

EXHIBIT A

13.48.005 Purpose.

The city has determined that a storm drainage utility and associated regulations are necessary to protect the public health, safety, and general welfare of the citizens of Auburn; promote sound development policies and construction procedures which respect and preserve the city's natural resources; and prevent the creation of public nuisances that would occur without such utility and regulations. The purpose of the storm drainage utility is to:

A. Maintain the city's compliance with the National Pollutant Discharge Elimination System (NPDES) Western Washington Phase II Municipal Stormwater Permit;

B. Maintain the city's compliance with the Underground Injection Control Program rule, Chapter 173-218 WAC as it pertains to stormwater;

~~BC.~~ Maintain the city's compliance with federal flood insurance programs;

~~CD.~~ Require the integration of low impact development policies, procedures, and BMPs into the city's storm water infrastructure where feasible;

~~DE.~~ Control and prevent the flooding of property, both public and private;

~~EE.~~ Manage uncontrolled volume increase, rate, or contaminated load of runoff;

~~FG.~~ Maintain and protect existing water resources such as creeks, streams, rivers, ponds, lakes, groundwater, and other water bodies;

~~GH.~~ Maintain and protect water used for contact recreation, aquatic habitat, drinking water supply, and aesthetic quality;

~~HI.~~ Provide for the planning, security, design, construction, use, maintenance, repair and inspection of the storm and surface water system;

~~IJ.~~ Protect the functions and values of critical areas as required under the State's Growth Management Act and Shoreline Management Act;

~~JK.~~ Provide for enforcement of the provisions of this code, the engineering construction standards and the engineering design standards per Chapter 12.04 ACC, and related city manuals and code provisions;

~~KL.~~ Establish rates and charges that provide a method of payment of all or any part of the cost and expense of maintaining and operating storm water control facilities; all or any part of the cost and expense of planning, designing, establishing, acquiring,

developing, constructing and improving storm water control facilities; or all or any portion of any issue of general obligation or revenue bonds issued for such purpose.

13.48.010 Definitions.

The following words when used in this chapter shall have the following meanings. Where ambiguity exists, technical words or phrases shall be interpreted in accordance with the city's surface water management manual; nontechnical words or phrases will be given their dictionary meaning.

A. "Base rate" means the monthly charge for service from the storm drainage utility to recover costs incurred by the utility such as administrative, billing and collection.

B. "Best management practices (BMPs)" means the schedules of activities, prohibitions of practices, maintenance procedures and structural and/or managerial practices that, when used singly or in combination, prevent or reduce the release of pollutants and other adverse impacts to waters of Washington State.

C. "Channel" (also called "Ditch") means a constructed depression that collects and conveys stormwater, often from a public or private road. Channels and ditches are considered storm drainage systems.

~~GD~~. "Charge in lieu of assessment" means a charge made by the city on property which has not previously participated in the cost of a public storm drainage line directly serving the property.

~~DE~~. "Connection" means the connection of all storm drainage disposal lines and flow from contributing surface area from all development on a property to a public or private storm drainage system.

F. "Culvert" means a pipe or structure placed within a ditch or channel and then covered with fill to provide for non-stormwater uses such as but not limited to vehicular or pedestrian access to a property. Culverts are considered storm drainage systems.

~~EG~~. "Detention" means the temporary storage of storm and surface water runoff with provisions for the controlled off-site surface release of the stored water.

~~FH~~. "Director" means the director of community development and public works of the city of Auburn or designee.

~~GI~~. "Emerging technology" means water quality treatment technologies that are currently being evaluated for performance.

~~HJ~~. "Engineering construction standards and engineering design standards" means the requirements adopted under Chapter 12.04 ACC for storm drainage, sanitary sewer, transportation, and water facility design and construction.

IK. “Equivalent service unit (ESU)” means a configuration of development or impervious surfaces estimated to contribute an amount of runoff to the city’s storm drainage system which is approximately equal to that created by the average single-family residential parcel. One ESU is equal to 2,600 square feet of impervious surface area or any portion thereof.

JL. “Hard surface” means an impervious surface, a permeable pavement, or a vegetated roof.

KM. “Illicit connection” means any manmade conveyance that is connected to a municipal separate storm sewer without a permit, excluding roof drains and other similar type connections. Examples include sanitary sewer connections, floor drains, channels, pipelines, conduits, inlets, or outlets that are connected directly to the municipal separate storm sewer system.

LN. “Illicit discharge” means any discharge to a municipal separate storm sewer that is not composed entirely of storm water except discharges pursuant to a NPDES permit (other than the NPDES permit for discharges from the municipal separate storm sewer) and discharges resulting from firefighting activities.

MO. “Impervious surface” means a hard surface area that either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development. Impervious surface also means a hard surface area which causes water to run off in greater quantities or at an increased rate of flow from the flow under natural conditions prior to development. Common impervious surfaces include, but are not limited to, rooftops, walkways, patios, driveways, parking lots, storage areas, standard Portland cement concrete (PCC) or asphalt cement concrete (AC) paving, gravel roads, packed earthen materials, and oiled macadam or other surfaces which similarly impede the natural infiltration of storm water. Open, uncovered, retention/detention facilities shall not be considered as impervious surfaces for the purpose 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.

NP. “Land disturbing activity” means any activity that results in 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 land disturbing activity. Vegetation maintenance practices are not considered land disturbing activity.

OQ. “Low impact development (LID)” means a storm water management and land development strategy applied at the parcel and subdivision scale that emphasizes conservation and use of on-site natural features integrated with engineered, small-scale hydrologic controls to more closely mimic predevelopment hydrologic functions.

PR. “National Pollutant Discharge Elimination System (NPDES)” means the national program for issuing, modifying, revoking, and reissuing, terminating, monitoring, and enforcing permits, and imposing and enforcing pretreatment requirements, under Sections 307, 402, 318, and 405 of the federal Clean Water Act, for the discharge of pollutants to surface waters of the state from point sources. These permits are referred to as NPDES permits and in Washington State are administered by the Department of Ecology.

QS. “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 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.

RI. “Parcel” means the smallest separately segregated unit or plot of land having an identified owner, boundaries, and surface area which is documented for tax purpose and given a tax lot number by the appropriate county assessor for the county in which the parcel is sited.

SU. “Parcel, developed” means any parcel which has been altered by grading or filling of the ground surface, or by construction of any improvements or other hard surface.

TV. “Parcel, non-single-family” means any parcel of developed land other than single-family or two-family (duplex) residential.

UW. “Parcel, single-family residential” means any parcel of land having on it a single detached dwelling unit which is designed for occupancy by one family or a similar group of people.

VX. “Parcel, two-family (duplex) residential” means any parcel of developed land having one duplex (two-family dwelling) per lot.

WY. “Parcel, undeveloped” means any parcel which has not been altered from its natural state by grading or filling of the ground surface, or by construction of any improvements or hard surfaces.

Z. “Private Storm Drainage Facilities” means those storm drainage facilities that are not Public Storm Drainage Facilities.

AA. “Public Storm Drainage Facilities” means those storm drainage facilities that provide stormwater management for public roadways and city-owned properties, and that are owned and maintained by the city.

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

YCC. “Retention” means the storage of storm and surface water runoff with no provisions for off-site surface release of the stored water other than by evaporation, infiltration, and low impact development strategies.

ZDD. “Runoff” means water that travels across the land surfaces and discharges to water bodies either directly or through a collection and conveyance system. See also “Storm water.”

AAEE. “Source control BMP” means a structure or operation that is intended to prevent pollutants from coming into contact with storm water through physical separation of areas or careful management of activities that are sources of pollutants. Source control BMPs can be divided into two types. Structural source control BMPs are physical, structural, or mechanical devices or facilities that are intended to prevent pollutants from entering storm water. Operational source control BMPs are nonstructural practices that prevent or reduce pollutants from entering the storm water.

BBFF. “Storm drainage facility” means any natural stream/creek or constructed component of Auburn’s storm drainage system or other storm drainage system.

CCGG. “Storm drainage system” means the total system of storm drainage facilities as described in ACC 13.48.030.

DDHH. “Storm water” means runoff during and following precipitation and snowmelt events, including surface runoff and drainage.

EEJJ. “SWMM” as referred to in this chapter means the City of Auburn Surface Water Management Manual as adopted in Chapter 12.04 ACC.

FFJJ. “Utility” means the city storm drainage utility created by the ordinance codified in this chapter.

GGKK. “Watercourse” means a channel, either natural or manmade, in which a flow of water occurs, either continuously or intermittently.

HHLL. “Water quality treatment” means an engineered and approved facility to remove contaminants in the existing flow regime of storm water generated from a developed parcel pursuant to applicable design standards in place at the time of approval.

13.48.180 Inspection and compliance with storm drainage requirements.

A. The city shall have the authority to establish the necessary recorded instrument that identifies required storm best management practices (BMPs), location, and maintenance obligations.

B. Duly authorized personnel of the city shall have free access to public and private property at hours subject to the provisions of ACC 1.20.010 for the purpose of:

1. ~~inspecting~~ Inspecting private storm drainage ~~facilities~~ systems, the manner in which they are being used, and the satisfactory compliance with the provisions of this article.
2. Inspecting the property to ensure that onsite activities are using the BMPs identified in the SWMM that are intended to prevent pollutants from entering the storm drainage facilities and that are applicable to the onsite activities, as required by the Source Control Program provisions in the city's NPDES permit.

C. Any property, where the existing storm drainage facilities were constructed per approved construction plans, found to be in nonconformance with such plans, shall be required to correct all such nonconformances as directed by the city. If, after proper notice, the property owner does not comply with set requirements as directed by the city, then the city shall have the authority to correct such nonconformances and ~~bill~~ the property owner shall be responsible for reimbursing the city for all reasonable costs. Any delinquent payments shall constitute a lien as fixed by ACC 13.06. ~~290300~~ and RCW 35.67.

~~D. If the city determines that the onsite activities or actions of a property owner, or discharges from a private storm drainage facility, result in damage to a public storm drainage facility or a water quality violation, or if such action or discharge requires corrective action by the city as determined by the city engineer, the property owner will be liable and financially responsible for said damage, maintenance, and for any and all necessary repairs or other corrective actions necessary to restore the public storm drainage facilities to full and normal operation, and will be subject to code enforcement actions as defined in Chapter 1.25 ACC.~~

~~ED.~~ Inspections of storm water treatment and flow control facilities shall be performed by the city at a frequency to comply with the Western Washington Phase II Municipal Stormwater NPDES Permit.

~~FE.~~ Inspections of the implementation and effective use of operational and structural source control BMPs shall be performed by the city at a frequency to comply with the Western Washington Phase II Municipal Stormwater NPDES Permit.

~~EG.~~ New residential developments that are part of a larger common plan of development or sale shall be inspected every six months during the period of heaviest house construction (i.e., one to two years following subdivision approval or until 50

percent of build-out is achieved) to identify maintenance needs and enforce compliance with the maintenance standards as needed.

13.48.240 Storm drainage permit – Requirements.

A. It is unlawful for any person to construct, ~~or~~ connect to, or alter a public or private storm drainage ~~facilities~~system without first obtaining a ~~written~~ permit to do so from the city.

B. It is unlawful for any person to modify, alter, remove, repair or replace either a private or public storm drainage ~~facility~~system without first obtaining a ~~written~~ permit to do so from the city, unless such repair or replacement constitutes an emergency, in which case a permit will be obtained as soon after the emergency as possible. Maintenance activities to inspect or clean private or public storm drainage facilities do not require a permit, except when such activities restrict travel in a public roadway.

C. Storm drainage permit types and categories shall be determined administratively by the city. In addition to other required permits by the city and by other jurisdictions, a storm drainage permit shall be required for the following activities:

1. Addition or replacement of hard surfaces;
2. Land disturbing activities;
3. Development and use of property that creates a direct or indirect need for storm drainage facilities;
4. Connection to any storm drainage ~~facility~~system;
5. Installation, removal, or mModification of any storm drainage ~~facility~~system including, but not limited to, filling or grading of a ditch or channel and installation, modification, or replacement of a culvert;
6. Any activities within a critical area and associated buffers;
7. Any other activities as determined by the city engineer to have an impact on the storm drainage system.

13.48.440 Maintenance responsibility.

A. Private Maintenance Responsibility.

1. The maintenance, ~~and~~ operation, repair, and replacement of private storm drainage ~~facilities~~systems shall be the responsibility of the property owner. Where the private storm drainage facilities serve multiple properties, the maintenance, operation, repair

~~and replacement~~ It shall be the responsibility of the ~~developer to make arrangements with the occupants or owners~~ of the subject ~~property properties~~ for assumption of operation and maintenance in a manner subject to the approval of the city or in accordance with the operations and maintenance program prepared for the property's storm drainage facilities.

2. The private storm drainage facilities shall be maintained so that discharges comply with the water quality requirements in ACC 13.48.210. The maintenance, operation, repair, and replacement shall be performed in accordance with the standards listed in the SWMM.

3. The city may inspect the private storm drainage facilities in order to ensure continued use of the facilities for the purposes for which they were built and in accordance with these arrangements. Failure to maintain the private storm drainage facilities in accordance with the maintenance standards listed in the SWMM shall be considered a violation, enforceable in accordance with Chapter 1.25 ACC.

4. If the property owner's failure to maintain the private storm drainage facility results in flooding or damage to the adjacent roadway or public storm drainage facility, the city retains the right to make emergency repairs as needed to protect public safety.

5. Except as described in 13.48.440.B, surface maintenance of private and public storm management facilities along roadways, including, but not limited to, ditches, channels, streams, culverts, catch basin openings and grates, and pervious sidewalks, shall be the burden and expense of the abutting property owner. Maintenance shall include, but not be limited to: 1) removal of trash, debris, invasive vegetation, and moss; and 2) vegetation trimming and maintenance. Property owners are not responsible for the maintenance of underground public stormwater facilities such as pipes, catch basins, manholes, subgrade material of bioswales, and other underground structures and appurtenances.

B. Public Maintenance Responsibility.

1. The city shall be responsible for the ~~maintenance and operation, repair, replacement, and maintenance to the extent needed to provide adequate storage, conveyance, infiltration, and treatment of all~~ public storm drainage facilities ~~located within the public easements and rights-of-way following the completion of a successful maintenance period and the acceptance of such facilities by the city.~~
2. The maintenance, operation, repair, and replacement shall be performed in accordance with the standards listed in the SWMM.