POULSBO DISTRIBUTION SCHEDULE

ORDINANCE NO. 2016-20

SUBJECT: NPDES Permit Amendment

CONFORM AS TO DATES & SIGNATURES

- ☑ Filed with the City Clerk: 12/01/2016
- ☑ Passed by the City Council: 12/07/2016
- ☑ Signature of Mayor
- ☑ Signature of City Clerk
- ☑ Publication: 12/16/2016
- ☑ Effective: 13/31/2016
- ☐ Recorded: _____

DISTRIBUTED COPIES AS FOLLOWS:

- ☑ NK Herald: 12/08/2016
- ☑ Code Publishing
- ☐ City Attorney
- ☑ Clerk's Department: Original
- ☐ City Council
- ☐ Finance:
- ☑ Posted to Library Drive and Website
- ☐ _____

Rhiannon Fernandez
City Clerk

11/17/16
Date

ORDINANCE NO. 2016-20

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON, AMENDING SECTIONS OF THE POULSBO MUNICIPAL CODE AND CITY CONSTRUCTION STANDARDS IN ORDER TO ADOPT THE 2012 DEPARTMENT OF ECOLOGY STORMWATER MANUAL AS AMENDED IN 2014 AND MAKING LOW IMPACT DEVELOPMENT THE PREFERRED AND COMMONLY-USED APPROACH TO SITE DEVELOPMENT; AND PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the National Pollutant Discharge Elimination System (NPDES) Municipal Stormwater Permit requires the City of Poulsbo to adopt the 2012 Department of Ecology Stromwater Management Manual for Western Washington as amended in December 2014, and adopt amendments to City codes, rules, standards or other enforceable documents to incorporate and require low impact development principles and best management practices no later than December 31, 2016; and

WHEREAS, the NPDES Municipal Stormwater Permit requires the City of Poulsbo to ensure that low impact development shall be the preferred and commonly-used approach to site development; and

WHEREAS, the NPDES Municipal Stormwater Permit requires the City of Poulsbo to implement an ordinance that clearly identifies the party responsible for maintenance of stormwater facilities, requires inspection of the facilities, and establishes enforcement procedures; and

WHEREAS, in preparation of these requirements, various City staff and the City consultant conducted an analysis of City codes, rules, standards and other documents to

review gaps which may be a barrier to or conflict to implementing LID principles and best management practices; and

WHEREAS, as a result of the gap analysis, various amendments to the Poulsbo Municipal Code and City Construction Standards were identified as needed to meet the NPDES Municipal Stormwater Permit requirements; and

WHEREAS, various updates and clarifications to non-LID portions of the stormwater code and best done as part of a comprehensive stormwater code amendment package; and

WHEREAS, various City staff and City consultant drafted amendments to various chapters of the Poulsbo Municipal Code and City Construction Standards; and

WHEREAS, on September 16, 2016, the City released the 2016 NPDES Permit Code Amendment Package and public participation plan to the public, state and local agencies and interested parties; and

WHEREAS, the City conducted environmental review of the proposed 2016 NPDES Permit Code Amendment Package under the State Environmental Policy Act as a non-action project, and using the optional DNS process, issued a Notice of Application with Optional DNS on September 23, 2016, and

WHEREAS, the Poulsbo Planning Commission held a workshop on September 27 and October 25, 2016, and conducted a thorough and methodical review of the 2016 NPDES Permit Code Amendment Package; and

WHEREAS, the Poulsbo Planning Commission held a duly noticed public hearing on the 2016 NPDES Permit Code Amendment Package on October 25, 2016 after its workshop, in order to obtain public input; and,

WHEREAS, the Poulsbo Engineering Department recommended a number of additional minor modifications to provide better clarity and intent to the amendment package to the Planning Commission at its public hearing; and

WHEREAS, after the conclusion of the public hearing and deliberations, the Poulsbo Planning Commission recommended that the Poulsbo City Council approve the 2016 NPDES Permit Code Amendment Package as modified; and

WHEREAS, the Poulsbo City Council held a workshop on the 2016 NPDES Permit Code Amendment Package on October 12, 2016; and

WHEREAS, the Planning Commission Modified and Recommended 2016 NPDES Permit Code Amendment Package was transmitted to the Poulsbo City Council on November 21, 2016; and

WHEREAS, the Poulsbo City Council held a duly noticed public hearing on the 2016 NPDES Permit Code Amendment Package as modified by the Planning Commission on December 7, 2016 in order to obtain public input on the proposed amendments; and

WHEREAS, after considering the public testimony, and other available information, the Poulsbo City Council determined on December 7, 2016 to accept the 2016 NPDES Permit Code Amendment Package as modified by the Planning Commission; NOW THEREFORE,

THE CITY COUNCIL OF THE CITY OF POULSBO, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Findings. In support of the actions undertaken by this ordinance, the Poulsbo City Council adopts as findings and conclusions a) the recitals above; b) the Staff Report to Planning Commission dated October 18, 2016; and c) Staff report to Mayor Erickson and City Council dated November 30, 2016.

Section 2. Adoption of 2016 NPDES Permit Code Amendment Package. Chapters 12.02, 13.16, 13.17, 15.25, 16.20, 18 of the Poulsbo Municipal Code and the City Construction Standards, are amended as set forth in Attachment A to this ordinance and incorporated by reference.

Section 3. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 4. Effective Date. This ordinance shall be in force and effect on December 31, 2016, after its passage by the Poulsbo City Council and publication in the summary form attached to this ordinance.

APPROVED:

MAYOR REBECCA ERICKSON

ATTEST/AUTHENTICATED:

CITY CLERK RHIANNON FERNANDEZ

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY

JAMES E. HANEY

FILED WITH THE CITY CLERK: 12/1/2016
PASSED BY THE CITY COUNCIL: 12/7/2016
PUBLISHED: 12/16/2016
EFFECTIVE DATE: 12/31/2016
ORDINANCE NO. 2016-20

SUMMARY OF ORDINANCE NO. 2016-20

of the City of Poulsbo, Washington

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON, AMENDING SECTIONS OF THE POULSBO MUNICIPAL CODE AND CITY CONSTRUCTION STANDARDS IN ORDER TO ADOPT THE 2012 DEPARTMENT OF ECOLOGY STORMWATER MANUAL AS AMENDED IN 2014 AND MAKING LOW IMPACT DEVELOPMENT THE PREFERRED AND COMMONLY-USED APPROACH TO SITE DEVELOPMENT; AND PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

On the 7th day of December, 2016, the City Council of the City of Poulsbo, passed Ordinance No. 2016-20. A summary of the content of said ordinance, consisting of the title, provides as follows:

The full text of this Ordinance will be mailed upon request.

DATED this 8th day of December, 2016.

CITY CLERK RHIANNON FERNANDEZ

City of Poulsbo

LID CODE AMENDMENTS

Proposed amendments to various sections of the Poulsbo Municipal Code in order to incorporate Low Impact Development (LID) principles and Best Management Practices

SUMMARY OF LID AMENDMENTS

Amd. #	PMC Section to be Amended	Title/Topic	Summary of Proposed Change
1	12.02 Construction and Development Standards	Adopt 2014 DOE Stormwater Management Manual for Western Washington	Adds 2014 DOE Stormwater Management Manual and deletes manuals and sections no longer relevant
2	13.16 Storm Drainage Utility	Storm Drainage Utility/ Use of Funds	Adds clarification that funds support NPDES Permit compliance
3	13.17 Stormwater Management	Requirement for LID and General Stormwater Management Requirements	Makes LID the preferred and commonly used approach to site development; identifies additional amendments
4	15.35 Clearing & Grading	15.35.060 Application Required	Adds soils and infiltration areas that are to be protected to the required site plan content
		15.35.073 (new) Protection Measures	Add measures to be used to protect site features that support LID
5	16.20 Critical Areas	16.20.235.F Low Impact Development	Clarifies when storm water facilities and LID BMPs are allowed in wetland buffers
6	18 Zoning	18.130.040 Landscaping/ General Provisions	When feasible, LID features can be integrated into landscape plans
		18.130.050 Landscaping/ Installation	Compost amended soil required
		18.180.030 Tree Retention/ Retention required	Retention of conifers is a priority for preservation
7	City Construction Standards	Section 2 – Streets; Section 5 – Storm; Appendix A – Standard drawing notes	Numerous references to the use of the 2014 manual, reduction of hard surfaces, maintenance issues

Important Note: The proposed amendments to the PMC sections identified above are presented below in its sequential order per the Poulsbo Municipal Code. The amendments are represented as **bold underline** for proposed new language or additions, and ~~strikeouts~~ for deletions. It should be noted that not all provisions of a specific section of the PMC are presented below; only the pertinent sections proposed to be

amended are identified. For full context, please refer to the complete section in the Poulsbo Municipal Code at: **http://www.codepublishing.com/WA/Poulsbo/**

LID Code Amendment #1 – PMC 12.02 Construction and Development Standards

This amendment sets forth the adoption of the required 2012 DOE Stormwater Management Manual (as amended in 2014) for Western Washington and proposes deletion of sections of PMC 12.02 that are no longer relevant with the adoption of the 2012 Manual.

- **AMEND Section 12.02.030 Stormwater design manual adoption:**

The city of Poulsbo hereby adopts the following stormwater design and guidance manuals for all new development, redevelopment and construction projects within the city of Poulsbo subject to the minimum requirements, technical thresholds and definitions contained within the manuals as adopted in this section ~~as well as Section 12.02.040:~~

~~A.~~ **The Stormwater Management Manual for Western Washington (SWMMWW) published by Department of Ecology, and as amended in 2014.** ~~The 2005 Washington State Department of Ecology Stormwater Management Manual for Western Washington, except Volume I, Chapter 2, Sections 2.2 through 2.8 are superseded by the minimum requirements, technical thresholds and definitions found in Appendix I of the 2007-2012 NPDES Phase II Municipal Stormwater Permit, except as follows: Erosivity Waivers described in Section 4 will not be allowed. Section 5, Adjustments, is not adopted.~~

~~B. The 1992 Department of Ecology Stormwater Management Manual for the Puget Sound Basin.~~

B. Low Impact Development: Technical Guidance Manual for Puget Sound, December 2012.

~~C. The 2008 WSDOT Highway Runoff Manual M 31-16. (Ord. 2010-02 § 1 (part), 2010)~~

C. The Washington State Department of Transportation Highway Runoff Manual, as determined by the Washington State Department of Ecology to be equivalent to the 2014 Department of Ecology Stormwater Management Manual for Western Washington, may be used when required by State or Federal funding requirements.

- **DELETE in its entirety PMC 12.02.040 and Figure 12.02.040**

~~**12.02.040 Stormwater design manual thresholds.**~~

~~All new development, redevelopment and construction projects meeting the following thresholds shall comply with the regulations and design manuals required by this section:~~

~~A. Projects One Acre or More. Projects disturbing one acre of land or more, or less than one acre that are part of a larger common plan of development or sale, shall comply with the 2005~~

~~Washington State Department of Ecology Stormwater Management Manual for Western Washington as adopted in Section 12.02.030(A), including chapter/section replacements.~~

~~1. Alternate(s). Projects meeting this threshold requirement may be designed to comply with an alternate design manual which has been determined to be an approved equivalent to the 2005 Department of Ecology Stormwater Management Manual for Western Washington if approved by the city engineer. The city engineer shall maintain a list of approved alternate manuals and under what circumstances the approved alternate manual(s) will be allowed for projects. This documentation shall be filed in the office of the city engineer. Projects intending to comply with alternate design manuals must have the approval of the city engineer to do so prior to project submittal.~~

~~2. Approved Alternate Manuals. The following manual(s) have been approved for use by the city engineer. Other manuals may be approved; consult the city engineer for the current list of approved alternate manuals.~~

~~a. The 2008 WSDOT Highway Runoff Manual M 31-16. This manual may be used for the design of public road projects.~~

~~3. Alternate BMPs, Low Impact Development. Low impact development (LID) design practices and BMPs (best management practices) are encouraged and may be used to comply with the provisions and requirements of the required manual(s) where approved by the city engineer. These practices may include the use of alternate BMPs (best management practices) that are not included in the 2005 DOE Stormwater Management Manual for Western Washington but have been subsequently approved by the Department of Ecology. Guidance manuals in the design and use of these techniques and BMPs are available. Adopted guidance manuals are listed in Section 12.02.010. Low impact development is an emerging and rapidly changing field and not all BMPs are appropriate under all circumstances. Consult the city engineer for guidance on currently allowed practices when LID techniques and BMPs will be proposed for projects.~~

~~B. Projects Less Than One Acre. Projects disturbing less than one acre of land and creating five thousand~~

~~square feet of impervious surface or more shall at a minimum comply with the minimum requirements, technical thresholds and definitions of the 1992 DOE Stormwater Management Manual for the Puget Sound Basin. Site planning and BMP selection and design shall comply with the 1992 Ecology Stormwater Management Manual for the Puget Sound Basin.~~

~~1. Alternate. Projects meeting this threshold requirement may be designed to comply with an alternate design manual which has been determined to be an approved equivalent to the 1992 DOE Stormwater Management Manual for the Puget Sound Basin if approved by the city engineer. In addition, projects may be designed to comply with more restrictive manual(s) such as the 2005 DOE Stormwater Management Manual for Western Washington if desired. The city engineer shall maintain a~~

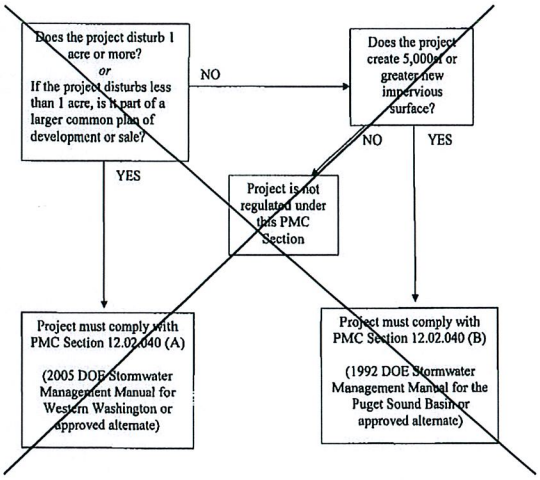
~~list of approved alternate manuals and under what circumstances the approved alternate manual(s) will be allowed for projects. This documentation shall be filed in the office of the city engineer. Projects intending to comply with alternate design manuals must have the approval of the city engineer to do so prior to project submittal.~~

~~2. Approved Alternate Manuals. The following manual(s) have been approved for use by the city engineer. Other manuals may be approved; consult the city engineer for the current list of approved alternate manuals.~~

~~a. 1997 Kitsap County Stormwater Design Manual.~~

~~3. Alternate BMPs, Low Impact Development. Low impact development (LID) design practices and BMPs (best management practices) are encouraged and may be used to comply with the provisions and requirements of the required manual(s) where approved by the city engineer. These practices may include the use of alternate BMPs (best management practices) that are not included in the required manual(s) but have been subsequently approved by the Department of Ecology. Guidance manuals in the design and use of these techniques and BMPs are available. Adopted guidance manuals are listed in Section 12.02.010. Low impact development is an emerging and rapidly changing field and not all BMPs are appropriate under all circumstances. Consult the city engineer for guidance on currently allowed practices when LID techniques and BMPs will be proposed for projects.~~

~~Figure 12.02.040: Flow Chart to Determine Required Stormwater Design Manual~~



LID Code Amendment #2 - PMC 13.16 Storm Drainage Utility

The storm drainage utility rate structure is affected by the requirements of the NPDES Permit. This amendment clarifies that storm drainage utility funds are also used for NPDES Permit compliance.

- **AMEND 13.16.060 Deposit in storm drainage utility fund**

There is established a storm drainage utility fund in which all moneys generated by ordinance shall be deposited. This fund will be used for the administration, operation, maintenance and construction of the public stormwater drainage system within the city of Poulsbo. (Ord. 2003-33 § 9, 2003: Ord. 99-16 § 1 (part), 1999) **and to enable the City of Poulsbo to be in compliance with the requirements of the Western Washington Phase II Municipal Stormwater Permit issued to the City of Poulsbo by the Washington State Department of Ecology.**

LID Code Amendment #3 - PMC 13.17 Stormwater Management

This amendment addresses the NPDES permit requirement for LID to be the preferred and commonly used approach to site development and redevelopment (13.17.060.B), for a stormwater site plan submittal in accordance with the 2014 Stormwater Manual (13.17.070.D.1), and additional non-LID, but important, revisions. The amendments proposed for PMC 13.17 are extensive and are included in Attachment A. The full language of PMC 13.17 is presented with additions and deletions identified and accompanied by short explanations.

LID Code Amendment #4 – PMC 15.35
Clearing and Grading

Two amendments are proposed to the City's Clearing and Grading Ordinance which will require areas designated and identified for protection for land disturbance and construction, to be properly identified and protected.

- **AMEND 15.35.060 Application Required.**

15.35.060.7. A site plan, drawn to scale, of the property depicting the following items: (Scale 1 inch = 30 feet or as approved by the City Engineer):

m. Designation of all wetlands, streams, critical areas, **soils,** property buffers, **infiltration areas,** cutting preserves, and native growth protection easements on the site **that are to be protected during clearing and grading activity**;

- **NEW 15.35.073 Protection Measures**

Before land clearing, filling, grading or land alteration approved through a land clearing or grading permit, the following shall be installed for any wetlands, streams, critical areas, soils, buffers, infiltration areas, cutting preserves, tree retention, native growth protection easements or other so designated areas intended to be protected and preserved, the applicant:

A. Install a visible protective fencing along the outer edge and completely surrounding the protected area (including dripline/critical root zone for trees) and buffers. Fences shall be constructed of chain link or other approved material and at least four feet high, unless other type of fencing is authorized by the City Planning Director.

B. Shall prohibit excavation or compaction of earth or other potentially damaging activities within the barriers.

C. Shall maintain the protective barriers in place until the review authority authorizes their removal.

D. Shall ensure that any authorized activity done within the protected area subsequent to the removal of the barrier shall be accomplished with light machinery or hand labor.

E. In addition to the above, the planning director may require the following:

a. Cover with mulch to a depth of at least six inches or with plywood or similar material the areas adjoining the critical root zone of a tree in order to protect roots from damage caused by heavy equipment.

b. Minimize root damage by excavating a two-foot-deep trench, at edge of critical root zone, to cleanly sever the roots of trees to be retained.

c. Have corrective pruning performed on protected trees in order to avoid damage from machinery or building activity.

d. Maintain trees throughout construction period by watering and fertilizing.

F. Directional felling of trees shall be used to avoid damage to trees designated for retention.

G. All construction activities, including staging and traffic areas, shall be prohibited within five feet of any protected area.

H. Where protection areas are remote from areas of land disturbance and when approved by the planning director, alternative forms of protection may be used in lieu of the protection fencing; provided, that protected areas are completely surrounded with continuous rope or flagging and are accompanied by "Protection Area—Keep Out" signs.

I. The review authority may require additional protection measures as conditions of approval.

LID Code Amendment #5 – PMC 16.20 Critical Areas

This amendment adds a new item which clarifies when and how stormwater facilities and LID BMPs are allowed in wetland buffers.

Chapter 16.20.235 Wetlands

- **AMEND 16.20.235.F Low Impact Development (LID).**

F. Low Impact Development (LID). LID activities may be allowed within the buffer of Category III or IV wetlands only; provided, that **all of the following can be met**:

1. **The Category III or IV wetland has a habitat score of 3-4 points.** ~~No other location is feasible; and~~
2. **There will be "no net loss" of functions and values of the wetland.** ~~The location of such facilities will not degrade the functions or values of the wetland.~~
3. **The wetland does not contain a breeding population of any native amphibian species.**
4. **The hydrologic functions of the wetland can be improved as outlined in questions 3, 4, 5 of Chart 4 and questions 2, 3, 4 of Chart 5 in the "Guide for Selecting Mitigation Sites Using a Watershed Approach (http://www.ecy.wa.gov/biblio/0906032.html) ; or the wetland is part of a priority restoration plan that achieves restoration goals identified in a Shoreline Master Program or other local or regional watershed plan.**

5. The wetland lies in the natural routing of the runoff, and the discharge follows the natural routing.
6. All regulations regarding stormwater and wetland management are followed, including but not limited to local and state wetland and stormwater codes, manuals and permits.

A site-specific characterization through a special wetland report is required to determine if an LID Best Management Practices (BMP) is feasible for a project site and all of the criteria above are met. The special wetland report shall be prepared consistent with Section 16.20.705 and will be verified through peer-review.

LID Code Amendment #6 – PMC 18 Zoning

Amendments to the Zoning Code address the integration of LID features into landscape plans and require compost-amended soil and the retention of conifers.

Chapter 18.130 Landscaping

- **AMEND 18.130.040 General provisions.**

E. Low impact development techniques for stormwater management that are not fenced and can be designed to integrate vegetation appropriately into the site's overall landscape plan are **to be utilized to the extent feasible.** ~~encouraged~~.

- **AMEND 18.130.050 Installation.**

B. Soils, Soil Conditioning and Mulching.

1. A minimum of twelve inches' depth of non-mechanically compacted soil shall be available for water absorption and root growth in planted areas.

2. A minimum of a four-inch layer of porous mulch shall be applied to all exposed soil surfaces of non-turf areas within the landscape area. Plant types that are intolerant of mulch shall be exempt from this requirement. Nonporous material, such as plastic sheeting, shall not be placed under the mulch. However, porous landscape fabric is permitted.

3. Compost shall be in conformance with currently adopted stormwater management manual and shall be used as a soil amendment to provide additional nutrients that aid in uptake of pollutants.

Chapter 18.180 Tree Retention

- **AMEND 18.180.030 Retention required.**

A. In applying the requirement for retention of trees, the review authority shall consider the preservation of trees in any of the following circumstances as priorities:

1. Trees located within healthy, vegetated groups and stands, rather than as isolated trees scattered throughout the site.

2. Trees that have a reasonable chance of survival once the site is developed.

3. Trees that can be incorporated into required landscaping and setback areas.

4. Trees adjacent to required critical area buffers.

5. Trees having a land stability function.

6. Trees that can be incorporated into a perimeter buffer or screen the site from adjacent properties.

7. Trees that can be incorporated into required open space and/or recreational amenity areas or tracts.

8. Trees that will not pose a threat to persons or properties.

9. Conifers which provide for superior ability to intercept stormwater during high rain events over deciduous trees.

LID Code Amendment #7 – City Construction Standards

The following construction manual amendments are under consideration. In general these amendments serve to provide clarity and conformance between the 2014 DOE manual and City Construction Standards. To see the full original texts please view the Construction Standards on the city website at: **http://www.cityofpoulsbo.com/publicworks/ConstructionStandards.htm** .

Please note the following are affected excerpts from the text. The remainder of the standards remains unchanged. To see full text with proposed revisions please contact Charlie Roberts, City of Poulsbo Engineering Department.

Section 2 – Streets

C. Standards

8. The center of residential cul-de-sacs will be unobstructed except that those areas may be proposed to be integrated with storm drainage systems such as pervious pavement infiltration areas or rain gardens. These areas shall not be used for storm water detention ~~areas~~ **ponds**

D. Driveways and Driveway Approaches

8. Driveway Materials:

a. Driveways may be constructed of asphalt, concrete, ~~grasscrete~~, grass pavers, permeable pavers, porous asphalt, or pervious concrete.

b. Strip/Ribbon style concrete driveway may be permitted. Strips should be concrete no less than two feet wide spaced five foot on center.

M. Commercial Parking Lots

1. All parking lots shall be paved, acceptable pavements include asphalt, concrete, ~~grasscrete~~, grass pavers, permeable pavers, porous asphalt and pervious concrete. ~~and include stormwater controls per adopted City standards for stormwater management. Low Impact Development techniques are encouraged. Pervious pavement systems shall follow the guidelines for design and construction of the current adopted Low Impact Design Manual.~~

Section 5 – Storm

General

a. The stormwater manual or manuals currently adopted pursuant to Poulsbo Municipal Code Chapter 12.02. ~~The latest edition of the Kitsap County Stormwater Management Design Manual and subsequent revisions; and~~

~~b. The Washington State Department of Ecology (DOE) Stormwater Management Manual for the Puget Sound Basin (1992); and~~

~~c.~~b. The latest edition of the City of Poulsbo Construction Standards and Specifications adopted by the City of Poulsbo, and subsequent revisions; and

~~d.~~c. The latest edition of "Standard Specifications for Road, Bridge, and Municipal Construction" and "Standard Plans For Road, Bridge and Municipal Construction" prepared by the Washington State Chapter American Public Works Association (APWA) and the Washington State Department of Transportation (WSDOT), and subsequent revisions.

A. Planning Criteria

All development shall provide for the management of stormwater in accordance with the Comprehensive Stormwater Plan and adopted standards and specifications.

Downstream drainage ways and/or facilities between the subject property and a well-defined creek or drainage channel of adequate capacity may be required to be improved, to the extent necessary to accommodate project impacts.

~~Where open channel construction is used to manage drainage within the subject property, a minimum setback of 15 feet shall be provided between any structures and the top of the bank of the defined channel.~~

B. General Design and Drawing Standards

2. A spill control type oil/water separator **may** be **required** at the most downstream point of ~~projects.~~ **parking lots.**

~~**4. For commercial projects, whenever possible, stormwater treatment shall be via vegetative treatment or filtering. The use of a bio-filtration treatment system may be *required* when determined appropriate by the Public Works Director. Bioswales and biofilters may be within a required landscaped area as long as the design allows for proper functioning of the filter and does not impact the growing conditions necessary for the health of the landscape plants.**~~

~~**5. Low Impact Development (LID) design guidelines are included in the Kitsap County Stormwater Management Manual.**~~

4.~~**6.**~~ Provision shall be made for the conveyance of any upstream off-site water that naturally drains across the applicant's site. If that upstream stormwater is part of a public stormwater system, then appropriate easements shall be granted through the applicant's property.

~~**7. The entire perimeter of detention ponds shall be fenced with a minimum 6' high chain link fence. Gate locations and design shall conform to the requirements of the Public Works Department.**~~

5.~~**8.**~~ **Tree Box type systems will only be allowed with the approval of the Public Works Superintendent.** For publicly owned/maintained water quality treatment systems, compost/cartridge systems are not **permitted.** ~~**allowed.**~~

6.~~**9.**~~ Primary storm drainage systems shall be designed at an appropriate depth to accommodate footing drains. Additional depth of the main line may be required in order to accommodate the footing drains. The applicant's engineer must take into account Building Code requirements for foundation depths. The footing drainage system and the roof downspout system shall not be interconnected unless such connection is at least one foot below the footing drainage system and down slope of the building foundation. The Public Works Director may require calculations which show how the storm drainage depths were determined. Service connections to the primary system may be either single or double and shall include a cleanout at the property line.

Secondary drainage systems are allowed subject to the following requirements:

a. The minimum pipe diameter shall be 6 inches.

b. The pipe shall be smooth wall interior PVC D-3034 or CPE (N-12 Blue Seal or equal).

c. Cleanouts are required on the secondary line on the upstream side of every lot connection, at every change of direction, and at the upstream end of the secondary line.

d. Pipe slope requirements shall be the same as for sanitary sewer.

e. The secondary system shall connect to the primary system via a catch basin or manhole.

f.~~e.~~ Secondary systems shall remain privately owned and maintained. **The face of the plat shall specify this responsibility.**

7.~~10~~. If stormwater is discharged to a stream, a Hydraulic Project Approval (HPA) permit may be required from the Washington Department of Fisheries and Wildlife (WDFW). The applicant is responsible for providing the City Engineer with a copy of the approved HPA or satisfactory evidence that an HPA is not required. The applicant is responsible for obtaining final written construction completion approval from WDFW and providing a copy to the City Engineer.

8.~~11.~~ All street ends with the possibility for extension must have utilities stubbed out of the paved area a minimum of six feet or as directed by the City Engineer.

9. **All utilities in, under, or above LID facilities require City Engineer approval. Additional design requirements may be imposed including encasement, separation, or material specifications.**

10. **Detention ponds shall meet the following design guidance. Variance may be granted by the City Engineer if the applicant proves any aspect is infeasible. Detention ponds shall:**

    a. **Use cobble and round rock instead of rip-rap, to create a natural streambed appearance for all inlets, outlets, and channels. Cobble and round rock appropriately sized for discharge velocities shall be used for erosion control rather than uniformly sized rip-rap or quarry spalls.**

    b. **Have bank and perimeter landscaping composed of native plants which do not require irrigation systems. Plantings should be designed to minimize the need for mowing, and pruning. Landscape shall provide screening of the pond and aid in solar exposure of open water. Irrigation may only be used for plant establishment.**

    c. **Minimize pond walls. If walls are required due to topography, they shall be maximum 50% of the perimeter of the pond and the remaining sides of the pond shall have side slopes of 3.5:1 equal to the walled perimeter length(i.e. 25% walls, requires 25% 3.5:1 slope). The 3.5:1 side slopes shall be landscaped with native vegetation.**

11. **Wetponds are no longer permitted in the City for stormwater treatment without approval of the City Engineer.**

C. **Hydraulic Analysis**

1. A preliminary drainage report and plan shall be submitted with the land use application and include both an upstream analysis and a Level 1 downstream analysis. Further levels of analysis may be required at the discretion of the City Engineer.

~~**2. For Planned Residential Developments (PRDs): The post-developed quantities and calculations/methodologies shall be provided for each pervious and impervious element and be individually listed/presented. Elements include, but are not limited to, roofs, driveways, streets, sidewalks, offsite paved improvements, and storm pond surface area.**~~

~~3. For long plats: One of the two following methods must be used to determine the post-developed area:~~

~~a. In addition to the percent impervious area based on dwelling units per acre, as listed in the Modified Curve Number table in the Kitsap County Stormwater Management Manual, the post-developed area calculations shall add the impervious area attributable to roads, sidewalks, and detention pond surface area. Quantities and calculations/methodologies shall be provided for each pervious and impervious element and be individually listed/presented;~~

~~OR~~

~~b. The post-developed quantities and calculations/methodologies shall be provided for each pervious and impervious element and be clearly listed and presented. Elements include, but are not limited to, roofs, driveways, streets, sidewalks, offsite paved improvements, and storm pond surface area.~~

2.~~4.~~ A final drainage report is required at the time of submittal of construction drawings, unless required earlier at the discretion of the City Engineer. The final drainage report shall include an analysis of the proposed drainage design which satisfies the City Engineer that the design complies with all City requirements and protects downstream properties and the surrounding area from damage and any adverse impacts. An Operations and Maintenance **Plan in Accordance with PMC 13.17** ~~manual~~ shall be provided with the "as-built"/record drawings. **The drainage report shall:**

a. Include capacity calculations which verify all portions of the conveyance system are sized adequately.

b. Be submitted electronically with the hard copies including all associated data files.

c. Clearly state the revision number and history on the cover page.

3.~~5~~. In the case of conflicts among the standards and manuals, the more restrictive shall apply unless determined otherwise at the discretion of the Public Works Director. Requirements of the permit/approved plans are a minimum. Other actions may be necessary to comply with State statutes for clean water. The applicant is ultimately responsible for compliance.

4.~~6.~~ The cover page of the report shall be stamped by the applicant's engineer and shall include the following statement:

> "I hereby state that this Drainage Report has been prepared by me or under my supervision and meets the standard of care and expertise which is usual and customary in this community of professional engineers. The analysis has been prepared utilizing procedures and practices specified by the City of Poulsbo and within the standard accepted practices of the industry. I understand that the City of Poulsbo

does not and will not assume liability for the sufficiency, suitability or performance of drainage facilities prepared by me."

~~7. For individual lot infiltration in short or long plats the following shall apply:~~

~~a. Section 5.3.6 and Appendix 5A of the Kitsap County Stormwater Management Manual are only for *individual single-family infill* lots.~~

~~b. An SBUH analysis for individual lot infiltration in new plats shall use both the 100-year/7-day and 100-year/24-hour events.~~

~~c. Soil logs (geo-technical report) from a geo-technical engineer must be submitted to the City Engineer which has a sufficient number of test pits to determine if infiltration is possible and which includes any recommendations or requirements by the geo-technical engineer. A soil log from every lot location is not necessarily required. The applicant's engineer shall submit a "template" design for infiltration at the time of civil construction drawing approval. The template shall be included with each building permit for lots that are utilizing infiltration. At the time of each building permit's trench excavation, the soils shall be inspected by the geo-technical engineer for conformance with the soil log that the template was based on. If significant differences in soil horizons are encountered, a new design for those specific soil conditions is required.~~

D. Ownership and Maintenance

1. Stormwater systems on private property shall be **owned,** operated and maintained ~~by the owner~~ in accordance with **Poulsbo Municipal Code 13.17.** ~~the City's established adopted stormwater manuals. The City may inspect the system periodically for conformance with the operation and maintenance requirements.~~

2. In **long** plats, the stormwater facility tract shall be dedicated to the City upon Final Plat approval. When the surface of detention vaults in plats is proposed for public use, appropriate legal agreements must be addressed in the preliminary plat conditions of approval and on the face of the recorded final plat.

3. For **long** plats, the developer shall be responsible for providing regular and adequate maintenance and supportive maintenance records for the stormwater detention system for a minimum of two-years or until 80% of the residences have been completed, whichever is longer. At the end of this time, the City will inspect the system and, if acceptable, the City will take over maintenance and operation of the system.

5. **For short plats, the facility shall be privately owned and maintained. The face of the plat shall specify responsibility.**

E. Pipe

Slope

1. **The minimum pipe slope is 0.50% on storm pipes.**

F. Structures

1. A catch basin or manhole will be required at all changes in pipe diameter and changes in grade or alignment.
2. The maximum distance between structures shall be 300 feet.
3. **Structures with inside drops are required to increase to the next size regardless of depth.**
4. **Storm manholes deeper than 10 feet shall be 54-inch diameter or larger.**
5. **Large diameter pipes or multiple pipes may require the structure to be increased to the next size.**

M. Materials and Methods

~~2. Pipe~~

~~a. All secondary pipe shall be smooth wall interior PVC D-3034 or CPE (N-12 Blue Seal or equal).~~

~~b. All pipe and fitting shall be testable at 3 pounds for 5 minutes.~~

2. ~~3.~~ Catch basins and manholes. Pipe penetrations and joints between catch basin and manhole sections shall be grouted on the inside and outside of the structure.

N. Clearing, Grading, and Erosion Control

2. The applicant ~~shall~~ may be required to ~~also~~ provide an analysis by a licensed geo-technical engineer in regard to grading and the design, location, and construction of roads/driveways, parking lots, rockeries/retaining walls, stormwater treatment and detention systems, and buildings on the site. The City Engineer may then hire an independent consultant of his choosing to review and comment on the adequacy of the applicant's proposal and analysis. Acceptance of the proposal and analysis shall be at the discretion of the City Engineer.

4. A Temporary Erosion and Sediment Control Plan shall be submitted to the City Engineer for approval. The plan shall conform to the **requirements as set forth and established in the manual or manuals currently adopted pursuant to Poulsbo Municipal Code 12.02.** ~~standards of the Washington State Department of Ecology (DOE) Stormwater Management Manual for the Puget Sound Basin, the Kitsap County Stormwater Management Design Manual, and City of Poulsbo requirements~~. Control measures shall be in place prior to any clearing and/or grading activity. The site work contractor shall be responsible for maintaining all erosion and sedimentation control facilities.

6. Temporary erosion and sediment control shall be maintained on the site at all times. Control measures shall conform to the **requirements as set forth and established in the manual or manuals currently adopted under Poulsbo Municipal Code 12.02.** ~~**standards of the Washington State Department of Ecology (DOE) Stormwater Management Manual for the Puget Sound Basin, the Kitsap County Stormwater Management Design Manual**~~, and City of Poulsbo requirements. Control measures shall be in place prior to any ground-disturbing activity. The site work contractor shall be responsible for maintaining all erosion and sedimentation control facilities. The property owner is ultimately responsible for compliance. **Construction site operators are responsible for obtaining coverage under the Department of Ecology Construction Stormwater General Permit.**

Appendix A – Standard Drawing Notes

General

1. The City of Poulsbo has adopted the following standards and specifications. In the event that there is a conflict between the documents, the more restrictive shall apply, as determined by the Public Works Director/designee. Unless stated otherwise, the latest edition and amendments shall apply.

   a. The "City of Poulsbo Construction Standards and Specifications."

   b. The "Standard Specifications for Road, Bridge, and Municipal Construction" and "Standard Plans For Road, Bridge and Municipal Construction" prepared by APWA / WSDOT.

   ~~c.~~ **The stormwater manual or manuals currently adopted under Poulsbo Municipal Code 12.02.** ~~**DOE Stormwater Management Manual for the Puget Sound Basin (1992).**~~

   ~~**d. The Kitsap County Stormwater Management Design Manual.**~~

   e. The Department of Ecology Criteria for Sewage Works Design.

   f. The Manual on Uniform Traffic Control Devices, US Department of Transportation, Federal Highway Administration.

Erosion Control

15. The contractor shall comply with **erosion and sediment control requirements as outlined in Volume 2** ~~**1 Chapter 2**~~ **of the Department of Ecology Stormwater Manual.** ~~**Minimum Requirement #1 (Erosion and Sediment Control) in section 1-2.5 of the Stormwater Management Manual for the Puget Sound Basin and the requirements of the Kitsap County Stormwater Manual.**~~

Road and Storm Drainage Notes

5 Sidewalk contraction joints shall be spaced at 5-foot intervals. Expansion joints shall be spaced at intervals not to exceed 25 feet. **Expansion joints in pervious concrete sidewalk shall be spaced at intervals not to exceed 30 feet.**

17 All services (laterals) shall be 6-inch diameter, minimum, laid on a minimum slope of 2 percent. All laterals shall have a vertical inspection tee (riser pipe/cleanout), of the same diameter as the lateral, at the property line. The riser pipe shall have a screw cap and not be more than **12** ~~8~~ inches or less than **6**~~4~~ inches below the finish grade elevation.

Sanitary Sewer Notes

8. All sewer installation inspections and test observations shall be made by the City of Poulsbo. A television inspection is required before final acceptance **of the sewer system**. **The television inspection and acceptance is required before pavement is placed.** The contractor shall furnish all equipment for video inspection. The video equipment shall be capable of recording the inspection on DVD format and a copy of the DVD shall be supplied to the City. A report shall be provided which documents distances between manholes, locations/distances and directions of laterals, observations of defects or potential defects, and any other information which would be beneficial for determining the as-built configuration and condition of the sewer main. Final acceptance of sewer installations will not be made until tests and inspection are complete and prove satisfactory.

Water Notes

11. The contractor is responsible for filling, flushing (including proper disposal of super-chlorinated water), and pressure testing the water main. Satisfactory bacteria test results are required prior to pressure testing. The contractor is responsible for the cost of all testing. The contractor shall coordinate all filling, flushing, and testing with the City of Poulsbo Public Works Department, 360-779- 4078. All flushing shall occur at night between 10 pm and 2 am. **Pressure testing and acceptance is required before pavement is placed.**

16. **Meter box lids shall have a 1 ¾" hole for the sensor pad.**

Chapter 13.17
STORMWATER MANAGEMENT

13.17.010 Purpose.

A. Purpose. The provisions of this chapter are intended to establish regulations for all development, redevelopment, and construction activities within the City that will, or may, impact surface water or stormwater. The provisions of this chapter establish the minimum level of compliance which must be met to permit a property to be developed, redeveloped, or proceed with construction activities within the City. **The chapter also establishes the requirement for proper on-going inspection, operation, and maintenance of all public and private stormwater facilities and components for both new and existing development.** It is the purpose of this chapter to:

Comment [ah1]: Not a new requirement. Added for completeness of description.

1. Protect the health, safety and welfare of the inhabitants of the City.

2. ~~Provide a means of minimizing~~ **Minimize** water quality impacts to surface and ground waters resulting from land development, redevelopment, and construction activities **and from poor operation and maintenance practices of stormwater facilities.**

Comment [ah2]: Improve grammar.

Comment [ah3]: Not a new requirement. Added for completeness.

3. Maintain and protect storm water management infrastructure and downstream systems and properties.

4. Decrease stormwater-related damage to public and private property from existing and future runoff.

5. Preserve and enhance the aesthetic quality and suitability of surface waters for contact recreation, fishing, and other beneficial uses.

6. Provide minimum development regulations and construction procedures that will preserve, replace, enhance, or maintain existing vegetation and the natural qualities of lands, wetlands and water bodies to the maximum extent practicable.

7. Comply with the City's NPDES Permit.

Comment [ah4]: Not a new requirement. Added for completeness.

13.17.020 Definitions.

The terminology in this chapter shall have the meanings described as follows:

"Best Management Practices (BMPs)" means schedules of activities, prohibitions of practices, ~~general good housekeeping practices, pollution prevention and educational practices,~~ maintenance procedures, and structural and/or managerial ~~other management~~ practices **approved by the Washington State Department of Ecology** that, when used singly or in combination, prevent or reduce the ~~discharge~~ **release** of pollutants ~~or~~ and other adverse impacts ~~directly or indirectly~~ to Waters of ~~the~~ **Washington** State. ~~, and have been approved by the Washington State Department of Ecology. BMPs are listed and described in the Stormwater Manual.~~

Comment [ah5]: Revise definition per current NPDES permit.

"City" means Poulsbo, Washington, or as indicated by the context, the Public Works Director or other authorized representative of the governmental authority of the City of Poulsbo.

"Director" means the **Engineering Director**, Public Works Director, ~~or designee(s),~~ **or other designated staff person(s) charged with the responsibility for implementation of this chapter or any of its sections.**

Comment [ah6]: Revise to address departmental position title changes and provide flexibility for future title changes.

"Hard Surface" means an impervious surface, a permeable pavement, or a vegetated roof.

Comment [ah7]: Add definition per current NPDES permit.

"Impervious surface" means a ~~hard surface~~ **non-vegetated surface** area that either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development. A ~~hard surface~~ **non-vegetated surface** area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, rooftops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled, macadam or other surfaces which similarly impede the natural infiltration of stormwater. ~~Open, uncovered retention/detention facilities shall be considered impervious surfaces for purposes of runoff modeling; however, o~~Open, uncovered retention/detention facilities shall not be considered as impervious surfaces for purposes of determining whether the thresholds for application of minimum requirements are exceeded. **Open, uncovered retention/detention facilities shall be considered impervious surfaces for purposes of runoff modeling.**

Comment [ah8]: Revise definition per current NPDES permit.

"Land disturbing activity" means any activity that results in ~~movement of earth, or~~ a change in the existing soil cover (both vegetative and non-vegetative) and/or the 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**, including landscape maintenance and gardening,** are not considered land-disturbing activity. **Stormwater facility maintenance is not considered land disturbing activity if conducted according to established standards and procedures.**

Comment [ah9]: Revise definition per current NPDES permit.

"Low Impact Development **(LID)**" means a **stormwater and land use management strategy that strives to mimic pre-disturbance hydrologic processes of infiltration, filtration, storage, evaporation, and transpiration by emphasizing conservation, use of on-site natural features, site planning, and distributed stormwater management practices that are integrated into a project design.** ~~non-structural measure for stormwater control and treatment that uses natural processes, restoration or enhancement of natural systems, or design approaches to control runoff and/or reduce pollutant levels. Such measures are used in lieu of or to supplement structural practices on a land development site. Non-structural measures include, but are not limited to: minimization and/or disconnection of impervious surfaces; development design that reduces the rate and volume of runoff; restoration or enhancement of natural areas such as riparian areas, wetlands, and forests; and on-lot practices such as rain barrels, cisterns, and vegetated areas that intercept roof and driveway runoff.~~

Comment [ah10]: Revise definition per current NPDES permit.

"LID Manual" means the *Low Impact Development: Technical Guidance Manual for Puget Sound, December 2012* adopted by the City for stormwater management pursuant to Poulsbo Municipal Code 12.02

Comment [ah11]: Added definition per 2014 Stormwater Manual.

"Maintenance" means repair and maintenance 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.

"Maintenance ~~c~~Covenant" means a legally recorded binding agreement between the City of Poulsbo and the person**(s)** ~~or persons~~ holding title to a property served by a stormwater facility whereby the property owner **agrees** ~~promises~~ to~~, among other things,~~ **operate and** maintain certain storm water facilities **in accordance with City standards and codes; annually inspect the stormwater facilities, perform any required maintenance, and submit a report of the inspection and maintenance to the City;** grants the City the right to enter the subject property to inspect **the stormwater facilities to determine that the facility is properly maintained and functioning,** and to make certain repairs or perform certain maintenance procedures on the stormwater control facilities when such repairs or maintenance have not been performed by the property owner **when directed to do so by the City;** and **agrees** ~~promises~~ to reimburse the City for the cost should the City perform such repairs or maintenance.

Comment [ah12]: Revise definition to provide accuracy and clarification of the description. No changes to the covenant.

"Maintenance **Plan** ~~Procedures Manual~~" means a compilation of maintenance-related policies, standards, responsibilities, procedures, **schedules, manuals**, and practices developed by the Director to implement this chapter.

Comment [ah13]: Revise terminology to reflect modified requirements & procedures.

~~"Maintenance schedule" means a document detailing required stormwater facility maintenance activities to be performed at specified intervals.~~

Comment [ah14]: Self-explanatory. Not needed. Delete to minimize extraneous content.

"NPDES Permit" ("National Pollutant Discharge Elimination System Stormwater Discharge Permit") means the permit issued by the Washington State Department of Ecology on January 17, 2007 to the City of Poulsbo that authorizes the discharge of pollutants to waters of the United States. It shall also mean any permit appendices, subsequent modifications, and new permits for subsequent permit terms issued by the Washington State Department of Ecology. Also known as "Western Washington Phase II Municipal Stormwater Permit".

"New development" means 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 **hard** ~~impervious~~ surfaces; and subdivision, short subdivision and binding site plans, as defined and applied in Chapter 58.17 RCW. Projects meeting the definition of redevelopment shall not be considered new development.

Comment [ah15]: Revise definition per current NPDES permit.

"Off-site drainage analysis" means a study of those land areas contributing surface runoff to a development site as well as a study of the existing and predicted impacts of surface runoff from the development site on properties and drainage features that have the potential to receive stormwater from the development site.

"Operation and maintenance manual" means a written manual, prepared by a qualified civil engineer, that provides a description of operation and maintenance procedures for specific stormwater control facilities, for use by operation and maintenance personnel **which are as protective or more protective than those specified in the Stormwater Manual. Maintenance of manufactured BMPs shall be per the manufacturer's recommendations.**

Comment [ah16]: Add language from current NPDES permit to specify the level of protection required.

Comment [ah17]: Revise per 2014 Stormwater Manual.

"Owner" means the owner or owners of the freehold of the premises or lesser estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee or other person, firm or corporation in control of a piece of land. As used herein, owner also refers to, in the appropriate context: (i) any other person authorized to act as the agent for the owner; (ii) any person who submits a stormwater management concept or design plan for approval or requests issuance of a permit, when required, authorizing land development to commence; and (iii) any person responsible for complying with an approved stormwater management design plan.

"Person" means any individual, association, organization, partnership, firm, corporation, business or other entity recognized by law and acting as either the owner or as the owner's agent.

"Premises" means any building, lot, parcel of land, or portion of land whether improved or unimproved.

"Project site" means that portion of a property, properties, or right of way subject to land disturbing activities, new impervious surfaces, or replaced impervious surfaces.

"Recharge" means the replenishment of underground water reserves.

"Redevelopment" means, on a site that is already substantially developed (i.e., has 35% or more of existing **hard** ~~impervious~~ surface coverage), the creation or addition of **hard** ~~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 **hard** ~~impervious~~ surface that is not part of a routine maintenance activity; and land disturbing activities.

Comment [ah18]: Revise definition per current NPDES permit.

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

"Stop Work Order" means ~~an order issued that requires that all construction activity on a site be stopped.~~ **a written notice, signed by the Director and posted on the site of construction or other activity, which states that a violation of the Poulsbo Municipal Code has occurred and that all activity, except that of erosion and sediment control, must cease until further notice. The director may cause a stop work order to be issued whenever the director has reason to believe that there is a violation of the terms of this chapter. The effect of such a stop work order shall be to require the immediate cessation of such work or activity until authorization is given by the director to proceed.**

Comment [ah19]: Definition revised for clarification. No change to actual procedures.

"Stormwater" means **runoff during and following precipitation and snowmelt events, including surface runoff, drainage, or interflow. It is** that portion of precipitation **and snowmelt events** that does not naturally percolate into the ground or evaporate, but flows via overland flow, interflow, pipes, and/or other features of a stormwater drainage system into a defined surface water body or a constructed infiltration facility.

Comment [ah20]: Revise definition per current NPDES permit.

Comment [ah21]: Add for consistency with previous sentence.

"Stormwater drainage system" means constructed and natural features which function together as a system to collect, convey, channel, hold, inhibit, retain, detain, infiltrate, divert, treat, or filter stormwater. A system includes, but is not limited to, the City's municipal separate storm sewer system, roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, retention and detention basins, ditches, and other drainage structures.

"Stormwater facility" means a **constructed** component of a **stormwater drainage system** ~~manmade drainage feature, or features,~~ designed or constructed to perform a particular function or multiple functions, including, but not limited to, pipes, swales, ~~bioretention facilities~~, ditches, culverts, street gutters, detention **ponds** ~~basins~~, retention **ponds** ~~basins~~, ~~wetponds~~, constructed wetlands, infiltration devices, catch basins, oil/water separators and **biofiltrations swales.** ~~sediment basins.~~ Stormwater facilities shall not include building gutters, downspouts and drains serving one single-family residence.

Comment [ah22]: Revise per 2014 Stormwater Manual.

"Stormwater Management" means the use of structural or non-structural practices that are designed to reduce stormwater runoff pollutant loads, discharge volumes, peak flow discharge rates and detrimental changes in stream temperature that affect water quality and habitat.

"Stormwater Manual" means **the *Stormwater Management Manual for Western Washington* prepared by the Washington State Department of Ecology. The version shall be in accordance with the City's NPDES Permit and be** ~~the most current technical standards and specifications~~ adopted by the City for stormwater management pursuant to Poulsbo Municipal Code 12.02 ~~in accordance with the City's NPDES permit~~.

Comment [ah23]: Revise to reflect requirements of current NPDES permit.

"Stormwater Site Plan" means a comprehensive report containing all of the technical information and analysis necessary to evaluate a proposed new development or

redevelopment project for compliance with stormwater requirements for both construction and permanent stormwater management on the site.

"Watercourse" means a depression formed by runoff moving over the surface of the earth; any natural or artificial channel through which water flows; a lake, river, creek, stream, wash, arroyo, channel or other topographic feature on or over which waters flow at least periodically.

"Waters of the State" means lakes, rivers, ponds, streams, inland waters, underground waters, salt waters and all other surface waters and watercourses within the jurisdiction of the State of Washington as defined in RCW 90.48.

13.17.030 Applicability.

All persons engaging in development, redevelopment, and/or construction site activities which meet the regulatory thresholds pursuant to Poulsbo Municipal Code 12.02 and the criteria set forth in this chapter shall be subject to its requirements. All public and private stormwater facilities constructed prior to the adoption of this Chapter are subject to the maintenance requirements of this chapter, except that a maintenance covenant is not required.

13.17.040 Administration, approval, and inspection authority.

A. Administrator. This chapter shall be administered, implemented and enforced by the ~~Public Works~~ Director **charged with the responsibility for implementation of this chapter or any of its sections** or **by** his/her designee(s). The Director shall have the authority to develop, adopt, **establish** and implement programs, policies and procedures to administer, implement, and enforce this chapter.

B. Review and approval. The Director may approve, conditionally approve, or deny any application for activities regulated by this chapter.

C. Inspection.

1. All development, redevelopment, and construction activities regulated by this chapter shall be inspected by the Director **in accordance with this chapter and the requirements of the NPDES permit.**

~~a. Prior to clearing and construction, the Director shall inspect all development sites that have a high potential for sediment transport as determined through plan review based on definitions and requirements of the NPDES permit.~~

Comment [ah24]: Revise to address position title changes and provide flexibility for future title changes. See definition of "Director."

Comment [ah25]: Provide additional description and clarification for methods of creation of programs, policies, & procedures.

Comment [ah26]: Indicates a relationship between the referenced activities and the NPDES Permit.

Comment [ah27]: Delete. Addressed by C.2 below.

~~b.~~ 2. The Director shall inspect ~~projects~~ **all construction sites subject to this chapter** ~~at various stages of the work requiring approval~~ to determine that adequate ~~control is being exercised~~. **temporary stormwater controls are installed and maintained properly and that all permanent stormwater controls are installed and functioning properly.** ~~is being exercised~~ Stages of work requiring inspection **may** include, but are not limited to~~,~~: preconstruction, land-disturbing activities, installation of BMPs, ~~installation of~~ utilities, permanent storm water control facilities, landscaping, **and** retaining walls and **upon** completion of project. When required by the Director, special inspection and/or testing shall be performed.

Comment [ah28]: Revise for grammar and clarification.

~~2~~ 3. The Director is directed and authorized to develop **and implement** a**n inspection and** maintenance ~~inspection~~ program for **both public and privately-owned** stormwater facilities in the City **in accordance with the City's NPDES permit** ~~as provided for in Section 13.17.110.~~

Comment [ah29]: Add clarification.

13.17.050 Requirements for approval of stormwater site plans.

A. Stormwater site plan approval required. Except for exempt activities as described in subsection D below, no regulated activity may be conducted on any site within the City unless and until the person proposing to conduct such an activity shall have applied for and obtained approval of a stormwater site plan from the Director.

B. Regulated Activities. Consistent with the minimum requirements contained in the Stormwater Manual and any other applicable standards adopted pursuant to Poulsbo Municipal Code 12.02, the Director shall approve or disapprove stormwater site plans for the following activities, unless exempted in subsection D below:

1. New development.

a. Land disturbing activities;

b. Structural development, including construction, installation or expansion of an existing building or other structure;

c. Creation of impervious surfaces;

d. Class IV general forest practices that are conversions from timber land to other uses; and

e. Subdivision, short subdivision and binding site plans, as defined in RCW 58.17.

2. Redevelopment.

a. The creation, addition, and/or replacement of **hard** ~~impervious~~ surfaces that is not part of a routine maintenance activity;

Comment [ah30]: Revise definition per current NPDES permit.

b. Structural development including construction, installation or expansion of a building or other structure;

c. Land disturbing activities, including those associated with structural or **hard** ~~impervious~~ surface redevelopment;

Comment [ah31]: . Revise definition per current NPDES permit.

3. Incremental development or redevelopment. Projects that are incrementally developed or redeveloped at levels below the regulatory thresholds for land disturbance pursuant to the NPDES permit, as the same now exists or as the same may be hereafter amended or superseded, and which are not part of a larger development at the time, must address the cumulative changes in the amount and type of impervious surfaces and land disturbed once the combined increments meet or exceed minimum regulatory threshold values.

C. Additional reviewers. The following agencies may also require a drainage review to assess a site's impact. Any requirements imposed by these agencies are separate from the city mandates. It is the applicant's sole responsibility to resolve any conflicting issues that may arise from submittal reviews.

1. U.S. Army Corps of Engineers;

2. Washington State Department of Natural Resources;

3. ~~Bremerton-~~Kitsap Public ~~County~~ Health District;

Comment [ah32]: Corrected name.

4. Washington State Department of Ecology: general permit is required for sites that disturb one acre or more;

5. Washington State Department of Fish and Wildlife;

6. Washington State Department of Transportation; and

7. Kitsap County.

D. Exemptions. The following activities are exempt from the provisions of this chapter:

1. Activities as described and detailed in Section 1 of NPDES Permit Appendix 1 and subsequent permit renewals, modifications, and/or amendments

2. Activities undertaken by the Washington State Department of Transportation (WSDOT) within state highway rights-of-way and which is regulated by Chapter 173-270 of the Washington Administrative Code, the Puget Sound Highway Runoff Program.

13.17.060 General stormwater management requirements.

A. Design, construction and maintenance requirements. Stormwater management design, construction, and maintenance standards, thresholds, and technical requirements are as adopted pursuant to Poulsbo Municipal Code 12.02 and the provisions of this chapter.

B. Low Impact Development. Low impact development methods ~~may be utilized~~ **shall be the preferred and commonly used approach to site development and redevelopment** ~~when~~ **and shall be** designed**,** ~~and~~ constructed **and maintained** in accordance with the standards and criteria adopted pursuant to Poulsbo Municipal Code 12.02 **and this chapter.**~~; however, the use of LID techniques shall not be in conflict with other City codes or standards. Requirements to address site conditions, access, and long-term maintenance shall be taken into account prior to approval.~~

Comment [ah33]: Revise per current NPDES Permit.

C. Prohibition of illicit discharges. In accordance with the City's NPDES permit and Poulsbo Municipal Code Chapter 13.18, it is unlawful for any person to throw, drain, or otherwise discharge, or cause or allow others under its control to throw, drain or otherwise discharge any materials other than stormwater into the municipal storm drain system and/or surface and ground waters of the City. Prohibited materials include, but are not limited to, pollutants or waters containing any pollutants, **and those listed pursuant to Chapter 13.18.070,** that cause or contribute to a violation of applicable water quality standards. The commencement, conduct, or continuance of any illicit discharge to the stormwater drainage system is prohibited.

Comment [ah34]: Not a new requirement. Add for further clarification.

D. Maintenance covenant. Development and redevelopment projects which meet the regulatory thresholds adopted pursuant to Poulsbo Municipal Code 12.02 and which will have privately-owned storm drainage facilities shall be required, as a condition of approval for development/redevelopment, to provide a maintenance covenant in accordance with Section 13.17.100.

13.17.070 Plan submittal.

A. Affected parties. All development and redevelopment projects meeting the regulatory thresholds adopted pursuant to Poulsbo Municipal Code 12.02 shall submit plans and analyses to the City for approval in accordance with the technical requirements of Poulsbo Municipal Code 12.02, the criteria stipulated in this section, and the policies and procedures of the Director.

B. Fees and deposits. Plan review and inspection fees and deposits shall be paid pursuant Poulsbo Municipal Code 3.12.

C. Qualifications. All plans and analyses shall be prepared by a qualified professional engineer.

D. Required submittals. Submittals shall include the following, along with any other additional information required by the Director:

1. Stormwater Site Plan. A stormwater site plan shall be prepared in accordance with the Stormwater Manual adopted pursuant to Chapter 12.02.

Comment [ah35]: Not a new requirement. Add for completeness of description and provide reference to the technical requirements.

~~1.~~**2.** Off-site drainage analysis. An off-site drainage analysis identified as "optional guidance" in Volume 1 of the Stormwater Manual shall be mandatory and shall be prepared by a qualified professional engineer and be based on a field investigation of the development's off-site contributing and receiving drainage areas.

~~2.~~**3.** Geotechnical analysis. A geotechnical analysis prepared by a professional geotechnical engineer or licensed engineering geologist is required for development activities where grading or the construction of retention facilities, detention facilities, or other storm water facilities is proposed within a critical area pursuant to Poulsbo Municipal Code 16.20, or where the Director deems that the proposed construction poses a potential hazard due to its proximity to a critical area. The analysis shall address the effects of groundwater interception and infiltration, seepage, potential slip planes and changes in soil bearing strength. Analysis of additional elements may be required.

~~3~~**4**. Hydrogeological report. A hydrogeological report is required for development activities occurring in Critical Aquifer Recharge Areas pursuant to Poulsbo Municipal Code 16.20.

~~4~~**5.** Soils analysis. A soils analysis is required where the soils underlying the proposed project have not been mapped, or where existing soils maps of the project site are inconsistent, or where the Director deems that existing soils maps of the project site are not of sufficient resolution to allow proper engineering analysis.

~~5~~6. Operation and maintenance **plan** ~~manual~~. An operation and maintenance **plan** ~~manual~~ that is consistent with this chapter and the Stormwater Manual shall be provided for all ~~proposed~~ **regulated** stormwater facilities and BMPs **that will be privately owned and maintained**. **The plan shall state that the owner of the property is responsible for the correct and continued operation and maintenance of the stormwater facilities on the property. The plan shall be in conformance with the codes, policies, and procedures required by the City, including content and format.** ~~The party/parties responsible for maintenance and operation shall be identified in the operation and maintenance manual. For private facilities, a copy of the~~ **The plan** ~~manual~~ shall be provided to the City **for review and** approval prior to ~~occupancy~~ **final construction approval. The approved plan shall be recorded with the Kitsap County Auditor to run with the land and be included in any instrument of conveyance of the subject property. Recording costs shall be paid by the property owner.** ~~and a~~ **A** copy **of the plan** shall be retained onsite or within reasonable access to the site~~, and shall be transferred with the property to subsequent owners.~~ **and be kept on file with the City.** ~~The property owner shall keep a log of maintenance activity that indicates what actions were taken and make the log available for inspection by the Director. The copy of the manual submitted to the City shall be retained in the Public Works Department.~~

Comment [ah36]: The manual and its recording is not new, but as a plan, there will be formatting and content requirements in addition to the manual. The revised requirements will result in consistent content of the manual/plan.

13.17.080 Performance deposit and agreement for site stabilization.

Pursuant to Poulsbo Municipal Code 15.35, all development subject to clearing and/or grading permits or development that involves soil disturbing activity to an extent that is potentially damaging to the environment or property shall be required to execute an agreement and make a cash deposit in an amount determined by the City Engineer to be sufficient to guarantee the performance and maintenance of site stabilization measures. The applicant shall also execute a right-of-entry authorizing the City and its authorized representatives and contractors to enter upon the property for the purpose of: (1) inspecting the premises for compliance with the permit conditions secured by the cash deposit required herein, and (2) performing any and all work necessary to provide interim erosion control, site stabilization, and control of drainage in the event of the permit applicant's failure to comply with the permit conditions secured by the cash deposit. The agreement and deposit shall remain in place until the City Engineer has granted final acceptance of the permitted activities.

13.17.090 General maintenance requirements.

A. Maintenance required. ~~All public and private stormwater facilities shall be operated and maintained in accordance with this chapter and the following.~~ Systematic, routine preventive maintenance is the goal of this chapter. Where differences occur between the **maintenance** standards, the most restrictive standards shall apply unless specifically determined otherwise by the Director. All public and private stormwater facilities shall be operated and maintained in accordance with this chapter and the following.

1. The provisions of the Stormwater Manual, as adopted pursuant to Poulsbo Municipal Code 12.02, as the same now exists or as the same may be hereafter amended or superseded.

2. The provisions of the NPDES Permit, as the same now exists or as the same may be hereafter amended or superseded.

3. The provisions of an operations and maintenance manual which the Director is hereby authorized to **establish,** develop**,** ~~-~~**implement,** ~~adopt,~~ and update as necessary in order to implement this chapter **and the NPDES Permit**.

4. The provisions of any maintenance standards established pursuant to Section B below.

5. The provisions of any approved operation and maintenance **plan** ~~Manual~~ for the facilities, as required by Section 13.17.070 of this chapter.

6. The provisions of the manufacturer for manufactured BMPs.

7. Where lack of maintenance is causing or contributing to a water quality **reduction or violation,** ~~problem~~**, a hazard to public safety, endangerment of property, an adverse affect to the condition or capacity of any public or private drainage facilities, or an adverse affect to the safety and operations of city right-of-way**, immediate action shall be taken by the property owner to correct the problem. Such action may include maintenance, repair, replacement, or retrofit as required by the Director. ~~If a problem is observed by the City, after initial recognition of the problem, the City inspector shall revisit the facility to assure that the problem has been rectified within the time frame allowed by any Notice and Order issued~~ **Failure to maintain facilities in accordance with this chapter are subject to enforcement** pursuant to Section 13.17.140.

8. Disposal of waste from maintenance activities shall be conducted in accordance with the minimum Functional Standards for Solid Waste Handling,

Comment [ah37]: Add for clarification.

Comment [ah38]: Provide additional description and clarification for methods of creation of maintenance standards consistent with the current NPDES permit requirements. Maintenance standards are in the (adopted) stormwater manual or provided by manufacturers in the case of certain BMPs. Per the current NPDES permit, maintenance standards shall be "established" and, when no standard already exists, shall be developed.

Comment [ah39]: Update terminology.

Comment [ah40]: Revise for clarification.

Comment [ah41]: Delete procedural statement that doesn't belong in this section

Comment [ah42]: Add reference to warn of consequences for failure to maintain.

Chapter 173-304 WAC, and where appropriate, the Dangerous Waste Regulations, Chapter 173-303 WAC.

9. The provisions of any policies or procedures implemented by the Director.

10. No person shall cause or permit any drainage system to be obstructed, filled, graded, or used for disposal of debris or any other material.

B. Establishment of additional **maintenance** standards. Pursuant to the NPDES permit, as the same now exists or as the same may be hereafter amended or superseded, the Director is hereby authorized to develop maintenance standards for facilities which do not have standards provided for in the Stormwater Manual.

C. Responsibility for maintenance.

1. Determination. Prior to approval of any stormwater site plan required to be submitted under this chapter, the Director shall determine whether such facilities are appropriately a part of the City-owned and maintained stormwater drainage system or whether the facilities shall remain privately- owned and maintained. The conditions of approval for the site plan shall address the Director's determination and reflect the requirements of this section.

2. City-owned stormwater facilities. The City shall be responsible for the **inspection,** operation, maintenance, ~~and~~ repair**, restoration, and replacement** of all City-owned stormwater drainage systems and BMPs. **Inspection frequency shall be per the NPDES permit.**

3. Privately-owned stormwater facilities. **The property owner, or facility owner, as identified by means of a proper legal document, shall inspect, operate, maintain, repair, restore, and replace, at the owner's expense, all private stormwater drainage facilities on the property.** ~~Property owners shall be responsible for the maintenance, operation, and repair of privately owned stormwater drainage systems and BMPs. Privately owned facilities are those which have not been assumed by the City pursuant to Section 13.17.120.~~

a. Where a privately- owned stormwater drainage system is located in a private easement, the owner of the stormwater drainage system shall be responsible for obtaining all necessary rights to **inspect, operate,** maintain, **repair, restore, and replace** the same from the owners of the property on which the system is located.

Comment [ah43]: Provides notice of requirements beyond the NPDES permit and the stormwater manual.

Comment [ah44]: Not a new requirement, but is beneficial to be codified due to observations/problems on some private properties.

Comment [ah45]: Add for clarification.

Comment [ah46]: Revise for completeness and clarification.

Comment [ah47]: Revise for completeness and clarification.

Comment [ah48]: Revise for completeness and clarification.

b. The maintenance requirements specified in this chapter shall be enforced against the owner(s) of the subject property served by the stormwater facility **pursuant to Section 13.17.140.** In addition, all properties are subject to Chapter 13.18, Illicit Discharge and Detection and Elimination.

Comment [ah49]: Add clarification.

13.17.100 Maintenance covenant and compliance inspections required for privately maintained drainage facilities.

A. Maintenance covenant required. Development and redevelopment projects which meet the technical thresholds adopted pursuant to Poulsbo Municipal Code 12.02 and which will have privately-owned storm drainage facilities shall be required, as a condition of approval for development/redevelopment, to provide a maintenance covenant and allow compliance inspections. Prior to **final construction approval** ~~the use~~ of the development or redevelopment project, a maintenance covenant shall be recorded on a form approved by the City Attorney, which guarantees the City of Poulsbo that the stormwater facilities shall be properly operated, maintained and inspected by the property owner, and which gives the City the right of entry to enter and inspect the facility for conformance with the covenant, compliance with this chapter, and to take any necessary enforcement action pursuant to this chapter and Chapter 13.18. The restrictions set forth in such covenant shall run with the land be included in any instrument of conveyance of the subject property and shall be recorded with the Kitsap County auditor. Recording costs shall be paid by the owner.

Comment [ah50]: Revise for clarification and accuracy.

B. Term of covenant. Maintenance covenants shall remain in force for the life of the development.

13.17.110 Inspection and maintenance of privately-owned ~~Inspections of privately maintained~~ stormwater facilities.

A. Purpose. The purpose of ~~the~~ **an** inspection **and maintenance** program for privately**-owned** ~~maintained~~ stormwater facilities **is to ensure that** ~~shall be to determine if~~ the stormwater facilities~~, conveyance structures, and water quality facilities~~ are **properly inspected, operated, and maintained** ~~in good working order and are properly maintained, and to ensure that stormwater quality BMPs are in place~~ and that nonpoint source pollution control is being implemented.

B. Property owner required to perform and document periodic inspections **and maintenance.** The property owner is responsible for the inspection of all components of his stormwater facilities and for documenting all **inspection and** maintenance ~~and inspection~~ activities. Inspection, maintenance, and documentation shall be ~~performed~~ in accordance with this chapter. **Documentation shall be provided to the City in accordance with the policies and procedures established pursuant to Section 13.17.090.**

C. Frequency.

1. Annual Inspection. Inspection of stormwater treatment and flow control facilities shall be conducted at least annually. The Director may determine that more frequent inspections are required due to:

a. The type of facility involved;

b. The critical nature of the facility;

c. Unique site conditions or special circumstances affecting the property;

d. Other factors related to public or environmental protection; or

e. The manufacturer of any BMP recommends more frequent inspections.

2. Frequency reduction. A reduction in inspection frequency from the minimum annual requirement shall be in accordance with the requirements of the NPDES Permit.

~~3. For new residential developments that are part of a larger common plan of development or sale, flow control and water quality treatment facilities, including catch basins, shall be inspected every 6 months during the first two years following subdivision approval or until 80% of the houses are complete, whichever is later.~~

D. Compliance inspections authorized. Whenever necessary to fulfill the requirements of ~~the~~ **an** inspection program or whenever there is cause to believe that a violation of this chapter has occurred or is occurring, the Director is authorized to make inspections of privately-**owned** ~~maintained~~ stormwater drainage systems within the City in order to determine compliance with this chapter. Inspections by the Director do not relieve the owner of his obligations under this chapter and are not in lieu of the inspections required of the owner. **Deficiencies and a time frame for correction will be documented in writing to the private facility owner. Failure to comply with the correction notice is a violation of this chapter.**

E. Inspection hours. All inspections shall be conducted during regular business hours or at other reasonable times, provided that inspections may occur at other times in the case of an emergency or as circumstances related to any alleged violation may warrant.

F. Inspection access to properties with a maintenance covenant. Access by the Director is secured without prior approval by the owner in accordance with the maintenance covenant required pursuant to Section 13.17.120.

Comment [ah52]: Delete. This is an NPDES Permit requirement that is more appropriately done under Public Works procedures. The developer/on-site contractor is still required to immediately correct any maintenance deficiencies.

Comment [ah53]: Change to refer to inspection programs in general.

Comment [ah54]: Improve accuracy.

Comment [ah55]: This is part of a non-codified procedure (ref: 13.17.090), but its mention is beneficial to the reader's understanding of the compliance process.

G. Inspection access to properties without a maintenance covenant. Prior to making any inspection, the Director shall present identification credentials to the owner or other person occupying or in control of the property where the stormwater drainage ~~facility is~~ **facilities are** located, shall state the reason for the inspection, and shall request entry. Entry shall be limited as follows:

Comment [ah56]: Grammar correction.

1. If the property or any building or structure on the property is unoccupied, the Director 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 Director 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 stormwater drainage system creates an imminent hazard to persons or property, the Director 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 Director shall obtain a warrant, prior to entry, as authorized by the laws of the State of Washington.

4. The Director may inspect the stormwater drainage system without obtaining a search warrant provided for in Subsection 3 above, provided the inspection can be conducted while remaining on public property or other property on which permission to enter is obtained.

~~H. Documentation.~~

~~1. Maintenance and inspection activities shall be documented and a copy of said documentation shall be provided to the City in accordance with the Operations and Maintenance manual adopted pursuant to Section 13.17.090(A)(3).~~

~~2. Maintenance and inspection records for each facility shall be maintained on file by the City in accordance with the policies and procedures adopted pursuant to this chapter.~~

Comment [ah57]: Delete. Addressed in Item B, above.

13.17.120 Assumption of permitted drainage facilities by the City

A. Determination. Pursuant to Section 13.17.090(C), the Director shall determine which permitted facilities are appropriate for City ownership and maintenance.

B. Maintenance Bond or Other Security. After satisfactory completion of facilities which are **determined by the Director** to be owned and maintained by the City, the applicant constructing the facilities shall commence a maintenance period during which the applicant shall guarantee that the facilities will remain free from defects in workmanship or materials and shall operate according to the approved design thereof. The maintenance period shall be for two years or, in the case of single-family residential plats, until eighty percent of the residences are complete, whichever is longer. A maintenance bond or other suitable security, in a form approved by the City Attorney and in an amount to be determined by the Director, shall be posted to guarantee such obligation for the maintenance period.

Comment [ah58]: Add for clarification.

C. Assumption. The City may assume operation and maintenance responsibility for retention/detention or other stormwater drainage facilities proposed for assumption in an approved stormwater site plan after expiration of the warranty period established by Section (B) above if the following conditions are met:

1. All of the requirements of the approved **stormwater site** plan have been complied with and the storm water facility, as designed and constructed, conforms to the provisions of this chapter; and

Comment [ah59]: Add for clarification.

2. ~~In single-family residential plats at least eighty percent of the lots have been completed, unless waived by the Director; and~~

Comment [ah60]: Delete. Addressed in #3 below.

2.~~3.~~ All drainage facilities have been inspected and accepted by the Director and have been in satisfactory operation for at least two years **or, in the case of single-family residential plats, at least two years or until eighty percent of the residences are complete, whichever is longer;** and

Comment [ah61]: Add for clarification .

3 ~~4.~~ **Immediately prior to assumption by the City the** ~~The~~ applicant has **cleaned the entire facility and** made corrections or repairs to the facility as directed by the Director; and

Comment [ah62]: Add for clarification.

4~~5.~~ All drainage facilities reconstructed during the maintenance period have been accepted by the Director; and

5~~6~~. For ~~non-standard drainage~~ facilities **with manufactured BMPs**, an operation and maintenance manual, including a maintenance schedule, **for the manufactured BMPs** has been submitted to, and accepted by, the City; and

Comment [ah63]: Revise for clarification.

6~~7~~. All necessary **deeds**, easements**, ~~or~~** dedications**, and conveyances** entitling the City to properly own and/or operate and maintain the facility have been conveyed to the City and recorded with the Kitsap County auditor; and

~~8. The applicant has supplied to the City an accounting of maintenance activities, including those scheduled as required plus any additional activities, and expenses for the permanent drainage facilities up to the end of the maintenance period; and~~

7~~9.~~. A complete and accurate set of reproducible as-built drawings have been provided to the City. A professional engineer shall certify that both the vertical and horizontal alignment meet the design objectives.

13.17.130 Assumption of existing stormwater facilities.

A. Conditions for assumption. The City may accept for maintenance those stormwater facilities for single-family residential plats existing prior to the effective date of the ordinance codified in this chapter that meet the following conditions:

1. Improvements have been completed on at least eighty percent of the lots; and

2. The person or persons holding title to the properties served by the stormwater facilities show proof of the correction of any defects in the drainage facilities, as required by the Director; and

3. An inspection by the Director has determined that the stormwater facilities are functioning as designed **and the maintenance condition is satisfactory**; and

4. The stormwater facilities have had at least two years of satisfactory operation and maintenance, unless otherwise waived by the Director; and

5. The person or persons holding title to the properties served by the stormwater facilities submit a petition containing the signatures of the title holders of more than fifty percent of the lots served by the stormwater facilities requesting that the City **own and** maintain the stormwater facilities; and

6. All necessary easements or dedications entitling the City to properly access, own, and/or operate and maintain the facility have been conveyed to the City and recorded with the Kitsap County Auditor.

Comment [ah64]: Revise for completeness and clarification.

Comment [ah65]: Delete. Performance of #3 is sufficient.

Comment [ah66]: Revise for completeness and clarification.

Comment [ah67]: Revise for completeness and clarification.

13.17.140 Enforcement and penalties.

A. Authorization. The Director is authorized to enforce this chapter and any permit, order, or approval issued pursuant to this chapter, against any violation or threatened violation thereof.

B. ~~Cumulative Civil Penalty. Any person who violates the provisions of this chapter, who fails to operate or maintain a stormwater drainage facility according to the provisions of this chapter or any condition of an approved stormwater site plan, who fails to comply with corrective measures set forth in a notice and order issued under this section, or who aids or abets any other person in any such violation or failure to comply, shall incur a cumulative civil penalty in the amount of one hundred dollars per day for each day that elapses from the date set by the Director for correction until the correction takes place.~~

Violations of This Chapter. Any activities or operations which violate the provisions of this chapter shall be, and the same hereby are declared to be, unlawful and a public nuisance and may be abated as such through the use of penalties and stop work orders, as well as any other remedies which are set forth in this chapter or other referenced chapters. The choice of enforcement action taken and the severity of any penalty shall be based on the nature of the violation and the damage or risk to the public or to public resources.

C. **Penalties. Anyone who violates the provisions of this chapter will be subject to Section 1.16, General Penalty, of the Poulsbo Municipal Code.**

~~Notice and Order. Whenever the Director determines that a violation or failure to comply has or is occurring, the Director is authorized to issue a Notice and Order to the violator. The Notice and Order shall be in writing and shall contain:~~

~~1. The name and address of the violator, if known;~~

~~2. The street address, when available, and the tax parcel number of the real property or a legal description sufficient for identification of the building, structure, premises, or land upon or within which the violation is occurring;~~

~~3. A statement of the nature of such violation(s);~~

~~4. A statement of the action required to be taken in order to correct the violation, including repair of any stormwater drainage facility, as determined by the Director, and a date for correction; and~~

Comment [ah68]: Delete. Process is now per PMC 1.16. (Item C, below).

Comment [ah69]: Add for clarification.

Comment [ah70]: Adopt enforcement process codified in PMC 1.16 for consistency, functionality, and efficiency.

~~5. A statement that a cumulative penalty as provided in subsection (B) shall be assessed against the violator for each and every day following the date set for correction on which the violation continues.~~

~~D. Service of Notice. The notice may be served upon the violator by use of any or all of the following methods:~~

~~1. By personal delivery, in which case the notice shall be deemed received on the date delivered; or~~

~~2. By posting the notice on the property on which the violation has or is occurring, together with mailing as provided in subsections (3) or (4), in which case the notice shall be deemed received as provided in those subsections; or~~

~~3. By certified mail, return receipt requested, in which case the notice shall be deemed received upon signature of the return receipt; or~~

~~4. By regular mail, in which case the notice shall be deemed received three days after the Director deposits the same, postage prepaid, in the United States mail.~~

~~E. Stop Work Order. In addition to the notice of violation, the Director may issue a stop work order if an action is being undertaken in violation of this chapter. If a portion of a project is in violation of this chapter, the Director may issue a stop work order for the entire project. Stop work orders shall be issued as follows:~~

~~1. The order shall contain:~~

~~a. A description of the nature, extent, and time of the violation; and~~

~~b. A requirement that the violation immediately cease and, in appropriate cases, the specific corrective action, including site restoration, to be taken within a specific time.~~

~~2. Stop work orders shall become effective immediately upon service of the same upon the violator. Service shall be effective upon the sooner of:~~

~~a. Personal delivery; or~~

~~b. Posting of the site of the violation; or~~

~~c. Receipt of certified mail, return receipt requested; or~~

~~d. Three days after the Director deposits the same, postage prepaid, in the United States mail.~~

~~F. Criminal Penalty. Any person violating any stop work order issued under the provisions of this chapter shall be guilty of a gross misdemeanor and, upon conviction thereof, shall be punished as provided in Section 2.16.110(C) of the Poulsbo Municipal Code.~~

~~G. Nuisance. In addition to the penalties provided elsewhere in this section, any condition caused or permitted to exist in violation of the provisions of this chapter is a public nuisance, and any and all remedies given by law for the prevention and abatement of nuisances shall apply in addition to any other remedy.~~

Comment [ah71]: Delete. Process is now per PMC 1.16. (Item C, above).

~~H.~~ **D** Remedies not exclusive. The remedies listed in this chapter are not exclusive of any other remedies available under any applicable federal, state, or local law or ordinance and it is within the discretion of the City to seek cumulative remedies.

~~13.17.150 Appeals.~~

~~A. Appeal submittal. The Director's Notice and Order may be appealed to the City Council by persons to whom the Notice and Order is issued. An appeal shall be considered timely if, but only if, it is filed in writing with the Director within 10 working days of service, and the appeal fee is paid in full. In addition to the appeal fee, if the Director determines that the services of an independent consultant are reasonably necessary in adjudicating the appeal, the appellant shall make an initial cash deposit to pay for an independent review as the same may be reasonably required by the Director. The initial deposit, which is only an estimate of the consultant's costs, shall be paid in advance of the hearing. If it is determined during any point in the appeal process that the initial deposit is insufficient to cover all reasonable consultant costs, the appellant shall be required to make an additional deposit in an amount sufficient to cover the same. Any portion of the deposit that is not used to cover all reasonable consultant costs shall be refunded to the appellant. The amount of the deposit shall be at least $500 but not more than $1500, and it shall be determined by the Director based upon a good faith estimate of permissible costs. The appellant shall be given equal access to any report prepared by the consultant.~~

~~B. Hearing schedule and fee refunds. The Director shall accept appeals that meet the requirements of this section and shall schedule such appeals for consideration by the City Council. The City Council hearing shall be scheduled within 60 days after the appeal is accepted. The Director shall reject any appeal that fails to meet the filing and submittal requirements of this section. The appeal fee shall be refunded in the event the Director rejects the appeal or in the event that the appellant files a statement with the Director withdrawing the appeal at least 15 calendar days before the scheduled hearing. In all other cases, the appeal fee shall be nonrefundable.~~

~~C. Appeal contents. The written appeal shall contain all of the following information and attachments:~~

~~1. A copy of the notice and order being appealed;~~

~~2. The name of the property owner and, if applicable, the owner's agent;~~

~~3. The name and signature of each appellant and a statement showing that each is entitled to file the appeal under subsection A of this section; and~~

~~4. A statement of appeal identifying each issue in the notice and order that the appellant wishes to appeal, the reasons why each issue is in error as a matter of fact and/or law, and evidence relied upon.~~

~~D. Appeal hearing. The City Council, under its quasi-judicial authority, shall hear the appeal in an open record hearing. At least ten business days before the hearing, notice of the same shall be mailed to parties who are entitled to notice of the decision. The notice of hearing does not need to be posted or published. The appeal shall be limited to those issues raised in subsection (C)(4), and shall be similar in format as other quasi-judicial matters that may from time to time come before the City Council.~~

~~E. Appellant report. At least ten business days before the hearing, the appellant shall submit, as part of the record, a report to the City Council containing a statement of the issues and applicable laws, discussion and analysis, proposed findings of fact and conclusions of law, and copies of any pertinent documents referenced therein. The burden shall be on the City to support the order of the Director by a preponderance of the evidence. Reports, if any, prepared by the independent consultant referenced above in subsection (A) shall be part of the record. The City Council shall decide as follows, based upon the record made during the course of the public hearing:~~

~~1. Uphold the order of the Director in its entirety; or~~

~~2. Uphold the order of the Director in part and reverse the order in part; or~~

~~3. Reverse the order of the Director in its entirety.~~

~~F. City Council decision. The City Council shall issue a final decision on the appeal supported by written findings and conclusions within 10 business days of the hearing. The decision shall also include venue information and limitations on filing judicial appeal(s) of the decision. The Director shall serve a copy of the final decision to the appellant and other parties of record. Service shall be in the same manner as set forth in Section 13.17.160(D).~~

Comment [ah72]: Delete. Process is now per PMC 1.16. (Item C, above).

13.17.160 Construction - intent.

This chapter is enacted as an exercise of the City's power to protect and preserve public health, safety, and welfare. Its provisions shall be liberally construed to give full effect to the objectives and purposes for which it was enacted. This chapter is not enacted to create or otherwise establish or designate any particular class or group of persons who will, or should be, especially protected or benefited by the terms of this chapter. The primary obligation of compliance with this chapter is placed upon the person holding title to the property. Nothing contained in this chapter is intended to be, or shall be, construed to create or form a basis for liability for the City, its officers, employees or agents for any injury or damage resulting from the failure of the person holding title to the property (owner of record) to comply with the provisions of this chapter, or by reason or in consequence of any act or omission, to act in connection with the implementation or enforcement of this chapter by the City, its officers, employees, or agents.