

CITY OF LAKE STEVENS
Lake Stevens, Washington
ORDINANCE NO. 1140

AN ORDINANCE OF THE CITY OF LAKE STEVENS, WASHINGTON, ADOPTING STORMWATER MANAGEMENT REGULATIONS PURSUANT TO THE WESTERN WASHINGTON PHASE II MUNICIPAL STORMWATER PERMIT ISSUED TO THE CITY BY THE WASHINGTON STATE DEPARTMENT OF ECOLOGY AND AMENDING PORTIONS OF CHAPTER 11.06 THE LAKE STEVENS MUNICIPAL CODE (LSMC) ENTITLED "STORMWATER MANAGEMENT"; AMENDING PORTIONS OF CHAPTER 14.50 OF LSMC ENTITLED "LAND DISTURBANCE"; PROVIDING FOR SEVERABILITY, SUMMARY PUBLICATION AND EFFECTIVE DATE.

WHEREAS, the Federal Clean Water Act, 33 U.S.C. 1251 et seq. (the Act), requires certain local governments such as the City of Lake Stevens to implement stormwater management programs and regulations within prescribed timeframes, and pursuant to said Act the United States Environmental Protection Agency (EPA) has adopted rules for such stormwater programs and regulations; and

WHEREAS, the EPA has delegated authority to the Washington State Department of Ecology (Ecology) to administer such stormwater programs and regulations, and Ecology has issued the Western Washington Phase II Municipal Stormwater Permit, effective August 1, 2019 through July 31, 2024, which requires local governments such as the City of Lake Stevens to implement stormwater management requirements, including adopting Ecology's 2019 Stormwater Management Manual for Western Washington (Stormwater Manual) and related regulations; and

WHEREAS, the Washington State Supreme Court determined that stormwater regulations issued by the Washington State Department of Ecology are not development regulations subject to vesting upon filing of a complete subdivision or building permit application; and

WHEREAS, in 2009, the City Council adopted Ordinance No. 808, as codified in LSMC 11.06.030, which adopted the 2005 Stormwater Manual and required all stormwater systems to be designed in accordance therewith; and

WHEREAS, in 2018, the City Council adopted Ordinance No. 1010, as codified in LSMC 11.06.030, which adopted the 2012 Stormwater Manual, as amended in 2014, and required all stormwater systems to be designed in accordance therewith; and

WHEREAS, in order to comply with the currently effective Western Washington Phase II Municipal Stormwater Permit, the City has prepared proposed amendments to the existing Stormwater Management regulations, as set forth below: and

WHEREAS, the proposed changes in the 2019 Stormwater Manual were presented to City Council at a workshop on May 3, 2022; and

WHEREAS, the City Council has determined that it is in the public's interest and in furtherance of the public health and welfare to adopt the 2019 Ecology Stormwater Manual for Western Washington in lieu of other available options for compliance with state stormwater regulations, as set forth below.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKE STEVENS, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. The City Council hereby makes the following findings:

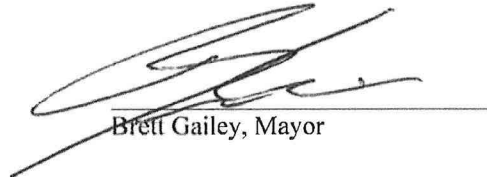
- A. The City attorney determined the updated reference in Title 14 to the proposed 2019 Stormwater Manual is required for consistency with the chosen manual designated in Title 11. A public hearing is not required for amendments to Title 11.
- B. As required by LSMC 14.16C.075(f), the adoption and amendment of codes are consistent with the Comprehensive Plan, comply with the Growth Management Act and advance the public health, safety and welfare.

Section 1. Section 11.06, entitled "Stormwater Management", of the Lake Stevens Municipal Code, is hereby amended to be read as referenced and incorporated, in the attached Exhibit A, with additions shown by underline and deletions shown by strikethrough.

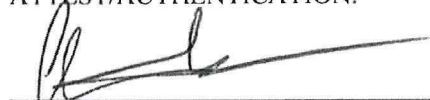
Section 2. Severability. If any section, clause, phrase, or term of this ordinance is held for any reason to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance, and the remaining portions shall be in full force and effect.

Section 3. Effective Date and Publication. A summary of this ordinance consisting of its title shall be published in the official newspaper of the City. This ordinance shall take effect and be in full force five days after the date of publication.


PASSED by the City Council of the City of Lake Stevens this 28th day of June 2022


Brett Gailey, Mayor

ATTEST/AUTHENTICATION:


Kelly Chelin, City Clerk - *Carlin Weaver Deputy City Clerk*

APPROVED AS TO FORM:


Greg Rubstello, City Attorney

First and Final Reading: June 28, 2022

Published: 7/1/2022

Effective Date: 7/6/2022

EXHIBIT A

Chapter 11.06 STORMWATER MANAGEMENT

Sections:

[11.06.010 Purpose](#)

[11.06.020 Authority](#)

[11.06.030 Stormwater Management Manual Adopted](#)

[11.06.040 Stormwater Management Review and Approval Required](#)

[11.06.050 Standards, Definitions, and Requirements](#)

[11.06.060 Adjustments and Exceptions](#)

[11.06.070 Low Impact Development - Application of Measures](#)

[11.06.080 Construction and Maintenance of Stormwater Facilities](#)

[11.06.090 Bonding and Insurance for Stormwater Facilities](#)

[11.06.100 Prohibited, Allowable, and Conditional Discharges and Connections](#)

[11.06.110 Administration, Inspection, and Fees](#)

[11.06.120 Enforcement](#)

[11.06.130 Appeals](#)

11.06.010 Purpose.  [SHARE](#)

The City Council finds that this chapter is necessary to promote public health, safety and welfare through the comprehensive management of surface and stormwater, erosion control, and flooding. The Council also finds that this chapter is necessary to prevent water quality degradation; to prevent flood damage, siltation and habitat destruction in the City's creeks, streams and other water bodies; to protect property owners adjacent to developing land from increased runoff rates which could cause stream erosion and damage to public and private property; to promote sound development and redevelopment policies which respect and preserve the City's watercourses and aquatic habitat; to reduce hard surface and stormwater runoff; to ensure the safety of City streets and rights-of-way; and to promote ground water recharge through the implementation of a thorough permit review, construction inspection, enforcement, and maintenance programs. (Ord. 1010, Sec. 2 (Exh. A), 2018; Ord. 808, Sec. 1 (Exh. A), 2009)

11.06.020 Authority.  [SHARE](#)

This chapter is enacted pursuant to Chapter [35A.63](#) RCW (Planning and Zoning in Code Cities) and Chapter [36.70A](#) RCW (Growth Management - Planning by Selected Counties and Cities) in compliance with the Federal Clean Water Act (Title [33](#) United States Code Section [1251](#) et seq.) and the requirements of the City's National Pollution Discharge Elimination System (NPDES) Phase II permit

issued by the Washington State Department of Ecology. Its provisions shall be implemented to accomplish the purposes of the NPDES program and to protect and preserve public health, safety and general welfare through implementation of the Stormwater Manual. (Ord. 1010, Sec. 2 (Exh. A), 2018)

11.06.030 Stormwater Management Manual Adopted.  SHARE

The ~~2012~~ 2019 Washington State Department of Ecology Stormwater Management Manual for Western Washington, ~~as amended in 2014~~, as now or hereafter amended, is hereby adopted as the City's minimum stormwater regulations and as a technical reference manual and is hereinafter referred to as the "Stormwater Manual." The Stormwater Manual shall be applied to all development applications submitted:

- On or after July 1, 2022;
- Prior to January 1, 2017, that have not started construction by January 1, 2022; and
- Prior to July 1, 2022, that have not started construction by July 1, 2027.

Development that does not meet these criteria and otherwise entitled to vesting rights under state statute shall be vested to the stormwater regulations in place at the time of complete application submittal.

(Ord. 1140, 2022; Ord. 1010, Sec. 2 (Exh. A), 2018; Ord. 808, Sec. 1 (Exh. A), 2009. Formerly 11.06.020)

**Chapter 14.50
LAND DISTURBANCE
Part I. Land Disturbance**

14.50.100 Purpose and Intent

14.50.105 Permit Required, Applicability and Authority

14.50.110 Definitions

14.50.115 Exemptions

14.50.120 Land Disturbance Permit Thresholds

14.50.125 Application Requirements

14.50.130 Restrictions and Requirements


14.50.135 Minimum Performance Standards

14.50.140 Topsoil

14.50.145 Maintenance and Security

14.50.150 Inspections

14.50.152 Violations and Penalties

14.50.100 Purpose and Intent.  SHARE

The purpose of this chapter is to regulate land disturbance activities, including the clearing and removal of vegetation, excavation, grading, filling and other earthwork such as cuts and fills within the City of Lake Stevens to protect public health, safety and welfare by requiring the following elements:

- Encouraging holistic site planning to reduce negative impacts to the community and the environment;
- Preserving vegetation and where appropriate requiring commensurate replanting;
- Requiring the implementation of best management practices (BMPs) during land disturbing activities;
- Minimizing adverse stormwater impacts related to land disturbance per the requirements of the 2019 ~~2012~~ Department of Ecology Stormwater Manual for Western Washington or as amended;
- Assuming regulatory authority for Class IV Forest Practices as defined by Chapter 76.09 RCW;

- (f) Establishing administrative procedures to issue permits, approve plans and inspect land disturbance activities; and
- (g) Reducing the amount of time between land disturbance and the beginning of actual site construction.