

STAFF REPORT NO. 074-09

TO: Mayor and City Council
FROM: Pat McDonnell, City Manager

DATE: 6/8/09
6/15/09

Subject: Adoption of a revised Stormwater Ordinance and related enforcement code revisions.

Objective: Adopt a revised ordinance which meets the Department of Ecology issued Western Washington Phase II Municipal Stormwater Permit.

Present Situation: City of Vancouver Municipal Codes governing stormwater, erosion prevention and water resources protection are part of the City's overall surface water and ground water program. Changes to the ordinances are required to meet the Phase II Municipal Stormwater Permit for Western Washington, issued by the Washington Department of Ecology in early 2007.

The Western Washington Phase II Municipal Stormwater Permit stems from the federal Clean Water Act and shares its intent to restore and maintain the chemical, physical, and biological integrity of our nation's waters. It combines requirements from the federal National Pollutant Discharge Elimination System (NPDES) Phase II Permit program and the State of Washington Water Pollution Control Law (RCW 90.48).

August 2009 is the NPDES Phase II Stormwater Permit deadline for revisions to ordinances for Erosion Prevention (VMC 14.24), Stormwater Control (VMC 14.25), Water Resources Protection (VMC 14.26) and Uniform Enforcement Code (VMC 22) for meeting permit compliance. Also, the City of Vancouver entered into a legal agreement with the Rosemere Neighborhood Association (RNA) and Clark County Natural Resources Council (CCNRC) in May 2006. Part of this agreement was to adopt provisions required by the Phase II Stormwater Permit within eighteen months of the permit issuance.

In response to questions about the revised ordinance and Phase II requirements that came up during a public hearing to consider adoption of the ordinance on March 2, 2009, a Stormwater Ordinance Stakeholder Work Group was formed and met from April 8 to June 2 with the following goals:

- Engage in meaningful dialogue on proposed ordinance revisions.
- Bring to light and discuss all issues, including costs, of required revisions and suggestions.
- Return to City Council in June for first reading of the ordinance for consideration of stormwater ordinance revisions to meet NPDES Permit requirements.

Work Group meetings were open to the public, and their agendas and meeting summaries were published. Work Group members were asked to offer specific input and serve as liaisons to their constituencies. An informal interactive Open House was also held on June 2 to provide another opportunity for the public to ask questions and get information.

In addition, staff proposes to form a second, highly technical Work Group of engineers from the community to review proposed revisions to the City's Engineering Services General Requirements. These General Requirements also serve to supplement and clarify Ecology's Stormwater Management Manual for Western Washington and the Puget Sound LID Manual.

The General Requirements also provide flexibility to incorporate new measures as technology and science allow. This General Requirements Technical Work Group is expected to meet frequently in July and August 2009, leading up to the administrative adoption of the General Requirements, and continue its work on a yearly or more frequent framework as needed, into the future.

Advantage(s): Complies with the Department of Ecology NPDES Phase II Stormwater Permit by the August 16, 2009 permit deadline and fulfills legal agreement with RNA and CCNRC.

Disadvantage(s): Certain developments and redevelopments within Vancouver that are unable to utilize Low Impact Development (LID) measures, infiltrate stormwater runoff into the ground, or utilize a stormwater regional facility or qualify for a large water body exemption will likely have larger stormwater facilities and therefore, could see increased costs and/or decreased development size in some cases. Such developments, however, are candidates for the Adjustments and Exception processes provided for within the ordinances as required by the NPDES Phase II permit.

Budget Impact: The current budget and staffing levels are anticipated to be sufficient to meet initial minimum permit implementation requirements. Current budget resources and staffing levels are not adequate to undertake basin planning or to participate in a “public share” of the incremental cost of the regulations on new development.

Action Requested:

1. On June 8, 2009, approve ordinance on first reading, setting date of second reading and public hearing for June 15, 2009.
2. On June 15, 2009, subject to second reading and public hearing, approve the ordinance, adopting revisions to Erosion Prevention (VMC 14.24), Stormwater Control (VMC 14.25), Water Resources Protection (VMC 14.26), and Uniform Enforcement Code (VMC 22).

Attachment:

- Ordinance
- Highlighted VMC Chapters 14.24, 14.25 and 14.26
- VMC Title 22