

Chapter 30.63A SCC

DRAINAGE

PART 000 General.

30.63A.010 Purpose and objectives.

30.63A.020 Applicability.

30.63A.025 Started Construction requirement.

30.63A.030 Compliance with other laws.

30.63A.040 Projects performed under authority of the director of public works or county engineer.

PART 100 Stormwater Regulations, Manuals and Design Standards.

30.63A.100 Snohomish County stormwater regulations.

30.63A.110 Snohomish County Drainage Manual.

30.63A.120 Engineering Design and Development Standards.

30.63A.140 Washington State Department of Transportation Highway Runoff Manual.

30.63A.150 Hierarchy of regulations.

30.63A.160 Hierarchy of definitions.

30.63A.170 Modification and waiver criteria and processes.

PART 200 Exemptions and Exceptions.

30.63A.200 General exemptions.

30.63A.210 Exception for selected project sites that do not drain to a municipal separate storm sewer system.

30.63A.220 Exemption for county projects.

PART 300 New Development and Redevelopment Thresholds.

30.63A.300 Drainage review thresholds and requirements for new development.

30.63A.310 Minimum drainage review thresholds and requirements for redevelopment.

PART 400 - 600 Minimum Requirements.

30.63A.400 Minimum requirement 1: Preparation of a stormwater site plan.

30.63A.405 Repealed.

30.63A.410 Repealed.

30.63A.415 Repealed.

30.63A.420 Repealed.

30.63A.425 Repealed.

30.63A.430 Repealed.

- 30.63A.435 Repealed.
- 30.63A.440 Repealed.
- 30.63A.445 Minimum requirement 2: Stormwater pollution prevention plan (SWPPP) - objectives and applicability.
- 30.63A.450 Minimum requirement 2: SWPPP - general requirements.
- 30.63A.455 Repealed.
- 30.63A.460 Repealed.
- 30.63A.465 Repealed.
- 30.63A.470 Repealed.
- 30.63A.475 Repealed.
- 30.63A.480 Repealed.
- 30.63A.485 Repealed.
- 30.63A.490 Repealed.
- 30.63A.495 Repealed.
- 30.63A.500 Repealed.
- 30.63A.505 Repealed.
- 30.63A.510 Repealed.
- 30.63A.515 Minimum requirement 3: Water pollution source control for new development or redevelopment.
- 30.63A.520 Minimum requirement 4: Preservation of natural drainage systems and outfalls, and provision of off-site mitigation.
- 30.63A.525 Minimum requirement 5: On-site stormwater management.
- 30.63A.530 Minimum requirement 6: Runoff treatment - requirements.
- 30.63A.535 Repealed.
- 30.63A.540 Repealed.
- 30.63A.545 Repealed.
- 30.63A.550 Minimum requirement 7: Flow control requirements for new development or redevelopment.
- 30.63A.555 Repealed.
- 30.63A.560 Repealed.
- 30.63A.570 Minimum requirement 8: Stormwater discharges to wetlands.
- 30.63A.575 Minimum requirement 9: Inspection, operation and maintenance requirements.

- 30.63A.580 Minimum requirement 9: Interim maintenance responsibility for facilities and BMPs in the county right-of-way after construction acceptance.
- 30.63A.585 Minimum requirement 9: Release of owner and applicant from maintenance responsibility for certain facilities and BMPs.
- 30.63A.590 Minimum requirement 9: Easements granted to the county.
- 30.63A.595 Minimum requirement 9: Private easements.
- 30.63A.605 Minimum requirement 9: Separate tracts or easements.

PART 700 Additional Requirements.

- 30.63A.700 Minimum requirements for (~~road~~) pavement maintenance (~~redevelopment~~).
- 30.63A.710 Separation requirements for drainage facilities.
- 30.63A.720 Access to flow control and treatment facilities.
- 30.63A.730 Conveyance systems - minimum standards.
- 30.63A.740 Stormwater plan conveyance system and stub out requirements for new development or redevelopment activities, subject to full drainage plan.
- 30.63A.750 Repealed.

PART 800 Submittal, Review, Inspection and Acceptance Process.

- 30.63A.800 Stormwater drainage review process.
- 30.63A.805 Targeted stormwater site plan submittal requirements.
- 30.63A.810 Stormwater pollution prevention plans for small projects.
- 30.63A.815 Full stormwater site plan submittal requirements.
- 30.63A.820 Phased submittal of full stormwater site plans.
- 30.63A.825 Stormwater site plan revisions.
- 30.63A.830 Modifications.
- 30.63A.835 Reconsideration of a modification decision.
- 30.63A.840 Waivers.
- 30.63A.842 Reconsideration of a waiver decision.
- 30.63A.845 Authority to require more stringent standards and requirements and to impose mitigation.
- 30.63A.850 Compliance with permits and stormwater site plans.
- 30.63A.855 Replacement of individuals reviewing or inspecting work.
- 30.63A.860 Drainage inspection process.
- 30.63A.865 Submittal of record drawings.
- 30.63A.870 Process for construction acceptance.

PART 900 Security Devices and Insurance.

30.63A.900 Drainage security devices and insurance - general.

30.63A.940 Drainage insurance requirements.

PART 000 General.

30.63A.010 Purpose and objectives.

(1) The purpose of this chapter is to regulate stormwater discharges from all new development and redevelopment to prevent and control adverse impacts of drainage and stormwater on the public health, safety, and general welfare, consistent with the provisions of the Federal Clean Water Act (33 U.S.C. § 1251 et seq.) as administered by the Washington State Department of Ecology through issuance of the National Pollutant Discharge Elimination System (NPDES) Phase I Municipal Stormwater Permit (Permit) in accordance with chapter 90.48 RCW.

(2) The objectives of this chapter are:

(a) To promote sound, practical and economical development practices and construction procedures which prevent or minimize impacts to the county's waters;

(b) To prevent or minimize degradation of water quality and to control the sedimentation of streams, rivers, lakes, wetlands, marine waters and other waters to the maximum extent practicable by all known and reasonable methods of prevention, control and treatment;

(c) To control stormwater runoff originating from new development or redevelopment;

(d) To preserve the quality of water for recreation and fish and wildlife habitat;

(e) To maintain aquatic habitat;

(f) To maintain the quality of the county's water resources;

(g) To prevent or minimize adverse effects caused by degradation of surface water quality flow patterns or quantities, locations, and changes to hydrologic flow patterns;

(h) To prevent groundwater degradation from surface water flows;

(i) To preserve and protect the county's wetlands by maintaining hydrologic continuity with other aquatic resources;

(j) To maintain the safety of county roads and rights-of-way;

(k) To protect and maintain the safety and reliability of public and private electric systems to federally mandated standards;

(l) To protect public safety by reducing soil erosion, slope instability, and landslides;

(m) To encourage new development and redevelopment to locate within urban growth areas;

(n) To promote non-structural preventative and source control activities and actions;

(o) To require the use of low impact development (LID) best management practices (BMPs) as directed by the Drainage Manual; and

(p) To require and promote site planning principles that make LID the preferred and commonly-used approach to site development.

(Added by Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010; Amended by Ord. 15-102, Jan. 11, 2016, Eff date Jan. 22, 2016; Amended by Amended Ord. 17-070, Nov. 1, 2017, Eff date Dec. 1, 2017).

30.63A.020 Applicability.

The regulations in this chapter apply to all new development and redevelopment unless otherwise exempted or modified in this chapter.

(Added by Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010).

30.63A.025 Started Construction requirement.

Compliance with updated stormwater drainage regulations shall be required as provided in SCC 30.70.310.

30.63A.030 Compliance with other laws.

Approvals and permits granted based on compliance with this chapter and any rules, policies and procedures promulgated hereunder do not constitute waivers of the requirements of any other laws or regulations, nor do they indicate compliance with any other laws or regulations. Compliance with all applicable federal, state and local laws and regulations is required.

(Added by Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010). (Amended Ord. 10-026, 2010.)

30.63A.040 Projects performed under authority of the director of public works or county engineer.

For projects performed under the authority of the director of the department of public works or the county engineer, compliance with this chapter may be achieved pursuant to SCC 30.63B.100.

(Added by Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010).

PART 100 Stormwater Regulations, Manuals and Design Standards.

30.63A.100 Snohomish County stormwater regulations.

The provisions of chapters 30.63A, 30.63B, 7.53, and 7.54 SCC, together with those manuals and standards described in SCC 30.63A.110, 30.63A.120, and 30.63A.140, shall constitute the county's stormwater regulations.

(Added by Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010; Amended by Ord. 15-102, Jan. 11, 2016, Eff date Jan. 22, 2016).

30.63A.110 Snohomish County Drainage Manual.

The director of the department of public works is authorized to adopt by rule, pursuant to chapter 30.82 SCC, a Snohomish County Drainage Manual, to be known as the "Drainage Manual." The Drainage Manual shall provide detail and specificity regarding the requirements of chapters 30.63A and 30.63B SCC. When BMPs are required by this chapter, they shall comply with the Drainage Manual.

(Added by Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010; Amended by Ord. 15-102, Jan. 11, 2016, Eff date Jan. 22, 2016).

30.63A.120 Engineering Design and Development Standards.

(1) The county engineer is authorized to adopt and revise by rule, pursuant to chapter 30.82 SCC, engineering design and development standards related to the requirements of chapters 30.63A and 30.63B SCC. These engineering design and development standards shall be contained in the EDDS adopted under SCC 13.05.010.

(2) Work performed and materials installed pursuant to the requirements of chapters 30.63A and 30.63B SCC shall conform to the EDDS.

(Added by Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010; Amended by Ord. 15-102, Jan. 11, 2016, Eff date Jan. 22, 2016).

30.63A.140 Washington State Department of Transportation Highway Runoff Manual.

The Washington State Department of Transportation Highway Runoff Manual, as determined by the Washington State Department of Ecology to be equivalent to the 2014 Department of Ecology Stormwater Management Manual for Western Washington, may be used to meet the requirements of chapters 30.63A and 30.63B SCC for public road construction projects, subject to approval by the applicable director.

(Added by Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010; Amended by Ord. 15-102, Jan. 11, 2016, Eff date Jan. 22, 2016).

30.63A.150 Hierarchy of regulations.

In the application of the county's stormwater regulations, where any conflict exists between the requirements of chapter 30.63A or 30.63B SCC and the Drainage Manual, the EDDS, or other manuals authorized in this chapter, the provisions of chapters 30.63A and 30.63B SCC shall control.

(Added by Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010; Amended by Ord. 15-102, Jan. 11, 2016, Eff date Jan. 22, 2016).

30.63A.160 Hierarchy of definitions.

In the application of chapters 30.63A and 30.63B SCC, where a definition in chapter 30.91 SCC conflicts with a definition in the Drainage Manual or the EDDS, the definition from chapter 30.91 SCC shall control. Where a term used in the Drainage Manual or the EDDS is not defined in chapter 30.91 SCC, the definition in the Drainage Manual or the EDDS shall apply.

(Added by Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010; Amended by Ord. 15-102, Jan. 11, 2016, Eff date Jan. 22, 2016).

30.63A.170 Modification and waiver criteria and processes.

Requests for modifications or waivers from the requirements of chapters 30.63A and 30.63B SCC, the Drainage Manual, the stormwater-applicable requirements of the EDDS and any submittal checklist item pertaining to the requirements of chapters 30.63A and 30.63B SCC shall be processed under SCC 30.63A.830 through SCC 30.63A.842.

(Added by Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010; Amended by Ord. 15-102, Jan. 11, 2016, Eff date Jan. 22, 2016).

PART 200 Exemptions and Exceptions.

30.63A.200 General exemptions.

The following new development and redevelopment activities shall be exempt from all stormwater management requirements of this chapter except as otherwise specified below:

- (1) Repair or installation of underground or overhead facilities performed by a utility. For this exemption to apply, the repair or installation shall only replace ground surfaces with in-kind materials or materials with similar runoff characteristics and the development activities must occur outside all critical areas, together with the buffers of and setbacks from these critical areas, except that such activities may occur within floodplains and aquifer recharge areas of low or moderate sensitivity to groundwater contamination.
- (2) Utility facility maintenance and repairs performed by a utility that replace ground surfaces with in-kind materials or materials with similar runoff characteristics, that do not add hard surfaces, and that do not adversely impact any critical areas, critical area buffers or upstream or downstream properties, except that such activities shall comply with minimum requirement 2 (SCC 30.63A.445 and 30.63A.450).
- (3) Remodeling or tenant improvements that do not meet the definitions of new development, redevelopment or land disturbing activity.
- (4) ~~RESERVED ((Development activities that result in less than 2,000 square feet of new, replaced, or new plus replaced hard surfaces, except that such activities shall comply with minimum requirement 2 (SCC 30.63A.445 and 30.63A.450). For this exemption to apply, development activities must occur outside all critical areas, together with the buffers of and setbacks from these critical areas, except that such activities may occur within floodplains and aquifer recharge areas of low or moderate sensitivity to groundwater contamination.))~~
- (5) Forest practice Classes I, II, III and Class IV special nonconversion forest practices regulated by WAC Title 222.
- (6) Oil and gas field activities or operations, including the construction of drilling sites, waste management pits, access roads and transportation and treatment infrastructure (such as pipelines, natural gas treatment plants, natural gas pipeline compressor stations and crude oil pumping stations). 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 during storm events.

(7) The following road and pavement maintenance activities are exempt: pothole and square cut patching, overlaying existing asphalt or concrete pavement with asphalt or concrete without expanding the coverage area, shoulder grading, reshaping and/or re-grading drainage systems, crack sealing, resurfacing with in-kind material without expanding the road prism, pavement preservation activities that do not expand the ~~((road))~~ pavement prism, and vegetation maintenance.

(8) The following commercial agricultural activities:

(a) Tilling, soil preparation, fallow rotation, planting, harvesting and other commercial agricultural activities involving working the land when such activities are outside of critical areas (except for floodplains and aquifer recharge areas with low or moderate sensitivity to groundwater contamination), together with the buffers of and setbacks from these critical areas;

(b) Maintenance or repair of existing commercial agricultural facilities including drainage facilities, ponds, animal stock flood sanctuaries, animal waste management facilities, agricultural buildings, fences, roads and bridges; and

(c) New construction of drainage ditches (including enlargement of existing drainage ditches) that require less than 500 cubic yards of grading. To qualify under this exemption, such ditches shall not adversely impact critical areas or upstream or downstream properties, be located within 100 feet of streams, wetlands, lakes, marine waters, fish and wildlife habitat conservation areas, or erosion hazard areas, or contain water on site for retention, infiltration or evaporation and the development activities must occur outside all critical areas, together with the buffers of and setbacks from these critical areas, except that such activities may occur within floodplains and aquifer recharge areas of low or moderate sensitivity to groundwater contamination.

(9) Agricultural activities defined in chapter 30.32B SCC or SCC 30.91A.090 provided:

(a) The activity occurs on property on which agriculture is a legal use of the property;

(b) The activity requires no other permit or project approval from Snohomish County except for a flood hazard permit under chapter 30.43C SCC; and

(c) The activity does not occur in a wetland as defined under state law, unless:

(i) The activity is exempt from wetlands regulations under section 404(f) of the federal Clean Water Act; or

(ii) The wetland is an area of no greater than 5,000 square feet of nonriparian wetland Categories II or III or 10,000 square feet of nonriparian Category IV wetlands, pursuant to SCC 30.62A.230(2).

(10) The construction or maintenance of recreational trails, not including challenge areas, parking areas, spectator areas, or any other developed or disturbed areas that are not trails, provided that the following criteria are met:

(a) The trail at issue is on land located in a rural or resource zone;

(b) The trail at issue is located in a public park or a private park, as those terms are defined in chapter 30.91P SCC;

(c) The area in which the construction or maintenance will be performed does not drain into the county's municipal separate storm sewer system, as that term is defined in chapter 30.91M SCC; and

(d) Design of the trail conforms to:

(i) The standards specified in the United States Forest Service Trail Construction and Maintenance Notebook and the United States Forest Service Standard Specifications for Construction and Maintenance of Trails; or

(ii) Such other standards for the design and construction of recreational trails that provide equivalent or greater environmental protection, provided that such standards are adopted by rule pursuant to SCC 30.82.010.

(Added by Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010; Amended by Amended Ord. 11-048, Aug. 31, 2011, Eff date Sept. 22, 2011; Amended by Amended Ord. 13-042, July 10, 2013, Eff date July 22, 2013; Amended by Ord. 15-102, Jan. 11, 2016, Eff date Jan. 22, 2016).

30.63A.210 Exception for selected project sites that do not drain to a municipal separate storm sewer system.

(1) New development or redevelopment activities that result in less than 10,000 square feet of new, replaced, or new plus replaced hard surfaces where no portion of the project site will drain, either directly or indirectly, to any existing or planned municipal separate storm sewer system (MS4), shall be eligible for an exception from certain requirements of this chapter as described in subsection (2) of this section. All other applicable requirements of this chapter shall apply, based on the thresholds for the project site.

For this exception to apply:

(a) The proposed new development and redevelopment activities must occur outside of all critical areas, together with the buffers of and setbacks from critical areas, except that such activities may occur within floodplains and aquifer recharge areas of low or moderate sensitivity to groundwater contamination; and

(b) The applicant shall clearly establish with accurate supporting documentation showing to the satisfaction of the director, that the project meets the criteria set forth in subsection (3) of this section.

(2) Projects that meet the requirements of subsection (1) of this section shall be excepted from the following:

(a) The requirements of SCC 30.63A.525 relating to on-site stormwater management feasibility analysis and on-site stormwater management BMPs described in Vol. I, Section 2.5.5 of the Drainage Manual, with the exception of BMP T5.13 (Post-Construction Soil Quality and Depth), and any requirements pursuant to SCC 30.63A.400 that pertain solely to implementation of SCC 30.63A.525 (except for implementation of BMP T5.13).

(b) The recording of drainage easements for on-site stormwater management BMPs pursuant to SCC [30.63A.590](#) or 30.63A.595.

(c) Requirements related to operation and maintenance manuals for on-site stormwater management BMPs set forth in SCC 30.63A.575(2)(b) ((~~4~~)).

(3) For the purposes of this chapter, a project site does not drain, either directly or indirectly, to any existing or planned MS4 if the following criteria are met:

(a) Stormwater runoff generated from the project site will either flow directly to a receiving water body or be totally contained on the project site and dispersed through infiltration and/or evaporation; and

(b) Stormwater leaving the project site through infiltration will not migrate to a component of the MS4 through groundwater flow or otherwise indirectly to the existing or planned MS4.

(Added by Ord. 15-102, Jan. 11, 2016, Eff date Jan. 22, 2016).

30.63A.220 Exemption for county projects.

Projects performed by the county shall be exempt from the security requirements of chapter 30.84 SCC and the insurance requirements of SCC 30.63A.940.

(Added by Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010; Amended by Amended Ord. 10-086, Oct. 20, 2010, Eff date Nov. 4, 2010).

PART 300 New Development and Redevelopment Thresholds.

30.63A.300 Drainage review thresholds and requirements for new development.

(1) Regardless of the new development thresholds established below in subsections (2) and (3) of this section, all new development shall be required to comply with minimum requirement 2 (SCC 30.63A.445 and 30.63A.450), unless minimum requirement 2 is not required for an exempted activity pursuant to SCC 30.63A.200. In addition, new development shall comply with any other applicable additional requirement specified in part 700 of this chapter.

(2) Unless an exception under SCC 30.63A.210 applies, new development projects shall comply with minimum requirements 1 through 5 (SCC 30.63A.400 through 30.63A.525) for the new and replaced hard surfaces and the land disturbed if the new development will:

(a) Result in or add 2,000 square feet or greater of new, replaced or new plus replaced hard surface area; or

(b) Cause land disturbing activity of 7,000 square feet or greater.

(3) Unless an exception under SCC 30.63A.210 applies, new development projects shall comply with all minimum requirements 1 through 9 (SCC 30.63A.400 through 30.63A.605) for the new and replaced hard surfaces and converted vegetation areas if the new development will:

(a) Result in or add 5,000 square feet or more of new plus replaced hard surface area;

(b) Convert three-quarters of an acre or more of vegetation to lawn or landscaped areas; or

(c) Convert two and one-half acres or more of native vegetation to pasture.

(Added by Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010; Amended by Ord. 15-102, Jan. 11, 2016, Eff date Jan. 22, 2016).

30.63A.310 Minimum drainage review thresholds and requirements for redevelopment.

(1) Regardless of the redevelopment thresholds established below in subsections (2) and (3) of this section all redevelopment shall comply with minimum requirement 2 (SCC 30.63A.445 and SCC 30.63A.450) unless minimum requirement 2 is not required for an exempted activity pursuant to SCC 30.63A.200. In addition, redevelopment shall comply with any other applicable ((redevelopment)) requirements specified in part 700 of this chapter.

(2) Unless an exception under SCC 30.63A.210 applies, redevelopment projects shall comply with minimum requirements 1 through 5 (SCC 30.63A.400 through 30.63A.525) for the new and replaced hard surfaces and the land disturbed if the redevelopment will:

(a) Result in or add 2,000 square feet or greater of new, replaced or the total of new plus replaced hard surfaces; or

(b) Cause 7,000 square feet or more of land disturbing activity.

(3) Unless an exception under SCC 30.63A.210 applies, redevelopment projects shall comply with minimum requirements 1 through 9 (SCC 30.63A.400 through 30.63A.605) for the new hard surfaces and converted vegetation areas if the redevelopment will:

(a) Result in or add 5,000 square feet or more of new hard surface area;

(b) Convert three-quarters of an acre or more of vegetation to lawn or landscaped areas; or

(c) Convert two and one-half acres or more of native vegetation to pasture.

~~(4) The director may allow the minimum requirements to be met for an equivalent area of flow and pollution characteristics within the same site. For public road projects, the equivalent area does not have to be within the project limits, but must drain to the same receiving water.~~

(4) Minimum Requirements #5, #6, #7, and/or #8 may be met for an area within a TDA by providing flow control or treatment capacity for an area of equivalent flow and pollution characteristics within the same TDA. The equivalent area does not have to be within the same TDA or project limits, but must drain to the same receiving water, and the guidance for equivalent facilities using in-basin transfers must be followed in Appendix I-D.6 Regional Facility Area Transfers in Volume I of the 2019 Ecology Stormwater Management Manual for Western Washington.

(5) In addition to the requirements in subsections (1) through (4) of this section, for road-related redevelopment projects, runoff from the replaced and new hard surfaces (including pavement, shoulders, curbs and sidewalks) and the converted vegetation areas shall meet minimum requirements 1 through 9 (SCC 30.63A.400 through 30.63A.605) if the new hard surfaces total 5,000 square feet or more and total 50 percent or more of the existing hard surfaces within the project limits. The project limits shall be defined by the length of the project and the width of the right-of-way.

(6) In addition to the requirements in subsections (1) through (4) of this section, all redevelopment projects, except road-related projects covered by subsection (5) of this section, shall comply with minimum requirements 1 through 9 (SCC 30.63A.400 through 30.63A.605) for the new plus replaced hard surfaces and converted vegetation areas when:

(a) The total of the new plus replaced hard surfaces totals 5,000 square feet or more; and

(b) One of the following valuation criteria is met, as applicable. For the purpose of meeting this valuation criteria, “commercial project” means development or redevelopment of a structure or site for purposes of providing accommodations for provision of goods, merchandise or services for compensation, and “industrial project” means development or redevelopment of a structure or site for purposes of providing accommodations for manufacturing, assembly, processing or storage of products or equipment:

(i) For commercial or industrial projects: the valuation of the proposed improvements, including interior improvements, exceeds 50% of the assessed value of the existing project site improvements as documented by the applicant; or

(ii) For projects other than commercial or industrial: ~~the~~ ~~value~~ valuation of proposed improvements, including interior improvements, exceeds 50% of the assessed value of the existing site improvements as documented by the applicant.

(Added by Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010; Amended by Ord. 15-102, Jan. 11, 2016, Eff date Jan. 22, 2016).

PART 400 - 600 Minimum Requirements.

30.63A.400 Minimum requirement 1: Preparation of a stormwater site plan.

When minimum requirement 1 applies pursuant to part 300 of this chapter, the applicant shall prepare a stormwater site plan.

(1) A stormwater site plan is a comprehensive report containing all of the technical information and analysis necessary for the evaluation of a proposed new development or redevelopment project for compliance with the requirements of this chapter.

(2) Prior to any land disturbing activity, the applicant shall submit a stormwater site plan that:

(a) complies with this section and volume I, chapter 3 of the Drainage Manual;

(b) uses site-appropriate development principles to retain native vegetation and minimize impervious surfaces to the extent feasible;

(c) relies on volumes I through V of the Drainage Manual (~~shall be used~~) to select BMPs; and

(d) includes a stormwater pollution prevention plan (SWPPP). The required procedures for preparing a SWPPP (~~stormwater pollution prevention plan (SWPPP), a part of the stormwater site plan~~), and the required content of the SWPPP are described in SCC 30.63A.445, 30.63A.450, and volume II, chapter 3 of the Drainage Manual.

(3) The following types of stormwater site planning work shall be performed by or under the direction of a professional engineer licensed in Washington State:

(a) Stormwater site plans that involve engineering calculations;

(b) Plans involving construction of treatment facilities or flow control facilities (detention ponds, bioretention or infiltration basins, etc.);

- (c) Structural source control BMPs; and
- (d) On-site drainage conveyance systems.

(Added by Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010; Amended by Ord. 15-102, Jan. 11, 2016, Eff date Jan. 22, 2016).

30.63A.445 Minimum requirement 2: Stormwater pollution prevention plan (SWPPP) - objectives and applicability.

When minimum requirement 2 applies pursuant to part 300 of this chapter or SCC 30.63A.200, the applicant or any person required to comply with minimum requirement 2 shall prepare a SWPPP consistent with SCC 30.63A.445 and 30.63A.450.

(1) The objectives of a SWPPP are:

- (a) To implement and maintain BMPs that identify, reduce, eliminate, and/or prevent the discharge of stormwater pollutants;
- (b) To prevent violations of surface water quality, groundwater quality, and sediment management standards;
- (c) To prevent adverse impacts to receiving waters by controlling peak rates and volumes of stormwater runoff; and
- (d) To eliminate the discharges of unpermitted process wastewater, domestic wastewater, non-contact cooling water, and other illicit discharges to stormwater drainage systems.

(2) The 13 elements set forth in volume II of the Drainage Manual shall be addressed in the development of a SWPPP, unless site conditions render the element unnecessary, the applicant provides written justification in the SWPPP narrative that the element is not applicable to the site or project, and the director agrees in writing that the element is not applicable. The director's administrative determination that an element is not applicable shall not be considered a modification or waiver under SCC 30.63A.830 or 30.63A.840.

(3) Applicants proposing small projects meeting the requirements of SCC 30.63A.810 may utilize the abbreviated SWPPP format provided in Appendix I-F of the Drainage Manual to meet minimum requirement 2.

(4) Approval of the SWPPP or abbreviated SWPPP by the county via construction plan approval or permit issuance constitutes approval by the director of all necessary SWPPP elements that are applicable to the site or project.

_(Added by Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010; Amended by Ord. 15-102, Jan. 11, 2016, Eff date Jan. 22, 2016).

30.63A.450 Minimum requirement 2: SWPPP - general requirements.

- (1) All the SWPPP elements to be followed are in the Drainage Manual volume II, chapter 3.
- (2) Applicants for all new development and redevelopment projects of any size shall be responsible for preventing soil erosion and the discharge of sediment and pollutants into receiving waters. A SWPPP

must be submitted as part of the stormwater site plan. The SWPPP shall be implemented prior to initial soil disturbance through final stabilization.

(3) The SWPPP shall include a narrative and drawings. The narrative shall be a stand-alone document attached to the construction drawings. The standard SWPPP format for narratives is available from the Washington State Department of Ecology. The narrative shall include written explanations describing the pollution prevention decisions made for the project to comply with the SWPPP requirements contained in SCC 30.63A.450 and volume II of the Drainage Manual, including information concerning existing site conditions, construction schedules and other pertinent items not found in the drawings. Sediment and erosion control BMPs shall be selected and designed pursuant to volume II, chapters 3 and 4 of the Drainage Manual. The drawings and narrative shall describe when and where the selected BMPs will be installed, the performance that the BMPs are expected to achieve and actions to be taken if performance is not achieved. All relevant information shall be included on the construction plans for the availability of project inspectors.

(4) All new development and redevelopment shall be designed to prevent erosion and discharge of sediment and other pollutants into receiving waters.

(5) To control sediment transport and erosion during the wet season from October 1st through April 30th, seasonal work limitations shall apply, except as otherwise exempt per SCC 30.63A.450(6). ~~((From October 1st through April 30th);)~~ Based on information provided by the applicant and/or local weather conditions, the department may expand or restrict the seasonal limitation on site disturbance. ~~((1))~~ Land disturbing activities may only be authorized if silt-laden runoff will be prevented from leaving the site through any combination of the following:

(a) Site conditions including existing vegetative coverage, slope, soil type and proximity to receiving waters;

(b) Limitations on activities and the extent of disturbed areas; and

(c) Proposed erosion and sediment control measures.

~~((Based on information provided by the applicant and/or local weather conditions, the department may expand or restrict the seasonal limitation on site disturbance.))~~ The following conditions or development activities are exempt from the seasonal clearing and grading limitations required per SCC 30.63A.450(5):

(a) Where there is 100 percent infiltration of surface water runoff within the site into approved and installed stormwater facilities; ~~((land disturbing activities are exempt from the seasonal clearing and grading limitations in subsection (5) of this section.))~~

(b) Routine maintenance and necessary repair of erosion and sediment control BMPs; or

(c) Routine maintenance of public facilities or existing utility structures that do not expose the soil or result in the removal of the vegetative cover to soil.

(Added by Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010; Amended by Ord. 15-102, Jan. 11, 2016, Eff date Jan. 22, 2016).

30.63A.515 Minimum requirement 3: Water pollution source control for new development or redevelopment.

When minimum requirement 3 applies pursuant to part 300 of this chapter and no exemption under SCC 30.63A.200 applies, source control shall be provided through the application of source control BMPs during construction and on the developed site following construction. BMPs shall be appropriate for the proposed construction activities, buildings, facilities and intended post-development site uses in accordance with volume IV of the Drainage Manual. All known, available and reasonable source control BMPs shall be required as follows:

- (1) Source control BMPs in accordance with volume IV, chapters 3 and 4 of the Drainage Manual shall be applied during construction if any pollution-generating activities described in volume IV, chapters 3 and 4 are performed on the site during construction; and
- (2) Source control BMPs in accordance with volume IV, chapter 5 of the Drainage Manual shall be selected, designed, and constructed if any pollution-generating activities or uses described in volume IV, chapter 5 are proposed for the developed site following construction.

(Added by Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010).

30.63A.520 Minimum requirement 4: Preservation of natural drainage systems and outfalls, and provision of off-site mitigation.

When minimum requirement 4 applies pursuant to part 300 of this chapter and no exemption under SCC 30.63A.200 applies, the requirements of this section shall be met.

- (1) Natural drainage patterns identified in the stormwater site plan and determined by the currently functioning drainage pattern and patterns occurring over the past ten consecutive years shall be maintained. Discharges from the project site shall occur at natural locations, to the maximum extent practicable.
- (2) The manner by which runoff is discharged from the project site shall not cause off-site drainage impacts, as defined in volume I, chapter 3 of the Drainage Manual. Mitigation of off-site drainage impacts shall be provided pursuant to the requirements of volume I, chapter 3 of the Drainage Manual. In addition, appropriate energy dissipation shall be provided for all outfalls in accordance with the requirements of the EDDS and volumes III and V of the Drainage Manual.

(Added by Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010; Amended by Ord. 15-102, Jan. 11, 2016, Eff date Jan. 22, 2016).

30.63A.525 Minimum requirement 5: On-site stormwater management.

When minimum requirement 5 applies pursuant to part 300 of this chapter and no exemption under SCC 30.63A.200 or exception under SCC 30.63A.210 applies, on-site stormwater management BMPs shall be provided in accordance with the requirements of volume I, chapters 2 and 4, volume III, chapter 3 and volume V, chapter 5 of the Drainage Manual. Low impact development BMPs shall be used as directed by the Drainage Manual.

(Added by Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010; Amended by Ord. 15-102, Jan. 11, 2016, Eff date Jan. 22, 2016; Amended by Amended Ord. 17-070, Nov. 1, 2017, Eff date Dec. 1, 2017).

30.63A.530 Minimum requirement 6: Runoff treatment - requirements.

When minimum requirement 6 applies pursuant to part 300 of this chapter and no exemption applies pursuant to SCC 30.63A.200, stormwater treatment shall be provided in accordance with the requirements of volume I, chapters 2 and 4, and the applicable chapters of volume III and volume V of the Drainage Manual.

(Added by Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010; Amended by Ord. 15-102, Jan. 11, 2016, Eff date Jan. 22, 2016). (Ord. 15-102 , 2016; Amended Ord. 10-026 , 2010.)

30.63A.550 Minimum requirement 7: Flow control requirements for new development or redevelopment.

(1) When minimum requirement 7 applies pursuant to part 300 of this chapter, and no exemption under SCC 30.63A.200 applies, stormwater flow control shall be provided in accordance with the requirements of volume I, chapters 2 and 4, and the applicable chapters of volume III and volume V of the Drainage Manual.

(2) In instances where stormwater from the project site discharges to a stream that leads to a wetland, or to a wetland that has an outflow to a stream, then compliance with both minimum requirement 7 and minimum requirement 8 is required.

(Added by Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010; Amended by Ord. 15-102, Jan. 11, 2016, Eff date Jan. 22, 2016).

30.63A.570 Minimum requirement 8: Stormwater discharges to wetlands.

(1) When minimum requirement 8 applies pursuant to part 300 of this chapter and no exemption under SCC 30.63A.200 applies, and when a project will result in the direct or indirect (through a conveyance system) discharge of stormwater into a wetland or wetland buffer, the requirements of this section shall be met. Each TDA within a project that requires minimum requirement 8 must be reviewed to determine what level(s) of wetland protection must be applied to the TDA to comply with minimum requirement 8. Levels of wetland protection shall apply as set forth in Volume I Appendix I-D of the Drainage Manual.

(2) Stormwater treatment and flow control facilities shall not be built within a natural vegetated buffer, except as necessary for conveyance systems as approved by Snohomish County or as allowed in wetlands approved for hydrologic modification and/or treatment in accordance with volume I, chapter 2 and Appendix I-D of the Drainage Manual.

(3) In instances where stormwater from the project site discharges to a stream that leads to a wetland, or to a wetland that has an outflow to a stream, compliance with both minimum requirement 7 and minimum requirement 8 is required.

(Added by Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010; Amended by Amended Ord. 13-042, July 10, 2013, Eff date July 22, 2013; Amended by Ord. 15-102, Jan. 11, 2016, Eff date Jan. 22, 2016).

30.63A.575 Minimum requirement 9: Inspection, operation and maintenance requirements.

When minimum requirement 9 applies pursuant to part 300 of this chapter, and no exemption under SCC 30.63A.200 applies, the requirements of SCC 30.63A.575 through 30.63A.605 shall be met.

(1) The owner(s) of real property burdened by one or more easements or other servitudes for drainage facilities, stormwater facilities and/or other stormwater BMPs, as shown on the approved stormwater site plan for the property~~((:))~~:

(a) shall not create, place or maintain any obstructions in, on, above, upon, over, under, across or through such easements or other servitudes~~((:))~~; and

(b) ~~(((2)))~~ ~~((The owner(s) of real property burdened by one or more easements or other servitudes for drainage facilities, stormwater facilities and/or other stormwater BMPs, as shown on the approved stormwater site plan for the property))~~ shall at all times ensure there is adequate access to such easements or other servitudes for the performance of inspection and maintenance activities to the drainage facilities, stormwater facilities and/or other stormwater BMPs.

(2) ~~(((3)))~~ The owner(s) of real property containing one or more drainage facilities, stormwater facilities and/or other stormwater BMPs, as shown on the approved stormwater site plan for the property:

(a) shall regularly inspect and maintain such facilities and/or BMPs to ensure such facilities and/or other BMPs are functioning as anticipated by the approved stormwater site plan. Such facilities and/or BMPs shall be inspected according to the maintenance requirements set forth in chapter 7.54 SCC ~~((:))~~:

(b) ~~(((4)))~~ ~~((The owner(s) of real property on which one or more drainage facilities, stormwater facilities and/or other stormwater BMPs are located, as shown on the approved stormwater site plan for the property,))~~ shall develop, keep and maintain an operation and maintenance manual for such facilities and/or BMPs, consistent with the provisions in volume V and volume VI of the Drainage Manual. The operation and maintenance manual shall be available for examination by the county at any reasonable time. The manual shall at a minimum include the following information regarding the drainage facilities, stormwater facilities and/or other stormwater BMPs located on the property:

(i) ~~(((a)))~~ A maintenance plan developed pursuant to volume V, chapter 4.6 and volume VI of the Drainage Manual;

(ii) ~~(((b)))~~ A log listing the dates, type and scope of any maintenance activities performed; and

(iii) ~~(((c)))~~ Any other information pertinent to the functioning of the drainage facilities, stormwater facilities, on-site stormwater management BMPs and/or other stormwater BMPs on the property~~((:))~~;

(3) ~~(((5)))~~ Any modification to the drainage facilities, stormwater facilities or other stormwater BMPs shown on an approved stormwater site plan for a property, which is not part of an approved maintenance schedule, requires prior approval by the county. Proposed revisions to the approved plans,

drainage computations or maintenance schedule shall be submitted to the county for approval prior to modification pursuant to SCC 30.63A.825.

(Added by Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010; Amended by Ord. 15-102, Jan. 11, 2016, Eff date Jan. 22, 2016).

30.63A.580 Minimum requirement 9: Interim maintenance responsibility for facilities and BMPs in the county right-of-way after construction acceptance.

(1) Any private party who constructs, locates, builds or otherwise places one or more drainage facilities, stormwater facilities, LID BMPs, and/or other stormwater BMPs in, on, above, upon, over, under, across or through any portion of a county right-of-way or other county-owned property shall be responsible for the inspection, maintenance and operation of such facilities and/or BMPs during one of the following two periods, whichever is longer:

(a) A two-year period following construction acceptance by the county pursuant to SCC 30.63A.870; or

(b) Through such time as any maintenance security is released pursuant to SCC 30.84.120.

(2) The county may periodically inspect the drainage facilities, stormwater facilities, LID BMPs, or other stormwater BMPs to ensure maintenance is being properly performed.

(3) The private party responsible for interim inspection, maintenance and operation of drainage facilities, stormwater facilities, LID BMPs and/or other stormwater BMPs pursuant to this section shall provide a maintenance security as required pursuant to SCC 30.84.120.

(Added by Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010; Amended by Amended Ord. 10-086, Oct. 20, 2010, Eff date Nov. 4, 2010; Amended by Ord. 15-102, Jan. 11, 2016, Eff date Jan. 22, 2016).

30.63A.585 Minimum requirement 9: Release of owner and applicant from maintenance responsibility for certain facilities and BMPs.

The county may release the maintenance security required pursuant to SCC 30.84.120 and accept maintenance responsibility for drainage facilities, stormwater facilities, on-site stormwater management BMPs and/or other stormwater BMPs located in, on, above, upon, over, under, across or through any portion of a county right-of-way or other county-owned property in accordance with the provisions of SCC 30.84.120. After such release and acceptance by the county, the private party who constructed, located, built or otherwise placed the facilities and/or other BMPs shall no longer be responsible for maintaining those elements of the approved drainage system. The county may accept the offer of dedication for drainage facilities, stormwater facilities and/or other stormwater BMPs located outside the county right-of-way, if the private party owning same offers to dedicate the facilities to the county and if the director of public works determines that such facilities should become a part of a county maintained drainage system.

(Added by Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010; Amended by Amended Ord. 10-086, Oct. 20, 2010, Eff date Nov. 4, 2010; Amended by Ord. 15-102, Jan. 11, 2016, Eff date Jan. 22, 2016).

30.63A.590 Minimum requirement 9: Easements granted to the county.

(1) ~~Except as provided in SCC 30.63A.590(10), ((To protect the public from flooding, water quality degradation, damage to aquatic habitat and other drainage impacts,))~~ easements shall be granted to the county for the right to enter onto privately owned property, at the county's discretion, for the purpose of accessing, inspecting, maintaining, modifying or replacing the following types of privately owned drainage facilities, stormwater facilities or other stormwater BMPs:

(a) All stormwater flow control facilities and stormwater treatment facilities designed and constructed to meet the requirements of SCC 30.63A.530 or 30.63A.550; and

(b) Conveyance systems that conduct stormwater from a public right-of-way, private tract or public easement to drainage facilities, stormwater facilities, stormwater BMPs, conveyance systems or waters of the state.

(2) All easements granted to the county under subsection (1) of this section shall include access rights from an open public right-of-way.

(3) Drainage easements granted to the county pursuant to subsection (1) of this section shall be 20 feet in width unless:

(a) The drainage facility, stormwater facility or other stormwater BMP is larger than 20 feet in width, in which case the easement size shall be increased appropriately;

(b) During plan review, the director requires an increase above the required easement width to the extent reasonably necessary to allow adequate maintenance of the proposed drainage facility, stormwater facility or other stormwater BMP, or to accommodate existing site conditions, when the director determines that there are special circumstances applicable to the site or the intended use for which a wider easement is reasonably necessary; or

(c) During plan review, the director may reduce the easement width, if the director determines that there are special circumstances applicable to the site or the intended use. These circumstances may include, but are not limited to, shape, topography, location, or surroundings that do not generally occur on other sites and that render it infeasible to provide the standard width easement, provided that the director also determines the proposed drainage facility, stormwater facility or other stormwater BMP can be adequately inspected and maintained with a reduced easement width.

(4) The director of public works shall have the authority to modify existing drainage easement widths pursuant to the conditions in subsection (3) of this section.

(5) All drainage easements granted pursuant to subsection (1) of this section shall be in a form specified by the director, and shall include a covenant requiring the owner(s) of the property at issue to regularly inspect and maintain the drainage facilities, stormwater facilities, LID BMPs, or stormwater BMPs located within the easement area. All persons having an ownership interest in the property at issue shall execute and acknowledge the easement document, which shall be recorded.

(6) Should the county determine, at any time, that the property owner(s) have not performed the required inspection and maintenance of the drainage facilities, stormwater facilities or stormwater BMPs located within a drainage easement granted pursuant to subsection (1) of this section, the county

may cause such inspection and/or maintenance to be performed, and the property owner(s) shall reimburse the county for the cost of any such work.

(7) Prior to accepting an easement granted pursuant to subsection (1) of this section, the director may require the removal of all obstructions or encumbrances located in, on, above, upon, over, under, across or through the easement area which are inconsistent with the purposes for which the easement is being granted.

(8) No fill, structures, fences, walls, rip rap, buildings or other similar obstructions to access or restrictions to the flow of water may be placed within the easement area without the written consent of the director. Obstructions placed within an easement area in violation of this restriction may be removed by the county at the sole expense of the property owner(s), and the property owner(s) shall reimburse the county for the cost of removal.

(9) Payments due to the county under subsections (6) and (8) of this section shall be made within 90 days of the day the county submits a bill for costs. In the event of nonpayment, the county may bring suit to recover such removal costs, including its attorneys' fees, and upon obtaining a judgment, such amount shall become a lien against the property of the owner as provided in RCW 4.56.190.

(10) The Director may exempt single family residential development or redevelopment from the requirement to record an easement per SCC 30.63A.590(1) provided all of the following apply:

(a) the proposed project is for construction, reconstruction or remodel of a single-family residence or appurtenance;

(b) the project site is on an existing lot 100,000 square feet or larger located outside of any Urban Growth Area;

(c) the project site is outside of all critical areas, together with the buffers of and setbacks from critical areas, except that such activities may occur within floodplains and aquifer recharge areas of low or moderate sensitivity to groundwater contamination, and except that dispersion of stormwater may be allowed per BMP T5.30 in a critical area buffer;

(d) the project site does not drain, either directly or indirectly, to any existing or planned municipal separate storm sewer system per criteria in SCC 30.63A.210(3); and

(e) the project applicant records the approved stormwater site plan with the county auditor. The recorded stormwater site plan must include the following statement, "The property owner is responsible for inspecting and maintaining all stormwater facilities per SCC 7.54."

(Added by Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010; Amended by Ord. 15-102, Jan. 11, 2016, Eff date Jan. 22, 2016).

30.63A.595 Minimum requirement 9: Private easements.

(1) All privately owned drainage facilities, stormwater facilities and other stormwater BMPs shown on an approved stormwater site plan that are located on multiple, contiguous properties not contained in a public easement dedicated to the county shall be contained within a recorded private easement. Such private easements shall be established for the benefit of all real property for which such facilities and other BMPs have been designed to convey, store or treat stormwater runoff. Private easements shall be a minimum of ten feet in width. Private easements required by this section shall permit each affected

property owner to enter onto the easement area for purposes of inspecting and maintaining the facilities or other BMPs located thereon.

(2) Private easements required by subsection (1) of this section shall be in a form specified by the director, and shall include a covenant requiring the owner(s) of the properties at issue to regularly inspect and maintain the drainage facilities, stormwater facilities or other BMPs located within the easement area. All persons having an ownership interest in the properties at issue shall execute and acknowledge the easement document, which shall be recorded prior to drainage or construction plan approval.

(3) Any private drainage easement required by subsection (1) of this section that is located in a subdivision or other platted development shall be depicted on the face of the plat. In such cases, the face of the plat shall contain covenant language approved by the director requiring affected property owners to regularly inspect and maintain the drainage facilities, stormwater facilities, on-site stormwater management BMPs, or other BMPs located within the easement areas depicted on the face of the plat. Subsection (2) of this section shall not apply to private easements covered by this subsection (3).

(Added by Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010; Amended by Ord. 15-102, Jan. 11, 2016, Eff date Jan. 22, 2016).

30.63A.605 Minimum requirement 9: Separate tracts or easements.

(1) Runoff treatment facilities constructed to meet the requirements of SCC 30.63A.530 and flow control facilities constructed to meet the requirements of SCC 30.63A.550, and access constructed to serve those facilities shall be placed in one or more separate lots or tracts that are owned in common by all of the property owners served by the facility, or by a homeowners association.

(2) The joint owners of runoff treatment and flow control facilities, and access roads constructed to serve those facilities, located in a separate lot or tract shall be jointly and severally responsible for inspection, maintenance, and operations, unless the facility is dedicated to the county after authorization by the county engineer.

(3) Pursuant to SCC 30.63A.830 and 30.63A.835, the county engineer shall have the authority to allow detention or retention or treatment facilities to be placed in an easement rather than a separate lot or tract, when such placement is reasonably necessary to address special circumstances pertaining to the project site or off-site drainage facilities construction.

(Added by Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010; Amended by Ord. 15-102, Jan. 11, 2016, Eff date Jan. 22, 2016).

PART 700 Additional Requirements.

30.63A.700 Minimum requirements for ~~((road))~~ pavement maintenance ~~((redevelopment))~~.

~~((This section establishes requirements for the application of minimum requirements to road maintenance redevelopment practices.~~

~~(1) For projects that remove and replace a paved surface to base course or lower, or repair the roadway base where hard surfaces are not expanded, minimum requirements 1 through 5 (SCC 30.63A.400 through 30.63A.525) shall be required.~~

~~(2) Extending the pavement edge without increasing the size of the road prism and paving graveled shoulders are considered new hard surfaces and shall be subject to the minimum requirements required by SCC 30.63A.310.~~

~~(3) The following are considered new hard surfaces and are subject to the minimum requirements required by SCC 30.63A.310:~~

~~(a) Resurfacing by upgrading from dirt to gravel, asphalt, or concrete;~~

~~(b) Upgrading from gravel to asphalt, or concrete; and~~

~~(c) Upgrading from a bituminous surface treatment ("chip seal") to asphalt or concrete.)~~

The following pavement maintenance practices are not exempt, and are subject to the minimum requirements triggered when the thresholds identified for redevelopment projects are met per SCC 30.63A.310:

(1) The following are considered to be replaced hard surfaces and subject to the minimum requirements required per SCC 30.63A.310:

(a) Removing and replacing an asphalt or concrete pavement to base course or lower, or

(b) Repairing the pavement base.

(2) The following are considered to be new hard surfaces and subject to the minimum requirements required per SCC 30.63A.310:

(a) Extending the pavement edge without increasing the size of the road prism, or

(b) Paving graveled shoulders,

(3) The following are considered to be new impervious surfaces and subject to the minimum requirements required per SCC 30.63A.310:

(a) Resurfacing by upgrading from dirt to gravel, a bituminous surface treatment ("chip seal"), asphalt, or concrete;

(b) Resurfacing by upgrading from gravel to chip seal, asphalt, or concrete; or

(c) Resurfacing by upgrading from chip seal to asphalt or concrete.

(Added by Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010; Amended by Ord. 15-102, Jan. 11, 2016, Eff date Jan. 22, 2016).

30.63A.710 Separation requirements for drainage facilities.

This section establishes the required separation distances between structures, buildings and drainage facilities.

- (1) Buildings shall be separated at least 15 feet from the top of bank of an open constructed channel or open detention pond or open detention vault to allow perimeter access to the drainage facility for maintenance equipment.
- (2) Buildings shall be separated at least 10 feet from the nearest edge of a closed drainage facility that is not an on-site stormwater management BMP included in Table 1.0, Volume 1 of the Drainage Manual.
- (3) Infiltration systems other than on-site stormwater management BMPs included in Table 1.0, Volume 1 of the Drainage Manual shall be separated at least 20 feet from upslope building foundations and at least 100 feet from downslope building foundations.
- (4) If a separation required in subsections (1) through (3) of this section extends onto adjoining properties, then the owner of the drainage facility shall obtain a drainage and access easement from the affected adjacent property owner(s) prior to construction plan approval or permit issuance.
- (5) Additional separation and setback requirements for specific drainage facilities including on-site stormwater management BMPs are set forth in the Snohomish County Drainage Manual and the EDDS.

(Added by Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010; Amended by Ord. 15-102, Jan. 11, 2016, Eff date Jan. 22, 2016; Amended by Amended Ord. 17-070, Nov. 1, 2017, Eff date Dec. 1, 2017).

30.63A.720 Access to flow control and treatment facilities.

The applicant shall provide an access route from a public right-of-way to all stormwater flow control and treatment facilities. The access road shall be constructed in accordance with the EDDS and provide access to all areas necessary for maintenance of the facility. The director may require the applicant to provide access routes to other elements of the proposed drainage system to allow effective inspection or maintenance of drainage facilities.

(Added by Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010).

30.63A.730 Conveyance systems - minimum standards.

(1) All conveyance systems shall be designed to at least accommodate the peak discharge from the 25-year, 24-hour design storm based on post-development site conditions, including stormwater flowing through the site which originates both on-site and off-site. This peak discharge flow shall remain within the conveyance system. Conveyance systems for new development or redevelopment projects that require full drainage plans shall be designed in accordance with SCC 30.63A.740.

(2) Road crossings and conveyance systems in fish-bearing waters shall be designed pursuant to SCC 30.62A.330(2)(d) and (e), as applicable.

(Added by Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010).

30.63A.740 Stormwater plan conveyance system and stub out requirements for new development or redevelopment activities, subject to full drainage plan.

(1) Conveyance systems.

(a) Conveyance systems for new development and redevelopment associated with full drainage plans shall accommodate the peak discharge from the 100-year, 24-hour design storm based on post-development site conditions.

(b) For purposes of this subsection, a conveyance system shall be considered adequate if the peak discharge and maximum water level is contained within all drainage easements or within existing conveyance systems, provided that the conveyance system may overflow or be surcharged as long as:

(i) Stormwater runoff does not inundate any of the traveled portion of a public or private road; and

(ii) No portion of a building will be flooded.

(c) To size conveyance systems for drainage areas of less than 25 acres, the computation standard shall be the rational method or its equivalent as approved by the director. For drainage areas of 25 acres or more, the minimum computation standard shall be the Natural Resources Conservation Service (NRCS) TR-55, Santa Barbara Urban Hydrograph (SBUH), or equivalent method or equivalent flood routing simulation method as approved by the director.

(2) Access culverts shall be sized based upon the hydrologic analysis of the upstream basin prepared under SCC 30.63A.740(1)(c).

(3) If infiltration or dispersion systems, excluding perforated stub out connections, are not provided pursuant to SCC 30.63A.525, drainage stub-outs shall be provided for and utilized by each proposed lot served by a new drainage pipe system for conveyance. Drainage stub-outs shall comply with the following requirements:

(a) Each drainage stub-out shall be connected to the pipe system and be suitably located at the lowest elevation on the lot so that it conveys stormwater from all future roof down spouts, driveways, and yard drains, provided that this requirement shall not preclude the connection of footing drains or other subsurface drains;

(b) Each drainage stub-out shall have free-flowing drainage to an existing or proposed yard drain, dispersion trench, or other structure on the pipe conveyance system or to an approved outfall location; and

(c) At the time of drainage facilities construction, drainage stub-outs shall be clearly marked in accordance with the EDDS.

(Added by Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010).

PART 800 Submittal, Review, Inspection and Acceptance Process.

30.63A.800 Stormwater drainage review process.

(1) Stormwater drainage review conducted pursuant to this chapter shall be completed in conjunction with, and shall be a condition of, approval of the underlying permit for a proposed development or redevelopment activity. Construction shall not commence until a required permit or plan for new development or redevelopment is issued or approved and until required reviews or inspections are completed.

(2) Whenever a development or redevelopment requires submittal of a targeted or full stormwater site plan under this chapter, the stormwater site plan shall be submitted at the time of application for the underlying permit for a proposed project, except that phased submittal of a full stormwater site plan is permitted pursuant to SCC 30.63A.820.

(3) An application for a new development or redevelopment which requires a stormwater site plan to be submitted at the time of application for the underlying permit shall not be deemed complete until a complete stormwater site plan is submitted together with the application for the permit or approval. The department shall use the provisions of SCC 30.63A.400 to determine if the stormwater site plan is complete.

(4) When a full stormwater site plan is required for new development or redevelopment and the drainage review is phased, the full stormwater plan shall be submitted at the time construction plans are submitted.

(5) Upon finding any deficiencies in the stormwater site plan submittal, the department shall notify the applicant of the deficiencies and return the stormwater site plan to the applicant for revision and resubmittal.

(6) Once a stormwater site plan has been determined complete, the department shall review the plan for compliance. This review shall include site inspections pursuant to SCC 30.63A.860.

(7) Stormwater site plan resubmissions after two reviews by the department, or the submittal of a revised stormwater site plan, shall be subject to the resubmittal and revision fee requirement in SCC 30.86.510(2).

(8) The department shall notify the applicant upon approval of the stormwater site plan.

(Added by Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010; Amended by Ord. 15-102, Jan. 11, 2016, Eff date Jan. 22, 2016).

30.63A.805 Targeted stormwater site plan submittal requirements.

(1) Targeted stormwater site plans shall be submitted to document compliance with minimum requirements 1 through 5 (SCC 30.63A.400 through 30.63A.525) and compliance with the Drainage Manual, volume I. The targeted stormwater site plan submittal shall include both the items required by volume I, chapter 3 of the Drainage Manual and the targeted stormwater site plan submittal checklist items adopted by the department pursuant to SCC 30.70.030. Targeted stormwater site plan submittal requirements include a preliminary development layout of the proposed drainage system. The layout shall depict the results of the site planning process pursuant to SCC 30.63A.400 and shall include the nature and extent of the work proposed and a written executive summary explaining how the drainage system will function and how LID feasibility was determined.

(2) In addition to compliance with minimum requirements 1 through 5, compliance with minimum requirements 6, 7 and 8 pertaining to runoff treatment, flow control and detention or treatment in wetlands and their buffers may be required based upon the site plan, scope of the proposed project and the results of the hydrologic analysis required under volume I, chapter 3 of the Drainage Manual.

(3) When required by the director, targeted stormwater site plan submittals shall include additional or detailed engineering and design information pursuant to minimum requirements 1 through 5 (SCC

30.63A.400 through 30.63A.525) for site-specific conditions, development activity in the public right-of-way, conveyance sizing, on-site stormwater management BMP techniques and facilities, LID design or as needed to protect the public health, safety and welfare.

(Added by Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010; Amended by Ord. 15-102, Jan. 11, 2016, Eff date Jan. 22, 2016).

30.63A.810 Stormwater pollution prevention plans for small projects.

(1) A full SWPPP prepared under minimum requirement 2 (SCC 30.63A.445 and 30.63A.450) is not required for small projects as defined by subsection (2) of this section. Applicants for small projects may submit an abbreviated SWPPP consistent with volume I, Appendix I-F of the Drainage Manual to comply with minimum requirement 2.

(2) A small project for the purpose of this section consists of a project site that either meets all criteria (2)(a) through (2)(g) of this section or meets criterion (2)(h) of this section:

(a) Includes an area of land disturbance less than one acre in size and is not part of a common plan of development.

(b) Creates, adds or replaces, or any combination thereof, hard surface area in an amount less than 2,000 square feet.

(c) Moves less than 100 cubic yards of material graded on site or 500 cubic yards of material under the foundation of a building that will be built pursuant to an approved building permit.

(d) Causes less than 7,000 square feet of land disturbing activity.

(e) Is located outside of a floodplain or shoreline designation.

(f) Will not adversely impact a wetland, stream or water of the state or change a natural drainage course.

(g) Does not require engineering to comply with this chapter.

(h) Is a public project that grades less than 500 cubic yards of earth material and is located outside of a critical area.

(3) The abbreviated SWPPP must consider all 13 elements of the construction SWPPP described in SCC 30.63A.445 and 30.63A.450 and in volume I, volume II, and Appendix I-F of the Drainage Manual.

(Added by Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010; Amended by Amended Ord. 12-018, May 2, 2012, Eff date May 21, 2012; Amended by Ord. 15-102, Jan. 11, 2016, Eff date Jan. 22, 2016).

30.63A.815 Full stormwater site plan submittal requirements.

(1) Full stormwater site plans shall address minimum requirements 1 through 9 (SCC 30.63A.400 through 30.63A.605). The full stormwater site plan submittal shall include both the items required by volume I, chapter 3 of the Drainage Manual and the full stormwater site plan submittal checklist items adopted by the department pursuant to SCC 30.70.030.

(2) Full stormwater site plan submittal requirements require an accurate set of plans and calculations prepared by a professional engineer licensed in Washington State. The plans shall become part of the construction documents and plans prepared for the development activity. The full stormwater site plan shall clearly indicate the nature and extent of the work proposed and how the system shall be maintained and to whom maintenance responsibility shall be assigned.

(Added by Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010; Amended by Amended Ord. 16-029, May 11, 2016, Eff date May 23, 2016).

30.63A.820 Phased submittal of full stormwater site plans.

An applicant may phase the submittal of a full stormwater site plan pursuant to this section.

(1) When a project requires a full stormwater site plan, and the proposed development activity is subject to a public hearing where the hearing examiner has original jurisdiction, an applicant may submit a targeted stormwater site plan pursuant to SCC 30.63A.805, along with the underlying permit application, to initiate review.

(2) As part of a phased submittal, in addition to compliance with minimum requirements 1 through 5 (SCC 30.63A.400 through 30.63A.525), the targeted stormwater site plan shall comply with additional requirements as follows:

(a) If the site analysis required by minimum requirement 1 identifies site conditions that require compliance with minimum requirement 6, 7 or 8, the targeted stormwater site plan shall address water quality treatment, flow control, and wetlands protection pursuant to SCC 30.63A.530 through SCC 30.63A.570, when applicable.

(b) Detailed engineering and design information shall be provided when required by the director for site-specific conditions, development in the public right-of-way, or compliance with any required conveyance sizing, on-site stormwater management BMPs, LID design or detention or treatment design, as needed to protect the public health, safety and welfare.

(3) The department shall review the targeted stormwater site plan and make written findings regarding whether it adequately assesses the LID feasibility for the project as proposed and whether the proposed new development or redevelopment will:

(a) Adversely affect existing water quality conditions of any surface or ground water;

(b) Alter the existing surface or subsurface drainage patterns or flow rates on or off the site;

(c) Increase peak discharge or stormwater runoff volume sufficiently to cause adverse impacts downstream; or

(d) Cause erosion, sedimentation or flooding on upstream or downstream properties.

(4) The department shall provide a written recommendation regarding the targeted stormwater site plan to the hearing examiner. If the department recommends conditional approval of the targeted stormwater site plan, the recommendation shall include a statement requiring the submittal and approval of a full stormwater site plan, which must be found by the department to comply with the requirements of this chapter prior to any construction plan approval.

(5) If the hearing examiner approves the new development or redevelopment, the approval shall be conditioned upon submittal of a full stormwater site plan to the department which complies with minimum requirements 1 through 9 (SCC 30.63A.400 through SCC 30.63A.605).

(6) The applicant shall not initiate construction until the department approves a full stormwater site plan and issues construction permits.

(Added by Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010; Amended by Ord. 15-102, Jan. 11, 2016, Eff date Jan. 22, 2016).

30.63A.825 Stormwater site plan revisions.

(1) Proposed revisions to an approved stormwater site plan shall be submitted to the department prior to construction, except that requests for revisions to an approved stormwater site plan may be submitted to the department during construction if necessary to address unforeseen circumstances that occur during construction.

(2) The applicant may revise an approved stormwater site plan upon paying a revision review fee pursuant to SCC 30.86.510(2) and obtaining written approval from the department prior to construction of any proposed revision to an approved stormwater site plan. At a minimum, the revised submittal shall include substitute pages of the approved stormwater site plan, which include the proposed changes, revised drawings showing any structural changes, and any other supporting information that explains and supports the reason for the change. The department may require additional information before approving or denying the proposed revision. All revisions shall be consistent with all applicable minimum requirements 1 through 9 (SCC 30.63A.400 through 30.63A.605). Any revision shall comply with the requirements of this chapter and be shown on final record drawings.

~~(((3) Land disturbing activity site plans prepared pursuant to chapter 30.63B SCC shall clearly indicate if they have been prepared for land disturbing activity that will be initiated or continue during the wet season work limitation period between October 1 and April 30. When approved construction plans for a project do not state that the stormwater site plans have been prepared to allow land disturbing activity between October 1 and April 30, land disturbing activity shall not occur during that time period until revised construction plans addressing wet season work limitations and BMPs have been approved by the department. Only site stabilization and erosion control activities shall be allowed to occur during the wet season until a revised stormwater site plan and SWPPP are approved.))~~

(Added by Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010; Amended by Amended Ord. 12-018, May 2, 2012, Eff date May 21, 2012).

30.63A.830 Modifications.

(1) The county may approve project-specific modifications of the regulations and standards in chapters 30.63A and 30.63B SCC, the Drainage Manual and the stormwater-applicable requirements of the EDDS pursuant to the requirements of this section. The department shall have decision-making authority for this title modifications and the department of public works shall have decision-making authority for modifications of the Drainage Manual and the stormwater-applicable requirements of the EDDS.

(2) Modifications shall be requested in writing on an application form approved by the department.

- (3) Modification requests shall be submitted as soon as the need for the modification is identified. Modifications that affect project lot yield, density or scope must be submitted prior to the SEPA threshold determination or the final administrative decision on the application.
- (4) The modification fee established in SCC 30.86.515 shall be paid at the time the modification request is submitted to the department.
- (5) The modification request shall:
- (a) Specify the section(s) of chapters 30.63A or 30.63B SCC, the Drainage Manual, or the EDDS for which the modification is requested;
 - (b) Describe how the intent of the regulations and standards will be achieved with the modification;
 - (c) Provide the reasons for the request including site-specific details;
 - (d) Indicate how the request meets the criteria of subsection (6) of this section;
 - (e) Indicate if a submittal requirement is required to be modified or waived; and
 - (f) Contain sufficient information to evaluate the request.
- (6) The appropriate director may modify any regulation or standard in chapters 30.63A and 30.63B SCC, the Drainage Manual, or the stormwater-applicable requirements of the EDDS for a specific project, provided that the applicant has demonstrated to the director's satisfaction that the following criteria are met:
- (a) The modification provides substantially equivalent environmental protection as adopted stormwater management regulations and standards;
 - (b) The modification is based upon sound engineering practices which will meet design objectives addressing safety, function, environmental protection, and facility maintenance;
 - (c) The modification does not adversely impact off-site properties; and
 - (d) The modification results in the least possible change that could be granted that still meets the intent of chapters 30.63A and 30.63B SCC, the Drainage Manual and the EDDS.
- (7) No submittal checklist requirement shall be modified which would result in a failure to meet the requirements of chapters 30.63A or 30.63B SCC, the Drainage Manual, or the EDDS.
- (8) The appropriate director shall issue a written decision within 30 days of receipt of a complete modification request. However, if the request requires a significant amount of technical analysis by the department, the director may notify the applicant by U.S. or electronic mail that additional review time is required beyond 30 days or that additional information is needed to render a decision.
- (9) The appropriate director's written decision shall approve, conditionally approve, or deny the request. It shall include findings of fact and conclusions documenting the county's evaluation of the modification criteria in subsection (6) of this section. The decision shall state that the applicant can file a request for reconsideration pursuant to SCC 30.63A.835.
- (10) The appropriate director's modification decision shall be the county's final decision on the modification request unless reconsideration is requested under SCC 30.63A.835. The hearing examiner

may not review the director's final decision on the modification request under either the hearing examiner's original or appellate jurisdiction.

(11) If the appropriate director determines that a modification of a procedural requirement should apply to all applications for new development and redevelopment, the modification may be applied to all applications for new development or redevelopment without a need for each applicant to request the modification.

(Added by Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010; Amended by Ord. 15-102, Jan. 11, 2016, Eff date Jan. 22, 2016).

30.63A.835 Reconsideration of a modification decision.

(1) An applicant may file a written request for reconsideration of a modification decision issued pursuant to SCC 30.63A.830 with the department within 15 calendar days following the date the written decision was issued. The applicant shall pay the fee established in SCC 30.86.515 at the time the request for reconsideration is made. The timely filing of a request for reconsideration shall stay the review of related project components until the appropriate director issues the reconsideration decision.

(2) The grounds for seeking reconsideration shall be limited to the following:

- (a) The appropriate director's findings, conclusions or conditions are not supported by the record;
- (b) New information, which could not reasonably have been produced and which is material to the decision, is discovered; or
- (c) The applicant proposes changes to the application in response to deficiencies identified in the modification decision.

(3) The request for reconsideration must:

- (a) Contain the name, mailing address, and daytime telephone number of the applicant, or the applicant's representative, together with the signature of the applicant or of the applicant's representative;
- (b) Identify the specific findings, conclusions, actions, and/or conditions for which reconsideration is requested;
- (c) State the specific grounds upon which relief is requested;
- (d) Describe the specific relief requested; and
- (e) Where applicable, identify and provide documentation of the newly-discovered information or changes proposed.

(4) Within 30 days of the date a complete request for reconsideration is filed, the appropriate director shall make a written decision to either approve, approve with conditions, or deny the request for reconsideration. The decision shall include findings of fact and conclusions documenting the county's evaluation of the modification criteria in SCC 30.63A.830(6).

(5) The appropriate director shall consider only one request for reconsideration per each modification decision.

(6) When reconsideration is requested, the applicable director's decision on reconsideration shall be the county's final decision on the modification request.

(Added by Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010).

30.63A.840 Waivers.

(1) The county may approve requests for project-specific waivers of the regulations and standards in chapters 30.63A and 30.63B SCC, the Drainage Manual, and the stormwater-applicable requirements of the EDDS pursuant to the requirements of this section. The department shall have decision-making authority for this title waivers and the department of public works shall have decision-making authority for waivers of the Drainage Manual and the stormwater-applicable requirements of the EDDS.

(2) Waivers shall be requested in writing on an application form approved by the department.

(3) Waiver requests shall be submitted as soon as the need for the waiver is identified. Waivers that affect project lot yield, density or scope must be submitted prior to the SEPA threshold determination or the final administrative decision on the application. The waiver fees established in SCC 30.86.510 shall be paid at the time the waiver request is submitted to the department.

(4) The waiver request shall:

(a) Specify the section(s) of chapters 30.63A or 30.63B SCC, the Drainage Manual, or the EDDS for which the waiver is requested;

(b) Describe how the intent of the requirement will be achieved with the waiver;

(c) Provide the reasons for the request including site-specific details;

(d) Document how the request meets the criteria of subsection (5) of this section; and

(e) Contain sufficient information to evaluate the request.

(5) The appropriate director may waive any regulation or standard in chapters 30.63A and 30.63B SCC, the Drainage Manual, or the stormwater-applicable requirements of the EDDS for a specific project, provided that the applicant has demonstrated to the director's satisfaction that the following criteria are met:

(a) The appropriate director finds and documents in writing that the application of the stormwater management requirement or standard for which the waiver is sought will deny the project applicant all economically viable use of the property that is subject to the requirement or standard;

(b) The waiver will not increase risk to the public health and welfare, be injurious to other properties in the vicinity or upstream or downstream, or affect the quality of waters of the state; and

(c) The waiver is the least possible waiver that could be granted to comply with the intent of chapters 30.63A and 30.63B SCC, the Drainage Manual, and the EDDS.

(6) A notice of application shall be provided for each waiver application pursuant to the procedures outlined in SCC 30.70.045 through 30.70.070.

(7) The appropriate director shall issue a written decision within 30 days of the end of the comment period established in SCC 30.70.060. However, if the request requires a significant amount of technical

analysis by the department, the director may notify the applicant by U.S. or electronic mail that additional review time is required beyond 30 days or that additional information is needed to render a decision.

(8) The director's decision shall be in writing and include findings of fact and conclusions based upon an evaluation of the waiver criteria in subsection (5) of this section. The director may approve, approve conditionally or deny the waiver request. The decision shall state that the applicant and any party of record may request reconsideration of the decision pursuant to SCC 30.63A.842. The director shall provide a notice of decision pursuant to SCC 30.71.040.

(9) The appropriate director shall also include in the written decision the following information:

(a) The current (pre-project) use of the site;

(b) How the application of the standard(s) or requirement(s) for which the waiver is sought restricts the proposed use of the site compared to the restrictions that existed prior to the adoption of the applicable minimum requirements;

(c) The possible remaining uses of the site if the waiver were not granted;

(d) The uses of the site that would have been allowed in title 30 SCC prior to the adoption of the applicable minimum requirements;

(e) A comparison of the estimated amount and percentage of value loss as a result of the requirements versus the estimated amount and percentage of value loss as a result of requirements that existed prior to adoption of the applicable minimum requirements; and

(f) Whether it is feasible for the owner to alter the project to apply the applicable minimum requirements.

(10) The appropriate director's waiver decision shall be the county's final decision on the waiver request unless reconsideration is requested under SCC 30.63A.842. The hearing examiner may not review the director's final decision on the waiver request under either the hearing examiner's original or appellate jurisdiction.

(11) If the appropriate director determines that a waiver of a procedural requirement should apply to all applications for new development or redevelopment, the waiver may be applied to all such applications without a need for each applicant to request the waiver.

(Added by Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010; Amended by Ord. 15-102, Jan. 11, 2016, Eff date Jan. 22, 2016).

30.63A.842 Reconsideration of a waiver decision.

(1) An applicant or any aggrieved party of record may file a written request for reconsideration of a waiver decision issued pursuant to SCC 30.63A.840 with the department within 15 calendar days following the date the written decision was issued. The applicant or party of record shall file a reconsideration application and pay the fee established in SCC 30.86.600 with the department. The petitioner for reconsideration shall mail a copy of the petition for reconsideration to all parties of record as of the date of filing the request for reconsideration. The timely filing of a request for reconsideration

shall stay the review of related project components until the appropriate director issues the reconsideration decision.

(2) The grounds for seeking reconsideration shall be limited to the following:

- (a) The director's findings, conclusions or conditions are not supported by the record;
- (b) New information, which could not reasonably have been produced and which is material to the decision is discovered; or
- (c) The applicant proposes changes to the application in response to deficiencies identified in the waiver decision.

(3) The request for reconsideration must:

- (a) Contain the name, mailing address, and daytime telephone number of the applicant, or the applicant's representative, together with the signature of the applicant or of the applicant's representative;
- (b) Identify the specific findings, conclusions, actions, and/or conditions for which reconsideration is requested;
- (c) State the specific grounds upon which relief is requested;
- (d) Describe the specific relief requested; and
- (e) Where applicable, identify and provide documentation of the newly discovered evidence or changes proposed.

(4) Within 30 days of the date a complete request for reconsideration is filed, the appropriate director shall issue a written decision to either approve, approve with conditions, or deny the request for reconsideration. The decision shall include findings of fact and conclusions documenting the county's evaluation of the waiver criteria in SCC 30.63A.830(5). The appropriate director shall provide a notice of decision pursuant to SCC 30.71.040.

(5) The appropriate director may consolidate for action, in whole or in part, multiple requests for reconsideration of the same decision where such consolidation would facilitate procedural efficiency.

(6) When reconsideration is requested, the appropriate director's decision on reconsideration shall be the county's final decision on the waiver request. (Added by Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010).

30.63A.845 Authority to require more stringent standards and requirements and to impose mitigation.

(1) Before and after the issuance of a land disturbing activity permit, the director may impose additional or more stringent standards and requirements than those specified in this chapter or impose mitigation requirements to the extent necessary to:

- (a) Protect the public health, safety and welfare; or
- (b) Mitigate any significant adverse impact from the new development or redevelopment.

(2) The director's decision to require additional or more stringent standards and requirements or mitigation requirements shall be in writing and shall include findings of fact and conclusions that demonstrate how the decision meets the following criteria:

- (a) The decision eliminates or substantially reduces a specific public health, safety or welfare concern or a significant adverse impact;
- (b) The decision is based on sound engineering practices;
- (c) The decision will not adversely impact off-site properties; and
- (d) The decision is the least possible change from the requirements of this chapter.

(Added by Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010).

30.63A.850 Compliance with permits and stormwater site plans.

Any person performing any development or redevelopment activity shall comply with all specifications, standards, requirements and conditions of any permit or stormwater site plan approved during the plan review conducted under the authority of this chapter. Any person engaged in new development or redevelopment shall have a copy of the stormwater site and construction plans and specifications at the work site at all times and shall be responsible for compliance with the approved plans, specifications, and permit requirements. No person may alter or interfere with any drainage facility which is an element of an approved stormwater site plan without an approved site plan revision pursuant to SCC 30.63A.825.

(Added by Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010).

30.63A.855 Replacement of individuals reviewing or inspecting work.

During the installation of stormwater facilities, drainage facilities, or stormwater BMPs, if the civil engineer, the soils engineer, the certified erosion and sediment control lead (CESCL), or the engineering geologist of record is replaced, work requiring their review and inspection shall be stopped until a replacement licensed professional or other qualified individual agrees in writing to accept responsibility for inspecting and approving the work within his or her area of technical expertise. It shall be the duty of the applicant or owner to notify the department in writing of such change before the recommencement of such work.

(Added by Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010).

30.63A.860 Drainage inspection process.

When new development or redevelopment meets the minimum thresholds pursuant to part 300 of this chapter and no exemption under SCC 30.63A.200 applies, the inspection processes set forth in this section apply.

- (1) The certified erosion sediment control lead (CESCL) for the development activity shall complete inspections necessary to manage the project and comply with minimum requirement 2.
- (2) New development sites and redevelopment sites shall be inspected by the county prior to land disturbing activity.

(3) All temporary erosion and sedimentation BMPs shall be regularly inspected by the county and the CESCL when a CESCL is required.

(4) New development and redevelopment shall be inspected by the county and the CESCL, when a CESCL is required, throughout construction to verify proper installation and maintenance of required soil erosion and sediment controls.

(5) New development and redevelopment sites shall be inspected by the county and CESCL, when a CESCL is required, upon completion of construction and before final approval/occupancy to verify proper installation of permanent erosion controls, stormwater facilities, and BMPs.

(6) When the construction of drainage facilities is completed in accordance with the approved construction and stormwater site plans, the applicant shall request an inspection by the department. The department shall inspect and approve the installed or constructed drainage facilities either, before construction acceptance; before issuance of a certificate of temporary or permanent occupancy; or at the single family residential final inspection pursuant to subsection (5) of this section depending on the type of development activity. The department shall determine in writing that construction is complete or identify construction items which are incomplete. After county inspection and upon request of the applicant, the department may accept a drainage performance security to guarantee the completion of the required drainage facilities pursuant to SCC 30.84.105.

(7) When the department determines that a special inspection is required for water quality monitoring, the applicant or owner shall engage consultants with the appropriate expertise to provide the professional inspections. The consultants shall prepare and submit periodic inspection reports to the county. The county shall determine the frequency of the reports. The county shall respond within seven working days as to the acceptability of the reports. The applicant or owner shall act as a coordinator between the consultant inspector, the contractor, and the county inspector. In the event of changed soil or groundwater conditions between the time of submitting a stormwater site plan and construction acceptance, the applicant or owner shall be responsible for informing the county inspector of such change and shall provide revised plans pursuant to SCC 30.63A.825 as necessary to mitigate potential water quality or drainage impacts. The revised plans shall require review and approval by the department pursuant to SCC 30.63A.825.

(8) The county's inspection program shall include procedures for keeping records of inspections and enforcement actions by staff, including inspection reports, warning letters, notices of violations, and other enforcement records. Records of maintenance inspections and maintenance activities shall also be maintained.

(Added by Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010; Amended by Amended Ord. 10-086, Oct. 20, 2010, Eff date Nov. 4, 2010; Amended by Ord. 15-102, Jan. 11, 2016, Eff date Jan. 22, 2016).

30.63A.865 Submittal of record drawings.

Upon completion of the construction of conveyance systems, treatment facilities, flow control facilities and structural source control BMPs (excluding the construction of on-site stormwater management BMPs) and prior to final inspection approval, the applicant shall submit record drawings of the full stormwater site plan prepared by a civil engineer or registered surveyor. The engineering drawings shall accurately represent the project as constructed. They shall depict the actual vertical and horizontal

locations of roads and drainage facilities constructed on and off the site. Record drawings shall be stamped, signed and dated by a civil engineer licensed in Washington State and shall meet the standards contained in the EDDS.

(Added by Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010).

30.63A.870 Process for construction acceptance.

When the applicant or owner requests construction acceptance of drainage facilities for purposes of recording a final subdivision or short subdivision pursuant to chapter 30.41A or 30.41B SCC, or for purposes of obtaining a certificate of occupancy for single-family detached units (SFDUs) or for other types of commercial projects pursuant to chapter 30.50 SCC, the department shall perform a drainage inspection pursuant to SCC 30.63A.860(6) to determine whether the construction has been completed in conformance with the approved stormwater site plan.

(Added by Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010; Amended by Ord. 14-081, Oct. 29, 2014, Eff date Nov. 13, 2014).

PART 900 Security Devices and Insurance.

30.63A.900 Drainage security devices and insurance - general.

Security devices shall be provided as required by chapter 30.84 SCC and insurance, in forms acceptable to the director, shall be provided as required by SCC 30.63A.940 to ensure that all work or actions required by this chapter are satisfactorily performed, installed and completed in accordance with applicable approved plans, specifications, permit and/or approval requirements and conditions.

(Added by Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010; Amended by Amended Ord. 10-086, Oct. 20, 2010, Eff date Nov. 4, 2010).

30.63A.940 Drainage insurance requirements.

(1) When drainage facilities are constructed within any portion of county road right-of-way, the department shall require the applicant for such construction to obtain commercial general liability insurance coverage against personal injury, property damage, or loss resulting from activities related to the construction.

(2) The insurance required by this section shall be in an amount determined by the director of the department of finance to be commensurate with the risk to the public involved, and shall be at a minimum amount of \$1,000,000 per occurrence. The policy shall be maintained continuously for the duration of the work undertaken pursuant to the permit or approval, and for an additional three years after the county has given final approval of the construction shown on the stormwater site plan or has accepted the stormwater facilities after construction is completed and approved. The policy shall contain appropriate endorsements and amendments as required by the director of the department of finance, and shall name "Snohomish County, its officers, elected and appointed officials, employees and agents" as an additional insured.

(3) The applicant shall notify the director by certified mail of any modification or cancellation of the policy at least 30 days prior to any such modification or cancellation. If the insurance required by this

section is canceled and not replaced, or is modified in a manner unacceptable to the director of the department of finance, the director may revoke the permit or approval.

(4) The applicant shall provide evidence of the existence and continuation of the insurance required by this section to the director of the department of finance in accordance with the requirements of the department of finance, which shall include one or more of the following:

(a) An original binder of insurance signed by an authorized broker of the insurance carrier reciting the coverage required in this section, accompanied by a letter of clarification if requested;

(b) A copy of the "declarations" pages of the policy, reciting the coverage;

(c) A copy of the complete policy; or

(d) A certificate of insurance with applicable endorsements.

(5) The insurance carrier must be authorized to transact business within the State of Washington. The insurance carrier and policy shall be subject to the approval of the director of the department of finance.

(Added by Amended Ord. 10-026, June 9, 2010, Eff date Sept. 30, 2010; Amended by Ord. 15-102, Jan. 11, 2016, Eff date Jan. 22, 2016).