

## **Chapter 17.80**

### **STORMWATER MANAGEMENT**

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**17.80.010 Citation of chapter.**

This chapter shall be known and may hereafter be cited as the “Longview stormwater management ordinance.”

**17.80.020 Purpose.**

(1) The purpose of this chapter is to protect, maintain and enhance the health, safety, and general welfare of the citizens of the city of Longview by establishing minimum requirements and procedures to manage stormwater runoff and nonpoint source pollution associated with new development and redevelopment in order to:

- (a) Protect surface water and groundwater from water quality degradation, and to protect established beneficial uses of receiving waterbodies;
- (b) Prevent erosion and sedimentation and resulting impacts to receiving waterbodies, public and private property, and infrastructure including the city’s stormwater drainage system and CDID No.1 flood control system;
- (c) Protect public and private property and infrastructure from flooding and damage due to increased stormwater runoff rates and volumes from new development and redevelopment of land, as well as changes in the direction and nature of runoff and drainage;
- (d) Protect the public right-of-way to ensure adequate stormwater drainage and maintain public safety;
- (e) Provide for sustainable development and stormwater management that enhances the livability of the community.
- (f) To meet the requirements of state and federal law and the city's Western Washington Phase II Municipal Stormwater Permit (NPDES) permit.

(2) The objectives of this chapter are to:

- (a) Establish the applicability and exemptions for activities that are regulated under this chapter;

- (b) Establish minimum stormwater management standards and design criteria for the regulation and control of stormwater runoff pollution and flow through adoption of the Stormwater Management Manual for Western Washington, and local guidelines and standards;
- (c) Establish requirements for stormwater submittals for new development and redevelopment permits, and for the inspection of projects under construction;
- (d) Encourage the use of stormwater low impact development (LID) practices, principles and BMPs, to the maximum extent practicable;
- (e) Establish provisions for the long-term responsibility and maintenance of stormwater facilities and practices to ensure they continue to function as designed, are maintained, and pose no threat to public health or safety;
- (f) Comply with all relevant provisions established under Chapter 173-218 WAC and the Western Washington Phase II Municipal Stormwater Permit, as they now exist and as hereafter amended or replaced.

**17.80.030 Applicability.**

(1) Provisions of this chapter shall apply to all new development, redevelopment, and land-disturbing activities, as defined herein.

(2) The following are exempt from certain provisions of this chapter:

- (a) Forest practices regulated under Title 222 WAC, except for Class IV General forest practices that are conversions from timberland to other uses.
- (b) Commercial agriculture practices involving working the land for production are generally exempt. However, the conversion from timberland to agriculture, and the construction of impervious surfaces are not exempt.
- (c) Oil and gas field activities or operations including construction of drilling sites, waste management pits, and access roads, as well as construction of transportation and treatment infrastructure such as pipelines, natural gas treatment plants, natural gas pipeline compressor stations, and crude oil pumping stations are exempt. Operators are encouraged to implement and maintain Best Management Practices to minimize erosion and control sediment during and after construction activities to help ensure protection of surface water quality.
- (d) Landscape maintenance activities and gardening.
- (e) The following pavement maintenance practices are exempt: pothole and square cut patching, overlaying existing asphalt or concrete pavement with asphalt or concrete without expanding the area of coverage, shoulder grading, reshaping/regrading drainage systems, crack sealing, resurfacing with in-kind material without expanding the road prism, pavement preservation activities that do not expand the road prism, and vegetation maintenance. The following pavement maintenance practices are not categorically exempt:
  - (i) Removing and replacing a paved surface to base course or lower, or repairing the pavement base: If impervious surfaces are not expanded, Minimum Requirements #1-5 apply.
  - (ii) Extending the pavement edge without increasing the size of the road prism, or paving graveled shoulders: These are considered new impervious surfaces and are subject to the Minimum Requirements that are triggered when the thresholds identified for new or redevelopment projects are met.
  - (iii) Resurfacing by upgrading from dirt to gravel, asphalt, or concrete; upgrading from gravel to asphalt, or concrete; or upgrading from a bituminous surface treatment ("chip seal") to asphalt or concrete: These are considered new impervious surfaces and are subject to the Minimum Requirements that are triggered when the thresholds identified for new or redevelopment projects are met.

(e) Underground utility projects that replace the ground surface with in-kind material or materials with similar runoff characteristics are only subject to Minimum Requirement #2 (Construction Stormwater Pollution Prevention).

(f) Projects within the geographic boundaries of CDID No. 1 are exempt from Minimum Requirement #7 (Flow Control). Local flow control requirements still apply as per LMC 17.80.080(5)(a).

**17.80.040 Adoption of technical guidance and standards.**

(1) For purposes of regulation of activities subject to this chapter, the city hereby adopts by reference the following documents:

- (a) The latest edition of the Stormwater Management Manual for Western Washington.
- (b) The most current version of the City of Longview Stormwater Management Guidelines.
- (c) The most current version of the City of Longview Standard Plans and Details.

(2) To supplement the standards set forth in the SWMMWW, the city may allow the use of technical specifications for BMPs from the following documents, as applicable:

- (a) The latest edition of the Washington State Department of Transportation Highway Runoff Manual.
- (b) The latest edition of the Low Impact Development Technical Guidance Manual for Puget Sound.
- (c) The latest edition of any Ecology-approved western Washington Phase I MS4 permittee's SWMMWW-equivalent manual.

(3) Where provisions of this chapter or documents adopted under this section conflict with other documents adopted under this section, or with other provisions of the Longview Municipal Code, the more stringent requirements, which have the most protective effect on water quality, shall apply.

**17.80.050 Definitions.**

For the purposes of this chapter, the following definitions apply:

(1) "Best management practices (BMP)" means the schedules of activities, prohibitions of practices, maintenance procedures, managerial practices, and/or structural features and facilities that, when used singly or in combination, prevent or reduce the release of pollutants and other adverse impacts to waters of Washington State.

- "Source control BMP" means a BMP that is intended to prevent pollutants from coming into contact with stormwater. Source control BMPs includes physical, structural and mechanical practices and facilities intended to prevent pollutants from entering stormwater, as well as non-structural operational practices that prevent or reduce pollutants from entering stormwater through the management of pollution-generating activities.
- "Treatment BMP" means a BMP that is intended to remove pollution from stormwater.
- "Flow control BMP" means a BMP that is intended to mitigate the impacts of increased surface and stormwater runoff rates generated by land changes due to development.
- "Low impact development BMP" or "LID BMP" means a BMP utilizing LID principles.
- "Erosion and sediment control BMP" means a BMP that is intended to prevent and control soil erosion and the movement of sediment.

(2) "City" means the city of Longview.

(3) "Clearing" means the destruction or removal of vegetation by manual, mechanical, chemical or other such method.

(4) “Consolidated Diking Improvement District No. 1 (CDID No. 1)” means the diking district that operates in and around the city of Longview.

(5) “Converted vegetation (areas)” means the surfaces on a project site where native vegetation, pasture, scrub/shrub, or unmaintained non-native vegetation are converted to lawn or landscaped areas, or where native vegetation is converted to pasture.

(6) “Director” means the director of the city of Longview public works department or designee.

(7) “Hard Surface” means an impervious surface, a permeable pavement, or a vegetated roof.

(8) “Impervious surface” means a non-vegetated surface area that either prevents or retards the entry of water into the soil mantle. A non-vegetated surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled, macadam or other surfaces which similarly impede the natural infiltration of stormwater. Open, uncovered retention/detention facilities shall not be considered as impervious surfaces for purposes of determining whether the thresholds for application of minimum requirements are exceeded. Open, uncovered retention/detention facilities shall be considered impervious surfaces for purposes of runoff modeling.

(9) “Land disturbing activity” means any activity that results in a change in the existing soil cover (both vegetative and non-vegetative) and/or the existing soil topography. Land disturbing activities include, but are not limited to clearing, grubbing, stripping, grading, filling, and excavation. Compaction that is associated with stabilization of structures and road construction shall also be considered a land disturbing activity. Vegetation maintenance practices, including landscape maintenance and gardening, are not considered land-disturbing activity. Stormwater facility maintenance is not considered land disturbing activity if conducted according to approved standards and procedures.

(10) “Low impact development (LID)” means a stormwater and land use management strategy that strives to mimic pre-disturbance hydrologic processes of infiltration, filtration, storage, evaporation and transpiration by emphasizing conservation, use of on-site natural features, site planning, and distributed stormwater management practices that are integrated into a project design.

(11) “LID Principles” means land use management strategies that emphasize conservation, use of on-site natural features, and site planning to minimize impervious surfaces, native vegetation loss, and stormwater runoff.

(12) “Maintenance” means repair and maintenance activities conducted on stormwater infrastructure, facilities, and equipment that involves no expansion or use beyond that previously existing and results in no significant adverse hydrologic impact. It includes those usual activities taken to prevent a decline, lapse, or cessation in the use of structures and systems. In regard to stormwater facilities, maintenance includes assessment to ensure ongoing proper operation, removal of built up pollutants (i.e. sediments), replacement of failed or failing treatment media, and other actions taken to correct defects as identified in the maintenance standards of Chapter 4, Volume V of the SWMMWW.

(13) “Minimum Requirements” means the nine (9) minimum technical requirements as established by the Stormwater Management Manual for Western Washington for new development, redevelopment and land disturbing activities, as follows:

- Minimum Requirement #1: Preparation of Stormwater Site Plans
- Minimum Requirement #2: Construction Stormwater Pollution Prevention Plan
- Minimum Requirement #3: Source Control of Pollution
- Minimum Requirement #4: Preservation of Natural Drainage Systems and Outfalls
- Minimum Requirement #5: On-site Stormwater Management
- Minimum Requirement #6: Runoff Treatment
- Minimum Requirement #7: Flow Control
- Minimum Requirement #8: Wetlands Protection
- Minimum Requirement #9: Operation and Maintenance

(14) “Native vegetation” means vegetation comprised of plant species, other than noxious weeds, that are indigenous to the coastal region of the Pacific Northwest and which reasonably could have been expected to naturally occur on the site.

(15) “New development” means land-disturbing activities, including Class IV—general forest practices that are conversions from timber land to other uses; structural development, including construction or installation of a building or other structure; creation of hard surfaces; and subdivision, short subdivision and binding site plans, as defined and applied in Chapter 58.17 RCW. Projects meeting the definition of redevelopment shall not be considered new development.

(16) “Pre-developed condition” means the native vegetation and soils that existed at a site prior to the influence of Euro-American settlement. The pre-developed condition shall be assumed to be a forested land cover unless reasonable, historic information is provided that indicates the site was prairie prior to settlement. For local flow control requirements, pre-developed condition means the existing site conditions.

(17) “Project” or “Project site” means that portion of a property, properties, or right of way subject to land disturbing activities, new hard surfaces, or replaced hard surfaces.

(18) “Public works” means the city of Longview department of public works, their authorized representatives, or such other department as may be designated by the city manager.

(19) “RCW” means the Revised Code of Washington.

(20) “Receiving waterbody” or “Receiving waters” means naturally and/or reconstructed naturally occurring surface water bodies, such as creeks, streams, rivers, lakes, wetlands, sloughs, drainage ditches or other watercourse, or groundwater, to which stormwater runoff discharges.

(21) “Redevelopment” means on a site that is already substantially developed (i.e., has 35% or more of existing hard surface coverage), the creation or addition of hard surfaces; the expansion of a building footprint or addition or replacement of a structure; structural development including construction, installation or expansion of a building or other structure; replacement of hard surface that is not part of a routine maintenance activity; and land disturbing activities.

(22) “Replaced hard surface” means, for structures, the removal and replacement of hard surfaces down to the foundation. For other hard surfaces, the removal down to bare soil or base course and replacement.

(23) “Replaced impervious surface” means, for structures, the removal and replacement of impervious surfaces down to the foundation. For other impervious surfaces, the removal down to bare soil or base course and replacement.

(24) “Site” means the area defined by the legal boundaries of a parcel or parcels of land that is (are) subject to new development or redevelopment. For road projects, the length of the project site and the right-of-way boundaries define the site.

(25) “Stormwater” means any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

(26) “Stormwater infrastructure” means the various components of the stormwater drainage and management system. Stormwater infrastructure includes, but is not limited to inlets, catch basins, manholes, pipes, swales, ditches, culverts, street gutters, BMP facilities and LID practices.

(27) “Stormwater facility” or “facility” means a permanent, structural stormwater BMP designed to provide for infiltration, flow control, and/or water quality treatment.

(28) “Stormwater site plan” means the comprehensive report containing all of the technical information and analysis necessary for the city to evaluate a proposed project for compliance with stormwater requirements, and includes all related civil site and construction plan sheets.

(29) “Stormwater Management Manual for Western Washington (SWMMWW)” means the latest edition of the manual prepared by the Washington Department of Ecology.

(30) “Stormwater pollution prevention plan (SWPPP)” means a document which describes the BMPs and activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable.

(31) “WAC” means the Washington Administrative Code.

(32) “Western Washington Phase II Municipal Stormwater Permit” means the National Pollutant Discharge Elimination System (NPDES) permit issued by the Washington Department of Ecology under the Clean Water Act that authorizes the discharge of pollutants to surface waters of the state from a municipal separate storm sewer system.

#### **17.80.060 Administration.**

(1) Director. The director shall administer, implement, and enforce the provisions of this chapter.

(2) Excavation and grading permit. All projects subject to the requirements of LMC 17.80.070, shall submit an application for a city excavation and grading permit from the department of public works. This requirement is waived if an application for a building, plumbing, electrical, right-of-way, and/or public improvement permit for the same project is submitted.

(3) Stormwater Submittals. Any application for new development or redevelopment governed by this chapter shall include the required submittals described in 17.80.070. The purpose of the submittals is to determine whether the proposed project can meet the requirements set forth in this chapter. All submittals shall be prepared following the guidance included in the City of Longview Stormwater Management Guidelines. The director may request additional plans, data, studies and information during the review process, as required, in order to make this determination.

(4) All plans, studies, and reports submitted pursuant to this chapter must be stamped, signed and dated by an engineer licensed in Washington State, or other licensed professionals if appropriate, responsible for their preparation. New development and redevelopment projects with less than 2,000 square feet of new plus replaced hard surface area and/or a project on a single-family residential lot only required to meet Minimum Requirements #1-5, are exempt from this requirement.

#### **17.80.070 Submittal requirements.**

New development and redevelopment projects shall provide stormwater submittals at the time of application for a permit. These submittals depend on the size and nature of the project as follows:

(1) The following are required to submit a site drainage plan and a construction SWPPP that complies with Minimum Requirement #2 and all applicable city standards.

(a) Projects with land disturbing activities of at least 5,000 square feet but less than 7,000 square feet that do not meet the thresholds of (2) or (3) below; or

(b) Projects that result in at least 500 square feet but less than 2,000 square feet of new plus replaced hard surface area.

(2) The following are required to submit a stormwater site plan that complies with Minimum Requirements #1 through #5 and all applicable city standards. The requirements apply to the new and replaced hard surfaces and the land disturbed:

(a) Projects with land disturbing activities of 7,000 square feet or greater that do not meet the thresholds of (3) below; or

(b) Projects that result in at least 2,000 square feet but less than 5,000 square feet of new plus replaced hard surface area.

(3) The following are required to submit a stormwater site plan that complies with Minimum Requirements #1 through #9 and all applicable city standards. The requirements apply to the new and replaced hard surfaces, land disturbed, and converted vegetation areas :

- (a) New development projects that result in 5,000 square feet or more of new plus replaced hard surface area; or
- (b) Redevelopment projects that result in 5,000 square feet or more of new hard surface area; or
- (c) Projects that convert 0.75 acres or more of native vegetation to lawn or landscaped areas; or
- (d) Projects that convert 2.5 acres or more of native vegetation to pasture.

(4) Redevelopment. Redevelopment projects meeting threshold (3) above, where the total value of the proposed improvements, including interior improvements, does not exceed 50 percent of the assessed value of the existing site improvements, are not required to apply Minimum Requirements #1 through #9 to replaced hard surface areas.

**17.80.080 Additional provisions.**

(1) Low Impact Development. Low impact development (LID) shall be the preferred and commonly-used approach to site development. This includes the use of LID principles in site design and the selection and use of on-site stormwater management LID practices and BMPs, as feasible and practicable.

(2) Construction Erosion and Sedimentation Control. All new development, redevelopment, and land disturbing activities, regardless of size, shall implement appropriate erosion and sediment control BMPs to protect the public right-of-way, the storm drainage system, receiving waters, and adjoining properties from the deposition of materials, discharge of sediments, and damage.

(3) Drainage. Any new development or redevelopment, regardless of size, shall conform to city standards for drainage and shall not create a nuisance or impact to adjoining properties or the public right-of-way.

(4) Source Control. Any new development or redevelopment, regardless of size, that is identified by the city to have the potential to be a source of pollutants shall provide stormwater source control based upon the proposed activities identified and submit a plan that includes applicable source control BMPs.

(5) Flow Control. All new development and redevelopment that results in 5,000 square feet or more of new impervious surfaces shall address flow control.

(a) Projects exempt from Minimum Requirement #7 in accordance with LMC 17.80.030(2)(f) shall address flow control by:

- (i) Controlling (attenuating) the post-development peak discharge rate to the pre-development rate for the 25-year, 24-hour return frequency storm event using on-site flow control BMPs; or
- (ii) Mitigating post-development discharges by an alternate means, as approved by director, such as a fee-in-lieu for use of regional detention, or public improvement project to improve the downstream capacity of the storm drainage system. The applicant must demonstrate that the conveyance system between the project site and receiving water has sufficient hydraulic capacity.

(b) Projects required to address Minimum Requirement #7 shall meet the provisions for flow control in the SWMMWW.

(6) Post-Construction Soil Quality and Depth. Disturbed areas that are replanted with landscaping, lawn or native vegetation shall establish minimum soil quality and depth following the City of Longview Stormwater Management Guidelines.

(7) Outfalls to CDID No. 1 Waterbodies. Any stormwater discharge or outfall to waterbodies owned or operated by CDID No. 1 requires a permit for such discharge or outfall from CDID No. 1. The city will not approve any

stormwater site plan containing a discharge or outfall to CDID No. 1 waterbodies until approval is granted by CDID No. 1.

(8) Public Stormwater Infrastructure. All new development and redevelopment, regardless of size, that includes stormwater infrastructure in the public right-of-way shall meet the standards included in the city's Stormwater Management Guidelines, and Standard Plans and Details.

(9) Landscaping and Open Space Plan. A detailed landscaping and vegetation plan is required for projects with landscaping used within and adjacent to stormwater facilities, and for the use of planted and/or native vegetation as part of a LID-based approach or BMP. The landscaping plan shall include the relevant plant and vegetation specifications, the arrangement of planted areas, native vegetation areas and other landscaped features on the site plan; information necessary to construct the landscaping elements shown on the plan drawings; descriptions of the stabilization and management techniques used to establish vegetation; and a description of what practices will be employed to ensure that adequate vegetative cover is preserved.

(10) Long-term Maintenance Agreement and Plan. For all stormwater facilities, BMPs, and other stormwater infrastructure, the applicant shall prepare and submit a stormwater maintenance agreement and plan in a form approved by the director at the time of application. The agreement and plan shall include the following elements:

- (a) Designation of Responsible Party. The maintenance agreement shall designate the legal entity (responsible party or parties) responsible for the long-term maintenance of stormwater facilities and BMPs;
- (b) Transfer of Responsibility. The maintenance agreement shall include provisions to transfer the responsibility for long-term maintenance of stormwater facilities and BMPs to future occupants or owners or successors in title;
- (c) Right of Entry. The terms of the maintenance agreement shall provide for the city to enter the property at reasonable times and in a reasonable manner for the purpose of inspection to ensure compliance with the maintenance agreement and plan;
- (d) Maintenance Plan. The maintenance plan shall include a list of routine inspection and remedial maintenance tasks, a schedule for undertaking those tasks, and the applicable minimum performance standards describing the criteria for when additional maintenance actions, including repairs, are required.

Upon final inspection, the agreement shall be recorded with the Cowlitz County auditor prior to the city granting a certificate of occupancy.

#### **17.80.090 Construction inspections.**

(1) Preconstruction Inspection. The applicant shall schedule a preconstruction inspection with public works no less than two business days prior to land disturbing activities to ensure that stormwater and erosion and sediment control BMPs are in place and access to public right-of-way is properly installed.

(2) Ongoing Construction Inspections. Periodic site inspections during construction will be conducted by public works for all projects subject to this chapter.

(3) Compliance. The director shall utilize the approved stormwater site plans for establishing compliance. If any discrepancies are found, the applicant shall be notified in writing of required actions to be taken in order to bring the project into compliance.

#### **17.80.100 Final inspection and record drawings**

Upon completion of a project, and before a certificate of occupancy shall be granted, the applicant is responsible for certifying that the completed project is in accordance with the approved stormwater site plan. All applicants of projects addressing Minimum Requirements #1-9 are required to submit record drawings or "as-builts" of the full stormwater site plan. The drawings must accurately represent the project as constructed, and must depict the actual vertical and horizontal locations of stormwater infrastructure and facilities constructed as part of the project. The director may require that record drawings be stamped, signed and dated by a licensed surveyor or engineer. A final



inspection will be conducted by public works against the approved plans and record drawings to ensure compliance, and is required before the release of any performance securities can occur.

**17.80.110 Easements and deeds**

(1) Easements. Storm drainage easements shall be required where the public conveyance, storage, or treatment of stormwater is identified on the stormwater site plan, and where access is needed to inspect and/or maintain stormwater BMPs and facilities. Easements shall be of a width and location specified in the City of Longview Stormwater Management Guidelines, preapproved by the director prior to plat or project approval, and recorded with the Cowlitz County auditor and identified on all property deeds. Easements may also be required at time of development, for nonpublic conveyance or storage of stormwater where filling or blocking of such conveyance or storage may cause flooding on adjacent or nearby property.

(2) Deeds and Covenants. Property deed restrictions and property owner/building covenants shall be required and recorded with the Cowlitz County auditor for all properties with on-site stormwater BMPs and facilities to ensure continued function as designed and constructed. The deed restrictions or covenants shall specifically address and/or append the requirements and responsibilities for long-term management and maintenance of any BMPs and facilities as set forth in the maintenance agreement.

**17.80.120 Dedication of stormwater facilities.**

The city may accept a dedication of a stormwater facility, together with necessary easements and appurtenances, upon a determination and acceptance, as provided herein, except that dedications made during the subdivision platting process shall not be subject to the following process:

(1) Preliminary Determination by Public Works. Upon receipt by the city of an offer of dedication of a stormwater facility, public works shall make a preliminary determination whether or not the dedication of the facility is appropriate to protect the public health, safety and general welfare, and furthers the goals of the city's stormwater management program. Budgetary implications may be a component of the determination. Public works shall forward its determination to the director. Prior to making its determination, public works shall inspect the facility to determine whether it has been properly maintained and is in good repair, and may condition the recommendation of acceptance on completion of any necessary maintenance and repair items. The director may reject the offer of dedication or forward the offer to the city council for acceptance.

(2) Acceptance by the City. The city council may accept or reject the offer of dedication. Upon acceptance, the document dedicating the stormwater facility shall be recorded with the Cowlitz County auditor at the owner's expense.

(3) Owner to Provide Documentation. The owner, at his or her sole expense, shall provide any document or information requested by the city in order for a decision to be reached on whether or not to accept the facility.

**17.80.130 Maintenance of stormwater BMPs and facilities.**

(1) Long-term Maintenance Required. Stormwater BMPs, facilities, and other stormwater infrastructure, approved by the city and constructed after 2009, shall be maintained according to the approved maintenance agreement and plan required under LMC 17.80.080(10), or the minimum maintenance standards included in the SWMMWW.

(2) Responsible Party. All required long-term maintenance activities shall be undertaken by the party or parties identified in the approved maintenance agreement, unless such responsibility is transferred to the city as provided in LMC 17.80.120, or to another entity as provided in the maintenance agreement.

(3) Inspections. The city shall inspect privately maintained facilities for compliance with the requirements of this chapter. If the party or parties responsible for long-term maintenance fail to maintain their facilities to acceptable standards, the city shall issue a written notice specifying required actions to be taken in order to bring the facilities into compliance.

(4) Records of Maintenance Activities. The party or parties responsible for long-term maintenance shall make records of all maintenance and repairs, and shall retain the records for at least five years. These records shall be made available to public works during on-site inspections and at other reasonable times upon request.

**17.80.140 Financial guarantees.**

(1) Performance Security. At the discretion of the director, the applicant may be required to furnish a stormwater performance bond, or equivalent financial instrument in a form acceptable to the city, in the amount of one hundred fifty percent (150%) of the estimated cost of completing construction per the approved stormwater site plan. This security shall cover both erosion and sediment control during construction, and construction of temporary and permanent stormwater facilities and BMPs within the public right-of-way or easement.

(a) Term of Performance Bond. The stormwater performance bond or the unexpended or unobligated portion thereof shall be released to the applicant within 60 days of issuance by the director of the final acceptance of record drawings and acceptance of work to correct deficiencies. A final inspection by public works per LMC 17.80.100 is required before any performance bond will be released.

(b) Partial Release of Bond. Public works shall have the sole discretion to adopt provisions for a partial release of the performance bond on the completion of various stages or phases of development.

(c) Bond Estimation. The applicant shall be responsible for determining the estimated bond value and submitting the estimation to public works for approval. If the director disagrees with the applicant's estimate, the director shall determine a reasonable estimate.

(2) Maintenance Escrow Requirement. At the discretion of the director, the applicant may be required to post a cash escrow, maintenance bond, letter of credit, or other form of performance security in a form acceptable to the city and in an amount that would cover costs associated with maintenance and repair or replacement in the event of failure of a stormwater facility or BMP. This instrument is required to be posted prior to completion of construction and release of the stormwater performance bond, and then remain in place for a minimum of two years.

**17.80.150 Enforcement.**

It shall be unlawful to violate the provisions of this chapter. Enforcement of this chapter shall be in accordance with Chapter 1.33 LMC or any other means available by local, state and/or federal law.

**17.80.160 Variances.**

(1) Minor variances. The director may grant minor variances from the requirements of this chapter. Minor variances cover adjustments and exceptions to technical requirements and standards as provided in the City of Longview Stormwater Management Guidelines.

(2) Major Variances. If application of the Minimum Requirements or other requirement of this chapter will impose a severe and unexpected economic hardship as defined and documented per Section 6 of Appendix 1 of the Western Washington Phase II Municipal Stormwater Permit, an applicant can make a written request for a waiver from some or all of the requirements causing hardship. The director may grant major variances to the requirements of this chapter; provided, that a written finding of fact is prepared that establishes the following:

(a) The variance will not increase risk to the public health and welfare, nor injurious to other properties in the vicinity and/or downstream, and to the quality of waters of the state; and

(b) The variance is the least possible exception that could be granted to comply with the intent of the minimum requirements.

Major variances may be granted by the city following legal public notice of an application for the variance, legal public notice of the city's decision on the application, and written findings of fact that document the city's determination to grant the variance.

(3) Prior Approval. The applicant must obtain minor and major variances from the city prior to permit approval.

(4) Duration of Variance. Variances shall be valid for two years, unless used or granted for a shorter period or extended by the director.

(5) Right of Appeal. Except as otherwise provided in this chapter, all actions of the director in the administration and enforcement of this chapter shall be final and conclusive; unless appealed in accordance with Chapter 1.33 LMC.

**17.80.170 General provisions.**

(1) Abrogation and Greater Restrictions. It is not intended that this chapter repeal, abrogate, or impair any existing regulations, easements, covenants, or deed restrictions. The requirements of this chapter should be considered minimum requirements, and where any provision of this chapter imposes restrictions different from those imposed by any other ordinance, rule or regulation, or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall be considered to take precedence.

(2) Interpretation. The provisions of this chapter shall be held to be minimum standards in their interpretation and application and shall be liberally construed to serve the purposes of this chapter.

(3) Severability. The provisions of this chapter are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this chapter or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this chapter.

(4) Liability. The requirements of this chapter are minimum standards and a person's compliance with the same shall not relieve such person from the duty of enacting all measures necessary to minimize the hydrologic impact of development and the pollution of receiving waters.

(5) Intent. The intent of this chapter is to place the obligation of complying with its requirements upon the owner. Neither the city nor any officer, agent, or employee thereof shall incur or be held as assuming any liability by reason or in consequence of any permission, inspection or approval authorized herein, or issued as provided herein, or by reason or consequence of any thing done or act performed pursuant to the provisions of this chapter.