

ORDINANCE NO. 2026-9

AN ORDINANCE OF THE TOWN OF EATONVILLE, WASHINGTON, AMENDING EATONVILLE MUNICIPAL CODE SECTION 16.54.050 RELATING TO STORMWATER MANAGEMENT AND EROSION CONTROL AND AUTHORIZING A FEE-IN-LIEU OF ON-SITE STORMWATER MANAGEMENT AND FLOW CONTROL

WHEREAS, from time to time the Town evaluates the provisions set forth in the Eatonville Municipal Code (EMC) to determine whether circumstances have changed that would justify amending said provisions; and

WHEREAS, Chapter 16.54, Stormwater Management and Erosion Control, of the Eatonville Municipal Code is intended to protect the Town from the adverse effects of water pollution, erosion and sedimentation associated with development and redevelopment; and

WHEREAS, the Town of Eatonville adopts and implements the most current version of the Washington State Department of Ecology Stormwater Management Manual; and

WHEREAS, the Town of Eatonville is not currently subject to coverage under a Phase II Municipal Stormwater NPDES permit administered and regulated by the Washington State Department of Ecology; and

WHEREAS, pursuant to its authority to regulate for the protection of public health, safety, and welfare, and to control water pollution and erosion control consistent with state and federal law, the Town of Eatonville has the authority to adopt and amend its stormwater regulations, provided such regulations do not conflict with applicable state or federal requirements; and

WHEREAS, the Town of Eatonville owns, operates, and maintains a municipal stormwater management system with adequate capacity, including the receiving waters to which stormwater is discharged via Lynch Creek and the Greater Mashel River basin; and

WHEREAS, the Town's stormwater management system currently possesses sufficient capacity to accommodate additional connections; however, anticipated growth and increased system demand may require future capital improvements, including the planning, design, and construction of a local flow control facility, to ensure continued system functionality and compliance with applicable standards; and

WHEREAS, the requirements of Minimum Requirement No. 5 (On-Site Stormwater Management) and Minimum Requirement No. 7 (Flow Control) of the Washington State Department of Ecology Stormwater Management Manual may impose substantial financial burdens and physical site constraints on property developers and local business owners; and

WHEREAS, providing a fee-in-lieu option for certain stormwater management and flow control requirements may allow for more efficient, coordinated, and cost-effective implementation of stormwater infrastructure while supporting economic development within the Town; and

WHEREAS, fees collected in lieu of on-site stormwater management and flow control can be used to fund necessary capital improvements and facility maintenance, as well as the development of regional or local stormwater facilities that provide equivalent or greater public benefit;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF EATONVILLE AS FOLLOWS:

Section 1. Eatonville Municipal Code Section 16.54.050 is hereby amended to read as follows:

16.54.050. General provisions.

- A. It is not intended that this chapter shall repeal, abrogate, or impair any existing regulations, easements, covenants, or deed restrictions. However, where this chapter imposes greater restrictions, the provisions of this chapter shall prevail.
- B. The provisions of this chapter shall be held to be minimum requirements in their interpretation and application and shall be liberally construed to serve the purposes of this chapter.
- C. Issuance of a site development permit by the Town of Eatonville does not, in any way, imply that the proposal complies with or is allowed by other Town ordinances, regulations, or requirements, or state or federal laws. The applicant is in no way relieved of responsibility and liability for compliance with all state, federal, and local rules, requirements, laws, and regulations.
- D. Illicit discharges to stormwater drainage systems are prohibited.
- E. Best management practices shall be used to comply with the provisions of this chapter.
 1. BMPs described in the manual shall be used as applicable.
 2. In those instances where appropriate BMPs are not in the manual, experimental BMPs should be considered. Experimental BMPs are encouraged as a means of solving problems in a manner not addressed by the manual in an effort to improve stormwater management technology. Experimental BMPs must be approved in accordance with the approval process outlined in the manual.
 3. In lieu of implementing best management practices required to meet Minimum Requirement No. 5 of the Stormwater Manual, an applicant may elect to discharge stormwater to the Town's stormwater system, if available to the site, provided that the stormwater is treated in accordance with applicable standards prior to discharge. The applicant shall pay a fee in lieu of \$1.64 per square foot for each square foot of impervious surface exceeding the threshold established under Minimum Requirement No. 5 and adjusted each year according to EMC 16.54.050 (G). All fees collected pursuant to this

subsection shall be deposited into the Town's Stormwater Capital Fund and used for stormwater system improvements and related capital projects.

4. In lieu of implementing flow control best management practices required to meet Minimum Requirement No. 7 of the Stormwater Manual, an applicant may elect to discharge stormwater to the Town's stormwater system, if available to the site. The applicant shall pay a fee in lieu of \$1.64 per square foot for each square foot of impervious surface subject to flow control requirements under Minimum Requirement No. 7 and adjusted each year according to EMC 16.54.050 (G). All fees collected pursuant to this subsection shall be deposited into the Town's Stormwater Local Flow Control Fund and shall be used for the planning, design, construction and maintenance of local flow control facilities.
- F. Fees-in-lieu of on-site stormwater management (MR5) or flow control (MR7) shall be paid upon public works approval and prior to building permit issuance.
- G. The rate shall be adjusted annually on January 1st of each year by an amount equal to the Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W) Greater Seattle Metropolitan Index as measured by averaging the April adjustments for the previous five (5) years.

Section 3. Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be preempted by state or federal law or regulation, such decision or preemption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

Section 4. This ordinance shall take effect after publication of a summary, consisting of the title, pursuant to RCW 35.27.300.

1ST READING: 04/13/2026

2ND READING: 04/27/2026

PASSED by the Town Council of the Town of Eatonville and attested by the Clerk in authentication of such passage this ____ day of April, 2026.

Emily McFadden
Mayor

ATTEST:

Miranda Doll
Town Clerk

APPROVED AS TO FORM:

Oskar Rey
Town Attorney