

SEQUIM PLANNING COMMISSION AGENDA COVER SHEET

MEETING DATE: December 13, 2016

FROM: Ann Soule, Public Works Resource Manager

acs
Initials

SUBJECT/ISSUE: SMC Updates Relevant to Adopted Stormwater Plan

Discussion dates	March 1, 2016 Final Plan Approval	September 6, 2016 Intro		
CATEGORY				Time Needed for Presentation
<input type="checkbox"/> Public Meeting <input checked="" type="checkbox"/> Unfinished Business <input type="checkbox"/> New Business				10 minutes
Reviewed by			Initials	Date
Chris Hugo, Director – DCD			CRH	12062016
David Garlington, Director – PW				
Matt Klontz, City Engineer				
Kristina Nelson-Gross, City Attorney				

PROBLEM / ISSUE STATEMENT:

The City's first stormwater plan was adopted after a public hearing in April of this year. The planning process and code analysis brought to staff's attention several sections in our municipal code that are conflicting, confusing, out of date, or inconsistently applied and in need of clarification. In some cases, clarifications made in one place rendered subsections elsewhere unnecessary, allowing the SMC to be streamlined.

The majority of suggested changes related to stormwater management are found in 13.104 and 13.108. However, enforcement subsections in these two chapters have not been revised pending a comprehensive code review by the City Attorney.

LIST OF ATTACHMENTS:

1. Mark-up versions of SMC 13.40, 13.64, 13.104 and 13.108
2. Mark-up of SMC Titles 8 and 18

DISCUSSION/ANALYSIS:

Staff worked with our stormwater grant consultant, Herrera, to identify specific language that needed to be addressed throughout the SMC; these sections are provided here in mark-up format and will be presented by staff for discussion by the Commission.

First, changes to 13.40 removes the possibility of legal connection of stormwater facilities to the municipal sewer for new development. SMC 13.64 is now reserved since it has been superseded by 13.104.

Next, the SMC needs clarification of exactly which guidance manual is to be utilized in the design and maintenance of stormwater management facilities for new and re-development. For more than two decades, 13.104.100 “adopts by reference” the “latest edition of Ecology’s Stormwater Management Manual.” City staff has interpreted that to mean the 2012 manual since 2012, and subsequently including 2014 amendments. However, there are other subsections that cite requirements from the 1992 edition (13.104.130 through .320), and Title 18 specifies the 2005 manual, putting the code in conflict with itself.

Clearly, the code needs to be internally consistent and a specific manual should be named. To consider whether the “latest edition” (2012 with 2014 amendments) is the best choice for the City, staff from Public Works and DCD consulted with Herrera and determined it was. We agreed that the manual should be named in one section of code, SMC 13.104.100, with all other references in the SMC pertaining to stormwater guidance pointing to that section.

With the citation of a specific state manual, specifications in 13.104 Article VII are unnecessary other than exceptions accounting for physical conditions native to Sequim.

Another concern is the enforcement language found in 13.104 and 13.108. Staff would prefer progressive severity starting with voluntary compliance to reflect the varying circumstances in which enforcement might be applied. This desire is not unique to stormwater enforcement, so clarifications and additional tools will be considered for the SMC comprehensively by the City Attorney in 2017 and updated throughout.

FINANCIAL IMPLICATIONS:

Closer attention to requirements in the SMC, such as implementation of the state stormwater manual, has potential to involve slightly more staff time in development application support and review than is currently expended. Centennial Clean Water grant funds were recently used to produce guidance materials to assist staff as well as applicants. In time, incoming applications will be expected to have more complete information and more appropriate stormwater management proposals.

STAFF RECOMMENDATION:

Staff requests the Planning Commission to announce a Public Meeting to receive input on proposed code changes at its next regularly-scheduled meeting.

MOTION:

I move to hold a Public Meeting to receive input on changes to the Sequim Municipal Code proposed to align code with the adopted Storm & Surface Water Plan.