

ORDINANCE NO. 2582

AN ORDINANCE adopting a new Chapter 14.02 relating to stormwater control and modifying the provisions of Section 17.19.020 and 17.19.040.

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 issued the City of Camas a Western Washington Phase II Municipal Stormwater Permit under the National Pollutant Discharge Elimination System Program on January 17, 2007; and

WHEREAS, the Washington State Department of Ecology further mandated that an Ordinance be adopted no later than mid-February 2010 incorporating stormwater control and pollution prevention measures consistent with said permit; and

WHEREAS, the City of Camas has constituted a Stormwater Ordinance Committee consisting of representatives from the Camas City Council, local business representatives, civil engineers, and City staff for the purpose of preparing a draft of a Stormwater Control Ordinance under Chapter 14.02 of the Camas Municipal Code,

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 new Chapter regulating stormwater control. The new Chapter shall be as set forth in Exhibit "A" attached hereto and by this reference incorporated herein.

Section II

Camas Municipal Code Section 17.19.020(A)(1) is hereby amended to provide as follows:

**Section 17.19.020 Improvements, supervision, inspections and permits required.**

A. Required Improvements.

1. Every developer shall be required to grade and pave streets and alleys, install curbs and gutters, sidewalks, monuments, sanitary and storm sewers, water mains, fire hydrants, street lights and street name signs, underground transmission lines, provide and install centralized mail delivery boxes as determined by the U.S. Postal Service, together with all appurtenances in accordance with specifications and standards in the

Camas Design Standard Manual, the six-year street plan, and other state and local adopted standards and plans as may be applicable.

Section III

Camas Municipal Code Section 17.19.040(C)(3)(d) is hereby amended to provide as follows:

**17.19.040 Infrastructure standards.**

C. Utilities

3.d. All stormwater generated by projects shall be treated, detained, and disposed of in accordance with the applicable standards set forth in CMC 14.02. Any deviations from the aforementioned standards shall be submitted in writing to the director of public works for his review and approval.

Section IV

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 1<sup>ST</sup> day of February, 2010.

SIGNED: Paul D. [Signature]  
Mayor

ATTEST: [Signature]  
Clerk

APPROVED as to form:

[Signature]  
City Attorney

# EXHIBIT “A”

## Chapter 14.02

### STORMWATER CONTROL

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<b>14.02.300</b>	<b>Enforcement</b>

#### **Section 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. On January 17, 2007, 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

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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.

## **Section 14.02.020 Definitions**

For the purposes of this chapter, the following definitions shall apply. Any terms not defined herein are used as defined in the most current version of the City's National Pollutant Discharge Elimination System Western Washington Phase II (NPDES Ph. II Permit) Municipal Stormwater Permit and its mandatory incorporated provisions of the latest edition of the Stormwater Management Manual for Western Washington (SMMWW).

**Arterial** – A road or street primarily for through traffic. A major arterial connects an Interstate Highway to cities and counties. A minor arterial connects major arterials to collectors. A collector connects an arterial to a neighborhood. A collector is not an arterial. A local access road connects individual homes to a collector.

**Best Management Practices (BMP's)** - The schedules of activities, prohibitions of practices, maintenance procedures, and structural and/or managerial practices approved by the Washington State Department of Ecology that, when used singly or in combination, control, prevent or reduce the release of pollutants and other adverse impacts to waters of Washington State.

**Certified Erosion and Sediment Control Lead (CESCL)** - An individual who has current certification through a DOE approved erosion and sediment control training program (BMP C160). A CESCL is knowledgeable in the principles and practices of erosion and sediment control and must have the skills to assess site conditions and construction activities that could

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impact the quality of stormwater and stormwater discharges.

**City** - The City of Camas.

**Collection and Conveyance System** - The drainage facilities, both natural and man-made, which collect, contain, and provide for the flow of surface and stormwater to a receiving water or infiltration facility. The natural elements of the conveyance system include, but are not limited to, small drainage courses, streams, rivers, lakes, and wetlands. The human-made elements of the collection and conveyance system include, but are not limited to, gutters, inlets, ditches, pipes, channels, and retention/detention facilities.

**Contributing Drainage Area** - The subject property, together with the surrounding watershed, that contributes stormwater runoff to the subject property.

**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.

**Effective Impervious Surface** - Those impervious surfaces that are connected via sheet flow or discrete conveyance to a drainage system. Impervious surfaces on residential development sites are considered non-effective if the runoff is dispersed through a minimum of one hundred (100) feet of native vegetation in accordance with BMP T5.30 "Full Dispersion".

**Flow Control Facility** - A drainage facility designed to mitigate the impacts of increased surface and stormwater runoff flow rates generated by development. Flow control facilities are designed both to hold water for a considerable length of time and then release it by evaporation, plant transpiration, and/or infiltration into the ground, and to hold runoff for a short period of time, releasing it to the conveyance system at a controlled rate.

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**Groundwater** - Water in a saturated zone or stratum beneath the surface of land or below a surface water body.

**Highway** – A main public road connecting towns and cities.

**Impervious Surface** - A hard surface area which either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development. A hard surface area which causes water to run off the surface in greater quantities and/or at an increased rate of flow, from the natural conditions prior to development. Examples include, but are not limited to, structures, rooftops, walkways, patios, driveways, carports, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, haul roads and soil surface areas compacted by construction operations, and oiled or macadam surfaces.

**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".

**Land-disturbing Activity** - Any activity that results in a movement of earth or a change in the existing soil cover (both vegetative and non-vegetative) and/or existing soil topography. Land-disturbing activities include, but are not limited to, clearing, grading, filling and excavation. Compaction that is associated with stabilization of structures and road construction shall also be considered a land disturbing activity. Vegetation maintenance practices are not considered land-disturbing activity.

- Land-disturbing activities of one (1) acre or greater will be required to apply for an NPDES Construction Stormwater General Permit from Ecology.

**Low Impact Development (LID)** - A stormwater management and land development strategy applied at the parcel and subdivision scale that emphasizes conservation and use of on-site natural features integrated with engineered, small-scale hydrologic controls to more closely mimic pre-development hydrologic functions.

**Maintenance or Maintain** - Repair and maintenance includes activities conducted on currently serviceable structures, facilities, and equipment that involves no expansion or use beyond that previously existing and results in no significant adverse hydrologic impact. It includes those usual activities taken to prevent a decline, lapse, or cessation in the use of structures and systems. Those usual activities may include replacement of dysfunctional facilities, including cases where environmental permits require replacing an existing structure with a different type structure, as long as the functioning characteristics of the original structure are not changed.

**Maximum Extent Practicable (MEP)** - refers to paragraph 402(p)(3)(B)(iii) of the Federal Clean Water Act which reads as follows: Permits for discharges from municipal storm sewers shall require controls to reduce the discharge of pollutants to the maximum extent practicable, including management practices, control techniques, and system, design, and engineering methods, and other such provisions as the administrator or the State determines appropriate for the control of such pollutants.

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**Minimum Requirements (MR)** - means the Minimum Technical Requirements for New Development and Re-development as set forth in Appendix 1 of the most current version of the City’s Western Washington Phase II Municipal Stormwater Permit (NPDES Ph. II) and adopted manuals. The Minimum Requirements are identified as follows:

1. Preparation of Stormwater Site Plans.
2. Construction Stormwater Pollution Prevention Plan (Construction SWPPP).
3. Source Control of Pollution.
4. Preservation of Natural Drainage Systems and Outfalls.
5. On-site Stormwater Management.
6. Runoff Treatment.
7. Flow Control.
8. Wetlands Protection.
9. Operation and Maintenance.

**National Pollutant Discharge Elimination System (NPDES)** - The national program for issuing, modifying, revoking, and reissuing, terminating, monitoring, and enforcing permits, and imposing and enforcing pretreatment requirements, under sections 307, 402, 318, and 405 of the Federal Clean Water Act, for the discharge of pollutants to surface waters of the state from point sources. These permits are referred to as NPDES permits and, in Washington State, are administered by the Washington State Department of Ecology.

**Native Vegetation** – Vegetation comprised of plant species, other than noxious weeds, that are indigenous to the coastal region of the Pacific Northwest and which reasonably could have been expected to naturally occur on the site.

**NPDES Construction Stormwater General Permit** – The permit required, and issued by DOE, for any land-disturbing activity which disturbs one (1) acre or more and 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.

**NPDES Ph. II Municipal Stormwater Permit (NPDES Ph. II)** - The City’s most current version of the National Pollutant Discharge Elimination System Western Washington Phase II Municipal Stormwater Permit.

**Natural Location** - The location and elevation of those channels, swales, and other non man-made conveyance systems as defined by the first documented topographic contours existing for the development site, either from maps or photographs.

**New Development** - Land disturbing activities, including Class IV-general forest practices that are conversions from timber land to other uses; structural development, including construction or installation of a building or other structure; creation of impervious surfaces; and subdivision, short subdivision and binding site plans, as defined and applied in Chapter 58.17 RCW. Projects meeting the definition of re-development shall not be considered new development.

- Land-disturbing activities of one (1) acre or greater will be required to apply for an

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NPDES Construction Stormwater General Permit from Ecology.

**Non-endangerment Standard** – A means to prevent the movement of fluid containing any contaminant into the groundwater if the contaminant may cause a violation of the water quality standards for groundwater of the state of Washington, Chapter 173-200 WAC or may cause health concerns.

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

**Peak Discharge** - The maximum stormwater runoff rate in cubic feet per second determined for the design storm.

**Pollution or Pollutants** – Such contamination, or other alteration of the physical, chemical or biological properties, of any 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.

**Pollution-Generating Impervious Surfaces (PGIS)** - Impervious surfaces considered to be significant sources of pollutants in stormwater runoff. Such surfaces include those that are subject to vehicular use, industrial activities, or storage of erodible or leachable materials that receive direct rainfall or run-on or blow-in of rainfall. Metal roofs are considered to be PGIS unless coated with an inert, non-leachable material. Roofs that are subject to venting of indoor pollutants from manufacturing, commercial or other operations or processes are also considered PGIS.

A surface, whether paved or not, shall be considered PGIS if it is regularly used by motor vehicles. The following are considered regularly-used surfaces: roads, unvegetated road shoulders, bike lanes within the traveled lane of a roadway, driveways, parking lots, unfenced fire lanes, vehicular equipment storage yards, and airport runways.

The following are not considered regularly-used surfaces: paved bicycle pathways separated from and not subjected to drainage from roads for motor vehicles, fenced fire lanes, and infrequently used maintenance access roads.

**Pollution-Generating Pervious Surfaces (PGPS)** - Any non-impervious surface subject to use of pesticides and fertilizers or loss of soil. Typical PGPS include lawns, landscaped areas, golf courses, parks, cemeteries, and sports fields.

**Pre-developed Condition** - The native vegetation and soils that existed at a site prior to the influence of Euro-American settlement. The pre-developed condition shall be assumed to be a forested land cover unless reasonable, historic information is provided that indicates the site was

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prairie prior to settlement.

**Project Site** - That portion of a property, properties, or right of way subject to land disturbing activities, new impervious surfaces, or replaced impervious surfaces.

**Receiving Waters** - Bodies of water or surface water systems to which surface runoff is discharged via a point source of stormwater or via sheet flow.

**Redevelopment** - A site that is already substantially developed (i.e., has 35% or more of existing impervious surface coverage), the creation or addition of impervious surfaces; the expansion of a building footprint or addition or replacement of a structure; structural development including construction, installation or expansion of a building or other structure; replacement of impervious surface that is not part of a routine maintenance activity; and land-disturbing activities.

- Land-disturbing activities of one (1) acre or greater will be required to apply for an NPDES Construction Stormwater General Permit from Ecology.

**Regional Stormwater Facility** - A facility designed to treat and control stormwater runoff from a contributing drainage area.

**Replaced Impervious Surfaces** - For structures, the removal and replacement of any exterior impervious surfaces or foundation; or, for other impervious surfaces, the removal down to bare soil, or base course, and replacement.

**Roof Downspout Systems** - A disposal system that collects stormwater runoff from roofs into an approved stormwater collection system.

**Runoff** - Water that travels across the land surface and discharges to water bodies either directly or through a collection and conveyance system.

**Site** - The area defined by the legal boundaries of a parcel or parcels of land that is (are) subject to new development or re-development. For road projects, the length of the project site and the right-of-way boundaries define the site.

**Source Control BMP** - A structure or operation that is intended to prevent pollutants from coming into contact with stormwater through physical separation of areas or careful management of activities that are sources of pollutants. The 2005 Stormwater Management Manual (SMMWW), Volume IV, separates source control BMPs into two types.

- Structural Source Control BMPs are physical, structural, or mechanical devices, or facilities that are intended to prevent pollutants from entering stormwater.
- Operational BMPs are non-structural practices that prevent or reduce pollutants from entering stormwater.

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**Stormwater** - Runoff during and following precipitation and snowmelt events, including surface runoff and drainage.

**Stormwater Facility** - A constructed component of a stormwater drainage system designed and constructed to perform a particular function, or multiple functions. Stormwater facilities include, but are not limited to: pipes, swales, ditches, open channels, culverts, street gutters, detention ponds, retention ponds, constructed wetlands, storage basins, infiltration devices, catch basins, manholes, dry wells, oil/water separators, biofiltration swales, and sediment basins.

**Stormwater Manual (SMMWW)** - The 2005 Stormwater Management Manual for Western Washington, which is the 5-volume technical manual (Publication Nos. 05-10-29 through 05-10-33) prepared by the Washington State Department of Ecology for use by local governments that contains BMPs to prevent, control, or treat pollution in stormwater.

**Stormwater Site Plan** - The comprehensive report containing all of the technical information and analysis necessary for regulatory agencies to evaluate a proposed new development or re-development project for compliance with stormwater requirements.

Contents of the Stormwater Site Plan will vary with the type and size of the project, and individual site characteristics. It includes:

- A Construction Stormwater Pollution Prevention Plan (Construction SWPPP) that must be submitted to and approved by the Washington Department of Ecology;
- A Permanent Stormwater Control Plan (PSC Plan).

Guidance on preparing a Stormwater Site Plan is contained in the Stormwater Manual, Chapter 3 of Volume I. Modified submittals of stormwater site plans are permitted as specified in the Technical Requirements.

**Stream** - Those areas of year-round base flow or where surface waters produce a defined channel or bed at least two-feet in width between ordinary high water marks. For the purposes of this chapter, streams shall include both natural channels and man-made channels which were constructed to replace a natural stream.

**Total Maximum Daily Load (TMDL)** - A water cleanup plan. A TMDL is a calculation of the maximum amount of a pollutant that a water body can receive and still meet water quality standards, and an allocation of that amount to the pollutant's sources. A TMDL is the sum of the allowable loads of a single pollutant from all contributing point and nonpoint sources. The calculation must include a margin of safety to ensure that the water body can be used for the purposes the state has designated. The calculation must also account for reasonable variation in water quality. Water quality standards are set by states, territories, and tribes. They identify the uses for each water body, for example, drinking water supply, contact recreation (swimming), and aquatic life support (fishing), and the scientific criteria to support that use. The Clean Water Act, section 303, establishes the water quality standards and TMDL programs.

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**Threshold Discharge Area** - An onsite area draining to a single natural discharge location or multiple natural discharge locations that combine within one-quarter mile downstream (as determined by the shortest flow path).

**Treatment BMP** - A BMP that is intended to remove pollutants from stormwater. A few examples of treatment BMPs include, but are not limited to, wetponds, oil/water separators, biofiltration swales, and constructed wetlands.

**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.

**Wetland** - Those areas defined as wetlands under the City of Camas Critical Areas Protection ordinance, CMC 18.03.050.

**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.

## **Section 14.02.030 Applicability**

Provisions of this chapter shall apply to new development and re-development activities, as defined herein and as regulated by the most current version of the City’s National Pollutant Discharge Elimination System Western Washington Phase II Municipal Stormwater Permit (NPDES Ph.II Permit) and the latest edition of the Stormwater Management Manual for Western Washington (SMMWW), as amended by this Ordinance and the City’s Design Standards Manual.

All new development and re-development 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 (SMMWW); 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:

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

Provided that deviations to the Minimum Requirements (MR) may be granted under criteria and procedures set forth in Section 14.02.220 which shall control all deviations, adjustments, and variances requested under this Chapter.

## **Section 14.02.040 Exemptions**

A. Exemptions from the provisions of this chapter, as listed in Appendix 1, Section 1 of the most current version of the City’s National Pollutant Discharge Elimination System Western Washington Phase II Municipal Stormwater Permit (NPDES Ph. II Permit), shall be granted for the following activities:

1. Forest practices regulated under Title 222 WAC, except Class IV General Forest Practices that are conversions from timber land to other uses.
2. Commercial agriculture practices involving working the land for production. However, the conversion from timber land to agriculture and construction of new impervious surfaces are not exempt.
3. Oil and gas field activities or operations; such as construction of drilling sites, waste management pits, access roads, transportation and treatment infrastructure for natural gas treatment plants and compressor stations, and crude oil pumping stations. However, operators are encouraged to implement and maintain BMP's to minimize erosion and control sediment during and after construction activities to help ensure protection of surface water quality during storm events.
4. The following road maintenance practices are exempt: pothole and cut patching, overlaying existing asphalt or concrete pavement with asphalt or concrete (so long as the area of coverage is not expanded), shoulder grading, reshaping/regrading drainage systems (roadside ditches), crack sealing, resurfacing with in-kind material (without expanding the area of coverage), and vegetation maintenance.
5. Underground utility projects that replace the ground surface with in-kind material or materials with similar runoff characteristics are subject only to Minimum Requirement #2, Appendix 1, of the DOE Permit (preventing erosion and discharge of sediment into receiving waters).
6. Emergency fire response activities; such as house fires, forest fires, brush fires, and car fires. However, responsible parties are encouraged to implement and maintain BMP’s, after the fact, to help ensure protection of surface water quality during storm events. Controlled burns, for purposes of training individuals, are not exempt.

Specific exemptions, as provided by the SMMWW, as modified by the City’s Design Standards Manual, as amended.

## **Section 14.02.050 Adoption of Manuals**

The latest edition of the SMMWW as modified by the City’s Design Standards Manual is

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adopted by reference, and the recommendations and requirements contained therein will be the minimum standards for this chapter except as modified in 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 Re-development Projects:

1. Latest edition of the Department of Ecology’s Stormwater Management Manual for Western Washington (SMMWW).
2. Latest edition of the City of Camas Design Standards Manual.
  - The Design Standards Manual is intended to supplement and clarify the SMMWW 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.

At least one copy of each manual, adopted in this section, shall be filed in the Office of the Finance Director for use and examination by the public. The manuals may also be made available for use and examination by the public at the Public Works Department, the Camas Public Library, or on the City website.

## **Section 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.

## **Section 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.

## **Section 14.02.100 Stormwater Site Plans**

Stormwater site plans shall comply with the requirements of this chapter, and the adopted Manuals as referenced in Section 14.02.050. Plans shall be submitted to the City for all activities

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subject to regulation under this chapter.

## **Section 14.02.110 Runoff Treatment Plans**

Runoff treatment plans shall comply with the requirements of this chapter, and the adopted Manuals as referenced in Section 14.02.050. Plans shall be submitted to the City for all activities subject to regulation under this chapter.

## **Section 14.02.120 Source Control BMP Plans**

Source control BMP plans shall comply with the requirements of this chapter, and the adopted Manuals as referenced in Section 14.02.050. Plans shall be submitted to the City for all activities subject to regulation under this chapter.

## **Section 14.02.130 Flow Control Facility Plans**

Flow control facilities, in new development and re-development, shall follow the requirements of Appendix 1 of the City’s NPDES Ph. II Permit, except as modified by the City’s Design Standards Manual.

- A. UIC wells used to manage stormwater for flow control shall meet the non-endangerment standard (Chapter 173-218WAC); which means the UIC well shall be designed, constructed, operated, maintained, and decommissioned in a manner that protects groundwater quality (Chapter 173-200WAC).
- B. Hydrologic and hydraulic analysis shall be in accordance with the Stormwater Management Manual (SMMWW) and the City’s Design Standards Manual.
- C. Every new development and re-development must demonstrate that sufficient downstream conveyance capacity exists to accommodate flows from the project. Hydrologic and hydraulic analysis will be required when sufficient capacity has not been established, as described in the City’s Design Standards Manual.

## **Section 14.02.140 Low Impact Development**

As it relates to stormwater compliance regulations, it is acceptable for new development and re-development projects to propose the use of low impact development practices.

- 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 (SMMWW)
  - 3. City’s Design Standards Manual
- B. All uses of LID practices shall meet applicable regulations and requirements.

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## **Section 14.02.150 Wetlands Protection**

- A. Wetlands Protection required under Minimum Requirement (MR) #8 may also be addressed in Camas Municipal Code (CMC) Chapter 16.51 and Chapter 16.53.
- B. Where provisions of (CMC) Chapter 14.02, or manuals adopted under Chapter 14.02, conflict with CMC Chapter 16.51 and Chapter 16.53, the more stringent requirements, which have the most protective effect on water quality and wetland function, shall apply.

## **Section 14.02.200 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 responsibilities of the applicant to operate and maintain. Ownership for stormwater facilities shall be specified on the recorded plat, if applicable.

- 1. Stormwater facilities, located within residential subdivisions and short plats, shall be the maintenance responsibility of the applicant for two 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, the applicant shall ensure that a fully functional facility is turned over to the new owners (e.g. Homeowners Associations).
- 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.

### **B. Maintenance Standards**

Stormwater facilities, both private and public, shall be inspected 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 (SMMWW) Volume V-Runoff Treatment BMPs and the City's Storm Sewer Systems Operation & Maintenance (O&M) Manual standards.

### **C. Stormwater Facilities Inspections**

The City shall have the 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.

## **Section 14.02.210 Bonds and Insurance**

# EXHIBIT “A”

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 (20%) of the construction cost, including landscape requirements, of the stormwater facilities.
- B. Bonding and insurance requirements of Section 14.02.210.A shall be waived for development activities and drainage projects undertaken by governmental agencies.

## **Section 14.02.220      Deviations**

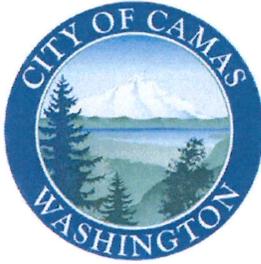
The approval authority may authorize deviations from the minimum requirements of this chapter pursuant to a Type II decision or as part of a consolidated review process as specified in CMC 18.55. Any decision to approve a deviation shall include affirmative findings addressing the following:

- A. The deviation provides for the use of Low Impact Development practices for stormwater management pursuant to Section 14.02.140 of this Chapter; or
- B. The deviation shall be limited to the “Minimum Requirements” found in Appendix 1, Minimum Requirement (MR) number(s) 1, 4, 5, 6, 7, 9, and of the City’s Design Standards Manual 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.

## **Section 14.02.300      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.



## Public Works Department

File: #SS-444A  
Stormwater Control Code

Staff Report Date: January 26, 2010

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**To:** Paul Dennis, Mayor  
City Council

**From:** Staff

**Hearing Date:** February 1, 2010

**Public Notice:** Published in the Post Record on January 26, 2010. Legal publication #349952  
Posted at the Camas Post Office, City Hall, Camas Library, & City of Camas web site at:  
<http://www.ci.camass.wa.us/govern/publicnotice.htm>

**Workshops:** January 13, 2009 Planning Commission; April 6, 2009 Council; May 18, 2009  
Council; June 1, 2009 Council; August 3, 2009 Council; January 4, 2010 Council,  
January 19, 2010 Council

**Public Hearings:** January 20, 2010 Planning Commission

**Annual Planning Conference:** January 22, 2010 Council (discussion of detention facility  
maintenance).

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### Background:

The Washington State Department of Ecology (DOE), in accordance with the Federal Clean Water Act, has been given the authority to issue municipal stormwater permits to cities that discharge stormwater into surface water bodies. On January 17, 2007, DOE issued the City of Camas a Municipal Stormwater Permit under the National Pollutant Discharge Elimination System (NPDES) Program. This permit requires the City of Camas to adopt and implement stormwater control and pollution prevention measures for development and redevelopment by February 16<sup>th</sup>, 2010. The measures within the ordinance to be adopted are to meet the requirements set forth in the DOE stormwater permit.

This proposed code is intended to be, as stated in the "Purpose" section of the draft of this ordinance, "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...”

One of the proposed revisions to the Camas Municipal Code is the adoption of a DOE-approved stormwater management manual for new construction, development, and re-development projects. The proposed code changes eliminate references in CMC 17.19 to the Puget Sound Stormwater Manual, which is no longer sanctioned or recognized by DOE. The Stormwater Management Manual for Western Washington and the WSDOT’s Highway Runoff Manual are cited in the proposed chapter 14.02.

In July 2009 Council directed staff to organize a committee consisting of City staff members, Council members, and professionals from the Camas community and the local development community.

Committee Members:

Linda Dietzman, Councilmember	Don Chaney, Councilmember
Al Schauer, private consultant	Eric Golemo, private consultant
Tim Kraft, private consultant	Randy Printz, development attorney
Casey Odell, industrial professional	Jennifer McClure, private consultant
Shawn McPherson, assistant City attorney	Anita Ashton, City staff member
Phil Bourquin, City staff member	Monte Brachmann, City staff member
James Carothers, City staff member	Eric Levison, City staff member

This committee met 5 times from October through December. Vancouver’s ordinance was used as a starting point and changes were made to tailor the proposed code for the City of Camas. The focus in drafting this ordinance was to provide legal flexibility for development options while protecting the environment.

The committee discussed in detail mechanisms and verbiage to make the ordinance “understandable” and compatible with other documents and current City Code. The draft ordinance references the “Camas Design Standards Manual” in many places. It is the intent of staff to have modifications to this manual prepared within 90 days of ordinance adoption. These modifications will focus on supplementing and clarifying the SMMWW, tailoring and providing guidance for local conditions, and may include measures that are deemed equivalent to the SMMWW by DOE. For example, large water bodies, such as the Columbia River, are exempt from stormwater detention under the SMMWW. Lacamas Lake is not listed as a stormwater detention-exempted body in this DOE manual; however, Clark County conducted a study that solidifies their stance that Lacamas Lake can be exempted from quantity control (detention).

Public testimony was received in the Planning Commission hearing on January 20, 2010. The following suggestions and requests were made by representatives of the Building Industry Association of Clark County:

- Provide timely implementation of related updates to the Camas Design Standards Manual
- Exempt certain water bodies (e.g. Lacamas Lake) from flow/quantity control (detention) requirements

- Adopt a policy similar to Clark County for flow control measures in new developments above the pre-development rate. One of the suggested methodologies included incorporating flow control into parks and playfields in a manner that flooding may only occur “every 50 years or so.” Emphasis was placed on having the City put in place strategies to alleviate the need for developers to use the majority of the area of their property for stormwater facilities.
- Implement standards to allow infiltration.

Planning Commissioner Hooper voiced concern about the responsibility of the homeowners’ associations (HOA’s) for the maintenance and repairs of stormwater facilities. She noted that HOA’s are neglecting to maintain their facilities. Planning Commission voted to recommend adoption of the stormwater control code with typographical revisions that are implemented into the attached proposed code language.

**Summary:**

Staff is proposing the following schedule in order to meet the City’s NPDES permit timeline for adoption and implementation of a stormwater control ordinance:

- City Council Ordinance Adoption – February 1, 2010.
- Complete Draft Design Standards Manual – April 30, 2010
- Council Review and adoption of manual – April meetings.

Staff recommends that Council accept public comment, deliberate on the record, and vote on the ordinance.