ORDINANCE NO. 003-13

AN ORDINANCE OF THE CITY OF PORT ORCHARD, WASHINGTON,
AMENDING CHAPTER 15.32 “STORMWATER MANAGEMENT” TO
AUTHORIZE PERMIT EXTENSIONS

WHEREAS, Port Orchard Municipal Code (POMC) Chapter 15.32 sets forth the
City’s stormwater management standards; and

WHEREAS, POMC sections 15.32.030 and 15.32.060 authorize the Director of
Public Works to issue certain permits with a duration not to exceed three years and grading
permits with a duration not to exceed six months for site development activities that are
necessary to comply with stormwater management requirements; and

WHEREAS, due to the economic slowdown, property owners and developers are
finding that development projects may take longer than three years to finance and
construct; and

WHEREAS, the City wishes to encourage development while minimizing the
opportunity for permit speculation that could occur if permits had overly long expiration
dates; now, therefore,

THE CITY COUNCIL OF THE CITY OF PORT ORCHARD, WASHINGTON,
DO ORDAIN AS FOLLOWS:

SECTION 1. Port Orchard Municipal Code section 15.32.030 is hereby amended to
read as follows:

15.32.030 Permits.

(1) Review by Department of Public Works. Proposed site development
activities shall be reviewed by the Port Orchard department of public works to
determine the permits required.

(2) Expiration of Existing Construction Plan Approval. Any construction
plans previously approved by the city prior to September 8, 1998, are expired.
The director may extend the expiration date if the project is under construction and progressing satisfactorily towards final completion.

(3) Stormwater Management Permit Required. No site development activity shall occur until a stormwater management permit has been issued, nor shall said site development activity continue without a stormwater management permit in force. A stormwater management permit, issued by the department of public works, shall be required for any of the following activities:

(a) Site development or redevelopment activities that meet the definition of a major development.

(b) Site development or redevelopment activities that require connection to a public storm drainage system.

(c) Grading activities that result in the movement of 150 cubic yards or more of earth.

(d) Grading activities that will result in a temporary or permanent slope having a steepness exceeding three to one (three feet horizontal to one foot vertical) and having a total slope height, measured vertically from toe of slope to top of slope, exceeding five feet.

(e) Grading activities that include the construction of embankment berms that will result in the impoundment of water to a depth exceeding 18 inches and/or with a maximum volume exceeding 2,500 cubic feet of water.

(f) Grading activities that will result in the diversion of existing drainage courses, both natural and manmade, from their natural point of entry or exit from the grading site.

(g) Any land clearing or grading on slopes steeper than 30 percent, or within the mandatory setback of a wetland, stream, lake, or Puget Sound, as established by separate ordinance or by the public works department.

(4) Exemptions. The following activities are exempt from the provisions of this section:

(a) Commercial agriculture and forest practices regulated under WAC Title 222;

(b) Development that is undertaken by the Washington State Department of Transportation in state highway rights-of-way and is regulated by Chapter 173-270 WAC, the Puget Sound Highway Runoff Program; and
(c) Grading activities described in POMC 15.32.060(9).

(5) Permit Requirements. The director shall establish requirements for the issuance of stormwater management permits, subject to the following criteria:

(a) All site development activities shall comply with the standards, specifications, and requirements contained in the stormwater design manual.

(b) The director shall establish fees for stormwater management permits. Stormwater management permit fees shall include fees for the review of permit applications and documents and for inspections during construction.

(c) A stormwater management permit shall expire three years from the date of issuance if the permitted work has not commenced. If construction has begun and been documented, the property owner may request a permit extension in writing prior to the expiration date of the permit. Having the required inspections performed and approved within every three hundred sixty days is evidence that work has commenced and is continuing. The director may grant a one-time extension not to exceed two additional years. The director shall not grant more than one permit extension. In the event that a stormwater management permit, and any renewal thereof, expires prior to the completion of construction, all construction activity must cease, a new stormwater management permit application must be submitted, and the issuance of a new stormwater management permit shall be at the discretion of the director, subject to city site development standards in force at the time of the new permit application.

(d) Approved stormwater management permit placards shall be prominently displayed on construction sites at all times until the completion of all permitted site development activities.

(6) When a Professional Engineer Is Required. Unless otherwise required by POMC 15.32.050 or 15.32.060, stormwater management permit applications shall require the submittal of documents prepared by a qualified professional engineer when one of the following conditions exists:

(a) Any land use or building or development on real property which meets the definition of a major development; or

(b) Any improvements within the boundaries of city rights-of-way for which Port Orchard will ultimately assume responsibility for maintenance; or
(c) Any site development activity that the director deems to be in the public's best interest to require that certain stormwater management permit application submittal documents be prepared by a professional civil engineer.

(7) Off-Site Analysis. All stormwater management permit applications which meet any of the criteria listed in subsection (6) of this section shall include, along with other required submittal documents, an off-site drainage analysis as described in POMC 15.32.070(3)(f) and (8)(c) prepared by a qualified professional engineer and based on a field investigation of the development's off-site contributing and receiving drainage areas.

(8) Geotechnical Analysis. All stormwater management permit applications for development activities where grading or the construction of retention facilities, detention facilities, or other stormwater facilities is proposed within 200 feet of slopes steeper than 30 percent, or where the director deems that the proposed construction poses a potential hazard due to its proximity to a slope, shall, when required by the director, include a geotechnical analysis, prepared by a qualified engineer. Said geotechnical analysis shall address the effects of ground water interception and infiltration, seepage, potential slip planes, and changes in soil bearing strength.

(9) Soils Analysis. All stormwater management permit applications which meet any of the criteria listed in subsection (6) of this section, where the soils underlying the proposed project have not been mapped, or where existing soils maps of the project site are inconsistent, or where the director deems that existing soils maps of the project site are not of sufficient resolution to allow proper engineering analysis, shall include a soils investigation report.

(10) Permit Modifications. Proposed modifications to an approved stormwater management permit must be submitted to the department of public works and be reviewed for compliance with this chapter. Substantial proposed modifications, as determined by the director, shall require additional review fees and shall require reissuance of the required permit. Minor proposed modifications may be accepted by the director without requiring the reissuance of the accepted permit or the payment of additional review fees.

(11) Erosion and Sedimentation Control. All final drainage, grading, clearing, or other site development plans requiring acceptance from the department of public works shall include a plan for the control of erosion and sedimentation as required in POMC 15.32.050(1) and (3), for the period beginning with the commencement of site development activity and continuing without interruption until permanent site stabilization is achieved.
No clearing, grubbing, grading, or other construction activity may take place on a project site until an erosion and sedimentation control plan has been approved by the department of public works.

SECTION 2. Port Orchard Municipal Code section 15.32.060 is hereby amended to read as follows:

15.32.060 Grading.

(1) Authority of the Director. The director is the designated agent for the issuance of stormwater management permits for grading, and shall have the authority to prepare regulations and set administrative procedures to carry out the purposes and intent of this section.

(2) Grading Plan Required. Grading projects meeting the criteria of POMC 15.32.030(6) shall be required to have an approved engineered grading plan.

(3) Abbreviated Grading Plan. Grading projects meeting the definition of a minor development will require an approved abbreviated grading plan in lieu of an engineered grading plan. An abbreviated grading plan is a grading plan that does not require the seal of a professional civil engineer.

(4) Erosion and Sedimentation Control. The grading plan shall include a temporary erosion and sedimentation control plan. The plan shall clearly indicate the construction sequence for establishment of all erosion and sedimentation control work, both temporary and permanent. The plan shall conform to all requirements and standards for erosion and sedimentation control set forth in POMC 15.32.050.

(5) Drainage.

   (a) All grading activities shall conform to the requirements of this chapter concerning stormwater management.

   (b) Where required by the director, all discharge of runoff from the project site shall be of like quality, flow rate, and velocity as that which flowed from the project site prior to the work for which the stormwater management permit has been issued.

   (c) Stormwater flows shall be accepted onto, and shall be discharged from, a project site at the natural or otherwise legally existing locations.

(6) Minimum Grading Standards. This chapter sets forth minimum standards which shall apply to grading activities as described in POMC 15.32.030 (3).
For circumstances not specifically addressed in this chapter or the stormwater design manual, the provisions of the Uniform Building Code shall apply.

(7) Hazards. Whenever the director determines that an existing excavation, embankment, or fill on private property has become a hazard to public safety, endangers property, or adversely affects the safety, use or stability of a public way, critical drainage area, or drainage channel, such conditions shall become a violation of POMC 15.32.110(9).

(8) Additional Review. Permits regulating grading activities for major developments may be subject to review and recommendation of approval by the city planning department.

(9) Permit Exemptions. The following grading activities shall not require the issuance of a stormwater management permit:

   (a) Excavation for utilities, or for wells or tunnels under separate permit.

   (b) An excavation below finished grade for basements and footings of a building, retaining wall or other structure authorized by a valid building permit. This shall not exempt the placement of any fill material removed from such an excavation, and shall not exempt any excavation beyond the limits of the basement or footing excavations nor exempt excavations having an unsupported height greater than five feet after the completion of such a structure.

   (c) Agricultural crop management outside of critical drainage areas limited to the preparation of soil by turning, discing, or other means endorsed by the Kitsap conservation district.

   (d) Excavation for cemetery graves.

   (e) Landscape installation where fill is confined to less than one foot of topsoil and land disturbing activities are limited to less than one acre.

   (f) The disposal of solid waste, wood waste, problem waste, and demolition waste authorized pursuant to Chapter 70.95 RCW, and regulations presently enacted or as may be amended or as specifically approved by the Bremerton-Kitsap County health district.

   (g) Mining, quarrying, excavating, processing, and/or stockpiling of rock, sand, gravel, aggregate, or clay where established and provided by law,
and a permit for said activity has been issued by the state of Washington or the federal government, provided such operations do not affect the lateral support or increase the stresses in or pressure upon any adjacent or contiguous land.

(h) Exploratory excavations under the direction of a qualified civil engineer.

(i) Grading activities already approved by separate permit granted by any governing authority.

(j) Emergency sandbagging, diking, ditching, filling, or similar work during or after periods of extreme weather conditions when done to protect life or property.

(k) Maintenance activities within public rights-of-way performed by city personnel. However, exemption from the stormwater management permit does not constitute an exemption from the other requirements of this chapter.

(10) Changes in Site Topography.

(a) The maximum surface gradient on any artificially created slope shall be two feet of horizontal run to one foot of vertical fall. This gradient may be increased to that gradient which can be demonstrated through engineering calculations to be stable, if, in the opinion of the director, it has been demonstrated by the applicant through engineering calculations performed by a qualified professional engineer that surface erosion can be controlled to that erosion rate equal to a properly stabilized two to one slope under the same conditions.

(b) The applicant shall, at all times, protect adjacent private properties and public rights-of-way or easements from damage occurring during grading operations. The applicant shall restore public improvements damaged by his/her operations.

(c) The applicant shall be responsible for obtaining and coordinating all required state or federal permits associated with the filling of wetlands or other regulated activities.

(11) Rockeries and Retaining Structures. Any rockery or other retaining structure greater than four feet in height shall be permitted under a separate building permit issued by the city building department.
(12) Maintenance. It shall be the responsibility of the applicant to maintain all erosion control and drainage facilities in good operating condition at all times, as required in POMC 15.32.050.

(13) Progress of Work. All work permitted under this chapter shall proceed continuously to completion in an expeditious manner unless otherwise authorized by the director, with the intent that work may be halted due to weather conditions or the need to coordinate other construction on the project site. Stormwater management permits, issued for grading only, shall be administered in accordance with POMC 15.32.030(5).

SECTION 3. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of constitutionality of any other section, sentence, clause or phrase of this ordinance.

SECTION 4. This ordinance shall be in full force and effect five (5) days after posting and publication as required by law. A summary of this Ordinance may be published in lieu of the entire ordinance, as authorized by State Law.

PASSED by the City Council of the City of Port Orchard, APPROVED by the Mayor and attested by the City Clerk in authentication of such passage this 12th day of February 2013.

Timothy C. Matthes, Mayor

ATTEST:

Brandy Rinearson, CMC, City Clerk

APPROVED AS TO FORM:  

Gregory A. Jacoby, City Attorney

Sponsored by:

Rob Putaansuu, Councilmember
NOTICE OF CITY OF PORT ORCHARD
ORDINANCE

The following is a summary of an Ordinance approved by the Port Orchard City Council at their regular Council meeting held February 12, 2013.

ORDINANCE NO. 003-13

AN ORDINANCE OF THE CITY OF PORT ORCHARD,
WASHINGTON, AMENDING CHAPTER 15.32 “STORMWATER MANAGEMENT” TO AUTHORIZE PERMIT EXTENSIONS

Copies of Ordinance No. 003-13 are available for review at the office of the City Clerk of the City of Port Orchard. Upon written request a statement of the full text of the Ordinance will be mailed to any interested person without charge. Thirty days after publication, copies of Ordinance No. 003-13 will be provided at a nominal charge.

City of Port Orchard

Brandy Rinearson
City Clerk

Publish: Port Orchard Independent
February 22, 2013