

## Chapter 13.10

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**13.10.010 Scope of chapter.**

This chapter contains definitions of technical and procedural terms used throughout this title. (Ord. O2011-304 § 1 (Att. A))

**13.10.020 Adjustment.**

“Adjustment” means a department-approved variation in the application of the requirements of Chapter 13.20 SMC and the Surface Water Design Manual to a particular project in accordance with SMC 13.20.030. “Adjustment” replaces “variance,” which was used in prior editions of the Surface Water Design Manual. (Ord. O2011-304 § 1 (Att. A))

**13.10.030 AKART.**

“AKART” means “all known, available and reasonable methods of prevention, control and treatment.” “AKART” represents the most current methodology that can be reasonably required for preventing, controlling or abating the pollutants associated with a discharge. “AKART” applies to both point and nonpoint sources of pollution. (Ord. O2011-304 § 1 (Att. A))

**13.10.040 Applicant.**

“Applicant” means a property owner or a public agency or public or private utility that owns a right-of-way or other easement or has been adjudicated the right to such an easement under RCW 8.12.090, or any person or entity designated or named in writing by the property or easement owner to be the applicant, in an application for a development proposal, permit or approval. (Ord. O2011-304 § 1 (Att. A))

**13.10.050 Basin.**

“Basin” means a geographic area that contains and drains to a stream or river named and noted on common maps, such as the Cedar River, Sammamish River, Green River, Snoqualmie River, Skykomish River or White River, or a geographic area that drains to a nonflowing water body named and noted on common maps, such as Lake Washington or Puget Sound. (Ord. O2011-304 § 1 (Att. A))

**13.10.060 Basin plan.**

“Basin plan” means a plan and all implementing regulations and procedures including, but not limited to, capital projects, public education activities and land use management regulations adopted by ordinance for managing surface and stormwater within the basin. (Ord. O2011-304 § 1 (Att. A))

**13.10.070 Best management practices.**

“Best management practices” or “BMPs” means any schedule of activities, prohibitions of practices, maintenance procedure or the best available and reasonable physical, structural, and/or managerial or behavioral activities practice approved by King County, that, when used singly or in combination, prevent, eliminate or reduce the release of pollutants and other adverse impacts contamination of ~~both~~ to surface water, stormwater and groundwaters. (Ord. O2011-304 § 1 (Att. A))

**13.10.080 City.**

“City” means City of Sammamish. (Ord. O2011-304 § 1 (Att. A))

**13.10.090 Closed depression.**

“Closed depression” means an area greater than 5,000 square feet at overflow elevation that is low-lying and that has no or such a limited surface water outlet that the area acts as a stormwater retention facility. (Ord. O2011-304 § 1 (Att. A))

**13.10.100 Clean Water Act.**

“Clean Water Act” means 33 U.S.C. 1251 et seq., as amended. (Ord. O2011-304 § 1 (Att. A))

**13.10.110 Construct or modify.**

“Construct or modify” means to install a new drainage pipe or ditch or make improvements to an existing drainage pipe or ditch, for purposes other than maintenance, that either serves to concentrate previously unconcentrated surface and stormwater runoff or serves to increase, decrease or redirect the conveyance of surface and stormwater runoff. “Construct or modify” does not include installation or maintenance of a driveway culvert installed as part of a single-family residential building permit. (Ord. O2011-304 § 1 (Att. A))

**13.10.120 Conveyance system.**

“Conveyance system” means the drainage facilities and features, both natural and constructed, that ~~collect, contain and provide for the flow of surface and stormwater from the highest points on the land down to a receiving water~~provide for the collection and transport of surface water or stormwater runoff. The natural elements of the conveyance system include swales and small drainage courses, streams, rivers, lakes and wetlands. The constructed elements of the conveyance system include gutters, ditches, pipes, catch basins, channels and most flow control and water quality treatment facilities. (Ord. O2011-304 § 1 (Att. A))

**13.10.130 Department.**

“Department” means the department of public works or its successor. (Ord. O2011-304 § 1 (Att. A))

**13.10.140 Development.**

“Development” means any activity that requires a permit or approval, including, but not limited to, a building permit, grading permit, shoreline substantial development permit, conditional use permit, special use permit, zoning variance or reclassification, subdivision, short subdivision, urban planned development, binding site plan, site development permit or right-of-way use permit. “Development” does not include a Class I, II, III or IV-S forest practice conducted in accordance with Chapter 76.09 RCW and WAC Title 222 or a Class IV-G nonconversion forest practice, as defined in Chapter 21A.15 SMC, conducted in accordance with Chapter 76.09 RCW and WAC Title 222 and a county-approved forest management plan. (Ord. O2011-304 § 1 (Att. A))

**13.10.150 Developed parcel.**

“Developed parcel” means any parcel altered from the natural state by the construction, creation or addition of impervious surfaces. (Ord. O2011-304 § 1 (Att. A))

**13.10.160 Director.**

“Director” means the director of the City of Sammamish department of public works, other department directors specified in enforcement procedures established in accordance with the Sammamish Municipal Code, or any designee of those directors. (Ord. O2011-304 § 1 (Att. A))

**13.10.170 Division.**

“Division” means the department of public works, engineering division or its successor agency. (Ord. O2011-304 § 1 (Att. A))

**13.10.180 Discharge.**

“Discharge” means runoff, excluding offsite flows, leaving the proposed development through overland flow, built conveyance systems, or infiltration facilities~~throw, drain, release, dump, spill, empty, emit, or pour forth any matter or to cause or allow matter to flow, run or seep from land or be thrown, drained, released, dumped, spilled, emptied, emitted or poured into water~~. (Ord. O2011-304 § 1 (Att. A))

**13.10.190 Drainage.**

“Drainage” means the collection, conveyance, containment or discharge, or any combination thereof, of surface and stormwater runoff. (Ord. O2011-304 § 1 (Att. A))

**13.10.200 Drainage facility.**

“Drainage facility” means a constructed or engineered feature that collects, conveys, stores or treats surface and stormwater runoff. “Drainage facility” includes, but is not limited to, a constructed or engineered stream, lake, wetland, or closed depression, or a pipe, channel, ditch, gutter, flow control facility, flow control BMP, water quality facility, erosion and sediment control facility, and any other structure and appurtenance that provides for drainage pipelines, channels, ditches, swamps, lakes, wetlands, closed depressions, infiltration facilities, flow control facilities, erosion/sedimentation control facilities and other drainage structures and appurtenances, both natural and constructed. (Ord. O2011-304 § 1 (Att. A))

**13.10.210 Drainage review.**

“Drainage review” means an evaluation by City staff of a proposed project’s compliance with the drainage requirements in the Surface Water Design Manual. The types of drainage review include: small-Simplified Drainage Review, Tproject drainage review, targeted dDrainage reviewReview, Directed Drainage Review, full-Full drainage-Drainage review-Review and large-Large project-Project drainage-Drainage reviewReview. (Ord. O2011-304 § 1 (Att. A))

**13.10.220 Effective impervious areasurface.**

“Those impervious surfaces that are connected via sheet flow or discrete conveyance to a drainage system. Impervious surfaces are considered ineffective if: 1) the runoff is fully dispersed as described in Appendix C of this manual; 2) residential roof runoff is infiltrated in accordance with the full infiltration BMP described in the Surface Water Design Manual; or 3) approved continuous runoff modeling methods indicate that the entire runoff file is infiltrated. Effective impervious area” means the portion of actual impervious area that is connected, or has the effect of being connected as defined in the Surface Water Design Manual, directly to the stormwater drainage system via surface flow or discrete conveyances such as pipes, gutters or ditches. (Ord. O2011-304 § 1 (Att. A))

**13.10.230 Erosion and sediment control.**

“Erosion and sediment control” means any temporary or permanent measures taken to reduce erosion, control siltation and sedimentation and ensure that sediment-laden water does not leave the site or enter into wetlands or aquatic areas. (Ord. O2011-304 § 1 (Att. A))

**13.10.240 Farm management plan.**

“Farm management plan” means a comprehensive site-specific plan developed by the farm owner in cooperation with the King Conservation District taking into consideration the land owners’ objectives while protecting water quality and related natural resources. (Ord. O2011-304 § 1 (Att. A))

**13.10.250 Financial guarantee.**

“Financial guarantee” means a form of financial security posted to do one or more of the following: ensure timely and proper completion of improvements; ensure compliance with the Sammamish Municipal Code; or provide secured warranty of materials, workmanship of improvements and design. “Financial guarantees” include assignments of funds, cash deposit, surety bonds or other forms of financial security acceptable to the director. “Performance guarantee,” “maintenance guarantee” and “defect guarantee” are considered subcategories of financial guarantee. (Ord. O2011-304 § 1 (Att. A))

**13.10.260 Flood hazard reduction plan.**

“Flood hazard reduction plan” means a plan and all implementing programs, regulations and procedures including, but not limited to, capital projects, public education activities and enforcement programs for reduction of flood hazards and prepared in accordance with RCW 86.12.200. (Ord. O2011-304 § 1 (Att. A))

**13.10.270 Flow control best management practice.**

“Flow control best management practice” ~~means a method or design for dispersing, infiltrating or otherwise reducing or preventing development-related increases in surface and stormwater runoff at, or near, the sources of those increases.~~ means a small scale drainage facility or feature that is part of a development site strategy to use processes such as infiltration, dispersion, storage, evaporation, transpiration, forest retention, and reduced impervious surface footprint to mimic pre-developed hydrology and minimize stormwater runoff. “Flow control best management practice” includes the methods and designs specified in the Surface Water Design Manual. (Ord. O2011-304 § 1 (Att. A))

**13.10.280 Flow control facility.**

“Flow control facility” means a drainage facility designed to mitigate the impacts of increased surface and stormwater runoff generated by site development in accordance with the drainage requirements in this chapter. A flow control facility is designed either to hold water for a considerable length of time and then release it by any combination of evaporation, plant transpiration or infiltration into the ground or to hold runoff for a short period of time and then release it to the conveyance system. (Ord. O2011-304 § 1 (Att. A))

**13.10.290 Forest practices.**

“Forest practices” means any activity conducted on or directly pertaining to forest land and relating to growing, harvesting, or processing timber, as defined in Chapter 222-16 WAC. (Ord. O2011-304 § 1 (Att. A))

**13.10.300 Full drainage review.**

“Full drainage review” means the evaluation required by Chapter 13.20 SMC for any proposed project, unless the project is subject to ~~small-simplified project~~ drainage review, targeted drainage review, direct drainage review or large project drainage review, that:

- (1) Would result in 2,000 square feet or more of new plus replaced impervious surface; or
- (2) ~~Would result in 7,000 square feet or more of land disturbing activity.~~ ould result in 35,000 square feet or more of new pervious surface; or
- (3) ~~Is a redevelopment project on one or more parcels where the total of new and replaced impervious surface is 5,000 square feet or more and when the valuation of proposed improvements exceeds 50 percent of the assessed value of the existing site improvements, including interior improvements and excluding required mitigation and frontage improvements. (Ord. O2011-304 § 1 (Att. A))~~

**13.10.310 Groundwater.**

“Groundwater” means all waters that exist beneath the land surface or beneath the bed of any ~~stream, lake or reservoir or other body of surface water, whatever may be the geological formation or structure in which such water stands or flows, percolates or otherwise moves.~~ (Ord. O2011-304 § 1 (Att. A))

**13.10.320 High-use site.**

“High-use site” means a commercial, industrial or road intersection site that generates a higher than average number of vehicle turnovers or has other characteristics that generate the potential for chronic oil accumulation. “High-use site” includes:

(1) A commercial or industrial site subject to:

(a) An expected daily traffic count greater than 100 vehicles per 1,000 square feet of gross building area;

(b) Petroleum storage or transfer in excess of 1,000-500 gallons per year, not including routine fuel oil storage or transfer; or

(c) Use, storage or maintenance of a fleet of 25 or more diesel vehicles each weighing over 10 tons; or

(2) A road intersection with average daily traffic counts of 25,000 vehicles or more on the main roadway and 15,000 or more vehicles on any intersecting roadway, excluding pedestrian or bicycle use improvement projects. (Ord. O2011-304 § 1 (Att. A))

**13.10.330 Hydraulically connected.**

“Hydraulically connected” means connected through surface flow or water features such as wetlands or lakes. (Ord. O2011-304 § 1 (Att. A))

**13.10.340 Impervious surface.**

“Impervious surface” ~~means a hard surface area that either prevents or retards the entry of water into the soil mantle as under natural conditions before development; or that causes water to run off the surface in greater quantities or at an increased rate of flow compared to the flow present under natural conditions prior to development (see also "new impervious surface"). Common impervious surfaces include, but are not limited to, roof, walkways, patios, driveways, parking lots, or storage areas, areas that are paved, graveled or made of packed or oiled earthen materials or other surfaces that similarly impede the natural infiltration of surface water or stormwater. For the purposes of applying the impervious surface thresholds and exemptions contained in the Surface Water Design Manual, permeable pavement, vegetated roofs, and pervious surfaces with underdrains designed to collect stormwater runoff are considered impervious surface while an open uncovered flow control or water quality facility is not . However, for the purposes of computing runoff, uncovered flow control or water quality facilities shall be modeled as impervious surfaces as specified in Chapter 3 of the Surface Water Design Manual.~~ means a hard surface area which either prevents or retards the entry of water into the soil mantle as it entered 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, roofs, walkways, patios, driveways, parking lots, storage areas, areas which are paved, graveled or made of packed or oiled earthen materials or other surfaces which similarly impede the natural infiltration of surface and stormwater. Open, uncovered flow control facilities shall not be considered as impervious surfaces for the purpose of this chapter. (Ord. O2011-304 § 1 (Att. A))

**13.10.350 Improvement.**

“Improvement” means a permanent, human-made, physical change to land or real property including, but not limited to, buildings, streets, driveways, sidewalks, crosswalks, parking lots, water mains, sanitary and storm sewers, drainage facilities and landscaping. (Ord. O2011-304 § 1 (Att. A))

**13.10.360 Land disturbing activity.**

“Land disturbing activity” means an activity that results in a change in the existing soil cover, both vegetative and nonvegetative, or to the existing soil topography. “Land disturbing activity” includes, but is not limited to, demolition, construction, clearing, grading, filling, excavation and compaction. “Land disturbing activity” does not include tilling conducted as part of agricultural practices, landscape maintenance or gardening. (Ord. O2011-304 § 1 (Att. A))

**13.10.370 Land use code.**

“Land use code” means restrictions on the type of development for a specific parcel of land as identified by records maintained by the City of Sammamish as modified or supplemented by information resulting from investigation by the division. Land use codes are preliminary indicators of the extent of impervious surface and are used in the initial analysis to assign an appropriate rate category for a specific parcel. (Ord. O2011-304 § 1 (Att. A))

**13.10.380 Lake management plan.**

“Lake management plan” means a plan describing the lake management recommendations and requirements adopted by public rule for managing water quality within individual lake basins. Adopted lake management plans are available from the department. (Ord. O2011-304 § 1 (Att. A))

**13.10.390 Large project drainage review.**

“Large project drainage review” means the evaluation required by Chapter 13.20 SMC for any proposed project that:

(1) Has an urban plan development land use designation in the Sammamish comprehensive plan land use map;

(2) Would, at full buildout of the project site, result in 50 acres or more of new impervious surface within a drainage subbasin or a number of subbasins hydraulically connected across subbasin boundaries; or

(3) Has a project site of 50 acres or more within a critical aquifer recharge area, as defined in SMC Title 21A. (Ord. O2011-304 § 1 (Att. A))

**13.10.400 Licensed civil engineer.**

“Licensed civil engineer” means a person registered with the state of Washington as a professional engineer in civil engineering. (Ord. O2011-304 § 1 (Att. A))

**13.10.410 Maintenance.**

“Maintenance” means those usual activities taken to prevent a decline, lapse or cessation in the use of currently serviceable structures, facilities, equipment or systems, if there is no expansion of the structure, facilities, equipment or system and there are no significant hydrologic impacts.

“Maintenance” includes the repair or replacement of nonfunctional facilities or the replacement of existing structures with different types of structures, if the repair or replacement is required by one or more environmental permits or to meet current engineering standards and the functioning characteristics of the original facility or structure are not changed. (Ord. O2011-304 § 1 (Att. A))

**13.10.420 Master drainage plan.**

“Master drainage plan” means a comprehensive drainage control plan [for projects subject to large project drainage review and](#) intended to prevent significant adverse impacts to [surface water and](#)

groundwater, the natural and constructed drainage system, both on and off site. (Ord. O2011-304 § 1 (Att. A))

**13.10.430 National Pollutant Discharge Elimination System.**

“National Pollutant Discharge Elimination System” or “NPDES” means the national program for controlling pollutants from point source discharges directly into waters of the United States under the Clean Water Act. (Ord. O2011-304 § 1 (Att. A))

**13.10.440 National Pollutant Discharge Elimination System permit.**

“National Pollutant Discharge Elimination System permit” means an authorization, license or equivalent control document issued by the Environmental Protection Agency or the Washington State Department of Ecology to implement the requirements of the NPDES program. (Ord. O2011-304 § 1 (Att. A))

**13.10.450 Native vegetated surface.**

“Native vegetated surface” means a surface in which the soil conditions, ground cover and species of vegetation are like those of the original native condition for the site, as more specifically set forth in the Surface Water Design Manual. (Ord. O2011-304 § 1 (Att. A))

**13.10.460 Natural discharge location.**

“Natural discharge location” means the location where runoff leaves the project site under existing site conditions as defined in the Surface Water Design Manual. (Ord. O2011-304 § 1 (Att. A))

**13.10.470 Natural surface water drainage system.**

“Natural surface water drainage system” means such landscape features as rivers, streams, lakes and wetlands. This system circulates water in a complex hydrological cycle. (Ord. O2011-304 § 1 (Att. A))

**13.10.480 New impervious surface.**

“New impervious surface” means the creation of a hard or compacted surface such as roofs, pavement, gravel or dirt or the addition of a more compacted surface such as the paving of existing dirt or gravel. Permeable pavement and vegetated roofs are considered new impervious surface for purposes of determining whether the thresholds for application of minimum requirements are exceeded, as are lawns, landscaping, sports fields, golf courses, and other areas that have modified runoff characteristics resulting from the addition of underdrains designed to collect stormwater runoff. Open, uncovered retention/detention facilities shall not be considered impervious surfaces for purposes 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. (Ord. O2011-304 § 1 (Att. A))

**13.10.490 New pervious surface.**

“New pervious surface” means the conversion of a native vegetated surface or other native surface to a nonnative pervious surface, including, but not limited to, pasture land, grassland, cultivated land, lawn, landscaping or bare soil or any alteration of existing nonnative pervious surface that results in increased surface and stormwater runoff as defined in the Surface Water Design Manual. (Ord. O2011-304 § 1 (Att. A))

**13.10.500 Open space.**

“Open space” means any parcel, property or portion thereof classified for current use taxation under Chapter 20.36 KCC and Chapter 84.34 RCW, or for which the development rights have been sold to King County under Chapter 26.04 KCC. This definition includes lands which have been classified as open

space, agricultural or timber lands under criteria contained in Chapter 20.36 KCC and Chapter 84.34 RCW. (Ord. O2011-304 § 1 (Att. A))

**13.10.510 Parcel.**

“Parcel” means the smallest separately segregated unit or plot of land having an identified owner, boundaries and surface area which is documented for property tax purposes and given a tax lot number by the King County assessor. (Ord. O2011-304 § 1 (Att. A))

**13.10.520 Person.**

“Person” means an individual and his or her agent or assign, municipality, political subdivision, government agency, partnership, corporation, business or any other entity. (Ord. O2011-304 § 1 (Att. A))

**13.10.525 Pervious surface.**

“Pervious surface” means any surface material that allows stormwater to infiltrate into the ground. Examples include lawn, landscape, pasture, and native vegetation areas. Note for purposes of threshold determination and runoff volume modeling for detention and treatment, vegetated roofs and permeable pavements are to be considered impervious surfaces along with lawns, landscaping, sports fields, golf courses, and other areas that have modified runoff characteristics resulting from the addition of underdrains.

**13.10.530 Pollution-generating impervious surface.**

“Pollution-generating impervious surface” means an impervious surface considered to be a significant source of pollutants in surface and stormwater runoff. “Pollution-generating impervious surface” includes those surfaces subject to vehicular use or storage of erodible or leachable materials, wastes or chemicals and that receive direct rainfall or the run-on or blow-in of rainfall. A covered parking area would be included if runoff from uphill could regularly run through it or if rainfall could regularly blow in and wet the pavement surface. Metal roofs are also considered pollution-generating impervious surfaces unless they are treated to prevent leaching. Pollution-generating impervious surfaces include roofs that are exposed to the venting of significant amounts of dusts, mists, or fumes from manufacturing, commercial, or other indoor activities. They also include vegetated roofs exposed to pesticides, fertilizers, or loss of soil. Lawns, landscaping, sports fields, golf courses, and other areas that have modified runoff characteristics resulting from the addition of underdrains that have the pollution-generating characteristics described under the “pollution-generating pervious surface” definition are also considered PGIS. (Ord. O2011-304 § 1 (Att. A))

**13.10.540 Pollution-generating pervious surface.**

“Pollution-generating pervious surface” means a nonimpervious surface considered to be a significant source of pollutants in surface and stormwater runoff. “Pollution-generating pervious surfaces” include surfaces subject to the use of pesticides and fertilizers, to the use or storage of erodible or leachable materials, wastes or chemicals or to the loss of soil. “Pollution-generating pervious surface” includes, but is not limited to, the lawn and landscaped areas of a residential or commercial site, golf course, park sports field and City-standard grassed modular grid pavement. (Ord. O2011-304 § 1 (Att. A))

**13.10.550 Project.**

“Project” means any proposed action to alter or develop a site that may also require drainage review. (Ord. O2011-304 § 1 (Att. A))

**13.10.560 Project site.**

“Project site” means the portion of a site and any off-site areas subject to proposed project activities, alterations and improvements including those required by this chapter. (Ord. O2011-304 § 1 (Att. A))

**13.10.570 Rate category.**

“Rate category” means the classification in this chapter given to a parcel in the service area based upon the type of land use on the parcel and the percentage of impervious surface area contained on the parcel. (Ord. O2011-304 § 1 (Att. A))

**13.10.580 Redevelopment project.**

“Redevelopment project” means a project that proposes to add, replace or modify impervious surface for purposes other than a residential subdivision or maintenance on a site that:

- (1) Is already substantially developed in a manner that is consistent with its current zoning or with a legal nonconforming use; or
- (2) Has an existing impervious surface coverage of 35 percent or more. (Ord. O2011-304 § 1 (Att. A))

**13.10.590 Replaced impervious surface.**

“Replaced impervious surface” means an existing impervious surface proposed to be removed and reestablished as impervious surface, excluding impervious surface removed for the sole purpose of installing utilities or performing maintenance on underground infrastructure. For structures, removed means the removal of buildings down to the foundation. For other impervious surfaces, removed means the removal down to base course or bare soil. It does not include the removal of pavement material through grinding or other surface modification unless the entire layer of PCC or AC is removed. Replaced impervious surface also includes impervious surface that is moved from one location to another on the project site where the following two conditions are met: (A) the area from which the impervious surface is moved from will be restored to the same or better runoff discharge characteristics as the area being covered by the moved impervious surface, and (B) impervious surface at the new location is either designated as non- pollution generating or the pollution generating characteristics remain unchanged compared to that of the original location. ~~For purposes of this definition, “removed” includes the removal of buildings down to bare soil or the removal of Portland cement concrete slabs or pavement or asphaltic concrete pavement.~~ (Ord. O2011-304 § 1 (Att. A))

**13.10.600 Residence.**

“Residence” means a building or structure or portion thereof, designed for and used to provide a place of abode for human beings. The term residence includes the term “residential” or “residential unit” as referring to the type of or intended use of a building or structure. (Ord. O2011-304 § 1 (Att. A))

**13.10.610 Residential parcel.**

“Residential parcel” means any parcel which contains no more than three residences or three residential units which are within a single structure and is used primarily for residential purposes. (Ord. O2011-304 § 1 (Att. A))

**13.10.620 Runoff.**

“Runoff” means that portion of water originating from rainfall and other precipitation that flows over the surface or just below the surface from where it fell and is found in drainage facilities, rivers, streams, springs, seeps, ponds, lakes, wetlands and shallow groundwater as well as on ground surfaces. For the purpose of this definition, groundwater means all waters that exist beneath the land surface or beneath the bed of any stream, lake or reservoir, or other body surface water, whatever may be the geological

formation or structure in which such water stands or flows, percolates or otherwise moves. (Ord. O2011-304 § 1 (Att. A))

**13.10.630 Salmon conservation plan.**

“Salmon conservation plan” means a plan and all implementing regulations and procedures including, but not limited to, land use management adopted by ordinance, capital projects, public education activities and enforcement programs for conservation and recovery of salmon within a water resource inventory area designated by the state under WAC 173-500-040. (Ord. O2011-304 § 1 (Att. A))

**13.10.640 Shared facility.**

“Shared facility” means a drainage facility designed to meet one or more of the requirements of Chapter 13.20 SMC for two or more separate projects contained within a basin. Shared facilities usually include shared financial commitments for those drainage facilities. (Ord. O2011-304 § 1 (Att. A))

**13.10.650 Service area.**

“Service area” means the incorporated City of Sammamish. (Ord. O2011-304 § 1 (Att. A))

**13.10.655 Simplified drainage review.**

“Simplified drainage review” means the drainage review for a proposed single family residential project or agricultural project that: results in less than 5,000 square feet of new plus replaced pollution generating impervious surface, results in less than ¼ acre of pollution generating pervious surface, limits target impervious and pervious surface as specified in the Surface Water Design Manual, and meets the simplified drainage requirements specified in Appendix C of the Surface Water Design Manual, including flow control best management practices, erosion and sediment control measures, and drainage plan submittal requirements.

**13.10.660 Site.**

“Site” means a single parcel, or two or more contiguous parcels that are under common ownership or documented legal control, used as a single parcel for a proposed project for purposes of applying for authority from the City of Sammamish to carry out a proposed project. For projects located primarily within dedicated rights-of-way, “site” includes the entire width of right-of-way subject to improvements proposed by the project. (Ord. O2011-304 § 1 (Att. A))

**~~13.10.670 Small project drainage review.~~**

~~“Small project drainage review” means the drainage review for a proposed single family residential project or agricultural project that:-~~

~~(1) Would result in:-~~

~~(a) Ten thousand square feet or less of total impervious surface added on or after January 8, 2001;-  
or-~~

~~(b) Four percent or less of total impervious surface on a site as specified in the Surface Water Design Manual; and-~~

~~(2) Meets the small project drainage requirements specified in the Surface Water Design Manual, including flow control best management practices, erosion and sediment control measures and drainage plan submittal requirement; and-~~

~~(3) Limits new pervious surface as specified in the Surface Water Design Manual. (Ord. O2011-304 § 1 (Att. A))~~

**13.10.680 Source control BMP.**

“Source control BMP” means a BMP intended to prevent contaminants from entering surface and stormwater or groundwater including the modification of processes to eliminate the production or use of contaminants. “Source control BMPs” can be either structural or nonstructural. Structural source control BMPs involve the construction of a physical structure on site, or other type of physical modification to a site. An example of a structural source control BMP is building a covered storage area. A nonstructural source control BMP involves the modification or addition of managerial or behavioral practices. An example of a nonstructural source control BMP is using less toxic alternatives to current products or sweeping parking lots. (Ord. O2011-304 § 1 (Att. A))

**13.10.690 State Waste Discharge Permit.**

“State Waste Discharge Permit” means an authorization, license, or equivalent control document issued by the Washington State Department of Ecology in accordance with Chapter 173-216 WAC. (Ord. O2011-304 § 1 (Att. A))

**13.10.700 Stormwater compliance plan.**

“Stormwater compliance plan” means a plan or study and all regulations and procedures that have been adopted by the City to implement the plan or study, including, but not limited to, capital projects, public education activities and enforcement programs for managing stormwater quantity and quality discharged from the City’s municipal separate storm sewer system in compliance with the National Pollutant Discharge Elimination System permit program under the Clean Water Act. (Ord. O2011-304 § 1 (Att. A))

**13.10.710 Stormwater plan.**

“Stormwater plan” means a City of Sammamish ordinance specifying the stormwater control facilities that will be funded by a bond issue. (Ord. O2011-304 § 1 (Att. A))

**13.10.720 Stormwater Pollution Prevention Manual.**

“Stormwater Pollution Prevention Manual” means the manual adopted in accordance with Chapter 2.55 SMC, and supporting documentation referenced or incorporated in the manual, describing best management practices and procedures for existing facilities and existing and new activities not covered by the Surface Water Design Manual. (Ord. O2011-304 § 1 (Att. A))

**13.10.730 Subbasin.**

“Subbasin” means a geographic area that:

- (1) Drains to a stream or water body named and noted on common maps; and
- (2) Is contained within the basin of the stream or water body. (Ord. O2011-304 § 1 (Att. A))

**13.10.740 Surface and stormwater.**

“Surface and stormwater” means water originating from rainfall and other precipitation that is found on ground surfaces and in drainage facilities, rivers, streams, springs, seeps, ponds, lakes, wetlands, as well as shallow groundwater. (Ord. O2011-304 § 1 (Att. A))

**13.10.750 Surface and stormwater management services.**

“Surface and stormwater management services” means the services provided by the surface water management program, including but not limited to basin planning, facilities maintenance, regulation, financial administration, public involvement, drainage investigation and enforcement, aquatic resource restoration, surface and stormwater quality and environmental monitoring, natural surface water drainage system planning, intergovernmental relations and facility design and construction. (Ord. O2011-304 § 1 (Att. A))

**13.10.760 Surface and stormwater management system.**

“Surface and stormwater management system” means constructed drainage facilities and any natural surface water drainage features that do any combination of collection, storing, controlling, treating or conveying surface and stormwater. (Ord. O2011-304 § 1 (Att. A))

**13.10.770 Surface Water Design Manual.**

“Surface Water Design Manual” means the manual, and supporting documentation referenced or incorporated in the manual, describing surface and stormwater design and analysis requirements, procedures and guidance that has been formally adopted by rule under the procedures in Chapter 2.55 SMC. The Surface Water Design Manual is available from the department of public works or its successor agency. (Ord. O2011-304 § 1 (Att. A))

**13.10.780 Surface water management fee protocols.**

“Surface water management fee protocols” or “SWM fee protocols” means the surface water management fee standards and procedures that have been formally adopted by rule under the procedures specified in Chapter 2.55 SMC. The SWM fee protocols are available from the department of public works or its successor agency. (Ord. O2011-304 § 1 (Att. A))

**13.10.790 Treatment BMP.**

“Treatment BMP” means a BMP intended to remove contaminants once they are already contained in stormwater. Examples of treatment BMPs include oil/water separators, biofiltration swales and wetponds. (Ord. O2011-304 § 1 (Att. A))

**13.10.800 Targeted drainage review.**

“Targeted drainage review” means an abbreviated evaluation required by Chapter 13.20 SMC for certain types of proposed projects that are not subject to full or large project drainage review. Targeted drainage review may be required for some projects in ~~small-simplified project~~ drainage review. (Ord. O2011-304 § 1 (Att. A))

**13.10.810 Undeveloped parcel.**

“Undeveloped parcel” means any parcel which has not been altered from its natural state by the construction, creation or addition of impervious surface. (Ord. O2011-304 § 1 (Att. A))

**13.10.820 Water quality ~~treatment~~ facility.**

“Water quality ~~treatment~~ facility” means a drainage facility designed to mitigate the impacts of increased pollutants in stormwater runoff generated by site development. A water quality facility uses processes that include but are not limited to settling, filtration, adsorption, and absorption to decrease pollutant concentrations and loadings in stormwater runoff. ~~means a drainage facility designed to reduce pollutants once they are already contained in surface and stormwater runoff. Water quality treatment facilities are the structural component of best management practices. When used singly or in combination, water quality treatment facilities reduce the potential for contamination of either surface or groundwaters, or both.~~ (Ord. O2011-304 § 1 (Att. A))

## Chapter 13.20

### SURFACE WATER RUNOFF REGULATIONS

Sections:

- 13.20.010 Purpose.
- 13.20.020 Drainage review – When required – Type.
- 13.20.030 Drainage review – Requirements.
- 13.20.040 Critical drainage and/or critical erosion areas.
- 13.20.050 Engineering plans for the purposes of drainage review.
- 13.20.060 Construction timing and final approval.
- 13.20.070 Liability insurance required.
- 13.20.080 Financial guarantees authorized.
- 13.20.090 Drainage facilities accepted by Sammamish for maintenance.
- 13.20.100 Drainage facilities not accepted by Sammamish for maintenance.
- 13.20.110 Hazards.
- 13.20.120 Administration.
- 13.20.130 Enforcement.
- 13.20.140 Implementation, review and revision.
- 13.20.150 Severability.

#### **13.20.010 Purpose.**

The purpose of this chapter is to promote the public health, safety and welfare by providing for the comprehensive management of surface and stormwaters and erosion control, especially that which preserves and utilizes the many values of the City's natural drainage system including open space, fish and wildlife habitat, recreation, and education. By conducting programs to reduce flooding, erosion, and sedimentation; prevent and mitigate habitat loss; enhance groundwater recharge; and prevent water quality degradation through the implementation of comprehensive and thorough permit review, construction inspection, enforcement, and maintenance, the effectiveness of the requirements contained in this chapter will be promoted. (Ord. O2011-304 § 1 (Att. A))

#### **13.20.020 Drainage review – When required – Type.**

(1) Drainage review is required when any proposed project is subject to a City of Sammamish development permit or approval and:

(a) Would result in 2,000 square feet or more of new impervious surface, replaced impervious surface or new plus replaced impervious surface; or

(a.1) Would result in 500 square feet or more of new impervious surface, replace impervious surface or new plus replaced impervious surface within an historic plat as defined and mapped in Attachment B at the end of this section; or

(a.2) Would result in 500 square feet or more of new impervious surface, replaced impervious surface, or new plus replaced impervious surface within a landslide hazard drainage area as defined in SMC 21A.50.260; or the adopted Sammamish Addendum to the Surface Water Design Manual.

(b) Would involve 7,000 square feet or more of land disturbing activity; or

(c) Would construct or modify a drainage pipe or ditch that is 12 inches or more in size or depth or receives surface and stormwater runoff from a drainage pipe or ditch that is 12 inches or more in size or depth; or

(d) Contains or is adjacent to a flood hazard area as defined in SMC Title 15 or 21A; or

(e) Is located within a critical drainage area; or

(f) Is a redevelopment project proposing \$100,000 or more of improvements to an existing high-use site; or

(g) Is a redevelopment project on a site in which the total of new plus replaced impervious surface is 5,000 square feet or more and whose valuation of proposed improvements, including interior improvements and excluding required mitigation and frontage improvements, exceeds 50 percent of the assessed value of the existing site improvements.

(2) The drainage review for any proposed project shall be scaled to the scope of the project's size, type of development and potential for impacts to the regional surface water system to facilitate preparation and review of project applications. If drainage review for a proposed project is required under subsection (1) of this section, the City shall determine which of the following drainage reviews apply as specified in the Surface Water Design Manual:

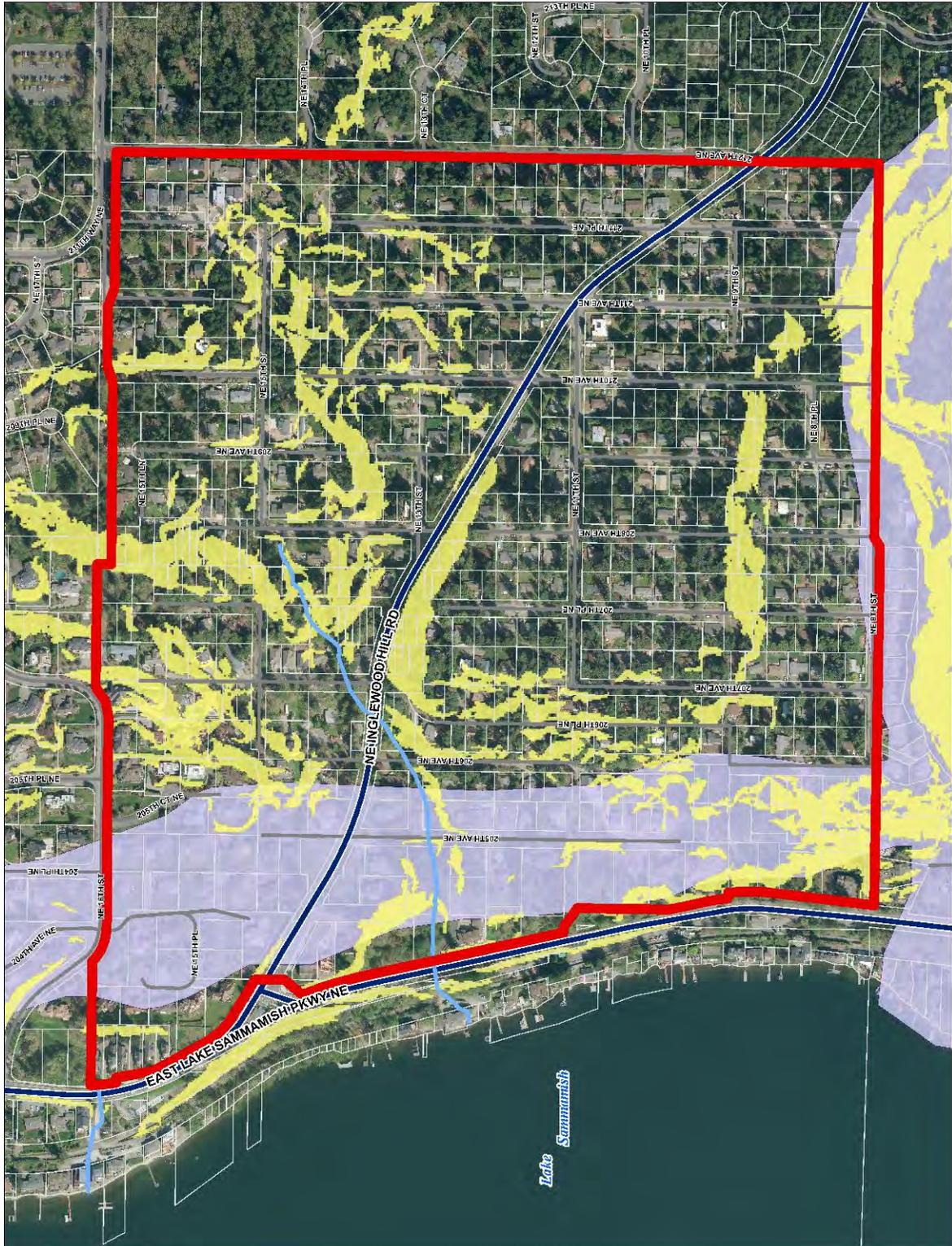
(a) ~~Small project~~Simplified drainage review;

(b) Targeted drainage review;

(c) Full drainage review; or

(d) Large project drainage review.

ATTACHMENT B



(Ord. O2015-389 § 1 (Att. A); Ord. O2011-304 § 1 (Att. A))

**13.20.030 Drainage review – Requirements.**

(1) A proposed project required to have drainage review by this chapter must meet each of the following core requirements which are described in detail in the Surface Water Design Manual. Projects subject only to ~~small projectsimplified~~ drainage review that meet the ~~small projectsimplified~~ drainage requirements specified in the Surface Water Design Manual, including flow control best management practices, erosion and sediment control measures and drainage plan submittal requirements are deemed to comply with the following core requirements:

(a) Core Requirement 1 – Discharge at the Natural Location. All surface and stormwater runoff from a project shall be discharged at the natural location so as not to be diverted onto, or away from, downstream properties. The manner in which runoff is discharged from the project site shall not create a significant adverse impact to downhill properties or drainage systems as specified in the discharge requirements of the Surface Water Design Manual;

(b) Core Requirement 2 – Off-Site Analysis. The initial application submittal for proposed projects shall include an off-site analysis report that assesses potential off-site drainage and water quality impacts associated with development of the proposed site and proposes appropriate mitigations to those impacts. This initial submittal shall include, at minimum, a level one downstream analysis as described in the Surface Water Design Manual. If impacts are identified, the proposed projects shall meet any applicable problem-specific requirements as specified in the Surface Water Design Manual;

(c) Core Requirement 3 – Flow Control. Proposed projects that would result in ~~25,000 square feet or more of new plus replaced~~ impervious surface or ~~35,000 square feet~~  $3/4$  acre or more of new pervious surface, ~~or that are redevelopment projects that would result in a total of 5,000 square feet or more of new and replaced impervious surface,~~ shall provide flow control facilities or flow control BMPs, or both, to control surface and stormwater runoff generated by new impervious surface, new pervious surface, replaced impervious surface and any existing impervious surface added on or after January 8, 2001, as specified in the Surface Water Design Manual. Flow control facilities shall meet the area-specific flow control facility requirements and the flow control facility implementation requirements applicable to the project site as specified in the Surface Water Design Manual. Flow control BMPs shall also be applied as specified in the Surface Water Design Manual. Projects subject to area-specific flow control facility requirements shall meet one of the flow control facility performance criteria listed in subsections (1)(c)(i) and (ii) of this section, as directed by the Surface Water Design Manual. The Inglewood, Thompson and Pine Lake Creek basins, and areas draining to the Beaver Lake basin, require level three flow control. The remainder of the City requires level two flow control unless downstream problems, as determined by the City of Sammamish, dictate the higher level of protection of level three flow control.

(i) Level two shall meet level one criteria and also match the predeveloped site's discharge durations for the predeveloped peak discharge rates between the 50 percent of the two-year peak flow through the 50-year peak flow; or

(ii) Level three shall meet level two criteria and also match the predeveloped site's peak discharge rate for the 100-year return period;

(d) Core Requirement 4 – Conveyance System. All engineered conveyance system elements for proposed projects shall be analyzed, designed and constructed to provide the minimum level of protection against overtopping, flooding, erosion and structural failure as specified by the

conveyance requirements for new and existing systems and conveyance implementation requirements described in the Surface Water Design Manual;

(e) Core Requirement 5 – Erosion and Sediment Control. All proposed projects that will clear, grade or otherwise disturb the site shall provide erosion and sediment control that prevents, to the maximum extent practicable, the transport of sediment from the site to drainage facilities, water resources and adjacent properties. Erosion and sediment controls shall be applied in accordance with SMC Title 16 as specified by the temporary erosion and sediment control measures and performance criteria and implementation requirements in the City of Sammamish Surface Water Design Manual;

(f) Core Requirement 6 – Maintenance and Operation. Maintenance of all drainage facilities in compliance with Sammamish maintenance standards is the responsibility of the applicant or property owner as described in the Surface Water Design Manual, except those facilities for which Sammamish assumes maintenance and operation as described in this chapter and the Surface Water Design Manual;

(g) Core Requirement 7 – Financial Guarantees and Liability. All drainage facilities constructed or modified for projects, except downspout infiltration and dispersion systems for single-family residential lots, must comply with the liability requirements of this chapter and the financial guarantee requirements of SMC Title 27A;

(h) Core Requirement 8 – Water Quality. Proposed projects that would result in 5,000 square feet or more of new plus replaced pollution generating impervious surface or ~~35,000-square-feet<sup>3/4</sup> acre~~ or more of new pollution-generating pervious surface, ~~or that are redevelopment projects that would result in a total of 5,000-square-feet-or-more-of-new-and-replaced-pollution-generating-impervious-surface,~~ shall provide water quality treatment facilities to treat polluted surface and stormwater runoff generated by new or replaced pollution-generating impervious surface, new pollution-generating pervious surface and any existing pollution-generating impervious surface added on or after January 8, 2001, as specified in the Surface Water Design Manual. However, pervious surfaces are specifically excluded if there is a good faith agreement with the King Conservation District to implement a farm management plan for agricultural uses, and pervious areas for other uses are specifically excluded if the City of Sammamish approves a landscape management plan that controls pesticides and fertilizers leaving the site. Water quality treatment facilities shall meet the area-specific water quality treatment requirements and the water quality implementation requirements applicable to the project site as specified in the Surface Water Design Manual. The facilities specified by these requirements are designed to reduce pollutant loads according to the applicable annual average performance goals listed in subsections (1)(h)(i) through (iv) of this section for 95 percent of the annual average runoff volume:

(i) For basic water quality: remove 80 percent of the total suspended solids;

(ii) For enhanced basic water quality: remove 50 percent of the total zinc;

(iii) For sensitive lake protection: remove 50 percent of the total phosphorus; and

(iv) For sphagnum bog protection: remove 50 percent of the total phosphorus and 40 percent of the total nitrate plus nitrite. The discharge shall maintain a pH of less than 6.5 and an alkalinity of less than 10 milligrams per liter.

(i) Core Requirement 9 – Flow Control BMPs. Proposed projects that would result in 2,000 square feet or more of new plus replaced impervious surface or 7,000 square feet or more of land disturbing activity shall provide onsite flow control BMPs to mitigate the impacts of surface and stormwater runoff generated by new impervious surface, new pervious surface, existing impervious surfaces, and replaced impervious surface targeted for mitigation as specified in the Surface Water Design Manual.

(2) A proposed project required by this chapter to have drainage review shall meet any of the following special requirements which apply to the site and which are described in detail in the Surface Water Design Manual. The City shall verify if a proposed project is subject to and must meet any of the following special requirements.

(a) Special Requirement 1 – Other Adopted Area-Specific Requirements. If a proposed project is in a designated critical drainage area, or is in an area included in an adopted master drainage plan, basin plan, salmon conservation plan, stormwater compliance plan, flood hazard reduction plan, lake management plan or shared facility plan, then the proposed project shall meet the applicable drainage requirements of the critical drainage area, master drainage plan, basin plan, salmon conservation plan, stormwater compliance plan, flood hazard reduction plan, lake management plan or shared facility plan;

(b) Special Requirement 2 – Floodplain/Floodway Delineation. If a proposed project contains or is adjacent to a stream, lake, wetland or closed depression, or if other City regulations require study of flood hazards relating to the proposed project, the 100-year floodplain boundaries and floodway shall be determined and delineated on the site improvement plans and profiles and any final maps prepared for the proposed project. The flood hazard study shall be prepared for as specified in the Surface Water Design Manual;

(c) Special Requirement 3 – Flood Protection Facilities. If a proposed project contains or is adjacent to a stream that has an existing flood protection facility, such as a levee, revetment or berm, or proposes to either construct a new or modify an existing flood protection facility, then the flood protection facilities shall be analyzed and designed as specified in the Surface Water Design Manual to conform with the Federal Emergency Management Agency regulations as found in 44 C.F.R.;

(d) Special Requirement 4 – Source Control. If a proposed project requires a commercial building or commercial site development permit, then water quality source controls shall be applied to prevent rainfall and runoff from coming into contact with pollutants to the maximum extent practicable. Water quality source controls shall be applied in accordance with this chapter, the Stormwater Pollution Prevention Manual and the Surface Water Design Manual. All structural source controls shall be identified on the site improvement plans and profiles or final maps prepared for the proposed project; and

(e) Special Requirement 5 – Oil Control. If a proposed project is a high-use site or is a redevelopment project proposing \$100,000 or more of improvements to an existing high-use site, then oil control shall be applied to all runoff from the high-use portion of the site as specified in the Surface Water Design Manual.

(3)(a) An adjustment to the requirements contained in this section or other requirements in the Surface Water Design Manual may be proposed. The resulting development shall be subject to all of the remaining terms and conditions of this chapter and the adjustment shall:

- (i) Produce a compensating or comparable result in the public interest; and
  - (ii) Meet this chapter's objectives of safety, function, appearance, environmental protection and maintainability based upon sound engineering judgment.
- (b) If complying with subsection (3)(a)(i) of this section will deny all reasonable use of a property, the best practicable alternative shall be obtained as determined by the director according to the adjustment process defined in the Surface Water Design Manual.
- (c) Requests for adjustments that may conflict with any other City requirement shall require review and concurrence by the applicable City department.
- (d) A request for an adjustment is a Type 1 land use decision as provided for in SMC Title 20 and shall be processed in accordance with the procedures specified in the Surface Water Design Manual.
- (e) The City may require monitoring of experimental designs and technology or untested applications proposed by the applicant in order to determine compliance with subsection (3)(a) of this section and the approved plans and conditions.
- (f) An adjustment decision may be appealed by following the appeal procedures as specified in the Surface Water Design Manual. (Ord. O2011-304 § 1 (Att. A))

**13.20.040 Critical drainage and/or critical erosion areas.**

Development in areas where the department has determined that the existing flooding, drainage and/or erosion conditions present an imminent likelihood of harm to the welfare and safety of the surrounding community shall meet special drainage requirements set by the director until such time as the community hazard is alleviated. Such conditions may include the limitation of the volume of discharge from the subject property to predevelopment levels, preservation of wetlands or other natural drainage features or other controls necessary to protect against community hazard. Where alternate facility designs or methods will produce a compensating or comparable result in the public interest and which will meet this section's objectives of safety, function, appearance, environmental protection and maintainability, based upon sound engineering judgment, an adjustment to the special drainage requirements promulgated under this section may be proposed; provided, that the resulting development shall be subject to all of the remaining terms and conditions of this chapter. Where application of this section will deny all reasonable use of a property and a facility or design that produces a compensating or comparable result cannot be obtained, then a best practicable alternative may be approved by the director according to the adjustment process defined in the Surface Water Design Manual. These standards are in addition to the applicable standards of Chapter 21A.50 SMC. (Ord. O2011-304 § 1 (Att. A))

**13.20.050 Engineering plans for the purposes of drainage review.**

(1) These requirements are in addition to the submittal requirements established by Chapter 20.05 SMC.

- (a) All engineering plans shall be submitted to the City for review in accordance with the Surface Water Design Manual except those drainage plans developed by, or under the review of, the City of Sammamish department of public works for either surface and stormwater capital improvement, repair, maintenance or restoration projects or other linear government agency projects, such as roadways, railways, pipelines, utility lines and trails.

(b) If engineering plans are returned for any reason, they shall be returned to the applicant.

(c) All master drainage plans, if required, shall be submitted to the City for review in accordance with the specifications in the Surface Water Design Manual. The master drainage plan process should commence at the same time as the State Environmental Policy Act (SEPA) process.

(d) Drainage plans not subject to review by the City under subsection (1)(a) of this section shall be reviewed by the department of public works in accordance with this chapter. Project applicability and compliance with this chapter shall be documented in writing and available for review.

(2) The expiration time frames as specified in the Surface Water Design Manual shall apply to all permit and approval applications.

(3) All plans shall be processed in accordance with the review procedures specified in the Surface Water Design Manual.

(4) Submittal procedures, definitions and specifications for the required contents of engineering plans are presented in the Surface Water Design Manual. (Ord. O2011-304 § 1 (Att. A))

**13.20.060 Construction timing and final approval.**

(1) No work related to permanent or temporary storm drainage control for a permitted development may proceed without the approval of the director.

(2) Erosion and sediment control measures associated with both the interim and permanent drainage systems shall be:

(a) Constructed in accordance with the approved plan prior to any grading or land clearing other than that associated with an approved erosion and sediment control plan; and

(b) Satisfactorily sequenced and maintained until all improvements, restoration, and landscaping associated with the permit and approvals for the project are completed and the potential for on-site erosion has passed.

(3) The applicant shall have constructed and have in operation those portions of the drainage facilities necessary to accommodate the control of surface and stormwater runoff discharging from the site before the construction of any other improvements or buildings on the site, or in accordance with SMC Title 19A. (Ord. O2011-304 § 1 (Att. A))

**13.20.070 Liability insurance required.**

The applicant required to construct the drainage facility pursuant to this chapter shall maintain a combined single limit per occurrence liability policy in the amount established annually by the City, which shall name City as an additional insured and protect the City from liability relating to the construction or maintenance of the facility until construction approval or acceptance for maintenance, whichever is last. Proof of this required liability policy shall be provided to the director prior to commencing construction of any drainage facility. If this liability insurance is not kept in effect as required, the City may initiate enforcement action pursuant to SMC Title 23. (Ord. O2011-304 § 1 (Att. A))

**13.20.080 Financial guarantees authorized.**

The City is authorized to require all applicants issued permits or approvals under the provisions of this title to post financial guarantees consistent with the provisions of SMC Title 27A. (Ord. O2011-304 § 1 (Att. A))

**13.20.090 Drainage facilities accepted by Sammamish for maintenance.**

(1) The City is responsible for the maintenance, including performance and operation, of drainage facilities which have formally been accepted for maintenance by the director.

(2) The City may assume maintenance of privately maintained drainage facilities only if the following conditions have been met:

(a) All necessary easements or dedications entitling the City to properly maintain the drainage facility have been conveyed to the City;

(b) The director has determined that the facility is in the dedicated public road right-of-way or that maintenance of the facility will contribute to protecting or improving the health, safety and welfare of the community based upon review of the existence of or potential for:

(i) Flooding,

(ii) Downstream erosion,

(iii) Property damage due to improper function of the facility,

(iv) Safety hazard associated with the facility,

(v) Degradation of water quality or in-stream resources, or

(vi) Degradation to the general welfare of the community; and

(c) The director has declared in writing acceptance of maintenance responsibility by the City. Copies of this document will be kept on file in the department of public works.

(3) The director may terminate the department's assumption of maintenance responsibilities in writing after determining that continued maintenance will not significantly contribute to protecting or improving the health, safety and welfare of the community based upon review of the existence of or potential for:

(a) Flooding;

(b) Downstream erosion;

(c) Property damage due to improper function of the facility;

(d) Safety hazard associated with the facility;

(e) Degradation of water quality or in-stream resources; or

(f) Degradation to the general welfare of the community.

Copies of this document will be kept on file in the department of public works.

(4) A drainage facility which does not meet the criteria of this section shall remain the responsibility of the applicant required to construct the facility and persons holding title to the property for which the facility was required. (Ord. O2011-304 § 1 (Att. A))

**13.20.100 Drainage facilities not accepted by Sammamish for maintenance.**

(1) The person or persons holding title to the property and the applicant required to construct a drainage facility shall remain responsible for the facility's continual performance, operation and maintenance in accordance with the standards and requirements of the department and remain responsible for any liability as a result of these duties. This responsibility includes maintenance of a drainage facility which is:

- (a) Under a maintenance guarantee or defect guarantee;
- (b) A private road conveyance system;
- (c) Released from all required financial guarantees prior to July 7, 1980;
- (d) Located within and serving only one single-family residential lot;
- (e) Located within and serving a multifamily or commercial site unless the facility is part of an approved shared facility plan;
- (f) Located within or associated with a short subdivision or subdivision which handles runoff from an area of which less than two-thirds is designated for detached or townhouse dwelling units located on individual lots unless the facility is part of an approved shared facility plan;
- (g) Previously terminated for assumption of maintenance responsibilities by the department in accordance with this chapter; or
- (h) Not otherwise accepted by the City for maintenance.

(2) Prior to the issuance of any of the permits for any multifamily or commercial project required to have a flow control or water quality treatment facility, the applicant shall record a declaration of covenant as specified in the Surface Water Design Manual. The restrictions set forth in such covenant shall include, but not be limited to, provisions for notice to the persons holding title to the property of a City determination that maintenance and/or repairs are necessary to the facility and a reasonable time limit in which such work is to be completed.

(a) In the event that the titleholders do not effect such maintenance and/or repairs, the City may perform such work upon due notice. The titleholders are required to reimburse the City for any such work. The restrictions set forth in such covenant shall be included in any instrument of conveyance of the subject property and shall be recorded with the records and licensing services division of King County.

(b) The City may enforce the restrictions set forth in the declaration of covenant provided in the Surface Water Design Manual.

(3) Prior to the issuance of any of the permits and/or approvals for the project or the release of financial guarantees posted to guarantee satisfactory completion, the person or persons holding title to the subject property for which a drainage facility was required shall pay a fee established by the director as set forth in the City resolution to reasonably compensate the City for costs relating to inspection of the

facility to ensure that it has been constructed according to plan and applicable specifications and standards.

(4) The duties specified in this section with regard to payment of inspection fees and reimbursement of maintenance costs shall be enforced against the person or persons holding title to the property for which the drainage facility was required.

(5) Where not specifically defined in this section, the responsibility for performance, operation and maintenance of drainage facilities and conveyance systems, both natural and constructed, shall be determined on a case-by-case basis. (Ord. O2011-304 § 1 (Att. A))

**13.20.110 Hazards.**

Whenever the director determines that any existing construction site, erosion and 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 City right-of-way, utilities, and/or other property owned or maintained by the City, the applicant/person to whom the permit was issued pursuant to this chapter, the owner of the property within which the drainage facility is located, the applicant/person responsible for maintenance of the facility, and/or other person or agent in control of said property, upon receipt of notice in writing from the director shall within the period specified therein repair or otherwise address the cause of the hazardous situation in conformance with the requirements of this chapter.

Should the director have reasonable cause to believe that the situation is so adverse as to preclude written notice, the director may take the measures necessary to eliminate the hazardous situation; provided, that the director shall first make a reasonable effort to locate the owner before acting. In such instances the applicant of whom a drainage plan was required pursuant to this chapter, the owner of the property and/or the person responsible for the maintenance of the facility shall be obligated for the payment of all costs incurred. If costs are incurred and a financial guarantee pursuant to this chapter or other City requirement has been posted, the director shall have the authority to collect against the financial guarantee to cover costs incurred. (Ord. O2011-304 § 1 (Att. A))

**13.20.120 Administration.**

(1) Administration.

(a) The director is authorized to promulgate and adopt administrative rules under the procedures specified in Chapter 2.55 SMC, for the purpose of implementing and enforcing the provisions of this chapter. Adopted administrative rules are available to the public from the department of public works. This includes, but is not limited to, the Surface Water Design Manual.

(b) The director is authorized to develop procedures for applying adopted rules and regulations during the review of permit applications for the development of land. These procedures may also be contained in the Surface Water Design Manual.

(2) Inspections. The director is authorized to make such inspections and take such actions as may be required to enforce the provisions of this chapter.

(3) Right of Entry. Whenever necessary to make an inspection to enforce any of the provisions of this chapter, monitor for proper function of drainage facilities or whenever the director has reasonable cause to believe that violations of this chapter are present or operating on a subject property or portion thereof, the director may enter such premises at all reasonable times to inspect the same or perform

any duty imposed upon the director by this chapter; provided, that if such premises or portion thereof is occupied, the director shall first make a reasonable effort to locate the owner or other person having charge or control of the premises or portion thereof and demand entry.

(4) Access. Proper ingress and egress shall be provided to the director to inspect, monitor or perform any duty imposed upon the director by this chapter. The director shall notify the responsible party in writing of failure to comply with this access requirement. Failing to obtain a response within seven days from the receipt of notification, the director may order the work required completed or otherwise address the cause of improper access. The obligation for the payment of all costs that may be incurred or expended by the City in causing such work to be done shall thereby be imposed on the person holding title to the subject property. (Ord. O2011-304 § 1 (Att. A))

**13.20.130 Enforcement.**

The City is authorized to enforce the provisions of this chapter, the ordinances and resolutions codified in it, and any rules and regulations promulgated thereunder pursuant to the enforcement and penalty provisions of SMC Title 23. (Ord. O2011-304 § 1 (Att. A))

**13.20.140 Implementation, review and revision.**

The department may administer a training program for users of the Surface Water Design Manual. The department may also conduct an ongoing research program to evaluate the effectiveness of the requirements in meeting the purpose of this chapter. This research program may examine, but not be limited to, hydrologic and hydraulic analysis methods, stream geomorphologic analysis methods, water quality, best management practices and erosion and sediment control measures. (Ord. O2011-304 § 1 (Att. A))

**13.20.150 Severability.**

If any provision of this chapter or its application to any person or property is held invalid, the remainder of the chapter or the application of the provision to other persons or property shall not be affected. (Ord. O2011-304 § 1 (Att. A))