

**Title 13
SURFACE WATER MANAGEMENT**

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Chapter 13.05
AUTHORITY, PURPOSE, GENERAL PROVISIONS, AND ADMINISTRATION

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13.05.010 Authority.

Pursuant to RCW 35.21.180, 35A.11.020, and 35A.21.160, the City adopts this title. (Ord. O2011-304 § 1 (Att. A))

13.05.020 General provisions.

This title is hereby enacted to be consistent with and implement the comprehensive plan in accordance with Chapter 36.70A RCW. (Ord. O2011-304 § 1 (Att. A))

13.05.030 Administration.

Applicable departments within the City are authorized to adopt, pursuant to Chapter 2.55 SMC, such administrative rules and regulations as are necessary and appropriate to implement this title and to prepare and require the use of such forms as are necessary to its administration. (Ord. O2011-304 § 1 (Att. A))

Chapter 13.10 DEFINITIONS

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13.10.010 Scope of chapter.

This chapter contains definitions of technical and procedural terms used throughout this title. (Ord. O2016-428 § 4 (Att. B); 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. O2016-428 § 4 (Att. B); 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. O2016-428 § 4 (Att. B); 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. O2016-428 § 4 (Att. B); 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. O2016-428 § 4 (Att. B); 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. O2016-428 § 4 (Att. B); 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 structural and/or managerial practice approved by King County that, when used singly or in combination, prevents or reduces the release of pollutants and other adverse impacts to surface water, stormwater and groundwater. (Ord. O2016-428 § 4 (Att. B); Ord. O2011-304 § 1 (Att. A))

13.10.080 City.

“City” means City of Sammamish, Washington, or, as indicated by the context, may mean any official, officer, employee or agency representing the City in the discharge of his or her duties. (Ord. O2017-452 § 1 (Att. A); Ord. O2016-428 § 4 (Att. B); 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. O2016-428 § 4 (Att. B); 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. O2016-428 § 4 (Att. B); 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. O2016-428 § 4 (Att. B); Ord. O2011-304 § 1 (Att. A))

13.10.120 Conveyance system.

"Conveyance system" means the drainage facilities and features, both natural and constructed, that 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. O2016-428 § 4 (Att. B); Ord. O2011-304 § 1 (Att. A))

13.10.125 Critical drainage area.

"Critical drainage area" means an area that requires more restrictive regulation than City standards afford in order to mitigate water quality, flooding, severe erosion, or landslide problems that result from the cumulative impacts of development and urbanization. Critical drainage areas include areas that drain to Pine Lake and Beaver Lake and all landslide hazard drainage areas as mapped or as determined by the City. Site-specific evaluation shall be made to assess all areas. (Ord. O2019-486 § 1 (Att. 1); Ord. O2018-459 § 2 (Att. B); Ord. O2016-429 § 2 (Att. B); Ord. O2013-350 § 1 (Att. A); Ord. O2003-132 § 10. Formerly 21A.15.255)

13.10.130 Department.

"Department" means the department of public works or its successor. (Ord. O2016-428 § 4 (Att. B); 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. O2016-428 § 4 (Att. B); Ord. O2011-304 § 1 (Att. A))

13.10.150 Developed parcel.

"Developed parcel" means any parcel of real property altered from the natural state by the

construction, creation or addition of impervious surfaces. (Ord. O2017-452 § 1 (Att. A); Ord. O2016-428 § 4 (Att. B); 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. O2016-428 § 4 (Att. B); Ord. O2011-304 § 1 (Att. A))

13.10.170 Division.

“Division” means the department of public works, engineering division, or its successor agency. (Ord. O2016-428 § 4 (Att. B); Ord. O2011-304 § 1 (Att. A))

13.10.180 Discharge.

“Discharge” means runoff, excluding off-site flows, leaving the proposed development through overland flow, built conveyance systems, or infiltration facilities. (Ord. O2016-428 § 4 (Att. B); 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. O2016-428 § 4 (Att. B); Ord. O2011-304 § 1 (Att. A))

13.10.200 Drainage facility.

“Drainage facility” means a constructed or engineered stream, lake, wetland, or closed depression, or a pipe, channel, ditch, gutter, flow control facility, flow control best management practice, water quality facility, erosion and sediment control facility, and any other structure and appurtenance that provide for drainage. (Ord. O2017-452 § 1 (Att. A); Ord. O2016-428 § 4 (Att. B); 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: simplified drainage review, targeted drainage review, directed drainage review, full drainage review and large project drainage review. (Ord. O2016-428 § 4 (Att. B); Ord. O2011-304 § 1 (Att. A))

13.10.220 Effective impervious surface.

“Effective impervious surface” means 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 the Surface Water Design 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. (Ord. O2016-428 § 4 (Att. B); Ord. O2011-304 § 1 (Att. A))

13.10.225 Equivalent service unit (ESU).

“Equivalent service unit (ESU)” means a configuration of impervious surface estimated to contribute an amount of runoff to the City’s stormwater management system which is approximately equal to that created by the average single-family residential developed parcel in the City. (Ord. O2017-452 § 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. O2016-428 § 4 (Att. B); 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. O2016-428 § 4 (Att. B); 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. O2016-428 § 4 (Att. B); 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. O2016-428 § 4 (Att. B); Ord. O2011-304 § 1 (Att. A))

13.10.270 Flow control best management practice.

“Flow control best management practice” 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 predeveloped hydrology and minimize stormwater runoff. “Flow control best management practice” includes the methods and designs specified in the Surface Water Design Manual. (Ord. O2016-428 § 4 (Att. B); 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 title. 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. O2017-452 § 1 (Att. A); Ord. O2016-428 § 4 (Att. B); 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. O2016-428 § 4 (Att. B); 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 simplified 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. (Ord. O2016-428 § 4 (Att. B); 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 surface water. (Ord. O2016-428 § 4 (Att. B); 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 1,500 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. O2016-428 § 4 (Att. B); 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. O2016-428 § 4 (Att. B); 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, roofs, 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 surfaces 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. (Ord. O2016-428 § 4 (Att. B); 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. O2016-428 § 4 (Att. B); 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. O2016-428 § 4 (Att. B); Ord. O2011-304 § 1 (Att. A))

13.10.365 Landslide hazard drainage area.

“Landslide hazard drainage areas” means critical drainage areas where overland flows pose a significant threat to health and safety because of their close proximity to a landslide hazard area as defined by SMC 21A.15.680. Landslide hazard areas are also considered landslide hazard drainage areas. Mapped landslide hazard drainage areas are approximate. Public works may determine that areas not mapped as landslide hazard drainage areas may meet this definition. (Ord. O2019-486 § 1 (Att. 1); Ord. O2016-429 § 2 (Att. B). Formerly 21A.15.681)

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. O2016-428 § 4 (Att. B); 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. O2016-428 § 4 (Att. B); 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. O2016-428 § 4 (Att. B); 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. O2016-428 § 4 (Att. B); 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. O2016-428 § 4 (Att. B); Ord. O2011-304 § 1 (Att. A))

13.10.415 Manager.

“Manager” means the City manager or designee. (Ord. O2017-452 § 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, both on and off site. (Ord. O2016-428 § 4 (Att. B); Ord. O2011-304 § 1 (Att. A))

13.10.421 Municipal separate storm sewer systems.

“Municipal separate storm sewer systems” or “MS4” is a conveyance or system of conveyances that is owned by the City of Sammamish that discharges to waters of the U.S., designed or used to collect or convey stormwater (e.g., storm drains, pipes, ditches), not a combined sewer, and not part of a sewage treatment plant, or publicly owned treatment works. (Ord. O2018-459 § 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. O2016-428 § 4 (Att. B); 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. O2016-428 § 4 (Att. B); 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. O2016-428 § 4 (Att. B); 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. O2016-428 § 4 (Att. B); 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. O2016-428 § 4 (Att. B); 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. O2016-428 § 4 (Att. B); 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. O2016-428 § 4 (Att. B); 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. O2016-428 § 4 (Att. B); 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. O2016-428 § 4 (Att. B); 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. O2016-428 § 4 (Att. B); 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. (Ord. O2016-428 § 4 (Att. B))

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. O2016-428 § 4 (Att. B); 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. O2016-428 § 4 (Att. B);

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. O2016-428 § 4 (Att. B); 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. O2016-428 § 4 (Att. B); 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. O2016-428 § 4 (Att. B); 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. O2016-428 § 4 (Att. B); 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: (1) 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 (2) 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. (Ord. O2016-428 § 4 (Att. B); 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. O2016-428 § 4 (Att. B); 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. O2016-428 § 4 (Att. B); Ord. O2011-304 § 1 (Att. A))

13.10.615 Road.

“Road” means an urban right-of-way, paving and associated improvements which enable motor vehicles, transit vehicles, bicycles and pedestrians to travel between destinations, and afford the principal means of access to abutting property, including avenue, place, way, drive, lane, boulevard, highway, street, and other thoroughfare, except an alley. (Ord. O2017-452 § 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 of surface water, whatever may be the geological formation or structure in which such water stands or flows, percolates or otherwise moves. (Ord. O2016-428 § 4 (Att. B); 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. O2016-428 § 4 (Att. B); 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. O2016-428 § 4 (Att. B); Ord. O2011-304 § 1 (Att. A))

13.10.650 Service area.

“Service area” means the incorporated City of Sammamish. (Ord. O2016-428 § 4 (Att. B); Ord. O2011-304 § 1 (Att. A))

13.10.651 Service charges.

“Service charges” means the surface water utility fee in an amount to be determined by applying the appropriate rate to a particular parcel of real property based upon factors established by this title. (Ord. O2017-452 § 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 three-quarters 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. (Ord. O2016-428 § 4 (Att. B))

13.10.656 Single-family residence.

“Single-family residence” means a residential structure accommodating one dwelling unit, including duplex units and mobile homes, as defined by the City land use codes. (Ord. O2017-452 § 1 (Att. A))

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. O2016-428 § 4 (Att. B); Ord. O2011-304 § 1 (Att. A))

13.10.670 Small project drainage review.

Repealed by Ord. O2016-428. (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. O2016-428 § 4 (Att. B); 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. O2016-428 § 4 (Att. B); 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. O2016-428 § 4 (Att. B); 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. O2016-428 § 4 (Att. B); 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. O2016-428 § 4 (Att. B); 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. O2016-428 § 4 (Att. B); 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. O2016-428 § 4 (Att. B); Ord. O2011-304 § 1 (Att. A))

13.10.750 Surface water utility.

“Surface water utility” 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. O2017-452 § 1 (Att. A); Ord. O2016-428 § 4 (Att. B); 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. O2016-428 § 4 (Att. B); 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. O2016-428 § 4 (Att. B); 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. O2016-428 § 4 (Att. B); 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. O2016-428 § 4 (Att. B); 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 simplified drainage review. (Ord. O2016-428 § 4 (Att. B); Ord. O2011-304 § 1 (Att. A))

13.10.810 Undeveloped parcel.

“Undeveloped parcel” means any parcel of real property which has not been altered from its natural

state by the construction, creation or addition of impervious surface. (Ord. O2017-452 § 1 (Att. A); Ord. O2016-428 § 4 (Att. B); Ord. O2011-304 § 1 (Att. A))

13.10.815 Unit rate.

“Unit rate” means the dollar amount charged per ESU. (Ord. O2017-452 § 1 (Att. A))

13.10.820 Water quality facility.

“Water quality 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. (Ord. O2016-428 § 4 (Att. B); Ord. O2011-304 § 1 (Att. A))

Chapter 13.15
SURFACE WATER DEVELOPMENT CHARGE

Sections:

[13.15.010](#) Surface water system development charge authorized.

13.15.010 Surface water system development charge authorized.

(1) City Authorized to Collect Charge. The City is authorized to collect a surface water system development charge, effective January 1, 2019, as follows:

Development	Fee
New residential dwelling unit or commercial building with up to 2,500 square feet of impervious coverage	\$2,085.00
Each additional 250 square feet of impervious coverage over 2,500 square feet	\$208.50
Other structures or additions of up to 250 square feet of impervious coverage requiring a building permit	\$208.50, plus \$208.50 for each additional 250 square feet

All impervious surface areas shall be rounded to the nearest 250-square-foot increment. The fee shall not apply to rockeries or retaining walls.

(2) Charges Shall Be Liens. All charges made under this section shall constitute a lien upon the property from which such charges are due, superior to all other liens and encumbrances whatsoever, except for general taxes and local special assessments. Enforcement of such lien shall be in the manner provided by law. All properties assessed a surface water system development charge shall have a notation on their plats stating that the property may be subject to a lien for the final costs of any necessary off-site surface water drainage improvements. (Ord. O2018-478 § 1 (Att. A); Ord. O2012-334 § 1; 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 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. O2021-533 § 1 (Att. A); Ord. O2016-428 § 5 (Att. C); 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
- (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) When located within a critical drainage area draining to Pine or Beaver Lake and meets any one of the following conditions:

(i) Would result in a new single-family dwelling unit, accessory dwelling unit, multifamily, or commercial facility; or

(ii) Would result in a net increase in impervious surface of 500 square feet or more; or

(iii) Would involve 2,000 square feet or more of land disturbing activity; or

(f) When located within a critical drainage area draining to a landslide hazard area and meets any one of the following conditions:

(i) Would result in a new single-family dwelling unit, accessory dwelling unit, multifamily, or commercial facility; or

(ii) Would result in a net increase in impervious surface of 200 square feet or more; or

(iii) Would involve 2,000 square feet or more of land disturbing activity; or

(g) When located within a critical drainage area in the Tamarack or Inglewood Historic Plats and would result in any net increase in impervious surface; or meets one of these conditions;

(i) In Tamarack, any land disturbing activity greater than 2,000 square feet, or greater than 20 percent of the lot or tract area (whichever is less); or

(ii) In the Inglewood Historic Plat, east of East Lake Sammamish Parkway NE, any land disturbing activity greater than 2,000 square feet, or greater than 20 percent of the lot or parcel area (whichever is less); or

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

(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) Simplified drainage review;
- (b) Targeted drainage review;
- (c) Directed drainage review;
- (d) Full drainage review; or
- (e) Large project drainage review. (Ord. O2021-533 § 1 (Att. A); Ord. O2019-486 § 2 (Att. 1); Ord. O2016-428 § 5 (Att. C); 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 core requirements which are described in detail in the Surface Water Design Manual and as amended by the Sammamish Addendum to the Surface Water Design Manual.
- (2) A proposed project required by this chapter to have drainage review shall meet each of the special requirements which apply to the site and which are described in detail in the Surface Water Design Manual.
- (3) An adjustment to the core requirements or special requirements contained in the Surface Water Design Manual may be proposed pursuant to the terms and conditions for drainage adjustment in the Surface Water Design Manual, subject to the following limitations:
 - (a) Proposed projects subject to full or large project drainage review or any project subject to drainage review located within a critical drainage area shall not qualify for an adjustment from Core Requirement No. 3 (Flow Control), except that:
 - (i) Proposed projects subject to full or large project drainage review, not located in a critical drainage area, may be exempt from Core Requirement No. 3 if they meet the Surface Water Design Manual-defined exemption criteria where less than 5,000 square feet of new plus replaced impervious surface will be created and less than three-quarters of an acre of new pervious surface will be added.
 - (ii) Proposed projects subject to drainage review, located within critical drainage areas, may request an exemption from Core Requirement No. 3 in accordance with SMC [13.20.040](#).
 - (b) Proposed projects subject to full or large project drainage review or any project subject to drainage review located within a critical drainage area that requests a standard or experimental design adjustment from any core or special requirement shall declare its intent for an adjustment with a land use application. Adjustments shall be processed as a Type 2 decision in accordance with Chapter 20.05 SMC. Criteria for granting an adjustment are in the City's adopted Surface

Water Design Manual and City Addendum, Section 1.4.2. Drainage adjustments not disclosed as part of the land use application shall be processed as a stand-alone Type 2 decision.

(4) Proposed subdivision and short plat projects shall include outreach and education materials to support the continued maintenance and operation of low impact development best management practices. Such materials shall include an on-site educational kiosk located in a high foot traffic area of the development, educational brochures and handouts, noticing on title, noticing on the final plat of maintenance and operations responsibility, and noticing in the covenants, conditions, and restrictions, when any are applicable. Educational kiosks shall only be required for subdivision plats. (Ord. O2021-533 § 1 (Att. A); Ord. O2018-459 § 1 (Att. A); Ord. O2016-428 § 5 (Att. C); Ord. O2011-304 § 1 (Att. A))

13.20.040 Critical drainage areas.

(1) Development in areas where the department has determined that the existing water quality, flooding, severe erosion, or landslide 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.

(2) Single-family development located in landslide hazard drainage areas shall be limited to a maximum of 35 percent impervious surface on each lot until such time as the director has determined that infrastructure is on-line and operational to mitigate the risk to downslope hazards.

(3) Single-family development located in areas that drain to Pine or Beaver Lake shall be subject to minimum yard areas and maximum impervious surfaces in accordance with SMC 21A.25.030.

(4) Low impact development techniques shall be used to the maximum extent feasible for all critical drainage areas.

(5) Development proposed within a critical drainage area shall not qualify for exemption or exception from core requirements in the Surface Water Design Manual except for director approved exemptions and exceptions for Core Requirement Nos. 1, 3, and 8 as provided below:

(a) The director may approve an exemption or exception request, prepared by a Washington State licensed professional engineer using sound engineering principles and judgment, from tightline requirements in Core Requirement No. 1 (Discharge at the Natural Location) which can demonstrate the following conditions:

(i) Discharge is to an acceptable location where surface and groundwater will not damage downslope properties, will not increase the risk of landslides or severe erosion on such properties, will not discharge to streams of gradient 15 percent or more, and will not be located upgradient of a septic drain field or its reserve field as measured within a 100-foot

radius around the discharge location. Examples of acceptable discharge locations include, but are not limited to: ditch and culvert systems that meet capacities in accordance with Core Requirement No. 4 (Conveyance System) for full buildout conditions and/or locations where the cumulative effects of discharges will not increase the risk of landslides or severe erosion and is supported by a geotechnical engineering report prepared by a Washington State professional licensed geotechnical engineer and peer reviewed by the City engineer or his/her designee.

(ii) For projects proposing a net increase in impervious surface and located in critical drainage areas in the Tamarack or Inglewood Historic Plats, no exemption to tightline requirements shall be approved.

(iii) Where a tightline system is proposed, discharge shall be to a City owned, operated, and maintained system or where the City has or is granted an easement for the inspection, maintenance, repair, and replacement of the tightline system properly sized to convey the cumulative full buildout of flows. Basin transfers may be allowed if downstream wetland hydrology and stream flows are maintained and the risk of landslides, severe erosion, and flooding related property damage will not increase for downslope properties. Pumped systems shall only be allowed where existing structures and access will not be damaged in the event of pump failure.

(b) The director may approve an exemption or exception request from Core Requirement No. 3 (Flow Control) and/or Core Requirement No. 8 (Water Quality), prepared by a Washington State licensed professional engineer using sound engineering principles and judgment, which can demonstrate that site conditions or strict adherence to the Core Requirements would negatively affect the site's ability to mitigate its surface water impacts. Such site conditions and adherence to the Core Requirements may include, but are not limited to, the following:

(i) Significant trees would be damaged or require removal to install such facilities; or

(ii) Siting formal flow control or water quality facilities on site would result in significant increased risk to landslide hazard areas; or

(iii) Sizing a flow control facility is not feasible where the target release rate cannot be matched with a minimum orifice size of one-quarter-inch diameter.

(c) No exemptions or exceptions to Core Requirement Nos. 1, 3, and 8 shall be granted when the director deems that granting such exemption/exception request would cause significant impact to downstream properties, natural resources, and/or public infrastructure. Minimum thresholds for core requirements as described in the Surface Water Design Manual shall be met without exemption or exception.

(6) 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 an adjustment criterion exception may be approved pursuant to the applicable provisions of the Surface Water Design Manual. These standards are in addition to the applicable standards of Chapter 21A.50 SMC.

(7) Drainage adjustment applications for projects subject to full or large project drainage review or any project subject to drainage review located within a critical drainage area shall be treated as a Type 2 process in accordance with Chapter 20.05 SMC. (Ord. O2021-533 § 1 (Att. A); Ord. O2019-486 § 2 (Att. 1); Ord. O2016-428 § 5 (Att. C); 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. O2016-428 § 5 (Att. C); 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. O2016-428 § 5 (Att. C); 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. O2016-428 § 5 (Att. C); 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. O2016-428 § 5 (Att. C); 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 (a) the City first determines that a clear public benefit will result, greater in scope than the public cost, from the use of public resources to participate wholly or partially in the maintenance of a private storm or surface water drainage system component, and (b) all of 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. O2017-432 § 1 (Att. A); Ord. O2016-428 § 5 (Att. C); 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. In any such case-by-case analyses, the City shall only be responsible for the performance, operation and maintenance of drainage facilities and conveyance systems if a determination is first made pursuant to the criteria set forth in SMC [13.20.090\(2\)](#) as now in effect or as may be subsequently amended. (Ord. O2017-432 § 1 (Att. A); Ord. O2016-428 § 5 (Att. C); 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. O2016-428 § 5 (Att. C); 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. O2016-428 § 5 (Att. C); 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. O2016-428 § 5 (Att. C); 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. O2016-428 § 5 (Att. C); 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. O2016-428 § 5 (Att. C); Ord. O2011-304 § 1 (Att. A))

Chapter 13.25
SURFACE WATER MANAGEMENT PROGRAM

Sections:

- [13.25.010](#) Authority.
- [13.25.020](#) Purpose.
- [13.25.030](#) Applicability.
- [13.25.040](#) Rate structure.
- [13.25.050](#) Rate adjustments and appeals.
- [13.25.060](#) Billing procedure.
- [13.25.070](#) Delinquencies and foreclosures.
- [13.25.080](#) Surface water management fund.
- [13.25.090](#) Administrative standards and procedures.
- [13.25.100](#) Severability.

13.25.010 Authority.

- (1) There is hereby created and established the surface water management program of Sammamish under which the provisions of this chapter shall be carried out.
- (2) The program created in this section shall be administered by the department.
- (3) Whenever necessary to examine the property characteristics of a particular parcel for the purposes of implementing this chapter, the director may enter any property or portion thereof at reasonable times in compliance with the following procedures:
 - (a) If the property or portion thereof is occupied, the director shall present identification credentials, state the reason for entry and request entry;
 - (b) If the property or portion thereof is unoccupied, the director shall first make a reasonable effort to locate the owner or other persons having charge or control of the property or portion thereof and request entry; and
 - (c) Unless entry is consented to by the owner or person in control of any property or portion thereof, the director, before entry, shall obtain a search warrant as authorized by the laws of the state of Washington.
- (4) The director is authorized to enforce 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.
- (5) The program may provide services related to surface and stormwater management, 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. The program may contract for services with interested municipalities or special districts including but not limited to sewer and water districts, school districts, or other governmental agencies. (Ord. O2017-452 § 2 (Att. B); Ord. O2011-304 § 1 (Att. A))

13.25.020 Purpose.

The purpose is to promote public health, safety and welfare by establishing and operating a comprehensive approach to surface and stormwater problems which would reduce flooding, erosion and sedimentation, prevent and mitigate habitat loss, enhance groundwater recharge and prevent water quality degradation. This comprehensive approach includes the following elements: basin planning, land use regulation, construction of facilities, maintenance, public education, and provision of surface and stormwater management services. The most cost effective and beneficial approach to surface and stormwater management is through preventative actions and protection of the natural drainage system. In approaching surface and stormwater problems, the surface water management program shall give priority to methods which provide protection or enhancement of the natural surface water drainage system over means which primarily involve construction of new drainage facilities or systems. The purpose of the rates and charges established herein is to provide a method for payment of all or any part of the cost and expense of surface and stormwater management services or to pay or secure the payment of all or any portion of any issue of general obligation or revenue bonds issued for such services. These rates and charges are necessary in order to promote the public health, safety and welfare by minimizing uncontrolled surface and stormwater, erosion, and water pollution; to preserve and utilize the many values of the City's natural drainage system including water quality, open space, fish and wildlife habitat, recreation, education, urban separation and drainage facilities; and to provide for the comprehensive management and administration of surface and stormwater. (Ord. O2017-452 § 2 (Att. B); Ord. O2011-304 § 1 (Att. A))

13.25.030 Applicability.

(1) Developed parcels within the service area shall be billed each year for surface and stormwater management services pursuant to RCW 36.89.080. Surface and stormwater management services or service charges, or both, shall be imposed on developed parcels lying within cities and towns when the services or charges, or both, have been provided for by interlocal agreements between the City and the cities or towns. That portion of the rates or charges allocated to payment of debt service on revenue or general obligation bonds issued to finance stormwater control facilities in areas annexed or incorporated subsequent to the issuance of the bonds shall be imposed as set forth in this chapter.

(2) The service area shall be the corporate City limits of the City of Sammamish. (Ord. O2017-452 § 2 (Att. B); Ord. O2011-304 § 1 (Att. A))

13.25.040 Rate structure.

(1) Service charges for the surface water utility fee are hereby authorized and imposed, in amounts and on terms consistent with this chapter.

(2) The rates and service charges shall be based on the service provided and the relative contribution of stormwater runoff from a given parcel to the stormwater control facilities. The estimated or measured impervious surface area will be used to determine the relative contribution of stormwater runoff from the parcel.

(3) Service charges shall be determined as follows:

(a) Undeveloped Parcels. Undeveloped parcels shall not be charged.

(b) Roads. Roads shall not be charged.

(c) Single-Family Residences. The monthly service charge for each single-family residence shall be the unit rate for one equivalent service unit.

(d) Other Developed Parcels. The monthly service charge for all other developed parcels, including publicly owned properties, shall be computed by multiplying the unit rate times the number of equivalent service units applicable to the parcel less any approved rate adjustment for the parcel as determined under SMC [13.25.050](#).

(e) Minimum Charge. There shall be a minimum monthly service charge for all developed properties equal to the unit rate.

(f) Equivalent Service Unit. For the purpose of computation of non-single-family residential service charges, the number of equivalent service units shall be rounded to the nearest tenth (0.10). (Ord. O2017-452 § 2 (Att. B); Ord. O2011-304 § 1 (Att. A))

13.25.050 Rate adjustments and appeals.

(1) Any person billed for service charges may file a request for rate adjustment with the division within three years of the date from which the bill was sent. However, filing of such a request does not extend the period for payment of the charge.

(2) Requests for rate adjustment may be granted or approved by the director only when one of the following conditions exists:

(a) The parcel is owned and is the personal residence of a person or persons determined by the City as qualified for a low income senior citizen property tax exemption authorized under RCW 84.36.381. Parcels qualifying under this subsection (2)(a) shall be exempt from all charges imposed in this chapter;

(b) The actual impervious surface coverage of the parcel charges is in error;

(c) Non-single-family residential parcel is served by one or more flow control or water quality treatment facilities required under Chapter [13.20](#) SMC, or can be demonstrated by the property owner to provide flow control or water quality treatment of surface and stormwater to the standards in Chapter [13.20](#) SMC, and any such facility is maintained at the expense of the parcel owner to the standards required by the department. In addition to the previous requirement, any source control best management practices applicable to the facilities or activities occurring on the parcel must be implemented pursuant to the standards in Chapter [13.30](#) SMC to prevent contaminants from entering surface water, stormwater, or groundwater. Non-single-family residential parcels shall be eligible for a rate credit reduction.

Credit Calculation. The amount to be credited shall be a fixed percentage reduction based on the portion of program costs which can be reduced by the on-site activities of the customer base;

(d) The parcel is owned or leased by a public school district which provides activities which directly benefit the surface water management program. The activities may include: curriculum specific to the issues and problems of surface and stormwater management, and student activities in the community to expose students to the efforts required to restore, monitor or enhance the surface and stormwater management system. Pursuant to RCW 36.89.085, the amount of the rate adjustment shall be determined by the director based upon the cost of the activities to the school district but not to exceed the value of the activity to the surface water management program. Determination of which activities qualify for the surface water management service charge reduction will be made by the division. Reductions in surface water management service charges will only be granted to school districts which provide programs that have been evaluated by the division. The rate adjustment for the school district activity may be applied to any parcel in the service area which is owned or operated by the school district;

(e) The parcel is owned by a federally recognized tribe or member of such tribe and is located within the historical boundaries of a reservation and thus is not subject to the charges provided for in this chapter; or

(f) The service charge bill was otherwise not calculated in accordance with this chapter.

(3) The dollar amount of debt service on revenue or general obligation bonds issued to finance stormwater control facilities shall not be reduced by the rate adjustments referred to in subsection (2)(c) or (d) of this section.

(4) The property owner shall have the burden of proving that the rate adjustment sought should be granted.

(5) Decisions on requests for rate adjustments shall be made by the director based on information submitted by the applicant and by the division within 30 days of the adjustment request except when additional information is needed. The applicant shall be notified in writing of the director's decision. If an adjustment is granted which reduces the charge for the current year or two prior years, the applicant shall be refunded the amount overpaid in the current and two prior years.

(6) If the director finds that a service charge bill has been undercharged, then either an amended bill shall be issued which reflects the increase in the service charge or the undercharged amount will be added to the next year's bill. This amended bill shall be due and payable under this chapter. The director may include in the bill the amount undercharged for two previous billing years in addition to the current bill.

(7) Decisions of the director on requests for rate adjustments shall be final unless, within 30 days of the date the decision was mailed, the applicant submits in writing to the director a notice of appeal setting forth a brief statement of the grounds for appeal and requesting a hearing before the City hearing examiner. The examiner's decision shall be a final decision pursuant to Chapter 20.10 SMC. (Ord. O2017-452 § 2 (Att. B); Ord. O2011-304 § 1 (Att. A))

13.25.060 Billing procedure.

(1) All property subject to charges of the program shall be billed based on the property characteristics existing on November 1st of the year prior to the billing year and at the rate as set forth in this chapter. Billing year is the year that the bills are sent. The service charge shall be displayed and billed on the annual property tax statement for the parcel and shall be mailed to the name and address shown on the real property tax roll at the time annual property tax bills are prepared. Parcels which are exempt from property taxes and do not receive an annual property tax statement will receive a bill only for the service charge. If a payment less than the sum of the total property tax plus service charge or less than the sum of one-half of the property tax plus one-half of the service charge is received for a combined property tax and service charge, and the parcel owner has not otherwise specified, the director of the office of finance shall first apply the payment to the annual property tax of the parcel pursuant to the provisions of Chapter 84.56 RCW and then apply any remaining amount to the service charge.

(2) The total amount of the service charge shall be due and payable to the director of the office of finance on or before the thirtieth day of April and shall be delinquent after that date; however, if one-half of such service charge is paid on or before the said thirtieth day of April, the remainder shall be due and payable on or before the thirty-first day of October and shall be delinquent after that date.

(3) Parcel characteristics affecting the service charge which are altered after November 1st of any year shall not be a basis for calculation of the service charge until after December 31st of the following year. (Ord. O2017-452 § 2 (Att. B); Ord. O2011-304 § 1 (Att. A))

13.25.070 Delinquencies and foreclosures.

(1) Delinquent service charges shall bear interest as provided in RCW 36.89.090 and 36.89.092 at the rate of 12 percent per annum, or such rate as may hereafter be authorized by law, computed on a monthly basis from the date of delinquency until paid. Interest shall be calculated at the rate in effect at the time of payment of the charges regardless of when the charges were first delinquent.

(2) Pursuant to RCW 36.89.090, the City shall have a lien for delinquent service charges, including interest thereon, against any property subject to service charges. The lien shall be superior to all other liens and encumbrances except general taxes and local and special assessments. Pursuant to RCW 36.89.090, such lien shall be effective and shall be enforced and foreclosed in the same manner as the foreclosure of real property tax liens as provided in RCW 36.94.150. The City may commence to foreclose a surface water management service charge lien after three years from the date surface water management charges become delinquent. Pursuant to RCW 36.94.150, collections shall include costs of foreclosure in addition to service charges and interest. (Ord. O2017-452 § 2 (Att. B); Ord. O2011-304 § 1 (Att. A))

13.25.080 Surface water management fund.

All service charges shall be deposited in the surface water management fund, which fund is hereby created to be used only for the purpose of paying all or any part of the cost and expense of providing surface water management services, or to pay or secure the payment of all or any portion of any issue of general obligation or revenue bonds issued for that purpose. Moneys in the fund not needed for immediate expenditure shall be invested for the benefit of the surface water management fund pursuant to the first paragraph of RCW 36.29.020 and such procedures and limitations as are contained in City ordinance, but sufficient funds shall be transferred no later than the end of the fiscal year in which they were first appropriated. The program's funds balances and other financial resources will be invested conservatively to match strong security of principal with market rates of return. For investment purposes the City manager or designee is hereby designated the fund manager. (Ord. O2017-452 § 2 (Att. B); Ord. O2011-304 § 1 (Att. A))

13.25.090 Administrative standards and procedures.

Pursuant to Chapters 2.55 and [13.05](#) SMC, the director shall develop administrative standards and procedures relating to the implementation of this chapter. This includes but is not limited to:

- (1) Procedures for the imposition and collection of service charges and/or for filing of liens and initiation of foreclosure on delinquent accounts and the collection of the debt service portion of the service charge in areas that annex or incorporate;
- (2) Lake management plans for Beaver Lake and Pine Lake;
- (3) Standards and procedures for granting discounts to the surface water management fee;

(4) Procedures for a grant program to help citizens in reducing the impact of excess storm and surface water runoff by removing impervious surfaces from their property. (Ord. O2017-452 § 2 (Att. B); Ord. O2011-304 § 1 (Att. A))

13.25.100 Severability.

If any provision of this chapter, or its application to any person or circumstance, is held invalid, the remainder of this chapter and the application of the provisions to other persons or circumstances shall not be affected. (Ord. O2017-452 § 2 (Att. B); Ord. O2011-304 § 1 (Att. A))

Chapter 13.30 WATER QUALITY

Sections:

- [13.30.010](#) Purpose.
- [13.30.020](#) Discharges into waters.
- [13.30.030](#) Stormwater Pollution Prevention Manual.
- [13.30.040](#) Enforcement.
- [13.30.050](#) Hazards.
- [13.30.060](#) Criminal penalty.
- [13.30.070](#) Civil penalties for water quality.
- [13.30.080](#) Construction – Intent.

13.30.010 Purpose.

The purpose of this chapter is to protect the City's surface and groundwater quality by providing minimum requirements for reducing and controlling the discharge of contaminants. The City council recognizes that water quality degradation can result either directly from one discharge or through the collective impact of many small discharges. Therefore, this chapter prohibits the discharge of contaminants into surface and stormwater and groundwater, and outlines preventive measures to restrict contaminants from entering such waters. These measures include the implementation of best management practices (BMPs) by the residents of the City of Sammamish.

The City council finds this chapter is necessary to protect the health, safety and welfare of the residents of Sammamish and the integrity of the City's resources for the benefit of all by: minimizing or eliminating water quality degradation; preserving and enhancing the suitability of waters for recreation, fishing, and other beneficial uses; and preserving and enhancing the aesthetic quality and biotic integrity of the water. The City council recognizes that implementation of this chapter is required under the federal Clean Water Act, 33 U.S.C. 1251 et seq. In meeting the intent of the Clean Water Act the City council also recognizes the importance of maintaining economic viability while providing necessary environmental protection and believes this chapter helps achieve both goals. (Ord. O2011-304 § 1 (Att. A))

13.30.020 Discharges into waters.

(1)(a) It is unlawful for any person to discharge any contaminants into surface and stormwater, groundwater or Puget Sound. Contaminants include, but are not limited to, the following:

- (i) Trash or debris;
- (ii) Construction materials;
- (iii) Petroleum products including but not limited to oil, gasoline, grease, fuel oil, heating oil;

- (iv) Antifreeze and other automotive products;
- (v) Metals in either particulate or dissolved form;
- (vi) Flammable or explosive materials;
- (vii) Radioactive material;
- (viii) Batteries;
- (ix) Acids, alkalis, or bases;
- (x) Paints, stains, resins, lacquers or varnishes;
- (xi) Degreasers and solvents;
- (xii) Drain cleaners;
- (xiii) Pesticides, herbicides or fertilizers;
- (xiv) Steam cleaning wastes;
- (xv) Soaps, detergents or ammonia;
- (xvi) Swimming pool backwash;
- (xvii) Chlorine, bromine and other disinfectants;
- (xviii) Heated water;
- (xix) Domestic animal wastes;
- (xx) Sewage;
- (xxi) Recreational vehicle waste;
- (xxii) Animal carcasses;
- (xxiii) Food wastes;
- (xxiv) Bark and other fibrous materials;
- (xxv) Collected lawn clippings, leaves or branches;
- (xxvi) Silt, sediment or gravel;
- (xxvii) Dyes, except as stated in subsection (4)(a) of this section;

(xxviii) Chemicals not normally found in uncontaminated water;

(xxix) Any hazardous material or waste not listed above.

(b) Illicit Connections. Any connection identified by the director that could convey anything not composed entirely of surface and stormwater directly to surface and stormwater or groundwater is considered an illicit connection and is prohibited with the following exceptions:

(i) Connections conveying allowable discharges;

(ii) Connections conveying discharges pursuant to an NPDES permit, other than an NPDES stormwater permit, or a state waste discharge permit; and

(iii) Connections conveying effluent from on-site sewage disposal systems to subsurface soils.

(2) BMPs shall be applied to any business or residential activity that might result in prohibited discharges as specified in the Stormwater Pollution Prevention Manual or as determined necessary by the director. Activities that might result in prohibited discharges include but are not limited to the following:

(a) Potable water line flushing;

(b) Lawn watering with potable water;

(c) Dust control with potable water;

(d) Automobile and boat washing;

(e) Pavement and building washing;

(f) Swimming pool and hot tub maintenance;

(g) Auto repair and maintenance;

(h) Building repair and maintenance;

(i) Landscape maintenance;

(j) Hazardous waste handling;

(k) Solid and food waste handling; and

(l) Application of pesticides.

(3) The following types of nonstormwater discharges shall not be considered prohibited discharges for the purpose of this chapter unless the director determines that the type of discharge, whether singly or in combination with other discharges, is causing significant contamination of surface and stormwater or groundwater:

- (a) Diverted stream flows;
- (b) Rising groundwaters;
- (c) Uncontaminated groundwater that seeps into or otherwise enters stormwater conveyance systems through such means as defective pipes, pipe joints, connections, or manholes;
- (d) Uncontaminated pumped groundwater;
- (e) Foundation drains;
- (f) Air conditioning condensation;
- (g) Irrigation water from agricultural sources that is commingled with urban stormwater;
- (h) Springs;
- (i) Uncontaminated water from crawl space pumps;
- (j) Footing drains;
- (k) Flows from riparian habitats and wetlands;
- (l) Nonstormwater discharges authorized by another NPDES or state waste discharge permit;
- (m) Discharges from emergency firefighting activities in accordance with Washington State Department of Ecology NPDES permit authorized discharges;
- (n) Discharges from potable water sources, including but not limited to water line flushing, hyperchlorinated water line flushing, fire hydrant system flushing, and pipeline hydrostatic test water. Planned discharges shall be dechlorinated to a total residual chlorine concentration of 0.1 ppm or less, pH-adjusted, if necessary, and volumetrically and velocity controlled to prevent resuspension of sediments in the MS4;
- (o) Discharges from lawn watering and other irrigation runoff. These discharges shall be minimized through water conservation efforts;
- (p) Dechlorinated swimming pool, spa and hot tub discharges. The discharges shall be dechlorinated to a total residual chlorine concentration of 0.1 ppm or less, pH-adjusted and

deoxygenized if necessary, volumetrically and velocity controlled to prevent resuspension of sediments in the MS4. Discharges shall be thermally controlled to prevent an increase in temperature of the receiving water. Swimming pool cleaning wastewater and filter backwash shall not be discharged to the MS4;

(q) Street and sidewalk wash water, water used to control dust, and routine external building washdown that does not use detergents. These discharges shall minimize the amount of street wash and dust control water used;

(r) Other nonstormwater discharges. The discharges shall be in compliance with the requirements of a pollution prevention plan reviewed by the City, which addresses control of such discharges.

(4)(a) Dye testing is allowable but requires verbal notification to the City at least one day prior to the date of test. The City is exempt from this requirement.

(b) A person does not violate subsection (1) of this section if:

(i) That person has properly designed, constructed, implemented and is maintaining BMPs and is carrying out AKART as required by this chapter, but contaminants continue to enter surface and stormwater or groundwater; or

(ii) That person can demonstrate that there are no additional contaminants being discharged from the site above the background conditions of the water entering the site.

(c) A person who, under subsection (4)(b) of this section, is not in violation of subsection (1) of this section is liable for any prohibited discharges through illicit connections, dumping, spills, improper maintenance of BMPs or other discharges that allow contaminants to enter surface and stormwater or groundwater.

(d) Emergency response activities or other actions that must be undertaken immediately or within a time too short to allow full compliance with this chapter in order to avoid an imminent threat to public health or safety shall be exempt from this section. The director by public rule may specify actions that qualify for this exception in City procedures. A person undertaking emergency response activities shall take steps to ensure that the discharges resulting from such activities are minimized. In addition, this person shall evaluate BMPs and the site plan, where applicable, to restrict recurrence. (Ord. O2018-456 § 1 (Att. A); Ord. O2011-304 § 1 (Att. A))

13.30.030 Stormwater Pollution Prevention Manual.

(1) Compliance with this chapter shall be achieved through the use of the best management practices described in the Stormwater Pollution Prevention Manual in effect on May 24, 2011 (effective date of the ordinance codified in this chapter). In applying the Stormwater Pollution Prevention Manual, the

director shall first require the implementation of source control BMPs. If these are not sufficient to prevent contaminants from entering surface and stormwater or groundwater, the director may require implementation of treatment BMPs as set forth in AKART. The City will provide, upon reasonable request, available technical assistance materials and information, and information on outside financial assistance options to persons required to comply with this chapter.

(2) In applying the Stormwater Pollution Prevention Manual to prohibited discharges from normal single-family residential activities, the director shall use public education and warnings as the primary method of gaining compliance with this chapter and shall not use citations, notice and orders, assessment of civil penalties and fines, or other compliance actions as authorized in SMC Title 23, unless the director determines:

- (a) The discharge from a normal single-family residential activity, whether singly or in combination with other discharges, is causing a significant contribution of contaminants to surface and stormwater or groundwater; or
- (b) The discharge from a normal single-family residential activity poses a hazard to the public health, safety or welfare, endangers any property or adversely affects the safety and operation of City right-of-way, utilities or other City-owned or maintained property.

(3) Persons implementing BMPs through another federal, state or local program will not be required to implement the BMPs prescribed in the City's Stormwater Pollution Prevention Manual, unless the director determines the alternative BMPs are ineffective at reducing the discharge of contaminants. If the other program requires the development of a stormwater pollution prevention plan or other best management practices plan, the person shall make the plan available to the City upon request.

Persons who qualify for exemptions include, but are not limited to, persons:

- (a) Required to obtain a general or individual NPDES permit from the Washington State Department of Ecology;
- (b) Implementing and maintaining, as scheduled, a King Conservation District-approved farm management plan;
- (c) Implementing BMPs in compliance with the management program of the City's municipal NPDES permit;
- (d) Engaged in forest practices, with the exception of forest practices occurring on lands platted after January 1, 1960, or on lands being converted to another use or when regulatory authority is otherwise provided to local government by RCW 76.09.240; or
- (e) Identified by the director as being exempt from this section. (Ord. O2011-304 § 1 (Att. A))

13.30.040 Enforcement.

(1) The director is authorized to carry out enforcement actions pursuant to the enforcement and penalty provisions of SMC Title 23 and other enforcement provisions adopted by rule under the procedures of Chapter 2.55 SMC.

(2) The director shall gain compliance with this chapter by requiring the implementation of operational and/or source control BMPs. Source control BMPs are in Volume IV of the Stormwater Management Manual for Western Washington. The director may also require maintenance of stormwater facilities which discharge into the MS4 in accordance with maintenance standards established in the Surface Water Design Manual. The director shall initially rely on education and informational assistance as much as possible to gain compliance with this chapter, unless the director determines a violation is a result of a flagrant act that should be addressed through immediate penalties or poses a hazard as defined in the hazards section (SMC [13.30.050](#)).

(3) The director, in consultation with other departments of the City government, shall develop and implement additional enforcement procedures. These procedures shall indicate how the City will investigate and respond to reports or instances of noncompliance with this chapter and shall identify by title the official(s) responsible for implementing the enforcement procedures.

(4) The director is authorized to make such inspections and take such actions as may be required to enforce the provisions of this chapter. Such inspections shall be made in accordance with SMC Title 23.

(a) The director may observe best management practices or examine or sample surface and stormwater or groundwater as often as may be necessary to determine compliance with this chapter. Whenever an inspection of a property is made, the findings shall be recorded and a copy of the inspection findings shall be furnished to the owner or the person in charge of the property after the conclusion of the investigation and completion of the inspection findings.

(b) When the director has made a determination under subsection (4)(a) of this section that any person is violating this chapter, the director may require the violator to sample and analyze any discharge, surface and stormwater, groundwater, and/or sediment, in accordance with sampling and analytical procedures or requirements determined by the director. If the violator is required to complete this sampling and analysis, a copy of the analysis shall be provided to the City of Sammamish department of public works.

(5) In addition to any other penalty or method of enforcement, the prosecuting attorney may bring actions for injunctive or other relief to enforce this chapter. (Ord. O2018-456 § 1 (Att. A); Ord. O2011-304 § 1 (Att. A))

13.30.050 Hazards.

Whenever the director determines that any violation of this chapter poses a hazard to public health, safety, or welfare; endangers any property; or adversely affects the safety and operation of City right-of-way, utilities, and/or other property owned or maintained by the City; the person holding title to the subject property, 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 address the cause of the hazardous situation in conformance with the requirements of this chapter.

Notwithstanding any other provisions of this chapter, whenever it appears to the director that conditions covered by this chapter exist requiring immediate action to protect the public health and/or safety, the director is authorized to enter at all times in or upon any such property, public or private, for the purpose of inspecting and investigating such emergency conditions. The director may without prior notice order the immediate discontinuance of any activity leading to the emergency condition. Failure to comply with such order shall constitute a misdemeanor as specified in SMC Title 23. (Ord. O2011-304 § 1 (Att. A))

13.30.060 Criminal penalty.

Any willful violation of an order issued pursuant to SMC [13.30.040](#) or [13.30.050](#) for which a criminal penalty is not prescribed by state law is a misdemeanor. (Ord. O2011-304 § 1 (Att. A))

13.30.070 Civil penalties for water quality.

The enforcement provisions for water quality are intended to encourage compliance with this chapter. To achieve this, violators will be required to take corrective action and comply with the requirements of this chapter, and may be required to pay a civil penalty for the redress of ecological, recreational, and economic values lost or damaged due to their unlawful action.

(1) The provisions in this section are in addition to and not in lieu of any other penalty, sanction or right of action provided by law.

(2) Any person in violation of this chapter shall be subject to civil penalties assessed as follows:

(a) An amount reasonably determined by the director to be equivalent to the economic benefit the violator derives from the violation as measured by: the greater of the resulting increase in market value of the property or business value received by the violator, or savings of construction or retrofitting costs realized by the violator performing any act in violation of this chapter; and

(b) An amount, not to exceed \$25,000, that is reasonably based upon the nature and gravity of the violation and the cost to the City of enforcing this chapter against the violator.

(3) Any person who, through an act of commission or omission, aids or abets in a violation shall be considered to have committed the violation for the purposes of the civil penalty.

(4) Each violator is jointly and severally liable for a violation of this chapter. The director may take enforcement action, in whole or in part, against any violator. The decisions whether to take enforcement action, what type of action to take, and which person to take action against, are all entirely within the director's discretion. Factors to be used in taking such enforcement actions shall be:

- (a) Awareness of the violation;
- (b) Ability to correct the violation;
- (c) Cooperation with government agencies;
- (d) Degree of impact or potential threat to water or sediment quality, human health, or the environment.

In the event more than one person is determined to have violated the provisions of this chapter, all applicable civil penalties may be imposed against each person, and recoverable damages, costs, and expenses may be allocated among the persons on any equitable basis. Factors that may be considered in determining an equitable allocation include:

- (e) Awareness of the violation;
- (f) Ability to correct the violation;
- (g) Ability to pay damages, costs, and expenses;
- (h) Cooperation with government agencies;
- (i) Degree of impact or potential threat to water or sediment quality, human health, or the environment.

(5) The director or the director's designee may engage in mitigation discussions with the violator. The director or the director's designee may reduce the penalties based upon one or more of the following mitigating factors:

- (a) The person responded to City attempts to contact the person and cooperated with efforts to correct the violation;
- (b) The person showed due diligence and/or substantial progress in correcting the violation; or
- (c) An unknown person was the primary cause of the violation.

Payment of a monetary penalty pursuant to this chapter does not relieve the person of the duty to correct the violation. (Ord. O2011-304 § 1 (Att. A))

13.30.080 Construction – Intent.

This chapter is enacted as an exercise of the City's power to protect and preserve the public health, safety and welfare. Its provision shall be exempted from the rule of strict construction and shall be liberally construed to give full effect to the objectives and purposes for which it was enacted. This chapter is not enacted to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this chapter.

The primary obligation of compliance with this chapter is placed upon the person holding title to the property. Nothing contained in this chapter is intended to be or shall be construed to create or form a basis for liability for the City, the department, its officers, employees or agents for any injury or damage resulting from the failure of the person holding title to the property to comply with the provisions of this chapter, or by reason or in consequence of any act or omission in connection with the implementation or enforcement of this chapter by the City, department, its officers, employees or agents. (Ord. O2011-304 § 1 (Att. A))

**Chapter 13.35
FERTILIZERS**

Sections:

- [13.35.010](#) Fertilizers containing phosphorus – Application – Prohibited – Exceptions – Department of public works to adopt standards and procedures.
- [13.35.020](#) Fertilizers on impervious surfaces – Application prohibited – Containment and disposition if released.
- [13.35.030](#) Consumer education and outreach by department of public works.

13.35.010 Fertilizers containing phosphorus – Application – Prohibited – Exceptions – Department of public works to adopt standards and procedures.

(1) Except as provided in subsection (2) of this section, a person may not apply to turf a fertilizer containing the plant nutrient phosphorus.

(2) Subsection (1) of this section does not apply when:

- (a) Soil test results or other certification by a turf specialist performed within the three years previous to the application indicate that the level of available phosphorus in the soil is insufficient to support healthy turf growth, and the test results or certification, and the application rate, are consistent with best practice standards approved by the City department of public works. In developing the best practice standards, the department shall seek input from the Washington State University turfgrass specialists;
- (b) The property owner or an agent of the property owner is first establishing turf via seed or sod procedures and only during the first calendar year;
- (c) The fertilizer containing the plant nutrient phosphorus is applied to a golf course consistent with golf course management practices intended to minimize potential for fertilizer runoff; or
- (d) Applying turf fertilizer for agricultural or horticultural uses.

(3) The department of public works shall adopt appropriate standards and procedures for the purposes of this section. (Ord. O2011-304 § 1 (Att. A))

13.35.020 Fertilizers on impervious surfaces – Application prohibited – Containment and disposition if released.

A person may not apply a fertilizer to an impervious surface. Fertilizer released on an impervious surface must be immediately contained and either legally applied to turf or another legal site or returned to the original container or another appropriate container. (Ord. O2011-304 § 1 (Att. A))

13.35.030 Consumer education and outreach by department of public works.

The department of public works shall seek to identify opportunities for grant funding and partnerships to support a consumer education and outreach effort, making use of existing outreach materials produced by other entities to the extent possible. If the State Department of Agriculture produces consumer information on application restrictions of fertilizer containing the plant nutrient phosphorus or on the impacts of phosphorus on the waters of the region, and on recommended best practices for turf fertilizer and other residential landscaping uses, the department of public works shall cooperate in the distribution of the information, including making recommendations for appropriate locations or parties to receive such information, as well as accommodating electronic links on its agency website for any electronic information produced. (Ord. O2011-304 § 1 (Att. A))