



PDS Director's Interpretation

Subject: Administration and Enforcement of SCC 30.70.310

Pursuant to SCC 30.81.010 the following administrative interpretation is hereby issued by the Director of the Department of Planning and Development Services (PDS) to aid in the administration and enforcement of SCC 30.70.310 as amended effective April 22, 2021.

BACKGROUND: In accordance with the County's National Pollution Discharge Elimination System (NPDES) Phase I Municipal Stormwater Permit, approved permits and permit applications subject to pre-January 22, 2016 stormwater drainage regulations that have not met the "started construction" requirement as set forth in SCC 30.70.310 by July 1, 2021, must be revised by the project proponent to comply with updated stormwater drainage regulations as the same are effective on July 1, 2021. This requirement has been implemented through the adoption of SCC 30.70.310 as amended effective April 22, 2021.

PURPOSE: The purpose of this interpretation is to provide guidance for how PDS will administer and enforce the requirements of SCC 30.70.310(2) relating to approved permits and permit applications subject to pre-January 22, 2016 stormwater drainage regulations that have not started construction by July 1, 2021.

APPROVED PERMITS: For approved permits subject to the above, PDS will be conducting inspections on July 1, 2021, of all projects currently pending which are subject to LDA permit approvals based on pre-January 22, 2016 stormwater drainage regulations to determine whether such projects have met the started construction requirements as set forth in SCC 30.70.310. This determination shall be made by the assigned inspector based upon verified site conditions existing as of July 1, 2021, to determine whether or not the site work associated with, and directly related to the approved project is at a stage where rough grading is complete or utilities are installed as set forth in SCC 30.70.310(4)(a).

-Temporary Suspension: For those projects identified above which are determined by PDS not to have met the started construction requirement as of July 1, 2021, a "Notice of Temporary Suspension" will be issued to the applicant under SCC 30.85.300 within ten (10) days of inspection for all permit approvals relating to said project which require an approved stormwater site plan under Ch. 30.63B SCC. All work under the affected permits will similarly be suspended except for work which would not impair the ability to comply with the new drainage requirements (i.e. installation of utilities, erosion control measures, and related site work which will not impact areas needed for consideration for compliance with updated stormwater drainage regulations). The scope and extent of any site work allowed to be continued during any period of suspension shall be identified by the Engineer of Record in a letter to be submitted to PDS identifying the nature and location of such work and certifying that such work shall occur in a manner which will not impair areas needed for consideration for compliance with updated stormwater drainage regulations and shall be subject to review and approval by PDS.

-Review Report: For those permit approvals suspended as set forth above, the suspension shall remain in effect pending the applicant's submittal of a Stormwater Site Plan Review Report (Review Report), which shall be prepared in accordance with the same requirements governing preparation of a stormwater site plan set forth in SCC 30.63A.400, evaluating compliance of the existing approved stormwater site plan with the updated stormwater drainage regulations in effect as of July 1, 2021. Said Review Report shall be required to be submitted within Sixty (60) days from the date of issuance of the Notice of Suspension. If not submitted within said time period the applicant shall be deemed to be in violation of the requirements of SCC 30.70.310 and the Director shall proceed with revocation under SCC 30.85.310 of all such permits requiring an approved stormwater site plan under Ch. 30.63B SCC; Provided, however, the Director may extend the time for compliance upon finding that substantial progress toward preparation and submission of the Review Report has been made.

The Review Report shall contain a comparison of the stormwater drainage provisions contained in the existing approved stormwater site plan with the requirements under the updated stormwater drainage regulations in effect as of July 1, 2021, and either set forth a determination whether the approved stormwater site plan complies with the updated stormwater drainage regulations; or identifies the deficiencies and proposed measures for revision of the approved stormwater sign plan and/or underlying development proposal to attain compliance with the updated stormwater drainage regulations. PDS shall have ten (10) days within which to review the Review Report and issue its determination whether the existing approved stormwater site plan complies with the updated stormwater drainage regulations (in which case the temporary suspension shall be lifted), or whether deficiencies exist in the approved stormwater site plan requiring the project proponent to revise the approved development application to comply with the updated stormwater drainage regulations (in which case the temporary suspension shall be continued as provided for below).

-Revision: If PDS determines that revision of the approved development application is necessary to comply with updated stormwater drainage regulations, the temporary suspension shall be continued for a period not to exceed One Hundred and Eighty (180) days to allow the project proponent to submit a formal application for revision of the approved stormwater site plan and/or revision of the underlying approved development application in a manner that achieves compliance with the updated stormwater drainage regulations effective July 1, 2021. All such revisions shall be reviewed and processed under the procedures set forth in SCC 30.70.210 through .230 as deemed applicable. The determination whether additional environmental review of a revision is required under SEPA shall be governed by WAC 197-11-340(3) or WAC 197-11-405(4) as applicable. Any permit approval which remains suspended for a period of 360 days or more shall be revoked under SCC 30.85.310; Provided, however, the Director may extend the time for compliance upon finding that substantial progress towards preparation and submission of a proposed revision has been made by the project proponent.

PERMIT APPLICATIONS: For approved or pending development applications that do not yet have issued LDA permit approvals (including those LDA permit applications still pending review as of July 1, 2021), which are subject to pre-January 22, 2016 stormwater drainage regulations, such development applications will be conclusively deemed not to have met the started construction requirement in SCC 30.70.310(2), and no LDA permit shall be issued for said project unless the permit application(s) are revised to demonstrate compliance with the updated stormwater drainage regulations in effect as of July 1, 2021. PDS shall notify all such pending permit applicants of this requirement on or before July 1, 2021.

Dated: Jun 24, 2021

Approved:

michael mccrary
michael mccrary (Jun 24, 2021 12:58 PDT)

Mike McCrary, PDS Director


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Final Audit Report

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