



CITY COUNCIL

AGENDA BILL # AB22-0028

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

ITEM INFORMATION			
SUBJECT: Recommended Revisions for Algona Municipal Code Chapter 13.46 Storm Water Management	Agenda Date: June 27th, 2022		
	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		
	Finance Committee		
Planning Commission		X	
Civil Service Committee			
Staff Contact: Jessica Griess, City Clerk Treasurer; Stacey Clear, Gray and Osborn			
Attachments: AMC 13.46 Recommended Revisions; Ordinance No.			
<p>SUMMARY STATEMENT:</p> <p>Stacey Clear presented the recommended storm water code revisions in the first review.</p> <p>During the June 13th council meeting, council waived the three touch rule.</p> <p>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.).</p>			
COMMITTEE REVIEW AND RECOMMENDATION:			
RECOMMENDED ACTION:			
Make a motion to approve			
RECORD OF COUNCIL ACTION			
<i>Meeting Date:</i>	<i>Action:</i>	<i>Vote:</i>	

CITY OF ALGONA, WASHINGTON

ORDINANCE NO. 1205-22

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ALGONA, WASHINGTON, AMENDING CHAPTER 13.46 AMC STORM WATER MANAGEMENT REGULATIONS AND REQUIREMENTS AND CHAPTER 15.22 AMC GRADING AND FILLING OF LAND; ADOPTING BY REFERENCE THE 2019 EDITION OF THE DEPARTMENT OF ECOLOGY'S STORMWATER MANAGEMENT MANUAL FOR WESTERN WASHINGTON; ESTABLISHING NEW BEST MANAGEMENT PRACTICES FOR THE PREVENTION AND MITIGATION OF STORM RUNOFF RESULTING FROM CERTAIN DEVELOPMENT AND ACTIVITIES; ADOPTING LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the federal Clean Water Act sets a national goal to “restore and maintain the chemical, physical, and biological integrity of the nation’s water” and prohibits the discharge of pollutants; and

WHEREAS, the US Environmental Protection Act initiated National Pollution Discharge Elimination System (NPDES) Phase II requirements under the Federal Clean Water Act for small municipal separate storm water systems in 2003; and

WHEREAS, the Washington State Department of Ecology (DOE) manages the NPDES program for Washington State; and

WHEREAS, compliance with the 2019 NPDES Municipal Phase II Stormwater System Permit requires the City to formally adopt the 2019 Stormwater Manual for Western Washington; and

WHEREAS, the City Council desires to amend the City’s storm water management regulations as codified at Chapter 13.46 AMC, and the City’s grade and fill regulations codified at Chapter 15.22 AMC, in order to adopt the 2019 Stormwater Manual, to establish new Best Management Practices for storm runoff prevention and mitigation consistent with the Manual, and to make other, related housekeeping amendments that will facilitate the administration and enforcement of the City’s storm water regulations;

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

Section 1. Findings. The City Council hereby adopts the above recitals, the Planning Commission's Report and Recommendation dated June 2, 2022, together with the content of the staff report dated June 13th, 2022, as findings in support of this ordinance. The City Council further enters the following findings:

A. The Planning Commission conducted a public hearing on the substance of this ordinance on June 2, 2022, and recommended adoption by the City Council.

B. The regulations set forth in this ordinance have been processed and considered by the City in material compliance with all applicable procedural requirements, including but not limited to requirements related to public notice and comment.

C. All relevant requirements of SEPA have been satisfied with respect to this ordinance.

D. The City Council has carefully considered, and the regulations set forth in this ordinance are consistent with, the applicable planning goals set forth at RCW 36.70A.020.

E. The regulations set forth in this ordinance are consistent with and will implement the City's Comprehensive Plan, and will further advance the public health, safety and welfare.

Section 2. Amendment of AMC 13.46.010. Section 13.46.010 of the Algona Municipal Code is hereby amended to provide in its entirety as follows:

13.46.010 Findings of fact.

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.

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.

Section 3. Amendment of AMC 13.46.040. Section 13.46.040 of the

Algona Municipal Code is hereby amended to provide in its entirety as follows:

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 (2019~~2012~~) 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 2019 ~~2012~~ Edition of the State of Washington Department of Ecology's "Stormwater Management Manual for Western Washington" and all amendments and additions thereto.

Section 4. Amendment of AMC 13.46.090. Subsection 13.46.090(A) of

the Algona Municipal Code is hereby amended to provide in its entirety as follows:

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A. The 2019 ~~2012~~ 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.
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Section 5. Amendment of Chapter 13.46 AMC—New Section 13.46.120

Adopted. Chapter 13.46 of the Algona Municipal Code is hereby amended by the addition of a new Section 13.46.120 to provide in its entirety as follows:

13.46.120 Best Management Practices (BMPs) required.

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.

Section 6. Amendment of AMC 13.46.210. Subsection 13.46.210(B) of the Algona Municipal Code is hereby amended to provide in its entirety as follows:

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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.

Section 7. Amendment of AMC 13.46.220. Subsection 13.46.220(C) of the Algona Municipal Code is hereby amended to provide in its entirety as follows:

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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.

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Section 8. Amendment of AMC 13.46.340. Section 13.46.340 of the

Algona Municipal Code is hereby amended to provide in its entirety as follows:

13.46.340 Inspection.

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.

Section 9. Amendment of AMC 15.22.130. Subsection 15.22.130(B) of

the Algona Municipal Code is hereby amended to provide in its entirety as follows:

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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 2019 ~~2012~~ Stormwater Management Manual for Western Washington, as adopted by Algona, for all projects affecting stormwater drainage.

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Section 10. Copy to Commerce. Pursuant to RCW 36.70A.106, a true and correct copy of this ordinance shall be transmitted to the Department of Commerce, Growth Management Services Division, within ten days after adoption

Section 11. Severability. Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 12. Effective Date. This ordinance shall be published in the official newspaper of the City and shall take effect and be in full force five (5) days after the date of publication.

**PASSED BY THE CITY COUNCIL AT A REGULAR MEETING THEREOF THIS
_____ DAY OF _____ 2022.**

David E. Hill, Mayor

ATTEST:

Jessica Griess, City Clerk

APPROVED AS TO FORM:

J. Zachary Lell
City Attorney

Filed with the City Clerk:
Passed by the City Council:
Ordinance No.: 1205-22
Date of Publication: