

## ORDINANCE NO. XXX

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE FOREST PARK, WASHINGTON, AMENDING CHAPTER 16.25 OF THE LAKE FOREST PARK MUNICIPAL CODE (LFPMC), WATER QUALITY; AND AMENDING THE FOLLOWING RELATED SECTIONS OF THE LFPMC 16.08.030, 16.08.070, 16.16.330, 16.24.010, 16.24.631, 16.24.632, 18.48.030, and 18.58.090; PROVIDING FOR SERVERABILITY AND PROVIDING AN EFFECTIVE DATE.**

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**WHEREAS**, the City of Lake Forest Park is required to comply with the Western Washington Phase II Municipal Stormwater Permit, National Pollutant Discharge Elimination System (NPDES) and State Waste Discharge General Permit for discharges from Small Municipal Separate Storm Sewers in Western Washington (NPDES Phase II Permit), issued on July 1, 2019; and

**WHEREAS**, Section S5.C.8 of the NPDES Phase II Permit requires the implementation of a source control program for existing development and sets out specific elements that must be included in the program and dates by which they must be implemented; and

**WHEREAS**, the City of Lake Forest Park currently regulates source control through Chapter 16.25 of the Lake Forest Park Municipal Code (LFPMC), which includes some, but not all, of the elements of the program required by the NPDES Phase II Permit; and

**WHEREAS**, the NPDES Phase II Permit provides that the requirements of Section S5.C.8 of the Permit may be met by using the source control BMPs in a Phase I Program approved by the State of Washington Department of Ecology (Ecology), which includes the King County Stormwater Pollution Prevention Manual and King County Surface Water Design Manual (KCSWDM); and

**WHEREAS**, Section S5.C.6 of the NPDES Phase II Permit requires either the adoption of minimum requirements, thresholds, and definitions for new development, redevelopment, and construction activity in Appendix 1 of the Permit or adoption of a Phase 1 Program approved by Ecology, which includes the KCSWDM; and

**WHEREAS**, several sections of the LFPMC include references to an outdated version of the KCSWDM that must be updated to satisfy the requirements of NPDES Phase II Permit Section S5.C.6; and

**WHEREAS**, an Environmental Checklist for a non-project action was prepared under the State Environmental Policy Act, Chapter 43.21C RCW, pursuant to Chapter 197-11 WAC, and a Determination of Non-Significance (“DNS”) was issued on \_\_\_\_\_, 2022; and

**WHEREAS**, in accordance with the requirements set forth in RCW 36.70A.106, the City provided the Washington State Department of Commerce (Commerce) notice of the City’s intent to adopt the proposed amendments on \_\_\_\_\_, and received notice that Commerce had granted expedited review on \_\_\_\_\_; and

**WHEREAS**, the City Council held public meetings to review amendments to Chapter 16.25 LFPMC and other related sections of the LFPMC during regular meetings on May 26, 2022; \_\_\_\_\_; and

**WHEREAS**, the City Council held a public hearing on \_\_\_\_\_, 2022, regarding the proposed amendments; and

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKE FOREST PARK, WASHINGTON, DO ORDAIN AS FOLLOWS:**

**Section 1. AMEND.** The City Council of the City of Lake Forest Park hereby amends Section 16.08.030 LFPMC, Definitions, as follows:

...

8. “Design Manual” shall mean the current King County Washington Surface Water Design Manual, as now existing and as may be amended in the future, which is adopted by reference in Chapter 16.24 LFPMC.

...

**Section 2. AMEND.** The City Council of the City of Lake Forest Park hereby amends Section 16.08.070 LFPMC, Definitions, as follows:

...

FF. Rockeries. Rockeries may be used for erosion protection of cut or fill slopes. The primary function of a rockery is to protect the slope face from soil erosion and sloughing.

1. Rockeries used to protect uncontrolled fill slopes may be no higher than four feet, as measured from the bottom of the base rock.

2. Rockeries used to protect cut slopes or reinforced or engineered fill slopes may be up to a maximum height of 12 feet, as measured from the bottom of the base rock, with the approval of the building and planning department. Any rockery that is over four feet high as measured from the bottom of the base rock (cut slopes and reinforced or engineered fill slopes only) shall be designed by a geotechnical engineer.
3. A wall drain must be provided for all rockeries greater than four feet in height as measured from the bottom of the base rock. The drains shall be installed in accordance with applicable standards from the current King County Surface Water Design Manual.
4. The geotechnical engineer must provide construction monitoring and/or testing as required by the permit conditions, and submit construction inspection reports to the department for all rockeries that require design by a geotechnical engineer. For each project, or phase of a project, the geotechnical engineer must provide a final letter or report summarizing the results of the construction monitoring for each rockery, verifying that the rockery construction meets the geotechnical recommendations and design guidelines. The final letter or report must be submitted to the city of Lake Forest Park prior to the final clearing and grading inspection.

...

Section 3. AMEND. The City Council of the City of Lake Forest Park hereby amends Section 16.16.330 LFPMC, Wetlands – Permitted alterations, as follows:

...

B. Alterations to wetlands and their buffers may only be allowed for the following activities, in addition to any established in LFPMC 16.16.220 and 16.16.230, if the city determines that there is no practical alternative location for the proposed activity with less adverse impacts on the wetlands or its buffer, subject to mitigation requirements set forth in this chapter:

...

5. Stormwater Management Facilities. A wetland or its buffer may be physically or hydrologically altered to meet the requirements of an LID, runoff treatment, or flow control BMPs if all of the criteria below are met. Stormwater LID BMPs required as part of new and redevelopment projects may be considered within wetlands and their buffers. However, these areas may contain features that render LID BMPs infeasible. A site-specific characterization by a qualified professional is required to determine if and demonstrate that an LID BMP is feasible at the project site.

- a. The wetland is classified as a Category IV or a Category III wetland with a habitat score of three to four points; and

- b. There will be “no net loss” of functions and values of the wetland; and
- c. There is no adverse effect on existing wetland plant communities by increasing the duration and magnitude of water level fluctuations; and
- d. The wetland does not contain a breeding population of any native amphibian species; and
- e. The hydrologic functions of the wetland can be improved as outlined in questions 3, 4, and 5 of Chart 4 and questions 2, 3, and 4 of Chart 5 in the “Guide for Selecting Mitigation Sites Using a Watershed Approach”; or the wetland is part of a priority restoration plan that achieves restoration goals identified in a shoreline master program or other local or regional watershed plan; and
- f. The wetland lies in the natural routing of the runoff, and the discharge follows the natural routing; and
- g. All regulations regarding stormwater and wetland management are followed, including but not limited to current King County Surface Water Design Manual and/or other local and state wetland and stormwater codes, manuals, and permits; and
- h. The structure of a wetland or its soils is not altered, or if they are altered, modification will require permits and mitigation according to LFPMC 16.16.340 so that existing functions and values are not lost.

...

Section 4. AMEND. The City Council of the City of Lake Forest Park hereby amends Section 16.24.010 LFPMC, Purpose, as follows:

A. The city council finds that this chapter is necessary to promote sound development policies and construction procedures which respect and preserve the city's watercourses; to minimize water quality degradation and control of sedimentation of creeks, streams, ponds, lakes, and other water bodies; to protect the life, health, and property of the general public; to preserve and enhance the suitability of waters for contact recreation and fish habitat; to preserve and enhance the aesthetic quality of the waters; to maintain and protect valuable groundwater quantities, locations, and flow patterns; to ensure the safety of city roads and rights-of-way; and to decrease drainage-related damages to public and private property.

B. Surface Water Design Manual Adopted. The current King County Washington Surface Water Design Manual, as now existing and as may be amended in

the future, is hereby adopted by reference and is hereinafter referred to as the Design Manual.

Section 5. AMEND. The City Council of the City of Lake Forest Park hereby amends Section 16.24.631 LFPSC, Property owner responsible for stormwater system maintenance, as follows:

- A. Any person or persons holding title to a property for which stormwater facilities and BMPs have been required by the city of Lake Forest Park shall be responsible for the continual operation, maintenance and repair of the stormwater facilities and BMPs in accordance with the provisions of this chapter.
- B. For privately maintained stormwater facilities, the maintenance requirements specified in the current King County Surface Water Design Manual's Appendix A, Maintenance Requirements for Flow Control, Conveyance and Water Quality Facilities, shall be enforced against the owner(s) of the subject property served by the stormwater facility.

Section 6. AMEND. The City Council of the City of Lake Forest Park hereby amends Section 16.24.632 LFPSC, Maintenance covenant required for privately maintained drainage facilities, as follows:

Prior to the beneficial use of a project constructed under a city building permit or a stormwater discharge permit, the owner shall record a maintenance covenant which guarantees the city of Lake Forest Park that the stormwater facilities shall be properly operated, maintained and inspected. The restrictions set forth in such covenant shall be approved by the city, included in any instrument of conveyance of the subject property, and shall be recorded with the King County recorder's office.

A. Maintenance covenants shall remain in force for the life of the development, or until the responsibility for the operation and maintenance of the subject stormwater facilities is accepted by the city of Lake Forest Park.

B. Maintenance covenants shall include the maintenance standards specified by the current King County Surface Water Design Manual's Appendix A, Maintenance Requirements for Flow Control, Conveyance and Water Quality Facilities, a list of maintenance activities and proposed inspection intervals for each element of the private stormwater system, and a guarantee that any maintenance necessary for any element of the stormwater system will be performed to the standards specified by the King County Surface Water Design Manual's Appendix A, Maintenance Requirements for Flow Control, Conveyance and Water Quality Facilities, and within the following schedule:

1. Within one year for wet pool facilities and retention/detention ponds;
2. Within six months for typical maintenance;

3. Within nine months for maintenance requiring revegetation;
4. Within two years for maintenance that requires capital construction of less than \$25,000.

**Section 7. AMEND.** The City Council of the City of Lake Forest Park hereby amends Section 16.25.020 LFPMC, Definitions, as follows

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

A. “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.

B. “Best management practices” or “BMPs” mean the best available and reasonable physical, structural, managerial or behavioral activities, that, when used singly or in combination, eliminate or reduce the contamination of both surface and groundwaters.

C. “Chapter” means this chapter and any administrative rules and regulations adopted to implement this chapter.

D. “Clean Water Act” means 33 U.S.C. 1251 et seq., and any subsequent amendments thereto.

E. “Director” means the Lake Forest Park city public works director, other department directors specified in enforcement procedures established in accordance with this chapter, or any of their designees.

F. “Discharge” means throw, drain, release, dump, spill, empty, emit, or pour forth any matter or to cause or allow matter to flow, run or seep from land or be thrown, drained, released, dumped, spilled, emptied, emitted or poured into water.

G. “Drainage facility” means a constructed or engineered feature that collects, conveys, stores or treats surface and stormwater runoff. “Drainage facility” includes, but is not limited to, a constructed or engineered stream, pipeline, channel, ditch, gutter, lake, wetland, closed depression, flow control or water quality treatment facility, erosion and sediment control facility and other structure and appurtenance that provides for drainage.

H. “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

I. "Hazardous material" means any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

J. "Illicit discharge" means any direct or indirect non-stormwater discharge to the city's storm drain system, except as expressly allowed by this chapter.

K. "Illicit connection" means any manmade conveyance that is connected to a municipal separate storm sewer without a permit, excluding roof drains and other similar type connections. Examples include sanitary sewer connections, floor drains, channels, pipelines, conduits, inlets, or outlets that are connected directly to the municipal separate storm sewer system.

L. "Municipal separate storm sewer system" (MS4) means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains):

1. Owned or operated by the city of Lake Forest Park;
2. Designed or used for collecting or conveying stormwater;
3. Which is not part of a publicly owned treatment works (POTW). "POTW" means any device or system used in treatment of municipal sewage or industrial wastes of a liquid nature which is publicly owned; and
4. Which is not a combined sewer. "Combined sewer" means a system that collects sanitary sewage and stormwater in a single sewer system.

M. "Non-stormwater discharge" means any discharge to the storm drain system that is not composed entirely of stormwater.

N. "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.

O. "National Pollutant Discharge Elimination System (NPDES) 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.

P. "Person" means an individual and his or her agent or assign, municipality, political subdivision, government agency, partnership, corporation, business or any other entity.

Q. "Pollutant" means anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; nonhazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

R. "Premises" means any building, lot, parcel of land, or portion of land, whether improved or unimproved, including adjacent sidewalks and parking strips.

S. "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.

T. "Source control inventory" means an inventory that identifies publicly and privately owned institutional, commercial, and industrial sites which have the potential to generate pollutants to the MS4 and shall include: (a) Businesses and/or sites identified based on the presence of activities that are pollutant generating, and (b) Other pollutant generating sources, based on complaint response, such as: home-based businesses and multi-family sites.

U. "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.

V. "Storm drainage system" means publicly owned facilities, including the city's municipal separate storm sewer system, by which stormwater is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and humanmade or altered drainage channels, reservoirs, and other drainage structures.

W. "Stormwater" or "surface water" 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, and shallow groundwater.

X. "Stormwater pollution prevention plan" means a document which describes the best management practices and activities to be implemented by a person to identify sources

of pollution or contamination at a premises and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable.

Y. "Stormwater Pollution Prevention Manual" means the manual adopted in LFPMC 16.25.035, 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.

Z. "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.

Section 8. AMEND. The City Council of the City of Lake Forest Park hereby amends Section 16.25.025 LFPMC, Illicit discharge into Lake Forest Park waters, as follows

A. Illicit Discharges and Connections.

1. It is unlawful for any person to discharge any contaminants into surface and stormwater, the storm drainage system, groundwater or Lake Washington. Contaminants that, if discharged, would constitute an illicit discharge include, but are not limited to, the following:

- a. Trash or debris;
- b. Construction materials;
- c. Petroleum products including but not limited to oil, gasoline, grease, fuel oil, heating oil;
- d. Antifreeze and other automotive products;
- e. Metals in either particulate or dissolved form;
- f. Flammable or explosive materials;
- g. Radioactive material;
- h. Batteries;
- i. Acids, alkalis, or bases;
- j. Paints, stains, resins, lacquers or varnishes;

- k. Degreasers and solvents;
- l. Drain cleaners;
- m. Pesticides, herbicides or fertilizers;
- n. Steam cleaning wastes;
- o. Soaps, detergents or ammonia;
- p. Swimming pool backwash;
- q. Chlorine, bromine and other disinfectants;
- r. Heated water;
- s. Domestic animal wastes;
- t. Sewage;
- u. Recreational vehicle waste;
- v. Animal carcasses;
- w. Food wastes;
- x. Bark and other fibrous materials;
- y. Collected lawn clippings, leaves or branches;
- z. Silt, sediment or gravel;
- aa. Dyes, except as stated in subsection (D) of this section;
- bb. Chemicals not normally found in uncontaminated water;
- cc. Any other process-associated discharge except as otherwise allowed in this section;
- dd. Any hazardous material or waste not listed above;
- ee. Spa and hot tub discharges that are not thermally controlled.

2. 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:

- a. Connections conveying allowable discharges;
- b. Connections conveying discharges pursuant to an NPDES permit, other than an NPDES stormwater permit, or a state waste discharge permit; and
- c. Connections conveying effluent from on-site sewage disposal systems to subsurface soils.

B. 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 following:

1. Potable water line flushing;
2. Lawn watering with potable water;
3. Dust control with potable water;
4. Automobile and boat washing;
5. Pavement and building washing;
6. Swimming pool and hot tub maintenance;
7. Auto repair and maintenance;
8. Building repair and maintenance;
9. Landscape maintenance;
10. Hazardous waste handling;
11. Solid and food waste handling; and
12. Application of pesticides.

C. BMPs shall be applied to business or residential activity that might result in prohibited discharges or to sites where those activities occur, as specified in the Stormwater Pollution Prevention Manual or as determined necessary by the director, including any business or site identified in Lake Forest Park's source control inventory. The inventory includes businesses and activities associated with the NAICS Code Major Groups

1152xx, 236-238, 311, 312, 321, 3221xx, 3222xx, 323, 325, 3241xx, 326, 316, 327, 331-336, 482, 484, 485, 493, 4881xx, 4882xx, 4884xx, 4889xx, 2211xx, 423140, 423930, 423110, 4233xx, 4237xx, 4238xx, 424930, 4244xx, 4246xx, 4247xx, 4248xx, 444, 445, 441, 447, 722, 5321xx, 5324xx, 811192, 8111xx, 8112xx, 8113xx, 8114xx, 621910, 6111xx, 6112xx, 6113xx, 6115xx, and 712. Those businesses and activities include, but are not limited to, the following, consistent with Appendix 8 to the Western Washington Phase II Municipal Stormwater Permit:

1. Support activities for animal production;
2. Construction of buildings;
3. Heavy and civil engineering construction;
4. Specialty trade contractors;
5. Beverage, food, and tobacco; wood product; and paper manufacturing;
6. Printing and related support activities;
7. Chemical; petroleum and coal; plastics and rubber; leather; nonmetallic mineral; primary and fabricated metal; machinery, computer and electronics; electrical equipment, appliance and component, and transportation equipment manufacturing;
8. Rail, transit and truck, transportation and support activities, including automobile dealers and gasoline service stations;
9. Utilities;
10. Wholesale trade of durable and nondurable goods;
11. Food and beverage stores, food services, and drinking places;
12. Rental and leasing services;
13. Repair and maintenance;
14. Ambulatory health care services and hospitals; and
15. Educational services, museums, historical sites, and similar institutions.

D. The following types of discharges shall not be considered illicit 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:

1. Spring water;
2. Diverted stream flows;
3. Uncontaminated water from crawl space pumps, foundation drains or footing drains;
4. Lawn watering with potable water or collected rainwater;
5. Pumped groundwater flows that are uncontaminated;
6. Materials placed as part of an approved habitat restoration or bank stabilization project;
7. Natural uncontaminated surface water or groundwater;
8. Flows from riparian habitats and wetlands;
9. The following discharges from boats: engine exhaust; cooling waters; effluent from sinks; showers and laundry facilities; and treated sewage from Type I and Type II marine sanitation devices;
10. Collected rainwater that is uncontaminated;
11. Uncontaminated groundwater that seeps into or otherwise enters stormwater conveyance systems;
12. Air conditioning condensation;
13. Irrigation water from agricultural sources that is commingled with stormwater runoff; and
14. Other types of discharges as determined by the director.

E. Dye testing is allowable but requires verbal notification to the director at least one day prior to the date of test. The King County department of public health is exempt from this requirement.

F. A person does not violate subsection A of this section if:

1. 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
2. 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.
3. A person who, under subsection (E)(1) of this section, is not in violation of subsection A 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.
4. 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.

G. The public works department shall initiate an investigation within 21 days, or refer to the appropriate agency within seven days, of any reported or discovery of a suspected illicit connection. The public works department shall respond to all illicit discharges, including spills, which are determined to constitute a threat to human health, welfare or the environment. All known illicit connections to a system of conveyance owned by the city or state shall be eliminated.

**Section 9. AMEND.** The City Council of the City of Lake Forest Park hereby amends Section 16.25.035 LFPMC, Stormwater Pollution Prevention Manual, as follows:

- A. Stormwater Pollution Prevention Manual Adopted. The current King County Stormwater Pollution Prevention Manual, as now existing and as may be amended in the future, is hereby adopted by reference.
- B. Compliance with this chapter shall be achieved through the use of best management practices described in the Stormwater Pollution Prevention Manual by the owner/operator of pollutant generating sources. 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 Lake Forest Park public works department may 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.

C. Where no guidance is provided in the Stormwater Pollution Prevention Manual for a specific source of pollutants, the director may authorize owner/operator to implement or adapt BMPs based on the best professional judgment of the director.

D. BMP requirements may be met by persons implementing BMPs through another federal, state or local program if 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 Lake Forest Park upon request. Persons who qualify for exemptions from the Stormwater Pollution Prevention Manual include, but are not limited to, persons:

1. Required to obtain a general or individual NPDES permit from the Washington State Department of Ecology;
2. Implementing BMPs in compliance with the management program of the city's municipal NPDES permit; or
3. Identified by the director as being exempt from this section.

E. Wherever the Stormwater Pollution Prevention Manual uses the phrase: "the County," "Department of Development and Environmental Services" (DDES) or "Water and Land Resources Division" (WLRD), it shall be deemed to refer to city of Lake Forest Park public works department or their designee. Wherever the manual uses the phrase "King County," it shall be deemed to refer to Lake Forest Park.

F. Failure to implement source control BMPs consistent with the Stormwater Pollution Prevention Manual shall constitute a violation of this chapter and shall be subject to enforcement as provided in this chapter.

Section 10. ADDITION. A new Section 16.25.047 LPMC is added as follows:

#### **16.25.047. Inspections of Source Control Inventory Sites**

The Lake Forest Park public works department, or its designee, shall:

A. Annually, inspect at least 20 percent of the businesses/sites identified on the current source control inventory to assess BMP effectiveness and compliance with source control.

B. Provide information about activities that may generate pollutants and the source control requirements applicable to those activities to all identified sites with a business

address, by mail, telephone, electronic communications, or in person, as well as distributing such information during site inspections.

C. Inspect all sites on the source control inventory identified through a credible complaint.

D. Determine whether each site that is inspected adequately implements required BMPs and take enforcement action as established through Section 16.25.050.

Section 11. AMEND. The City Council of the City of Lake Forest Park hereby amends Section 16.25.050 LFPMC, Enforcement, as follows:

A. The director is authorized to carry out enforcement and/or abatement actions pursuant to applicable provisions of Lake Forest Park Municipal Code, including but not limited to Chapters 1.16, 1.25 and 8.12 LFPMC, LFPMC 16.25.080, and such other provisions as may be adopted by the Lake Forest Park city council.

B. The director shall gain compliance with this chapter by requiring the implementation of BMPs and, when necessary, AKART.

C. The director, in consultation with other departments of the city of Lake Forest Park, 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.

D. The director is authorized to make such inspections, including the inspection of source control inventory sites as required by Section 16.25.047 LFPMC and take such actions as may be required to enforce the provisions of this chapter.

1. 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 documented 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. The director must document each site visit, inspection report, warning letter, notice of violation or other enforcement record demonstrating an effort to bring a site into compliance, as well as a record of sites that are not inspected because the property owner denies entry.

2. When the director has made a determination 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 director.

3. If a site has failed to adequately implement BMPs, the director must:

- a. Encourage compliance through follow-up action including phone calls, letters, emails, or follow-up inspections to encourage compliance.
- b. If compliance is still not achieved after appropriate follow-up action, take any enforcement action available under this chapter, which, at a minimum, includes documenting inspections and sending warning letters or notices of violation.

4. The director may refer non-emergency violations to the State of Washington Department of Ecology.

E. In addition to any other penalty or method of enforcement, the City Attorney may bring actions for injunctive or other relief to enforce this chapter.

Section 12. AMEND. The City Council of the City of Lake Forest Park hereby amends Section 18.48.030 LFPMC, Applicability, as follows:

A. An application for commercial site development permit shall be submitted for commercial development proposed on sites consisting of one or more contiguous lots legally created and zoned to permit the proposed uses.

...

D. If any of the following scenarios apply to a mixed use, multifamily, commercial and/or office proposal, then the applicant must apply for and obtain a CSDP first, prior to issuance of any other permit. In the event of any question, the code administrator or his/her designee shall be responsible for determining the applicability of CSDP requirements.

1. If three residential units or more will be located on an individual parcel. This includes three individual single-family dwelling units, townhouse units, apartment units or a combination of dwelling types. Note: Accessory dwelling units are not counted as a residential unit for purposes of this calculation.
2. Any mixed use, new office, multifamily, commercial or office building. Note: New government and institutional buildings are also included in this definition.
3. Any mixed use, office, multifamily, commercial, institutional expansion, tenant improvement or change of use that results in an increase in the number of dwelling units; an increase in impervious surface which triggers a new level of surface water review; a change in the number of ingress or egress points

from the site (whether at the applicant's request or expansion in any of the following areas: building square footage, parking space requirements or peak p.m. traffic trips).

4. Any mixed use, office, multifamily, commercial, institutional expansion, tenant improvement or change of use that will impact sensitive areas, shorelines or buffers.
5. Any mixed use, office, multifamily, commercial or institutional expansion that will require drainage review in accordance with the current King County Surface Water Design Manual as now existing and as may be amended in the future.

**Section 13. AMEND.** The City Council of the City of Lake Forest Park hereby amends Section 18.58.090 LFPMC, Drainage, as follows:

Drainage shall be in conformance with the city of Lake Forest Park standards and the current King County Surface Water Design Manual as now existing and as may be amended in the future.

**Section 14. SEVERABILITY.** Should any portion of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, such decision shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

**Section 15. CORRECTIONS.** The City Clerk is authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

**Section 16. EFFECTIVE DATE.** This ordinance shall take effect five (5) days after passage and publication.

**APPROVED BY A MAJORITY** of the Lake Forest Park City Council this \_\_\_\_ day of June, 2022.

APPROVED:

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Jeff Johnson  
Mayor

ATTEST/AUTHENTICATED:

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Matthew McLean  
City Clerk

APPROVED AS TO FORM:

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Kim Adams Pratt  
City Attorney

Introduced: \_\_\_\_\_  
Adopted: \_\_\_\_\_  
Posted: \_\_\_\_\_  
Published: \_\_\_\_\_  
Effective: \_\_\_\_\_