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9/21/21

Ordinance 974

An ordinance adding a new section within Title 27 Environment, of the Clallam County Code, adopting Stormwater Management

BE IT ORDAINED BY THE BOARD OF CLALLAM COUNTY COMMISSIONERS:

Section 1. Section 27.14.010, Purpose, is created to read as follows:

This Chapter is intended to address comprehensive stormwater management in unincorporated Clallam County for new development and redevelopment through the use of construction and post-construction best management practices. As part of implementing comprehensive stormwater management in Clallam County, this Chapter adopts a stormwater manual with minimum requirements for stormwater management. This chapter shall also address illicit non-stormwater discharges and illegal connections to public stormwater drainage systems in an effort to control and reduce the presence of stormwater pollutants. Specifically, this Chapter has been created for the following purposes:

(1) General Purposes

(a) To promote the public health, safety, and general welfare of the citizens and protect public and private resources of Clallam County without preventing the reasonable use, development, and maintenance of land.

(b) To protect critical areas from deterioration or destruction as required under the state's Growth Management Act and Shoreline Management Act.

(c) To implement the provisions of the April 9, 2020 Settlement Agreement between the WA State Department of Ecology and Clallam County. This included not requiring Clallam County to obtain a National Pollutant Discharge Elimination System (NPDES) and State Waste Discharge General Permit, modified stormwater thresholds outside of the Unincorporated Port Angeles Urban Growth Area (UPAUGA), and other requirements.

(d) To provide landowners (outside of the Unincorporated Port Angeles Urban Growth Area (UPAUGA)) a cost effective, simple, non-custom engineered option for small residential projects through the use of the Small Project Drainage Manual.

(e) To have the quality and quantity of stormwater, after land development activity occurs, be the same or better than the pre-development conditions.

(2) Development Purposes

(a) To ensure prompt development, restoration, and replanting and effective erosion control of property during and after land clearing, filling and grading.

(b) To promote land development practices that minimize disturbance to existing vegetation and soils.

(c) To manage and mitigate the effects of urbanization on stormwater drainage throughout the urban areas within unincorporated Clallam County through planning, appropriate engineering practices and proper maintenance.

(d) To manage all surface water runoff and diversions that may contribute to flooding and the pollution of surface waters.

(e) To prevent siltation in Clallam County's streams, lakes, storm sewer systems, and public roadside improvements.

(f) To protect adjacent and downstream public or private properties from damage.

(g) To reduce the risk of slides and the creation of unstable building sites.

(h) To promote low impact development site planning and building practices that provide for managing surface water runoff on-site and are consistent with Clallam County's natural topography, vegetation cover, and hydrology.

(i) To allow the use of simple technologies whenever appropriate and realistic, but require the use of more sophisticated techniques when necessary to ensure the adequacy of stormwater controls.

(3) Environmental Purposes

(a) To preserve, protect, replace, or enhance the natural qualities of lands, watercourses, and aquatic resources.

(b) To preserve and protect priority fish and wildlife habitats.

(c) To prevent water quality degradation and the sedimentation of creeks, streams, ponds, lakes, wetlands, marine waters, and other water bodies; and preserve and enhance beneficial uses.

Section 2. Section 27.14.020, Applicability, is created to read as follows

All Land Development Activity occurring within unincorporated Clallam County shall be subject to the provisions of this Chapter unless specifically exempted under this Chapter. No approval of any required Drainage Permit shall be made by Clallam County prior to the Applicant's satisfying the submittal requirements as set forth in this Chapter and the Land Development Activity being in compliance with all applicable federal, state and Clallam County regulations, including the provisions of this Chapter.

Section 3. Section 27.14.030, Exemptions, is created to read as follows:

(1) The following Land Development Activities are exempt from the requirements of this Chapter (for all of the unincorporated areas within Clallam County):

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

(b) Commercial agriculture practices involving working the land for production, except the conversion from timberland to agriculture and the construction of impervious surfaces are not exempt.

(c) Construction of drilling sites, waste management pits, and access roads, as well as construction of transportation and treatment infrastructure such as pipelines, natural gas treatment plants, natural gas pipeline compressor stations, and crude oil pumping stations.

(d) Pavement maintenance practices consisting of any of the following: pothole and square cut patching, overlaying existing asphalt or concrete pavement with asphalt or concrete without expanding the area coverage, shoulder grading, reshaping/regrading drainage systems, crack sealing, resurfacing with in-kind material without expanding the road prism, pavement preservation activities that do not expand the road prism, and vegetation maintenance. The following pavement maintenance practices are not categorically exempt, and are subject to the Minimum Requirements that are triggered when the thresholds identified for new or redevelopment projects are met per I-3.3 Applicability of the Minimum Requirements of the Department of Ecology's 2019 Stormwater Management Manual for Western Washington ("Ecology's 2019 Stormwater Manual").

(i) Removing and replacing an asphalt or concrete pavement to base course or lower, or repairing the pavement base: These are considered replaced hard surfaces.

(ii) Extending the pavement edge without increasing the size of the road prism, or paving graveled shoulders: These are considered new hard surfaces.

(iii) Resurfacing by upgrading from dirt to gravel, a bituminous surface treatment (“chip seal”), asphalt, or concrete; upgrading from gravel to chip seal, asphalt, or concrete; or upgrading from chip seal to asphalt or concrete: These are considered new impervious surfaces.

(e) Underground utility projects that replace the ground surface with in-kind material or materials with similar runoff characteristics are only subject to Volume I-3.4.2 MR2 Construction Stormwater Pollution Prevention Plan of the Department of Ecology’s 2019 Stormwater Manual.

(2) With the exception of the UPAUGA, land development activity within the unincorporated Clallam County shall be subject to the following additional exemptions:

(a) Land clearing, grading, filling, sandbagging, diking, ditching, or similar work during or after periods of extreme weather or other emergency conditions which have created situations such as toxic releases, flooding, or high fire danger that present an immediate danger to life or property.

(b) Digging of individual graves in a permitted graveyard.

(c) Routine landscape maintenance of existing landscaped areas on developed lots, including pruning, weeding, planting annuals, and other activities associated with maintaining an already established landscape or thinning of limbs of individual trees to provide for a view corridor consistent with Chapter 27.12.

(d) Routine drainage maintenance of existing, constructed stormwater drainage facilities located outside of a protected area, including, but not limited to, detention/retention ponds, wet ponds, sediment ponds, constructed drainage swales, water quality treatment facilities, such as filtration systems, and regional storm facilities that are necessary to preserve the water quality treatment and flow control functions of the facility. This exemption does not apply to any expansion and/or modification to already excavated and constructed stormwater drainage facilities.

(e) Construction, expansion or repair of detached accessory buildings four hundred (400) square feet or less in size not located within two hundred (200) feet of a wetland, aquatic habitat, conservation area, landslide hazard area an erosion hazard area or within frequently flooded area pursuant to Chapter 27.12.

(f) The construction or installation of minor street improvements exempt from SEPA per WAC 197-11-800(2)(d) that are conducted in compliance with the Regional Road Maintenance ESA Program and designed in accordance with the Highway Runoff Manual.

Section 4. Section 27.14.040, Definitions, is created to read as follows:

Clallam County adopts the definitions contained within the Glossary of Ecology’s 2019 Stormwater Management Manual for Western Washington, unless otherwise altered below.

(1) The terms “single residential,” “duplex,” “townhome,” “accessory building,” and “multi-family residential” mean the definition of such terms contained in the County’s current Building Code, CCC Title 21.

(2) “Best Management Practice(s)” or “BMPs” means the schedule of activities, prohibitions of practices, maintenance procedures, and structural and/or managerial practices approved by the Washington State Department of Ecology that, when used singly or in combination, prevent or reduce the release of pollutants and other adverse impacts to waters of Washington State.

(3) “Clallam County Small Project Drainage Manual” means the manual adopted by Clallam County to be used for small-scale residential projects that meet the requirements for a small project drainage plan review.

(4) “Clearing” means the destruction and removal of vegetation by manual, mechanical, or chemical methods resulting in exposed soils. This does not include mowing, landscape maintenance or pruning consistent with accepted horticultural and arboricultural practices, which does not impair the health or survival of trees and associated vegetation.

(5) “Critical Areas” means any of those areas of Clallam County which meet the definition of geologically hazardous areas; wetlands; streams; flood hazard areas; fish and wildlife conservation areas; and areas with a critical recharging effect on aquifers used for potable water and are regulated under Title 27 of the Clallam County Code.

(6) “Drainage Permit” means the written permission by the County Engineer, or their designee to the permittee/applicant to proceed with the act of land development activities, whether new development or redevelopment, within the requirements and procedures contained in this Chapter. The Drainage Permit shall include the associated approved site plan, any required stormwater site plans consistent with Minimum Technical Requirements set forth herein, any required construction stormwater pollution prevention plan consistent with the Minimum Technical Requirements set forth herein, and any conditions of approval as well as the permit form itself.

(7) “Hard Surface” means an impervious surface, a permeable pavement, or a vegetated roof. An impervious surface is a surface that blocks the natural infiltration of surface water. Common hard surfaces include structures, asphalt pavement, cement concrete, and compacted gravel. Permeable pavements and green roofs shall be considered hard surfaces for minimum requirement thresholds but modelled depending on the characteristics of the design.

(8) “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 and 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. Impervious surfaces include, but are not limited to, rooftops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, other surfaces which similarly prevent the natural infiltration of stormwater.

(9) “Land Development Activity” means New Development and Redevelopment and land disturbing activity as those terms are defined herein.

(10) “Land Disturbing Activity” means any activity that results in a movement of earth or any change in the existing soil cover (both vegetative and non-vegetative) and/or the existing soil topography. Land disturbing activities include, but are not limited to clearing, grading, grubbing, filling, excavation, demolition, controlled burning, and site preparation. Compaction that is associated with stabilization of structures and/or road construction shall also be considered land disturbing activity. Vegetative maintenance practices (as defined herein) are not considered land disturbing activity.

(11) “Low impact development (LID)” means a stormwater and land use management strategy that strives to mimic pre-disturbance hydrologic processes of infiltration, filtration, storage, evaporation and transpiration by emphasizing conservation, use of on-site natural features, site planning, and distributed stormwater management practices that are integrated into a project design

(12) “New Development” means any land disturbing activities, including but not limited to clearing, grading, grubbing, filling, excavation and demolition; Class IV General Forest Practices that are conversions from timber land to other uses; reclamation of mineral extraction; reclamation of sand and gravel extraction; structural development, including construction, installation or expansion of a building or other structure; creation of hard surfaces; and any subdivision, short subdivision and binding site plans, as defined and applied in RCW 58.17 and any Land Division as defined herein. Projects meeting the definition herein of Redevelopment shall not be considered New Development.

(13) “Pollutant” means anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, and accumulations; floatables, pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

(14) “Project” means any proposed action to alter or develop a site.

(15) “Project Site” means that portion of a property, properties, or right of way subject to land disturbing activities, new hard surfaces, or replaced hard surfaces.

(16) “Redevelopment” means development of a site that is already substantially developed (i.e., has 35% or more existing hard surface coverage) through 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; subdivision, short subdivision and binding site plans, as defined and applied in Chapter 58.17 RCW; replacement of hard surface that is not part of a routine maintenance activity; and other land disturbing activities including but not limited to clearing, grading, grubbing, filling, excavation and demolition.

(17) “Replaced hard surface” means, for structures, the removal and replacement of hard surfaces down to the foundation. For other hard surfaces, the removal down to bare soil or base course and replacement.

(18) “Site” means the area defined by the legal boundaries of a parcel or parcels of land that is (are) subject to new development or redevelopment. For road projects, the length of the project site and the right-of-way boundaries define the site.

(19) “Stormwater Drainage System” means facilities by which stormwater is collected and/or conveyed, including but not limited to, any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and man-made or altered drainage channels, reservoirs, and other drainage structures.

(20) “Stormwater facility” means a constructed component of a stormwater drainage system, designed or constructed to perform a particular function, or multiple functions. Stormwater facilities include, but are not limited to, pipes, swales, ditches, culverts, street gutters, detention ponds,

retention ponds, constructed wetlands, infiltration devices, catch basins, oil/water separators, and biofiltration swales.

(21) “Vegetative Maintenance” means lawn maintenance, brush and tree pruning, and other normal land maintenance activities involving cutting, removal, or planting of vegetation by manual, mechanical, or chemical methods, such as gardening.

(22) “Watercourse” means any, natural or artificial (i.e. manmade) waterway area, whether perennial or intermittent, which flows in a definite direction and course or is used for the holding, delay or storage of waters, which functions at any time to convey or store storm water runoff. Watercourses include, but are not limited to, a creek, stream, river, or any constructed waterway, channel, canal, ditch, irrigation ditch or road ditch.

Section 5. Section 27.14.050, Stormwater Management Manual and Review Thresholds, is created to read as follows:

(1) Based on parcel size, nature of development, amount of land disturbing activity, plat requirements, or potential to significantly impact receiving waters, infrastructure, county roads, or adjoining properties, the County Engineer, or their designee may require an engineered drainage, erosion and sediment control plan regardless of the thresholds found below. The purpose of the engineered drainage, erosion, and sediment control plan is to ensure that the plan will work and also to receive an installed as designed letter from the Engineer.

(2) The Department of Community Development (DCD) Administrator or her designee will require land disturbing activity within the jurisdiction of Critical Areas to submit a drainage permit, unless both of the following conditions apply: (1) the DCD Administrator or her designee determines the project will not affect the Critical Area, and (2) the project falls below the thresholds found in Chapter 27.14.060. These Critical Area requirements are currently in effect, and the only modifications to these requirements are that land development activity will be subject to the 2019 SWMMWW instead of the 1992 SWMMWW.

(3) Stormwater Management Manual within the unincorporated County urban growth area (UGA) around the City of Port Angeles, also known as the unincorporated Port Angeles UGA or UPAUGA. Within the UPAUGA, Clallam County adopts Ecology’s 2019 Stormwater Management Manual for Western Washington (“Ecology’s 2019 Stormwater Manual”) in its entirety (with no modifications).

(4) Stormwater Management Manual within unincorporated Clallam County outside the UPAUGA. Outside of the UPAUGA, Ecology’s 2019 Stormwater Manual’s minimum requirements contained in Volume I, Section 3.4, are modified as provided in the table below. For certain proposed Land Development Activities, Clallam County adopts and applies the Clallam County Small Project Drainage Manual as provided in the table below. The County may require the use of Ecology’s 2019 Stormwater Manual if conditions are not met under the Small Project Drainage Manual or the project requires an engineer under state law

(5) Stormwater Management Requirements for New Development and Redevelopment Within Unincorporated Clallam County Outside of the UPAUGA

Table 27.14.050(5)(A)

Residential driveways that meet BMPs below would not be counted in hard surface calculations for residential development¹

Thresholds (Hard surface/Land disturbance)	Drainage Permit required –Y/N?	Applicable Stormwater Manual	Minimum Requirements (MR)
N/A	N	Subject to BMPs 5.11 and 5.12 of the 2019 Ecology Manual or Section 3.4 of the Clallam County Small Project Drainage Manual	N/A

Table 27.14.050(5)(B)

Residential Development¹ on less than 1 acre

Thresholds (Hard surface/Land disturbance)	Drainage Permit required –Y/N?	Applicable Stormwater Manual	Minimum Requirements (MR)
< 400 sq. ft. of new plus replaced hard surface OR <7,000 sq. ft. land disturbing activity	No, but Construction Stormwater Best Management Practices are always required	N/A	MR 2
Between 400 and 5,000 sq. ft. of new plus replaced hard surface OR between 7,000 and 10,000 sq. ft. land disturbing activity	Yes	Clallam County Small Project Drainage Manual ²	MRs 1-5
≥5,000 sq. ft. of new plus replaced Hard Surface OR ≥10,000 sq. ft. land disturbing activity	Yes	Ecology’s 2019 Stormwater Manual	MRs 1-9 ⁴ ; Engineered Plan required.

Table 27.14.050(5)(C)

Residential Development¹ on 1 acre or more

Thresholds (Hard surface/Land disturbance)	Drainage Permit required –Y/N?	Applicable Stormwater Manual	Minimum Requirements
<400 sq. ft. of new plus replaced hard surface OR <7,000 sq. ft. land disturbing activity OR <1.5 acres of veg to lawn conversion, OR <5 acres of veg to pasture	No, but Construction Stormwater Best Management Practices are always required	N/A	MR 2
Between 400 to 3,000 sq. ft. of new plus replaced hard surface (requiring a building permit)	Yes	Clallam County Small Project Drainage Manual ²	MRs 1-5, Optional Flow Control determined by County Engineer ³
Between 3,000 and 7,000 sq. ft. of new plus replaced hard surface OR between 7,000 and 12,000 sq. ft. land disturbing activity OR between 1.5 and 2 acres of veg to lawn conversion, OR between 5 and 7.5 acres of veg to pasture	Yes	Clallam County Small Project Drainage Manual ²	MRs 1-5
≥7,000 sq. feet new plus replaced Hard Surface OR ≥12,000 sq. ft. land disturbing activity, OR ≥2 acres of veg to lawn conversion, OR ≥7.5 acres of veg to pasture conversion	Yes	Ecology’s 2019 Stormwater Manual	MRs 1-9 ⁴ Engineered Plan required.

Table 27.14.050(5)(D)

All non-residential development¹, including commercial, industrial, and multifamily.

Thresholds (Hard surface/Land disturbance)	Drainage Permit required –Y/N?	Applicable Stormwater Manual	Minimum Requirements
≤ 2,000 sq. ft. of new plus replaced hard surface OR ≤ 7,000 sq. ft. land disturbing activity	No, but Construction Stormwater Best Management Practices are always required	N/A	MR 2
≥ 2,000 sq. ft. of new plus replaced hard surface OR ≥ 7,000 sq. ft. land disturbing activity	Yes	Ecology’s 2019 Stormwater Manual	Per Manual. Engineered Plan required

Footnotes

- ¹ Residential Development is the construction of a single family dwelling, duplex, townhome, accessory structures to such dwelling. Residential driveways meeting BMPs in Table 27.14.050(1) above are would not counted in hard surface calculations for residential development.
- ² Applicants may elect to use the 2019 Ecology Stormwater Manual instead of the Clallam County Small Project Drainage Manual if they choose. If utilizing the 2019 Ecology Stormwater Manual, a civil or geotechnical engineer may be required to sign stormwater plans.
- ³ For land development activity that would not require flow controls or meet full dispersion (BMP T5.30) requirements per the 2019 SMMWW, the County Engineer will determine optional flow control requirements through the Small Project Drainage Manual.
- ⁴ MR3 and MR8 are usually N/A; MR9 only applies if a stormwater facility is installed.

Section 6. Section 27.14.060, Drainage Permit, is created to read as follows:

(1) Drainage Permit is required inside the UPAUGA before any of the following land disturbing activity occurs:

(a) The DCD Administrator or her designee may require submission of a Drainage Permit for any land disturbing activity within the jurisdictions of Critical Areas Ordinance.

(b) Land disturbance of 7,000 sq. feet or more.

(c) Projects that result in 2,000 sq. feet or more of new plus replaced hard surfaces.

(2) A Drainage Permit is required outside the UPAUGA before any of the following land disturbing activity occurs:

(a) The DCD Administrator or her designee may require submission of a Drainage Permit for any land disturbing activity within the jurisdictions of the Critical Areas Ordinance.

(b) Land disturbance of 7,000 sq. feet or more for construction of multi-family, commercial or industrial.

(c) Land disturbance of 10,000 sq. feet or more for single residential, duplex, townhome, or accessory building to such dwelling, on <1 acre. This does not include hard surfaces created for residential driveways that meet BMPs.

(d) Land disturbance of 12,000 sq. feet or more for single residential, duplex, townhome, or accessory building to such dwelling, on 1 acre or more. This does not include hard surfaces created for residential driveways that meet BMPs.

(e) Single residential, duplex, townhome, or accessory building to such dwelling projects requiring a building permit that result in 400 sq. feet or more new plus replaced hard surfaces. This not including hard surfaces created for residential driveways that meet BMPs.

(f) All other projects (e.g., commercial, industrial, multifamily) that result in 2,000 sq. feet or more of new plus replaced hard surfaces.

(3) An application for a Drainage Permit shall be submitted to the County Engineer, or their designee on a form provided by the County. All Drainage Permits shall include Construction BMP's and Construction Stormwater Pollution Prevention Plans (SWPPP).

(4) Unless otherwise specified by the Clallam County Small Project Drainage Manual, all applicants for a Drainage Permit shall provide the following basic plan exhibits. The basic plan exhibits shall contain all information as set forth in the official submittal checklist provided by the County Engineer, or their designee.

(a) Site Topographical Map

(b) General Stormwater Site Plan

(c) Construction Stormwater Pollution Prevention Plan (SWPPP)

(d) Vicinity Topographical Map

(5) All plans prepared in connection with this Chapter shall be submitted for review and approval by the County Engineer, or their designee. Prior to the issuance of the Drainage Permit, the Applicant must submit final stormwater site plans.

(6) A Drainage Permit shall be issued by the County Engineer, or their designee only after the applicant demonstrates compliance with the requirements of this Chapter and the payment of the applicable permit fees for plan review, inspection, and related expenses as specified in Section 27.14.130, Fees.

(7) The approved Drainage Permit under this ordinance will be available on the Clallam County On-Line Permit System. Any modifications of the approved Drainage Permit will require prior approval by the County Engineer, or their designee.

(8) Any permit granted under this Chapter shall expire one (1) year from the date of issuance. With approval of the County Engineer, or their designee, a permit issued under this Chapter may be extended for one 12-month period.

(9) The decision by the County Engineer or their designee to deny a Drainage Permit is appealable to the Clallam County Hearing Examiner using the procedures for denial of a Type I permit as defined under CCC Title 26.

Section 7. Section 27.14.070, Construction Stormwater Best Management Practices Requirements for Land Development Activities not requiring a Drainage Permit, is created to read as follows:

All Persons or entities engaging in Land Development Activities which do not require a Drainage Permit pursuant to Section 27.14.060 shall prevent (1) erosion and discharge of sediment and other pollutants into receiving waters and (2) harmful impacts to infrastructure or neighboring properties. Land Development Activities which do not require a Drainage Permit, but that cause significant erosion, discharge of sediment, or other pollutants into receiving waters, or harmful impacts to infrastructure or neighboring properties will be required to rectify impacts and shall be subject to Enforcement Actions found in Section 27.14.120 below. This may include requiring a Drainage Permit, Construction BMP's, and Construction Stormwater Pollution Prevention Plan (SWPPP).

Section 8. Section 27.14.080, Adjustment and Exceptions/Variations, is created to read as follows:

(1) The County Engineer, or their designee may grant an adjustment to the application of the Stormwater Management Manual and its minimum requirements prior to permit approval and construction consistent with the criteria in Ecology's 2019 Stormwater Manual, Volume I, Section 3.6.1 (Adjustments to the MRs).

(2) The County Engineer, or their designee may grant an exception/variance from this Chapter or the application of the Stormwater Management Manual and its minimum requirements prior to permit approval and construction when consistent with the criteria in Ecology's 2019 Stormwater Manual, Volume I, Section 3.6.2 (Exceptions/Variations). The applicant bears the burden to demonstrate the required criteria for an exception/variance. The County Engineer, or their designee shall retain records, including the written findings of fact, of all exceptions from the minimum requirements.

(3) A request for an adjustment or exception shall adequately describe the justification for relief and is processed as a Type III decision under Clallam County Code (CCC) Chapter 26.10.

Section 9. Section 27.14.090, Manufactured Treatment Devices (MTDs), is created to read as follows:

Clallam County accepts stormwater treatment BMPs identified in Ecology's 2019 Stormwater Manual for use. Additionally, designers may use manufactured treatment devices approved through the Technology Assessment Protocol – Ecology (TAPE) with a General Use Level Designation (GULD).

Section 10. Section 27.14.100, Easements, Deeds and Covenants, is created to read as follows:

(1) Drainage easements shall be required where stormwater conveyance, storage, or treatment facilities identified in development plans are not located in public rights-of-way, and where access to stormwater facilities is required. Drainage easements shall be granted to the persons responsible for providing ongoing maintenance of the drainage systems. Drainage easements through structures are not allowed. Easements shall be of a width and location sufficient to allow access for equipment that would normally perform maintenance activities.

(2) Stormwater and conveyance facilities that are to be maintained by Clallam County, together with maintenance access roads to the facilities, shall be located in public right-of-way, in separate tracts dedicated to Clallam County, or corresponding to drainage easements granted to Clallam County.

(3) The approved Drainage Permit under this ordinance will be available on the Clallam County On-Line Permit System. This shall include the identification of flow controls (i.e. drywells, dispersion trenches, rain gardens, etc.) and Low Impact Development BMPs (full dispersion through natural vegetation) on the approved drainage permit site plan, along with the landowner's responsibility for operation and maintenance of these permanent stormwater BMPs. Any modifications of the approved Drainage Permit will require prior approval by the County Engineer, or their designee.

(4) Any flow control and runoff treatment BMPs for which the applicant identifies the operation and maintenance to be the responsibility of a private party must have a declaration of covenant and grant of easement which shall be recorded on the title of the parcel.

Section 11. Section 27.14.110, Illicit Discharges and Connections, is created to read as follows:

(1) Illicit Discharges Prohibited. No person may throw, drain, or otherwise discharge, cause or allow others under their control to throw, drain, or otherwise discharge into the storm drain system, or into a watercourse within unincorporated Clallam County, any materials other than stormwater.

(2) Allowable Discharges. The following types of discharges are not illicit discharges for the purpose of this Chapter unless the County Engineer, or their designee determines that the type of discharge, whether singularly or in combination with others, is causing or is likely to cause pollution of surface water or groundwater:

- (a) Diverted stream flows.
- (b) Rising groundwaters.
- (c) Uncontaminated groundwater infiltration as defined in 40 CFR 35.2005(20).
- (d) Uncontaminated pumped groundwater.
- (e) Foundation drains.
- (f) Air conditioning condensation.

- (g) Irrigation water from agricultural sources that is commingled with urban stormwater.
- (h) Springs.
- (i) Uncontaminated water from crawl space pumps.
- (j) Footing drains.
- (k) Flows from riparian habitats and wetlands.
- (l) Non-stormwater discharges authorized by another NPDES or state waste discharge permit.
- (m) Discharges from emergency firefighting activities.

(3) Conditionally Allowed Discharges. The following types of discharges are not illicit discharges for the purposes of this Chapter if they meet the stated conditions, unless the County Engineer, or their designee determines that the type of discharge, whether singularly or in combination with others, is causing or is likely to cause pollution of surface water or groundwater:

(a) Potable water, including water from water line flushing, hyperchlorinated water line flushing, fire hydrant system flushing, and pipeline hydrostatic test water. Planned discharges must be dechlorinated to a concentration of 0.1 ppm or less, pH-adjusted, if necessary and in volumes and velocities controlled to prevent re-suspension of sediments in the stormwater system.

(b) Lawn watering and other irrigation runoff are permitted but must be minimized.

(c) Dechlorinated swimming pool, spa and hot tub discharges to surface waters. These discharges must be dechlorinated to a concentration of 0.1 ppm or less, pH-adjusted and re-oxygenated, if necessary and in volumes and velocities controlled to prevent resuspension of sediments in the stormwater system. Discharges must be thermally controlled to prevent an increase in temperature of the receiving water. Swimming pool cleaning wastewater and filter backwash shall not be discharged to the stormwater system.

(d) Street and sidewalk wash water, water to control dust and routine external building wash down that does not use detergents are permitted if the amount of street wash and dust control water is minimized. At active construction sites, street sweeping must be performed prior to washing the street.

(e) Other non-stormwater discharges. The discharges must be in compliance with the requirements of a stormwater pollution prevention plan (SWPPP) reviewed and approved by the County which addresses control of such discharges by applying all known, available and reasonable methods of prevention, control and treatment (AKART) to prevent pollutants from entering surface or groundwater.

(4) Illicit Connections

(a) No person may use the stormwater system, directly or indirectly, to dispose of any solid or liquid matter other than stormwater.

(b) No person may make, use, or allow the continued existence of any connection to the stormwater system that could result in an illicit discharge.

(c) Connections to the stormwater system from the interiors of structures are prohibited.

(d) Sewer connections to the stormwater system or to any watercourse are prohibited.

(e) Connections to the stormwater system for any purpose other than to convey stormwater or groundwater are prohibited and must be eliminated.

Section 12. Section 27.14.120, Enforcement, is created to read as follows:

(1) The County Engineer, or their designee, is authorized to carry out inspection and enforcement actions pursuant to Clallam County Code (CCC) Chapter 33.59, Enforcement, and CCC Title 20, Code Compliance.

(2) If inspection or enforcement investigations by the County Engineer or their designee determines that new land development activity results in significant impacts to receiving water, infrastructure, county roads, or adjoining properties, then a Drainage Permit may be required to rectify the impacts regardless of the thresholds found in Section 27.14.050 above. Failure to comply with the voluntary compliance provisions outline above to obtain and implement the required Drainage Permit will be subject to enforcement actions found below.

(3) Any person who fails to comply with the standards contained within this Chapter and/or any person who fails to comply with a final written order may be assessed a civil penalty as follows:

(a) The County Engineer, or their designee, may assess the violator a civil penalty not to exceed \$1,000 for each violation.

(b) Each violation or each day of continued unlawful activity shall constitute a separate violation. Each day that a person fails to comply with the terms of a final written order shall constitute a separate violation.

Section 13. Section 27.14.130, Fees, is created to read as follows:

The schedule of all fees associated with complying with this Chapter shall be those established pursuant to CCC Chapter 5.100. If Drainage Permit work is done in violation of this Chapter or the work is not done in accordance with an approved permit, a fee, not less than twice the applicable permit fee, covering investigation of any violation and inspection and plan checking of work required to correct the violation shall be charged to the violator to cover all actual costs. Such additional fee being in addition to any other of the remedies specified herein under Section 27.14.120, Enforcement.

Section 14. Section 27.14.140, Security, is created to read as follows:

The County Engineer, or their designee may require as a condition to the granting of a Drainage Permit, that the applicant furnish security in the form of a bond, cash escrow account, an irrevocable letter of credit or other security acceptable to the County in its sole discretion, in an amount determined by the County Engineer, or their designee to be sufficient to complete the restoration and replanting of the property in accordance with the terms of the Drainage Permit and within the duration thereof. The security shall be in an amount equal to the estimated cost of such restoration and replanting and with surety and conditions satisfactory to the County Engineer, or their designee.

Section 15. Section 27.14.150, Authority, is created to read as follows:

The Clallam County Engineer, or their designee, shall administer and enforce compliance with all terms in this Chapter. The Clallam County Engineer, or their designee may adopt and amend administrative policies and procedures for the purposes of implementing and enforcing the provisions of this Chapter. All such administrative policies and procedures shall be available to the public at the Public Works Department.

Section 16. Section 27.14.160, Compliance with Other Laws, is created to read as follows:

Approvals and permits granted under this Chapter and any policies and procedures promulgated hereunder do not constitute waivers of the requirements of any other laws or regulations nor do they indicate compliance with any other laws or regulations. Compliance is still required with all applicable federal, state, or local laws and regulations. In the event of any conflict between this Chapter and any other Chapter of the Clallam County Code, the provisions of this Chapter shall prevail.

Section 17. Section 27.14.170, Effectiveness/No Retroactivity, is created to read as follows:

- (1) This Chapter shall become effective on January 1, 2022.
- (2) This Chapter shall be prospective in operation only.
- (3) The provisions of this Chapter shall not apply to existing Land Disturbing Activity for which all previously required permits were obtained prior to the effective date.
- (4) The provisions of this Chapter shall not apply to a project or development not yet constructed provided that an appropriate residential or commercial building permit has been obtained and the permit bears a date prior to the effective date of this Chapter.

ADOPTED this 21st day of September 2021

BOARD OF CLALLAM COUNTY COMMISSIONERS

Mark Oates, Chair

Randy Johnson

Bill Peach

ATTEST:

L. Ootes
Loni Gores, CMC, Clerk of the Board

