

ORDINANCE NO. 1652

**AN ORDINANCE OF THE CITY OF LYNDEN, AMENDING SECTION 13.24
STORMWATER MANAGEMENT SYSTEMS**

WHEREAS, Section 13.24 of the Lynden Municipal Code carries out the city's adopted comprehensive drainage and stormwater management plan, including responsibilities for planning, design, construction, maintenance standards, administration, and operation of all city stormwater management system facilities, as well as establishing standards for design, construction, and maintenance of private facilities associated with new development and redevelopment where these may affect stormwater; and

WHEREAS, The City has determined that a more recent Ecology Stormwater Management Manual for Western Washington ("Ecology Manual") was published by the State Department of Ecology in 2019; and

WHEREAS, The City the City of Lynden is required under its current Stormwater National Pollution Discharge Elimination System (NPDES) Permit with the State Department of Ecology to apply this newer 2019 Ecology Manual; and

WHEREAS, The City of Lynden seeks to incorporate the most recent regulations from this Manual

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF LYNDEN,
WASHINGTON, HEREBY ORDAINS AS FOLLOWS:**

Section 1. Section 13.24 of the Lynden Municipal Code is hereby repealed and replaced as follows:

Chapter 12.28 - STORMWATER MANAGEMENT SYSTEMS

13.24.050 – Minimum requirements for new development and redevelopment.

B. Stormwater Management Manuals Adopted

1. The city adopts Ecology's 2019 Stormwater Management Manual for Western Washington, hereafter referred to as the Ecology Manual. Adoption is not for general regulatory purposes. Adoption shall be for guidance as stated in the Ecology Manual, Volume 1 Chapter 1, except where otherwise provided herein.
2. The city adopts the Thresholds, Definitions, Minimum Requirements, and Exceptions, Adjustment, and Variance Criteria found in Appendix 1 of the city's NPDES Permit all of which are incorporated herein.
3. Any undefined terms in this chapter have the meanings established in the Ecology Manual.

4. The city utilizes the 2012 Puget Sound Partnership Low Impact Development Technical Guidance Manual for information related to BMPs. BMPs shall be used to control pollution from stormwater. The city will also use the latest edition of the Ecology Manual. BMPs shall be used to comply with the requirements in this chapter and to ensure protection of water quality, reduction of discharge of pollutants to the maximum extent practicable and to apply all known available reasonable methods of prevention, control and treatment prior to allowing discharge.
5. The director is authorized to determine feasibility and make decisions on adjustments and exceptions under the Ecology Manual.

Section 2 – Severability.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Council hereby declares that it would have passed this code and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases has been declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect.

Section 3 – Effective Date.

This ordinance shall be in full force and effect from and after its passage by the City Council and approval by the Mayor, otherwise as provided by law, five days after the date of its publication.

PASSED BY THE CITY COUNCIL BY AN AFFIRMATIVE VOTE, ___ IN FAVOR ___
AGAINST AND SIGNED BY THE MAYOR THIS 3rd DAY OF October, 2022.

MAYOR SCOTT KORTHUIS

ATTEST:

CITY CLERK PAMELA D. BROWN

APPROVED AS TO FORM:

CITY ATTORNEY ROBERT A. CARMICHAEL