that discharges into a stream.

All new development shall be required to comply with Minimum Requirement #2, Construction Stormwater Pollution Prevention.

The following new development shall comply with Minimum Requirements #1 through #5 for the new impervious surfaces and the land disturbed:

- Creates or adds 120 square feet or more but less than 2,000 square feet of new impervious area; or
- Converts less than 3/4 acres of native vegetation to lawn or landscaped areas; or
- Converts less than 2.5 acres of native vegetation to pasture; or
- Has land disturbing activity of 2,000 square feet or more.

The following new development shall comply with Minimum Requirements #1 through #10 for the new impervious surfaces and converted pervious surfaces:

- Creates or adds 2,000 square feet, or more, of new impervious surface area; or
- Converts 3/4 acres, or more, of native vegetation to lawn or landscaped areas; or
- Converts 2.5 acres, or more, of native vegetation to pasture.

Figure 2.2 – Flow Chart for Determining Requirements for New Development is applicable only to projects that have natural discharge locations to streams.

Projects that have less than 7,000 square feet of land disturbing activity, that do not add impervious surfaces, and do not convert existing pervious land covers shall comply with Minimum Requirement #2, Construction Stormwater Pollution Prevention.

Volume 1 Chapter 2.4.2 Redevelopment - The following is applicable to redeveloped impervious surfaces within a project. See Volume I Chapter 2.4.1: New Development for requirements applicable to new surfaces within the project.

Potholes. The following types of redevelopment projects shall comply with Minimum Requirements #1 through #5 if such projects discharge into a pothole or any surface or stormwater system that discharges into a pothole:

- Projects that redevelop 120 square feet or more but less than 2,000 square feet of existing impervious surfaces; or
- Projects with a total of 2,000 square feet or less of redeveloped, new or new plus redeveloped impervious surface; or
- Projects that convert less than 3/4 acres of native vegetation to lawn or landscaped areas; or
- Projects that convert less than 2.5 acres of native vegetation to pasture; or
- Projects that have land disturbing activity of 7,000 square feet or greater,

The following redevelopment shall comply with Minimum Requirements #1 through #10 for the replaced impervious surfaces and converted pervious areas:

- Projects that redevelop 2,000 square feet or more of existing impervious surfaces; or
- Projects with a total of 2,000 square feet or more of redeveloped, new or new plus redeveloped impervious surface; or
- Projects that convert 3/4 acres or more of native vegetation to lawn or landscaped areas; or
- Projects that convert 2.5 acres or more of native vegetation to pasture.

Figure 2.3 – Flow Chart for Determining Requirements for Redevelopment is not applicable to projects discharging to potholes.

Projects that have less than 7,000 square feet of land disturbing activity, that do not add impervious surfaces and do not convert existing pervious land covers shall comply with Minimum Requirement #2, Construction Stormwater Pollution Prevention.

Streams. The following is applicable to all redevelopment that discharges into a stream or into any surface or stormwater system that discharge into a stream.

The following redevelopment shall comply with Minimum Requirements #1 through #5 for the redeveloped impervious surfaces and the land disturbed:

- Projects that redevelop 120 square feet or more but less than 2,000 square feet of existing impervious surfaces; or
- Projects that have less than 2,000 square feet of redeveloped, new, or total of new plus redeveloped impervious surfaces; or
- Projects that convert less than 3/4 acres of native vegetation to lawn or landscaped areas; or
- Projects that convert less than 2.5 acres of native vegetation to pasture; or
- Projects that have land disturbing activity of 7,000 square feet or more.

The following redevelopment shall comply with Minimum Requirements #1 through #10 for the redeveloped impervious surfaces and converted pervious areas:

- Projects that redevelop 2,000 square feet or more of existing impervious surfaces; or
- Projects that have 2,000 square feet or more of redeveloped, new or total of new plus redeveloped impervious surfaces; or
- Projects that convert 3/4 acres or more of native vegetation to lawn or landscaped areas; or
- Projects that convert 2.5 acres or more of native vegetation to pasture.

Projects that have less than 7,000 square feet of land disturbing activity, that do not redevelop existing impervious surfaces, add impervious surfaces and do not convert existing pervious land covers shall comply with Minimum Requirement #2, Construction Stormwater Pollution Prevention.

Figure 2.3 – Flow Chart for Determining Requirements for Redevelopment is applicable only to projects with the natural discharge location to streams.

Volume 1 Chapter 2.5.1

Minimum Requirement #1 Preparation of Stormwater Site Plans

Amend the paragraph under *Objective* as follows:

- Replace the first sentence with: “The thresholds have been established based on a variety of project sizes for new and/or redevelopment projects discharging to potholes or surface or stormwater systems.”
- In the second sentence, replace “if the thresholds of 5,000 square feet of impervious surface” with “if the impervious area thresholds”.

Volume 1 Chapter 2.5.2

Minimum Requirement #2 Construction Stormwater Pollution Prevention (SWPP)

On Page 2-15, replace the first sentence of the second paragraph with:

“Projects meeting the thresholds identified in these errata for Chapter 2.4.1 or 2.4.2 must prepare a construction SWPP Plan (SWPPP) as part of the Stormwater Site Plan (see 2.5.1).”

On Page 2-16, amend the first and second lines of the first full paragraph to read:

“Projects that are below the thresholds in these errata for Chapter 2.4.1 or 2.4.2 are not required...”

On Page 2-16, add the following paragraph under the first full paragraph:

“Wet season erosion control BMPs in landslide hazard areas shall be applied per EMC Title 14.80.040.5 from November 1st through May 1st.”

Volume 1 Chapter 2.5.3

Minimum Requirement #3 Source Control of Pollutants

There are no amendments to Minimum Requirement #3.

Volume 1 Chapter 2.5.4

Minimum Requirement #4 Preservation of Natural Drainage Systems and Outfalls

There are no amendments to Minimum Requirement #4.

Volume 1 Chapter 2.5.5

Minimum Requirement #5 On-site Stormwater Management

The City encourages the use of Low Impact Development (LID) techniques. Such techniques are recommended to be considered early in the project planning phase. LID techniques, if included in the project, shall be designed in accordance with the most current edition of the *Low Impact Development Technical Guidance Manual for Puget Sound* issued by the Puget Sound Action Team (formerly the Puget Sound Water Quality Authority).

Hydrologic modeling credits for using LID techniques are allowed as presented in the 2005 SMMWW.

Projects using infiltration for stormwater management may be subject to groundwater flow testing and flow pattern identification as part of the mitigation requirements where infiltration may cause new or exacerbate existing down-gradient erosion or landslide problems.

Volume 1 Chapter 2.5.6

Minimum Requirement #6 Runoff Treatment

The following software for runoff treatment design and hydrologic analysis is acceptable to the City:

- Continuous simulation software approved by WSDOE;
- WHAM, for WSDOT projects;
- Software using a 24-hour design event with a Type 1A rainfall distributions and the Natural Resources Conservation Service (formerly Soil Conservation Service) curve number equations.

The following require construction of stormwater treatment facilities (see Table 2.1):

- Projects in which the total of effective, pollution – generating impervious surface (PGIS) is 5,000 square feet or more in a threshold discharge area of the project; or
- Projects in which the total of effective, pollution – generating pervious surface (PGPS) is three-quarters (3/4) of an acre or more in a threshold discharge area, and from which there is a surface discharge in a natural or man-made conveyance system from the site.

	<3/4 acres of PGPS	≥ 3/4 acres PGPS	<5,000 sf PGIS	≥5,000 sf PGIS
Treatment Facilities		√		√
Onsite Stormwater BMPs	√	√	√	√
PGPS = pollution-generating pervious surfaces				
PGIS = pollution-generating impervious surfaces				
sf = square feet				

For new agricultural activities allowed under EMC Title 14.50.040.C in aquifer recharge and wellhead protection areas, Integrated Pest Management (IMP) practices and fertilizer use Best Management Practices (BMPs) shall be used as described by the Washington State University Pierce County Cooperative Extension Office.

Volume 1 Chapter 2.5.7

Minimum Requirement #7 Flow Control

The following software for flow control design and hydrologic analysis is acceptable to the City:

Continuous simulation software approved by WSDOE, such as the currently available version of Western Washington Hydrology Model (WWHM), or Western Washington Highways Hydrology Analysis Model (WHAM) for WSDOT projects.

King County Runoff Time Series is not acceptable for use for projects located in the City.

On Page 2-32, amend the first bulleted paragraph under *Thresholds* to read:

“Projects that meet the thresholds in Chapters 2.4.1 or 2.4.2 within a threshold discharge area, or”

It is the City’s policy that stormwater be infiltrated as much as possible. Infiltration facilities shall be designed in accordance with summary standards provided for the applicant’s convenience by the City or in accordance with Ecology’s 2005 SMMWW. Projects using infiltration for stormwater management may be subject to groundwater flow testing and flow pattern identification as part of the mitigation

requirements where infiltration may cause new or exacerbate existing down-gradient erosion or landslide problems.

For projects that discharge to streams or potholes, detention facilities in lieu of infiltration for flow control shall be designed such that developed discharge durations match predeveloped durations for the range of predeveloped discharge rates from 50% of the 2-year peak flow up to the full 50-year peak flow. In addition for projects that discharge to potholes, the facility design shall match the 100-year peak flow rate and a 20% safety factor shall be added without increasing the depth of the facility. For projects that use detention facilities that discharge into a pothole, a zero-rise analysis shall be performed meeting the requirements of EMC Title 14.70.030.F. For closed depression potholes, Ecology’s WWHM may be used in lieu of HEC-RAS subject to approval by the City.

Replace Table 2.2 with the following:

Table 2.2 Flow Control Requirements by Threshold Discharge Area		
	Flow Control Facilities	On-site Stormwater Management BMPs
Discharge to Pothole or system that discharges to Pothole		
<3/4 acres conversion to lawn/landscape, or <2.5 acres to pasture		√
≥3/4 acres conversion to lawn/landscape, or ≥2.5 acres to pasture	√	√
<1,000 square feet of new impervious area		√
≥1,000 square feet of new impervious area	√	√
≤2,000 square feet of redeveloped, new, or new plus redeveloped impervious area		√
>2,000 square feet of redeveloped, new or new plus redeveloped impervious area	√	√
≥0.1 cubic feet per second increase in the 100-year flood frequency	√	√
Discharge to Stream or system that discharges to Stream		
<3/4 acres conversion to lawn/landscape, or <2.5 acres to pasture		√
≥3/4 acres conversion to lawn/landscape, or ≥2.5 acres to pasture	√	√
<2,000 square feet of new effective impervious area		√
≥2,000 square feet of new effective impervious area	√	√
<2,000 square feet of redeveloped impervious area		√
≥2,000 square feet of redeveloped, new, or new plus redeveloped impervious area	√	√
≥0.1 cubic feet per second increase in the 100-year flood frequency	√	√

Volume 1 Chapter 2.5.8

Minimum Requirement #8 Wetlands Protection

There are no amendments to Minimum Requirement #8.

Volume 1 Chapter 2.5.9

Minimum Requirement #9 Basin / Watershed Planning

There are no amendments to Minimum Requirement #9.

Volume 1 Chapter 2.5.10

Minimum Requirement #10 Operation and Maintenance

There are no amendments to Minimum Requirement #10.

Volume 1 Appendix I-D

Minimum Requirement #10 Operation and Maintenance

See Edgewood Municipal Code Title 14.30 for wetland protection, buffer and mitigation requirements.

Volume 3 Chapter 3.1.2

Downspout Dispersion Systems

Application: The flowpath length shall be documented on a recorded site plat and the property title amended. The site plat shall include the following requirements:

1. The flowpath area shall be preserved from alteration.
2. Vegetation in the flowpath area shall be maintained in accordance with the approved design.
3. Stormwater management facilities shall be designed and constructed in accordance with Edgewood Municipal Code Title 13.05 if the flowpath area, the splashblocks or the gravel-filled trenches are disturbed.
4. Splashblocks or gravel-filled trenches shall not be covered or removed but shall be maintained in accordance with the approved design.

Design Criteria 2: Splash blocks shall not be allowed for stormwater discharges upslope from Landslide or Erosion Hazard Areas. If the natural discharge location of the site is to the Landslide or Erosion Hazard Area, stormwater shall be conveyed down the slope in a pipe as required by EMC Title 14.80 and 14.110. If the natural discharge location of the site is away from the Landslide or Erosion Hazard Area, a pipe storm system shall be used to convey stormwater away from the hazard area. Stormwater management facilities for the site shall be implemented in accordance with the requirements of EMC Title 13.05 and Ecology's 2005 SMMWW as supplemented herein.

Design Criteria 2: Sensitive areas and their buffers shall not be used in part or in whole to achieve the required flowpath length for any downspout dispersion system or other stormwater management BMP that requires a flowpath length to mitigate for stormwater requirements.

Design Criteria for Dispersion Trenches

Design Criteria #1: Sensitive areas and their buffers shall not be used in part or in whole to achieve the required flowpath length for dispersion trenches.

Design Criteria #5: This section is replaced with the following:

Runoff from dispersion trenches shall not be allowed for stormwater discharges upslope from Landslide or Erosion Hazard Areas. If the natural discharge location of the site is to the Landslide or Erosion Hazard Area, stormwater shall be conveyed down the slope in a pipe as required by EMC Title 14.80 and 14.110. If the natural discharge location of the site is away from the Landslide or Erosion Hazard Area, a pipe storm system shall be used to convey stormwater away from the hazard area. Stormwater management facilities for the site shall be implemented in accordance with the requirements of EMC Title 13.05 and Ecology's 2005 SMMWW as supplemented herein.

Design Criteria for Splashblocks

Design Criteria #1: Sensitive areas and their buffers shall not be used in part or in whole to achieve the required flowpath length for splashblocks.

Design Criteria #5: This section is replaced with the following:

Runoff from splashblocks shall not be allowed for stormwater discharges upslope from Landslide or Erosion Hazard Areas. If the natural discharge location of the site is to the Landslide or Erosion Hazard Area, stormwater shall be conveyed down the slope in a pipe as required by EMC Title 14.80 and 14.110. If the natural discharge location of the site is away from the Landslide or Erosion Hazard Area, a pipe storm system shall be used to convey stormwater away from the hazard area. Stormwater management facilities for the site shall be implemented in accordance with the requirements of EMC Title 13.05 and Ecology’s 2005 SMMWW as supplemented herein.

Design Criteria for Conveyance System Design

Conveyance system shall comply with Core Requirement #4 of the 1994 King County Storm Water Design Manual Section 1.2.4.

13.05.180. Copy To Be Available. One copy of the city of Edgewood revised surface water manual shall be available at Edgewood City Hall for use and examination by the public.

13.05.190. Conflict of Provisions. In the event that this chapter conflicts with any provision of any other existing ordinance, the terms of this chapter shall prevail.

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

13.06.210 Effective Date. A summary of this Ordinance consisting of its title shall be published in the official newspaper of the City and take effect and be in full force five (5) days after the date of publication.

**Presented to Council for its First Reading on November 8, 2005.
Presented to Council for its Second Reading on November 22, 2005.**

ADOPTED BY THE CITY COUNCIL ON THE 22nd DAY OF NOVEMBER, 2005.

Mayor William D. Evans

ATTEST/AUTHENTICATED:

APPROVED AS TO FORM:

City Clerk Terri Berry

City Attorney

Date of Publication: December 1, 2005
Effective Date: December 6, 2005