

ORDINANCE NO. 16-019

AN ORDINANCE of the City of Camas, Washington Adopting a
Revised Chapter 14.02 Relating to Stormwater Control

WHEREAS, to meet the requirements of the Federal Clean Water Act, the State of Washington Department of Ecology was given the authority to issue municipal stormwater permits to designated communities in Washington that discharge stormwater into surface water bodies; and

WHEREAS, the Washington State Department of Ecology reissued the City of Camas a Western Washington Phase II Municipal Stormwater Permit under the National Pollutant Discharge Elimination System Program (NPDES) on January 16, 2014; and

WHEREAS, the City of Camas NPDES Permit requires that no later than December 31, 2016 the City must incorporate and adopt the latest edition of the Stormwater Management Manual for Western Washington (the "Manual") prepared by the Department of Ecology for stormwater control and pollution prevention measures consistent with said permit; and

WHEREAS, the City of Camas NPDES Permit also requires that no later than December 31, 2016, the City shall review, revise and make effective local development related codes, rules and standards to incorporate and require Low Impact Development principles; and

WHEREAS, the City of Camas has revised Chapter 14.02 to reference the latest edition of the Manual, delete redundant language already referenced in the Manual or referenced in other codes, and to modify language to clarify Section 14.02.200 Ownership and Maintenance, Section 14.02.210 Bonds and Insurance, Section 14.02.220 Deviations and Section 14.02.300 Enforcement.

NOW, THEREFORE, be it ordained by the Council of the City of Camas as follows:

Section I

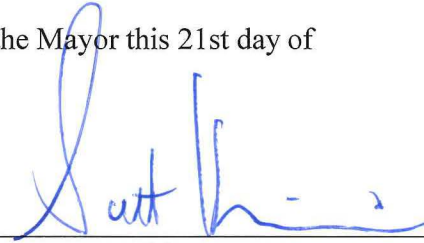
There is hereby added to the Camas Municipal Code a revised Chapter 14.02 regulating stormwater control. The revised Chapter 14.02 shall be as set forth in Exhibit "A" attached hereto and by this reference incorporated herein.

Section II

This Ordinance shall take force and be in effect five (5) days from and after its publication according to law.

PASSED BY the Council and APPROVED by the Mayor this 21st day of November, 2016.

SIGNED:



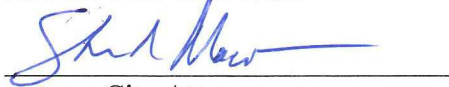
Mayor

ATTEST:



Clerk

APPROVED as to form:



City Attorney

Title 14 - OFFENSES AND MISCELLANEOUS PROVISIONS

Chapters:

Chapter 14.02 - STORMWATER CONTROL

Sections:

- 14.02.010 Purpose
- 14.02.020 Definitions
- 14.02.030 Applicability
- 14.02.040 Exemptions
- 14.02.050 Adoption of Manual
- 14.02.060 Cross Reference
- 14.02.070 Liability
- 14.02.80 Low Impact Development
- 14.02.90 Ownership and Maintenance
- 14.02.100 Bonds and Insurance
- 14.02.110 Deviations
- 14.02.120 Enforcements

14.02.010 - Purpose.

It is the purpose of this chapter to adopt an ordinance, and other enforceable mechanisms, required for compliance with the most current version of the City of Camas' National Pollutant Discharge Elimination System (NPDES Ph. II Permit) Western Washington Phase II Municipal Stormwater Permit, and for compliance with the federal Underground Injection Control (UIC) program, through application of best management practices (BMPs) for stormwater management. The regulatory basis requiring this ordinance is as follows:

1. To meet requirements of the Federal Clean Water Act, the State of Washington Department of Ecology has been given the authority to issue municipal stormwater permits to designated communities throughout the state that discharge stormwater into surface water bodies. The Washington State Department of Ecology issued the City of Camas a Western Washington Phase II Municipal Stormwater Permit under the National Pollutant Discharge Elimination System (NPDES) program. The permit requires that the City of Camas adopt stormwater control and pollution prevention measures for development and re-development, with the goal of improving waters of the state.
2. The Underground Injection Control (UIC) program was created by Congress to protect underground sources of drinking water from discharges of fluids to the ground. Chapter 173 - 218 WAC was adopted by the Washington State Department of Ecology to regulate stormwater discharges to groundwater through drywells and other types of underground infiltration systems that are not regulated under the NPDES permit.

The ordinance is a means of preventing stormwater issues from causing harm to the health or safety of the public, and to promote the public health, safety and general welfare by providing standards in stormwater runoff in order to:

1. Minimize surface and groundwater quality degradation and prevent erosion and sedimentation of creeks, streams, ponds, lakes, wetlands, and other water bodies;
2. Minimize damage to property from increased runoff rates and volumes;

3. Protect the quality of waters for drinking water supply, contact recreation, fishing and other beneficial uses;
4. Establish sound developmental policies which protect and preserve the city's water resources;
5. Protect the roads and rights-of-way from damage due to inadequately controlled runoff and erosion;
6. Preserve and enhance the aesthetic quality of water resources;
7. Protect the health, safety and welfare of the inhabitants of the city;
8. Maintain existing groundwater levels, in-stream flows, and available water supply volumes; and
9. Further the goals of no net negative impact in the quantity of runoff entering streams and no net negative change in the quality of runoff entering streams through the implementation of best management practices.

14.02.020 - Definitions.

For the purposes of this chapter, the following definitions shall apply. Any terms not defined herein are as defined in the most current version of the Stormwater Management Manual for Western Washington (SWMMWW).

City - The City of Camas.

Department of Ecology (DOE or Ecology) - Is an environmental regulatory agency for the State of Washington. The department administers laws and regulations pertaining to the areas of water quality, water rights, and water resources, shoreline management, toxics clean-up, nuclear waste, hazardous waste and air quality.

Design Standards Manual - The most current edition of the City of Camas Design Standards Manual.

Development Site - The entire, legal bounds of a property on which a development activity is proposed.

Director - The director of the City of Camas public works department or designee.

Drainage Area - The entire geographic surface area drained by a river and its tributaries; the surface area upstream of a point on a stream, where the water from rain, snowmelt, or irrigation which is not absorbed into the ground flows over the ground surface, back into streams, to finally reach that point; an area characterized by all runoff being conveyed to the same outlet.

Drainage Project - The excavation or construction of pipes, culverts, channels, embankments or other flow-altering structures in any stream, stormwater facility or wetland in the City of Camas.

Linear - Any street designated as collector or arterial in the latest adopted version of the map within the Camas Comprehensive Plan entitled "City of Camas Transportation Comprehensive Plan".

NPDES Construction Stormwater General Permit - The permit required, and issued by ECOLOGY, for any land-disturbing activity which may result in a discharge of stormwater to surface waters of the state; which includes storm drains, ditches, wetland, creeks, rivers, lakes, and marine waters.

Operations and Maintenance (O&M) Manual - The document prepared to explain the proper specific operational and maintenance details of public and private stormwater facilities installed as required by the Stormwater Management Manual.

Stormwater Management Manual (SWMMWW) - The latest edition of the Stormwater Management Manual for Western Washington, prepared by the Washington State Department of Ecology for use by local governments.

Underground Injection Control (UIC) - A manmade subsurface fluid distribution system designed to discharge fluids into the ground, consisting of an assemblage of perforated pipes, drain tiles, or other similar mechanisms, or a dug hole that is deeper than the largest surface dimension. Subsurface infiltration systems include drywells, pipe or french drains, drain fields, and other similar devices.

Waters of the State - Includes storm drains, ditches, wetlands, creeks, rivers, lakes, marine waters, and all other surface waters and water courses within the jurisdiction of the State of Washington.

WSDOT HR Manual - The Washington State Department of Transportation's Highway Runoff Manual (WSDOT HR Manual) contains BMPs to prevent, control, or treat pollution in stormwater and reduce other stormwater related impacts to waters of the state. The WSDOT HR Manual is intended to provide guidance on measures necessary to control the quantity and quality of stormwater runoff from road projects.

14.02.030 - Applicability.

Provisions of this chapter shall apply to new development and redevelopment activities, as defined herein and as regulated by the latest edition of the Stormwater Management Manual for Western Washington (SWMMWW), as amended by this Ordinance.

All new development and redevelopment project activities shall comply with this chapter; and its mandatory incorporated provisions of the following documents:

- Latest edition of the Stormwater Management Manual for Western Washington (SWMMWW); and the
- Latest edition of the City's Design Standards Manual.

All new linear project activities shall comply with this chapter; and its mandatory incorporated provisions of the following documents:

- Latest edition of the Washington State Department of Transportation "Highway Runoff Manual"; and the
- Latest edition of the City's Design Standards Manual.

14.02.040 - Exemptions.

Exemptions shall be as defined by the Stormwater Management Manual (SWMMWW).

A.

Specific exemptions, as provided by the SWMMWW, as modified by the City's Design Standards Manual, as amended.

14.02.050 - Adoption of manuals.

The latest edition of the SWMMWW is adopted by reference, and the recommendations and requirements contained therein will be the minimum standards for this chapter.

To supplement the minimum standards set forth above to regulate activities subject to this chapter, and to provide technical guidance, the city hereby adopts by reference the most current version of the following manuals:

For Development and Redevelopment Projects:

1. Latest edition of the Department of Ecology's Stormwater Management Manual for Western Washington (SWMMWW).
2. Latest edition of the City of Camas Design Standards Manual.
 - The Design Standards Manual is intended to supplement and clarify the SWMMWW to provide guidance for, and tailor to, local conditions. The Design Standards Manual may also adopt measures that are deemed equivalent by the Washington State Department of Ecology.
3. Latest edition of the City's Storm Sewer Systems Operation & Maintenance Manual.

For Linear Projects:

1. Latest edition of the Washington State Department of Transportation 'Highway Runoff Manual'.
2. Latest edition of the City of Camas Design Standards Manual.;
3. Latest edition of the City's Storm Sewer Systems Operation & Maintenance Manual.

14.02.060 - Cross references.

Any reference to "Stormwater Management Manual" or "Washington Department of Ecology's Stormwater Management Manual for Western Washington" or "BMP's approved by the Western Washington Stormwater Manual"; wherever found within the Camas Municipal Code (CMC), shall refer to this chapter and to the equivalent manuals as adopted in this chapter.

14.02.070 - Liability.

Nothing in this chapter shall be deemed to impose any liability upon the City of Camas or upon any of its officers or employees, or to relieve the owner or occupant of any property from the duty to keep their property in a safe and healthy condition.

14.02.80 - Low impact development.

As it relates to stormwater compliance regulations, new development and redevelopment projects shall meet the LID performance standards, as outlined in the Stormwater Management Manual.

- A. For purposes of providing technical guidance concerning Low Impact Development (LID) practices, on those activities subject to this chapter, the city hereby approves the use of the most current edition of the following manuals;
 1. Low Impact Development Technical Guidance Manual for Puget Sound.
 2. Stormwater Management Manual (SWMMWW).
 3. City's Design Standards Manual.
- B. All uses of LID practices shall meet applicable regulations and requirements.

14.02.90 - Ownership and maintenance.

A. Ownership and Maintenance Responsibility.

Stormwater systems and facilities which collect, convey, treat, and/or infiltrate stormwater runoff, including residential developments and non-residential developments; such as commercial, industrial, and school sites; are ultimately the responsibility of the applicant to operate and maintain, at a minimum until the end of the 2-year warranty period or until turned over to an HOA or collective homeowners.

Ownership for stormwater facilities shall be specified on the recorded plat, if applicable, or as stated in the Condition of Approval (COA).

1. Stormwater facilities, located within residential subdivisions and short plats, shall be the maintenance responsibility of the applicant for two (2) years after date of final acceptance. This maintenance period shall run concurrent with the city's required 2-year warranty period that begins at Final Acceptance (ref CMC 17.21.040 (B) Paragraph_2). Prior to end of the two-year warranty period, and upon inspection by the City, the applicant shall ensure that a fully functional facility is turned over to the new owners (e.g. Homeowners Associations/homeowners).
 2. At completion of the two-year warranty period, stormwater facilities located within a residential development shall be the maintenance responsibility of the Homeowners Associations (HOA) unless determined otherwise by the director. All stormwater facilities, or such facilities within any residential subdivision where an HOA has not been established, shall be maintained by the home/owners/property owners within the platted subdivision or short plat.
- B. Maintenance Standards. Stormwater facilities, both private and public, shall be inspected by the City and maintained so that they operate as designed. Inspection and maintenance shall be in accordance with the "Maintenance Standards for Drainage Facilities" as outlined in the Stormwater Management Manual (SWMMWW) and the City's Storm Sewer Systems Operation & Maintenance (O&M) Manual standards.
- C. Stormwater Facilities Inspections. The city shall have the right-of-entry and authority to inspect all stormwater facilities for compliance with this chapter. If the stormwater facility is not being maintained, as intended, the city shall take enforcement action as specified in 14.02.300 to bring the facility into compliance. If required actions are not performed in a timely manner and/or if immediate action is necessary to protect public health, safety, or public resources, the city may perform this maintenance and bill the responsible party (ies) for the costs of such maintenance.

14.02.100 - Bonds and insurance.

To insure satisfactory operation of new stormwater facilities, the applicant constructing the facility shall maintain the facility for two years after final acceptance of the project. The requirements of this section are in addition to any bonding or insurance otherwise required.

- A. After final acceptance of stormwater facilities, the applicant shall post and maintain a two-year maintenance bond or other security acceptable to the director. The two-year maintenance bond will cover the cost of design defects, failures in workmanship, and failure to maintain the facilities. The amount of the maintenance bond shall be twenty percent of the construction cost, including landscape requirements, of the stormwater facilities.
- B. Bonding and insurance requirements shall be waived for development activities and drainage projects undertaken by governmental agencies.

14.02.110 - Deviations.

The approval authority may authorize deviations from the minimum requirements of this chapter pursuant to a Type II decision or as part of a consolidated review process. Any decision to approve a deviation shall include affirmative findings addressing the following:

- A. The deviation provides for the use of Low Impact Development practices for stormwater management; or
- B. The deviation shall be limited and shall provide equivalent environmental protection.
 1. The deviation shall be based on sound engineering practices, with the objectives of safety, function, environmental protection, and facility maintenance considered.
 2. The deviation requested does not necessitate the need for additional deviations, exceptions, or variances from the Camas Municipal Code.

Any authorization for deviation may prescribe conditions deemed necessary or desirable for the public interest.

14.02.130 - Enforcement.

Any violation of any provision or failure to comply with any of the requirements of this chapter, or a violation of or failure to comply with any of the terms and conditions of any approval issued under the provisions of this chapter shall be subject to the Enforcement provisions of CMC Sections 18.55.400 through 18.55.460.