

ORDINANCE NO. 198-1996

AN ORDINANCE adopting development standards relating to stormwater management, to land clearing, and to grading, and repealing Kitsap County Ordinance Number 117 and Kitsap County Ordinance Number 148-1992, and amending Kitsap County Ordinance Number 175-1995.

WHEREAS, an expanding population and increased development of land, coupled with inadequate drainage controls, can lead to problems related to land clearing, grading and stormwater runoff impacts; and

WHEREAS, these problems contribute to increased sedimentation in ponds, creeks, and streams, and to water quality and fisheries habitat degradation, through excessive discharge of nutrients, metals, oil and grease, toxic materials, and other detrimental substances to surface and groundwater; and

WHEREAS, inadequate surface and subsurface drainage planning and practice can lead to erosion and property damage, and risk to life; and

WHEREAS, excess water runoff on streets and highways poses a safety hazard to both lives and property; and

WHEREAS, future problems could be reduced if land developments, both public and private, provide for adequate drainage of property, and adequate grading of slopes; and

WHEREAS, a legal mechanism to enforce the provisions of adequate drainage facilities and adequate grading and land clearing practices in the development and use of property is necessary to ensure compliance with adopted standards; and

WHEREAS, RCW 90.54.090 charges the state, local governments, and municipal and public corporations with carrying out the powers vested in them in manners which are consistent with the goals and provisions of the Clean Water Act, the Water Resources Act of 1971, and the Growth Management Act; and

WHEREAS, the Puget Sound Water Quality Plan requires that municipalities in the Puget Sound Basin adopt stormwater management ordinances that are substantially equivalent to the "Stormwater Management Manual for the Puget Sound Basin" adopted by the Washington State Department of Ecology.

BE IT ORDAINED BY THE KITSAP COUNTY BOARD OF COMMISSIONERS:

**KITSAP COUNTY
STORMWATER MANAGEMENT ORDINANCE**

<u>Sections:</u>	<u>Page</u>
1.0 GENERAL PROVISIONS	2 of 45
2.0 DEFINITIONS	5 of 45
3.0 PERMITS	13 of 45
4.0 COVENANTS, SURETIES, AND LIABILITY INSURANCE	17 of 45
5.0 EROSION AND SEDIMENT CONTROL	19 of 45
6.0 GRADING	23 of 45
7.0 STORMWATER MANAGEMENT	26 of 45
8.0 OPERATION AND MAINTENANCE	35 of 45
9.0 CRITICAL DRAINAGE AREAS	37 of 45
10.0 WATER QUALITY	39 of 45
11.0 ENFORCEMENT	40 of 45

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SECTION 1.0 GENERAL PROVISIONS

1.10. Declaration of Title

This ordinance shall be known as the "Stormwater Management Ordinance."

1.20. Stormwater Management Standards and Specifications

The Kitsap County Board of Commissioners recognizes that stormwater control technology is a developing and evolving science. In order to ensure that the latest and best technology is utilized in Kitsap County, Exhibit "A" attached hereto and incorporated herein by this reference is hereby adopted as the "Kitsap County Stormwater Design Manual." All references to this ordinance shall include the Kitsap County Stormwater Design Manual. The Director may amend the Kitsap County Stormwater Design Manual, with the approval of the Kitsap County Board

of Commissioners, as necessary to reflect changing conditions and technology. All requirements contained in the Kitsap County Stormwater Design Manual, together with any amendments thereto, must be complied with as provided in Section 1.40 (Applicability).

1.21. Technical Deviations

The Director may grant minor technical deviations from requirements contained in the Kitsap County Stormwater Design Manual, provided that all of the following criteria are met:

- (1) the technical deviation will not otherwise result in non-compliance with this ordinance;
- (2) the granting of the technical deviation will not result in non-compliance with the development conditions imposed upon the project by the Board of Commissioners;
- (3) the granting of the technical deviation will produce a compensating or comparable result which is in the public interest;
- (4) the granting of the technical deviation will meet the objectives of safety, function, appearance, environmental protection and maintainability based on sound engineering judgment.

1.22. Variances

The Kitsap County Board of Commissioners may, following a public hearing, grant a variance from the provisions of this ordinance, provided that all of the following criteria are met:

- (1) the granting of the variance will produce a compensating or comparable result which is in the public interest;
- (2) the granting of the variance will meet the objectives of safety, function, appearance, environmental protection and maintainability based on sound engineering judgment.

1.23. Water Quality

For circumstances or conditions related to water quality which are not specifically addressed within the scope of this ordinance, the preferred method for selection, design, and implementation of stormwater management practices shall be the most current edition of the Washington State Department of Ecology publication "Stormwater Management Manual for the Puget Sound Basin", or a subsequent manual adopted by WSDOE.

1.40. Applicability

The provisions of this ordinance shall apply to all site development activities requiring land use permits and approvals as defined in Section 2.0 herein, both public and private, within the bounds of unincorporated Kitsap County. The provisions of Section 8.0 (Operation and Maintenance) shall also apply to existing stormwater facilities in unincorporated Kitsap County. The provisions of Section 10.0 (Water Quality) shall apply to all situations and circumstances throughout unincorporated Kitsap County. No site development activities requiring land use permits and approvals shall be initiated prior to issuance of a Site Development Activity Permit.

1.45. Applicability of Other Ordinances & Permits

Any land development which is required by operation of any Kitsap County ordinance, State law or Federal law to construct, install or modify any natural or manmade drainage features within, abutting, or serving the development shall do so in accordance with this ordinance. However, where the provisions of this ordinance directly conflict with any other Kitsap County ordinance, State law or Federal law, or comprehensive drainage plan, the more stringent provisions shall apply to the extent permissible by law.

Approval of any land development activity by Kitsap County does not constitute approval of other applicable permits that may be required by other agencies. Examples of additional permits that may be required include construction and industrial discharge permits administered by the State Department of Ecology under the National Pollutant Discharge Elimination System (NPDES) program, and Hydraulic Project Approval (HPA) by the Department of Fish and Wildlife.

1.46. Administration

The Director, or an assignee, shall administer this ordinance. The Director shall have the authority to develop and implement procedures to administer and enforce this ordinance.

1.50. Severability

If any provision of this ordinance or its application to any person or property is held invalid, the remainder of the ordinance or the application of the provision to other persons or property shall not be affected.

1.60. Appeals

An aggrieved party may appeal any administrative interpretation or departmental ruling related to this ordinance to the Kitsap County Board of Commissioners.

1.70. Effective Date

This ordinance codified in this title shall become effective on April 1, 1997.

1.80. Repeal of Ordinance 117

Kitsap County Drainage Ordinance Number 117 is repealed as of the effective date of this ordinance.

1.81. Repeal of Ordinance 148-1992

Kitsap County Interim Ordinance for the Control of Erosion and Sedimentation on Construction Sites, Ordinance Number 148-1992, is repealed as of the effective date of this ordinance.

1.85. Amendment of Ordinance 175-1995

Section 3 (a) of Kitsap County Ordinance Number 175-1995 is hereby amended to read as follows:

- "a. International Conference of Building Officials, Uniform Building Code (1991 Ed.) together with those Appendices in Chapter 11, 12 DIV II, and 49."

SECTION 2.0 DEFINITIONS

2.10. The following definitions of terms shall apply to this ordinance:

Accepted Performance of Construction shall mean the written acknowledgment from the Director of the satisfactory completion of all work accepted by Kitsap County, including all work shown on the accepted plans, accepted revisions to the plans, and accepted field changes.

Applicant shall mean the person, party, firm, corporation, or other legal entity that proposes to engage in site development activities in unincorporated Kitsap County by submitting an application for any of the activities covered by this ordinance on a form furnished by the County and paying the required application fees.

Basin Plan shall mean a plan and all implementing regulations and procedures including, but not limited to, land use management adopted by ordinance for managing surface and stormwater quality and quantity management facilities and drainage features within individual sub-basins.

Beneficial Use shall mean any activity that allows the owner to gain the use intended by the development activity, as so stated by the Applicant at the time of application for a Kitsap County Site Development Activity Permit.

Best Management Practices (BMP) shall mean physical, structural, and/or managerial practices that, when used singly or in combination, prevent or reduce pollution of water, and have been approved by Kitsap County as accepted BMPs.

Biofiltration/Biofilter Facilities shall mean vegetative BMPs which treat stormwater by filtration through vegetation. Biofiltration facilities include, but are not limited to, grassed or vegetated swales and filter strips.

Board shall mean the Kitsap County Board of Commissioners or their assigns.

Bond shall mean a financial guarantee, in the form of a surety bond, assignment of funds, or irrevocable bank letter of credit, that shall guarantee compliance with applicable provisions of this ordinance.

Clearing or land clearing shall mean the surface removal of vegetation.

Closed Depressions shall mean low-lying areas which have no surface outlet, or such a limited surface outlet that in most storm events the area acts as a retention basin, holding water for infiltration, evaporation or transpiration.

Comprehensive Drainage Plan shall mean a detailed analysis, adopted by the Board, for a drainage basin which assesses the capabilities and needs for runoff accommodation due to various combinations of development, land use, structural and nonstructural management alternatives. The plan recommends the form, location and extent of stormwater quantity and quality control measures which would satisfy legal constraints, water quality standards, and community standards, and identifies the institutional and funding requirements for plan implementation.

Contiguous Land shall mean land adjoining and touching other land regardless of whether or not portions of the parcels have separate Assessor's tax numbers or were purchased at different times, lie in different Sections, are in different government lots, or are separated from each other by private road or private rights-of-way.

County shall mean Kitsap County.

Critical Drainage Area shall refer to those areas designated in Section 9.0 (Critical Drainage Areas) which have a high potential for stormwater quantity or quality problems.

Design Storm Event shall mean a theoretical storm event, of a given frequency interval and duration, used in the analysis and design of a stormwater facility.

Detention Facilities shall mean stormwater facilities designed to store runoff while gradually releasing it at a pre-determined controlled rate. "Detention facilities" shall include all appurtenances associated with their designed function, maintenance and security.

Developed Site shall mean the condition of the development site following completion of construction of the development including all approved phases of construction.

Director shall refer to the Director of the Kitsap County Department of Public Works or assigns.

Diversion shall mean the routing of stormwater to other than its natural discharge location.

Drainage Feature shall mean any natural or manmade structure, facility, conveyance or topographic feature which has the potential to concentrate, convey, detain, retain, infiltrate or affect the flow rate of stormwater runoff.

Drainage Plan shall mean a plan for the collection, transport, treatment and discharge of runoff, and may include both the plan and profile views of the site as well as construction details and notes.

Easement shall mean an acquired privilege or right of use or enjoyment that a person, party, firm, corporation, municipality or other legal entity has in the land of another.

Erosion Control Design Storm shall mean the 2-year frequency, 24-hour duration storm event used for analysis and design of sedimentation and erosion control facilities.

Existing Stormwater Facilities shall mean those facilities constructed or under permitted construction prior to the effective date of this ordinance.

Forested Land shall mean "forested land" as defined in RCW 76.09.020, and shall include all land which is capable of supporting a merchantable stand of timber and that is being actively used in a manner compatible with timber growing.

Geotechnical Engineer shall mean a practicing professional engineer licensed in the State of Washington who has at least four years of professional experience in geotechnical and landslide evaluation.

Geotechnical Report shall mean a study of the effects of drainage and drainage facilities on soil characteristics, geology and groundwater. The geotechnical analysis shall be prepared by a geotechnical engineer.

Grading shall mean any excavating, filling or embanking of earth materials.

Grubbing shall mean the removal of vegetative matter from underground, such as sod, stumps, roots, buried logs, or other debris, and shall include the incidental removal of topsoil to a depth not exceeding 12 inches.

Hydrograph shall mean a graph of runoff rate, inflow rate or discharge rate, past a specific point over time.

Hydrograph Method shall mean a method of estimating a hydrograph using a mathematical simulation. Commonly accepted hydrograph methods include the Soil Conservation Service TR-55 Method and the Santa Barbara Urban Hydrograph Method.

Illicit Discharge shall mean all non-stormwater discharges to stormwater drainage systems that cause or contribute to a violation of state water quality, sediment quality or ground water quality standards, including but not limited to, sanitary sewer connections, industrial process water, interior floor drains, and greywater systems.

Impervious Surface shall mean a hard surface area which either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development, and/or a hard 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, roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads with compacted subgrade, packed earthen materials, and oiled, macadam or other surfaces which similarly impede the natural infiltration of stormwater. Open, uncovered retention/detention facilities shall not be considered as impervious surfaces.

Land Disturbing Activity shall mean any activity that results in a change in the existing soil cover (both vegetative and nonvegetative) and/or the existing soil topography. Land disturbing activities include, but are not limited to, demolition, construction, paving, clearing, grading and grubbing.

