

CITY OF BLAINE
REQUEST FOR COUNCIL ACTION
MEETING DATE: November 27, 2006

SUBJECT: Ordinance 06-2651 Amending BMC 13.01.050 Stormwater Design Requirements

SUBMITTING DEPT: Public Works

PREPARED BY: _____
(Digital Signature)

AGENDA LOCATION: Comments/Communications ☐; Consent ☐; Committee Reports ☐
Unfinished Business ☐; Council Action Items ☒; Public Hearing ☐; Standing Committees ☐

ATTACHMENTS: Ordinance 06-2651

ANALYSIS/SUMMARY:

On June 23, 2003 the City Council adopted the current version of the Washington State Department of Ecology *Stormwater Management Manual for Western Washington* as one of the City's stormwater management standards. Under current *Manual* provisions, the proponent of any proposed land reconfiguration action (i.e., long subdivision, short subdivision, binding site plan, or lot line adjustment) must determine which of that *Manual's* ten minimum requirements apply to the action before designing or implementing stormwater management practices or facilities. Accordingly, the proponent must, as a minimum, account for all new impervious surface areas (e.g., roads and sidewalks) and pervious surface area conversions that will result directly from the proposed reconfiguration action. However, if the proponent is just creating lots, he/she may exclude impervious surface areas that will result from the eventual construction of the dwelling and driveways, walks, and/or patios on the created lots, as well as the total surface of land that will ultimately be disturbed and/or converted to lawn or landscaping. In many smaller land reconfiguration projects, particularly short plats, where new lots are created without physical infrastructure, this means that each subsequent dwelling builder must contend with the stormwater that the constructed dwelling and associated facilities will generate. The effect and intent of this proposed amendment is to assure that stormwater issues are addressed as part of subdivision review and approval.

RECOMMENDATION: ☒ Waive 2nd Reading:

Staff recommends that Council adopt the attached Ordinance, which clarifies the basis for applying the DOE Stormwater Manual's ten minimum requirements.

FISCAL ANALYSIS: No fiscal impact.

REVIEWED BY:

City Manager _____ Finance Director _____ City Clerk _____
(Digital Signature) (Digital Signature) (Digital Signature)

COUNCIL ACTION:

☐ Approved ☐ Denied ☐ Tabled/Deferred ☐ Assigned to: _____

COUNCIL ACTION: _____

ORDINANCE NO. 06-2651

**AN ORDINANCE OF THE CITY COUNCIL OF BLAINE, WASHINGTON,
AMENDING SECTION 13.01.050 TO DEFINE PROJECTS TO ASSUME
FULLY DEVELOPED CONDITIONS FOR THE APPLICATION OF THE
WASHINGTON STATE DEPARTMENT OF ECOLOGY STORMWATER
MANAGEMENT MANUAL FOR WESTERN WASHINGTON
MINIMUM REQUIREMENTS**

WHEREAS, Blaine Municipal Code Section 13.01.050 requires compliance with the Washington State Department of Ecology (WDOE) *Stormwater Management Manual for Western Washington*, and

WHEREAS, said *Manual* Volume I identifies ten “Minimum Requirements” that can apply to **new development** and redevelopment sites and establishes the criteria for their application, and

WHEREAS, said *Manual* Volume I Glossary defines “new development” as:

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

WHEREAS, said *Manual* Volume I Glossary defines “land disturbing activity” as:

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

WHEREAS, said *Manual* Volume I Glossary defines “project” as:

“Any proposed action to alter or develop a site. The proposed action of a permit application or an approval, which requires drainage review.”, and

WHEREAS, the criteria for applying the Minimum Requirements to long subdivisions, short subdivisions, binding site plans, or lot line adjustments exclude:

- (1) The impervious surface areas that will result from the subsequent construction of the dwelling(s) themselves and their associated driveways, walkways, patios, etc, and
- (2) The total areas of lawn and landscaping that could be created, and
- (3) The total land areas that could ultimately be disturbed,

as essential components of the project scope of work, and

WHEREAS, the City Council of the City of Blaine desires to eliminate these exclusions;

NOW, THEREFORE, the City Council of the City of Blaine does ordain as follows:

SECTION 1: Blaine Municipal Code Section 13.01.050 is amended to read as follows:

“13.01.050 General Design and Construction Standards.

A. Unless otherwise provided, it shall be the developer’s and property owner’s responsibility to design and construct a storm water system that complies with the standards and minimum requirements as set forth in the most current editions of:

1. The Washington State Department of Ecology (WSDOE) *Stormwater Management Manual for Western Washington*, and
2. City of Blaine *Development Guidelines and Public Works Standards*, and
3. The *Uniform Plumbing Code*.

In case of any conflicting provisions among these aforementioned documents, the most stringent, or most specific, provision shall apply, unless the city engineer approves otherwise.

B. For the purpose of determining the applicability of the ten “Minimum Requirements” contained in the WSDOE *Stormwater Management Manual for Western Washington*, long subdivisions, short subdivisions, binding site plans, or lot line adjustments shall assume that:

1. Each proposed lot will also create 4,200 square feet of new impervious surface area, and
2. All land surface area within each proposed lot will be disturbed, and
3. All land surface area within each proposed lot, minus 4,200 square feet, will be converted to lawn or will be landscaped.

SECTION 2. If any section, subsection, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 3. This Ordinance shall take effect immediately, or ten days after publication, as provided by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF BLAINE, WASHINGTON,
and approved by the Mayor this 27th day of November 2006.

Mike Meyers, Mayor

ATTEST/AUTHENTICATE:

Sheri Sanchez, City Clerk