A. Purpose.
The purpose of this chapter is to identify and to the extent it is practical and financially possible, manage the collection and treatment of stormwater flows within the City, reduce the incidence of flooding and erosion caused by development, and to reduce the amount of stormwater inflow to the wastewater system.

B. Findings.
The city council finds and declares:

1. that effective stormwater management is a necessary component to maintain a healthy and safe environment for the general public, to reduce flooding and erosion on public and private lands, and to facilitate compliance with environmental laws relating to water quality and water pollution;

2. that reduction of stormwater runoff and flow loads into public storm and sanitary sewer systems is in the public interest and has a positive environmental value. Likewise, reduction of stormwater flows onto the public right-of-way and public lands reduces pollution and contamination from stormwater runoff, and enhances the safe and efficient use of the public right-of-way for public travel and emergency vehicle access and the use of public lands for intended purposes;

3. that it is in the public interest to develop and enforce effective requirements for stormwater management through onsite stormwater facilities. Such a policy develops a solution to stormwater problems at the earliest stage, reduces the public costs of stormwater management, and encourages premises and local areas to participate in responding to stormwater management needs at the initial stages of the problem;
4. that onsite stormwater facilities should be installed and kept in good maintenance, repair, and operational effectiveness as an essential part of a stormwater management program in the public interest;

5. that property development largely replaces natural vegetation and exposed soil with impervious surfaces and lawns. This generates additional stormwater runoff during rainstorms or when snow melts, and similar infiltration associated flooding problems, particularly within the special drainage districts (SDDs). Stormwater collection systems concentrate this flow and infiltration systems move surface runoff down into the ground. Additional runoff resulting from development can increase flows in the natural location of drainage systems or otherwise existing channels, create new flows, increase or cause ponding in low areas, and raise groundwater levels. Flooding of new and existing structures, water over roadways, shallow groundwater, and increased erosion can result from post-development surface runoff and infiltration. A regulatory program to address problems created by these circumstances including the cumulative impact of multiple development is in the public interest;

6. numerous stormwater studies identifying the impacts identified above have been completed or are currently being developed. These studies include site specific analysis of developments within the two identified SDDs and also include more generalized studies including but are not limited to:
   a. City of Spokane stormwater management plan dated March 2004;
   b. model municipal stormwater program for Eastern Washington (draft) and stormwater management manual for Eastern Washington dated September 2005 (Publication Number 04-10-076);
   c. geotechnical evaluation, existing residential development by Geo Engineers;
   d. staff report to board of county commissioners from public works department, stormwater utility section re North Spokane stormwater planning area dated December 19, 1999;
   e. memorandum to Steve Worley, Spokane County, from James Harakas, Garry Squires of Geo Engineers re: seismic refraction report dated November 13, 2000;
   f. seismic refraction survey, Five Mile Prairie by Budinger & Associates dated December 22, 2000;
   g. memorandum to county commissioners from Brenda Sims and Steve Worley, stormwater section, division of utilities, re: Five Mile Prairie refraction survey report dated January 31, 2001;
   h. final report; hydrogeologic services North Spokane stormwater management plan for Spokane County by Geo Engineers dated May 4, 2001;
i. geology, groundwater conditions and suitability of shallow groundwater for stormwater infiltration, Glenrose and Central Park watersheds, prepared for Montgomery Watson and Spokane County, Woodward-Clyde (preliminary – subject to change) dated December 9, 1997;

j. feasibility study: Moran Prairie groundwater collection/disposal option prepared for City of Spokane by URS Greiner Woodward Clyde (draft report) dated March 1, 1999;

k. guidelines for stormwater management, Spokane County public works division of engineering and roads. Includes addenda through August 2003; and


The above studies are on file with the director.

Section 17D.060.020 Nuisance Declared – Remedy – No Duty

A. The city council declares that failure of an owner or occupant to install a required onsite stormwater facility, or maintain the same at a level of full function and efficiency tends to augment the discharge of stormwater, surface or groundwater flows onto the public right-of-way and other public or private property, as well as into public storm and sanitary sewers. Such discharge contributes to flooding, erosion, water quality impairment and other problems as set forth in the findings in this chapter. Such failure comprises a public nuisance.

B. The city council declares that obstruction of or interference with the full and efficient functioning of any onsite stormwater facility on public or private property, whether by failure, neglect or affirmative or intentional action, comprises a public nuisance.

C. Such public nuisances may be abated by the City as an expense of providing sewer utility service to the premises concerned, in addition to any other remedy available in contract or law.

D. Notwithstanding any other provision of this chapter, no special duty to any particular person or class of persons shall ever be deemed created by this chapter or actions taken pursuant thereto on the part of the City. Any such direct or indirect duty nonetheless determined to arise shall be only to the general public.

Section 17D.060.030 Standards

A. The director determines stormwater control design standards and regulations (also referenced as "standards"), including those for onsite stormwater facilities, and determines their applicability to particular areas of the City of Spokane, plats and
premises, consistent with the legislative findings of this chapter.

B. Standards References.
The following documents are hereby adopted by reference. They address general requirements and may be modified or supplemented in other specific sections.


The above standard references are on file with the director.

C. Low Impact Development is optional, however if low impact development techniques are used, then the Eastern Washington Low Impact Development Guidance Manual should be followed.

D. The standard references are periodically republished. Between a general republication the department of engineering services maintains an updated copy and may publish modifications or updates in the Official Gazette. The department of engineering services also maintains a distribution list of parties requesting such updates. Unless otherwise ordered, the changes are effective thirty calendar days from the date of the Official Gazette issue in which they are published.

Section 17D.060.040 Establishment of Regional Facilities

In the event that public benefit would accrue due to modification of the natural location of drainage systems, or the modification of drainage plans for specific developments, to better implement the recommendations of the comprehensive drainage plan, the director of wastewater management may recommend that the City assume responsibility for the further design, construction, operation and/or maintenance of the drainage facilities, or any increment of the responsibility for the facilities, on a specific development property. The decision shall be made concurrently with review and approval of the specific development’s drainage plan. In the event that the City decides to assume responsibility for all or any portion of the design, construction, operation, and maintenance of the drainage facilities, the development project sponsor shall be required to contribute a prorated share of the estimated cost of the facilities, provided that such share shall not exceed the estimated costs of improvements the project sponsor would otherwise have been required to install. The project sponsor may be required to
supply additional information at the request of the director of wastewater management to aid in such determination.

**Section 17D.060.050 Duties of Property Owners – Others – Private Rights Reserved**

A. Every owner and occupant of premises must install, maintain and keep in good function and order any onsite stormwater facility in accord with applicable requirements. Such requirements may be reflected as conditions of land use or property development in plats, building or special use permits, or other permits, or may be imposed as a consequence of other regulatory action, including code enforcement or nuisance abatement.

B. No party shall obstruct or interfere with the full and efficient function of any onsite stormwater facility.

C. Enforcement action taken under this chapter does not affect a right of a party to seek subrogation or further recovery against any other parties determined to be responsible.

**Section 17D.060.060 Plat and Record Notification Requirements**

A. Where deemed appropriate, the director of engineering services may include or request inclusion of provision for stormwater facilities in plat as well as by recorded notice on the property title as a condition of issuance of a building permit or other permit, but no duty on the part of the City is created hereby. Such language may include the following provisions:

1. With respect to any increased stormwater flows accruing as a result of any development, each property owner, on its own behalf and the behalf of its successors in interest, fully accepts without reservation, the obligation to obstruct and artificially contain and collect all natural or artificially generated or enhanced drainage flows across or upon said owner’s property. The purpose of this requirement is to avoid causing or potentially contributing to flooding, erosion or stormwater loads on other private or public properties and the public sewer system.

2. A property owner shall, by recorded notice on title, in a form approved by the city attorney, state its understanding and awareness, on its own behalf and the behalf of its successors in interest, of conditions relating to stormwater controls, including drainage easements on the respective lots as well as any requirements for onsite stormwater control facilities, as may be referenced in this chapter or adopted policies and procedures by the director of engineering services.

3. Property owner, on its own behalf and the behalf of its successors in interest, acknowledges and agrees that no building permit shall be issued for any lot in this plat until evidence satisfactory to the City of Spokane director of engineering services has been provided showing that the recommendations of the “Spokane...
Aquifer 208 Study” and applicable onsite stormwater facilities requirements have been satisfied. Drainage easements as shown on said plat or permit and on the street plans on file with the office of the director of engineering services are hereby granted.

4. Each property owner, on its own behalf and the behalf of its successors in interest, acknowledges and accepts full responsibility to maintain drainage facilities within all drainage easements, and to maintain and protect any onsite stormwater control facilities. Under no circumstances does the City of Spokane, its officers or agents, accept any responsibility to maintain onsite stormwater control facilities, drainage courses or drainage pipes on private lots within this development or otherwise within drainage easements or flood plain areas.

5. The City of Spokane is not a guarantor of public improvements with respect to protection of property from flooding or damage from stormwater, excessive groundwater levels, soil erosion, movement or related risks. Property owners, acting on their own behalf and the behalf of their successors in interest and assigns, forever waive any claim for loss, liability, or damage to people or property because of stormwater or drainage problems and related risks against any governmental entity arising from platting or permit approvals, or the construction and maintenance of public facilities and public property within the plat or subdivision. This waiver is intended to include application to the City of Spokane, its officers and agents, and includes any claims for loss or for damage to lands or property adjacent to or otherwise affected by any street or public way or easement by the established construction, design and maintenance of said streets or public ways or easements, including the construction, drainage and maintenance of said streets, not by way of limitation. Property owners, on their own behalf and the behalf of their successors and assigns, further stipulate and agree that this waiver decreases property value in an amount at least equal to one dollar or more and intend and agree that it run with the land.

B. Specific additional notification requirements for properties located in SDDs are as follows:

Upon the effective date of this ordinance or subsequent to any amendment of SDD boundaries pursuant to SMC 17D.060.180, the city shall cause to be filed with the Spokane County auditor as to any property located with a designated SDD as described in SMC 17D.060.130 or as modified by SMC 17D.060.180 the following language:

This property is located within a Special Drainage District as defined by SMC 17D.060.130. Development of the property is subject to the provisions of chapter 17D.060 SMC and SMC 17F.100.090.
Section 17D.060.070 Enforcement Authority – Implementation

A. In accord with SMC 17A.010.070(A)(5), the term “director” in this chapter means the director of wastewater management. The director of wastewater management has overall enforcement authority for this chapter, but may delegate functions to other departments as desired. Actions of other officials listed in this chapter is subject to the overall approval of the director of wastewater management.

B. The engineering services department may enforce stormwater design standards and other applicable specifications relating to design and installation of onsite stormwater facilities for commercial developments. Issuance of any permit or approval for commercial developments is conditioned upon acceptable documentation by a civil engineer licensed by the State of Washington of the following statements under penalty of perjury on such forms as may be supplied by the department:

1. That the engineer is familiar with all current City of Spokane onsite stormwater facility requirements.
2. That the engineer has personally inspected the stormwater facility site and that it fulfills the requirements applicable to the pending development; and
3. That the development meets or exceeds all applicable municipal requirements relating to onsite stormwater facilities and applicable stormwater and drainage control, as designed, installed and functioning.
4. In lieu of such certification, the director may require an inspection for stormwater by municipal staff, services billed at an hourly rate of fifty dollars per hour, with a minimum charge of one hundred dollars, anticipating two inspections will be needed.

C. The building services department may enforce stormwater design standards and other applicable specifications for residential development. In addition to other applicable fees, a building permit applicant for residential development must pay full costs of services. It is anticipated that at least two inspections will be needed.

D. The wastewater management department enforces maintenance requirements for onsite stormwater facilities after installation and determines any questions relating to proper functional level and efficiency of said facilities. Said department develops a record of onsite stormwater facilities locations and takes any enforcement action needed to keep them fully and efficiently functioning. Said department reviews plans or design specifications on file or otherwise accessible to determine the nature and extent of onsite stormwater facility requirements applicable to any specific premises, and may conduct further inquiry and/or site inspections as deemed necessary to enforce said requirements and this chapter.

E. In evaluating decisions under the chapter, the enforcing official may elect to submit any information available to an outside consultant or civil engineer licensed to practice in
the State of Washington selected by the City for review at the City’s expense. An applicant may likewise have such opinion further reviewed by an independent civil engineer licensed to practice in the State of Washington selected by applicant at the applicant’s expense. All final decisions shall be at the enforcing official’s sole discretion.

Section 17D.060.073 Refusal of Entry – Search Warrant

A. To the maximum extent permitted by law, no person shall refuse entry or access to a permitted development project to any authorized representative of the director who provides proper credentials and requests entry for the purpose of conducting an inspection. In addition, no person shall obstruct, hamper, or interfere with any such representative while in the process of carrying out their official duties.

B. No one shall hamper or interfere with any other enforcement inspections, entry, or activities of the director or authorized representatives except as permitted by law.

C. Inspection requests may be enforced by a search warrant whenever required and in accord with applicable law.

Section 17D.060.075 Enforcement Tracks

This chapter may be enforced through the administrative hearings process or civil infraction process in chapter 1.05 SMC. Normally, simple violations are enforced through the civil infraction process. Normally, violations involving more complicated facts are enforced through the administrative hearings process. The decision of which track to use in any case is within the sole discretion of the enforcing official. The administrative hearing track is described in SMC 17D.060.080 through SMC 17D.060.100.

Section 17D.060.080 Administrative Hearings Track – Notice of Hearing

A. The administrative hearings track is initiated by a notice of hearing. Whenever the City has reason to believe that a violation of this chapter has occurred, a written notice of hearing is prepared and sent to the responsible party or parties as identified by the City.

B. The notice includes the following information:
   1. The date, time, office, and place for the hearing and information to contact the hearing official. The notice shall further explain the notified party’s opportunity to come to the hearing and/or file a response with supporting materials, where to file the materials, and the deadline, which shall be no later than the hearing date and time.
   2. The date of the notice, which is when the notice is mailed or sent.
   3. A general description of the onsite stormwater facility.
4. The address of the premises connected with the violation and any other address being notified.

5. A description of the violation believed to have occurred, statement of the penalties applicable to date, and any penalties continuing to accrue for an uncorrected violation, and any other pertinent consequences and information; and

6. Advising that the purpose of the hearing is to determine whether there is a violation of this chapter and that as a result of the hearing, an order may be issued directing the violation be corrected, and that if satisfactory action does not occur, the City may thereafter correct the problem and costs thereof may be added to the utility bill for the premises concerned.

Section 17D.060.090 Departmental Hearing

A. The hearing is conducted by a City designee who did not issue the notice and is not a subordinate of the person issuing the notice. The hearing is held not less than ten calendar days from the date of the notice unless said official determines a shorter time is necessary because of exigent circumstances, or on mutual consent by the parties concerned. Time extensions are granted by said official, with notice to parties previously identified.

B. On or after the time set for hearing, the hearing official enters an appropriate order from the results of the hearing, and makes findings, including:

1. the date of issuance of the departmental decision, which is when the decision is sent or mailed;
2. the responsible party or parties identified to whom the decision is being sent, and a determination whether or not there is a violation and any specific problems noted;
3. the corrective action necessary and a schedule for correction of any violation;
4. a statement of the penalties found to apply and any continuing penalties applicable;
5. an estimate of the cost of corrective action by the City if the schedule is not met, but such estimate does not preclude the City from recovering actual costs if greater, if the City is thereafter obliged to correct the problem;
6. a statement that in the absence of correction of a violation determined within the time stated that the deficiencies will be corrected by the City of Spokane, and the cost thereof be added to the regular utility bill for said premises and/or other effort to collect the amounts expended be made in addition thereto; and
7. a statement of a right of appeal to the City hearing examiner as provided hereafter under SMC17D.060.100, and that if a timely appeal is not made, the departmental decision will become final.
Section 17D.060.100 Appeal

A. A party may appeal an adverse departmental hearing decision to the City hearing examiner by filing written notice of appeal, together with a non-refundable fifty-dollar filing fee, statement of reasons for the appeal, and any supporting materials, within ten calendar days of the date of issuance of the departmental decision of the designated officer, unless such day be a weekend or City holiday, in which case, it shall be the first City business day thereafter. If the matter being appealed also involves payment of any fees, penalties or other charges, such fees, penalties and any other charges specified must also be paid to the City treasurer as a condition of appeal, with a right of refund if the appeal is sustained. Proof of payment from the City treasurer must accompany the written notice of appeal.

B. A copy of the appeal documents shall also be served on the officer issuing the appealed decision.

C. Within fifteen calendar days of receiving a notice of appeal, the hearing examiner shall set a date and time for the hearing that shall not be more than forty-five calendar days from the date of the appeal. The examiner conducts the hearing and issues a written decision. At the hearing, the examiner may consider any further showing by the City of any additional charges or penalties accruing or incurred since the time of the departmental decision. The examiner’s decision is final and may be appealed to Superior Court in Spokane County based on the record of the hearing examiner hearing. It is the responsibility of the appealing party to pay costs in advance for all arrangements with the hearing examiner to prepare and certify the examiner’s record from the hearing.

Section 17D.060.110 Provisions Optional – Exhaustion

The provisions respecting hearings and appeals are optional and do not prevent contact by the enforcing officials with affected persons to achieve informal resolution of problems subject to this chapter. Such provisions are supplemental and in addition to any other applicable remedies in contract or law, but in the event the complaint and hearings process procedures are initiated, any notified party thereunder shall be required to exhaust administrative remedies as a condition to pursue further appeals or proceedings.

Section 17D.060.120 Stop Work

Whenever any work is being performed contrary to the provisions of this chapter, the director may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done, and posted at the site, and any such persons shall forthwith stop such work until authorized by the enforcing official to proceed with the work. Notice shall also be given to the property owner. Violations of a stop work order are enforced as any other violations.
Section 17D.060.123 Additional Remedies – Summary Abatement Authorized

In addition and supplemental to any other enforcement remedy, failure to comply with this chapter concerning erosion and sediment control requirements is a public nuisance and may be summarily abated or otherwise remedied in any manner allowed by law. This remedy is supplemental and in addition to any other remedy. Summary abatement is limited to circumstances posing an immediate danger or risk to the public health and safety, the environment, or substantial property damage, in the director’s reasonable judgment.

Section 17D.060.125 Notification Following Summary Abatement

A. In case of summary abatement, notice to the responsible party prior to abatement is not required. Within thirty days following the completion of a summary abatement action, the director shall post upon the affected site a notice reciting the address or location of said site, the action taken to abate the nuisance, costs incurred, the parties determined to be responsible for the costs (but this shall not limit any right of recovery against any party by any lawful means), further information by the City, and an explanation of a right of appeal of the findings stated to the City hearing examiner under the procedures of SMC 17D.090.300 within twenty calendar days.

B. Additional Notification by Mail.
   1. Upon posting of the notice described in subsection (A) above, the director shall cause a notice to be mailed to the owner at the owner’s address as recorded in the County assessment and taxation records for the property. A copy of such notice may also be mailed to the last known address as shown in the public telephone directory or any other means reasonably calculated to give notice. The mailed notice shall include the content described in subsection (A).
   2. An error in the name of the property owner or address listed in the county assessment and taxation records shall not render the notice void, and in such case the posted notice shall be deemed sufficient.

C. The notices in subsections (A) and (B) of this section must also specify the expiration date for the twentieth day appeal opportunity, which is the twentieth calendar day after the date the notice is posted and mailed unless it be a weekend or a City holiday, in which case, the day shall be the first City business day thereafter.

Section 17D.060.130 Special Drainage Districts (SDD) Designated

The following areas are designated as Special Drainage Districts (SDD):

A. Moran Prairie SDD.
   The boundaries of this area are:
Those portions of sections 27, 33, 34, and 35, Township 25 North, Range 43, East W.M., and sections 2, 3, 4, and 5, Township 24 North, Range 43 East W.M. described as follows:

Beginning at the intersection of Havana St. and 23rd Ave. thence west along the c/l of 23rd Ave. to the intersection of Cuba St. thence south along the c/l of Cuba St. to the intersection of 24th Ave. thence west along the c/l of 24th Ave to the intersection of Myrtle St. thence south along the c/l of Myrtle St. to the intersection of 26th Ave., thence west along the c/l of 26th Ave. to the intersection of Rebecca St. thence south along the c/l of Rebecca St. to the intersection of 28th Ave to the intersection of Freya St., thence south along the c/l of Freya St. to the intersection of 29th Ave. thence west along the c/l of 29th Ave. to the intersection of Thor St. thence south along the c/l of Thor St. to the intersection of 32nd Ave. thence west along the c/l of 32nd Ave to the intersection of Fiske St. thence south along the c/l of Fiske St. to the intersection of 33rd Ave. thence west along the c/l of 33rd Ave to the intersection of Regal St. thence south along the c/l of Regal St. to the intersection of 36th Ave. thence west along the c/l of 36th Ave to the intersection of Mt. Vernon St. thence south along the c/l of Mt. Vernon St. to the intersection of 38th Ave. thence west along the c/l of 38th Ave. to the intersection of Stone St. thence south along the c/l of Stone St. to the intersection of 39th Ave. thence west along the c/l of 39th Ave to the intersection of Crestline St. thence south along the c/l of Crestline St. to the intersection of Thurston Ave. thence west along the c/l of Thurston Avenue to the intersection of Napa St. extended thence south along the c/l of Napa St. extended and Napa Street to the intersection of 44th Ave. thence west along the c/l of 44th Ave. extended to the intersection of Magnolia St. thence south along the c/l of Magnolia St. to the intersection of 46th Ave. thence west along the c/l of 46th Ave. to the intersection of Hogan St. thence south along the c/l of Hogan St. to the intersection of 49th Ave, thence west along the c/l of 49th Ave. and 49th Ave. extended to the intersection with Hatch Road, thence south along the c/l of Hatch Rd. to the intersection of 53rd Ave extended, thence east along the c/l of 53rd Ave. extended to the intersection of Perry St. and existing southern city limits, thence easterly and northerly along said existing city limits to the point of the beginning. This description prevails over any conflict with maps provided.

1. Maps.

   The attached map (Exhibit A, page 1), incorporated herein, shows the Moran Prairie SDD. A second attached map (Exhibit A, page 2), also incorporated herein, shows the Spokane County Glenrose basin area boundaries. Exhibit A, p. 2 also includes information regarding the natural location of drainage systems.

B. Five-Mile Prairie SDD.

   The boundaries of the Five-Mile Prairie SDD are:

   Located in Sections 14, 15, 22, 23, 24, 25 & 26, Township 26 North, Range 42 East W.M.; and Sections 18, 19 & 20, Township 26 North, Range 43 East, W.M.; Beginning at the intersection of Cedar Street and Francis Avenue, thence west along Francis Avenue to
the intersection of Ash Street and Francis Avenue, thence north along Ash Street to the intersection of Ash Street and Five Mile Road, thence westerly along Five Mile Road to the intersection of Five Mile Road and Woodside Avenue, thence westerly along Woodside Avenue to the intersection of Woodside Avenue and Dell Drive, thence northeasterly along Dell Drive to USGS elevation contour 2100 (NAVD88), thence northwesterly along said elevation contour to the northernmost city limits, coinciding with the BPA easement, thence westerly and southerly along the existing city limit to the point of beginning, situate in Spokane County, Washington. This description prevails over any conflict with maps provided. This description includes property located at the base of the Five Mile Plateau.

1. Maps.
The attached map (Exhibit B, page 1), incorporated herein, shows the Five-Mile Prairie SDD. A second attached map (Exhibit B, page 2), also incorporated herein, shows the North Spokane County boundaries. Exhibit B, page 2 also includes information regarding the natural location of drainage systems.

[Note: No text was amended, but page 1 of the map referenced in SMC 17D.060.130(A)(1) as “Exhibit A” and page 1 of the map referenced in SMC 17D.060.130(B)(1) as “Exhibit B” have been updated and submitted to amend this section.]

**Section 17D.060.140 Runoff and Infiltration Controls**

A. Runoff and infiltration controls apply in all areas of the City except where exempt or modified.

B. Unless otherwise specified, street and alley paving projects funded by local improvement districts are exempt from the provisions of SMC 17D.060.130 and SMC 17D.060.140.

C. Drainage plans shall be prepared and submitted for review and acceptance for all proposed plats and land disturbing activities prior to issuance of any permits for site disturbance, including but not limited to grading permits and building permits. The director has authority to waive requirements to the necessity for a drainage plan, but must do so in writing. Factors considered in the evaluation of a waiver request include, but are not limited to:

1. soil characteristics and depth,
2. number of lots,
3. infill development,
4. percent impervious area,
5. pass-through drainage,
6. history and trends of runoff-related problems,
7. depth to ground water.

D. With respect to drainage plans required under subsection (C) of this section:

1. the volume and rate of surface water runoff after new development shall be no greater than the runoff volume and rate leaving the site prior to development, unless the director of engineering services approves the discharge of additional runoff based on a comprehensive drainage plan and down gradient impact study;

2. drainage plans for development proposals in SDDs shall not rely upon infiltration to accommodate the additional runoff resulting from the proposed development. However, approval to use infiltration in part or in whole may be granted by the director of engineering services upon a showing, after assessing new, existing, and cumulative impacts from prior developments, that no adverse impact to the side, adjacent, or down gradient properties would occur;

3. drainage plans submitted for development proposals shall comply with the Spokane Regional Stormwater Manual and the City of Spokane Design Standards, as approved by and on file with the director of engineering services, for the design of onsite stormwater facilities, including any limitations applicable to any specific SDD;

4. drainage plans shall include identification of all properties to be reserved for onsite stormwater facilities and the location of all natural drainage systems.

E. The developer, property owner, or other responsible, authorized and designated entity acceptable to the director (e.g., a homeowners association) shall be responsible for accepting and maintaining onsite stormwater facilities. The developer shall provide a perpetual maintenance plan, including funding mechanisms and appropriate financial security for such onsite stormwater facilities acceptable to the director.

F. New plats shall expressly identify tracts of land devoted to the conveyance and/or disposal of stormwater flows. The location of all on-site stormwater facilities shall meet the requirements of the Spokane Regional Stormwater Manual.

**Section 17D.060.150 Natural Location of Drainage Systems Requirements**

A. The proponent of any development project is responsible for reviewing any applicable City or County maps relating to the natural location of drainage systems prior to submitting an application for proposed development review.

B. The natural location of drainage systems shall be reserved for the conveyance and/or disposal of stormwater flows. The width of the natural channels and swales shall be determined based on an analysis of the stormwater flows directed to these drainage systems and access and maintenance requirements as stated in the standards as identified in [SMC 17D.060.030](#). The analysis is to be performed by the developer’s
C. All new developments containing tracts one acre or smaller in size shall be designed so that the natural location of drainage systems remain as open space in a separate tract. The developer shall designate ownership of the drainage tract as specified in the current standards as identified in SMC 17D.060.030.

D. No cuts or fill will be allowed in a natural location of drainage systems except for driveway or road crossings with approved drainage plan showing engineered culverts or bridges, designed to allow stormwater runoff to pass or to be discharged in accordance with the standards as identified in SMC 17D.060.030 or as described in subsection (I) of this section.

E. The natural location of drainage systems shall remain and/or be restored to as natural a condition as possible but may include passive recreation alternatives such as bicycle or hiking trails, provided said uses do not obstruct the function of the drainage system.

F. Upon review and approval by the director, drainage ways in a non-residential development and in a residential development containing lots one acre or smaller may be realigned within the development provided that the drainage way will enter and exit the site at the pre-developed location and that discharge will occur in the same manner as prior to development.

G. The developer, property owner, or a designated entity acceptable to the City (i.e., homeowners association) shall be responsible for maintaining the natural location of drainage systems unless the City of Spokane, at its option, chooses to maintain the systems as recommended by a comprehensive drainage plan. The developer shall provide a perpetual maintenance plan, including a funding mechanism, for the natural location of drainage systems acceptable to the director of engineering services, in consultation with the director of wastewater management.

H. In areas where the natural location of drainage systems coincide with flood zones identified on the Spokane County flood zone maps or the city’s most recent Federal Emergency Management Agency (FEMA) maps, all land division and building permit activity shall meet the requirements of this chapter. In the event of a conflict between the information shown on the published maps and information gathered from field investigations, the latter shall prevail.

I. No building permits shall be issued for structures, including manufactured homes, located in the natural location of drainage systems other than utility structures and ancillary buildings or structures associated with the passive recreational alternatives as set forth in subsection (E) of this section that can be constructed without obstructing the function of the drainage system.
Section 17D.060.160 REPEALED (Major Land-disturbing Activity Requirements in SDDs)

Repealed by ORD C34564

Section 17D.060.170 Exemptions and Waivers

A. The director may grant exemptions or modify conditions imposed pursuant to:
   1. SMC 17D.060.140 – Runoff and Infiltration Controls,
   2. SMC 17F.040.085 – Sublevel Design and Construction Controls, or
   3. SMC 17D.060.150 – Natural Location of Drainage Systems Requirements.

B. All exemptions and waivers shall be:
   1. based upon existing, accepted engineering principles; and
   2. consistent with the policies and purpose of this chapter; and
   3. in writing.

Section 17D.060.180 Determination, Adjustment of SDD Boundaries and Location of Drainageways

A. The boundaries of SDDs should be established by SMC 17D.060.130. The director of engineering services may more precisely locate, correct or modify SDD boundaries after considering recognized engineering standards, technical information and evidence obtained from field inspections.

B. If such action is taken, and prior to the decision taking final effect, the director shall issue an order respecting boundaries, with notice mailed to the legal owner as shown in the county assessor’s tax records for affected parcels, as well as the occupant of the property, if any. This order shall include a statement setting forth any affected owner or occupant’s right to appeal as provided in SMC 17D.060.100.

C. The natural location of drainage systems shall be decided by the director after considering recognized engineering standards, technical information and field inspections. Maps relied upon include but are not limited to the most current published Spokane County stormwater planning area maps on file with the department of engineering services. At such time the natural location for drainage systems are determined, the director shall issue an order respecting boundaries, with notice mailed to the legal owner as shown in the county assessor’s tax records for affected parcels, as well as the occupant of the property, if any. This order shall include a statement setting forth any affected owner or occupant’s right to appeal as provided in SMC 17D.060.100.

D. The director issuing an order under this section maintains copies of all orders which have become final after the time for appeal has expired or resulting from any appeal.
Section 17D.060.190 Illicit Discharge(s)

A. General Intent and Prohibition.
This section is enacted in compliance with state and federal regulatory requirements in the exercise of local police power. The introduction or discharge of anything into the municipal separate storm sewer system, an MS4 system, in violation of the National Pollutant Discharge Elimination System (NPDES) permit requirements, Eastern Washington Phase II Municipal Stormwater Permit (WAR04-6505) as now or hereafter amended is expressly prohibited.

B. Objectives.
The objectives of this section are:
1. To prevent pollutants as defined in subsection (E) of this section and as provided in applicable federal and state regulatory requirements from entering the MS4.
2. To locate, eliminate, and prohibit illicit connections and discharges to the MS4.
3. To improve the quality of the City's stormwater discharges to water bodies.
4. To promote the health, safety, and welfare for workers and the general public, provided, notwithstanding any other provision, no special duty to any special person or class of people shall ever be created. Any duty nonetheless deemed created shall be solely and exclusively a duty to the general public; and
5. To ensure that all dischargers to the City’s MS4 as well as all other public drainage systems that convey, manage or dispose of stormwater flows into the City’s MS4 comply with the NPDES Eastern Washington Phase II Municipal Stormwater Permit (WAR 04-6505) as now or hereafter amended and local, state and federal laws and regulations and that sanctions for failure to comply are imposed.

C. Applicability.
This section shall apply to all activities which may potentially influence the MS4 drainage system in accord with the requirements of the NPDES Eastern Washington Phase II Municipal Stormwater Permit (WAR 04-6505) as now or hereafter amended. Additionally, permanent and temporary storm water management controls and facilities that flow into the MS4, constructed as part of any activities listed in this section, which are located within the City of Spokane limits, are also subject to this section.

D. Allowable Discharges.
The following types of discharges into the MS4 may be allowed unless the director determines that the discharge causes significant contamination of surface water, stormwater, or ground water. They are allowed only when the stated conditions are met:
1. Treated storm water from the public right-of-way.
2. Other discharges approved by the director which are in compliance with permit WAR04-6505 or subsequent permits, and determined by the director to not be a significant source of pollution.

3. Discharges from potable water sources, including water line flushing, hyperchlorinated water line flushing, fire hydrant system flushing, and pipeline hydrostatic test water. Planned discharges must be dechlorinated to a concentration of 0.1 ppm Cl or less, pH-adjusted if necessary, and volumetrically and velocity controlled to prevent resuspension of sediments into the MS4.

4. Unintentional discharges from lawn watering and other irrigation runoff. A discharge is not unintentional if a previous warning has been given or the party to be held responsible knew or should have known of the warning or discharge event.

5. Swimming pool discharges are allowed if dechlorinated to a concentration of 0.1 ppm Cl or less, pH-adjusted and reoxygenated if necessary, and volumetrically and velocity controlled to prevent resuspension of sediments into the MS4; and do not surcharge the City’s system. Swimming pool cleaning wastewater and filter backwash shall not be discharged to the MS4.

6. Street and sidewalk wash water, water used to control dust, and routine external building wash down that does not use detergents. The City shall reduce these discharges through public education activities and/or water conservation efforts. To avoid washing pollutants into the MS4, the City shall minimize the amount of street wash and dust control water uses. At active construction sites, street sweeping shall be performed prior to washing the street.

7. Other non-stormwater discharges. Other non-stormwater discharges shall be in compliance with the requirements of a stormwater pollution prevention plan approved by the City of Spokane which addresses control of such discharges.

8. discharges resulting from emergency fire fighting activities.

E. Unlawful Discharges.
It is unlawful for any person to discharge, or cause to be discharged, directly or indirectly any pollutants into surface water, stormwater, ground water or within a stream channel or directly or indirectly into the MS4. Illicit connections to storm drainage systems and surface water bodies include sanitary sewers, process waste water discharge, process water sump pumps, and internal building drains. Pollutants include, but are not limited to, the following:

1. Chemicals, petroleum products, paint, solvents, detergents and degreasers, or other toxic or deleterious materials in concentrations or amounts in violation of federal, state, or local standards or limits.

2. Trash, debris, food waste, human wastes, animal wastes, or refuse.

3. Loose or unstabilized soil, sand, gravel, or other construction materials that erode in an uncontrolled manner (freely or significantly, as distinguished from
ordinary bank or soil erosion associated with storm events) into a drainage facility or stream channel.

4. Lawn clippings, fertilizers, leaves, branches, or other landscaping and yard debris deposited in a stream channel or drainage facility; and

5. Turbid water from construction site runoff, concrete or concrete wash out, dewatering, soil boring or other excavation activities.

F. Enforcement.

Violations of this section shall be enforced as any other violation of this chapter.

Section 17D.060.200 Violation of Chapter

In addition to any other provisions, the following actions shall constitute a violation of this chapter:

A. Any failure, refusal, or neglect to comply with any requirement of this chapter or any order or enforcement requirement of the director issued pursuant to this chapter, or regulations thereunder.

B. Allowing or causing a condition that threatens to injure public health, the environment, or public property.

C. Failure to correct ineffective stormwater control facilities after being required to do so by the director.

Section 17D.060.210 City No Guarantor

The City of Spokane is not a guarantor of public improvements with respect to protection of property from flooding or damage from stormwater, excessive groundwater levels, soil erosion, movement or related risks. Notwithstanding any other provision, no special duty or obligation of the City to any identifiable person or class pursuant to this Chapter shall ever be deemed to be created, and any duty nonetheless deemed created shall be exclusively to the general public.

Section 17D.060.220 Penalties – Further Remedies

A. Violations of this chapter are a violation of municipal stormwater facility standards and subject to penalties as provided in SMC 1.05.160. Each day of a continuing violation is a new and separate violation.

B. Whenever a nuisance is abated by the City under this chapter, the director shall keep an accurate account of all expenses incurred, any accrued penalties, plus one hundred percent of contractor’s costs or other City costs for each nuisance abated.
C. When a property meets the conditions for costs or penalties as described in this section, the director may seek recovery of all charges in any manner authorized by law. Remedies herein are in addition to and not in alternative of any other available remedies.

Section 17D.060.300 Low Impact Development

A. The purpose of this section is to provide additional and optional stormwater management techniques beyond the standard best management practices listed in the Spokane Regional Stormwater Manual. These low impact development techniques strive to mimic pre-disturbance hydrological processes by emphasizing site conservation, use of on-site natural features, site planning, and distributed stormwater management practices.

B. The Eastern Washington Low Impact Development Guidance Manual is hereby adopted by reference, as hereafter amended. This guidance manual addresses general requirements and may be modified or supplemented in other specific sections. This reference is on file with the director.

C. Low impact development is encouraged for site development and redevelopment. Compliance with the Basic Requirements of the Spokane Regional Stormwater Manual shall be met regardless of best management practices used. Certain low impact development techniques may be used to fulfill the basic requirements set forth in the Spokane Regional Stormwater Manual, as approved by the director.

Examples include, but are not limited to:

1. Bioretention areas and infiltration planters may be used to meet Basic Requirement No. 3 – Water Quality Treatment and Basic Requirement No. 4 – Flow Control.
2. Flow-through planters may be used to meet Basic Requirement No. 3.
3. Dispersion is generally not appropriate within City limits; however, it may be used to meet Basic Requirement 4.
4. Rain gardens are non-engineered landscaped depressions designed to capture stormwater from small, adjacent contributing areas such as those found at residences. Rain gardens do not necessarily meet basic requirements and can be used where basic requirements do not apply.
5. Permeable pavement may be used to meet Basic Requirement 4 only (unless an additional department of ecology-approved treatment mechanism is installed).
6. Vegetated roofs may be address Basic Requirement 4.

E. Low impact development is an emerging practice and specific design considerations will be updated over time. A supplemental resource to the Eastern Washington Low Impact Development Guidance Manual is the Washington Stormwater Center.