

ORDINANCE NO. 3374

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**AN ORDINANCE OF THE CITY OF LONGVIEW, WASHINGTON AMENDING LMC CHAPTER 17.80 REGARDING ERRATA CORRECTIONS TO COMPLY WITH NPDES PHASE II MUNICIPAL STORMWATER PERMIT**

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WHEREAS, on June 22, 2017, the city council adopted Ordinance No. 3349 amending LMC Chapter 17.80 to include provisions necessary to comply with the City's NPDES Phase II Municipal Stormwater Permit; and

WHEREAS, the language in Ordinance No. 3349 regarding submittal and stormwater management requirements for development projects does not accurately reflect the Permit requirements for certain redevelopment projects; and

WHEREAS, the language in Ordinance No. 3349 does not expressly allow the City to require a financial guarantee to cover the estimated cost of completing construction per the approved stormwater site plan for incomplete stormwater facilities on private property.

**NOW THEREFORE**, the City Council of the City of Longview do ordain as follows:

**Section 1.** That Chapter 17.80.070 of the Longview Municipal Code shall be, and is hereby amended to read as follows; provided, manifest and numbering errors shall be corrected prior to publication:

**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.

(1) The following are required to submit a site drainage plan and a construction SWPPP that complies with Minimum Requirement No. 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 subsection (2) or (3) of this section; 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 Requirement Nos. 1 through 5 and all applicable city standards. The requirements apply to the new and replaced hard surfaces and the disturbed land areas:

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

(c) Redevelopment projects that result in 5,000 square feet or more of new plus replaced hard surface area, but less than 5,000 square feet of new hard surface area, and 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.

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

(a) New development and redevelopment 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 the thresholds of subsection (3)(b) of this section, where when 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 Requirement Nos. 4 (6) through 9 to the replaced hard surface areas. (Ord. 3349 § 1, 2017).

**Section 2.** That Chapter 17.80140 of the Longview Municipal Code shall be, and is hereby amended to read as follows; provided, manifest and numbering errors shall be corrected prior to publication:

**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 150 percent 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. (Ord. 3349 § 1, 2017).

**Section 3.** If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance and the same shall remain in full force and effect. The City of Longview hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

**Section 4.** That the City of Longview City Clerk is hereby ordered and directed to cause this Ordinance to be published.

**Section 5.** Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

**Section 6.** This Ordinance shall be in full force and effect from and after thirty (30) days from the date of its passage and publication as provided by law.

Passed by the City Council this 8<sup>th</sup> day of March, 2018.

Approved by the Mayor this 8<sup>th</sup> day of March, 2018.

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MAYOR

ATTEST:

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City Clerk

APPROVED AS TO FORM:

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James McNamara  
City Attorney

Published: \_\_\_\_\_