

CITY OF GRANITE FALLS

ORDINANCE NO. 528

AN ORDINANCE OF THE CITY OF GRANITE FALLS,
RELATING TO STORMWATER MANAGEMENT AND
ADOPTING STORMWATER MANAGEMENT REGULATIONS
AND REQUIREMENTS AND AMENDING ORDINANCE NO.
415 AS CODIFIED IN THE GRANITE FALLS
MUNICIPAL CODE, SECTION 13.20.010.

WHEREAS, stormwater pollution is a problem with land utilization and development and the common occurrence of potential pollutants such as pesticides, fertilizers, petroleum products, pet wastes and numerous others; and

WHEREAS, problems and dangers will be reduced or avoided if existing properties and future developers, both private and public, provide for stormwater quality and quantity controls; and

WHEREAS, this ordinance is necessary to promote sound development and redevelopment policies which respect and preserve the City's surface water and sediment and to protect the health, safety and welfare of the inhabitants of the City, now, therefore

THE CITY COUNCIL OF THE CITY OF GRANITE FALLS, SNOHOMISH COUNTY, WASHINGTON, DO ORDAIN AS FOLLOWS:

SECTION 1. Ordinance No. 415, as codified in the Granite Falls Municipal Code, Section 13.20.010, is amended to read as follows:

Findings of Fact. The City of Granite Falls finds that:

- A. Stormwater pollution is a problem associated with land utilization, development, redevelopment and the common occurrence of potential pollutants such as pesticides, fertilizers, petroleum products, pet wastes and numerous others.

Land utilization, development and redevelopment is also known to increase both the volume and duration of peak flows. The resulting erosion, scouring, and deposition of sediment affect the ecological balance in the stream.

Sedimentation and stormwater pollution cause diversity of species to decrease and allow more tolerant (and usually less desirable) species to remain.

- B. Development and redevelopment of land have led to:

Water quality degradation through discharge of nutrients, metals, oil and grease, toxic materials, and other detrimental substances including, without limitation, insect and weed control compounds, drainage, storm and surface water runoff problems within the City; and

Safety hazards to both lives and property posed by uncontrolled water runoff on streets and highways.

- C. Continuation of present stormwater management practices, to the extent that they exist, will lead to further water quality degradation, erosion, property damage, and endanger the health and safety of the inhabitants of the City.
- D. In the future such problems and dangers will be reduced or avoided if existing properties and future developers, both private and public, provide for stormwater quality and quantity controls.
- E. Stormwater quality and quantity controls can be achieved when land is developed or redeveloped by implementing appropriate best management practices (BMPs).
- F. Best management practices can be expected to perform as intended only when property designed, constructed and maintained.

Need. The City finds that this chapter is necessary, to comply with State Law, in order to:

- A. Minimize or eliminate water quality degradation.
- B. Prevent erosion and sedimentation in creeks, streams, ponds, lakes and other water bodies.
- C. Protect property owners adjacent to existing and developing land from increased runoff rates which could cause erosion of abutting property.
- D. Preserve and enhance the suitability of waters for contact recreation, fishing, and other beneficial uses.

- E. Preserve and enhance the aesthetic quality of the water.
- F. Promote sound development policies which respect and preserve City surface water, groundwater and sediment.
- G. Enhance the safety of roads and rights-of-way.
- H. Decrease stormwater-related damage to public and private property from existing and future runoff.
- I. Protect the health, safety and welfare of the inhabitants of the City.

Purpose. The provisions of this ordinance are intended to guide and advise all who conduct new development or redevelopment within the City. The provisions of this ordinance establish the minimum level of compliance which must be met to permit a property to be developed or redeveloped within the City.

It is the purpose of this Chapter to:

- A. Minimize water quality degradation and sedimentation in streams, ponds, lakes, wetlands and other water bodies;
- B. Minimize the impact of increased runoff, erosion and sedimentation caused by land development and maintenance practices;
- C. Minimize adverse impacts of alterations on ground and surface water quantities, locations and flow patterns;
- D. Decrease potential landslide, flood and erosion damage to public and private property.
- E. Promote site planning and construction practices that are consistent with natural topographical, vegetational and hydrologic conditions.
- F. Maintain and protect the City stormwater management infrastructure and those downstream;
- G. Provide a means of regulating clearing and grading of private and public land while minimizing water quality impacts in order to protect public health and safety; and

- H. Provide minimum development regulations and construction procedures which will preserve, replace or enhance, to the maximum extent practicable, existing vegetation to preserve and enhance the natural quality of lands, wetlands and water bodies.

SECTION 2. DEFINITIONS. For the purposes of this chapter, the following definitions shall apply:

- A. "Approval" means the proposed work or completed work conforms to this Chapter in the opinion of the City Engineer.
- B. "Best Management Practice" or "BMP" means physical, structural, and/or managerial practices that, when used singly or in combination, prevent or reduce pollution of water. BMPs are listed and described in the Manual.
- C. "Civil Engineer" means a professional engineer licensed in the State of Washington in Civil Engineering.
- D. "Design Storm" means a prescribed hyetograph and total precipitation amount (for a specific duration recurrence frequency) used to estimate runoff for a hypothetical storm of interest or concern for the purposes of analyzing existing drainage, designing new drainage facilities or assessing other impacts of a proposed project on the flow of surface water. (A hyetograph is a graph of percentages of total precipitation for a series of time steps representing the total time during which the precipitation occurs.)
- E. "Ecology" means the Washington State Department of Ecology.
- F. "Erosion" means the wearing away of the land surface by running water, wind, ice, or other geological agents, including such processes as gravitational creep. Detachment and movement of soil rock fragments by water, wind, ice, or gravity.
- G. "Groundwater" means water in a saturated zone or stratum beneath the surface of land or a surface water body.
- H. "Impervious Surface" means a hard surface area which either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development and/or 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. Open, uncovered retention/detention facilities shall not be considered as impervious surfaces.

- I. "Illicit discharge" means all non-stormwater discharges to stormwater drainage systems that cause or contribute to a violation of state water quality, sediment quality or groundwater quality standards, including but not limited to sanitary sewer connections, industrial process water, interior floor drains, car washing and greywater systems.
- J. "Land disturbing activity" means any activity that results in a change in the existing soil cover (both vegetative and nonvegetative) and/or the existing soil topography. Land disturbing activities include, but are not limited to demolition, construction, clearing, grading, filling and excavation.
- K. "Large Parcel Erosion and Sediment Control Plan" or "Large Parcel ESC Plan" means a plan to implement BMPs to control pollution generated during land disturbing activity. Guidance for preparing a Large Parcel ESC Plan is contained in the Manual.
- L. "Mitigation" means, in the following order of preference:
 - (a) Avoid the impact altogether by not taking a certain action or part of an action;
 - (b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts;
 - (c) Rectifying the impact by repairing, rehabilitating or restoring the affected environment;
 - (d) Reducing or eliminating the impact over time by preservation and maintenance operations during the

life of the action; and

(e) Compensation for the impact by replacing, enhancing, or providing substitute resources or environments.

- M. "New Development" means the following activities: land disturbing activities, structural development, including construction, installation or expansion of a building or other structure; creation of impervious surfaces; Class IV - general forest practices that are conversions from timber land to other uses; and subdivision and short subdivision of land as defined in RCW 58.17.020. All other forest practices and commercial agriculture are not considered new development.
- N. "Permanent Stormwater Quality Control (PSQC) Plan" means a plan which includes permanent BMPs for the control of pollution from stormwater runoff after construction and/or land disturbing activity has been completed. For small sites, this requirement is met by implementing a Small Parcel Erosion and Sediment Control Plan. Guidance on preparing a PSQC Plan is contained in the Manual.
- O. "Pollution" means contamination or other alteration of the physical, chemical or biological properties of waters of the state, including change in temperature, taste, color, turbidity, or odor of the waters, or such discharge of any liquid, gaseous, solid, radioactive or other substance into any waters of the state as will or is likely to create a nuisance or render such waters harmful, detrimental or injurious to the public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life.
- P. "Redevelopment" means, on an already developed site, the creation or addition of impervious surfaces, 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.
- Q. "Site" means the portion of a piece of property which is directly subject to development.

- R. "Small Parcel Erosion and Sediment Control Plan" or "Small Parcel ESC Plan" means a plan for small sites to implement temporary BMPs to control pollution generated during the construction phase only, primarily erosion and sediment. Guidance for preparing a Small Parcel ESC Plan is contained in the Manual.
- S. "Soil" means the unconsolidated mineral and organic material on the immediate surface of the earth that serves as a natural medium for the growth of land plants.
- T. "Source Control BMP" means a BMP that is intended to prevent pollutants from entering stormwater. A few examples of source control BMPs are erosion control practices, maintenance of stormwater facilities, constructing roofs over storage and working areas, and directing wash water and similar discharges to the sanitary sewer or a dead end sump.
- U. "Stormwater" means that portion of precipitation that does not naturally percolate into the ground or evaporate, but flows via overland flow, interflow, channels or pipes into a defined surface water channel, or a constructed infiltration facility.
- V. "Stormwater drainage system" means constructed and natural features which function together as a system to collect, convey, channel, hold, inhibit, retain, detain, infiltrate, divert, treat or filter stormwater.
- W. "Stormwater facility" means a constructed component of a stormwater drainage system, designed or constructed to perform a particular function, or multiple functions. Stormwater facilities include, but are not limited to, pipes, swales, ditches, culverts, street gutters, detention basins, retention basins, constructed wetlands, infiltration devices, catch basins, oil/water separators, sediment basins and modular pavement.
- X. "Stormwater Management Manual" or "Manual" means that Manual adopted by reference and prepared by Ecology that contains BMPs to prevent or reduce pollution.
- Y. "Stormwater Site Plan" means a plan which includes an Erosion and Sediment Control (ESC) Plan and/or a Permanent Stormwater Quality Control Plan (PSQCP). For small sites, this plan is the equivalent of a

Small Parcel Erosion and Sediment Control Plan. Guidance on preparing a Stormwater Site Plan is contained in the Manual.

- Z. "Treatment BMP" means a BMP that is intended to remove pollutants from stormwater. A few examples of treatment BMPs are detention ponds, oil/water separators, biofiltration swales and constructed wetlands.
- AA. "Wetlands" means those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances to support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. This includes wetlands created, restored or enhanced as part of a mitigation procedure. This does not include constructed wetlands or the following surface waters of the state intentionally constructed from sites that are not wetlands: Irrigation and drainage ditches, grass-lined swales, canals, agricultural detention facilities, farm ponds, and landscape amenities.
- BB. "Vegetation" means all organic plant life growing on surface of the earth.

SECTION 3. GENERAL PROVISIONS.

- A. It is not intended that this chapter repeal, abrogate, or impair any existing regulations, easements, covenants, or deed restrictions. However, where this chapter imposes greater restrictions, the provisions of this chapter shall prevail.
- B. The provisions of this chapter shall be held to be minimum requirements in their interpretation and application and shall be liberally construed to serve the purposes of this chapter.

SECTION 4. APPLICABILITY. When any provision of any other chapter of the City conflicts with this chapter, that which provides more environmental protection shall apply unless specifically provided otherwise in this chapter. Prior to fulfilling the requirements of this chapter, the City shall not grant any approval or permission to conduct a regulated activity including but not limited to the following:

building permit; grading and clearing permit, right-of-way permit, shoreline substantial development permit, subdivision, short subdivision.

Regulated activities shall be conducted only after the City approves a Stormwater Site Plan which includes one or more of the following as required by this chapter:

- A. Small Parcel Erosion and Sediment Control Plan
- B. Large Parcel Erosion and Sediment Control Plan
- C. Permanent Stormwater Quality Control (PSQC) Plan

In addition to the above, the following minimum information shall be included.

SECTION 5. REGULATED ACTIVITIES AND ALLOWED ACTIVITIES.

Regulated Activities. Consistent with the minimum requirements contained in this chapter, the City shall approve or disapprove the following activities, unless excepted as below:

- A. New Development
 - (1) land disturbing activities;
 - (2) structural development, including construction; installation or expansion of a building or other structure;
 - (3) creation of impervious surfaces;
 - (4) subdivision, short subdivision and binding site plans, as defined in CH. 58.17.020 RCW.
- B. Redevelopment
 - (1) on an already developed site, the creation or addition of impervious surfaces, structural development including construction, installation or expansion of a building or other structure, land disturbing activity, 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.

Exemptions. Development undertaken by the Washington State Department of Transportation in state highway rights-of-way is regulated by Chapter 173-270 WAC, the Puget Sound Highway Runoff Program.

SECTION 6. GENERAL REQUIREMENTS.

- A. The latest edition of Ecology's Stormwater Management Manual is hereby adopted by reference and is hereinafter referred to as the Manual.
- B. General: BMPs (Best Management Practices) shall be used to control pollution from stormwater. BMPs shall be used to comply with the standards in this Ordinance. BMPs are in the Manual.
- C. Illicit discharges to stormwater drainage systems are prohibited.

SECTION 7. APPROVAL STANDARDS.

Small Parcel Minimum Requirements

- A. The following new development shall be required to control erosion and sediment during construction, to permanently stabilize soil exposed during construction, to comply with Small Parcel requirements 1 through 5 below:
 - a. Individual, detached, single family residences and duplexes.
 - b. Creation or addition of less than 5,000 square feet of impervious surface area.
 - c. Land disturbing activities of less than 1 acre.

Compliance shall be demonstrated through the implementation of an approved Small Parcel Erosion and Sediment Control Plan.

Small parcel requirement #1 - Construction access route.

Construction vehicle access shall be, whenever possible, limited to one route. Access points shall be stabilized with quarry spall or crushed rock to minimize the tracking of sediment onto public roads.

Small parcel requirement #2 - Stabilization of denuded areas.

Soil stabilization. All exposed soils shall be stabilized by suitable application of BMPs, including but not limited to sod or other vegetation, plastic covering, mulching, or application of ground base on areas to be paved. From October 1 through April 30, no soils shall remain exposed for more than 2 days. From May 1 through September 30, no soils shall remain exposed for more than 7 days.

Small parcel requirement #3 - Protection of adjacent properties. Adjacent properties shall be protected from sediment deposition by appropriate use of vegetative buffer strips, sediment barriers or filters, dikes or mulching, or by a combination of these measures and other appropriate BMPs.

Small parcel requirement #4 - Maintenance. All erosion and sediment control BMPs shall be regularly inspected and maintained to ensure continued performance of their intended function, in accordance with Section 7, Maintenance, of this ordinance.

Small parcel requirement #5 - Other BMPs. As required by the City other appropriate BMPs to mitigate the effects of increased runoff shall be applied.

Large development minimum requirements.

New development.

- A. All new development that includes the creation or addition of 5,000 square feet, or greater, of new impervious surface area, and/or land disturbing activity of one acre or greater, shall comply with Minimum Requirements #1 through #11.

Compliance shall be demonstrated through the implementation of an approved Stormwater Site Plan that includes a Small Parcel Erosion and Sediment Control Plan and a PSQC Plan.

Redevelopment:

- A. Where redevelopment of \geq 5,000 square feet occurs:

New development minimum requirements #1 through #11 in Section 7.020.3 through 7.020.12 shall apply to that portion of the site that is being redeveloped, and source control BMPs shall be applied to the entire site, including adjoining parcels if they are part of the project.

- B. In addition to the above requirements, where one or more of the following conditions apply, a stormwater management plan shall be prepared that includes a schedule for implementing the minimum requirements to the maximum extent practicable, for the entire site, including adjoining parcels if they are part of the project. An adopted and implemented basin plan (Minimum Requirement #9) may be used to develop redevelopment requirements that are tailored to a

specific basin:

1. Existing sites greater than 1 acre in size with 50% or more impervious surface.
2. Sites that discharge to a receiving water that has a documented water quality problem. Subject to local priorities, a documented water quality problem includes, but is not limited to water bodies:
 - (i) Listed in reports required under section 305(b) of the Clean Water Act, and designated as not supporting beneficial uses;
 - (ii) Listed under section 304(i)(A)(i), 304(i)(1)(A)(ii), or 304(i)91)(B) of the Clean Water Act as not expected to meet water quality standards or water quality goals;
 - (iii) Listed in Washington State's Nonpoint Source Assessment required under section 319(a) of the Clean Water Act that, without additional action to control nonpoint sources of pollution cannot reasonably be expected to attain or maintain water quality standards.
3. Sites where the need for additional stormwater control measures have been identified through a basin plan, the watershed ranking process under Ch.400-12 WAC, or through Growth Management Act planning.

Minimum requirement #1 - Erosion and sediment control.

All new development and redevelopment that includes land disturbing activities of 2 acre shall comply with Erosion and Sediment Control Requirements 1 through 14, below. Compliance with the Erosion and Sediment Control Requirements shall be demonstrated through implementation of an approved Large Parcel Erosion and Sediment Control Plan.

All new development and redevelopment that includes land disturbing activities of < 1 acre shall comply with the Small Parcel minimum requirements found in Section 2, Small Parcel Minimum Requirements, above. Compliance with the small parcel requirements shall be demonstrated through implementation of a Small Parcel Erosion and Sediment Control Plan.

The following erosion and sediment control requirements shall be met:

- A. Erosion and sediment control requirement #1: stabilization and sediment trapping.

All exposed and unworked soils shall be stabilized by suitable application of BMPs. From October 1, to April 30, no soils shall remain unstabilized for more than 2 days. From May 1 to September 30, no soils shall remain unstabilized for more than 2 days. Prior to leaving the site, stormwater runoff shall pass through a sediment pond or sediment trap, or other appropriate BMPs.

- B. Erosion and sediment control requirement #2: Delineate clearing and easement limits:

In the field, mark clearing limits and/or any easements, setbacks, sensitive/critical areas and their buffers, trees and drainage courses.

- C. Erosion and sediment control requirement #3: Protection of adjacent properties.

Properties adjacent to the project site shall be protected from sediment deposition.

- D. Erosion and sediment control requirement #4: Timing and stabilization of sediment trapping measures.

Sediment ponds and traps, perimeter dikes, sediment barriers, and other BMPs intended to trap sediment on-site shall be constructed as a first step in grading. These BMPs shall be functional before a land disturbing activities take place. Earthen structures such as dams, dikes, and diversions shall be seeded and mulched according to the timing indicated in Erosion and Sediment Control Requirement #1.

- E. Erosion and sediment control requirement #5: Cut and fill slopes.

Cut and fill slopes shall be designated and constructed in a manner that will minimize erosion. In addition, slopes shall be stabilized in accordance with Erosion and Sediment Control Requirement #1.

- F. Erosion and sediment control requirement #6: Controlling off-site erosion.

Properties and waterways downstream from development site shall be protected from erosion due to increases in the volume, velocity, and peak flow rate of stormwater runoff from the project site.

- G. Erosion and sediment control requirement #7: Stabilization of temporary conveyance channels and outlets.

All temporary on-site conveyance channels shall be designed, constructed and stabilized to prevent erosion from the expected velocity of flow from a 2-year, 24-hour frequency storm for the developed condition. Stabilization adequate to prevent erosion of outlets, adjacent streambanks, slopes and downstream reaches shall be provided at the outlets of all conveyance systems.

- H. Erosion and sediment control requirement #8: Storm drain inlet protection.

All storm drain inlets made operable during construction shall be protected so that stormwater runoff shall not enter the conveyance system without first being filtered or otherwise treated to remove sediment.

- I. Erosion and sediment control requirement #9: Underground utility construction.

The construction of underground utility lines shall be subject to the following criteria.

- (i) Where feasible, no more than 200 feet of trench shall be opened at one time.
- (ii) Where consistent with safety and space considerations, excavated material shall be placed on the uphill side of trenches.
- (iii) Trench dewatering devices shall discharge into a sediment trap or sediment pond.

- J. Erosion and sediment control requirement #10: Construction access routes.

Wherever construction vehicle access routes intersect paved roads, provisions must be made to minimize the transport of sediment (mud) onto the paved road. If sediment is transported onto a road surface, the roads shall be cleaned thoroughly at

the end of each day. Sediment shall be removed from roads by shoveling or sweeping and be transported to a controlled sediment disposal area. Street washing shall be allowed only after sediment is removed in this manner.

- K. Erosion and sediment control requirement #11:
Removal of temporary BMPs.

All temporary erosion and sediment control BMPs shall be removed within 30 days after final site stabilization is achieved or after the temporary BMPs are no longer needed. Trapped sediment shall be removed or stabilized on site. Disturbed soil areas resulting from removal shall be permanently stabilized.

- L. Erosion and sediment control requirement #12:
Dewatering construction sites.

Dewatering devices shall discharge into a sediment trap or sediment pond.

- M. Erosion and sediment control requirement #13:
Control of pollutants other than sediment on construction sites.

All pollutants other than sediment that occur on-site during construction shall be handled and disposed of in a manner that does not cause contamination of stormwater.

- N. Erosion and sediment control requirement #14:
Maintenance.

All temporary and permanent erosion and sediment control BMPs shall be maintained and repaired as needed to assure continued performance of their intended function. All maintenance and repair shall be conducted in accordance with an approved manual.

- O. Erosion and sediment control requirement #15:
Financial liability.

Performance bonding, or other appropriate financial instruments shall be required for all projects to ensure compliance with the approved erosion and sediment control plan.

Minimum requirement #2 - Preservation of natural drainage systems. Natural drainage patterns shall be maintained, and discharges from the site shall occur at the natural location,

to the maximum extent practicable.

Minimum requirement #3 - Source control of pollution.

Source control BMPs shall be applied to all projects to the maximum extent practicable. Source control BMPs shall be selected, designed, and maintained according to an approved manual.

An Adopted and implemented basin plan (Minimum Requirement #9) may be used to develop source control requirements that are tailored to a specific basin, however, in all circumstances, source control BMPs shall be required for all sites.

Minimum requirement #4 - Runoff treatment BMPs. All projects shall provide treatment of stormwater. Treatment BMPs shall be sized to capture and treat the water quality design storm, defined as the 6-month, 24-hour return period storm. The first priority for treatment shall be to infiltrate as much as possible of the water quality design storm, only if site conditions are appropriate and groundwater quality will not be impaired. Direct discharge of untreated stormwater to groundwater is prohibited. All treatment BMPs shall be selected, designed, and maintained according to an approved manual.

Stormwater treatment BMPs shall not be built within a natural vegetated buffer, except for necessary conveyance systems as approved by the local government.

An adopted and implemented basin plan (Minimum Requirement #9) may be used to develop runoff treatment requirements that are tailored to a specific basin.

Minimum requirement #6 - Wetlands. The requirements below apply only to situations where stormwater discharges directly or indirectly through a conveyance system into a wetland, and must be met in addition to meeting the requirements in Minimum Standards #4, Runoff Treatment BMPs.

- A. Stormwater discharges to wetlands must be controlled and treated to the extent necessary to meet the State Water Quality Standards, Ch. 173-201 WAC, or Groundwater Quality Standard, Ch. 1173-200 WAC, as appropriate.
- B. Discharges to the wetlands shall maintain the hydroperiod and flows of existing site conditions to the extent necessary to protect the characteristic uses of the wetland.

Prior to discharging to a wetland, alternative discharge locations shall be evaluated, and natural water storage and infiltration opportunities outside the wetland shall be maximized.

- C. Created wetlands that are intended to mitigate for loss of wetland acreage, function and value shall not be designed to also treat stormwater.
- D. In order for constructed wetlands to be considered treatment systems, they must be constructed on sites that are not wetlands and they must be managed for stormwater treatment. If these systems are not managed and maintained in accordance with an approved manual for a period exceeding three years these systems may no longer be considered constructed wetlands. Discharges from constructed wetlands to waters of the state (including discharges to natural wetlands) are regulated under Ch. 90.48 RCW, Ch. 173-201 WAC, and Ch. 173-200 WAC.
- E. Stormwater treatment BMPs shall not be built within a natural vegetated buffer, except for necessary conveyance systems as approved by the local government.

An adopted and implemented basin plan (Minimum Requirement #9) may be used to develop requirements for wetlands that are tailored to a specific basin.

Minimum requirement #7 - Water quality sensitive areas.

Where local governments determine that the minimum requirements do not provide adequate protection of water quality sensitive areas, either on-site or within the basin, more stringent controls shall be required to protect water quality.

Stormwater treatment BMPs shall not be built within a natural vegetated buffer, except for necessary conveyance systems as approved by the local government.

an adopted and implemented basin plan (Minimum Requirement #9) may be used to develop requirements for water quality sensitive areas that are tailored to a specific basin.

Minimum requirement #8 - Off-site analysis and mitigation.

All development projects shall conduct an analysis of off-site water quality impacts resulting from the project and shall mitigate these impacts. The analysis shall extend a minimum of one-fourth of a mile downstream from the project. The existing or potential impacts to be evaluated and mitigated shall include, at a minimum, but not be limited to:

- A. Excessive sedimentation
- B. Streambank erosion
- C. Discharges to a groundwater contributing or recharge zones
- D. Violations of water quality standards
- E. Spills and discharges of priority pollutants

Minimum requirement #9 - Basin planning. Adopted and implemented watershed-based basin plans may be used to modify any or all of the Minimum Requirements, provided that the level of protection for surface or groundwater achieved by the basin plan will equal or exceed that which would be achieved by the Minimum Requirements in the absence of a basin plan. Basin plans shall evaluate and include, as necessary, retrofitting of BMPs for existing development and/or redevelopment in order to achieve watershed-wide pollutant reduction goals. Standards developed from basin plans shall not modify any of the above requirements until the basin plan is formally adopted and fully implemented by local government. Basin plans shall be developed according to an approved manual.

Minimum requirement #10 - Operation and maintenance. An operation and maintenance schedule shall be provided for all proposed stormwater facilities and BMPs, and the party (or parties) responsible for maintenance and operation shall be identified, in accordance with the next section.

Minimum requirement #11 - Financial liability. Performance bonding or other appropriate financial instruments shall be required for all projects to ensure compliance with these standards.

Exceptions. Exceptions to Minimum Requirements #1 through #11 may be granted prior to permit approval and construction. An exception may be granted following a public hearing, provided that a written finding of fact is prepared, that addresses the following:

- A. The exception provides equivalent environmental protection and is in the overriding public interest; and that the objectives of safety, function, environmental protection and facility maintenance, based upon sound engineering, are fully met;
- B. That there are special physical circumstances or conditions affecting the property such that the

strict application of these provisions would deprive the applicant of all reasonable use of the parcel of land in question, and every effort to find creative ways to meet the intent of the minimum standards has been made;

- C. That the granting of the exception will not be detrimental to the public health and welfare, nor injurious to other properties in the vicinity and/or downstream, and to the quality of waters of the state; and
- D. The exception is the least possible exception that could be granted to comply with the intent of the Minimum Requirements.

Maintenance.

Maintenance Agreement.

- A. Prior to the issuance of any clearing, filling or grading or building permit for which a storm drainage plan is require, the City shall require the applicant or owner to execute an inspection and maintenance agreement binding on all subsequent owners of land served by the private storm drainage system. Such agreement shall provide for access to the system at reasonable times for regular inspection by the City or its authorized representative and for regular or special assessments of property owners to ensure that the facility is maintained in proper working condition to meet design standards and any provisions established.
- B. The agreement shall be recorded by the applicant and/or owner in the land records of Snohomish County.
- C. The agreement shall also provide that, if after notice by the City to correct a violation requiring maintenance work and satisfactory corrections are not made by the owner(s) within a reasonable period of time (30 days maximum), the City may perform all necessary work to place the facility in proper working condition. The owner(s) of the facility shall be assessed the cost of the work and any penalties and there shall be a lien on the property, which may be placed on the tax bill and collected as ordinary taxes by the City.

Maintenance Responsibility.

- A. The owner of the property on which work has been done pursuant to these Regulations for private storm drainage systems, or any other person or agent in control of such property, shall maintain in good condition and promptly repair and restore all grade surfaces, walls, drains, dams and structures, vegetation, erosion and sediment control measures, and other protective devices. Such repairs or restorations, and maintenance shall be in accordance with approved plans.
- B. An Operation and Maintenance Schedule shall be developed for any storm drainage system and shall state the required maintenance to be performed, the equipment and skill level necessary to perform the maintenance, and the required frequency of maintenance. The Operation and Maintenance Schedule shall either be printed on the stormwater management plan or submitted under separate cover.
- C. The maintenance and operation of private storm drainage system shall be the responsibility of the property owner. Furthermore, the property owner shall, in accordance with the Operation and Maintenance Schedule, record and log maintenance performed and date. Operation and Maintenance records shall be retained by the property owner for a minimum of three (3) years and shall be available to the City for inspection at all reasonable times.
- D. The City shall be responsible for the maintenance and operation of all public storm drainage facilities located within public easements and right-of-way following the completion of the successful maintenance period and the acceptance of such facilities by the City.

SECTION 8. ADMINISTRATION.

Director. The Mayor or a designee shall administer this Ordinance and shall be referred to as the director. The director shall have the authority to develop and implement administrative procedures to administer and enforce this Ordinance.

Review and Approval. The director may approve, conditionally approve or deny an application for activities regulated by this Ordinance.

Enforcement Authority. The director shall enforce this Ordinance.

Inspection. All activities regulated by this Ordinance except those exempted in Section 1, shall be inspected by the director or an authorized representative. The director shall inspect projects at various stages of the work requiring approval to determine that adequate control is being exercised. Stages of work requiring inspection include, but are not limited to, preconstruction; installation of BMPs, land disturbing activities; installation of utilities, landscaping, retaining walls and completion of project. When require by the director, a special inspection and/or testing shall be performed.

SECTION 9. ENFORCEMENT.

General. Enforcement action shall be in accordance with this Ordinance whenever a person has violated any provision of this Ordinance. The choice of enforcement action and the severability of any penalty shall be based on the nature of the violation, the damage threat to the public or to public resources, and/or the degree of bad faith of the person subject to the enforcement action.

Stop Work Order. The director shall have the authority to serve a person a stop work order if and action is being undertaken in violation of this Ordinance.

A. Content of Order. The order shall contain:

- (1) A description of the specific nature, extent, and time of violation and the damage or potential damage; and
- (2) A notice that the violation or the potential violation cease and desist, and, in appropriate cases, the specific corrective action to be taken within a given time. A civil penalty under Section 9 below may be issued with the order.

B. Notice. A stop work order shall be imposed by a notice in writing, either by certified mail with return receipt requested, or by personal service, to the person incurring the same and by posting at job site.

C. Effective date. The stop work order issued under this Section shall become effective immediately upon receipt by the person to whom the order is directed.

- D. Compliance. Failure to comply with the terms of a stop work order is a misdemeanor punishable by not more than 90 days in jail and or \$1000.00 fine.

Civil penalty. A person who fails to comply with the requirements of this Ordinance, who fails to conform to the terms of an approval or who undertakes new development without first obtaining City approval shall be subject to a civil penalty.

- A. Amount of penalty. The penalty shall not be less than \$250.00 or exceed \$1000.00 for each violation. Each day of continued violation or repeated violation shall constitute a separate violation.
- B. Aiding or abetting. Any person who, through an act of commission or omission, aids or abets in the violation shall be considered to have committed a violation for the purposes of the civil penalty.
- C. Notice of Penalty. A civil penalty shall be imposed by a notice in writing, either by certified mail with return receipt requested or by personal service, to the person incurring the same from the City. The notice shall describe the violation, approximate the date(s) of violation, and shall order the acts constituting the violation to cease and desist, and, in appropriate cases, require necessary corrective action within a specific time.
- D. Application for Remission or Mitigation. Any person incurring a penalty may apply in writing within 30 days of receipt of the penalty to the City for remission or mitigation of such penalty. Upon receipt of the application, the City Council may remit or mitigate the penalty only upon a demonstration of extraordinary circumstances, such as the presence of information or factors not considered in setting the original penalty. The decision may be appealed to the City Council within 30 days of the decision.
- E. Appeal of Civil Penalty. Persons incurring a penalty imposed by the Director may appeal in writing within 30 days of the receipt of the penalty to the City Council.

Penalties due. Penalties imposed under this Section shall become due and payable 15 after receiving it unless application for remission or mitigation is made or an appeal

is filed. Whenever an application for remission or mitigation is made, penalties shall become due and payable 30 days after receipt of the decision regarding the remission or mitigation. Whenever an appeal of a penalty is filed, the penalty shall become due and payable after all review proceedings and a final decision has been issued confirming all or part of the penalty. If the amount of a penalty owed the City is not paid within the time specified, the City may take actions necessary to recover such penalty.

Penalty recovered. Penalties recovered shall be paid to a fund dedicated to enforcement and/or enhancement of the stormwater management program.

SECTION 10. EXCEPTIONS.

Board of appeals. After a public hearing, the City Council may grant an exception from the requirement of this Ordinance. In granting any exception, the City Council may prescribe conditions that are deemed necessary or desirable for the public interest.

Findings of fact. Exceptions to Minimum Requirements #1 through #11 may be granted prior to permit approval and construction. An exception may be granted following a public hearing, provided that a written finding of fact is prepared, that addresses the following:

- A. The exception provides equivalent environmental protection and is in the overriding public interest, and that the objective of safety, function, environmental protection and facility maintenance, based upon sound engineering, are fully met;
- B. That there are special physical circumstances or conditions affecting the property such that the strict application of these provisions would deprive the applicant of all reasonable use of the parcel of land in questions, and every effort to find creative ways to meet the intent of the minimum standards has been made;
- C. That the granting of the exception will not be detrimental to the public health and welfare, nor injurious to other properties in the vicinity and/or downstream, and to the quality of waters of the state; and
- D. The exception is the least possible exception that could be granted to comply with the intent of the Minimum Requirements.

Prior approval. Any exception shall be approved prior to permit approval and construction.

Duration of exception. Exceptions granted shall be valid for 2 years, unless granted for a shorter period.

Rights of appeal. All actions of the City Council shall be final and conclusive, unless within 30 days of the date of the City Council action, the original applicant or an adverse party gives written notice of appeal to the City Council for review of the action.

Severability. If any provisions of this Ordinance of its application to any person, entity, or circumstance is held invalid, the remainder of this Ordinance or the application of the provisions to other persons, entities, or circumstances shall not be affected.

Said Ordinance was passed in open session by the City Council of the City of Granite Falls on the 28 day of December, 1994.

Approved by the Mayor this 28 day of December, 1994.

Bella Morris
MAYOR

ATTEST:

Gerry James
City Clerk

APPROVED AS TO FORM:

Cheryl L. Beyer
City Attorney

FIRST READING:	December 14, 1994
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