

ORDINANCE NO. 1593

**AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON** relating to Utilities, repealing chapters 11.24 DMMC, "*Stormwater Pollution Prevention Manual - Adopted by Reference*" and 11.28 DMMC "*Supplemental Storm Water Standards*", and reenacting both as new sections in chapter 11.08 DMMC.

**WHEREAS**, following the amendments made to Titles 12, 13, 14, 16, 17, and 18 DMMC, additional chapters were found to need updating to coordinate with the reorganization of the DMMC and with referenced RCW chapters, and

**WHEREAS**, the City Council finds that it is in the best interest of the public health, safety, and general welfare to establish comprehensive, uniform, and current provisions for the City's Utilities Code; now therefore,

**THE CITY COUNCIL OF THE CITY OF DES MOINES ORDAINS AS FOLLOWS:**

**Sec. 1.** Chapter 11.24 DMMC and section 3 of Ordinance No. 1463 are repealed and replaced as a new section in chapter 11.08 DMMC entitled "*Stormwater Pollution Prevention Manual - Adopted by Reference*" as follows:

***Stormwater Pollution Prevention Manual - Adopted by Reference.*** The King County "*Stormwater Pollution Prevention Manual*" is adopted by reference pursuant to RCW 35A.12.140 as though fully set forth in this chapter, as presently constituted or as it may be subsequently amended. Not less than one copy of this manual, suitably marked to indicate amendments and additions, is filed in the office of the Des Moines City Clerk for public inspection.

**Sec. 2.** Chapter 11.28 DMMC and sections 4 and 5 of Ordinance No. 1463 are repealed and replaced as a new section in chapter 11.08 DMMC entitled "*Supplemental Stormwater Standards*" as follows:

(1) **Purpose.** The purpose of this chapter is to supplement the *King County Surface Water Design Manual*, adopted by reference in DMMC 16.10.350, as the City Stormwater Standards.

(2) **Impervious surface percentage exemption.** Under Core Requirement No. 3 for Flow Control, of the *King County Surface Water Design Manual*, the impervious surface percentage exemption exempting threshold drainage areas that result in no more than four percent total impervious surface and no more than 15 percent pervious surface is not allowed.

(3) **Soil quality preservation.** Reference 4-A of the *King County Surface Water Design Manual* as previously adopted in DMMC 16.10.350 requires that any areas that have been cleared and graded shall have the soil moisture-holding capacity restored to the original undisturbed soil condition to the maximum extent practicable. This reference shall be applicable to the standards of performance for land grading under DMMC 14.20.150(3).

(4) **Drainage review.** A person who clears, grades or otherwise disturbs a 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 as specified by the erosion and sediment control measures and performance criteria in the *King County Surface Water Design Manual*. Drainage review will be made for erosion and sedimentation control for all land filling, clearing and grading permits required under chapter 14.20 DMMC.

(5) **Stormwater discharges to wetlands.**

(a) **Applicability.** The requirements below apply only to projects whose stormwater discharges into a wetland, either directly or indirectly through a conveyance system using the thresholds as applied by the *King County Surface Water Design Manual*.

(b) Discharges to wetlands shall maintain the hydrologic conditions, hydrophytic vegetation, and substrate characteristics necessary to support existing and designated uses. The hydrologic analysis shall use the existing land cover condition to determine the existing hydrologic conditions unless

directed otherwise by a regulatory agency with jurisdiction. A wetland can be considered for hydrologic modification and/or stormwater treatment in accordance with Guide Sheets 1B and 2B in Appendix I-D of the *Department of Ecology Stormwater Management Manual for Western Washington (2005)*. Guide Sheet 1B and 2B of Appendix I-D of the *Department of Ecology Stormwater Management Manual for Western Washington (2005)* are adopted by reference in subsection 2(6) below and are for wetland protection in accordance to this chapter.

**(6) *Department of Ecology Stormwater Management Manual for Western Washington Guide Sheets 1B and 2B - Adopted by reference.***

(a) The *Department of Ecology Stormwater Management Manual for Western Washington (2005) Guide Sheets 1B and 2B* are adopted by reference pursuant to RCW 35A.12.140 as though fully set forth in this chapter, and as presently constituted or as may be subsequently amended.

(b) Not less than one copy of each such regulation as written, and suitably marked to indicate amendments and additions, is filed in the office of the Des Moines City Clerk and is available for use and examination by the public.

**Sec. 3. Severability - Construction.**

(1) If a section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is declared unconstitutional or invalid for any reason by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

(2) If the provisions of this Ordinance are found to be inconsistent with other provisions of the Des Moines Municipal Code, this Ordinance is deemed to control.

**Sec. 4. Effective date.** This Ordinance shall take effect and be in full force thirty (30) days after its passage and approval in accordance with law.

**PASSED BY** the City Council of the City of Des Moines this 10th day of April, 2014 and signed in authentication thereof this 10th day of April, 2014.

  
MAYOR

APPROVED AS TO FORM:

  
Assistant City Attorney

ATTEST:

  
City Clerk

Published: April 15, 2014

Effective Date: May 10, 2014

LEGAL NOTICE  
SUMMARY OF ADOPTED ORDINANCE  
CITY OF DES MOINES

ORDINANCE NO. 1593, Adopted April 10, 2014.

DESCRIPTION OF MAIN POINTS OF THE ORDINANCE:

This Ordinance relates to Utilities, repeals chapters 11.24 DMMC, "*Stormwater Pollution Prevention Manual - Adopted by Reference*" and 11.28 DMMC "*Supplemental Storm Water Standards*", and reenacts both as new sections in chapter 11.08 DMMC.

The full text of the Ordinance will be mailed without cost upon request.

Bonnie Wilkins  
City Clerk

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