

Chapter 16.54

STORMWATER MANAGEMENT AND EROSION CONTROL

Sections:

16.54.010 Purpose.

16.54.020 Stormwater Management and Site Development Manual adopted.

16.54.030 Definitions.

16.54.040 Regulated and exempt activities.

16.54.050 General provisions.

16.54.055 Fees.

16.54.060 Administration.

16.54.070 Enforcement.

16.54.010 Purpose.

It is the purpose of this chapter to guide and direct development or redevelopment within the town of Eatonville to control the adverse effects of erosion and sedimentation. The provisions of this chapter establish the minimum level of compliance that must be met to permit a property to be developed or redeveloped within the town of Eatonville.

Specifically, this chapter includes provisions to:

A. Protect property owners from increased runoff rates and from erosion, sedimentation, and other damage caused thereby;

B. Minimize water quality degradation and sedimentation in streams, ponds, lakes, wetlands, and other water bodies;

C. Maintain and protect groundwater resources;

D. Minimize adverse impacts of alterations of ground and surface water quantities, locations, and flow patterns;

E. Decrease potential landslide, flood, and erosion damage to public and private property;

F. Preserve and enhance the suitability of waters for contact recreation, fishing, and other beneficial uses;

G. Maintain and protect the town of Eatonville's stormwater management infrastructure, and downstream stormwater management infrastructure;

H. Provide a means of regulating clearing and grading of private and public land, to control water quality impacts, in order to protect public health and safety;

I. Provide minimum development regulations that will preserve, replace, or enhance existing native vegetation in order to preserve and enhance the valuable qualities of land and water bodies; and

J. Protect the health, safety, and welfare of the citizens of the town of Eatonville. (Ord. 98-16 § 1, 1998).

16.54.020 Stormwater Management and Site Development Manual adopted.

The Department of Ecology Stormwater Management Manual for Western Washington ~~The Pierce County Stormwater Management and Site Development Manual, effective November 3, 1997, latest edition~~ is adopted and made a part hereof as though fully set forth in this chapter. (Ord. 98-16 §2, 1998).

The LID Technical Guidance Manual for Puget Sound (latest edition), is adopted and made a part hereof as though fully set forth in this chapter.

16.54.030 Definitions.

For the purposes of this chapter, definitions in the adopted manual shall apply except where different definitions are included herein. Words set out in this section shall have the following meanings:

- A. "Approval" means a statement, by the director, that the proposed or completed work conforms to this chapter.
- B. "Civil engineer" means an engineer licensed in civil engineering in the state of Washington.
- C. "Civil engineering" means the application of the knowledge of the forces of nature, principles of mechanics, and the properties of materials to the evaluation, design, and construction of civil works for the beneficial use of mankind.
- D. "Commercial agriculture" means those activities conducted on lands defined in RCW 84.34.020(2), and activities involved in the production of crops or livestock for wholesale trade. An activity ceases to be considered commercial agriculture when the area on which it is conducted is proposed for conversion to a nonagricultural use or has lain idle for more than five years, unless the idle land is registered in a federal or state soils conservation program, or unless the activity is maintenance of irrigation ditches, laterals, canals, or drainage ditches related to an existing and ongoing agricultural activity.
- E. "Critical areas" means "sensitive areas," as defined and governed by Chapter 15.20 EMC.
- F. "Director" means the Eatonville public works director.
- G. "Ecology" means the Washington State Department of Ecology.
- H. "Excavation" means the mechanical removal of earth material.
- I. "Fill" means a deposit of earth material by artificial means.
- J. "Frequently flooded areas" means areas as defined and regulated in Chapter 15.20 EMC.
- K. "Geologically hazardous areas" means areas as defined and regulated in Chapter 15.20 EMC.
- L. "Grade" means the slope of a road, channel, or natural ground; the finished surface of a canal bed, roadbed, top of embankment, or bottom of excavation; or any surface prepared for the support of construction such as paving or the laying of conduit.
- M. "Large parcel" means:
 - 1. A multifamily residential structure of three units or more;
 - 2. Creation or addition of 5,000 or more square feet of impervious surface area; or
 - 3. Land disturbing, activities totalling one acre or more, including all project phases.
- N. "Large parcel erosion and sediment control plan" or "large parcel ESC plan" means a plan to implement BMPs to control pollution generated during land disturbing activity. Components of a large parcel ESC plan are defined in the manual under the heading "Drainage and Erosion/Sediment Control Plan Components."
- O. "Low Impact Development (LID)" means a stormwater management strategy that emphasizes conservation and use of existing natural site features integrated with distributed, small-scale stormwater controls to more closely mimic natural hydrologic patterns in residential, commercial, and industrial settings.
- O.P "Manual" means the manual adopted by the town of Eatonville.
- P.Q. "Mitigation" means, in the following order of preference:
 - 1. Avoiding the impact altogether by not taking a certain action or part of an action.
 - 2. Minimizing impacts by limiting the degree or magnitude of an action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts.

3. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment.
4. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
5. Compensation for the impact by replacing, enhancing, or providing substitute resources or environments.

Q.R. “Permanent stormwater quality control (PSQC) plan” means a plan which includes permanent BMPs for the control of pollution from stormwater runoff after construction and/or land disturbing activity has been completed. For small sites, this requirement is met by implementing a small parcel erosion and sediment control plan. Guidance on preparing a PSQC plan is included in the manual under the heading “Design Standards Quality.”

R.S. “Pollution” means contamination or other alteration of the physical, chemical, or biological properties of waters of the state. Pollution may include changes in temperature, taste, color, turbidity, or odor of the waters. Pollution also includes such discharge of any liquid, gaseous, solid, radioactive, or other substance into any waters of the state as will or is likely to create a nuisance or render such waters harmful, detrimental, or injurious. Pollution may impact the public health, safety, or welfare; domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses; or livestock, wild animals, birds, fish, or other aquatic life.

S.T. “Regional detention and/or retention facility” means a stormwater quantity control structure designed to control surface water runoff from a basin or sub-basin containing a number of different businesses, developments, or areas. Regional detention and/or retention facilities may be designed to correct existing surface water problems, to provide for future growth, or both. Regional detention and/or retention facilities may be publicly or privately conceived, designed, and built, but they will typically be publicly owned and maintained after completion.

T.U. “Slope” means the degree of deviation of a surface from the horizontal, measured as a numerical ratio, a percentage, or in degrees. Expressed as a ratio, the first number is the horizontal distance (run) and the second number is the vertical distance (rise). Expressed as a percentage, the numerator is the rise and the denominator is the run. Expressed in degrees, 0 degrees is horizontal (minimum) and 90 degrees is vertical (maximum); the degree of slope is the arctangent of the rise divided by the run. A 1:1 slope is a 45 degree slope; a 4:1 slope is a 25 percent slope; a 14 degree slope is a 25 percent slope.

U.V. “Small parcel” means:

1. An individual detached single-family residence;
2. A duplex; or
3. Land disturbing activities of less than one acre and involving the creation or addition of less than 5,000 square feet of impervious surface area.

V.W. “Small parcel erosion and sediment control plan” or “small parcel ESC plan” means a plan for

small sites to implement temporary BMPs to control pollution generated during the construction phase only. Guidance for preparing a small parcel ESC plan is contained in the manual.

Components of a small parcel ESC plan are defined in the manual under the heading “Requirements for Drainage and Erosion/Sediment Control for Construction of Single-Family and Duplex Residences and Other Small Projects.”

W.X. “Soil” means the unconsolidated mineral and organic material on the immediate surface of the earth that serves as a natural medium for the growth of land plants.

X.Y. “Source control BMP” means a BMP that is intended to prevent pollutants from entering stormwater. A few examples of source control BMPs are erosion control practices, maintenance of stormwater control facilities, constructing roofs over storage and working areas, and directing wash water and similar discharges to the sanitary sewer or a dead end sump.

~~Y.Z~~ “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.

~~Z.AA~~ “Stormwater facility” means a constructed component of a stormwater drainage system. A stormwater facility may be designed or build to perform a particular function or a combination of functions. Stormwater facilities include, but are not limited to, pipes, swales, ditches, culverts, street gutters, detention basins, retention basins, constructed wetlands, infiltration devices, catch basins, oil/water separators, sediment basins, and porous pavements.

~~AA.BB~~ “Stormwater management manual” means the manual adopted by the town of Eatonville.

~~BB.CC~~ “Stormwater site plan” means a plan which includes an erosion and sediment control (ESC) plan and/or a permanent stormwater quality control (PSQC) plan. For small sites, this plan is the equivalent of a small parcel erosion and sediment control plan. Guidance on preparing a stormwater site plan is included in the manual.

~~CC.DD~~ “Technical deviations” means use of methods, dimensions, facilities, or sequences which differ from those described in the manual; technical deviations may be approved only to achieve the purposes of this chapter.

~~DD.EE~~ “Unstable slopes” means “landslide hazard areas” as defined and regulated under Chapter 15.20 EMC.

~~EE.FF~~ “Vegetation” means any or all plant life growing on the surface of the earth.

~~FF.GG~~ “Wetland” means an area as defined and regulated under Chapter 15.16 EMC. (Ord. 98-16 § 3, 1998).

16.54.040 Regulated and exempt activities.

A. Unless exempt from this chapter, no person shall do any grading, filling, clearing, excavating, or ditching; or create an impervious surface; or do any development or redevelopment activity unless the work is in accordance with a valid site development development permit issued pursuant to the provisions of this chapter.

B. The town of Eatonville shall review all building, clearing, grading, subdivision, development, or redevelopment permit applications for compliance with this chapter.

C. The following activities are exempt from this chapter:

1. Activities, at otherwise stable sites, of minimal impact or potential for impact, including:

- a. Planting or removal of bulbs, flowers, shrubs or an individual tree;
- b. Installation or removal of a fence or sign; or
- c. Other similar activities deemed exempt, by the director, provided that no disturbance of more than 1,000 square feet may be so deemed exempt.

2. Commercial and noncommercial agriculture.

3. Forest practices regulated under WAC Title 222, except for Class IV General forest practices that are conversions from timberland to other uses.

4. Development undertaken by the Washington State Department of Transportation in state highway rights-of-way. (Ord. 98-16 § 4, 1998).

16.54.050 General provisions.

A. It is not intended that this chapter shall repeal, abrogate, or impair any existing regulations, easements, covenants, or deed restrictions. However, where this chapter imposes greater restrictions, the provisions of this chapter shall prevail.

B. The provisions of this chapter shall be held to be minimum requirements in their interpretation and application and shall be liberally construed to serve the purposes of this chapter.

C. Issuance of a site development permit by the town of Eatonville does not, in any way, imply that the proposal complies with or is allowed by other town ordinances, regulations, or requirements, or state or federal laws. The applicant is in no way relieved of responsibility and liability for compliance.

with all state, federal, and local rules, requirements, laws, and regulations.

D. Illicit discharges to stormwater drainage systems are prohibited.

E. Best management practices shall be used to comply with the provisions of this chapter.

1. BMPs described in the manual shall be used as applicable.

2. In those instances where appropriate BMPs are not in the manual, experimental BMPs should be considered. Experimental BMPs are encouraged as a means of solving problems in a manner not addressed by the manual in an effort to improve stormwater management technology. Experimental BMPs must be approved in accordance with the approval process outlined in the manual. (Ord. 98-16 § 5, 1998).

16.54.055 Fees.

Fees related to stormwater management and erosion control permitting shall be set by resolution adopted by the town council, which may be amended from time to time as deemed necessary.(Ord. 99-20 § 1, 1999).

16.54.060 Administration.

A. The director is authorized to adopt written procedures for carrying out the provisions of this chapter.

B. The director may approve, conditionally approve, or deny an application for activities regulated by this chapter.

C. Regulated activities shall be conducted only after the town of Eatonville approves a stormwater site plan and issues the appropriate permit. Each site must have a separate permit. The permit issuance, payment of fees, and plan review must be completed prior to plat approval or issuance of building, clearing, grading, or other development permits.

D. Should the director become aware of changed conditions or other conditions that invalidate the original design data used to obtain the permit or determine that the permit holder is not complying with the conditions of the permit or approved plans, the director may revoke the original permit and/or order work stopped on the project. The director may require the permit holder to resubmit information or plans for review and approval and apply for a new permit. The town may order all or part of the permitted work stopped for any period of time for any of the following reasons:

1. The permit holder fails to comply with the conditions of the permit.

2. The permit was granted based on erroneous or incomplete information submitted to the town by the engineer or applicant.

3. The weather or weather-related conditions cause off-site or downstream drainage or water quantity or quality problems.

4. The work creates a condition that is a hazard to life, endangers property, or adversely affects the use or stability of a public way or drainage course.

E. Whenever the director determines that any existing construction site, erosion/sedimentation problem, and/or drainage facility poses a hazard to life and limb, endangers any property, and/or adversely affects the condition or capacity of other drainage facilities, the safety and operation of the town right-of-way, utilities, and/or other property owned or maintained by the town, the situation shall be corrected as follows:

1. Should the director have reasonable cause to believe that the situation is so adverse as to preclude written notice, he/she:

a. Shall first make a reasonable effort to locate the owner before acting.

- b. May, if a reasonable effort fails to reach the owner or if the owner fails to respond, take measures necessary to eliminate the hazardous situation.
 2. If the director believes that adequate time is available he/she shall send written notice to the owner/applicant/person responsible for maintenance, and/or other person or agent in control of said property.
 3. The owner shall, upon receipt of notice and within the period specified therein, repair or otherwise address the cause of the hazardous situation in conformance with the requirements of this chapter.
- F. The director may grant technical deviations from the requirements contained in this chapter provided that the following conditions are met:
1. The granting of technical equivalency will not otherwise result in non-compliance with minimum requirements set forth in the manual;
 2. The granting of technical equivalency will not violate the development conditions imposed upon the project;
 3. The granting of technical equivalency will produce a compensating or comparable result which is in the public interest; and
 4. The granting of technical equivalency will meet the objectives of safety, function, appearance, environmental protection, and maintainability, based on sound engineering judgment.
- G. A variance to the requirements of this chapter may be requested. Variance application, notice, fees, procedures, and criteria shall be as described in EMC 18.09.040. (Ord. 98-16 § 6, 1998).

16.54.070 Enforcement.

- A. Failure to comply with this chapter, including the manual, will be cause for enforcement action. The purpose of such action and the potential imposition of civil and other penalties is to encourage compliance with this chapter and to obtain redress for environmental, recreational, and economic values lost or damaged do to unlawful action. The choice of enforcement action and the severity of any penalty shall be based on:
1. The nature of the violation,
 2. The damage or risk to the public or to public or private property, and/or
 3. The degree of bad faith of the person subject to enforcement action.
- B. The director shall have the authority to:
1. Issue a stop work order;
 2. Withhold or withdraw approval of the overall project plans;
 3. Revoke the building, clearing, grading, or other site development permits issued for the project;
 4. Suspend building inspections;
 5. Invoke forfeiture of the financial guarantee submitted to the town;
 6. Withhold acceptance of improvements to be dedicated to the town; or
 7. Direct a violator to remove or replace illegal earthwork and/or to restore and reclaim an illegally graded parcel. Material removed in response to such direction shall be taken to a permitted site.
- C. Stop work orders and violation notices shall:
1. Describe the specific nature, extent, and time of violation and the damage or potential damage;
 2. Direct that the violation cease and desist;
 3. Specify the corrective action to be taken;
 4. Be imposed by a written notice, delivered either by certified mail with return receipt

requested, by personal service, or by posting at a prominent location at the project site;
and

5. Be effective immediately upon delivery or posting.

D. Any person who fails to comply with a written request of the director or his designee shall be liable to the town for a civil infraction as well as all civil remedies available at law. Each violation, and in the case of continuing violation, each day of continued violation shall be a separate and distinct violation. Civil penalties will be assessed at a rate of \$250.00, per day per violation, and statutory assessments will be in addition to this amount.

(Ord. 98-16 § 7, 1998).