



CITY COUNCIL

AGENDA BILL # AB22-0028

**City of Algona
200 Washington Blvd.
Algona, WA 98001**

ITEM INFORMATION

SUBJECT:	Agenda Date: June 13th, 2022		
Recommended Revisions for Algona Municipal Code Chapter 13.46 Storm Water Management	Department/Committee/Individual	Created	Reviewed
	Mayor		
	City Administrator		X
	City Attorney		X
	City Clerk		X
	Finance Dept		
	PW/Utilities		
	Planning Dept		
	Community Services		
	Police Dept		
Cost Impact:	Finance Committee		
Fund Source:	Planning Commission		X
Timeline:	Civil Service Committee		

Staff Contact: Jessica Griess, City Clerk Treasurer; Stacey Clear, Gray and Osborn
Attachments: AMC 13.46 Recommended Revisions; Ordinance No.

SUMMARY STATEMENT:
 Stacey Clear will be presenting the recommended storm water code revisions in this first review.
The main intent of the stormwater code is to 1) update to the latest Ecology Stormwater Manual and 2) allow staff to inspect businesses (as required by the permit starting January 2023) for stormwater practices (i.e. not dumping grease into a catch basin, dumpster isn't leaking into the storm drain system, etc.).

COMMITTEE REVIEW AND RECOMMENDATION:

RECOMMENDED ACTION:

RECORD OF COUNCIL ACTION

<i>Meeting Date:</i>	<i>Action:</i>	<i>Vote:</i>
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Recommended Revisions for Algona Stormwater Code

Chapter 13.46 STORM WATER MANAGEMENT REGULATIONS AND REQUIREMENTS

Sections:

- 13.46.010 Findings of fact.
- 13.46.020 Need.
- 13.46.030 Purpose.
- 13.46.040 Definitions.
- 13.46.050 General provisions.
- 13.46.060 Applicability.
- 13.46.070 Regulated activities.
- 13.46.080 Repealed.
- 13.46.090 General requirements.
- 13.46.100 Repealed.
- 13.46.110 Repealed.
- **13.46.120 Best Management Practices (BMPs) Required**
- 13.46.200 Minimum storm water requirements for new development and redevelopment.
- 13.46.210 Minimum Requirement No. 1 – Preparation of storm water site plan.
- 13.46.220 Minimum Requirement No. 2 – Construction storm water pollution prevention plan (SWPPP).
- 13.46.230 Repealed.
- 13.46.240 Repealed.
- 13.46.250 Repealed.
- 13.46.260 Repealed.
- 13.46.270 Repealed.
- 13.46.280 Repealed.
- 13.46.290 Repealed.
- 13.46.295 Financial liability.
- 13.46.300 Maintenance agreement.
- 13.46.310 Maintenance responsibility.
- 13.46.320 Administration.
- 13.46.330 Review and approval.
- 13.46.340 Inspection.
- 13.46.350 Fees.
- 13.46.360 Enforcement.
- 13.46.370 Stop work/compliance order.
- 13.46.380 Violation.
- 13.46.390 Exceptions/variances.

13.46.010 Findings of fact.

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The city of Algona finds that:

A. Storm water 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.

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

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

D. Development and redevelopment of land may have led to:

1. 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

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

E. Continuation of present storm water 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.

F. In the future such problems and dangers will be reduced or avoided if existing properties and future developers, both private and public, provide for storm water quality and quantity controls.

G. Storm water quality and quantity controls can be achieved when land is developed or redeveloped by implementing appropriate best management practices (BMPs).

H. Best management practices can be expected to perform as intended only when properly designed, constructed and maintained. (Ord. 1032-10 § 2).

I. The City of Algona must comply with the Western Washington Phase II Municipal Stormwater Permit in compliance with the provisions of the State of Washington Water Pollution Control Law (RCW 90.48) and the Federal Water Pollution Control Act (The Clean Water Act) per Title 33 United States Code, Section 1251 et seq.

13.46.040 Definitions.

For the purposes of this chapter and other provisions in this title related to storm water, certain terms, phrases, words and their derivatives shall be defined and construed as specified in this title and the Department of Ecology Stormwater Management Manual for Western Washington (2012 2019) hereinafter referred to as the “Stormwater Manual.” Definitions are given in Appendix 1 of the NPDES Phase II Municipal Stormwater Permit. When any definition in this title conflicts with definitions in the Stormwater Manual that which provides more environmental protection shall apply unless specifically provided otherwise in this title.

1. “Approval” means the proposed work or completed work conforms to this chapter in the opinion of the director or his/her designee.
2. “Director” means the mayor of the city of Algona or his/her designee.
3. “Storm water management manual” or “manual” means the 2012 2019 Edition of the State of Washington Department of Ecology’s “Stormwater Management Manual for Western Washington” and all amendments and additions thereto. (Ord. 1112-15 § 1).

13.46.090 General requirements.

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A. The ~~2012-2019~~ State of Washington Department of Ecology's Stormwater Management Manual for Western Washington is hereby adopted by reference, except as modified herein for consistency with the requirements of the NPDES Western Washington Phase II municipal storm water permit, and is hereinafter referred to as the manual.

13.46.120 Best Management Practices (BMPs) Required (New Section)

A. Application. Existing development, current activities, and new development activities that are not listed in the exemptions of this subsection are required to apply stormwater BMPs listed in the current Department of Ecology Stormwater Management Manual for Western Washington, Volume IV. A BMP not included in this manual may be approved by the director if the proponent demonstrates that it provides equivalent effectiveness. An exemption from the requirement to use BMPs does not provide an exemption allowing prohibited discharges.

B. Implementation. In applying the current Department of Ecology Stormwater Management Manual for Western Washington for existing development, the director shall first require the implementation of nonstructural source control BMPs. If these are not sufficient to prevent contaminants from entering surface and stormwater or groundwater, the director may require implementation of structural source control BMPs or treatment BMPs, using AKART.

C. Inspections. The City shall have the ability to inspect private property to monitor for proper implementation of stormwater BMPs pursuant to AMC 13.46.340.

D. Exemptions. The following persons or entities are exempt from the provisions of this section unless the director determines the alternative BMPs to be ineffective at reducing the discharge of contaminants or activities are causing a prohibited discharge:

1. Persons implementing BMPs through another federal or state regulatory or resource management program; provided the director may perform inspections to ensure compliance with this chapter. If the other program requires the development of a best management practices plan, the person shall make that plan available to the City upon request;

2. Persons engaged in forest practices regulated under WAC Title 222, except for Class IV general forest practices as defined under Chapter 222-16 WAC; and

3. Persons conducting normal residential activities at property containing a single-family detached dwelling, duplex or triplex and modifications to it on a lot approved for such use, unless the director determines that these activities pose a hazard to public health, safety or welfare; endanger any property; or adversely affect the safety and operation of city right-of-way, utilities, and/or other property owned or maintained by the county.

13.46.210 Minimum Requirement No. 1 – Preparation of storm water site plan.

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A. A storm water site plan is required for all projects meeting the thresholds found in the Stormwater Manual.

B. The storm water site plan shall be prepared in accordance with Chapter 3 of Volume 1 of the 2005 Stormwater Management Manual for Western Washington. (Ord. 1032-10 § 2).

13.46.220 Minimum Requirement No. 2 – Construction storm water pollution prevention plan (SWPPP).

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A. If the site is covered under Ecology's general NPDES permit for storm water discharges associated with construction activities, the requirements of that permit shall be fully implemented to fulfill this requirement.

B. All new development or redevelopment projects are responsible for preventing erosion and discharge of sediment and other pollutants into receiving waters. A construction storm water pollution prevention plan (SWPPP) is required for all projects which meet the thresholds in the Stormwater Manual. The SWPPP shall be implemented beginning with initial soil disturbance and until final stabilization.

C. Sediment and erosion control BMPs shall be consistent with the BMPs contained in Chapters 3 and 4 of Volume II of the Stormwater Management Manual for Western Washington and/or other equivalent BMPs contained in technical storm water manuals approved by the Department of Ecology.

13.46.340 Inspection.

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A. All activities regulated by this chapter, except those exempt in the Stormwater Manual, shall be subject to inspection by the director or his/her designee. The director or his/her designee is authorized to 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 required by the director or his/her designee, a special inspection and/or testing shall be performed. The City shall also have the ability to inspect private property to monitor for proper implementation of stormwater BMPs pursuant to AMC 13.46.120.

B. Whenever necessary to make an inspection of private property to enforce or determine compliance with provisions of this chapter, or whenever the director or his/her designation has cause to believe that a violation of any provision of this chapter has been or is being committed, the director may, if such property is occupied, present credentials to the owner or occupant, as applicable, and request entry. If such structure or premises is unoccupied, the department director shall first make a reasonable effort to locate the owner, owner's authorized agent or other person having charge or control of the structure or premises and request entry. If entry is refused, the director or his/her designee shall have recourse to the remedies provided by law to secure entry.

(Ord. 1032-10 § 2).

15.22.130 Plan requirements.



A. Plans and Specifications. When required, the engineer shall submit four sets of plans with associated specifications, reports and other supporting data to correctly analyze, study and evaluate the proposed work. All drainage plans, construction drawings, erosion control plans or other engineering plans submitted to the city shall be signed and stamped by the applicant's engineer.

B. Information on Plans. Plans shall be in accordance with the City of Algona Public Works Standards.

The plans with associated specifications, reports or data shall include or address the following information:

1. General vicinity map delineating the proposed site, access to the site, existing, parcel number and section, township, and range; and
2. A comprehensive stormwater site plan done in accordance with Chapter 13.46 and the **2012 2019** Stormwater Management Manual for Western Washington, as adopted by Algona, for all projects affecting stormwater drainage.

C. Soil Engineering – Geology Report. When on-site conditions or the proposed work involves low impact development facilities or slide prone or unstable soils, the city shall require a soils engineer to prepare a report that includes data regarding the nature, infiltration ability, slide potential, soil-bearing capacity and slope stability of existing soils, conclusions and recommendations covering adequacy of sites to be developed. Recommendations in the report shall be incorporated in the proposed plans or specifications. (Ord. 1113-15 § 2; Ord. 810 § 1, 1996).