

SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington

NOTICE OF INTRODUCTION OF ORDINANCE
AND
NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN, that the Snohomish County Council will hold a public hearing on _____, _____, 20__, at the hour of __:__.m. in the Henry M. Jackson Board Room, 8th Floor, Robert J. Drewel Building, 3000 Rockefeller, Everett, Washington to consider proposed Ordinance No. 21-_____, titled: RELATING TO REGULATION OF STORMWATER; AMENDING PORTIONS OF CHAPTERS 7.53, 7.54, 30.63A, 30.63B AND SUBTITLE 30.91 OF THE SNOHOMISH COUNTY CODE (SCC) IN RESPONSE TO THE COUNTY’S 2019 NPDES PHASE I PERMIT

NOTE: Due to the federal, state, and local emergency response to COVID-19 and pursuant to Governor Inslee’s Proclamations [20-05](#), [20-25.8](#), and [20-28.12](#), and any extensions thereof, the Council office is closed and public hearings are being held remotely. Please check the Council webpage 24 hours prior to the scheduled hearing time for the most up-to-date information <https://www.snohomishcountywa.gov/2288/Meetings-Webcasts> or contact the Council Clerk at 425-388-3494 or at contact.council@snoco.org.

Zoom Webinar Information:

Join online at <https://zoom.us/j/94846850772>
or by telephone call 1-253-215-8782 or 1-301-715-8592

Background: This ordinance adopts amendments to Snohomish County Code (SCC) relating to stormwater management and compliance with the National Pollutant Discharge Elimination System (NPDES) 2019 Phase I Municipal Stormwater Permit (“2019 Phase I Permit”) issued by Washington State Department of Ecology under authority of the Federal Water Pollution Control Act (Clean Water Act). A summary of the proposed ordinance is as follows:

Sections 1 and 2. Adopt recitals, findings, conclusions, and state that the Snohomish County Council bases its decision on the entire record.

Section 3. Amends SCC 7.53.120 to update references to the drainage manual.

Section 4 through 7. Amends sections of chapter 7.54 SCC to update references to the drainage manual and to the 2019 Phase I Permit.

Section 8. Adds a new section SCC 30.63A.025 to link the applicable drainage requirements based on when a project has “started construction,” as required by the 2019 Phase I Permit.

Section 9. Amends SCC 30.63A.200 to correct a missing reference in an exemption for utility work; remove an exemption that conflicts with the threshold requirements in SCC 30.63A.300 and 30.63A.310; add language encouraging implementation of best management practices for oil and gas field operations and activities; and clarify the extent of exempt pavement preservation activities.

Section 10. Amends SCC 30.63A.210 to update code citations for drainage easements and stormwater on-site best management practices.

Section 11. Amends SCC 30.63A.310 to: (1) clarify applicable requirements in part 700 of chapter 30.63A SCC; (2) specify that minimum requirements 5, 6, 7 and 8 may be satisfied by providing flow control or treatment capacity for an area of equivalent flow and pollution characteristics, and where applicable guidance for equivalent facilities using in-basin transfers contained in the 2019 Ecology Stormwater Management Manual for Western Washington must be used; and (3) add definitions for “commercial project” and “industrial project” and revise the valuation threshold criteria for commercial or industrial projects based on the project site instead of the full site.

Section 12. Amends SCC 30.63A.400 to clarify that stormwater site plans should consider retention of native vegetation and minimization of new impervious surface, and to renumber subsection 2 for clarity.

Section 13. Amends SCC 30.63A.450 to clarify seasonal work limits; add exemptions for maintenance and repair of erosion and sediment control BMPs and routine maintenance of public facilities or existing utility structures that do not impact the soil; and allow the county to modify seasonal limitations on site disturbance based on information provided by the applicant or local weather conditions.

Section 14. Amends SCC 30.63A.520 to update citations to the correct volumes of the drainage manual for the appropriate energy dissipation for outfalls.

Section 15. Amends SCC 30.63A.570 to require that each threshold discharge area (TDA) within a project must be reviewed to determine the level of wetland protection that must be applied using Volume I Appendix I-D of the drainage manual.

Section 16. Amends SCC 30.63A.575 to reorganize and renumber the section for improved clarity and to add reference to new Volume VI of the drainage manual.

Section 17. Amends SCC 30.63A.580 to highlight that LID BMPs are included in the list of stormwater facilities for assigning inspection and maintenance responsibilities in the county right-of-way after construction acceptance.

Section 18. Amends SCC 30.63A.590 to add an exemption from easement recording requirements for residential development on large rural properties where critical areas and

buffers are not disturbed by the development activity and where the project site does not drain to the existing or planned municipal separate storm sewer system, and assigns maintenance responsibility to the property owner.

Section 19. Amends SCC 30.63A.700 clarify that the provisions apply to pavement maintenance, not just roads, and identifies which pavement maintenance practices are considered to be replaced hard surfaces, new hard surfaces, or new impervious surfaces for the purpose of applying the thresholds that trigger the applicable minimum requirements.

Section 20. Amends SCC 30.63A.825 to delete as duplicative subsection (3) concerning land disturbing activity site plans and seasonal work limitations that are addressed elsewhere in the land disturbing activity code in chapter 30.63B SCC.

Section 21. Amends SCC 30.63B.050 to highlight LID principles and techniques to be considered in the site planning process.

Section 22. Adds a new section SCC 30.63B.055 to cross reference to the seasonal work limitations in chapter 30.63A SCC.

Section 23. Adds a new section SCC 30.63B.065 to clarify that compliance with the “started construction” requirements may require revisions to land disturbing activity permits to comply with updated drainage requirements required by the 2019 Phase I Permit.

Section 24. Amends land disturbing activity (LDA) permit exemptions in SCC 30.63B.070 to: (1) clarify that alternative requirements for stormwater pollution prevention plans in SCC 30.63A.810 may also apply to activities exempt from a LDA permit; (2) clarify an existing exemption from a LDA permit for certain development activities performed by a utility; (3) add an exemption from a LDA permit for certain minor development activities performed by a utility provider in an improved right-of way or an improved utility corridor where there is overlap with a critical area buffer provided certain conditions are met; (4) add an exemption from a LDA permit for utility pole replacement performed by a utility provider in an improved right-of way or an improved utility corridor where there is overlap with low scoring smaller wetlands provided certain conditions are met; (5) encourage implementation of best management practices for LDA permit exempt oil and gas field operations and activities; and (6) clarify that road maintenance LDA permit exemptions also apply to some pavement maintenance and preservation activities.

Section 25. Amends the definition in SCC 30.91A.250 “appurtenance” to expand the applicability of the existing definition as necessary to implement the proposed addition to SCC 30.63A.590(10).

Section 26. Amends the definition in SCC 30.91I.012 “improved road right-of-way” to expand the applicability of the existing definition as necessary to implement the proposed exemption in SCC 30.63B.070(3).

Section 27. Add a new definition in chapter 30.91I SCC “improved utility corridor” to mean “that portion of a utility corridor that was altered to construct or install linear utility distribution or collection systems” as necessary to implement the proposed exemption in SCC 30.63B.070(3).

Section 28. Amends the definition in SCC 30.91L.025 “land disturbing activity” to clarify that landscape maintenance and gardening are not considered to be land disturbing activities.

Section 29. Amends the definition in SCC 30.91M.011 “maintenance” to acknowledge that maintenance activities involving replacement may result in an expansion of a facility.

Section 30. Amends the definition in SCC 30.91S.330 “single-family residence” to expand the applicability of the existing definition as necessary to implement the proposed addition to SCC 30.63A.590(10).

Section 31. Amends the definition in SCC 30.91T.054B “threshold discharge area (TDA)” to replace the phrase “on site area” with “area within a project site” describing a TDA and delete the existing diagram and direct the reader to a new TDA diagram in the drainage manual.

Section 32. Contains an effective date of July 1, 2021, as required by the 2019 Phase I Permit.

Section 33. Contains a standard severability clause.

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State Environmental Policy Act: State Environmental Policy Act (SEPA) requirements with respect to this non-project action have been satisfied through issuance of a Determination of Nonsignificance (DNS) on April 9, 2021. Copies of all applicable SEPA documents are available at the office of the County Council.

Where to Get Copies of the Proposed Ordinance: Copies of the full ordinance and other documentation are available upon request by calling the Snohomish County Council Office at (425) 388-3494, 1-(800) 562-4367x3494, TDD (425) 877-8339 or by e-mailing contact.council@snoco.org.

While the Council office is closed due to the emergency response to COVID-19, copies will not be available for pickup until the office reopens.

Website Access: This ordinance can be accessed through the Council website at: <http://www.snohomishcountywa.gov/2134/County-Hearings-Calendar>.

Range of Possible Actions the County Council May Take on This Proposal: At the conclusion of its public hearing(s), the County Council may make one of the following decisions regarding the proposed actions: (1) adopt the proposed ordinance; (2) adopt an amended version of the proposed ordinance; (3) decline to adopt the proposed ordinance; (4) adopt such other

proposals or modification of such proposals as were considered by the council at its own hearing; or (5) take any other action permitted by law.

Public Testimony: Anyone interested may testify concerning the above described matter at the time and place indicated above or by remote participation in the meeting. The County Council may continue the hearing to another date to allow additional public testimony thereafter, if deemed necessary. Written testimony is encouraged and may be sent to the office of the Snohomish County Council at 3000 Rockefeller Ave M/S 609, Everett, WA 98201; faxed to (425) 388-3496 or e-mailed to Contact.Council@snoco.org. Submitting public comments 24 hours prior to the hearing will ensure that comments are provided to the Council and appropriate staff in advance of the hearing.

Party of Record: You may become a party of record on this matter by sending a written request to the Clerk of the County Council at the above address, testifying at the public hearing, or entering your name and address on a register provided for that purpose at the public hearing.

Americans with Disabilities Act Notice: Accommodations for persons with disabilities will be provided upon request. Please make arrangements one week prior to the hearing by calling Debbie Eco at 425-388-3494, 1-800-562-4367 x3494, or TDD #1-800-877-8339.

QUESTIONS: For additional information or specific questions on the proposed ordinance, please call Terri Strandberg in the Planning and Development Services at 425-262-2359..

DATED this __ day of _____, 2021

Council Chair

ATTEST:

Clerk of the Council

PUBLISH: _____, _____, 2021

Send Affidavit to: Council

Send Invoice to: PDS#