10.20.060 Location.

Sewage disposal systems shall be located on the same lot as the building they are designed to serve, or, if an easement is obtained and recorded with the Snohomish County auditor, on adjoining property if approved by the public works director.

18.20.070 Standards.

A. Designer. Sewage disposal systems shall be designed by a sewage disposal system designer, certificated as provided in this chapter, or by a sanitary or civil engineer licensed by the state of Washington.

B. Design Standards. Design of sewage disposal systems shall be such as to accommodate all sewage from the buildings and premises to be served, and in accordance with this chapter and the rules and regulations of the public works director adopted pursuant to this chapter. The type of system shall be determined by location, soil porosity, ground water level and other relevant conditions.

C. Construction Standards. Construction, installation or alteration of sewage disposal systems shall be such as to accommodate all sewage from the buildings and premises to be served, and in accordance with this chapter and the rules and regulations of the public works director adopted pursuant to this chapter. No downspout or footing drain shall be directly or indirectly connected to a sewage disposal system. Sewage disposal systems shall be so constructed and installed that surface water or ground water will not interfere with the operation of such system.

18.20.080 Maintenance.

Sewage disposal systems shall be maintained in accordance with this chapter and the adopted rules and regulations of the public works director. No sewage disposal system shall be used which directly or indirectly discharges upon the surface of the ground or into any waters within the county unless the contents of such system have been subjected to approved purification and bactericidal treatment.

Chapter 18.30

STORM WATER MANAGEMENT

Sections:

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18.30.000 Purpose.

The purposes of this chapter are:

A. To protect creeks, streams, ponds, wetlands, lakes and other bodies of water from pollution associated with surface storm water including sediments, petroleum products, pesticides, fertilizers, pet wastes or other damaging substances;

B. To protect land and the ecological balance of the receiving water bodies near development sites from increased surface water runoff rates that could cause flooding or erosion, scouring, and deposition of sediment due to the development;

C. To protect private and public property and city streets and rights-of-way from flooding or erosion;

D. To preserve and enhance the suitability of all bodies of water for contact recreation, fishing, and a wide diversity of wildlife habitat;

E. To provide for inspection and maintenance of storm water facilities in the city so that they will perform as designed to prevent or remove pollution and/or reduce flooding;

F. To require that all public and private storm water facilities be operated, maintained, and repaired in conformance with this chapter;

G. To establish the minimum standards that must be met for compliance;

H. To provide guidelines for all who conduct inspections and perform maintenance of storm water facilities;

I. To promote development practices that will ensure that the above purposes are met;

J. To meet the requirements of RCW 90.70.080. [Ord. 3013 § 1, 1995].

18.30.010 Definitions.

For the purposes of this chapter, the following definitions shall apply:

A. "Approval" means the proposed work or completed work conforming to this chapter as approved by the community services director or designee.

B. "Basin plan" means a plan, along with all regulations and procedures including, but not limited to, land use management elements adopted by ordinance for managing surface and storm water management facilities and features within individual sub-basins.

C. "Best management practice" or "BMP" means physical, structural, and/or managerial practices that, when singly or in combination, prevent or reduce pollution of water. BMPs are listed and described in the manual.

D. "Buffer" is as defined in Chapter 20.15B ECDC.

E. "Civil engineer" means a professional engineer licensed in the state of Washington in civil engineering.

F. "Civil engineering" means the application of the knowledge of the forces of nature, principles of mechanics and the properties of materials to the evaluation, design and construction of civil works for the beneficial uses of mankind.

G. "Clearing" means the act of cutting and/or removing vegetation including grubbing.

H. "Critical areas" is as defined in ECDC Title 20.

I. "Design storm" means a rainfall event or pattern of events for use in analyzing and designing drainage facilities.

J. "Detention" means detaining the runoff after development for a prescribed design storm and thus releasing the storm water from the facility at a prescribed predeveloped rate.

K. "Director" means community services director or a designee with an appropriate background in engineering or another related discipline.

L. "Detention facility" means an above or below ground facility, such as a pond or storage tank, that temporarily stores storm water runoff without infiltration and subsequently releases at a prescribed rate.

M. "Earth material" means any rock, natural soil or fill and/or any combination thereof.

N. "Ecology" means the Washington State Department of Ecology.

O. "Erosion" means the displacement of any land surface by rainfall, storm water, runoff, and seepage.

P. "Erosion and sediment control plan" or "ESC plan" means a plan to implement BMPs to control pollution generated during land disturbing activity. Guidance for preparing an ESC plan is contained in the manual.

Q. "Excavation" means the removal of any earth material.

R. "Fill" means a deposit of earth material placed by artificial means.

S. "Grade" means the slope of anything such as a road, channel, or natural ground.

T. "Ground water" means water in the earth below the surface.

U. "Hydroperiod" means the seasonal pattern of surface runoff and/or soil saturation; encompassing depth, frequency, duration, and seasonal pattern of inundation.

V. "Impervious surface" means a constructed hard surface area that either prevents

or retards the entry of surface water into the soil. Impervious surfaces include, but are not limited to, roof tops, patios, storage areas, concrete, asphalt, brick, gravel, oiled, packed earthen or other surfaces that similarly impede the natural infiltration of storm water. Open, uncovered retention/detention facilities shall not be considered as impervious surfaces.

W. "Illicit discharge" means all nonapproved discharges to surface waters, ground waters, sewer systems, or storm water drainage systems in violation of city codes or state and federal laws including, but not limited to, sanitary sewer cross connections, injection into ground water, interior floor drains, car washing and gray water systems.

X. "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.

Y. "Manual or Storm Water Management Manual" means the manual adopted by reference and prepared by Ecology that contains BMPs to prevent or reduce pollution.

Z. "Mitigation", in the following order of preference, means:

1. Avoiding the impact altogether by not taking a certain action or part of an action;

2. 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;

3. Rectifying the impact by repairing, rehabilitating or restoring the affected environment;

4. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;

5. Compensation for the impact by replacing, enhancing, or providing substitute resources or environments.

AA. "Natural drainage course" means the location of the channels, swales, and other nonmanmade conveyance systems as defined by the earliest documented topographic contours existing for the subject property, either from maps or photographs, or such other means as appropriate.

BB. "New development" shall mean any land disturbing activities, structural development, including construction, installation or expansion of a building or other structures; creation of impervious surfaces or subdivision and short subdivision of land as defined in RCW 58.17.020.

CC. "One hundred-year, 24-hour storm" means a 3.0-inch, 24-hour rainfall event over a 24-hour period with a SCS type 1A rainfall distribution.

DD. "Person" means any individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, agency of the state, or local government unit, however designated.

EE. "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.

FF. "Predeveloped site condition" means meadows or young second growth as defined in the manual.

GG. "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 surfaces that are not part of a routine maintenance activity and land disturbing activities associated with structural or impervious development.

HH. "Site" means the property that is subject to the new development or redevelopment.

II. "Six-month, 24-hour storm" means a 1.0-inch rainfall event over a 24-hour period with a SCS type 1A rainfall distribution.

JJ. "Slope" means the degree of slant of a surface measured as a numerical ratio, percent, or in degrees. Expressed as a ratio, the first number is the horizontal distance (run) and the second is the vertical distance (rise), as 2:1. A 2:1 slope is a 50 percent slope. Expressed in degrees, the slope is the angle from the horizontal plane, with a 90-degree slope being vertical (maximum) and 45 degrees being a 1:1 or 100 percent slope.

KK. "Soil" means the unconsolidated mantle of the earth that serves as a natural medium for the growth of land plants.

LL. "Source control BMP" means a BMP that manages a potential pollutant and prevents pollutants from entering storm water. Examples of source control BMPs include but are not limited to erosion control practices covering storage and working areas and directing wash water and similar discharges to treatment facilities.

MM. "Storm water" means that portion of precipitation that does not naturally percolate into the ground or evaporate.

NN. "Storm water drainage system" means constructed and natural features that function together as a system to collect, convey, channel, hold, inhibit, retain, detain, infiltrate, divert, treat or filter storm water.

OO. "Storm water facility" means a constructed component of a storm water drainage system, designed and constructed to perform a particular function, or multiple functions. Storm water facilities include, but are not limited to, pipes, pumping systems, swales, ditches, culverts, street gutters, catch basins, detention basins, wetlands, infiltration devices, and pollutant removal devices.

PP. "Storm water quality control (SQC)" means permanent BMPs for the control of pollution from storm water runoff after construction and/or any land disturbing activity has been completed.

QQ. "Storm water site plan" means a plan that includes an erosion and sediment control (ESC) plan and storm water quality control elements if applicable. Guidance on preparing a storm water site plan is contained in the manual.

RR. "Ten-year, 24-hour storm" means a 2.0-inch rainfall event over a 24-hour period, with a SCS type 1A rainfall distribution.

SS. "Treatment" means to remove pollutants from storm water. A few examples of treatment are detention ponds, oil/water separators, biofiltration swales and constructed wetlands.

TT. "Two-year, 24-hour storm" means a 1.5-inch rainfall event over a 24-hour period with a SCS 1A rainfall distribution.

UU. "Vegetation" means all organic plant life growing on the surface of the earth.

VV. "Water body" means surface waters including rivers, streams, lakes, marine waters, estuaries, and wetlands.

WW. "Watershed" means a geographic region within which water drains into a particular river, stream, or body of water as identified and numbered by the State of Washington Water Resource Inventory Areas (WRIAs) as defined in Chapter 173-500 WAC.

XX. "Wetlands" are as defined in Chapter 20.15B ECDC. [Ord. 3013 § 1, 1995].

18.30.020 Storm water best management practices (BMPs).

BMPs shall be used to control and treat the quantity and quality of storm water before it leaves the site. BMPs shall be used to comply with the standards of this chapter. Guidance for the design, implementation and maintenance of BMPs are provided in the latest edition of the Washington State Department of Ecology Storm Water Technical Manual for the Puget Sound Basin (the Technical Manual) and hereinafter referred to as the manual. [Ord. 3013 § 1, 1995].

18.30.030 Applicability.

A. Abrogation and Greater Restrictions. When any provision of any other chapter of the Edmonds Community Development Code conflicts with this chapter, that which provides greater environmental protection shall apply.

B. Governed Activities. Consistent with the minimum requirements contained in this chapter, the city of Edmonds shall approve or disapprove new development and redevelopment activities. [Ord. 3013 § 1, 1995].

18.30.040 General requirements for development.

A. Illicit Discharges. Illicit discharges to storm drainage systems are prohibited.

B. Required Plans and Permitting.

1. Governed activities shall be conducted only after the city approves a storm water site plan, which includes one or both of the following:

a. Erosion and sediment control (ESC) plan; and/or

b. Storm water quality control (SQC) elements.

2. No approval to conduct any regulated activity shall be granted until required plans have been approved pursuant to the criteria adopted in this chapter. [Ord. 3013 § 1, 1995].

18.30.050 Development approval standards for erosion and sedimentation control (ESC) plan.

A. ESC Minimum Requirements. All activities necessitating a clearing or grading permit and all utility projects consisting of more than 500 lineal feet of trench excavation shall be required to control erosion and sediment during construction and to permanently stabilize exposed soil resulting from construction. Projects involving a critical area may also be required to comply with any combination of the ESC minimum requirements. Compliance will be demonstrated through the implementation of an approved ESC plan. Guidelines for preparing ESC plans are provided in the manual. The plan must address the following requirements:

1. ESC Minimum Requirement – Construction Access Route. Construction vehicle access shall be, whenever practical, limited to one route. Access points shall be stabilized with quarry spalls or crushed rock to minimize the tracking of sediment onto public roads. 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 within 24 hours. Street washing shall be allowed only after sediment is removed in this manner.

2. ESC Minimum Requirement – Stabilization of Exposed Areas. All soils exposed by land disturbing activities shall be stabilized by suitable application of BMPs, including, but not limited to, sod, hydroseeding, or other vegetation, plastic covering, or mulching. All BMPs shall be selected, designed, and maintained in accordance with the manual. The exposed soils shall be stabilized according to an approved timetable. (Typically, no soils shall remain exposed for more than two days from October 1 through April 30 and no more than seven days from May 1 through September 30).

3. ESC Minimum Requirement – 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.

4. ESC Minimum Requirement – Maintenance. All erosion and sediment control BMPs shall be regularly inspected and maintained by the owner to ensure continued performance of their intended function. All maintenance and repair shall be conducted in accordance with the manual.

5. ESC Minimum Requirement – Other BMPs. As required by the city, other appropri-

ate BMPs to mitigate the effects of increased runoff shall be applied.

6. Erosion and Sediment Control Requirement – Underground Utility Construction. The construction of underground utility lines shall specifically address the following:

a. Erosion control for excavated and stockpiled materials;

b. The placement of excavated material where consistent with safety and space considerations shall be placed on the uphill side of trenches;

c. Trench dewatering systems (must discharge into sediment traps, sediment ponds, or other acceptable means);

d. Tracking and spilling of materials on streets due to hauling;

e. Daily cleanup and street maintenance.

7. Additional ESC Minimum Requirements for Larger Developments. All new development and redevelopment that includes land disturbing activities of greater than, or equal to, one acre in addition to meeting the minimum requirements set forth above shall comply with ESC requirements listed below.

8. ESC Minimum Requirement – Delineate Clearing and Easement Limits. In the field, mark clearing limits and/or any easements, setbacks, sensitive/critical areas and the buffers, trees and drainage courses.

9. ESC Minimum Requirement – Sediment Trapping. Prior to leaving the site, storm water runoff shall pass through a sediment pond or sediment trap, or other appropriate BMPs. 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 land disturbing activities take place. Earthen structures, such as dams, dikes, and diversions shall be seeded and mulched according to an approved timetable.

10. ESC Minimum Requirement – Cut and Fill Slopes. Cut and fill slopes shall be designed and constructed in a manner that will minimize erosion. In addition, slopes shall be stabilized in accordance with ESC Requirement No. 2.

11. ESC Minimum Requirement – Controlling Off-Site Erosion. Properties and water ways downstream from development sites shall be protected from erosion due to increases in the volume, velocity, and peak flow rate of storm water runoff from the project site.

12. ESC Minimum Requirement – 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 two-year, 24-hour frequency storm for the developed condition. Stabilization adequate to prevent erosion of outlets, adjacent stream banks, slopes and downstream reaches shall be provided at the outlets of all conveyance systems.

13. ESC Minimum Requirement – Storm Drain Inlet Protection. All storm drain inlets made operable during construction shall be protected so that storm water runoff shall not enter the conveyance system without first being filtered or otherwise treated to remove sediment.

14. ESC Requirement – 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.

15. Erosion and Sediment Control Requirement – Dewatering Construction Sites. Dewatering systems shall discharge into a sediment trap or sediment pond.

16. Erosion and Sediment Control Requirement – 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 storm water.

17. Erosion and Sediment Control Requirement – 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. [Ord. 3013 § 1, 1995].

18.30.060 Development approval standards for storm water quality control.

A. Any new development or redevelopment with more than 2,000 square feet of new impervious surfacing shall be required to provide storm water quality control. Compliance will be demonstrated by implementing an approved storm water site plan. Guidelines for storm water site plans are provided in the manual. The plan must address the following requirements, in addition to ESC requirements:

1. SOC Minimum Requirement – Storm Water Detention/Stream Bank Erosion Control. Storm water discharges shall control stream bank erosion and flooding of the downstream storm system by limiting the peak rate of runoff from the site. The predevelopment condition for all cases other than open water bodies shall be considered meadows or young second growth forest. As the first priority to meet this requirement, BMPs shall utilize infiltration to the fullest extent practicable only if site conditions are appropriate and ground water quality is protected. Due to high ground water tables in large portions of the city and a landslide complex in the Meadowdale area (where high ground water increases the slide hazard), there are few sites within the city where infiltration should be considered. Exhibit B* delineates the areas where infiltration may be feasible for this requirement if the site satisfies the requirements outlined in the manual. BMPs shall be selected, designed, and maintained according to the manual. The minimum diameter orifice size used for control shall be five-eighths of an inch. In the case of redevelopment, this requirement shall apply only to that portion of the site that is being redeveloped. Any development or redevelopment that has less than 5,000 square feet of impervious surfacing, other than a road constructed for the purpose of permitting new development, can comply with this requirement by using the guidelines outlined in the city of Edmonds' drainage systems handout (Exhibit A).**

a. All development sites less than one acre that discharge directly or indirectly to a stream shall be required to limit the peak rate of runoff to the predeveloped condition two-year, 24-hour design storm, while maintaining the predeveloped condition peak runoff rate for the 10-year, 24-hour and 100-year, 24-hour storms.

b. All developments greater than or equal to one acre that discharge directly or indirectly to a stream shall be required to limit the peak rate of runoff to 50 percent of the predeveloped condition, two-year, 24-hour design storm, while maintaining the predeveloped condition peak runoff rate for the 10-year, 24-hour and 100-year, 24-hour storms.

c. All other developments required to comply with this requirement shall maintain the predeveloped condition peak runoff rate for the 10-year, 24-hour and 100-year, 24-hour design storms.

d. Development of an access road, private or public streets for the purpose of permitting new development, shall be required to meet this minimum requirement for both the street or road and the new development it is intended for.

e. Storm water detention/stream bank erosion control BMPs shall not be built within a natural vegetated buffer, except for necessary conveyance systems as approved by the local government.

f. An adopted and implemented basin plan (minimum requirement No. 8) may be used to develop stream bank erosion control or detention requirements that are tailored to a specific basin.

B. The following developments will be required to comply with storm water quality control requirements 2 through 10:

1. a. All new developments that include the creation or addition of 5,000 square feet or greater of new impervious surface.

b. Any access road, private or public street constructed for the purpose of permitting new development.

c. Any land disturbing activity within a critical area.

d. Any land disturbing activity of one acre or greater.

2. SQC Minimum Requirement – 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. Where significant changes are necessary downstream, drainage facilities shall be improved to allow them to accommodate the increased drainage without damage to the drainage facilities, nearby property, or water quality.

3. SQC Minimum Requirement – 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. In the case of redevelopment, source control BMPs shall be applied to the entire site.

An adopted and implemented basin plan (development pursuant to minimum requirement No. 8 below) 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.

4. Minimum Requirement – Runoff Treatment BMPs. Projects shall provide treatment of storm water. Runoff from roof tops, pervious areas and other areas the director determines to be uncontaminated may be exempted from runoff treatment. Treatment BMPs shall be sized to capture and treat the water quality design storm defined as the six-month, 24-hour return period storm. Due to inappropriate soil conditions throughout the city, infiltration is not feasible for runoff treatment. Direct discharge of untreated storm water to ground water is prohibited. All treatment BMPs shall be selected, designed, and maintained according to an approved manual. Runoff treatment BMPs are not necessary where all business activities, including parking, loading or unloading of liquids, or temporary storage of liquid or solid wastes are totally enclosed within a building.

5. SQC Minimum Requirement – Wetlands. The requirements below apply only to situations where storm water discharges directly or indirectly through a conveyance system into a wetland and must be met in addition to meeting the requirements in SQC Minimum Standard No. 4 – Runoff Treatment BMPs.

a. Storm water discharged to wetlands must be controlled and treated to the extent necessary to meet the State Water Quality Standards, Chapter 173-201 WAC, or Ground Water Quality Standards, Chapter 173-200 WAC, as appropriate.

b. Discharges to wetlands shall maintain the hydroperiod and flows of predeveloped 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 storm water.

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 storm water 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 Chapter 90.48 RCW, Chapter 173-201 WAC, and Chapter 173-200 WAC.

e. Storm water 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 No. 8) may be used to develop requirements for wetlands that are tailored to a specific basin.

6. SQC Minimum Requirement – 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.

Storm water 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 (developed pursuant to minimum requirement No. 8 below) may be used to develop requirements for water quality sensitive areas that are tailored to a specific basin.

7. SQC Minimum Requirement – 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. Stream bank erosion;

c. Violations of water quality standards;

d. Spills and discharges of priority pollutants.

8. SQC Minimum Requirement – 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 ground water 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.

9. SQC Minimum Requirement – Operation and Maintenance. An operation and maintenance schedule shall be provided for all proposed storm water facilities and BMPs and the party (or parties) responsible for maintenance and operation shall be identified.

10. SQC Minimum Requirement – Financial Liability. Before beginning construction on the site and before the city issues any construction permits for any site, the owner or builder shall post a performance bond or other suitable security in accordance with Chapter 17.10 ECDC. A maintenance bond may be required before final approval of the drainage system. [Ord. 3013 § 1, 1995].

*A copy of Exhibit B is on file in the city clerk's office and the community services department.

**A copy of Exhibit A is on file in the city clerk's office and the community services department.

18.30.065 Exceptions to minimum requirements.

Exceptions to the ESC and SQC minimum requirements may be granted prior to permit approval and construction. An exception may be granted after following the procedures outlined in Chapter 20.105 ECDC provided that a written finding of fact is prepared that addresses all of the following criteria for approval:

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. There are special physical circumstances or conditions affecting the property which 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. 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.

D. The exception is the least possible exception that could be granted to comply with the intent of the minimum requirements. [Ord. 3013 § 1, 1995].

18.30.070 Development activity administration.

A. Director. The community services director or a designee shall administer this chapter 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 chapter.

1. The director shall review all plans for compliance with this chapter. Revision and resubmittal may be required.

2. A review fee as set in Chapter 15.00 ECDC shall be paid.

3. Enforcement Authority. The director shall enforce this chapter.

4. Inspection. All activities regulated by this chapter, except those exempt under ECDC 18.30.030 shall be inspected by the director. 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 required by the director, a special inspection and/or testing shall be performed. The drainage system shall be installed concurrently with site development and shall be completed as shown on the approved plan before city approval of an occupancy permit or final inspection. [Ord. 3013 § 1, 1995].

18.30.080 Enforcement action.

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

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

1. Content of order – the order shall contain:

a. A description of the specific nature, extent, and time of violation and the damage or potential damage;

b. 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;

c. A civil penalty under ECDC 18.30.080(C) below may be issued with the order.

2. 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(s) shown on the rolls of the Snohomish County assessor as the owner of the site, noted as the applicant on any application for development approval or observed doing regulated activity on the site.

3. 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.

4. Compliance – failure to comply with the terms of a stop work order shall result in

enforcement actions including, but not limited to, the issuance of a civil penalty.

C. Civil Penalty. A person who fails to comply with the requirements of this chapter, who fails to conform to the terms of an approval or order issued, who undertakes new development without first obtaining approval, or who fails to comply with a stop work order issued under these regulations shall be subject to a civil penalty as outlined in ECDC Title 20. [Ord. 3013 § 1, 1995].

18.30.100 Maintenance requirements.

A. Maintenance Required. All storm water facilities shall be maintained in accordance with this chapter and the Storm Water Management Manual. Systematic, routine preventive maintenance is preferred.

B. Minimum Standards. The following are the minimum standards for the maintenance of storm water facilities:

1. Facilities shall be inspected annually and cleared of debris, sediment and vegetation when they affect the functioning and/or design capacity of the facility.

2. Grassy swales and other biofilters shall be inspected monthly and mowed or replanted as necessary. Clippings are to be removed and properly disposed of.

3. Where lack of maintenance is causing or contributing to a water quality problem, immediate action shall be taken to correct the problem. Within one month, the director shall revisit the facility to assure that it is being maintained.

C. Disposal of Waste from Maintenance Activities. Disposal of waste from maintenance activities shall be conducted in accordance with the minimum Functional Standards for Solid Waste Handling, Chapter 173-304 WAC, guidelines for disposal of waste materials from storm water maintenance activities, and where appropriate, the Dangerous Waste Regulations, Chapter 173-303 WAC.

D. Compliance. Property owners are responsible for the maintenance, operation or repair of storm water drainage systems and BMPs. Property owners shall maintain, operate and repair these facilities in compliance with the requirements of this chapter and the Storm Water Management Manual. [Ord. 3013 § 1, 1995].

18.30.120 Maintenance inspection program.

A. Inspection and Enforcement Authority. The director is directed and authorized to develop an inspection program for storm water facilities in the city that are designed for developments with greater than 5,000 square feet of impervious surface, and shall enforce the program.

B. Inspection. Whenever implementing the provisions of the inspection program or whenever there is cause to believe that a violation of this chapter has been or is being committed, the inspector is authorized to inspect during regular working hours and at other reasonable times all storm water drainage systems within the city to determine compliance with the provisions of this chapter.

C. Procedures. Prior to making any inspections, the inspector shall present identification credentials, state the reason for the inspection and request entry.

1. If the property or any building or structure on the property is unoccupied, the inspector shall first make a reasonable effort to locate the owner or other person(s) having charge or control of the property or portions of the property and request entry.

2. If after reasonable effort, the inspector is unable to locate the owner or other person(s) having charge or control of the property, and has reason to believe the condition of the storm water drainage system creates an imminent hazard to persons or property, the inspector may enter.

3. Unless entry is consented to by the owner or person(s) in control of the property or portion of the property or unless conditions are reasonably believed to exist which create imminent hazard, the inspector shall obtain a

search warrant prior to entry, as authorized by the laws of the state of Washington.

4. The inspector may inspect the storm water drainage system without obtaining a search warrant provided for in paragraph C(3) above; provided the inspection can be conducted while remaining on public property or other property when permission to enter has been obtained.

D. Inspection Schedule. The director shall establish a master inspection and maintenance schedule to inspect appropriate storm water facilities that are not owned by the city. Inspections shall be annual. Critical storm water facilities may require a more frequent inspection schedule.

E. Inspection and Maintenance Records. As existing storm water facilities are encountered, they shall be added to the master inspection and maintenance schedule. Records of newly constructed storm water facilities shall include the following:

1. As-built plans and locations;

2. Findings of fact from any exemption granted by the local government;

3. Operation and maintenance requirements and records of inspection, maintenance actions and frequencies;

4. Engineering reports, as appropriate.

F. Reporting Requirements. The director shall report annually to the city council about the status of the inspections. The annual report may include, but need not be limited to, the proportion of the components found in and out of compliance, the need to upgrade components, enforcement actions taken, compliance with the inspection schedule, the resources needed to comply with the schedule, and comparisons with previous years. [Ord. 3013 § 1, 1995].

18.30.130 Maintenance enforcement.

A. General. Enforcement action shall be taken whenever a person has violated any provision of this chapter. The choice of enforcement action taken and the severity of any penalty shall be based on the nature of the violation, the damage or risk to the public or to public resources, and/or the degree of bad faith of the persons subject to the enforcement action.

B. Orders. The director shall have the authority to issue to an owner or person an order to maintain or repair a component of a storm water facility or BMP to bring it in compliance with this chapter, the manual, and the Edmonds Community Development Code. The order shall include:

1. A description of the specific nature, extent and time of the violation and the damage or potential damage that reasonably might occur;

2. A notice that the violation or the potential violation cease and desist and, in appropriate cases, the specific corrective actions to be taken; and

3. A reasonable time to comply, depending on the circumstances.

C. Civil Penalty. A person who fails to comply with the requirements of this chapter or who fails to conform to the terms of an approval or order issued shall be subject to a civil penalty as outlined in ECDC Title 20.

D. The remedies provided for in this section shall not be exclusive. The city may also use other civil and administrative remedies available to it, including but not limited to, these remedies provided in ECDC Title 19 and the State Building and Dangerous Building Code. [Ord. 3013 § 1, 1995].