



**CITY OF KIRKLAND**  
**Department of Public Works**  
123 Fifth Avenue, Kirkland, WA 98033 425.587.3800  
[www.ci.kirkland.wa.us](http://www.ci.kirkland.wa.us)

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## MEMORANDUM

**To:** Dave Ramsay, City Manager

**From:** Jenny Gaus, Senior Surface Water Utility Engineer  
Rob Jammerman, Development Engineering Manager  
Daryl Grigsby, Public Works Director

**Date:** February 8, 2007

**Subject:** Response to January 17, 2007 letter from the Master Builders Association concerning the NPDES Phase II Stormwater Permit

RECOMMENDATION:

It is recommended that Council authorize the Mayor to sign the attached letter.

POLICY IMPLICATIONS:

The attached letter acknowledges that the NPDES Phase II permit will have cost impacts to both the development community and the City, and pledges to work with the Master Builders' Association and the development community to implement requirements in ways that are economically feasible.

BACKGROUND DISCUSSION:

The Western Washington NPDES Phase II Municipal Stormwater Permit ("Permit") requires cities to take specific actions in the following six areas to reduce stormwater pollution:

1. Public education/outreach;
2. Public Involvement and Participation;
3. Illicit Discharge Detection and Elimination;
4. Construction Site Stormwater Runoff Control;
5. Post Construction Stormwater Management in New Development and Redevelopment; and
6. Pollution Prevention/Good Housekeeping for Municipal Operations

As part of Item 5, the City will be required to adopt new stormwater design standards that are equivalent to the 2005 *Stormwater Management Manual for Western Washington*. Stormwater detention (flow control) requirements in this manual will result in significantly larger detention facilities for many development projects, and imposes new requirements for use of Low Impact Development, among other items. The Master Builders Association wrote to urge the City to examine potential cost impacts of the changes, and to look at ways of tailoring stormwater design requirements to local conditions to reduce cost impacts where possible. The attached letter pledges to work with the Master Builders Association as the City examines and adopts the required regulations.

Attachments:

- A January 17, 2007 letter from MBA of King and Snohomish Counties
- B Response letter from Mayor Lauinger



MBA of King and Snohomish Counties  
335 116th Avenue SE  
Bellevue, Washington 98004  
t 425.451.7920 / 800.522.2209  
f 425.646.5985 [www.masterbuildersinfo.com](http://www.masterbuildersinfo.com)

January 17, 2007

**RECEIVED**

James L. Lauinger  
Mayor  
123 5th Avenue  
Kirkland, WA 98033

**JAN 22 2007**  
**CITY OF KIRKLAND**  
**CITY MANAGER'S OFFICE**

Dear City of Kirkland,

On behalf of the 4,300 member companies of the Master Builders Association of King and Snohomish Counties ("MBA"), I am writing regarding the newly issued Phase II Municipal Stormwater Permits ("Permits") by the Washington State Department of Ecology ("DOE").

As you know, the Permits will, for the first time, require 102 cities and 13 counties across Washington to implement stormwater management programs. Specifically, the Western Washington Phase II Municipal Stormwater Permit ("Permit") will apply to 32 King County cities, including Kirkland. The program is required by the federal Clean Water Act and is designed to control stormwater discharges into storm sewer systems. The program also includes controls on new development and re-development that exceed existing and federal requirements, as well as DOE's construction stormwater general permit.

The Permits impact not only the private sector, but also public works projects and other areas under the purview of local government. While Governor Chris Gregoire is proposing \$10 million in her 2007 budget to help cities and counties comply with the new stormwater rules, this funding level will not come close to covering the cost of this program to cities. The Permits not only require that local governments regulate the stormwater impacts of new development, but also mandate a series of public programs designed to control stormwater impacts of existing development, public roads, sewer systems and the like. The Permits may require monitoring and inspection programs and public education programs, as well as place restrictions on public open space and road maintenance programs. The selection of appropriate alternatives to meet these requirements will have serious financial implications for all of the cities affected by the Permits.

**Given that this is a very complex and costly permit to implement, we urge you to take the time allotted to review the new requirements and decide on a proper course of action for your city.** The MBA is happy and willing to work with you as you review alternatives in the year ahead.

**ATTACHMENT A**

Based on the Permit, our understanding is that cities have until March 31, 2008 to submit a status report of the development of their stormwater management plan to DOE.

One of the requirements of the Permit that affects the housing industry is a requirement that every affected city adopt an updated stormwater control manual. Under this mandate, cities will have three options:

- (1) Adopt the 2005 Stormwater Management Manual for Western Washington;
- (2) Tailor the 2005 Stormwater Manual to meet your local needs and have it approved by DOE as an equivalent;
- (3) Adopt another DOE-approved manual, such as the King County Surface Water Design Manual.

Again, we believe it is very important for cities to take their time with this process and review their options closely. **The potential impacts of this requirement should not be underestimated.** In particular, our association has long been concerned about the cost of the new requirements to new homeowners, small businesses and local governments.

For example, the cost per house to construct a stormwater detention vault using the 1992 Stormwater Manual versus the 2005 Stormwater Manual is very dramatic. One local builder reported to us recently that under the older manual, it was calculated the detention requirements on a North Snohomish County project would cost \$9,000 per house. **Under the 2005 Stormwater Manual, it is estimated to cost around \$17,850 per house, or nearly double the cost.** The detention vault size under the '92 Manual would be 200 feet long, 45 feet wide and 10 feet deep. Under the '05 Manual, the vault size is 300 feet long, 45 feet wide and 10 feet deep. This example illustrates that the increased detention requirements in the '05 Manual significantly impact the cost of housing. Moreover, there's a real concern that the increased requirements far exceed what is really needed to maintain environmental quality.

Another unintended consequence of the '05 Stormwater Manual is that some neighborhoods are concerned about new detention vaults that are more than twice as large as what they currently see being utilized.

Our industry has identified numerous other specific concerns with the Permits; however, we recognize cities are obligated to move forward with a stormwater management plan. We are simply asking you to take your time and consider tailoring plans to local needs, rather than the automatic adoption of a Manual that can be unnecessarily costly and burdensome. MBA is committed to working with you in this process.

Snohomish County is an example of a local jurisdiction that is working with DOE and community stakeholders to tailor its Phase I stormwater permit to meet the county's specific needs. We encourage you to consider this approach as a way to gain the flexibility you may need for such things as important public works projects planned for your community. At the very least, we encourage your city to take a very close look at the Permit, as there are significant ramifications.

For our part, the MBA continues to inform our members of the changes, so they will know what to expect. We are also prepared to work with cities as they move toward implementation of the Permit.

Please contact David Hoffman with questions at (425) 460-8224 or [dhoffman@mbaks.com](mailto:dhoffman@mbaks.com).

Sincerely,

A handwritten signature in black ink, appearing to read "Samuel L. Anderson". The signature is fluid and cursive, with a long horizontal stroke at the end.

Samuel L. Anderson  
Executive Officer

CC: City Manager, Dave Ramsay  
Planning Director, Eric Shields  
Public Works Director

February 21, 2007

**DRAFT**

Samuel L. Anderson, Executive Officer  
Master Builders Association of King and Snohomish Counties  
335 116<sup>th</sup> Ave SE  
Bellevue, WA 98004

RE: NPDES Phase II Municipal Stormwater Permit

Dear Mr. Anderson:

Thank you for your January 17, 2007 letter concerning the Western Washington NPDES Phase II Municipal Stormwater Permit ("Permit"). The Permit is complex and presents both challenges and opportunities for municipalities. We do not take it lightly. Challenges include the cost of compliance and feasibility of required programs including development standards. The permit also presents opportunities for municipalities to work with each other and with associations such as yours to find economically feasible ways to improve stormwater management in our region. The success of our efforts is key to maintaining a good quality of life and a viable economy throughout Western Washington.

Kirkland has been anticipating this permit for many years. Partially in preparation for the NPDES program, the City established a Surface Water Utility in 1998. This created a stable funding source for surface water programs. In 2005 the City prepared a *Surface Water Master Plan* that describes strategies for providing surface water services to reduce flooding, improve water quality, and protect and improve fish habitat<sup>1</sup>. This plan lays the framework for City to comply with the Permit and to meet obligations under the Lake Washington/Cedar/Sammamish Watershed (WRIA 8) *Chinook Salmon Conservation Plan*.

Over the coming year, staff will be reviewing specifics of the Permit, and will begin discussions with the City Council about work program and cost impacts. A point of discussion will certainly be the potential costs to development and redevelopment projects in the City resulting from adoption of design standards equivalent to the 2005 *Stormwater Management Manual for Western Washington*, and how those costs could be lowered or spread equitably through City actions. The Permit, for example, allows for watershed planning and/or regional facilities plans that could potentially lower the cost to developers of providing the required stormwater detention. The use of Low Impact Development techniques (LID) may further reduce costs by helping to reduce or eliminate the need to construct detention facilities on some sites, and staff is investigating tools that would facilitate use of LID in Kirkland. We are interested in any ideas you and the MBA may have concerning implementation of the Permit as it relates to community development. We look forward to working with you and keeping you informed on these efforts, and to providing assistance and resources to developers as we move to new stormwater regulations.

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<sup>1</sup> A copy of Kirkland's 2005 Surface Water Master Plan can be viewed at [http://www.ci.kirkland.wa.us/depart/Public\\_Works/Storm\\_Surface\\_Water/Surface\\_Water\\_Master\\_Plan.htm](http://www.ci.kirkland.wa.us/depart/Public_Works/Storm_Surface_Water/Surface_Water_Master_Plan.htm)

The Permit presents a great challenge to Western Washington – to improve the quality of stormwater. Meeting this challenge will be costly and will require actions many people and organizations, but the outcome of cleaner water will create a more sustainable future for all of us. Should you have specific questions about Kirkland’s stormwater management programs, please feel free to contact Jenny Gaus, P.E., Senior Surface Water Utility Engineer, at (425) 587-3850 or [jgaus@ci.kirkland.wa.us](mailto:jgaus@ci.kirkland.wa.us). Thank you for your interest in working with Kirkland on this important issue.

Sincerely  
City of Kirkland

Jim Lauinger, Mayor

Cc: Daryl Grigsby, Public Works Director  
Rob Jammerman, Development Engineering Manager  
Jenny Gaus, Senior Surface Water Utility Engineer