

ORDINANCE NO. 22-_____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
BLACK DIAMOND, KING COUNTY, WASHINGTON,
ADOPTING NEW STORMWATER MANAGEMENT
REGULATIONS AND AMENDING CHAPTER 14.04 OF THE
BLACK DIAMOND MUNICIPAL CODE**

WHEREAS, in 2017, the Black Diamond City Council adopted the Washington State Department of Ecology's 2012 Stormwater Management Manual for Western Washington, as amended in December 2014 ("2014 SWMMWW") as the stormwater standards for the City of Black Diamond; and

WHEREAS, The Department of Ecology's current stormwater manual is the 2019 Stormwater Management Manual for Western Washington ("2019 SWMMWW"), which incorporates current best management practices and best available science; and

WHEREAS, Black Diamond is a National Pollution Discharge Elimination System (NPDES) Phase II community, and as such is required to adopt stormwater standards equivalent or more stringent than the 2019 SWMMWW by August 1, 2022; and

WHEREAS, the Council held a public hearing on this ordinance on July 7, 2022; and

WHEREAS, the Council makes the following findings:

1. Urban development can cause changes in patterns of stormwater flow from land into receiving waters if not reasonably assessed and addressed. Increased surface runoff flows can cause stream channel changes that destroy habitat for fish if reasonable detention and retention is not applied. Water quality can be harmed when runoff carries pollutants such as eroded soil, oil, metals or pesticides into streams, wetlands, lakes, and marine waters or into ground water if proper treatment of stormwater is not applied. Proper management of stormwater runoff helps to reduce these significant pollution problems to preserve and protect waterways for people and fish.

2. Adoption of the 2019 SWMMWW is recommended in order to promote the public health, safety and welfare by providing for the comprehensive management of surface water and stormwater, erosion control, and flooding.

3. This ordinance keeps the City in compliance with the best available science in stormwater management in order to minimize water quality degradation; prevent flood damage, siltation and habitat destruction in the City's creeks, streams and other water bodies; protect property owners adjacent to developing land from increased runoff rates which could cause stream erosion and damage to public and private property; promote sound development and redevelopment policies which respect and

preserve the City's watercourses and aquatic habitat; promote and prioritize low impact development strategies that reduces impervious surface and stormwater runoff; ensure the safety of City roads and rights-of-way; and promote ground water recharge through the implementation of comprehensive and thorough permit review, construction inspection, enforcement, and maintenance programs that facilitate the effectiveness of the requirements contained in this chapter.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF BLACK DIAMOND DO ORDAIN AS FOLLOWS:

Section 1. Section 14.04.020 of the Black Diamond Municipal Code is hereby amended to read as follows:

14.04.020 Adoption of Manual--Applicability.

A. Stormwater Management Manual Adopted. The 2019 Edition of the Department of Ecology's Stormwater Management Manual for Western Washington ("SWMMWW") is hereby adopted by reference (the "Stormwater Manual"). Stormwater management measures shall be designed, constructed and maintained in accordance with the standards and specifications as set forth in the Stormwater Manual.

B. All Development and Redevelopment within the City shall comply with the provisions of this chapter and the Stormwater Manual.

C. All pollutant generating sources associated with existing land uses and activities shall comply with the provisions of this chapter and the Stormwater Manual.

Section 2. Section 14.04.130 of the Black Diamond Municipal Code is hereby amended to read as follows:

14.04.130 Maintenance and source control.

A. For residential subdivisions, after the Director has released bonds for the project pursuant to Section 14.04.360, the maintenance duties shall be in accordance with the conditions and requirements of final plat approval, but the property owner's association shall have principal responsibility for the source control practices of its members that may impact quality of runoff.

B. For all projects except residential subdivisions, the proponent or successors shall maintain stormwater drainage facilities in full compliance with the requirements of the approved operation and maintenance manual.

C. The articles of the property owners' association shall include by reference the project's operation and maintenance manual.

D. A covenant stating the property owners' or property owners' association's specific responsibilities shall be included on the face of the plat and recorded against each lot in the subdivision.

Section 3. Section 14.04.390.B of the Black Diamond Municipal Code is hereby amended to read as follows:

14.04.390.B Illicit Discharges

2. Allowable Discharges. The following type of discharges shall not be considered illegal discharges for the purposes of this chapter unless the director determines that the type of discharge, whether singly or in combination with others, is causing or is likely to cause pollution of surface water or groundwater:

- a. Diverted stream flows.
- b. Rising ground waters.
- c. Uncontaminated ground water infiltration, as defined in CFR 35.2005(20).
- d. Uncontaminated pumped ground water.
- e. Foundation drains.
- f. Air conditioning condensation.
- g. Irrigation water from agricultural sources that is commingles with urban stormwater.
- h. Springs.
- i. Uncontaminated water from crawl space pumps.
- j. Footing drains.
- k. Flows from riparian habitats and wetlands.
- l. Discharges from emergency fire fighting activities.

Section 4. Each and every provision of this Ordinance is severable. If any provision of this Ordinance is found to be unconstitutional or otherwise unenforceable or contrary to law by a court of competent jurisdiction, that finding shall not affect the validity of the remaining provisions, which shall remain in force and effect.

PASSED BY A MAJORITY OF THE CITY COUNCIL AT A MEETING HELD ON THE ____ DAY OF ____, 2022.

CITY OF BLACK DIAMOND:

Carol Benson, Mayor

Attest:

Brenda L. Martinez, City Clerk

APPROVED AS TO FORM:

David Linehan, City Attorney

Published: _____

Posted: _____

Effective Date: _____