PART 000 GENERAL

30.63A.010 Purpose and objectives.

(1) The purpose of this chapter is to implement 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 Management Permit (Permit) in accordance with chapter 90.48 RCW. This chapter regulates 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.

(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; and

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


30.63A.020 Applicability.

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


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.

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.

PART 100 STORMWATER REGULATIONS, MANUALS AND DESIGN STANDARDS

30.63A.100 Snohomish County stormwater regulations.

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


The director of the department of public works is authorized to adopt by rule, pursuant to chapter 30.82 SCC, the 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, 30.63B and 30.63C SCC. The Drainage Manual shall be used in place of the 2005 Department of Ecology Stormwater Management Manual for Western Washington. When best management practices (BMPs) are required by this chapter, they shall comply with the Drainage Manual.

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, 30.63B and 30.63C 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, 30.63B and 30.63C SCC shall conform to the EDDS.

BMPs from the Washington State Department of Transportation Highway Runoff Manual, as determined by the Washington State Department of Ecology to be equivalent to the 2005 Stormwater Management Manual for Western Washington, may be used to meet certain requirements of chapters 30.63A, 30.63B and 30.63C SCC for road construction projects, subject to approval by the applicable director.

30.63A.150 Hierarchy of regulations.

In the application of the county’s stormwater regulations, where any conflict exists between the requirements of chapters 30.63A, 30.63B or 30.63C SCC and the Drainage Manual, other manuals authorized in this chapter, or chapter 5 of the EDDS, the provisions of chapters 30.63A, 30.63B and 30.63C SCC shall control.

30.63A.160 Hierarchy of definitions.

In the application of chapters 30.63A, 30.63B and 30.63C SCC, where a definition in chapter 30.91 SCC conflicts with a definition in the Drainage Manual or chapter 5 of 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.

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, and chapter 5 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.

PART 200 EXEMPTIONS

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 impervious surface, 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 through 30.63A.510).

(3) Remodeling or tenant improvements that do not meet the definitions of new development, redevelopment or land disturbing activity.

(4) Development activities that result in less than 2,000 square feet of new, replaced or new plus replaced impervious surface, except that such activities shall comply with minimum requirement 2 (SCC 30.63A.445 through 30.63A.510). 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 non-conversion forest practices regulated by Title 222 WAC.

(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).

(7) The following road maintenance activities: 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 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, SCC 30.91A.090 or 30.62.015, 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 30.43 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;
      (ii) The activity occurs on designated agricultural or rural lands and the wetland area is no greater than 5,000 square feet of non-riparian Category 2 or 3 wetlands or 10,000 square feet of non-riparian Category 4 wetlands, pursuant to chapter 30.62 SCC; or
      (iii) The activity occurs in a UGA or on designated forest lands, and the wetland is an area of no greater than 5,000 square feet of non-riparian wetland Categories II or III or 10,000 square feet of non-riparian 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.


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.


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 SCC 30.63A.300(2) and (3), all new development shall be required to comply with minimum requirement 2 (SCC 30.63A.445 through 30.63A.510), 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) New development projects shall comply with minimum requirements 1 through 5 (SCC 30.63A.400 through 30.63A.525) for the new and replaced impervious 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 impervious surface area; or

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

(3) New development projects shall comply with all minimum requirements 1 through 9 (SCC 30.63A.400 through 30.63A.605) for the new impervious surfaces and converted pervious surfaces if the new development will:

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

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

(c) Convert 2.5 acres or more of native vegetation to pasture.


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

(1) Regardless of the redevelopment thresholds established below in SCC 30.63A.310(2) and (3), all redevelopment shall comply with minimum requirement 2 (SCC 30.63A.445 through SCC 30.63A.510) 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 requirement specified in part 700 of this chapter.

(2) Redevelopment projects shall comply with minimum requirements 1 through 5 (SCC 30.63A.400 through 30.63A.525) for the new and replaced impervious 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 impervious surfaces; or

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

(3) Redevelopment projects shall comply with minimum requirements 1 through 9 (SCC 30.63A.400 through 30.63A.605) for the new impervious surfaces and converted pervious surfaces if the redevelopment will:

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

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

(c) Convert 2.5 acres or more of native vegetation to pasture.

(4) If the runoff from new impervious surfaces and converted pervious surfaces is not separated from runoff from other surfaces on the project site, stormwater treatment facilities must be sized for the entire flow that is directed to them. The director may allow the minimum requirements to be met for an equivalent area of a pollution generating surface draining to 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.

(5) In addition to the requirements in SCC 30.63A.310(1) through (4), for road-related redevelopment projects, runoff from the replaced and new impervious surfaces (including pavement, shoulders, curbs and sidewalks) shall meet minimum requirements 1 through 9 (SCC 30.63A.400 through 30.63A.605) if the new impervious surfaces total 5,000 square feet or more and total 50 percent or more of the existing impervious 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 SCC 30.63A.310(1) through (4), all redevelopment projects, except road-related projects covered by SCC 30.63A.310(5), shall comply with minimum requirements 1 through 9 (SCC 30.63A.400 through 30.63A.605) for the new plus replaced impervious surfaces when:

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

(b) The value of proposed improvements including interior improvements exceeds 50 percent of the assessed value of the existing site improvements.


PARTS 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 consistent with SCC 30.63A.400 through 30.63A.440.

(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 complies with SCC 30.63A.400 through 30.63A.440 and volume I, chapter 2 of the Drainage Manual. Volumes II through V of the Drainage Manual shall be used during the selection of BMPs. The content of a stormwater pollution prevention plan (SWPPP), and the procedures for preparing a SWPPP, a part of the stormwater site plan, shall be required and followed pursuant to parts 400 through 500 of this chapter and volume II, chapter 3 of the Drainage Manual. The SWPPP shall be part of the stormwater site plan.

(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 or infiltration basins, etc.);

(c) Structural source control BMPs; and

(d) Drainage conveyance systems.


30.63A.405 Minimum requirement 1: Stormwater site planning process.
(1) The applicant shall use a seven-step site planning process prior to any land disturbing activity for new development or redevelopment to comply with minimum requirement 1. The level of detail needed for each step may depend upon the project size as explained in the description of the individual steps provided in SCC 30.63A.410 through 30.63A.440.

(2) The following seven steps shall be used to develop a stormwater site plan:
   (a) Step 1: Collect and analyze information on existing conditions (SCC 30.63A.410);
   (b) Step 2: Prepare preliminary development layout (SCC 30.63A.415);
   (c) Step 3: Perform off-site (upstream and downstream) analysis (SCC 30.63A.420);
   (d) Step 4: Determine applicable minimum requirements (SCC 30.63A.425);
   (e) Step 5: Prepare a permanent stormwater control plan (SCC 30.63A.430);
   (f) Step 6: Prepare a stormwater pollution prevention plan (SWPPP) (SCC 30.63A.435); and
   (g) Step 7: Complete the stormwater site plan (SCC 30.63A.440).


30.63A.410 Minimum requirement 1: Stormwater site planning process step 1.

This section establishes the requirements of step 1 of the stormwater site planning process.

(1) The applicant shall collect, analyze and document information on the existing site conditions, including topography, drainage patterns, soils, depth to groundwater or impermeable layer, ground cover, presence of any critical areas, adjacent areas, existing development, existing stormwater facilities, and adjacent on- and off-site utility facilities. Soil analyses shall include particle size distribution, cation exchange capacity, and organic content, determined in accordance with test methods set forth in volume V, chapter 5 of the Drainage Manual.

(2) Data shall be analyzed to determine site limitations including:
   (a) Areas with high potential for erosion and sediment deposition (based upon soil properties, slope, etc.);
   (b) Locations of critical areas;
   (c) Tree retention and replacement areas and landscaping required pursuant to title 30 SCC, if applicable; and
   (d) Required or existing open space areas, tracts or easements.

(3) Areas of site limitation shall be delineated on the stormwater site plan required in SCC 30.63A.440. Critical areas shall be shown on a critical area site plan pursuant to chapter 30.62 SCC or chapter 30.62A SCC, as applicable, which shall be recorded with the auditor. The applicant shall prepare an existing conditions summary, which shall be submitted as part of the stormwater site plan. The applicable information collected in this step shall be used to prepare the SWPPP.


30.63A.415 Minimum requirement 1: Stormwater site planning process step 2.

This section establishes the requirements of step 2 of the stormwater site planning process.

(1) Based upon the analysis of existing site conditions in step 1 (SCC 30.63A.410), the applicant shall prepare a preliminary development layout that locates the proposed buildings, roads, parking lots, landscaping areas and buffers for the proposed development using the following design principles:
(a) Fit development to the terrain to minimize land disturbance;
(b) Confine construction activities to the smallest area possible, and away from critical areas;
(c) Preserve natural vegetation (especially forested areas) as much as possible;
(d) On sites with a mix of soil types, locate impervious areas over less permeable soil (e.g.,
till), and limit development over more porous soils (e.g., outwash);
(e) Cluster buildings together;
(f) Minimize impervious surface areas; and
(g) Maintain and utilize natural drainage patterns.
(2) The preliminary development layout shall be used to determine threshold discharge areas
and whether the size thresholds in minimum requirements 6, 7 and 8 (SCC 30.63A.530 through
30.63A.570) are exceeded, and to create the drawings and maps required for the stormwater site
plan.

30.63A.420 Minimum requirement 1: Stormwater site planning process step 3.

This section establishes the requirements of step 3 of the stormwater site planning process.
(1) All new development and redevelopment projects shall submit a general off-site analysis
report, which shall be comprised of a downstream analysis (SCC 30.63A.420(2)) and an
upstream analysis (SCC 30.63A.420(3)). Both analyses shall be qualitative, shall be performed
in accordance with volume 1, chapter 2 of the Drainage Manual, and shall address potential off-
site water quality, erosion, slope stability, and drainage impacts associated with the new
development or redevelopment project.
(2) The downstream analysis shall assess the area downstream of the subject property for the
entire flow path from the project site to the nearest receiving water or up to one mile, whichever
is less.
(a) The downstream analysis shall:
   (i) Evaluate potential downstream drainage impacts as well as the adequacy of the
downstream drainage facilities to accommodate flows from the development activity and all
other upstream sources identified by the threshold discharge area pursuant to SCC Figure
30.91T.054B;
   (ii) Provide a narrative of the downstream conditions and a computation of the adequacy
of downstream conveyance systems required under SCC 30.63A.730;
   (iii) Include a summary of a visual inspection of the condition of the downstream
drainage system, whenever possible, and photographic documentation to verify that it will
function in accordance with the downstream analysis; and
   (iv) Provide documentation of drainage problems identified in the Snohomish County
Drainage Needs Report (DNR) or equivalent studies, and in the department of public works
surface water management complaint database.
(b) If the downstream analysis indicates that flooding of a building, structure, road, critical
area, lake or fishery resource has the potential to occur within one mile downstream of the
property, or to the nearest receiving water, the director may return the downstream analysis to
the applicant and require further evaluation of the potential impacts of the new development
activity to the downstream area beyond one mile or the nearest receiving water.
(3) The upstream analysis shall assess the area upstream from the project site, which drains onto or through the site. The analysis shall evaluate potential drainage impacts that may occur upstream as a result of the project, and calculate the area of land and drainage flow to the site.

(4) If the downstream analysis or the upstream analysis finds that the proposed new development or redevelopment project may cause significant adverse off-site drainage impacts, the applicant shall submit a mitigation report that proposes mitigation of those impacts.

(a) Significant adverse off-site drainage impacts occur:

(i) When upstream runoff from peak flow in a 100-year storm event would cause significant adverse impacts upstream including flooding of a building, structure, road, critical area, lake or fishery resource; or

(ii) When downstream runoff causes a 0.1 cubic feet per second or greater increase in the 100-year flow frequency from a threshold discharge area as estimated using the Western Washington Hydrology Model or other model approved by the Washington State Department of Ecology and the department, or causes flooding of a building, structure, road, critical area, lake or fishery resource.

(b) Mitigation shall be sequenced as follows: Avoiding, minimizing, rectifying, or compensating for impacts. Should the selection of any single mitigation preference be determined inadequate by the department, then a combination of two or more mitigation approaches shall be required.

(c) The department may require the applicant to perform a quantitative analysis when the qualitative analysis required by this section finds that the proposed new development or redevelopment project may cause significant adverse impacts. When a quantitative analysis is required, it shall be used in developing the mitigation required by this subsection.

(d) When a new development project or a redevelopment project will be developed in phases, a mitigation plan shall be identified for each project phase, based on the significant adverse drainage impacts associated with each phase.

(5) In addition to the requirements above, and in accordance with minimum requirement 6 (SCC 30.63A.530 through SCC 30.63A.545), an off-site treatment analysis from the project site to the nearest receiving water or up to one mile, whichever is less, and a mitigation report shall be required for projects that:

(a) Add 5,000 square feet or more of new impervious surface;

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

(c) Convert 2.5 acres of forested area to pasture.


This section establishes the requirements of step 4 of the stormwater site planning process. The applicant shall determine the applicable minimum requirements for new development and redevelopment pursuant to the thresholds provided in SCC 30.63A.300 and 30.63A.310. Figures 2.2, 2.3 and 2.4 in volume I of the Drainage Manual illustrate the basic project thresholds.


30.63A.430 Minimum requirement 1: Stormwater site planning process step 5.

This section establishes the requirements of step 5 of the stormwater site planning process.
(1) The applicant shall prepare a permanent stormwater control plan. Stormwater control BMPs and facilities that will serve the project site in its developed condition, including on-site stormwater management BMPs required by SCC 30.63A.525, shall be selected using the process outlined in volume I, chapter 4 of the Drainage Manual. In preparing a stormwater site plan, the applicant shall consider how to reduce or minimize the need for constructed stormwater facilities by minimizing proposed impervious surfaces and minimizing land disturbing activities when feasible. The final BMPs and facilities which are selected by the applicant shall be depicted on the permanent stormwater control plan. This plan shall include the following:

(a) If flow control facilities are proposed to comply with minimum requirement 7 (SCC 30.63A.520 through 30.63A.565), a description of the existing site hydrology, including a list of assumptions and site parameters used in analyzing the pre-developed site hydrology, shall be submitted with the plan and shall be reflected in the stormwater calculations;

(b) The acreage, soil types, and land cover used to determine the pre-developed flow characteristics, along with basin maps, for each subbasin affected by the project. The pre-developed condition shall be a forested land cover unless historic information is provided that indicates the site was prairie prior to settlement; and

(c) A topographic map to determine basin boundaries. The map shall show:
   (i) Delineation and acreage of upstream areas contributing runoff to the site;
   (ii) Flow control facility locations;
   (iii) Outfall locations;
   (iv) Overflow route;
   (v) All natural streams and drainage features, including the direction of flow, acreage of areas contributing drainage, and the limits of land disturbing activity; and
   (vi) Each basin within or flowing through the site and model input parameters for each basin.

(2) All stormwater site plan narratives shall describe the site hydrology and include a table showing the totals of impervious surfaces, pollution-generating impervious surfaces, and pollution-generating pervious surfaces for each threshold discharge area for which on-site stormwater management BMPs are the sole stormwater management approach. The calculations will be used to verify that the thresholds for application of treatment, flow control facilities and wetland protection pursuant to minimum requirements 6, 7 and 8 (SCC 30.63A.530 through 30.63A.570) are not exceeded.

(3) The permanent stormwater control plan for development activities requiring treatment and flow control facilities pursuant to minimum requirements 6, 7 and 8 (SCC 30.63A.530 through 30.63A.570) shall include the following information:

   (a) Narrative, mathematical and graphic presentations of model input parameters selected for the developed site conditions, including acreage, soil types, land covers, road layout, and all drainage facilities and easements;

   (b) Developed basin areas, threshold discharge areas, and flow which are cross-referenced to computer printouts or calculation sheets. Developed basin flows shall be listed and tabulated in the documentation;

   (c) Any documents used to determine the developed site hydrology. The same basin identification used for the pre-developed site hydrology shall be used whenever possible. If the boundaries of a basin are modified by the project proposal, they shall be clearly shown on a map and the basin identification shall be modified to indicate the change;

   (d) Finished grade topographic maps;
(e) Finished floor elevations, when required by the director, if they are needed to address topographical or existing infrastructure constraints;

(f) If treatment facilities are required or proposed, a listing of the water quality menus used according to volume V, chapter 3 of the Drainage Manual shall be provided to describe the permanent stormwater control plan performance standards and goals. If flow control facilities are proposed, confirmation shall be provided that the flow control standard is achieved using the flow duration standards in volumes III and V of the Drainage Manual;

(g) Documentation regarding flow control systems, including:

(i) Drawings of flow control facilities and their appurtenances showing basic measurements necessary to calculate the storage volumes available in live and dead storage, all orifice/restrictor sizes and head relationships, control structure/restrictor placement, and placement on the site; and

(ii) A hydrologic analysis including computer printouts, calculations, equations, references, storage/volume tables, graphs as necessary to show results and the methodology used to determine the storage facility volumes. Where the Western Washington Hydrology Model (WWHM) or other runoff model approved by the Washington State Department of Ecology is used, its documentation files shall be included;

(h) The following items shall be required for any proposed water quality system:

(i) A drawing of the proposed treatment facilities and any structural source control BMPs. The drawing must show overall measurements and dimensions, placement on the site and location of inflow, bypass, and discharge systems; and

(ii) WWHM or other approved model printouts pursuant to SCC 30.63A.430(3)(g)(ii), as well as any necessary calculations, equations, references, and graphs to show that the facilities are designed consistent with the requirements and design criteria of volume V of the Drainage Manual; and

(i) Documentation regarding permanent stormwater control plan conveyance systems including:

(i) An analysis of any existing conveyance systems and the analysis and design of the proposed stormwater conveyance system for the project. This information shall be presented in a clear, concise manner that can be easily followed, checked, and verified; and

(ii) Clear labeling of all pipes, culverts, catch basins, channels, swales, and other stormwater conveyance appurtenances that correspond directly to engineered stormwater control plans.


This section establishes the requirements of step 6 of the stormwater site planning process. 
(1) The applicant shall prepare a SWPPP pursuant to SCC 30.63A.445 through 30.63A.510. For projects that result in 2,000 square feet or greater of new, replaced or new plus replaced impervious surfaces, the SWPPP shall contain sufficient information to show that the potential pollution problems have been adequately addressed for the proposed project. Projects that result in less than 2,000 square feet of impervious surfaces or disturb less than 7,000 square feet of land may utilize an abbreviated SWPPP for small project development pursuant to SCC 30.63A.810.

(2) Pursuant to SCC 30.63A.445 through 30.63A.510, the SWPPP narrative and drawings shall explain and justify the pollution prevention decisions made for the project.
(3) New development and redevelopment shall be designed to prevent erosion and discharge of sediment and other pollutants into receiving waters. Land disturbing activities for new development and redevelopment shall be permitted only if conducted pursuant to an approved stormwater site plan that establishes and delineates permitted areas of land disturbing activity pursuant to chapter 30.63B SCC. All clearing limits, streams, wetlands, lakes, marine waters, and fish and wildlife habitat conservation areas, and their buffers, erosion or landslide hazard areas and setbacks pursuant to chapters 30.62 and 30.62B SCC, and drainage courses shall be delineated and quantified in the SWPPP narrative and on the plans in square footage or acres.

(4) The twelve elements listed in this subsection 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. The twelve SWPPP elements required by this section and SCC 30.63A.450 through 30.63A.510 are described in detail in volume I, section 2.5.2 of the Drainage Manual. These elements address water quality protection strategies that would limit site impacts, prevent erosion and sedimentation, and manage activities and sources of pollution. The twelve elements are:

(a) Mark clearing limits;
(b) Establish construction access;
(c) Control flow rates;
(d) Install sediment controls;
(e) Stabilize soils;
(f) Protect slopes;
(g) Protect drain inlets;
(h) Stabilize channels and outlets;
(i) Control pollutants;
(j) Control de-watering;
(k) Maintain BMPs; and
(l) Manage the project.

(5) On construction sites that discharge to surface water, the primary consideration in the preparation of the SWPPP is compliance with state water quality standards. The step-by-step procedure outlined in volume II, section 3.2 of the Drainage Manual is required for the development of the SWPPP. The checklist contained in volume II, section 3.3 of the Drainage Manual, or an equivalent prepared by the department, shall be used to prepare and review the SWPPP. Abbreviated SWPPPs, when permitted and used pursuant to SCC 30.63A.810, shall comply with Appendix I-F of the Drainage Manual.

(6) On construction sites that infiltrate all stormwater runoff, the primary consideration in the preparation of the SWPPP shall be the protection of the infiltration facilities from fine sediments during the construction phase and protection of groundwater from other pollutants.

(7) Any conflicts between this section and SCC 30.63A.445 through 30.63A.510 shall be resolved in favor of SCC 30.63A.445 through 30.63A.510.


This section establishes the minimum requirements of step 7 of the stormwater site planning process. A completed stormwater site plan shall include the following documents:

1. A project overview narrative that provides a general description of the project, pre-developed and developed conditions of the site, site area and size of the improvements, and the pre- and post-developed stormwater runoff conditions. The overview should summarize difficult site parameters, the natural drainage system, and drainage to and from adjacent properties, including bypass flows;

2. A vicinity map that clearly locates the property, identifies all roads bordering the site, shows the route of stormwater off-site to the natural receiving waters, and shows significant geographic features and critical areas (streams, wetlands, lakes, steep slopes, etc.);

3. Stormwater site planning sheets which display the:
   a. Acreage and boundaries of all drainage basins;
   b. Existing stormwater drainage to and from the site to the natural receiving waters or one mile off-site, whichever is nearer to the site;
   c. Routes of existing drainage courses, construction pipes, ditches and future flows at all discharge points;
   d. Length of travel from the farthest upstream end of a proposed storm drainage system to any proposed flow control and treatment facility;
   e. Significant geographical features;
   f. Critical areas; and
   g. Soils within the project site;

4. Existing conditions summary;

5. Any areas of site limitation;

6. Off-site analysis (upstream and downstream) and mitigation report;

7. Drainage design;

8. SWPPP prepared pursuant to SCC 30.63A.445 through 30.63A.510;

9. Permanent stormwater control plan;

10. Special reports, studies and maps conducted to prepare the stormwater site plan (e.g., soil testing, critical areas reports and delineations);

11. A list of other necessary permits and approvals as required by other regulatory agencies if those permits or approvals include conditions that affect the stormwater site plan or contain more restrictive drainage-related requirements;

12. An operation and maintenance manual for each flow control and treatment facility. The manual should contain a description of the facility. The manual must identify and describe the maintenance tasks and the frequency of each task meeting the standards established in volume V, chapter 4 of the Drainage Manual. A maintenance activity log shall be provided that indicates what maintenance actions will be taken, by whom and when, pursuant to SCC 7.53.140; and

13. Documentation to establish the appropriate security device amount when required under Chapter 30.84 SCC.


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 through 30.63A.510.

(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) 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.

(3) The twelve elements set forth in SCC 30.63A.455 through 30.63A.510 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.


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

(1) 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 at initial soil disturbance through final stabilization.

(2) 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 through 30.63A.510, 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.

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

(4) To control sediment transport and erosion during the wet season, seasonal work limitations shall apply. From October 1 through April 30, 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.

(5) Based on information provided by the applicant and/or local weather conditions, the department may expand or restrict the seasonal limitation on site disturbance. 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 (4).


30.63A.455 SWPPP element 1: Preserve vegetation and marking clearing limits.

SWPPP element 1 establishes requirements regarding the preservation of vegetation and marking clearing limits.

(1) Land disturbing activities for development are permitted only if conducted pursuant to a stormwater site plan that establishes the permitted areas of land disturbing activity. When establishing these land disturbing activity areas, consideration shall be given to minimizing the removal of existing trees and minimizing disturbance and compaction of native soils, except as needed for building purposes. The duff layer, native top soil, and natural vegetation shall be retained in an undisturbed state to the maximum degree practicable.

(2) Prior to beginning land disturbing activities, the following areas within the construction area shall be delineated and quantified in the SWPPP narrative and on the SWPPP plans in square footage or acres and shall be marked in the field:

(a) Clearing limits;
(b) Critical areas and their buffers or setbacks;
(c) Erosion or landslide hazard areas and their setbacks;
(d) Easements;
(e) Tree retention and replacement areas and landscaping and landscape buffers required by title 30 SCC; and
(f) Other areas on the site required to be preserved or protected including, but not limited to, drainage courses.


30.63A.460 SWPPP element 2: Establish construction access.

SWPPP element 2 establishes requirements regarding construction access.

(1) Construction vehicle ingress and egress shall be limited to one route, when possible.

(2) All soil erosion control plans shall provide for installation of a stabilized construction entrance constructed with quarry spalls, crushed rock or other equivalent BMP or method to prevent sediment transport onto roads. If a standard gravel construction entrance is proposed, geo-textile fabric shall be used under the rock.
(3) A wheel wash or tire bath is required if wet season grading is proposed or if the stabilized construction entrance is not effective in preventing sediment from being tracked onto public roads.

(4) Street cleaning shall be required when sediment is tracked off-site, consistent with street cleaning practices described in volume II, chapter 3 of the Drainage Manual. Streets shall be cleaned at the end of each day during dry weather and more frequently during wet weather. Street washing is only allowed after sediment is removed by shoveling or pick-up sweeping and transported to a controlled disposal area. Street wash wastewater shall be controlled by pumping it back on site or otherwise preventing its discharge into systems tributary to the waters of the state.


**30.63A.465 SWPPP element 3: Control flow rates.**

SWPPP element 3 establishes requirements regarding control of runoff flow rates.

1. Properties and waterways downstream from project sites shall be protected from soil erosion due to increases in the velocity and peak volumetric flow rate of stormwater runoff from the project site. Where necessary to comply with this requirement, stormwater retention or detention facilities shall be constructed as one of the first steps in grading the site.

2. Detention and retention facilities shall be constructed and tested to be functional prior to construction of site improvements (e.g., impervious surfaces).

3. If permanent infiltration ponds are used for flow control during construction, these facilities shall be protected from siltation during construction.


**30.63A.470 SWPPP element 4: Install sediment controls.**

SWPPP element 4 establishes requirements regarding the installation of sediment controls. If there is runoff from the construction site, sediment shall be removed from the runoff. Water quality protection requirements established in chapter 7.53 SCC shall be met. Stormwater runoff from areas subject to land disturbing activity shall pass through a temporary sediment pond, or other appropriate sediment removal BMPs, prior to leaving a construction site or prior to discharge into a temporary infiltration facility. Runoff from fully stabilized areas may be discharged without a sediment removal BMP, but shall meet SWPPP element 3 pursuant to SCC 30.63A.465 and minimum requirement 7 (SCC 30.63A.555 and 560), as applicable. Sediment control for sediment ponds, traps, filters, and other sediment control BMPs, as applicable, shall be conducted as one of the first steps in grading operations on the project site. Detention and retention facilities shall be functional prior to construction of site improvements (e.g., impervious surfaces). BMPs intended to trap sediment on site shall be located in a manner to avoid interference with the migration of juvenile salmonids attempting to enter off-channel areas or drainages.


**30.63A.475 SWPPP element 5: Stabilize soils.**

SWPPP element 5 establishes requirements regarding the stabilization of soils.
(1) The applicant shall stabilize all exposed and unworked soils through the application of BMPs pursuant to volume II, chapter 4 of the Drainage Manual.

(2) BMPs that provide both temporary and permanent groundcover shall be shown on the SWPPP.

(3) Soil stockpiles shall be located away from storm drain inlets, drainage channels and other waters. BMPs to stabilize soil stockpile areas shall be depicted on the SWPPP. Such BMPs shall stabilize the stockpile areas from erosion and provide sediment trapping measures.

(4) The time-period of soil exposure allowed depends on the season. No soils shall remain exposed and unworked for more than seven days during the dry season, May 1 through September 30, or two days during the wet season, October 1 through April 30.

(5) The department shall condition permits to require that soils be stabilized at the end of the work week, if needed, when weather conditions or forecasts indicate that precipitation is likely.


30.63A.480 SWPPP element 6: Protect slopes.

SWPPP element 6 establishes requirements regarding the protection of slopes.

(1) Cut and fill slopes shall be designed and constructed in accordance with chapter 30.63B SCC and in a manner that will minimize erosion and comply with the county’s applicable critical area regulations. Cut and fill slopes shall be protected from erosive and concentrated flows until permanent cover and drainage conveyance systems are in place.

(2) Off-site stormwater runoff or groundwater shall be diverted away from slopes and areas subject to land disturbing activity with interceptor dikes, pipes and/or swales. Off-site stormwater should be managed separately from stormwater generated on the site.

(3) Drainage shall be collected on site at the top of slopes in pipe slope drains or protected channels to prevent erosion and avoid hazards. Temporary pipe slope drains shall handle the expected peak 10-minute flow velocity from a Type 1A, 10-year, 24-hour frequency storm for the developed condition. Alternatively, the 10-year, one-hour flow rate predicted by an approved continuous runoff model, increased by a factor of 1.6, may be used. The hydrologic analysis required by SCC 30.63A.430(3)(g)(ii) shall use the existing land cover condition for predicting flow rates from tributary areas outside the project limits. For tributary areas on the project site, the analysis shall use the temporary or permanent project land cover condition, whichever will produce the highest flow rates. If using the Western Washington Hydrology Model to predict flows, bare soil areas should be modeled as “landscaped area.”

(4) Excavated material shall be placed on the uphill side of trenches, consistent with safety and space considerations.

(5) Check dams shall be placed at regular intervals within constructed channels that are cut down a slope.


30.63A.485 SWPPP element 7: Protect permanent drain inlets.

SWPPP element 7 establishes requirements for the protection of permanent drain inlets. All permanent storm drain inlets require protection from sediment and silt-laden water as follows:
(1) Permanent storm drain inlets made operable during construction shall be protected so that stormwater runoff does not enter the conveyance system without first being filtered or treated to remove sediment.

(2) Inlet protection devices shall be cleaned or removed and replaced when sediment has filled one-third of the available storage or as specified by the product manufacturer.


30.63A.490 SWPPP element 8: Stabilize channels and outlets.

SWPPP element 8 establishes requirements regarding stabilization of channels and outlets. Temporary and permanent conveyance systems shall be stabilized to prevent erosion during and after construction. Conveyance system outlets require protection as follows:

(1) All temporary on-site conveyance channels shall be designed, constructed, and stabilized to prevent erosion from expected peak flows. Channels shall handle the expected peak 10-minute flow velocity from a Type 1A, 10-year, 24-hour frequency storm for the developed condition. Alternatively, the 10-year, 1-hour flow rate predicted by an approved continuous runoff model, increased by a factor of 1.6, may be used. The hydrologic analysis required by SCC 30.63A.430(3)(g)(ii) shall use the existing land cover condition for predicting flow rates from tributary areas outside the project limits. For tributary areas on the project site, the analysis shall use the temporary or permanent project land cover condition, whichever will produce the highest flow rates. If using the Western Washington Hydrology Model to predict flows, bare soil areas should be modeled as “landscaped area.”

(2) Stabilization, including armoring material, adequate to prevent erosion of outlets, adjacent stream banks, slopes and downstream reaches shall be provided at the outlets of all conveyance systems and shown on the SWPPP.


30.63A.495 SWPPP element 9: Control pollutants.

SWPPP element 9 establishes requirements regarding the control of pollutants. The SWPPP shall show how all pollutants, including waste materials and demolition debris, shall be handled and disposed of in a manner that does not contaminate stormwater. Areas of construction equipment maintenance, mixing or application of fertilizers or chemicals, and water treatment systems shall be shown on the SWPPP. When applicable, plans shall also indicate where on-site fueling tanks with secondary containment will be located. The SWPPP shall indicate that the pollutants be managed as follows:

(1) Cover, containment, and protection from vandalism shall be provided for all chemicals, liquid products, petroleum products, and other materials that have the potential to pose a threat to human health or the environment. On-site fueling tanks shall include secondary containment.

(2) Maintenance, fueling and repair of heavy equipment and vehicles shall be conducted using spill prevention and control measures consistent with volume IV, chapters 2 and 3 of the Drainage Manual and chapter 7.53 SCC. Contaminated surfaces shall be cleaned immediately following any spill incident.

(3) Wheel wash or tire bath wastewater shall be discharged to a separate on-site treatment system or to the sanitary sewer with local sewer district approval.
(4) Application of fertilizers and pesticides shall be conducted in a manner and at application rates that will not result in loss of chemical to stormwater runoff. Manufacturers’ label requirements for application rates and procedures shall be followed.

(5) BMPs shall be used to prevent or treat contamination of stormwater runoff by pH modifying sources. These sources include, but are not limited to, bulk cement, cement kiln dust, fly ash, new concrete washing, curing waters, waste streams generated from concrete grinding and sawing, exposed aggregate processes, dewatering concrete vaults, concrete pumping and mixer washout waters.

(6) Construction site operators shall adjust the pH of stormwater if necessary to prevent violations of water quality standards.

(7) Construction site operators shall obtain written approval from the Washington State Department of Ecology prior to using chemical treatment other than CO₂ or dry ice to adjust pH.


30.63A.500 SWPPP element 10: Control de-watering.

SWPPP element 10 establishes requirements for the control of de-watering. Highly turbid or contaminated de-watering water shall be handled separately from stormwater. The water from all de-watering systems for trenches, vaults and foundations may be disposed of in one of the following manners:

(1) Foundation, vault, and trench de-watering water which have similar characteristics to stormwater runoff at the site shall be discharged into a controlled conveyance system prior to discharge to a sediment trap or sediment pond.

(2) Clean, non-turbid de-watering water, such as well-point ground water, can be discharged to systems tributary to or directly into surface waters of the state, provided the de-watering flow does not cause erosion or flooding of receiving waters. Clean de-watering water should not be routed through stormwater sediment ponds. Other disposal options for clean, non-turbid de-watering water may include:

(a) Infiltration;

(b) Transportation off-site in a vehicle (such as a vacuum flush truck) for legal disposal in a manner that does not pollute state waters;

(c) On-site chemical treatment or other suitable treatment technologies approved by the department and Washington State Department of Ecology;

(d) Sanitary sewer discharge with local sewer district approval, if there is no other option;

and

(e) Use of a sedimentation bag with outfall to a ditch or swale for small volumes of localized de-watering water.


30.63A.505 SWPPP element 11: Maintain BMPs.

SWPPP element 11 establishes requirements regarding the maintenance of BMPs. The SWPPP shall provide for inspection and maintenance of the constructed BMPs. The applicant shall maintain BMPs and comply with their removal at the end of the project as follows:

(1) All temporary and permanent erosion and sediment control BMPs shall be inspected, maintained and repaired in accordance with the Drainage Manual or as approved or required by
the director to assure continued performance of their intended function in accordance with BMP specifications.

(2) The applicant may remove temporary BMPs when they are no longer needed.

(3) All temporary erosion and sediment control BMPs shall be removed within 30 days after construction is completed and the department has determined that the site is stabilized.


30.63A.510 SWPPP element 12: Manage the project.

SWPPP element 12 establishes requirements regarding management of the project. The SWPPP narrative shall describe how the project site shall be managed for soil erosion and sedimentation control throughout the life of the project.

(1) The SWPPP narrative shall describe how construction site operators plan to maintain and repair all sediment and erosion control BMPs to assure continued performance of their intended function. If a project site is one or more acres, the narrative shall describe how construction site operators will have the required certified erosion and sedimentation control lead (CESCL) periodically inspect the site. The CESCL shall be identified in the SWPPP and shall be present on-site or on-call at all times. The SWPPP narrative shall contain a process for notification of the county when a BMP identified in the SWPPP is inadequate due to the actual discharge of or potential to discharge a significant amount of any pollutant pursuant to chapter 7.53 SCC.

(2) Construction site operators shall inspect, maintain, update and implement the SWPPP in accordance with the Drainage Manual and as required by the director. SWPPPs shall be modified whenever there is a change in design, construction, operation, or maintenance at the construction site that has or could have a significant effect on the discharge of pollutants to waters of the state.

(3) For a phased project, the SWPPP narrative shall address phasing of BMPs, CESCL training when applicable, pre-construction conferences and inspections, coordination with utilities and contractors, and reporting. Projects shall be phased to the maximum extent practicable and shall take into account wet season requirements of SCC 30.63A.450(4) and (5) and SCC 30.63A.475. The SWPP narrative and plans shall provide a process for notifying the county of construction problems that result in unforeseen significant adverse impacts to the waters of the state, such as the discharge of prohibited pollutants.


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.


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 significant adverse off-site drainage impacts, as defined in SCC 30.63A.420(4)(a). Mitigation of significant adverse off-site drainage impacts should be provided pursuant to SCC 30.63A.420. In addition, appropriate energy dissipation shall be provided for all outfalls in accordance with the requirements of the EDDS and volume III of the Drainage Manual.


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 applies, the requirements of this section shall be met.

(1) In order to infiltrate, disperse, and retain stormwater runoff on-site to the maximum extent feasible without causing flooding or erosion impacts, and to reduce the hydrologic disruption of developed sites, the following on-site stormwater management BMPs shall be implemented to the maximum extent feasible and according to the conditions set forth in SCC 30.63A.525(2) through SCC 30.63A.525(6):

(a) Non-pollution-generating impervious surface (NPGIS) runoff control BMPs in volume III, chapter 3 of the Drainage Manual;
(b) Pollution-generating impervious surface (PGIS) dispersion BMPs in volume V, chapter 5 of the Drainage Manual; and
(c) BMP T.5.13 (Post-Construction Soil Quality and Depth) provided in volume V, chapter 5 of the Drainage Manual.

(2) NPGIS runoff control BMPs in volume III, chapter 3 of the Drainage Manual shall be implemented to the maximum extent feasible on all new development and redevelopment projects designed solely for residential use.

(3) PGIS dispersion BMPs in volume V, chapter 5 of the Drainage Manual shall be implemented to the maximum extent feasible on all new development and redevelopment projects designed solely for residential use.
(4) BMP T.5.13 provided in volume V, chapter 5 of the Drainage Manual shall be implemented to the maximum extent feasible on all new development and redevelopment projects.

(5) The feasibility of using each type of on-site stormwater management BMP shall be determined by the criteria set forth in volume III, chapter 3 and volume V, chapter 5 of the Drainage Manual and based on information obtained through the stormwater site planning process set forth in SCC 30.63A.400 through 30.63A.440.

(6) BMPs required in SCC 30.63A.525 are defined in volume I, Appendix 1 of the Drainage Manual as LID BMPs.


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

When minimum requirement 6 applies pursuant to part 300 of this chapter and where no exemption applies pursuant to SCC 30.63A.200, the applicable requirements of SCC 30.63A.530 through 30.63A.545 shall be met. Volume V, chapters 2 and 3 of the Drainage Manual provide the step-by-step process for selecting the type of treatment that will apply to individual projects and four treatment menus (oil control, phosphorous, enhanced and basic).

(1) Applicants shall provide construction of stormwater treatment facilities for the following types of projects:

   (a) Projects in which the total effective, pollution-generating impervious surface (PGIS) is 5,000 square feet or more in a threshold discharge area of the project; or

   (b) Projects in which the total of pollution-generating pervious surface (PGPS) is three-quarters of an acre or more in a threshold discharge area, and from which there is a surface discharge into a natural or man-made conveyance system from the site.

| Table 30.63A.530 |
|-------------------|-----------------|-----------------|-----------------|-----------------|
| Treatment Facilities Required | Less than ¾ acre of PGPS | Greater than or equal to ¾ acre PGPS | Less than 5,000 sf PGIS | Greater than or equal to 5,000 sf PGIS |
| Treatment Facilities Required | No | Yes | No | Yes |
| On-site stormwater BMPs Required | Yes | Yes | Yes | Yes |

(2) Projects that are high-use sites shall use oil control treatment as determined by step 2 of the treatment facility selection process established in volume V, chapter 2 of the Drainage Manual. High-use sites are those that typically generate high concentrations of oil due to high traffic turnover or the frequent transfer of oil. High-use sites include, but are not limited to:

   (a) An area of a commercial or industrial site subject to an expected average daily traffic (ADT) count equal to or greater than 100 vehicles per 1,000 square feet of gross building area or outside commercial area;
(b) An area of a commercial or industrial site subject to petroleum storage and transfer in excess of 1,500 gallons per year, not including routinely delivered heating oil;

(c) An area of a commercial or industrial site subject to parking, storage or maintenance of 25 or more vehicles that are each over ten tons gross weight (trucks, buses, trains, heavy equipment, etc.); and

(d) A road intersection with a measured ADT count of 25,000 vehicles or more on the main roadway and 15,000 vehicles or more on any intersecting roadway, excluding projects proposing primarily pedestrian or bicycle use improvements.

(3) An applicant shall determine if control of phosphorous is required as determined by step 4 of the treatment facility selection process established in volume V, chapter 2 of the Drainage Manual. Phosphorous treatment is required for new development or redevelopment prior to the discharge of stormwater as described below:

(a) Discharges to waters reported under section 305(b) of the Federal Clean Water Act (CWA) (33 U.S.C. § 1315(b)) and designated as not supporting beneficial uses due to phosphorous;

(b) Discharges to waters listed in Washington State's Nonpoint Source Assessment required under section 319(a) of the CWA (33 U.S.C. § 1329(a)) due to nutrients;

(c) Discharges to wetlands meeting the definition of a priority peat system set forth in the Drainage Manual; or

(d) Discharges to an infiltration system at a project site for which:

(i) The soil suitability criteria for infiltration treatment are not met pursuant to volume III, chapter 3 of the Drainage Manual; and

(ii) The infiltration system is within one quarter mile of a lake meeting the criteria in (a) or (b) of this section.

(4) An applicant shall determine if enhanced treatment is required as determined by step 5 of the treatment facility selection process established in volume V, chapter 2 of the Drainage Manual. Enhanced treatment for reduction of dissolved metals shall be required for the following project sites:

(a) Industrial project sites that discharge to fish-bearing waters, or to waters or conveyance systems tributary to fish-bearing waters;

(b) Commercial project sites that discharge to fish-bearing waters, or to waters or conveyance systems tributary to fish-bearing waters;

(c) Multi-family project sites that discharge to fish-bearing waters, or to waters or conveyance systems tributary to fish-bearing waters;

(d) High ADT roads within Urban Growth Areas (UGAs) that discharge to fish-bearing waters, or to waters or conveyance systems tributary to fish-bearing waters as follows:

(i) Fully controlled and partially controlled limited access roadways with ADT counts of 15,000 or more; and

(ii) All other roads with an ADT of 7,500 or greater;

(e) High ADT roads outside of UGAs that discharge to fish-bearing waters, or to waters or conveyance systems tributary to fish-bearing waters as follows:

(i) Roads with an ADT of 15,000 or greater unless discharging to a 4th Strahler stream order or larger; and

(ii) Roads with an ADT of 30,000 or greater if discharging to a 4th Strahler stream order or larger as determined using a 1:24,000 (1 inch equals 12,000 feet) scale map; and

(f) Project sites for which:
(i) Stormwater is discharged to an infiltration system;
(ii) The soil suitability criteria for infiltration treatment are not met pursuant to volume III, chapter 3 of the Drainage Manual; and
(iii) The infiltration system is within one quarter mile of a fish-bearing stream or a lake.

(5) For developments with a mix of land use types, the enhanced treatment requirement shall apply when the runoff from the areas subject to the enhanced treatment requirement in subsection (4) comprises 50 percent or more of the total runoff within a threshold discharge area (see volume V, chapter 2 of the Drainage Manual).

(6) Sites listed in subsection (4) that discharge directly or indirectly through a municipal storm sewer system to waters listed in the Basic Treatment Receiving Waters in volume I, Appendix I-C of the Drainage Manual, and areas of the project sites listed in subsection (7) that are identified as subject to basic treatment requirements, are not subject to enhanced treatment requirements of subsection (4).

(7) Step 6 of the treatment facility selection process in volume V, chapter 2 of the Drainage Manual provides basic treatment requirements. Basic treatment is required for the following projects:

(a) Single-family or duplex residential projects not otherwise needing phosphorus treatment as required by United States Environmental Protection Agency, the Washington State Department of Ecology, or the county;
(b) Project sites discharging directly to waters listed in volume I, Appendix I-C of the Drainage Manual;
(c) Project sites that drain to waters that are not fish-bearing, or to waters not tributary to fish-bearing waters;
(d) Landscaped areas of industrial, commercial and multi-family project sites, and parking lots of industrial and commercial project sites that do not involve pollution-generating sources (e.g., industrial activities, customer parking, storage of erodible or leachable material, wastes or chemicals) other than parking of employees’ private vehicles. For developments with a mix of land use types, the basic treatment requirement shall apply when the runoff from the areas subject to the basic treatment requirement comprises 50 percent or more of the total runoff within a threshold discharge area; and

(e) Project sites for which:
   (i) The soil suitability criteria for infiltration treatment are not met pursuant to volume III, chapter 3 of the Drainage Manual;
   (ii) Phosphorous treatment is not required pursuant to SCC 30.63A.530(3); and
   (iii) Enhanced treatment is not required pursuant to SCC 30.63A.530(4).


30.63A.535 Minimum requirement 6: Treatment facility selection, design and maintenance.

(1) The applicant shall provide stormwater treatment facilities that are:
   (a) Selected in accordance with the process identified in volume I, chapter 4 and volume V, chapter 2 of the Drainage Manual;
   (b) Designed in accordance with the design criteria in volume V of the Drainage Manual;
(c) Maintained in accordance with the minimum schedule in volume V of the Drainage Manual;

(d) Sized to threshold discharge areas to meet minimum requirement 6 for project sites with multiple discharge points; and

(e) Sized for treatment facility and water quality design storm volumes based upon the volume of runoff predicted from a 24-hour storm with a six-month return frequency (i.e., six-month, 24-hour Type 1A storm). Wet pool facilities shall be sized based upon the volume of runoff predicted through use of the Natural Resource Conservation Service curve number equations in volume III, chapter 2 of the Drainage Manual for the six-month, 24-hour Type 1A storm. Alternatively, the 91st percentile, 24-hour runoff volume indicated by a continuous runoff model approved by the Washington State Department of Ecology and the department may be used pursuant to the water quality design flow rates established in SCC 30.63A.540.


30.63A.540 Minimum requirement 6: Water quality design flow rate.

Water quality design flow rates shall comply with the following standards:

1. For projects that require water quality treatment prior to detention or when detention facilities are not required, the flow rate at or below which 91 percent of the runoff volume, as estimated by an approved continuous runoff model, shall be treated.

2. Downstream of detention facilities, the water quality design flow rate must be the full two-year release rate from the detention facility.

3. A modification to the design flow rate may be approved pursuant to SCC 30.63A.830 if the request identifies volumes and flow rates that are at least equivalent to the applicable water quality design flow rate.

4. That portion of any development project in which the PGIS or PGPS thresholds of SCC 30.63A.530 are not exceeded in a threshold discharge area shall include on-site stormwater BMPs pursuant to SCC 30.63A.525.


30.63A.545 Minimum requirement 6: Stormwater discharge from PGIS.

The discharge of untreated stormwater from PGIS to groundwater is not allowed, except for the discharge achieved by infiltration or dispersion of runoff from projects designed solely for residential use through the use of on-site stormwater BMPs.


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

When minimum requirement 7 applies pursuant to part 300 of this chapter, and no exemption under SCC 30.63A.200 applies, the requirements of SCC 30.63A.550 through 30.63A.565 shall be met.

1. Except as otherwise provided in this section, flow control shall be provided for all projects to reduce the impacts of stormwater runoff from impervious surfaces and land cover conversions. The requirements of this section apply to projects that discharge stormwater directly or indirectly
through a conveyance system into a fresh water system.

(2) Standard flow control shall be applied so that stormwater discharges match developed discharge durations to pre-developed durations for the range of pre-developed discharge rates from 50 percent of the two-year peak flow up to the full 50-year peak flow. The pre-developed condition shall be matched to the fully-forested condition (soils and vegetation) to which the Western Washington Hydrologic Model (WWHM) is calibrated, unless reasonable, historic information is provided that indicates the site was prairie prior to Euro-American settlement.

(3) Flow control is not required for projects that discharge directly or indirectly through a municipal separate storm sewer system to a water listed in volume I, Appendix I-E of the Drainage Manual subject to the following restrictions:

(a) Any direct discharge does not result in the diversion of drainage from any lake, wetland or stream classified as Type 1, 2, 3, or 4 in the State of Washington Interim Water Typing System, or Type “S”, “F”, or “Np” in the Permanent Water Typing System, or from any Category I, II, or III wetland;

(b) Flow splitting devices or drainage BMPs are applied to route natural runoff volumes from the project site to any downstream lake, Type 5 or “Ns” stream or Category IV wetland as follows:

(i) Design of flow splitting devices or drainage BMPs will be based on continuous hydrologic modeling analysis. The design will assure that flows delivered to Type 5 or Ns stream reaches or lakes will approximate, but in no case exceed, durations ranging from 50 percent of the 2-year to the 50-year peak flow;

(ii) Flow splitting devices or drainage BMPs that deliver flow to Category IV wetlands shall be designed using continuous hydrologic modeling to preserve pre-project wetland hydrologic conditions unless specifically waived or exempted by regulatory agencies with permitting jurisdiction;

(c) The project site must be drained by a conveyance system that is comprised entirely of manmade conveyance elements (e.g., pipes, ditches, and outfall protection) and extends to the ordinary high water mark of the exempt receiving water;

(d) The conveyance system between the project site and the exempt receiving water shall have sufficient hydraulic capacity to convey discharges from future build-out conditions (under current zoning) of the site, and the existing condition from non-project areas from which runoff is or will be collected; and

(e) Any erodible elements of the manmade conveyance system must be adequately stabilized to prevent erosion under the conditions noted in subsections (1) and (3)(c) above.

(4) For project sites with multiple discharge points, a threshold discharge area analysis shall be required to determine whether multiple flow control and treatment facilities are required to meet minimum requirement 7 pursuant to SCC 30.63A.550 through 30.63A.565.

(5) Applicants shall follow the methodology in volume III of the Drainage Manual to size flow control facilities.

(6) When a site has a closed depression that will be altered or modified, applicants shall perform a closed depression analysis and design flow control facilities in accordance with volume III, chapter 2.4 of the Drainage Manual.


30.63A.555 Minimum requirement 7: Flow control thresholds.
(1) Projects that meet the following thresholds illustrated in SCC Table 30.63A.555 require construction of flow control facilities and/or BMPs:
   (a) Projects in which the total of effective impervious surfaces is 10,000 square feet or more in a threshold discharge area;
   (b) Projects that convert three-quarters of an acre or more of native vegetation to lawn or landscape;
   (c) Projects that convert 2.5 acres or more of native vegetation to pasture in a threshold discharge area and from which there is a surface discharge into a natural or man-made conveyance from the site; and
   (d) Projects that through a combination of effective impervious surfaces and converted pervious surfaces cause a 0.1 cubic feet per second or greater increase in the 100-year flow frequency from a threshold discharge area as estimated using the Western Washington Hydrology Model or other model approved by the Washington State Department of Ecology and the department.

<table>
<thead>
<tr>
<th>Table 30.63A.555</th>
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<tr>
<td><strong>Flow Control Requirements by Threshold Discharge Area</strong></td>
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<tr>
<td>Less than ¾ acres conversion to lawn/landscape, or less than 2.5 acres to pasture</td>
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<tr>
<td>Greater than or equal to ¾ acres conversion to lawn/landscape, or greater than or equal to 2.5 acres to pasture</td>
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<tr>
<td>Less than 10,000 square feet of effective impervious area</td>
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<tr>
<td>Greater than or equal to 10,000 square feet of effective impervious area</td>
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<tr>
<td>Greater than or equal to 0.1 cubic feet per second increase in the 100-year flow frequency</td>
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(2) That portion of any project in which the above thresholds are not exceeded in a threshold discharge area shall include on-site stormwater management BMPs in accordance with minimum requirement 5 pursuant to SCC 30.63A.525.


30.63A.560 Minimum requirement 7: Flow control design – parking lots.

Parking lot ponding may be allowed if the following flow control requirements are met:
(1) Ponding is limited to a 0.5 foot elevation at the curb line;
(2) No ponding is allowed in the emergency or drive lanes during a 100-year storm event;
(3) Discharges from the project site must meet the flow control standard applicable to the project in accordance with volume III, chapter 3 of the Drainage Manual; and
(4) The proposal complies with all other applicable code requirements and regulations.

30.63A.570 Minimum requirement 8: Detention or treatment in wetlands and wetland buffers.

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.

(1) The thresholds for construction of stormwater treatment and flow control facilities identified in minimum requirements 6 and 7 (SCC 30.63A.530 through 30.63A.560) shall be used to design stormwater treatment and flow control facilities discharging to wetlands. A threshold discharge area analysis is required for project sites with multiple discharge points.

(2) Discharges to wetlands shall maintain the hydrologic conditions, hydrophytic vegetation, and substrate characteristics necessary to support existing wetland functions and values or mitigation shall be required pursuant to chapters 30.62 and 30.62A SCC. All runoff treatment requirements in SCC 30.63A.530 through 30.63A.545 shall be met. The following requirements shall also apply:

   (a) The hydrologic analysis required pursuant to SCC 30.63A.440(6) and (7) shall use the existing land cover condition to determine the existing hydrologic conditions unless directed otherwise by the county and other regulatory agencies with jurisdiction; and

   (b) A wetland can be considered for hydrologic modification and/or stormwater treatment in accordance with the wetland assessment criteria in volume 1, Appendix I-D of the Drainage Manual.

(3) Stormwater treatment and flow control facilities shall not be built within a wetland buffer, except for:

   (a) Necessary conveyance systems approved by the county; or

   (b) Facilities that meet the standards for Category 3 and 4 or III and IV wetlands approved for hydrologic modification and/or treatment in accordance with the wetland assessment criteria in volume 1, Appendix I-D of the Drainage Manual.

(4) Wetlands that mitigate for loss of wetlands shall not be used for water quality treatment.

(5) Natural or created Category 1 and 2 or I and II wetlands, as classified in either SCC 30.62.300 or 30.62A.230, as applicable, and their buffers, shall not be used for detention or treatment of stormwater runoff.

(6) Natural or created Category 3 and 4 or III and IV wetlands, as classified in SCC 30.62.300 or 30.62A.230, as applicable, together with created wetlands intended to mitigate for loss of wetlands, and their buffers, shall not be used for detention of stormwater runoff except when the applicant demonstrates that all of the following criteria have been met:

   (a) Alternatives to detention in the wetland are not feasible;

   (b) The applicant has complied with the wetlands and fish and wildlife habitat conservation area regulations in chapters 30.62 SCC or 30.62A SCC, as applicable;

   (c) Water quality treatment requirements of SCC 30.63A.530 are met prior to discharge of stormwater runoff into a wetland;

   (d) The overall impacts to critical areas within the sub-basin are beneficial, impacts on the wetland will be minimized, and mitigation is provided for loss of all wetland functions and values, as provided in chapter 30.62 SCC or SCC 30.62A.310, as applicable; and

   (e) The detention or retention storage and discharge will not adversely affect the hydroperiod pursuant to the hydroperiod analysis and design criteria in volume 1, Appendix I-D of the
Drainage Manual.

(7) If the department approves the use of a natural or created wetland for stormwater detention as provided in SCC 30.63A.570(6), the design of such a detention facility shall be based on field measurements of water level fluctuations under natural conditions that are collected in accordance with the hydroperiod analysis and design criteria in volume I, Appendix I-D of the Drainage Manual.

(8) As an alternative to the wetland protections provided in SCC 30.63A.570(6), public regional stormwater management facilities constructed by public agencies may be located within critical areas and their buffers pursuant to chapters 30.62, 30.62A and 30.62B SCC, as applicable, if alternative sites that would provide the same degree of downstream benefits are not available and the facility is designed to prevent or minimize damage to aquatic resources. Mitigation must be provided in accordance with the requirements of chapters 30.62 and 30.62A SCC, as applicable, for loss of any wetland functions and values.


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, shall not create, place or maintain any obstructions in, on, above, upon, over, under, across or through such easements or other servitudes.

(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.

(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, 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 SCC 7.53.140.

(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 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:

(a) A maintenance plan developed pursuant to volume V, chapter 4.6 of the Drainage Manual;
(b) A log listing the dates, type and scope of any maintenance activities performed; and
(c) Any other information pertinent to the functioning of the drainage facilities, stormwater facilities and/or other stormwater BMPs on the property.

(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.


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 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 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 and/or other stormwater BMPs pursuant to this section shall provide a maintenance security as required pursuant to SCC 30.84.120.


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 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.

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

(1) 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 permanent drainage facilities, stormwater facilities and stormwater BMPs approved by the county pursuant to this chapter, except for those facilities and/or BMPs that are:
      (i) Shown in an approved stormwater site plan that serves only one single family residence or one duplex (and any accessory uses thereto); or
      (ii) Located on a lot created prior to September 30, 2010 (effective date of this ordinance); 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 SCC 30.63A.590(1) shall include access rights from an opened public right-of-way.
(3) Drainage easements granted to the county pursuant to SCC 30.63A.590(1) 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 SCC 30.63A.590(3).
(5) All drainage easements granted pursuant to SCC 30.63A.590(1) 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 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 SCC 30.63A.590(1), 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 SCC 30.63A.590(1), 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 SCC 30.63A.590(6) and (8) above 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.


(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 SCC 30.63A.595(1) 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 SCC 30.63A.595(1) 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 or other BMPs located within the easement areas depicted on the face of the plat. SCC 30.63A.595(2) above shall not apply to private easements covered by this subsection SCC 30.63A.595(3).


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

(1) Runoff treatment facilities constructed to meet the requirements of SCC 30.63A.530 through 30.63A.545, flow control facilities constructed to meet the requirements of SCC
30.63A.550 through 30.63A.560, 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 SCC 30.63A.835, the county engineer shall have the authority to allow detention or retention 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.


PART 700 ADDITIONAL REQUIREMENTS.

30.63A.700 Minimum requirements for road 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 impervious 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 impervious surfaces and shall be subject to the minimum requirements required by SCC 30.63A.310.

(3) The following are considered new impervious 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.


30.63A.710 Drainage facility setback requirements.

Drainage facilities shall meet the setback requirements in SCC 30.23.110 and the EDDS.


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.

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.


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.
30.63A.750 Tightline systems required in the Lake Stevens Urban Growth Area.

All new drainage systems in the Lake Stevens Urban Growth Area which discharge into stream channels with ravine walls that have slopes of greater than 33 percent shall install tightlines (totally enclosed drainage systems) to convey the stormwater. Stormwater shall be conveyed from the top of the ravine wall to the stream channel in order to prevent erosion, scour and sediment transport.


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 through SCC 30.63A.440 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.


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). The targeted stormwater site plan submittal shall include both the items required by SCC 30.63A.440 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 through SCC 30.63A.440 and shall include the nature and extent of the work proposed and a written executive summary explaining how the drainage system will function.

(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 SCC 30.63A.440.

(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, or as needed to protect the public health, safety and welfare.


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

(1) A full SWPPP prepared under minimum requirement 2 (SCC 30.63A.445 through 30.63A.510) is not required for small projects as defined by SCC 30.63A.810(2). Applicants for small projects may submit an abbreviated SWPPP consistent with volume 1, 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 that:
   (a) Is 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, impervious 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; and
   (g) Does not require engineering to comply with this chapter.

(3) The abbreviated SWPPP must consider all twelve elements of the construction SWPPP described in SCC 30.63A.450 through SCC 30.63A.510 as described in volume 1, Appendix I-F.


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 SCC 30.63A.440 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.


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.605), 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 requirements 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, 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 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 chapter 30.63A SCC 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.


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, and the work is not completed within that time period, land disturbing activity shall not occur between May 1 and September 30 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 until a revised stormwater site plan and SWPPP are approved.


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 chapter 5 of the EDDS pursuant to the requirements of this section. The department shall have decision-making authority for title 30 SCC modifications and the department of public works shall have decision-making authority for modifications of the Drainage Manual and chapter 5 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 chapter 5 of 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 SCC 30.63A.830(6);

(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 chapter 5 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 chapter 5 of the EDDS.

(7) No submittal checklist requirement shall be modified which would result in a failure to meet the requirements of chapters 30.63A, 30.63B or 30.63C SCC, the Drainage Manual, or chapter 5 of 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 SCC 30.63A.830(6). 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.


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.


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 chapter 5 of the EDDS pursuant to the requirements of this section. The department shall have decision-making authority for title 30 SCC waivers and the department of public works shall have decision-making authority for waivers of the Drainage Manual and chapter 5 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 chapter 5 of 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 SCC 30.63A.840(5); 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 chapter 5 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 chapter 5 of 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 SCC 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 SCC 30.63A.840(5). 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 minimum requirements on ____________, 20__;

(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 minimum requirements on ____________, 20__;

(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 minimum requirements on ____________, 20__; and

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


**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.


**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.


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.


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.


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 (SCC 30.63A.445 through SCC 30.63A.510).
(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 SCC 30.63A.870(5) 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 pursuant to chapter 17 of the International Building Code, 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.


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.

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 SCC 30.52A.130, 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.

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.

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 budget and 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 budget and finance, and shall name "Snohomish County, its officers, elected and appointed officials, employees and agents" as an additional insured.

3. The policy shall provide that the director shall be notified by certified mail of any modification or cancellation of the policy at least thirty 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 budget and 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 budget and finance in accordance
with the requirements of the department of budget and 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; or
   (c) A copy of the complete policy.
(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 budget and finance.
30.63B.010 Purpose and objectives.

(1) The purpose of this chapter is to regulate land disturbing activities as defined in SCC 30.91L.025.

(2) Specific objectives of this chapter are:
   (a) To promote sound, practical, and economical development practices and construction activities that prevent or minimize adverse impacts to adjoining properties and to waters of the state within Snohomish County;
   (b) To prevent or minimize degradation of water quality to protect human health, recreational opportunities and fish and wildlife habitat;
   (c) To control soil movement on land that is subject to new development or redevelopment;
   (d) To maintain stable earth during land disturbing activity for structures and to maintain stable earth foundations for structures;
   (e) To protect public safety by reducing slope instability and the potential for landslides or erosion; and
   (f) To maintain the safety of county roads and rights-of-way.

(Added Amended Ord. 10-023, June 9, 2010, Eff date Sept. 30, 2010)

30.63B.020 Applicability.

This chapter applies to all land disturbing activity as defined in SCC 30.91L.025.

(Added Amended Ord. 10-023, June 9, 2010, Eff date Sept. 30, 2010)

30.63B.030 Land disturbing activity permits required.

(1) A land disturbing activity permit is required for all land disturbing activity and must be obtained prior to the commencement of any land disturbing activity unless the activity is exempted in SCC 30.63B.070, or the activity is conducted as part of a project administered by the department of public works or the county engineer under the requirements of SCC 30.63B.100(1)(b) and (2).

(2) If a person or entity determines that a proposed land disturbing activity is exempt from obtaining a land disturbing activity permit under SCC 30.63B.070, the person or entity may consult with the department to confirm the determination or to ensure compliance with other applicable requirements of title 30 SCC. A consultation may be requested by following the pre-application process described in SCC 30.70.020. The appropriate consultation fee established in SCC 30.86.510(2)(c) shall be paid at the time of the request.

(Added Amended Ord. 10-023, June 9, 2010, Eff date Sept. 30, 2010)

30.63B.040 Land disturbing activity permit fees.

(1) Land disturbing activity permit fees shall be paid pursuant to SCC 30.86.510.
(2) If utility facilities and any related underground drainage systems must be relocated as a direct result of a project performed under the authority of the director of the department of public works or the county engineer and such relocation work is included in that department’s plans, the relocation of the utility facilities and any related underground drainage systems shall be exempt from the land disturbing activity fee requirements of SCC 30.86.510.


30.63B.050 Permit approval criteria.

(1) A land disturbing activity permit shall only be issued after:
   (a) The project complies with the requirements of this chapter;
   (b) Stormwater site plan approvals and all other permits and approvals required by the county for site development have been obtained;
   (c) Written evidence has been submitted that approvals required from other jurisdictions and agencies will be issued;
   (d) Clearing limits have been marked on the land disturbing activity site plan;
   (e) A land disturbing activity site plan and specifications have been approved;
   (f) Security devices pursuant to chapter 30.84 SCC and insurance pursuant to SCC 30.63A.940 have been accepted by the department when applicable;
   (g) Environmental review under chapter 30.61 SCC has been completed, if applicable; and
   (h) The project complies with all other applicable requirements of title 30 SCC.

(2) A land disturbing activity permit shall not be issued for land disturbing activity in shorelines until all required permits and approvals have been granted pursuant to chapter 30.44 SCC.


30.63B.060 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 land disturbing activity.

(2) The director’s decision to require additional or more stringent standards and requirements or mitigation requirements under SCC 30.63B.060(1) 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 and 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 Amended Ord. 10-023, June 9, 2010, Eff date Sept. 30, 2010)
30.63B.070 Land disturbing activity permit exemptions.

A land disturbing activity permit is not required for activities exempted in this section. Exemption from obtaining a land disturbing activity permit is not an exemption from compliance with this chapter, nor from any other applicable provision in title 30 SCC. Land disturbing activity exempted in this section shall comply with SCC 30.63A.445 through 30.63A.510, unless specifically exempted from those provisions by SCC 30.63A.200.

(1) Land disturbing activities are exempt from obtaining a land disturbing activity permit when:

(a) The land disturbing activity occurs 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;

(b) The land disturbing activity is set back at least two feet from all property lines;

(c) The land disturbing activity does not obstruct or alter an existing drainage course or pattern;

(d) The land disturbing activity disturbs less than 7,000 square feet of land;

(e) The land disturbing activity creates or replaces less than 2,000 square feet of new, replaced, or new plus replaced impervious surface;

(f) The property on which the land disturbing activity will occur collects or concentrates stormwater from 5,000 square feet or less of drainage area; and

(g) The amount of land disturbing activity is consistent with one of the following thresholds:

(i) 100 cubic yards or less of grading on a site in any 18 consecutive months (except fills and associated compaction intended to support structures or private roads);

(ii) 500 cubic yards or less of excavation in any 18 consecutive months for a basement foundation, or for improvements to a single-family dwelling and/or accessory structures, provided that excess excavated material shall be disposed of at a permitted site approved by the director and provided further that the activity shall only commence after a building permit is secured by the applicant; or

(iii) 500 cubic yards or less of grading in any 18 consecutive months for construction of underground drainage systems, provided that the construction shall only commence after a right-of-way use, utility, single-family or commercial building permit is obtained by the applicant.

(2) The following land disturbing activities are exempt from obtaining a land disturbing activity permit when the activity is at least two feet from all property boundary lines. 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:

(a) Operation of a solid waste disposal site subject to a solid waste permit pursuant to chapter 70.95 RCW, except that expansion, relocation, closure, or capping of a solid waste disposal site is not exempt;

(b) Mineral resource operations including commercial mining, quarrying, excavating, or processing of rock, sand, gravel, aggregate, or clay and associated stockpiling when such operations are authorized by a conditional use permit or an administrative conditional use permit for expansion of a nonconforming use as required by chapters 30.22, 30.42C or 30.43A SCC,
except that the following are not exempt:

(i) Reclamation pursuant to SCC 30.63B.170;
(ii) An operation which the director determines may destabilize or undermine any adjacent or contiguous property; and
(iii) An operation which the director determines may result in an adverse downstream drainage impact;
(c) Site investigative work necessary for land use application submittals pursuant to title 30 SCC, such as surveys, soil borings, test pits, percolation tests, non-mechanical survey monument placement, data collection by non-mechanical means and other related activities, if performed in accordance with state-approved sampling protocols or sections 7 and 10 of the Federal Endangered Species Act (ESA) (16 U.S.C. §§ 1536 and 1539), provided that the land disturbing activity is no greater than is necessary to accomplish the site investigative work;
(d) Drilling or excavation of a well for a single family dwelling;
(e) Digging, excavating, or filling cemetery graves; and
(f) Repair or installation of underground or overhead utility facilities that replace ground surfaces with in-kind materials or materials with similar runoff characteristics.
(3) The following land disturbing activities are exempt from obtaining a land disturbing activity permit:
(a) Repair or installation of underground or overhead facilities performed by a utility that only replaces ground surfaces with in-kind materials or materials with similar runoff characteristics. 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;
(b) Facility maintenance and repairs performed by a utility that that replace ground surfaces with in-kind materials or materials with similar runoff characteristics, that do not add impervious surface, and that do not adversely impact any critical areas, critical area buffers or upstream or downstream properties;
(c) Remodeling or tenant improvements that do not meet the definitions of new development or redevelopment;
(d) Forest practice Classes I, II, III and Class IV special non-conversion forest practices regulated by title 222 WAC;
(e) 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);
(f) The following road maintenance activities: 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 and vegetation maintenance; and
(g) 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:
(i) The trail at issue is on land located in a rural or resource zone;
(ii) The trail at issue is located in a public park or a private park, as those terms are defined in chapter 30.91P SCC;

(iii) 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

(iv) Design of the trail conforms to:

(A) 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

(B) 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.

(4) The following commercial agricultural activities that are conducted on land designated riverway commercial farmland, upland commercial farmland, or local commercial farmland by the comprehensive plan and future land use map (FLUM) are exempt from obtaining a land disturbing activity permit:

(a) Tilling, soil preparation, fallow rotation, planting, harvesting and other commercial agricultural activities involving working the land. 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;

(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 requires 500 cubic yards or less of grading. 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, and erosion hazard areas, or contain water on-site for retention, infiltration or evaporation. 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) Agricultural activities defined in chapter 30.32B SCC, SCC 30.91A.090 or 30.62.015 are exempt from obtaining a land disturbing activity permit, provided that:

(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 30.43 SCC; and

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

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

(ii) The activity occurs on designated agricultural or rural lands and the wetland area is no greater than 5,000 square feet of non-riparian Category 2 or 3 wetlands or 10,000 square feet of non-riparian Category 4 wetlands, pursuant to chapter 30.62 SCC; or

(iii) The activity occurs in a UGA or on designated forest lands, and the wetland is an area of no greater than 5,000 square feet of non-riparian wetland Categories II or III or 10,000 square feet of non-riparian Category IV wetlands, pursuant to SCC 30.62A.230(2).

30.63B.090 Compliance with other laws.

Approvals of construction and land disturbing activity site plans and the issuance of a land disturbing activity permit under this chapter, and any rules, policies and procedures promulgated hereunder, do not constitute waivers of the requirements contained in any other laws or regulations. Compliance with all applicable federal, state, and local laws and regulations is required.

(Added Amended Ord. 10-023, June 9, 2010, Eff date Sept. 30, 2010)

30.63B.100 Projects performed under authority of the director of public works or county engineer.

(1) For projects performed under the authority of the director of the department of public works or the county engineer that require a land disturbing activity permit, the director of the department of public works or the county engineer may:

(a) Submit a land disturbing activity permit application and the applicable fee payment to the department of planning and development services pursuant to SCC 30.63B.030 and 30.63B.040; or

(b) The director of the department of public works may adopt a rule, in accordance with the rulemaking provisions in chapter 30.82 SCC, that is intended to ensure compliance with the substantive requirements of chapters 30.63A, 30.63B, and 30.63C SCC. The rule may be administered either by the director of the department of public works or the county engineer. The rule shall:

(i) Establish administrative procedures and tools under which the department of public works will achieve and document compliance with the substantive requirements of chapters 30.63A, 30.63B and 30.63C SCC and other applicable provisions of title 30 SCC during project planning, design, environmental review and throughout construction administration and acceptance;

(ii) Require identical or functional equivalents of plans and reports required by chapters 30.63A, 30.63B and 30.63C SCC or other applicable chapters of title 30 SCC; and

(iii) Implement the provisions of SCC 30.63A.830 through 30.63A.842 without amendment, except that such provisions may be administered by either the director of the department of public works or the county engineer.

(2) If the director of the department of public works or the county engineer chooses to administer any project according to the rule described in SCC 30.63B.100(1)(b) and consultation with the department of planning and development services is desired to ensure compliance with title 30 SCC, the department of public works shall follow the pre-application process described in SCC 30.70.020 to arrange the consultation. The department of public works shall pay the appropriate consultation fee established in SCC 30.86.510(2)(c).

(Added Amended Ord. 10-023, June 9, 2010, Eff date Sept. 30, 2010)

30.63B.110 Standards for cuts and excavations.
Cuts or excavations shall conform to the provisions of this section, unless the department approves the alternative recommendations contained in a soils engineering report or engineering geology report required under SCC 30.63B.230 or 30.63B.240. A cut that is less than four feet in height shall not be required to meet the requirements of this section.

(1) The slope of cut surfaces shall be no steeper than is safe for the intended use, and shall be no steeper than one unit vertical to two units horizontal (50 percent slope), unless the applicant furnishes a soils engineering report or an engineering geology report, or both, stating that the site has been investigated and determining that a cut at a steeper slope will be stable and will not create a hazard to public or private property.

(2) Slopes shall be stabilized after being cut or excavated. The soils engineering report or the engineering geology report, or both, shall verify that the slopes shall not be subject to on-going erosion that would adversely impact public safety or public or private property. Erosion hazard areas and landslide hazard areas, as defined in SCC 30.62.015 or subtitle 30.9 SCC, shall be described and shown in the soils engineering report.

(3) Cuts or excavations within streams, wetlands, lakes, marine waters, fish and wildlife habitat conservation areas, erosion hazard areas, landslide hazard areas or the buffers of or setbacks from any of these areas shall not occur unless a critical area study is prepared and mitigation is provided consistent with the applicable requirements of chapters 30.62, 30.62A and 30.62B SCC.

(Added Amended Ord. 10-023, June 9, 2010, Eff date Sept. 30, 2010)

**30.63B.120 Standards for fills and embankments.**

Fills shall conform to the provisions of this section, unless the department approves the recommendations contained in a soils engineering report required under SCC 30.63A.230. The requirements of this section shall not apply to fills that are less than four feet in height and which are not intended to support structures.

(1) Fill slopes shall not be constructed on natural slopes steeper than one unit vertical to two units horizontal (50 percent slope). The slope of fill surfaces shall be no steeper than is safe for the intended use. The slope shall be protected pursuant to SCC 30.63A.480. Fill slopes steeper than 33 percent shall require a geotechnical engineering report pursuant to chapter 30.62 or 30.62B SCC, as applicable.

(2) Fill material.

(a) Deleterious amounts of organic material shall not be permitted in fills. Except as permitted by the department under SCC 30.63B.120(2)(b), no rock or similar irreducible material with a maximum dimension greater than 12 inches shall be buried or placed in fills.

(b) The department may allow rock greater than 12 inches in diameter to be buried or placed in fills when the soils engineer properly devises a method of placement, inspects the site during the placement of the rock, and approves the fill stability. The following conditions shall also apply:

(i) Prior to issuance of the land disturbing activity permit, potential rock disposal areas shall be delineated on the land disturbing activity site plan;

(ii) Rock greater than 12 inches in diameter shall be located no less than ten feet or more below the finish grade, measured vertically; and

(iii) Rocks or other similar irreducible material shall be placed so as to assure filling of all voids with well-graded soil.
(3) All fills intended to support structures or private roads shall be compacted to a minimum of 90 percent of maximum density. All fills within public rights-of-way, private tracts and easements shall be compacted in accordance with the EDDS. All fills in the floodplain shall be designed to resist or prevent scour and erosion from floodwaters. Fills in the floodplain shall be regulated pursuant to chapters 30.43C and 30.65 SCC. If fill is allowed in the floodplain, a zero-level rise analysis shall be performed and provided in the land disturbing activity permit application.

(4) Fill shall not be placed in streams, wetlands, lakes, marine waters, fish and wildlife habitat conservation areas, erosion hazard areas, landslide hazard areas or in the buffers of or setbacks from any of these areas unless a critical area study is prepared and mitigation is provided consistent with the applicable requirements of chapters 30.62, 30.62A and 30.62B SCC.

(Added Amended Ord. 10-023, June 9, 2010, Eff date Sept. 30, 2010)

30.63B.130 Standard setbacks for cuts and fills.

(1) Before performing any land disturbing activity subject to a land disturbing activity permit, the applicant shall mark on the site and show on the land disturbing activity site plan the limits of all proposed land disturbing activities, trees and native vegetation to be retained, and drainage courses, so that setbacks can be determined. Cut and fill slopes shall be set back from site boundaries in accordance with this section. Setback dimensions shall be horizontal distances measured perpendicular to the site boundary.

(2) The top of cut slopes shall not be nearer to a site boundary line than 20 percent of the vertical height of cut, and in no event nearer than two feet from the boundary line. The setback shall be increased when necessary to stabilize any required subsurface drainage or surcharge, as determined by the geotechnical engineering report, soils engineering report or engineering geology report pursuant to SCC 30.63B.220 through 30.63B.240.

(3) The toe of fill slopes shall not be made nearer to the site boundary line than 50 percent of the height of the slope, but in no event nearer than two feet from the boundary line.

(4) Cuts and fills shall be set back a minimum of two feet from the property line unless the following is provided:

(a) A construction easement, written agreement or letter of authorization from all of the affected property owners allowing a setback of less than two feet; or

(b) A survey by a land surveyor licensed in Washington State that ensures compliance with construction and land disturbing activity site plans prior to construction of cut, fill, rockery, or a retaining wall proposed within six inches of a property line.

(Added Amended Ord. 10-023, June 9, 2010, Eff date Sept. 30, 2010)

30.63B.140 Standards for drainage and terracing.

(1) Cut or fill slopes steeper than one unit vertical to three units horizontal (33 percent slope) shall be designed to comply with the following criteria:

(a) Terraces at least six feet in width shall be established at not more than 30-foot vertical intervals on all cut or fill slopes to control surface drainage and debris, except that where only one terrace is required, it shall be at mid-height of the slope. For cut or fill slopes greater than 60 feet and up to 120 feet in vertical height, one terrace at approximately mid-height shall be 12 feet in width. Terrace widths and spacing for cut and fill slopes greater than 120 feet in height shall
be designed by a civil engineer. Suitable access shall be provided to permit proper cleaning and maintenance of drainage facilities, if any;

(b) Swales or ditches on terraces shall have a minimum gradient of 0.5 percent;

(c) Cut or fill slopes shall be provided with subsurface drainage as necessary to ensure slope stability and proper conveyance of groundwater;

(d) All drainage facilities shall be designed to carry waters to the nearest practicable drainage way in a safe manner and shall comply with chapter 30.63A SCC. Outfalls or points of discharge shall be designed using BMPs and construction procedures that prevent or minimize erosion pursuant to volumes II and III of the Drainage Manual;

(e) Building pads located on cuts or fills shall have a drainage gradient of two percent toward approved drainage facilities except that the gradient from a building pad may be one percent if all of the following conditions exist throughout the project site:
   (i) No proposed fills are greater than ten feet deep;
   (ii) No proposed finish cut or fill slope faces have a vertical height more than ten feet; and
   (iii) No existing slope faces that are steeper than one unit vertical to ten units horizontal (ten percent slope) have a vertical height more than ten feet; and

(f) Paved interceptor drains shall be installed if the drainage flow path is greater than 40 feet above the cut slope. Interceptor drains, if required, shall be paved with a minimum of three inches of concrete or gunite and may be reinforced. They shall have a minimum depth of 12 inches and a minimum paved width of 30 inches, measured horizontally across the drain.

(2) The department may approve an alternative slope or retaining structure when it is determined that the documentation on the construction plans and land disturbing activity site plan demonstrates that the alternative slope or retaining structure will be stable and will not adversely impact downstream properties.

(Added Amended Ord. 10-023, June 9, 2010, Eff date Sept. 30, 2010)

30.63B.150 Standards for soil erosion control.

All land disturbing activity shall provide soil erosion control pursuant to this section and chapter 30.63A SCC.

(1) The faces of cut and fill slopes shall be prepared and maintained to control erosion. Soil erosion control may consist of effective planting, hydro-seeding or mulching. Soil erosion control protection for the slopes shall be installed as soon as practicable in accordance with SCC 30.63A.480 and prior to calling the department to request final land disturbing activity inspection. Where cut slopes are not subject to erosion due to the erosion-resistant character of the materials, such protective measures may not be required, as determined by the department.

(2) Where necessary to provide erosion protection to adjoining properties, check dams, cribbing, riprap, silt fences or other devices and methods shall be employed.

(Added Amended Ord. 10-023, June 9, 2010, Eff date Sept. 30, 2010)

30.63B.160 Standards for tree and vegetation retention and replacement.

Land disturbing activity site plans and SWPPPs required pursuant to chapter 30.63A SCC shall show all on-site tree and vegetation retention areas required by any applicable provisions of title
30 SCC. Tree replacement areas shall also be shown on the land disturbing activity plan, when applicable.

(Added Amended Ord. 10-023, June 9, 2010, Eff date Sept. 30, 2010)

30.63B.170 Standards for reclamation of quarry or mining sites.

Upon completion or abandonment of a quarry or mining operation, the owner or operator of sites not regulated by the Washington State Department of Natural Resources pursuant to chapter 78.44 RCW shall obtain a land disturbing activity permit for reclamation, which shall include an approved full stormwater site plan pursuant to chapter 30.63A SCC and comply with the following reclamation standards:

1. Grading or backfilling shall be done with clean earth material (i.e., non-noxious, non-flammable, non-combustible and non-putrescible solids);

2. Graded or backfilled areas, except for roads, shall be sodded or surfaced with soil of a quality at least equal to the topsoil of the immediately surrounding land areas, and to a depth equal to that of the topsoil of immediately surrounding land areas, provided that all sod and soil shall be at least eight inches in depth consistent with soil quality and depth BMPs in volume V of the Drainage Manual;

3. Final grading shall result in finished grades which would allow development of the land uses permitted within the underlying zone classification;

4. Bare topsoil shall be stabilized by planted trees, shrubs, legumes, and grasses indigenous to the region and compatible with the surrounding area;

5. Graded or backfilled areas shall be reclaimed in a manner that will not allow water to collect, nor permit stagnant water to remain, and will not adversely affect the groundwater aquifer or maximum seasonal high groundwater table; and

6. Non-harmful tailings, which consist of earth material and soil piles, shall be graded to near-level contour, matching the surrounding natural topography. The leveled and graded area shall be sodded or surfaced and planted as required by SCC 30.63B.170(2) and (4).

(Added Amended Ord. 10-023, June 9, 2010, Eff date Sept. 30, 2010)

30.63B.180 Land disturbing activity permit submittal requirements.

The land disturbing activity permit application shall comply with the submittal checklist established by the department pursuant to SCC 30.70.030. The permit application shall contain the following plans and reports, when applicable:

1. Land disturbing activity site plan pursuant to SCC 30.63B.190;

2. Engineered construction plans pursuant to SCC 30.63B.200;

3. Geotechnical engineering report pursuant to SCC 30.63B.220;

4. Soils engineering report pursuant to SCC 30.63B.230;

5. Engineering geology report pursuant to SCC 30.63B.240;

6. Liquefaction report pursuant to SCC 30.63B.250;
(7) Zero-rise analysis pursuant to SCC 30.63B.120(3);
(8) Plans and reports necessary for compliance with chapter 30.63A SCC; and
(9) Haul route agreements related to the land disturbing activity.

(Added Amended Ord. 10-023, June 9, 2010, Eff date Sept. 30, 2010)

30.63B.190 Land disturbing activity site plan and reports.

(1) A land disturbing activity site plan, including a stormwater site plan consistent with the land disturbing activity site plan, shall be submitted with the land disturbing activity permit application. Engineered construction plans shall be submitted when required under SCC 30.63B.200. The land disturbing activity site plan shall depict, but not be limited to, the following items, when applicable:
   (a) Existing and finished grade contours including natural drainage courses;
   (b) Critical areas and their buffers;
   (c) The amount of proposed fill, measured in acres, in critical areas;
   (d) Landscape and open space areas and tree and native vegetation retention and replacement areas;
   (e) Clearing limits and clearing operations;
   (f) Quantity of cut or excavations and fill or embankments in cubic yards;
   (g) Soils specifications for compaction;
   (h) Cut and fill areas and stockpile areas;
   (i) Setbacks from property boundaries;
   (j) Terracing, keyways and benches; and
   (k) A description of construction specifications, operations and scheduling pursuant to requirements in the EDDS.

(2) Pursuant to chapter 30.52A SCC and SCC 30.63B.210 through 30.63B.250, reports on geotechnical engineering, soils engineering, engineering geology, and liquefaction shall be submitted when required by this chapter and chapter 18 of the IBC.

(Added Amended Ord. 10-023, June 9, 2010, Eff date Sept. 30, 2010)

30.63B.200 Land disturbing activities and projects requiring engineered construction plans.

(1) The following land disturbing activities require the submittal of construction plans prepared by and stamped by an engineer licensed in the State of Washington:
   (a) All land disturbing activity in excess of 5,000 cubic yards;
   (b) All land disturbing activity located within public or private roads and their rights-of-ways, tracts or easements;
   (c) All land disturbing activity that is subject to environmental review under chapter 30.61 SCC or is related to development activity that is subject to environmental review under chapter 30.61 SCC; and
   (d) All land disturbing activity projects that require civil engineering, as determined by the department pursuant to subtitle 30.5 SCC and IBC sections 1802.4, 1802.6 and 1803.4(2).

(2) Engineered construction plans for the land disturbing activities identified in SCC 30.63B.200(1) shall also comply with chapter 30.52A SCC and the EDDS.

(Added Amended Ord. 10-023, June 9, 2010, Eff date Sept. 30, 2010)
30.63B.210 Reports.

(1) The applicant shall submit reports on geotechnical engineering, soils engineering, engineering geology, and liquefaction when required by this chapter or chapters 16, 18 or 33 of the IBC as part of the land disturbing activity permit application. Reports shall be prepared and stamped by an engineer licensed in Washington State. The department shall review the reports and ensure that all appropriate recommendations in the reports are reflected on the land disturbing activity site plans.

(2) During review of the land disturbing activity permit application, if the department determines that geologic, hydrologic, or soil conditions may present special grading or drainage conditions which may damage a public right-of-way or county property, or that may pose a substantial threat to public health, safety or welfare, the department may require the applicant to submit a geotechnical engineering report that includes a soils engineering report and/or an engineering geology report pursuant to SCC 30.63B.230 and 30.63B.240 and chapters 16, 18 and 33 of the IBC.

(Added Amended Ord. 10-023, June 9, 2010, Eff date Sept. 30, 2010)

30.63B.220 Geotechnical engineering report.

If a geotechnical engineering report is required by SCC 30.63B.210 or chapter 18 of the IBC, the applicant's geotechnical engineer, civil engineer or engineering geologist shall inspect and determine the suitability of the prepared ground to receive fills and the stability of cut slopes with respect to soil, hydrologic, and geologic conditions. This information shall be incorporated in the engineering report. The geotechnical engineering report shall also evaluate the need for subdrains or other groundwater drainage devices. To verify safety, the department may require testing for required compaction, soil bearing capacity, stability of all finished slopes and the adequacy of structural fills as a condition of permit approval. The required content of the geotechnical engineering report is contained in section 1802.6 of the IBC.

(Added Amended Ord. 10-023, June 9, 2010, Eff date Sept. 30, 2010)

30.63B.230 Soils engineering report.

When required by chapters 16, 18 and 33 of the IBC for expansive soils, questionable soils and the potential for soils near high groundwater, a soils engineering report shall be required. The required content of the soils engineering report is contained in sections 1613, 1802.6 and 3304 of the IBC. The report also shall include the following:

(1) Data regarding the nature, distribution, site classification and strength of existing soils;

(2) Conclusions and recommendations for land disturbing activity procedures identified in the reports required by SCC 30.63B.210 or chapters 16, 18 and 33 of the IBC;

(3) Design criteria for corrective measures, including structural fills, when necessary due to subsurface soils or groundwater conditions; and

(4) An analysis of the adequacy of affected soils for the intended use of the site as affected by soils engineering factors.

(Added Amended Ord. 10-023, June 9, 2010, Eff date Sept. 30, 2010)
30.63B.240 Engineering geology report.

When required by chapters 16 and 18 of the IBC to analyze soil characteristics due to the location of on-site faults, an engineering geology report shall be required. The report shall include an adequate description of the geology of the site, conclusions and recommendations regarding the effect of geologic conditions on the proposed development, and an analysis of the adequacy for the intended use of sites to be developed by the proposed land disturbing activity, as affected by geologic factors. The required content of the engineering geology report is contained in sections 1613 or 1802 of the IBC as applicable.

(Added Amended Ord. 10-023, June 9, 2010, Eff date Sept. 30, 2010)

30.63B.250 Liquefaction report.

Based on the soil strength identified in the soils engineering report, the department may require a geotechnical or geologic investigation and report in accordance with section 1802.4 of the IBC, which shall address the potential for liquefaction.

(Added Amended Ord. 10-023, June 9, 2010, Eff date Sept. 30, 2010)

30.63B.270 Time limitation of application.

(1) An application for a land disturbing activity permit shall be deemed to have been abandoned 18 months after the date the applicant filed a complete application, unless the applicant has pursued the submittal of all necessary information and revisions requested by the department in good faith, or a permit has been issued.

(2) The director is authorized to grant one extension of the permit application if abandoned. Such extension shall not exceed an additional 18 month period. The application extension shall be requested in writing and the applicant shall demonstrate a justifiable cause for the extension. A renewal fee shall be paid at the time of the renewal request pursuant to SCC 30.86.510(2)(a) and (b).

(Added Amended Ord. 10-023, June 9, 2010, Eff date Sept. 30, 2010)

30.63B.280 Permit expiration and renewal.

(1) Land disturbing activity permits shall expire 18 months from the date of issuance. However, the director may set an earlier expiration date for a permit or issue a permit that is non-renewable, or both, if the director determines that soil, hydrologic or geologic conditions on the project site necessitate that land disturbing activity, drainage improvements and site stabilization be completed in less time.

(2) No land disturbing activity shall be performed under an expired land disturbing activity permit. An applicant shall obtain a new permit before starting work authorized under the expired permit.

(3) The director is authorized to grant, in writing, one permit extension of not more than 18 months. The permit extension shall be requested in writing and the applicant shall demonstrate justifiable cause for the extension. The request for extension shall be submitted to the department 30 days before the date of expiration of the original permit.
(4) Prior to extension of a permit, an on-site inspection may be required to determine whether the work authorized by the original permit complies with this chapter and any other applicable law or regulation.

(5) The renewal fee in SCC 30.86.510(2) for a permit extension request shall be paid at the time the extension request is submitted.

(6) The director may extend the timeframe for submitting an extension request under SCC 30.63B.280(3) for good cause, but shall not approve any extension request received later than 30 days after the date of expiration of the original permit.


30.63B.290 Requests for modification or waiver of requirements.
The county may approve modifications or waivers of the requirements of this chapter pursuant to SCC 30.63A.170.

(Added Amended Ord. 10-023, June 9, 2010, Eff date Sept. 30, 2010)

30.63B.300 Person responsible.

(1) The county is not responsible for the accuracy of land disturbing activity site plans submitted for approval. The county expressly disclaims any responsibility for the design or implementation of a land disturbing activity site plan. The design and implementation of a suitable land disturbing activity site plan is the responsibility of the applicant and property owner.

(2) The applicant and owner shall ensure that all land disturbing activity work is performed in accordance with an approved land disturbing activity site plan and construction specifications that comply with the provisions of title 30 SCC. Any person performing land disturbing activity subject to a land disturbing activity permit shall ensure that a copy of the approved land disturbing activity permit, approved land disturbing activity site plan, and construction plans are available on the work site at all times. Such person shall be responsible for compliance with all approved plans, specifications and permit conditions.

(Added Amended Ord. 10-023, June 9, 2010, Eff date Sept. 30, 2010)

30.63B.310 Inspections – general.

Land disturbing activity inspections required by this chapter may be conducted together with any inspections required by chapter 30.63A SCC.

(Added Amended Ord. 10-023, June 9, 2010, Eff date Sept. 30, 2010)

30.63B.320 Site inspection for clearing limits.

Upon submittal of a complete land disturbing activity permit application, the county must perform a preliminary site inspection prior to any land disturbing activity to confirm that the clearing limits, if applicable, are marked in the field, and that natural drainage courses are not blocked or altered.

(Added Amended Ord. 10-023, June 9, 2010, Eff date Sept. 30, 2010)
30.63B.330 Pre-construction meeting and inspection prior to land disturbing activity.

After a land disturbing activity permit is issued, but prior to any land disturbing activity, the applicant or owner shall call the department to arrange a pre-construction meeting and inspection with the department to review clearing limits, inspection and project management procedures.

(Added Amended Ord. 10-023, June 9, 2010, Eff date Sept. 30, 2010)

30.63B.340 Inspections after permit issuance.

(1) During construction and land disturbing activity, the county shall inspect all land disturbing activity operations for which a permit is issued pursuant to SCC 30.63B.350. The county shall inspect the site at various stages of work including before construction, during construction, at construction completion and at final acceptance of a subdivision or issuance of a certificate of occupancy. The county shall determine if the SWPPP required by chapter 30.63A SCC is implemented and the construction undertaken by the owner, contractor and certified erosion and sediment control lead (CESCL) complies with the approved SWPPP, land disturbing activity site plan and construction plans.

(2) When required on an approved land disturbing activity site plan, the applicant shall provide professional inspection of land disturbing activity by a civil and/or a soils engineer, or an engineering geologist retained by the owner or applicant to provide such services for engineered land disturbing activity as follows:

(a) The civil engineer shall review and observe the establishment of line, grade, surface drainage and erosion control of the development area. If revisions to any approved land disturbing activity or stormwater site plan, right-of-way plan or other construction plans are required during the course of the land disturbing activity, they shall be prepared by the civil engineer.

(b) The soils engineer shall observe the land disturbing activity and test for compaction. The types of soils inspections and standards shall be consistent with sections 1802.6 and 1803.5 of the IBC.

(c) The soils engineer shall provide sufficient observation during the preparation of the ground and during placement and compaction of the fill to verify that such work is being performed in accordance with the conditions of the approved plans identified in SCC 30.63B.340(2)(a) and the appropriate requirements of this chapter and chapter 30.63A SCC. These observations shall be set forth in a written report as required by SCC 30.63B.360(1)(b) that shall be submitted to the department prior to the final inspection. Revised recommendations relating to conditions differing from the soils engineering, engineering geology, geotechnical engineering and liquefaction reports submitted as part of the land disturbing activity permit application shall be submitted to the department and the civil engineer responsible for the project as soon as they are available.

(d) The engineering geologist shall inspect all excavation to determine if geologic conditions encountered are in conformance with the engineering geology report completed under SCC 30.63B.240. If conditions differ from the approved engineering geology report, the geologist shall submit revised recommendations to the county and soils engineer regarding changes to the land disturbing activity site plan or other construction plans as soon as they are available.
(e) If the civil engineer, CESCL, the soils engineer, or the engineering geologist finds that the work was not performed in conformance with this chapter or the land disturbing activity permit, the individual who discovered the discrepancies shall report this information immediately, in writing, to the applicant or owner and to the county.

(3) The county shall notify the applicant or owner of any discrepancies that would necessitate land disturbing activity site plan or construction plan revisions or corrections by the professional consultants.

(4) If the civil engineer, the soils engineer, CESCL, or the engineering geologist of record is changed during land disturbing activity, the work shall be stopped until a replacement has agreed in writing to accept their responsibilities under this chapter. It shall be the duty of the applicant or owner to notify the county in writing of such change in contacts prior to resuming land disturbing activity.

(Added Amended Ord. 10-023, June 9, 2010, Eff date Sept. 30, 2010)

30.63B.350 Inspection schedule after permit issuance.

Following issuance of a land disturbing activity permit, inspections of all land disturbing activity subject to the permit shall be conducted pursuant to, but not limited by, the following inspection schedule:

(1) After the land disturbing activity pre-construction meeting, the applicant shall request from the county a drainage inspection prior to any land disturbing activity.

(2) All permitted development sites involving land disturbing activity that meet the thresholds for drainage review shall be inspected for compliance with applicable minimum requirements pursuant to chapter 30.63A SCC.

(3) All permitted development sites involving land disturbing activities that meet the thresholds for drainage review pursuant to chapter 30.63A SCC shall be inspected upon completion of all land disturbing activity and construction and prior to final approval or issuance of a certificate of occupancy to verify proper installation of permanent erosion controls and storm water facilities/BMPs, if applicable. The county shall determine that all land disturbing activity and construction is complete or identify all land disturbing activity and construction items that are incomplete.

(4) When the county determines that a special inspection is required pursuant to chapter 17 of the IBC for water quality monitoring on land disturbing activity projects, the applicant or owner shall engage consultants to conduct professional inspections and to prepare and submit periodic inspection reports to the county on a timely basis. The county shall respond within seven working days as to the acceptability of the report. The applicant or owner shall act as a coordinator between the consultant, the contractor and the county inspector.

(Added Amended Ord. 10-023, June 9, 2010, Eff date Sept. 30, 2010)

30.63B.360 Final reports and other documents required at the completion of work.
(1) When engineered construction and land disturbing activity site plans are required pursuant to SCC 30.63B.190 and 30.63B.200, or professional inspection is required pursuant to SCC 30.63B.340 for land disturbing activity, the following final reports, plans, drawings and supplements are required at completion of all land disturbing activity and construction:
   (a) A record drawing of land disturbing activity site plan prepared by the civil engineer or surveyor showing original ground surface elevations, finished grade ground surface elevations, lot drainage patterns, and the locations and elevations of stormwater drainage facilities and outlets of subsurface drains. Details of subsurface drains shall be shown on the record drawing as reported by the soils or civil engineer or land surveyor. Upon completion of all land disturbing activity and construction, the civil engineer shall sign a statement on the plan stating that to the best of their knowledge, the land disturbing activities were completed in accordance with the approved land disturbing activity site plan and permit;
   (b) A report prepared by the soils engineer, retained pursuant to SCC 30.63B.340(2), which shall include locations of field density tests, summaries of field and laboratory tests, other substantiating data, and a description of any changes to the approved land disturbing activity site plan made during the land disturbing activity and their effect on the recommendations made in the approved soils engineering investigation report. The report shall include a signed statement by the soils engineer that, to the best of their knowledge, the land disturbing activity work within their area of responsibility was completed in accordance with the approved soils engineering report and applicable provisions of this chapter; and
   (c) A report prepared by the engineering geologist retained pursuant to SCC 30.63B.340(2) that shall include a final description of the geology of the site, any new information disclosed during the land disturbing activity, and the effect of that information on recommendations incorporated in the approved land disturbing activity site plan. The final geology report shall include a signed statement by the engineering geologist that, to the best of their knowledge, the work within their area of responsibility was completed in accordance with the approved engineering geology report and applicable provisions of this chapter.

(2) The applicant or owner shall notify the county when the disturbed land is ready for final inspection. Final approval shall not be given by the county until all land disturbing activity and construction, including installation of all drainage facilities and their protective devices and all erosion-control measures, have been completed in accordance with the final approved land disturbing activity and stormwater site plans, and the required reports have been submitted and approved.

(Added Amended Ord. 10-023, June 9, 2010, Eff date Sept. 30, 2010)

30.63B.370 Security devices and insurance.

(1) The department may require security devices pursuant to chapter 30.84 SCC and insurance pursuant to SCC 30.63A.940 to ensure that the land disturbing activity, if not completed in accordance with the approved land disturbing activity site plan and construction plans, will be corrected.

(2) For drainage facilities and improvements required pursuant to this chapter and chapter 30.63A SCC, the department may require security devices pursuant to chapter 30.84 SCC and insurance pursuant to SCC 30.63A.940.

30.63B.380 Emergency land disturbing activities and required permits.

(1) Land disturbing activity that requires a land disturbing activity permit may be undertaken to perform an emergency action, without first obtaining a permit, when insufficient time exists to obtain a land disturbing activity permit. An emergency action is only allowed when:
   (a) One of the following circumstances exists:
      (i) Damage is occurring as a result of flood waters at or exceeding flood stage as defined by the county’s departments of emergency management or public works, and land disturbing activity is necessary to protect existing property, maintain an existing utility facility function, or to prevent channel impairment;
      (ii) Maintenance performed by a utility is necessary to repair a utility facility or line which has been damaged as a direct result of an emergency; or
      (iii) Removal and relocation of material deposited onto commercial farmland by flood waters is necessary to protect farming operations; and
   (b) All of the following criteria are met:
      (i) Circumstances causing the emergency developed suddenly;
      (ii) The emergency constitutes an imminent threat to public health, safety, welfare, property or the environment and emergency land disturbing activities are necessary to prevent an imminent threat of serious environmental degradation; and
      (iii) The land disturbing activity is the minimum necessary to alleviate the emergency.

(2) Prior to undertaking any emergency land disturbing activity to remedy the emergency, the proponent of such activity must notify the department in writing by providing a summary of the intended activity. If prior notification is not feasible, the project proponent shall provide such notification in writing to the department within 48 hours of initiating the emergency land disturbing activity.

(3) The department shall notify the property owner or person who conducted the emergency land disturbing activity in writing that:
   (a) The person responsible for the emergency action shall comply with soil erosion and sedimentation control practices required pursuant to minimum requirement 2 (SCC 30.63A.445 through 30.63A.510) as soon as practicable; and
   (b) Applications for project permits necessary to satisfy compliance with this chapter shall be submitted to the department within 120 days from the date the emergency land disturbing activity was initiated; and
   (c) Whether the land disturbing activity meets the criteria of SCC 30.63B.380(1) and (2).

(4) If the director determines that land disturbing activity was performed that did not meet the criteria in this section, then in addition to requiring that a land disturbing activity permit application be submitted to the department within 120 days of the land disturbing activity, code enforcement may be pursued.

(Added Amended Ord. 10-023, June 9, 2010, Eff date Sept. 30, 2010)

30.63B.390 Hazards.

(1) When the department determines that any existing cut, excavation, fill, embankment or other land disturbing activity or a condition resulting from land disturbing activity on private
property creates a present or imminent hazard, or is likely to create a hazard, the department may issue an emergency order pursuant to SCC 30.85.240.

(2) Where the director determines that hazardous conditions exist, warning signs shall be affixed at locations as required by the director, and the site shall be enclosed by fencing that shall be closed and locked when personnel are not present at the site. The fence shall be no less than five feet in height and the fence material shall have no horizontal opening larger than two inches.

(Added Amended Ord. 10-023, June 9, 2010, Eff date Sept. 30, 2010)

Chapter 30.63C
Low Impact Development

30.63C.010 Purpose.

The purpose of this chapter is to facilitate, and in some instances require, the use of low impact development (LID) best management practices (BMPs).


30.63C.020 Applicability.

This chapter applies to all development projects that are required or designed to use LID BMPs to meet the stormwater management requirements of chapter 30.63A SCC. Applicants that have applications vested on or before June 28, 2006, may request the use of the provisions of this chapter without losing their vested rights.


30.63C.025 Projects performed under authority of the director of the department 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.


30.63C.030 Low impact development best management practices.

(1) LID BMPs from the following sources may be used to meet the requirements of chapter 30.63A SCC:

   (a) LID BMPs in Appendix I-A of the Drainage Manual; and
   (b) Other BMPs approved by the Washington State Department of Ecology and the department that are adopted as LID BMPs through the rulemaking process in chapter 30.82 SCC.

(2) LID BMPs used to meet the requirements of chapter 30.63A SCC shall only be eligible for stormwater modeling credits consistent with Volume III and Appendix III-C of the Drainage Manual.

30.63C.040 Use of low impact development in Little Bear Creek Urban Growth Area expansion areas.

(1) New development or redevelopment, excluding single-family residential building permits, proposed within any portion of a Southwest UGA expansion area approved on or after December 20, 2006, that is located in the Little Bear Creek Watershed shall, when site conditions allow, use the LID BMPs identified in SCC 30.63C.030 to meet the stormwater management requirements of chapters 30.63A SCC.

(2) If site conditions prevent the exclusive use of approved LID BMPs, conventional stormwater management strategies and techniques shall be used in conjunction with all feasible LID BMPs identified in SCC 30.63C.030 to meet the requirements of chapter 30.63A SCC.


30.63C.050 Low impact development pre-application submittal meetings.

(1) All permit applicants, except those submitting single-family residential building permits, that propose the use of stormwater modeling credits, or request a code modification or an EDDS deviation in order to use LID BMPs pursuant to SCC 30.63C.060 through 30.63C.090, shall participate in a pre-application submittal meeting.

(2) All permit applicants not specifically excluded in SCC 30.63C.050(1) that propose LID BMPs to meet the requirements of chapter 30.63A SCC are encouraged to participate in a pre-application submittal meeting.

(3) The director may waive a pre-application meeting required under SCC 30.63C.050(1) upon written request by the applicant, if the director determines in writing that the pre-application meeting would serve no useful purpose based upon the circumstances outlined in the request.


30.63C.060 Code modifications and EDDS deviations – general.

(1) Requests for code modifications and EDDS deviations permitted under this chapter may be granted when the following criteria are met:

   (a) The requestor seeks a modification from one of the code provisions listed in SCC 30.63C.080(1) or a deviation from the EDDS pursuant to SCC 30.63C.090(1);

   (b) The requested code modification or EDDS deviation is necessary to implement a LID BMP identified in SCC 30.63C.030(1); and

   (c) The requested code modification meets the criteria established in SCC 30.63C.080(2) or the EDDS deviation meets the criteria established in SCC 30.63C.090(2).

(2) When a code modification or an EDDS deviation is granted pursuant to this chapter, no other waiver, modification or deviation related to the code provision or EDDS provision for which the deviation or modification is granted shall be required under any other provision of this title.
(3) A request for a code modification or an EDDS deviation under this chapter shall be submitted on forms approved by the appropriate department. All code modification requests shall demonstrate how the criteria in SCC 30.63C.080(2) are met and all EDDS deviation requests shall demonstrate how the criteria in SCC 30.63C.090(2) are met. All requests for code modifications under this chapter for a development proposal shall be combined in a single request when feasible. All requests for EDDS deviations under this chapter for a development proposal shall be combined in a single application when feasible.

(4) Fees for code modification and EDDS deviation requests under this chapter are established in SCC 30.86.515 and 30.86.710. Fees shall be paid at the time the request is submitted. Requests for code modifications under this chapter combined in a single application shall require the payment of only one modification fee. Requests for EDDS deviations under this chapter combined in a single request shall require the payment of only one deviation fee.


30.63C.070 Approval authority.

(1) The director is authorized to approve, approve with conditions, or deny requests for code modifications from certain county code provisions pursuant to SCC 30.63C.080. The county engineer is authorized to approve, approve with conditions, or deny requests for certain deviations from the EDDS pursuant to SCC 30.63C.090. The decision of the director on a code modification request and the decision of the county engineer on an EDDS deviation request is final and is not appealable to the hearing examiner.

(2) As a condition of approval for modifications and deviations under this chapter, the county may require adoption of covenants and restrictions and the establishment or grant of tracts or easements necessary for access, maintenance and inspection of the LID BMP for which the modification or deviation was approved.


30.63C.080 Code modifications and approval criteria.

(1) An applicant may request a modification from the provisions of the following SCC chapters:
   (a) Chapter 30.23 SCC, General development standards - Bulk regulations;
   (b) Chapter 30.24 SCC, General development standards - Roads and access;
   (c) Chapter 30.25 SCC, Landscaping;
   (d) Chapter 30.26 SCC, Parking;
   (e) Chapter 30.42B SCC, Planned residential development; and
   (f) Subtitle 30.5 SCC, Construction codes.

(2) A request for a modification of the provisions listed in SCC 30.63C.080(1) may be granted when the following criteria in addition to SCC 30.63C.060(1)(a) and (b) are met:
   (a) The modification is consistent with and furthers the purposes of the stormwater regulations set forth in SCC 30.63A.100;
   (b) The modification does not result in significant adverse environmental impacts;
   (c) The modification does not adversely impact the public health, safety, and welfare;
(d) The modification is consistent with generally accepted engineering and design criteria; and

(e) The modification will result in one or more of the following:
   (i) Innovative site design;
   (ii) Increased on-site stormwater retention using a variety of vegetation and landscape conditions;
   (iii) Retention or re-creation of original natural habitat conditions over a significant portion of the site;
   (iv) Improved on-site water quality beyond that required by current applicable regulations; or
   (v) Retention or re-creation of pre-development and/or natural hydrologic conditions, and retention or re-creation of forested watershed conditions.


30.63C.090 EDDS deviations and approval criteria.

(1) An applicant may request a deviation from any chapter of the EDDS, except chapter 5, to facilitate the use of LID BMPs.

(2) A request for an EDDS deviation necessary to facilitate the use of LID BMPs may be granted when the deviation criteria in EDDS section 1-05 and the following deviation criteria in addition to SCC 30.63C.060(1)(a) and (b) are met:
   (a) The deviation is consistent with and furthers the purposes of the stormwater regulations set forth in SCC 30.63A.100;
   (b) The deviation does not result in significant adverse environmental impacts;
   (c) The deviation does not adversely impact the public health, safety, and welfare;
   (d) The deviation is consistent with generally accepted engineering and design criteria; and
   (e) The deviation will result in one or more of the following:
      (i) Innovative site design;
      (ii) Increased on-site stormwater retention using a variety of vegetation and landscape conditions;
      (iii) Retention or re-creation of original natural habitat conditions over a significant portion of the site;
      (iv) Improved on-site water quality beyond that required by current applicable regulations; or
      (v) Retention or re-creation of pre-development and/or natural hydrologic conditions, and retention or re-creation of forested watershed conditions.

30.91L.025 Land disturbing activity.

“Land disturbing activity” means any activity that will result in movement of earth or a change in the existing soil cover or the existing soil topography (both vegetative and non-vegetative), including the creation and/or replacement of impervious surfaces. Land disturbing activities include, but are not limited to, clearing and grading. Land disturbing activities do not include agricultural plowing and tilling exempt from stormwater regulations pursuant to SCC 30.63A.200. Compaction that is associated with stabilization of structures and road construction also is a land disturbing activity. Vegetation and drainage facility maintenance practices are not land disturbing activities, provided that the maintenance is performed according to standards adopted by Snohomish County.

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