



SNOHOMISH COUNTY COUNCIL  
SNOHOMISH COUNTY, WASHINGTON

AMENDED ORDINANCE NO. 10-026

RELATING TO REGULATION OF STORMWATER; REPEALING CHAPTER 30.63A  
SCC; ADOPTING A NEW CHAPTER 30.63A SCC; AND AMENDING AND  
REPEALING SECTIONS OF TITLE 30 SNOHOMISH COUNTY CODE (SCC)

WHEREAS, the Federal Water Pollution Control Act (Clean Water Act  
(CWA)) requires states and their local governments to take steps to implement the  
National Pollutant Discharge Elimination System (NPDES) permit program; and

WHEREAS, under its administration of the CWA, the Environmental Protection  
Agency (EPA) promulgated regulations to control stormwater discharges from municipal  
separate storm sewer systems (MS4s) in two groups called Phase I and Phase II; and

WHEREAS, EPA designated Snohomish County as a Phase I municipal  
stormwater permittee in 1990 for the purpose of regulating discharge from MS4s under  
the NPDES permit program and Washington State's Waste Discharge General Permit  
program; and

WHEREAS, chapter 90.48 RCW, the Washington State Water Pollution Control  
Act, authorizes the Washington State Department of Ecology (Ecology) to implement  
the NPDES permit program at the state level; and

WHEREAS, Ecology issued Snohomish County's Phase I Municipal Stormwater  
Permit (NPDES Permit) on July 5, 1995; and

WHEREAS, the county council adopted Amended Ordinance No. 98-055 on  
August 3, 1998, enacting drainage development regulations consistent with the initial  
NPDES Permit and the goals and policies of the Snohomish County Growth  
Management Act Comprehensive Plan (GMACP) General Policy Plan (GPP); and

WHEREAS, Ecology re-issued the county's 1995 NPDES Permit on January 17,  
2007, under Phase I Municipal Stormwater Permit No. WAR04-4502; and

WHEREAS, the 2007 NPDES Permit became effective February 16, 2007, and  
expires February 15, 2012; and

WHEREAS, the NPDES Permit regulates stormwater that enters into large and  
medium MS4s in unincorporated Snohomish County that are owned or operated by the  
county and that discharges from such MS4s to surface waters and groundwaters of the  
state, as set forth in NPDES Permit special condition S2; and

RELATING TO REGULATION OF STORMWATER;  
REPEALING CHAPTER 30.63A SCC; ADOPTING A  
NEW CHAPTER 30.63A SCC; AND AMENDING AND  
REPEALING SECTIONS OF TITLE 30 SNOHOMISH  
COUNTY CODE (SCC)

1 WHEREAS, MS4s include roads with drainage systems, county roads, catch  
2 basins, curbs, gutters, ditches, manmade channels and storm drains that are owned or  
3 operated by the county; and  
4

5 WHEREAS, special condition S4.C of the NPDES Permit requires the county to  
6 reduce the discharge of pollutants to the maximum extent practicable (MEP); and  
7

8 WHEREAS, special condition S4.D of the NPDES Permit requires the county to  
9 use all known, available and reasonable methods of prevention, control and treatment  
10 (AKART) to prevent and control pollution to the waters of the State of Washington; and  
11

12 WHEREAS, NPDES Permit special condition S5.C.5.a requires the county to  
13 design a program to prevent and control the impacts of runoff from new development,  
14 redevelopment, and construction activities applicable to both public and private  
15 development, including roads; and  
16

17 WHEREAS, the program to prevent and control the impacts of runoff from new  
18 development, redevelopment and construction activities shall be enforceable; and  
19

20 WHEREAS, NPDES Permit special condition S5.C.5.b.i requires that the  
21 county's stormwater management regulations comply with the minimum requirements,  
22 thresholds, definitions, and adjustment and variance criteria in *Appendix 1 Minimum*  
23 *Technical Requirements for New Development and Redevelopment* (Appendix 1) of the  
24 NPDES Permit, or provide minimum requirements, thresholds and definitions  
25 determined by Ecology to provide equivalent or similar protection of receiving waters  
26 and equal or similar levels of pollution control to those required in Appendix 1; and  
27

28 WHEREAS, NPDES Permit special condition S5.C.5.b.ii requires that the  
29 county's stormwater management regulations include a site planning process and best  
30 management practice (BMP) selection and design criteria to implement the minimum  
31 requirements of Appendix 1 of the NPDES Permit. The county may use either the  
32 *Washington State Department of Ecology's 2005 Stormwater Management Manual for*  
33 *Western Washington* (2005 Ecology Manual) or an equivalent manual approved by  
34 Ecology to meet this requirement; and  
35

36 WHEREAS, NPDES Permit special condition S5.C.5.b.iii requires that non-  
37 structural preventative actions and source reduction approaches such as low impact  
38 development (LID) techniques be allowed to minimize the creation of impervious  
39 surfaces to minimize the disturbance of soils and vegetation; and  
40

41 WHEREAS, following litigation over the NPDES Permit before the Pollution  
42 Control Hearings Board, the NPDES Permit was modified to require in special condition  
43 S5.C.5.b.iii(2) that the county's stormwater management program require non-structural  
44 preventative actions and source reduction approaches including LID techniques to  
45 minimize the disturbance of soils and vegetation where feasible; and

RELATING TO REGULATION OF STORMWATER;  
REPEALING CHAPTER 30.63A SCC; ADOPTING A  
NEW CHAPTER 30.63A SCC; AND AMENDING AND  
REPEALING SECTIONS OF TITLE 30 SNOHOMISH  
COUNTY CODE (SCC)

1 WHEREAS, Ecology has initiated a process to define the scope of LID  
2 techniques to be considered, criteria for determining the feasibility of LID techniques,  
3 and a LID performance standard; and  
4

5 WHEREAS, when Ecology's process is complete, Ecology will incorporate the  
6 results and a deadline for implementation of special condition S5.C.5.b.iii(2) into the  
7 NPDES Permit through a permit modification; and  
8

9 WHEREAS, NPDES Permit requirements for site planning, BMP selection and  
10 design criteria and on-site management requirements are proposed in chapter 30.63A  
11 SCC (Drainage) in Amended Ordinance No. 10-026 that include LID site planning  
12 principles and stormwater BMPs that require amendments to title 30 code sections  
13 pertaining to the use of LID principles and LID BMPs; and  
14

15 WHEREAS, Snohomish County's stormwater regulations and standards must be  
16 updated to comply with the NPDES Permit; and  
17

18 WHEREAS, it is necessary to repeal chapters 30.63A, 30.63B and 30.63C SCC  
19 (Drainage, Grading, and LID) and adopt new chapters 30.63A, 30.63B and 30.63C SCC  
20 (Drainage, Land Disturbing Activity, and LID); and  
21

22 WHEREAS, it is necessary to update the Snohomish County Drainage Manual  
23 (Drainage Manual) and chapters 1 and 5 of the Engineering Design and Development  
24 Standards (EDDS) to comply with the NPDES Permit; and  
25

26 WHEREAS, the Drainage Manual and the EDDS are administrative rules  
27 promulgated by the Snohomish County Department of Public Works (DPW) and provide  
28 the standards and design details necessary to implement the requirements of chapters  
29 30.63A, 30.63B and 30.63C SCC; and  
30

31 WHEREAS, the updated Drainage Manual is proposed as an equivalent to the  
32 2005 Ecology Manual; and  
33

34 WHEREAS, the Drainage Manual has been tailored for consistency with the  
35 Snohomish County Code to provide clarity, improve usability and promote permit review  
36 efficiencies; and  
37

38 WHEREAS, draft stormwater regulation documents were transmitted to Ecology  
39 for review on February 13, 2008, in accordance with the NPDES Permit deadline; and  
40

41 WHEREAS, Ecology and county staff met to discuss draft submittals on March 1,  
42 2008, and April 2, 2008; and  
43  
44

RELATING TO REGULATION OF STORMWATER;  
REPEALING CHAPTER 30.63A SCC; ADOPTING A  
NEW CHAPTER 30.63A SCC; AND AMENDING AND  
REPEALING SECTIONS OF TITLE 30 SNOHOMISH  
COUNTY CODE (SCC)

1 WHEREAS, Ecology provided general written comments on the draft regulations  
2 on May 13, 2008, and provided more specific comments on July 2, 2008; and  
3

4 WHEREAS, in accordance with NPDES Permit general condition G-20 Non-  
5 Compliance Notification, the county notified Ecology on September 2, 2008, that it  
6 would be unable to adopt updated stormwater regulations by the October 23, 2008,  
7 deadline specified in Ecology's July 2, 2008, comment letter; and  
8

9 WHEREAS, after many teleconferences with Ecology, draft stormwater  
10 regulations and standards were transmitted to Ecology on April 24, 2009, in accordance  
11 with the deadline specified in the Agreed Order; and  
12

13 WHEREAS, Ecology and county staff had multiple meetings and teleconferences  
14 to discuss technical issues and to determine how to incorporate Ecology's comments  
15 into final stormwater regulations and standards; and  
16

17 WHEREAS, on May 6, 2009, Ecology and the county entered into Agreed Order  
18 No. 6688 specifying a schedule and setting a January 29, 2010, deadline for the  
19 adoption of compliant stormwater regulations and standards; and  
20

21 WHEREAS, due to unexpected Ecology staffing issues, Ecology notified the  
22 county that it could not meet the May 29, 2009, review deadline in the Agreed Order;  
23 and  
24

25 WHEREAS, Ecology submitted written comments on the county's April 24, 2009,  
26 submittal on August 31, 2009; and  
27

28 WHEREAS, Ecology's comments were clarified and additional technical issues  
29 raised by the county were discussed between September and November 2009; and  
30

31 WHEREAS, Agreed Order No. 6688 was amended by Agreed Order No. 7295 on  
32 January 14, 2010, to provide a new compliance schedule that requires effective  
33 stormwater regulations that comply with NPDES Permit by September 30, 2010; and  
34

35 WHEREAS, the county implemented a public participation program pursuant to  
36 special condition S.5.C.4 of the NPDES Permit, in conjunction with public participation  
37 opportunities afforded under the Growth Management Act, that included opportunities  
38 for the public's involvement in the development of the county's stormwater management  
39 program and implementation priorities; and  
40

41 WHEREAS, a State Environmental Policy Act (SEPA) comprehensive checklist  
42 and threshold determination of nonsignificance (DNS) was issued for the proposed non-  
43 project actions relating to the stormwater regulations and standards on March 24, 2010,  
44 pursuant to chapter 43.21 RCW, chapter 197-11 WAC and chapter 30.61 SCC; and  
45

RELATING TO REGULATION OF STORMWATER;  
REPEALING CHAPTER 30.63A SCC; ADOPTING A  
NEW CHAPTER 30.63A SCC; AND AMENDING AND  
REPEALING SECTIONS OF TITLE 30 SNOHOMISH  
COUNTY CODE (SCC)

1 WHEREAS, pursuant to RCW 36.70A.106, a notice of intent to adopt the  
2 proposed regulations and standards was transmitted to the Washington State  
3 Department of Commerce on February 18, 2010; and  
4

5 WHEREAS, the planning commission was briefed on the NPDES update  
6 proposals on October 23, 2007, February 25, 2008, October 23, 2008, July 22, 2008,  
7 February 24, 2009, January 26, 2010, and February 23, 2010; and  
8

9 WHEREAS, the planning commission and county council were jointly briefed on  
10 the proposed stormwater regulations on July 23, 2009; and  
11

12 WHEREAS, the planning commission held a public hearing on the proposed  
13 stormwater regulations on March 23, 2010; and  
14

15 WHEREAS, the planning commission deliberated on the stormwater regulations  
16 on March 23, 2010, and a motion to recommend approval of the stormwater regulations  
17 failed; and  
18

19 WHEREAS, project briefing memos were frequently provided to the Snohomish  
20 County Council Planning and Community Development Committee, and this committee  
21 was formally briefed on the stormwater regulation update project between 2008 and  
22 2010, including September 22, 2007, January 22, March 25, April 14, June 24 and July  
23 22 in 2008, and January 29, February 10 and 24, March 27, May 12, and August 11 in  
24 2009; and  
25

26 WHEREAS, the Snohomish County Council Committee of the Whole was also  
27 briefed on June 9, 2008; and  
28

29 WHEREAS, the county council was briefed on the planning commission  
30 recommendation on May 10, 2010; and  
31

32 WHEREAS, the county council held a public hearing on the proposed  
33 stormwater regulations on June 9, 2010, to consider the entire record and hear public  
34 testimony on Ordinance No. 10-026; and  
35

36 WHEREAS, the county council considered all public testimony on the proposed  
37 stormwater regulations prior to deliberating on June 9, 2010.  
38  
39  
40  
41  
42  
43  
44  
45

1 NOW, THEREFORE, BE IT ORDAINED:

2  
3 Section 1. The foregoing recitals are incorporated by this reference as though  
4 set forth in full.

5  
6 Section 2. The Snohomish County Council makes the following findings of  
7 fact:

- 8  
9 A. The proposed drainage regulations in chapter 30.63A SCC establish drainage  
10 requirements for all of unincorporated Snohomish County, including areas  
11 discharged from MS4s, and will prevent and control pollution of waters of the  
12 State of Washington pursuant to special condition S4 of the NPDES Permit.  
13  
14 B. Applicants requesting land disturbing activity permits will be required to comply  
15 with the drainage regulations in new chapter 30.63A SCC (Amended Ordinance  
16 No. 10-026), the LID regulations in chapter 30.63C SCC (Ordinance No. 10-  
17 024), the Drainage Manual and the EDDS. Together, these regulations will  
18 control stormwater runoff from new development, redevelopment and  
19 construction activities including public and private development and roads. These  
20 regulations meet the minimum performance measures in special condition S5.a  
21 of the NPDES Permit.  
22  
23 C. The Drainage Manual and chapter 5 of the EDDS shall be used to comply with  
24 chapters 30.63A, 30.63B and 30.63C SCC, as applicable. The Drainage Manual  
25 will be updated to be equivalent to the 2005 Ecology Manual.  
26  
27 D. These regulations will regulate development to achieve the intended  
28 performance of the thresholds, minimum technical requirements, definitions and  
29 adjustment (modification) and variance (waiver) criteria for new development,  
30 redevelopment and construction sites pursuant to special condition  
31 S5.C.5.b.i of Appendix 1.  
32  
33 E. The Drainage Manual includes methods for achieving compliance with the  
34 stormwater requirements addressed in chapters 30.63A, 30.63B, 30.63C and  
35 7.53 SCC. The Drainage Manual includes the following volumes:  
36  
37 i. Volume I: Introduction and stormwater site plans;  
38 ii. Volume II: BMPs for short-term stormwater management at  
39 construction sites;  
40 iii. Volume III: Hydrologic analysis and BMPs to control flow volumes  
41 from developed sites;  
42 iv. Volume IV: BMPs to minimize pollution generated by potential  
43 pollution sources at developed sites; and  
44 v. Volume V: BMPs to treat runoff that contains sediment or other  
45 pollutants from developed sites.

RELATING TO REGULATION OF STORMWATER;  
REPEALING CHAPTER 30.63A SCC; ADOPTING A  
NEW CHAPTER 30.63A SCC; AND AMENDING AND  
REPEALING SECTIONS OF TITLE 30 SNOHOMISH  
COUNTY CODE (SCC)

- 1
- 2 F. Pursuant to NPDES Permit special condition S5.C.5.b.ii, chapter 30.63A SCC
- 3 regulates the stormwater management site planning process and the BMP
- 4 selection process and requires the use of BMP design criteria needed to meet
- 5 Appendix 1 requirements. Pursuant to chapter 90.48 RCW, the stormwater
- 6 management regulations will protect water quality, reduce the discharge of
- 7 pollutants to the maximum extent practicable, and require implementation of all
- 8 known, available and reasonable methods of prevention, control and treatment
- 9 (AKART) prior to discharge. The required site planning process incorporates LID
- 10 site planning techniques necessary to minimize land disturbing activity and runoff
- 11 impacts pursuant to NPDES Permit special condition S5.C.5.b.iii. Chapter
- 12 30.63A SCC invokes the use of BMPs and BMP site selection criteria in the
- 13 Drainage Manual necessary to implement the requirements of special condition
- 14 S5.C.5.b.ii of the NPDES Permit.
- 15
- 16 G. The NPDES Permit requires the County to implement on-site stormwater BMPs
- 17 to the maximum extent feasible. These BMPs, contained in Volumes III and V of
- 18 the Drainage Manual, include infiltration and dispersion systems that must be
- 19 installed on each lot in residential development projects and an amended soil LID
- 20 BMP that must be implemented in all developments. The technical requirements
- 21 and methods of determining feasibility are described in the Drainage Manual.
- 22
- 23 H. The 2009 modifications to the NPDES permit require the County to allow LID
- 24 techniques. To this end, Appendix I-A of Volume I of the Drainage Manual
- 25 contains a list of LID BMPs that the County has determined meet the description
- 26 of LID. The list includes the on-site stormwater management LID BMPs. All of the
- 27 LID BMPs on the list can be designed and constructed without the need for a
- 28 code modification or waiver. This list of LID BMPs serves as a basis for
- 29 determining whether a project that is "required or designed to use LID BMPs to
- 30 meet the requirements of chapters 30.63A and 30.63C SCC" has incorporated
- 31 LID BMPs in its stormwater design. Two LID BMPs pertaining to pin piles and
- 32 green roofs are optional.
- 33
- 34 I. Proposed SCC 30.23.110(21) pertaining to special setbacks for stormwater
- 35 facilities would require that buildings be set back an unobstructed 15 feet from
- 36 the top of the bank of an open constructed channel, or open detention or
- 37 retention ponds, and 10 feet from the nearest edge of a closed drainage facility.
- 38 Drainage facilities which impose a structural setback on adjacent properties
- 39 pursuant to SCC 30.23.110(21)(a) or (b) shall secure an easement or agreement
- 40 from the affected adjacent property owner(s). These requirements are necessary
- 41 to protect the drainage facilities and to ensure that facility maintenance is
- 42 possible.
- 43
- 44 J. Existing SCC 30.23A.080 is proposed to be amended to clarify which drainage
- 45 facility areas may be counted toward an on-site recreation open space area.

Unnecessary provisions specifying development standards for such facilities are deleted because drainage facility development standards are contained in chapter 30.63A SCC, the Drainage Manual and EDDS.

- K. Existing SCC 30.25.015 is proposed to be amended to provide consistency between the landscaping and clearing plan requirements in chapters 30.25 and 30.63B SCC and to clarify that tree planting standards are contained in the EDDS.
- L. Existing SCC 30.25.023 pertaining to stormwater detention facility landscaping is proposed to be amended to clarify terms and ensure consistency with the land disturbing activity regulations proposed in Amended Ordinance No. 10-023, the proposed regulations in chapter 30.63A SCC, the Drainage Manual and the NPDES Permit.
- M. Multiple amendments are proposed in title 30 SCC to substitute the term "grading" with "land disturbing activity," update terms or code citations or correct legislative drafting errors.
- N. Existing SCC 30.32B.135 is repealed because the right to farm exemptions are incorporated into the drainage exemptions proposed in SCC 30.63A.200 and the land disturbing activity exemptions proposed in SCC 30.63B.070 (see Amended Ordinance No. 10-023).
- O. Existing SCC 30.41C.090 is proposed to be amended to clarify the list of drainage facilities that may be permitted in restricted open space subject to the landscaping requirements in chapter 30.25 SCC. Terms are also updated for consistency with those used in proposed chapter 30.63A SCC.
- P. Existing SCC 30.42B.115 pertaining to design criteria for open space is proposed to be amended for consistency with proposed chapter 30.63A. The list of drainage facilities that may not be allowed in open space areas is clarified.
- Q. Proposed SCC 30.61.122 is added to chapter 30.61 SCC to provide clarity regarding projects that have stormwater management designs that comply with certain chapters of title 30 SCC during State Environmental Policy Act (SEPA) review. The provision provides clarity on the application of mitigation requirements during SEPA review.
- R. Existing Rule 3044 - Construction Stormwater Pollution Prevention Plans, adopted by PDS on June 29, 2006, will be repealed because its provisions are contained in chapter 30.63A SCC and the Drainage Manual. Infiltration standards addressed in Rule 3044 are now addressed in proposed SCC 30.63A.475 and the Drainage Manual.

RELATING TO REGULATION OF STORMWATER;  
REPEALING CHAPTER 30.63A SCC; ADOPTING A  
NEW CHAPTER 30.63A SCC; AND AMENDING AND  
REPEALING SECTIONS OF TITLE 30 SNOHOMISH  
COUNTY CODE (SCC)



1  
2 S. Existing chapter 30.63A (Drainage) SCC is proposed to be repealed to allow a  
3 re-organization of the chapter in alignment with the requirements of Appendix 1  
4 of the NPDES Permit, to improve its usability and to provide clarity on permit  
5 review, inspection and other administrative processes.  
6

7 T. A new chapter 30.36A SCC (Drainage) is adopted to comply with the  
8 organization of the minimum requirements in Appendix 1. The new chapter is  
9 organized as follows:

10			
11	Part	000	General
12	Part	100	Stormwater Regulations, Manuals and Design
13			Standards
14	Part	200	Exemptions
15	Part	300	New Development and Redevelopment Thresholds
16	Parts	400 - 600	Minimum Requirements
17	Part	700	Additional Requirements
18	Part	800	Submittal, Review, Inspection and Acceptance
19			Process
20	Part	900	Performance Securities and Insurance
21			

22 U. The applicability and purpose provisions in existing SCC 30.63A.010 are  
23 separated in the new chapter to provide clarity. Proposed SCC 30.63A.010  
24 establishes the purposes and objectives of the drainage regulations in  
25 compliance with the NPDES Permit. Proposed SCC 30.63A.020 specifies that  
26 chapter 30.63A SCC applies to all new development and redevelopment in the  
27 unincorporated county, unless otherwise exempted. The applicability provision  
28 will allow the county to administer the NPDES Permit in a manner that is  
29 predictable and equitable, while providing equal environmental protection. The  
30 application of the drainage regulations to all properties, not just those that drain  
31 to an MS4, is consistent with current applicability provisions.  
32

33 V. Proposed SCC 30.63A.110 updates provisions in the existing SCC 30.63A.040 to  
34 establish DPW's authority to adopt the Drainage Manual by rule. It also requires  
35 the use of the BMPs in the Drainage Manual when they are required to  
36 implement chapter 30.63A SCC. These updates are necessary to comply with  
37 various NPDES Permit requirements to adopt and use BMPs in the 2005 Ecology  
38 Manual or an equivalent thereto, and the requirement to adopt enforceable  
39 regulations specified in special condition S5.C.5.b.i. Adoption of the Drainage  
40 Manual by rule provides enforceable stormwater standards. Under existing SCC  
41 30.82.060, a rule issued in accordance with chapter 30.82 SCC has the same  
42 effect and shall be enforceable as a provision of title 30 SCC.  
43  
44  
45

- 1 W. Proposed SCC 30.63A.120 updates existing SCC 30.63A.040(7) to clarify the  
2 authority of DPW to adopt chapter 5 of the EDDS as a rule. The proposed  
3 provisions address the use of the EDDS in implementing chapters 30.63A,  
4 30.63B and 30.63C SCC. Adoption of the EDDS by rule provides enforceable  
5 stormwater standards.  
6
- 7 X. Proposed SCC 30.63A.140 allows BMPs from the *Washington State Department*  
8 *of Transportation Highway Runoff Manual* to be used in road construction  
9 projects to meet certain requirements of the stormwater management  
10 regulations. Although this manual is deemed equivalent to the 2005 Ecology  
11 Manual by Ecology, Ecology will only allow its use on road construction projects.  
12
- 13 Y. Proposed SCC 30.63A.150 and 30.63A.160 contain new provisions necessary to  
14 clarify the regulatory structure of the county's stormwater regulations as needed  
15 to implement the NPDES Permit. These provisions describe the hierarchy of the  
16 county's stormwater management regulations, standards and definitions. A  
17 hierarchy of use for chapters 30.63.A, 30.63B and 30.63C SCC, the Drainage  
18 Manual and EDDS is established to address situations in which a conflict  
19 between documents may occur. This provision is needed to address special  
20 condition S5.C.5.b.i of the NPDES Permit that requires the County to adopt  
21 enforceable regulations under NPDES Permit.  
22
- 23 Z. Proposed SCC 30.63A.170 establishes the applicability of the modification and  
24 waiver criteria and processes contained in proposed SCC 30.63A.830 through  
25 30.63A.842. Under the NPDES Permit, the modification and waiver of provisions  
26 contained in chapters 30.63A, 30.63B and 30.63C SCC and standards contained  
27 in the Drainage Manual and EDDS must comply with the requirements of  
28 sections 5 and 6 of NPDES Permit Appendix 1 (Adjustment and  
29 Exceptions/Variations). The Snohomish County Code uses the terms  
30 "modifications" and "waivers" while the NPDES Permit uses the terms  
31 "adjustments" and "exceptions/variances."  
32
- 33 AA. Proposed SCC 30.63A.200 establishes exemptions from drainage review and the  
34 drainage standards required in chapter 30.63A SCC. The existing drainage  
35 exemptions previously in SCC 30.63A.020 have been substantively amended for  
36 NPDES Permit compliance. The new exemptions are re-organized and have  
37 been updated to provide protection equal to the exemptions permitted under  
38 section 1 of Appendix 1. Compliance with chapter 30.63A SCC drainage  
39 requirements is required for all projects that require a land disturbing activity  
40 permit under chapter 30.63B SCC (Amended Ordinance No.10-023).  
41
- 42 The drainage exemptions in proposed SCC 30.63A.200 clarify the applicable  
43 critical area, buffer and/or setback terms consistent with regulations adopted on  
44 August 1, 2007. Critical area references are more explicit in SCC 30.63A.200 to

1 ensure the applicability of the exemptions to specific critical areas and their  
2 setbacks or buffers. For example, an exemption may apply if the activity is  
3 located outside of critical areas, except for floodplains and aquifer recharge  
4 areas with low to moderate sensitivity to groundwater contamination. Pursuant to  
5 section 1 of Appendix 1, three new exemptions are established for forest  
6 practices (except for Class IV general forest practice conversions from  
7 timberland to other uses), oil and gas facilities and road maintenance practices.  
8

9 BB. General exemptions for agricultural activities are updated in SCC 30.63A.200(8).

10  
11 CC. The incorporation of the right to farm exemptions in SCC 30.63A.200(9) is  
12 consistent with current practice established by the Department of Planning and  
13 Development Services (PDS) in conjunction with the Federal Emergency  
14 Management Agency and Ecology. These agencies determined that floodplain  
15 permits were not required for certain *de minimus* agricultural activities that would  
16 trigger the application of drainage and grading code requirements. PDS, FEMA  
17 and Ecology agreed that *de minimus* agricultural activities are those that do not  
18 alter contours and may include tilling, plowing, harvesting, incorporating soil  
19 amendments into the agricultural fields and ditch digging if the originally  
20 constructed ditch configuration is not altered and spoils are removed from the  
21 site or tilled into fields as a soil amendment. Exempt activities in the right to farm  
22 provisions also include farm road construction or maintenance that would not  
23 alter contours, use culverts and result in a farm road that is more than 6 inches  
24 above grade.  
25

26 In determining equivalency with the exemptions allowed under section 1 of  
27 Appendix 1, Ecology and the County determined that the right to farm  
28 exemptions rarely result in projects that provide a conveyance to a MS4. Only  
29 conveyances to the county's MS4s regulated by the NPDES Permit. In addition,  
30 Ecology and the County determined that designated agricultural land is typically  
31 flat, consisting of advance outwash soils as shown on the County's Aquifer  
32 Recharge/Wellhead Protection Map. Water directly infiltrates on these soils. Run-  
33 off does not generally occur from creation of minor agricultural roads under the  
34 required specifications. Even when graveled, minor agricultural roads tend to  
35 generate less than the minimum threshold of 0.10 cubic feet per second used to  
36 determine drainage impacts. Lastly, Ecology and the Natural Resource  
37 Conservation Services also regulate stormwater management on farms. Farm  
38 plans address drainage issues. The use of the right to farm exemption is limited  
39 because it is restricted to use only when another permit, except for a special  
40 flood hazard permit, is not required.  
41

42 The right to farm exemptions are updated to include references to all wetland  
43 categories addressed in chapters 30.62 and 30.62A SCC for consistency with the  
44 county's critical area regulations effective October 1, 2007. Different versions of  
45 wetland categories are cited in chapters 30.62 and 30.62A SCC because the

Legislature passed SSB 5248 (Chapter 353, Laws of 2007), which prohibited the county from amending its existing critical area regulations in chapter 30.62 SCC, because these regulations applied to agricultural activities (as defined in the legislation). The legislation applies only to agricultural activities in the rural areas and in agricultural resource land areas, and is in effect until July 1, 2010. The county retained its existing chapter 30.62 SCC to apply to agricultural activities in rural and agricultural resource land areas. The county applies the wetland provisions in chapter 30.62A SCC to agricultural activities in other areas, and to all other development activities county-wide. The right to farm exemption was updated to include the correct wetland categories for both chapters 30.62 and 30.62A SCC.

The use of the right to farm exemption provides equal to or similar standards as those in Appendix 1 and reasonable methods of prevention, control and treatment to prevent and control pollution to receiving waters. The agricultural exemptions including the right to farm exemptions were deemed approvable by Ecology due to their *de minimus* nature. Implementation of the right to farm exemption will achieve the intent of the NPDES standards.

DD. NPDES Permit special condition S5.C.5.b.i establishes minimum performance standards to be included in the county's stormwater management program. Under this condition, the minimum requirements, thresholds and definitions determined by Ecology to be equivalent to Appendix 1 of the NPDES Permit for new development, redevelopment and construction sites must be included in ordinances or other enforceable documents adopted by the county. The exemptions contained in proposed 30.63A.200 have been determined by Ecology staff to be equivalent to Appendix 1 of the NPDES Permit. These exemptions, as described in findings AA through CC above, will provide equal or similar protection of receiving waters and equal to or similar levels of pollutant control as compared to Appendix 1.

EE. Proposed SCC 30.63A.220 clarifies that projects performed by county departments are exempt from the bonding, covenant securities and insurance requirements in chapter 30.63A SCC. This clarification is needed to ensure that county practice is consistent with the drainage requirements. This provision updates existing SCC 30.63A.020(7).

FF. Proposed part 300 establishes thresholds for the application of the drainage requirements for new development and redevelopment. Proposed SCC 30.63A.300 establishes thresholds for the application of the drainage requirements to new development. Proposed SCC 30.63A.310 establishes drainage review thresholds and requirements for redevelopment sites (those that have 35% existing impervious surface coverage to which new impervious surface will be added) to comply with section 3.3 of Appendix 1. Existing SCC 30.63A.230 currently establishes thresholds for redevelopment.

- 1 GG. The existing drainage review thresholds for new development are in SCC  
2 30.63A.100 through SCC 30.63A.120. Under proposed SCC 30.63A.300, the  
3 threshold for projects that result in or add new, replaced or new, plus replaced  
4 impervious surfaces is changed from 200 square feet to 2,000 square feet (the  
5 1992 Ecology Manual threshold was 5,000 square feet). The new threshold is  
6 compliant with the NPDES Permit and allows the county to implement provisions  
7 equivalent to the small project criteria in the 2005 Ecology Manual. The  
8 threshold provides administrative efficiencies for the development community  
9 because it is more consistent with the thresholds established by other Phase 1  
10 communities in the Puget Sound region  
11
- 12 HH. Proposed parts 400 – 600 (SCC 30.63A.400 through SCC 30.63A.605) establish  
13 regulations to comply with the minimum requirements in section 4 of Appendix 1.  
14
- 15 II. Proposed SCC 30.63A.400 through 30.63A.440 establish stormwater site  
16 planning requirements that comply with minimum requirement 1 in section 4.1 of  
17 Appendix 1 and special condition S5.C.5.b.ii of the NPDES Permit. These  
18 provisions comply with the site planning requirements in volume 1 of the 2005  
19 Ecology Manual. The site planning requirements have been placed in the  
20 regulations to make sure these important site planning requirements are not  
21 overlooked in project design.  
22
- 23 JJ. Pursuant to section 4.2 of Appendix 1, proposed SCC 30.63A.445 through  
24 30.63A.510 establish requirements for stormwater pollution prevention plans  
25 (SWPPPs) consistent with minimum requirement 2 and section 4.2 of Appendix  
26 1.  
27
- 28 KK. In SCC 30.63A.510, SWPPP element 12 contains requirements for a certified  
29 erosion and sediment control lead (CESCL) to manage the project site  
30 consistent with the NPDES Permit and special condition 4.2 of Appendix 1.  
31
- 32 LL. Proposed SCC 30.63A.515 establishes water pollution source control  
33 requirements for major development or redevelopment activities to comply with  
34 minimum requirement 3 and section 4.3 of Appendix 1. The provision establishes  
35 certain facilities and land uses that must include source control BMPs in their  
36 construction plans. The county adopted revisions to volume IV of the Drainage  
37 Manual to be equivalent to the 2005 Ecology Manual in December 2008 to  
38 implement chapter 7.53 SCC. Additional revisions to volume IV of the Drainage  
39 Manual will be proposed to become effective on September 30, 2010, with the  
40 updated stormwater regulations in this ordinance. Chapter 5 of volume IV of the  
41 Drainage Manual contains the structural source control requirements in proposed  
42 SCC 30.63A.515.  
43  
44  
45

1 MM. Proposed SCC 30.63A.520 regulates the preservation of natural drainage  
2 systems or outfalls for all new development and redevelopment activities to  
3 comply with minimum requirement 4 and section 4.4 of Appendix 1 of the NPDES  
4 Permit and the 2005 Ecology Manual. SCC 30.63A.520 refers a project applicant  
5 to proposed SCC 30.63A.420 that specifies the methods by which an applicant  
6 will assess project impacts. SCC 30.63A.520 and 30.63A.420 work together to  
7 require that a project not cause a significant adverse impact to downstream  
8 receiving waters or down gradient properties. SCC 30.63A.420 requires  
9 assessment of potential impacts for the entire flow path from the project site to  
10 the nearest receiving water or up to one mile, whichever is less. Existing SCC  
11 30.63A.200(2)(b) requires an applicant to perform a downstream analysis for at  
12 least one-quarter mile downstream of a subject property.  
13

14 NN. Proposed SCC 30.63A.525 complies with minimum requirement 5 and section  
15 4.5 of Appendix 1 to regulate on-site management. Appendix 1 requires the  
16 County to implement on-site stormwater BMPs to the maximum extent  
17 feasible. These BMPs are contained in Volumes III and V of the Drainage  
18 Manual. They include infiltration and dispersion systems that must be installed on  
19 each lot in residential development projects and an amended soil BMP that must  
20 be implemented in all developments. The technical requirements and methods of  
21 determining feasibility are described in volumes I, III and V the Drainage Manual.  
22 The requirements only apply to residential properties; however, chapter 3 of  
23 volume III, of the 2005 Ecology Manual requires that on-site dispersion and  
24 infiltration BMPs "should be applied to individual commercial lot developments  
25 when the percent impervious area and pollutant characteristics are comparable  
26 to those from residential lots." Ecology did not establish criteria for such pollutant  
27 characteristics. Therefore, the county cannot make this determination. Ecology  
28 has deemed the county's on-site management regulations and standards  
29 approvable.  
30

31 OO. Proposed SCC 30.63A.530 regulates runoff treatment thresholds consistent with  
32 minimum requirement 6 and section 4.6 of Appendix 1 and the 2005 Ecology  
33 Manual. Existing SCC 30.63A.210(4)(b) requires stormwater treatment in  
34 accordance with the 1992 Ecology Manual. The 2005 Ecology Manual contains  
35 more specific selection criteria for runoff treatment BMPs based on the BMPs'  
36 ability to remove specific pollutants, including oils, phosphorous and metals. The  
37 1992 Manual did not contain BMP selection criteria for removal of metals. SCC  
38 30.63A.530 requires phosphorus control BMPs for discharges from new  
39 development or redevelopment to water bodies reported under section 305(b) of  
40 the Clean Water Act or those listed in Washington State's 319(a) Nonpoint Source  
41 Assessment.  
42

43 Proposed SCC 30.63A.530(4) establishes new provisions pursuant to section 4.6  
44 of Appendix 1 pertaining to enhanced treatment. The requirement for such

1 treatment is related to average daily traffic thresholds and the relationship to  
2 streams identified in the Strahler Stream Order. Enhanced treatment for reduction  
3 of dissolved metals is required outside of urban growth areas (UGAs) for roads  
4 with an Average Daily Traffic (ADT) count of 15,000 or greater unless discharging  
5 to a 4<sup>th</sup> Strahler order stream. ADT is the volume of traffic passing a point on a  
6 highway in both directions during an average day of the year (or design year). ADT  
7 counts must be estimated using *Trip Generation*, published by the Institute of  
8 Transportation Engineers, or using a traffic study prepared by a professional  
9 engineer or transportation specialist with expertise in traffic volume estimation.

10  
11 Strahler's stream ordering system (1957) is a well-known classification based on  
12 stream/tributary relationships. The uppermost channels in a drainage network (i.e.,  
13 headwater channels with no upstream tributaries) are designated as first-order  
14 streams down to their first confluence. A second-order stream is formed below the  
15 confluence of two first-order channels. Third-order streams are created when two  
16 second-order channels join, and so on. Within a given drainage basin, stream  
17 order correlates well with other basin parameters, such as drainage area or  
18 channel length. Consequently, knowing what order a stream is can provide clues  
19 concerning other characteristics such as which longitudinal zone it resides in and  
20 relative channel size and depth.

21  
22 A map of Snohomish County roads meeting the ADT criteria on the 4<sup>th</sup> order  
23 Strahler stream data and Strahler classifications using the appropriate scale, per  
24 Appendix 1 is provided in the staff report. It depicts areas where enhanced  
25 treatment for roads outside of UGAs shall be used. Those roads are located at SR  
26 532 at Church Creek, Interstate 5 at Pilchuck Creek, Marine Drive NE at Quilceda  
27 Creek, Interstate 5 at Quilceda Creek, US 2 at French Creek, Maltby Road at Little  
28 Bear Creek, SR 527 at Silver Creek, and 208<sup>th</sup> Street SE at North Creek.

29  
30 Proposed SCC 30.63A.530 regulates discharge areas for runoff treatment to  
31 comply with minimum requirement 6 and section 4.6 of Appendix 1. Figure SCC  
32 30.63A.650 Threshold Discharge Areas is established to comply with this section  
33 of Appendix 1.

- 34  
35 PP. Proposed SCC 30.63A.535 addresses minimum requirement 6 relating to  
36 treatment facility or BMP selection, design and maintenance. Previously in SCC  
37 30.63A.210(4)(b); these provisions and design criteria are amended to be  
38 consistent with section 4.6 of Appendix 1. The provisions are made more  
39 restrictive. They establish the type of BMPs that must be applied under the  
40 NPDES Permit. New standards for sizing wet pool facilities are included based  
41 on volume III, chapter 2 of the Drainage Manual. Item SCC 30.63A.535(3)  
42 establishes new maintenance requirements for treatment facilities.

- 1  
2 QQ. Proposed SCC 30.63A.540 establishes water quality design flow rates pursuant  
3 to minimum requirement 6 and section 4.6 of Appendix 1. This provision was  
4 previously in SCC 30.63A.750.210(10)(4)(b). The standards remain substantively  
5 the same; however, the section is edited to be consistent with the requirements  
6 of section 4.6 of Appendix 1.
- 7 RR. Proposed SCC 30.63A.545 regulates stormwater discharge from pollution-  
8 generating impervious surfaces pursuant to minimum requirement 6 and section  
9 4.6 of Appendix 1.
- 10  
11 SS. Proposed SCC 30.63A.550 establishes flow control requirements for major  
12 development or redevelopment activities pursuant to minimum requirement 7 and  
13 section 4.7 of Appendix 1. This section is also updated to correct critical area  
14 citations and stream typing systems for consistency with chapters 30.62 and  
15 30.62A SCC.
- 16  
17 TT. Proposed SCC 30.63A.555 establishes flow control thresholds that comply with  
18 minimum requirement 7 and section 4.7 of Appendix 1. Existing SCC  
19 30.63A.210(1)(c) regulates flow control for major development. Pursuant to  
20 Appendix 1 and Volume 1 of the 2005 Ecology Manual, the flow control  
21 requirements are subject to a new methodology. The 2005 Ecology Manual  
22 requires the use of a continuous runoff model. Previously, the threshold for flow  
23 control requirements was triggered at 5,000 square feet of impervious area. The  
24 2005 Ecology Manual threshold is triggered at 10,000 square feet of effective  
25 impervious area. With the increased threshold, the minimum flow control  
26 threshold of 0.1 cubic feet per second (cfs) remains the same. There is no  
27 change in practice or outcome with the use of the continuous runoff model and  
28 the new flow control threshold. SCC Table 30.63A.555 establishes threshold  
29 discharge area flow control requirements pursuant to section 4.6 of Appendix 1.  
30 These code requirements were previously in SCC 30.63A.210(1)(b)(i).
- 31  
32 UU. SCC 30.63A.560 is a new provision added to chapter 30.63A SCC relating to  
33 minimum requirement 7. The proposed provision regulates flow control design in  
34 parking lots and is not required by the 2005 Ecology Manual or the NPDES  
35 Permit. The proposed requirement codifies PDS's current practice for regulating  
36 flow control in parking lots. PDS requires that ponding in parking lots be limited  
37 to 0.5-foot elevations at the curb line and does not allow ponding in the  
38 emergency lane or drive lane during a 100-year event.
- 39  
40 VV. Proposed SCC 30.63A.570 establishes new requirements for the use of  
41 detention or treatment in wetlands or wetland buffers. The proposal strengthens  
42 wetland protections in existing SCC 30.63A.240 to comply with minimum  
43 requirement 8 and section 4.8 of Appendix 1 of the NPDES Permit. These  
44 amendments pertain to stormwater management and are not adopted as critical  
45 area regulations. However, critical area code citations are corrected in proposed



1 SCC 30.63A.570 and the wetland categories previously found in SCC  
2 30.63A.240(3) are updated for consistency with chapters 30.62 and 30.62A SCC.  
3 Proposed SCC 30.63A.570 is updated to include an introduction pertaining to  
4 compliance with minimum requirement 8, new thresholds relating to runoff  
5 treatment and flow control for discharges in wetlands, and requirements for  
6 additional hydrologic analysis for discharges to a wetland pursuant to section 4.8  
7 of Appendix 1. Appendix 1 requires that the thresholds required for compliance  
8 with minimum requirement 6 (runoff treatment) and minimum requirement 7 (flow  
9 control) be applied to discharges to wetlands. Additional requirements from  
10 Appendix 1 are incorporated into proposed SCC 30.63A.570 that specify when  
11 wetlands can be considered for hydrologic modification or treatment in  
12 accordance with the 2005 Ecology Manual.  
13

14 WW. Through agreements with Ecology, the hydroperiod monitoring requirements  
15 specified in the 2005 Ecology Manual that require monitoring for a year to  
16 establish existing condition will be amended in the proposed Drainage Manual.  
17 Under Appendix 1-D (Wetlands and Stormwater Management) of the proposed  
18 Drainage Manual, monitoring of wetland water surface elevation will be required  
19 at least 8 times during the wet season prior to development to establish  
20 the existing condition. This modification of the 2005 Ecology Manual is needed to  
21 allow for a reasonable monitoring methodology. This time-frame was considered  
22 approvable upon review by Ecology.  
23

24 XX. Chapter 5 of the county's adopted Revised Draft Summary of Best Available  
25 Science for Critical Areas (BAS) adopted in Ordinance No. 06-061, effective  
26 October 1, 2007, supports protection for a wetland's hydroperiod as pivotal to  
27 protecting a wetland's existing functions and values. The quantity of water in the  
28 landscape is a critical factor in controlling how wetlands function. Many human  
29 land uses change the amount of water flowing into and out of wetlands, thereby  
30 creating a disturbance that affects the performance of functions in wetlands.  
31 Chapter 5 of the county's BAS adopts *Wetlands in Washington State - Volume 1:  
32 A Synthesis of the Science*. Chapter 2 of Volume 1 concludes that the frequency,  
33 timing, and duration of water in the landscape determine the presence of a  
34 wetland and the functions that it provides.

35 Appendix 1-D (Wetlands and Stormwater Management) of the Drainage Manual  
36 is updated to improve clarity and provide better protection for wetland habitat  
37 functions. This is supported by the county's adopted BAS (volume 1, pages 4-12  
38 through 4-25) which clearly indicates that wetland habitat functions are more  
39 sensitive to alterations in hydroperiod relative to functions related to water quality  
40 and quantity. The update addresses all wetland categories (Category III wetlands  
41 were not addressed in the 2005 Ecology Manual) and clearly lays out conditions  
42 for when wetlands can be used for stormwater retention or detention and when  
43 they should not be used. Wetlands with high levels of habitat functions are  
44 disqualified from being used for stormwater detention or retention. Only wetlands  
45 that primarily perform water quality and quantity functions may be considered for

RELATING TO REGULATION OF STORMWATER;  
REPEALING CHAPTER 30.63A SCC; ADOPTING A  
NEW CHAPTER 30.63A SCC; AND AMENDING AND  
REPEALING SECTIONS OF TITLE 30 SNOHOMISH  
COUNTY CODE (SCC)

1 this use because potential alterations in hydroperiod are less disruptive to these  
2 wetlands' functions. In addition, alterations to hydroperiod may actually improve  
3 overall function of some low scoring wetlands.

4 YY. Proposed SCC 30.63A.575 will ensure compliance with minimum requirement 9  
5 and section 4.9 of Appendix 1 by regulating the inspection, operation and  
6 maintenance of drainage facilities. The updated inspection and maintenance  
7 requirements are consistent with the requirements of section 4.9 of Appendix 1  
8 and are necessary to ensure that property owners comply with their  
9 responsibilities and that the county can comply with NPDES Permit requirements  
10 to inspect drainage facilities and to implement programs to ensure future  
11 functionality. Previously, SCC 30.63A.300 regulated maintenance  
12 responsibilities.

13 ZZ. Proposed SCC 30.63A.580 provides regulations for interim maintenance  
14 responsibilities for drainage facilities developed in county rights-of-ways. It is  
15 needed to ensure compliance with minimum requirement 9 and section 4.9 of  
16 Appendix 1 of the NPDES Permit. The updated provisions, currently addressed  
17 in SCC 30.63A.320, are clarified to apply to the property owner, not the owner  
18 and applicant to ensure that they are appropriately applied.

19  
20 AAA. Proposed SCC 30.63A.585 provides additional regulations for operations and  
21 maintenance of drainage facilities necessary to ensure compliance with minimum  
22 requirement 9 and section 4.9 of Appendix 1. The regulations provide for the  
23 release of the owner and applicant, not just owner, from maintenance  
24 responsibilities. The provision is addressed in existing SCC 30.63A.320.

25  
26 BBB. Proposed SCC 30.63A.590 provides regulations for easements granted to the  
27 county necessary to comply with minimum requirement 9 and section 4.9 of  
28 Appendix 1. These provisions are addressed in existing SCC 30.63A.330. SCC  
29 30.63A.590(2) is updated to clarify that all easements granted to the county  
30 under this section shall include access rights from an opened public right-of-way.  
31 SCC 30.63A.590(3) allows the PDS director, instead of DPW, to increase  
32 required easement widths during plan review. In addition, SCC 30.63A.590(4)  
33 allows DPW to modify existing easement widths. Other minor clarifications are  
34 included in this section. The provisions ensure that the county will be able to  
35 efficiently comply with its inspection, monitoring and reporting requirements  
36 under the NPDES Permit.

37  
38 CCC. Proposed SCC 30.63A.595 regulates private easements pursuant to minimum  
39 requirement 9 and section 4.9 of Appendix 1. These new provisions specify  
40 owner and applicant responsibilities for providing easements for drainage  
41 facilities, stormwater facilities and other stormwater BMPs proposed over and  
42 across private properties that are regulated by the county. The new provisions  
43 clarify confusing requirements in SCC 30.63A.340 to make it clear that the  
44 provisions apply to drainage facilities located on contiguous private properties.

- 1 SCC 30.63A.595 requires private drainage easements to be 10 feet in width. This  
2 requirement is consistent with PDS's current practice for easements in  
3 subdivisions. This code section also requires that an applicant record private  
4 drainage easements after internal review and prior to drainage plan approval.  
5 SCC 30.63A.595 will allow the county to properly inspect and maintain drainage  
6 facilities as required by the NPDES Permit.
- 7 DDD. Proposed SCC 30.63A.605 requires separate tracts and easements for detention  
8 facilities pursuant to minimum requirement 9 and section 4.9 of Appendix 1.  
9 Existing SCC 30.63A.360 addresses separate tracts for detention facilities. The  
10 updates codify PDS's existing practice of requiring easements in short plats, and  
11 extend this requirement to private property and projects that do not utilize tracts.  
12 The provisions will ensure that the county has access to drainage facilities and  
13 can fulfill its inspection, maintenance and reporting requirements under the  
14 NPDES Permit.
- 15
- 16 EEE. The maintenance covenant regulations in existing SCC 30.63A.350 are not  
17 carried forward in chapter 30.63A SCC because they are addressed in proposed  
18 SCC 30.63A.590 through 30.63A.605.
- 19
- 20 FFF. Proposed SCC 30.63A.700 establishes minimum requirements for road  
21 redevelopments to comply with section 3.4 of Appendix 1.
- 22
- 23 GGG. Proposed SCC 30.63A.730 establishes provisions relating to conveyance  
24 systems. For code consistency, a new requirement is established in SCC  
25 30.63A.730(2) to provide that conveyance systems in fish-bearing waters be  
26 designed in accordance with critical area regulations, as applicable. Conveyance  
27 regulations are addressed in existing SCC 30.63A.200(2). The proposed  
28 regulations are not required for compliance with the 2005 Ecology Manual;  
29 however, they protect the public safety, welfare and environment.
- 30
- 31 HHH. Proposed SCC 30.63A.740 establishes drainage plan conveyance system and  
32 stub out requirements for major development and redevelopment activities. The  
33 requirements in existing SCC 30.63A.210(3) are clarified. A current business  
34 practice requiring that the size of an access be based upon the hydrologic  
35 analysis of the upstream basin is provided in SCC 30.63A.740(2). These  
36 regulations are not required for compliance with the NPDES Permit.
- 37
- 38 III. Proposed SCC 30.63A.750 will replace existing SCC 30.63A.225 relating to  
39 tightline systems required in Lake Stevens UGA. Proposed SCC 30.63A.750  
40 clarifies that tightline systems are required when the pipe discharges into natural  
41 drainage courses that have a high potential for scour or sediment transport. This  
42 provides clarification of what the term "erosion" was intended to encompass. This  
43 requirement is not required for compliance with the 2005 Ecology Manual;  
44 however, it will protect the public safety, welfare and environment.
- 45

- 1 JJJ. Part 800 of proposed chapter 30.63A SCC contains submittal, review, inspection  
2 and acceptance processes. The procedural portions of these regulations are  
3 primarily established at the discretion of the county. However the submittal  
4 review, inspection and acceptance processes are established to allow the county  
5 to meet the minimum requirements of Appendix 1 and inspection and tracking  
6 requirements under the NPDES Permit.
- 7 KKK. Proposed SCC 30.63A.805 through SCC 30.63A.825 establish regulations for  
8 the submittal of targeted and full stormwater site plan, phased submittals,  
9 stormwater pollution prevention plans for small projects and plan revisions based  
10 on the thresholds and minimum requirements established in sections 3 and 4 of  
11 Appendix 1 of the NPDES Permit. Small project review is a discretionary  
12 process allowed under the 2005 Ecology Manual. Appendix 1-F of volume I of  
13 the proposed Drainage Manual provides the submittal requirements needed to  
14 meet the requirements in SCC 30.63A.810.
- 15
- 16 LLL. Proposed SCC 30.63A.830, 30.63A.840 and 30.63A.170 regulate modifications  
17 and waivers of chapters 30.63A, 30.63B and 30.63C SCC, the Drainage Manual  
18 and chapter 5 of the EDDS. Existing SCC 30.63A.250 regulates modifications  
19 and waivers of chapter 30.63A SCC. Pursuant to section 6 of Appendix 1, new  
20 code sections, criteria and administrative processes are established for waivers  
21 and modifications of the stormwater management regulations and submittal  
22 checklist items. Appendix 1 requirements pertaining to public notice and appeal  
23 processes for waiver decisions are incorporated in proposed SCC 30.63A.840 as  
24 a Type 1 permit request. The modification and waiver processes and decision-  
25 making criteria comply with the requirements of Sections 5 and 6 of Appendix 1  
26 of the NPDES Permit (Adjustment and Exceptions/Variances). In the proposed  
27 stormwater regulations, NPDES Permit "adjustments" are "modifications" and  
28 NPDES Permit "exception/variances" are "waivers."
- 29
- 30 MMM. Proposed SCC 30.63A.835 and SCC 30.63A.842 establish procedures for  
31 reconsideration of a modification or waiver decision. These new procedures are  
32 necessary to provide applicants with an efficient and timely process to have  
33 technical decisions reviewed when the reconsideration criteria are met. The  
34 reconsideration processes established in SCC 30.63A.835 and SCC 30.63A.842  
35 are not required by the NPDES Permit.
- 36
- 37 NNN. Proposed SCC 30.63A.845 establishes the authority for the county to apply more  
38 stringent standards or requirements or to impose mitigation for a specific project  
39 when necessary to protect the public health, safety and welfare. In order to  
40 improve permitting procedures and make decision-making more transparent,  
41 circumstances under which more stringent drainage standards, specifications or  
42 requirements may be required to mitigate significant adverse impacts resulting  
43 from new development or redevelopment are identified in SCC 30.63A.845. A  
44 decision-making procedure and provisions requiring documentation of the  
45 director's determination are also established.

RELATING TO REGULATION OF STORMWATER;  
REPEALING CHAPTER 30.63A SCC; ADOPTING A  
NEW CHAPTER 30.63A SCC; AND AMENDING AND  
REPEALING SECTIONS OF TITLE 30 SNOHOMISH  
COUNTY CODE (SCC)

- 1  
2 OOO. Proposed SCC 30.63A.855 establishes requirements for the replacement of  
3 individuals reviewing or inspecting work and adds the Certified Erosion and  
4 Sediment Control Lead (CESCL) to the list of entities that the applicant or owner  
5 must notify the county of when replaced on the project. The proposal updates  
6 existing SCC 30.63A.170(3) to comply with minimum requirement 2 and section  
7 4.2 of Appendix 1 (SWPPP element 12(c)).  
8  
9 PPP. Proposed SCC 30.63A.860(7) establishes inspection procedures for the county  
10 and project applicant/CESCL needed to implement minimum requirement 2 of  
11 Appendix 1 of the NPDES Permit. Maintenance of code enforcement records is  
12 required for compliance with the NPDES Permit.  
13  
14 QQQ. Proposed SCC 30.63A.865 updates requirements for the submittal of record  
15 drawings in existing SCC 30.63A.180. Record drawings of drainage facilities  
16 constructed on as well as off the site are required. This requirement will assist  
17 the county with the mapping and inspection requirements of the NPDES Permit.  
18  
19 RRR. Proposed SCC 30.63A.870 updates existing 30.63A.185 relating to the process  
20 for construction acceptance to ensure that applicants for single-family detached  
21 units (SFDUs) or other types of commercial property obtain an inspection prior to  
22 obtaining a certificate of occupancy.  
23  
24 SSS. Part 900 of proposed chapter 30.63A SCC establishes performance securities and  
25 insurance requirements for drainage facilities. Proposed SCC 30.63A.900  
26 updates existing SCC 30.63A.400 relating to drainage performance security and  
27 insurance requirements was updated to include general introductory provisions.  
28 Proposed SCC 30.63A.910 establishes drainage performance security  
29 requirements in existing SCC 30.63A.410. Proposed SCC 30.63A.910 is also  
30 updated to include single-family detached units (SFDUs) as a project type, clarify  
31 procedures, and allow the submittal of an irrevocable letter of credit from a bank  
32 as a performance security. Proposed SCC 30.63A.920 updates drainage  
33 warranty security provisions in existing SCC 30.63A.420. Proposed SCC  
34 30.63A.930 updates code citations in the drainage maintenance security  
35 provisions in SCC 30.63A.430. SCC 30.63A.940 provides the insurance  
36 requirements in existing SCC 30.63A.440 and is not updated.  
37  
38 TTT. Multiple definitions have been amended in, or added to, chapter 30.91 SCC to  
39 comply with the definitions in Appendix 1 of the NPDES Permit or for consistency  
40 with terms updated in chapters 30.63A, 30.63B and 30.63C SCC. Where  
41 discrepancies between proposed definitions and those in with Appendix 1 exist,  
42 the definitions were deemed approval by Ecology.  
43  
44

UUU. The definition of clearing is amended to comply with the definition of clearing in Appendix 1. The county's adopted BAS talks about the functions and values attributed to vegetation and how protection of natural vegetation protects critical areas. Clearing, by any means (manual, mechanical or chemical) destroys or removes vegetation thus the protective functions performed by the vegetation are also removed. Proposed changes to the definition of "clearing" do not substantively alter the basic concept of "destroying or removing the vegetation," therefore the proposed changes are consistent with the BAS, which says:

"Clearing and certain other subsequent actions reduce or destroy the nutrient-providing function of riparian vegetation." (BAS, pg. 74). "Many of these seven major functions [large woody debris, shoreline and bank stabilization, sediment and chemical control, water temperature, microclimate, terrestrial habitat, nutrient sources for aquatic life, BAS pg. 72-74] are interrelated, all are performed primarily by vegetation, and all are decreased or eliminated when riparian vegetation is degraded or destroyed." (Revised Draft Summary of Best Available Science (March 28, 2006) pg. 74)

VVV. Proposed chapter 30.63A SCC will be enforced pursuant to chapter 30.85 SCC.

WWW. These regulations do not update the county's critical areas regulations in subtitle 30.6 SCC, but may relate to them to ensure consistency. The proposed regulations are based upon those in the 2005 Ecology Manual. Volume 1, Section 1.6.3 of the 2005 Ecology Manual indicates that the presumptive and demonstrative approaches to protecting water quality in the manual are the best available science. The proposed regulations are consistent with the county's *Revised Draft Summary Best Available Science* adopted on March 28, 2006. Stormwater management and aquatic areas are specifically addressed in chapter 3 of the BAS and stormwater mitigation measures are addressed in Appendix A of the BAS.

XXX. The county developed a comprehensive public participation program to educate and inform the public about the stormwater regulation update project and this ordinance. Public comments have been solicited consistent with the requirements of the Growth Management Act and NPDES Permit special condition S5.C.4.

YYY. The NPDES update project is included under the Unified Development Code (UDC) Update Project. Public outreach presentations were conducted at UDC Update Project public forums on May 3, 2006, October 4, 2007, December 6, 2008, July 9, 2009, and February 4, 2010. Project information, updates and draft proposals have been maintained on the NPDES project webpage. Public comments have been solicited from the website.

1     **ZZZ.** The Snohomish County Growth Management Act Comprehensive Plan (GMAC)  
2     General Policy Plan (GPP) sets forth the following objective and policies related  
3     to stormwater management:  
4

5         Objective NE 3.H   Comply with the county's Phase I Municipal Stormwater  
6         Permit by the Washington State Department of Ecology pursuant to the Clean  
7         Water Act and the National Pollutant Discharge Elimination System (NPDES).  
8         NE Policies  
9

10        3.H.1 The county shall protect properties and waters from adverse impacts  
11           by eliminating illicit discharges and sediment transport, and regulating  
12           stormwater and land disturbing activity to reduce the discharges of  
13           pollutants and impacts to receiving waters.  
14

15        3.H.2 The county shall develop inspection and enforcement procedures to  
16           prevent water quality degradation.  
17

18        3.H.3 The county shall adopt programs, development regulations and  
19           standards regulating drainage and land disturbing activity that allow or  
20           require the use of low impact development techniques and are  
21           consistent with the Phase I Municipal Stormwater Permit.  
22

23        3.H.4 The county shall improve stormwater management permitting  
24           procedures to ensure timely review of projects that incorporate low  
25           impact development techniques.  
26

27        3.H.5 The county shall adopt comprehensive site planning requirements that  
28           minimize land disturbing activity and promote on-site stormwater  
29           management on new development and redevelopment project sites.  
30

31        3.H.6 The county shall adopt water pollution control requirements intended to  
32           ensure that receiving waters, groundwater, and stormwater in  
33           Snohomish County meet or exceed state water quality standards.  
34

35     Section 3. The county council makes the following conclusions:  
36

37     A. Proposed chapter 30.63A SCC contains enforceable stormwater regulations that  
38       will protect the public health, safety, welfare and the environment through the  
39       regulation of stormwater runoff as required by federal and state law.  
40

41     B. Proposed chapter 30.63A SCC regulates stormwater to support the preservation  
42       of water quality for aquatic habitats, recreation, and drinking water.  
43

44     C. Proposed chapter 30.63A SCC includes regulatory mechanisms and control  
45       measures required by special condition S5.C.5 of the NPDES Permit.

RELATING TO REGULATION OF STORMWATER;  
REPEALING CHAPTER 30.63A SCC; ADOPTING A  
NEW CHAPTER 30.63A SCC; AND AMENDING AND  
REPEALING SECTIONS OF TITLE 30 SNOHOMISH  
COUNTY CODE (SCC)

- 1
- 2 D. Proposed chapter 30.63A SCC requirements promote sound, practical, and
- 3 economical development practices and construction procedures that prevent or
- 4 minimize impacts to adjoining properties and county waters and reduce the
- 5 discharge of pollutants to the maximum extent practicable. These regulations
- 6 permit the use of all known, available and reasonable methods of prevention,
- 7 control and treatment to prevent and control pollution of waters of the State of
- 8 Washington.
- 9
- 10 E. Proposed chapter 30.63A SCC will not result in less restrictive performance
- 11 standards or objectives than those required by the NPDES Permit. These
- 12 regulations meet the minimum performance measures in special condition
- 13 S5.C.5.b. of the NPDES Permit.
- 14
- 15 F. The minimum requirements, thresholds, definitions, modification and waiver
- 16 criteria in the proposed ordinance are equivalent to Appendix 1 of the NPDES
- 17 Permit for new development, redevelopment and construction sites. The
- 18 regulations contained in the ordinance provide equal or similar levels of pollutant
- 19 controls as compared to Appendix 1.
- 20
- 21 G. Proposed chapter 30.63A SCC complies with the NPDES Permit.
- 22
- 23 H. These stormwater regulations strengthen the county's stormwater management
- 24 program and the protection of critical areas and, to the extent required, are
- 25 consistent with the county's BAS.
- 26
- 27 I. Proposed chapter 30.63A SCC implements the objective and policies identified in
- 28 Finding ZZZ.
- 29
- 30 J. The public participation process implemented for the NPDES Permit code and
- 31 standard updates has been early and continuous and has complied with all
- 32 applicable requirements, including but not limited to, RCW 36.70A.140, special
- 33 condition S5.C.4 of the NPDES Permit, chapter 30.73 SCC and the Snohomish
- 34 County Charter.
- 35
- 36 K. The State Environmental Policy Act (SEPA) process conducted for this ordinance
- 37 satisfies the requirements of chapter 43.21C RCW, as implemented by chapter
- 38 197-11 WAC and chapter 30.61 SCC.
- 39
- 40 L. The county council bases its findings and conclusions on the entire record of the
- 41 planning commission and the county council, including all testimony and
- 42 exhibits. Any finding, which should be deemed a conclusion, and any conclusion
- 43 which should be deemed a finding, is hereby adopted as such.
- 44
- 45



1           Section 4. Snohomish County Code Section 30.23.110, last amended by  
2 Amended Ordinance No. 06-057 on August 2, 2006, is amended to read:

3  
4 **30.23.110 Special setbacks for certain uses.**

5  
6 This section supplements the normal setbacks required by the underlying zone for the  
7 specified use.

8       (1) Agriculture: All structures used for housing or feeding animals, not including  
9 household pets, shall be located at least 30 feet from all property lines.

10       (2) Amusement Facilities: Theaters must be at least 300 feet from the property  
11 line of any preschool or K-12 school. Other amusement facilities must be at least 500  
12 feet from the property line of any park, playground, preschool, or K-12 school.

13 Distances shall be measured horizontally by following a straight line from the nearest  
14 point in the building in which the amusement facility will be located, to the nearest  
15 property line of a parcel which contains a park, playground, preschool, or K-12 school.

16       (3) Art Gallery: All buildings must be at least 20 feet from any other lot in a  
17 residential zone.

18       (4) Cemetery, Mausoleum, and Crematoriums: All buildings must be at least 50  
19 feet from external boundaries of the property.

20       (5) Church: All buildings must be at least 25 feet from any other lot in a residential  
21 zone.

22       (6) Dock and Boathouse: Covered structures must be at least three feet from any  
23 side lot line or extension thereof. No setback from adjacent properties is required for  
24 any uncovered structure, and no setback from the water is required for any structure  
25 permitted hereunder.

26       (7) Educational Institutions:

27           (a) All buildings must be at least 35 feet from all external property lines; and

28           (b) All buildings must be at least 75 feet from the centerlines of all street rights-  
29 of-way, or 45 feet from the edges of all such rights-of-way, whichever is greater.

30       (8) Equestrian Center and Mini-Equestrian Center: Open or covered arenas must  
31 be at least 50 feet from any external property line. New structures located on or  
32 adjacent to lands subject to chapter 30.32A SCC shall comply with all applicable  
33 setbacks.

34       (9) Governmental Structure or Facility: All structures must be at least 20 feet from  
35 any other lot in a residential zone.

36       (10) Health and Social Service Facility, Level II: All buildings must be at least 30  
37 feet from all external property boundaries.

38       (11) Kennel, Commercial; Kennel, Private-Breeding; or Kennel, Private-Non-  
39 Breeding: All animal runs, and all buildings and structures devoted primarily to housing  
40 animals, must be at least 30 feet from all external property lines.

41       (12) Library: All buildings must be at least 20 feet from any other lot in a  
42 residential zone.

43       (13) Museum: All buildings must be at least 20 feet from any other lot in a  
44 residential zone.

1  
2 (14) Office, Licensed Practitioners: All buildings must be at least 20 feet from  
3 any other lot in a residential zone.

4 (15) Race Track: The track must be at least 50 feet from all external property  
5 lines.

6 (16) Rural Industry: All buildings and structures, storage areas, or other  
7 activities (except sales stands) occurring outside of a residential structure must be at  
8 least 20 feet from any property line.

9 (17) School Preschool and K-12:

10 (a) All buildings must be at least 35 feet from all external property lines; and

11 (b) All buildings must be at least 75 feet from the centerlines of all street rights-  
12 of-way, or 45 feet from the edges of all such rights-of-way, whichever is greater.

13 (18) Service Station:

14 (a) Where the right-of-way is less than 60 feet, pump islands shall meet a  
15 minimum setback of 45 feet from the centerline of the right-of-way. Where the right-of-  
16 way is 60 feet or more, pump islands shall meet a minimum set-back on one-half the  
17 right-of-way plus 15 feet. Setbacks shall apply to private rights-of-way and easements.

18 (b) Where the right-of-way is less than 60 feet, canopies shall meet a minimum  
19 setback of 35 feet from the centerline of the right-of-way. Where the right-of-way is 60  
20 feet or more, canopies shall meet a minimum setback of one-half the right-of-way plus  
21 five feet. Setbacks shall apply to private rights-of-way and easements.

22 (19) Small Animal Husbandry: All structures used for housing or feeding animals  
23 must be at least 30 feet from all property lines.

24 (20) Detached accessory or non-accessory storage structures and private  
25 garages with building footprints over 2,400 square feet must be at least 15 feet from any  
26 external property line, provided that parcels abutting open space tracts shall have a five-  
27 foot setback from the open space. Storage structures and private garages over 4,000  
28 square feet in size must be setback at least 20 feet from any external property line,  
29 provided that parcels abutting open space tracts shall have a five-foot setback from the  
30 open space.

31 (21) Stormwater Facilities:

32 (a) Buildings shall be set back an unobstructed 15 feet from the top of the bank of  
33 an open constructed channel or an open detention or retention pond to allow access by  
34 maintenance equipment.

35 (b) Buildings shall be set back ten feet from the nearest edge of a closed drainage  
36 facility.

37 (c) If the construction of drainage facilities will require a structural setback on  
38 adjacent properties pursuant to SCC 30.23.110(21)(a) or (b), the owner of the drainage  
39 facility shall obtain a drainage easement or agreement from the affected adjacent  
40 property owner(s) prior to construction approval.

41 (22) ~~((21))~~ Studio: All buildings must be at least 20 feet from any other lot in a  
42 residential, multiple-family, or rural zone. The hearing examiner may require an  
43 additional setback distance when necessary to maintain compatibility of the proposed  
44 building with residential uses on adjoining properties.

1       (23) (((22))) Swimming or Wading Pool: The pool must be at least five feet from  
2 any property line.

3       (24) (((23))) Tavern: The use must be at least 500 feet from the external property  
4 lines of all public school grounds and public parks or playgrounds.

5       (25) (((24))) Utility Structures: All structures must be at least 20 feet from any  
6 other lot in a residential zone.

7       (26) (((25))) Personal Wireless Telecommunications Service Facilities: The  
8 setbacks of a wireless communications support structure used for a personal wireless  
9 telecommunications service facility shall be measured from the base of the structure to  
10 the property line of the parcel on which it is located. Where guy wire supports are used,  
11 setbacks shall be measured from the base of the guy wire anchored to the ground,  
12 rather than the base of the structure except as provided for in SCC 30.23.110(25)(a).

13       (a) In zones categorized as Rural or Resource under SCC 30.21.020, any road  
14 right-of-way may be included in the setback calculation. In all other zones categorized  
15 under SCC 30.21.020, road right-of-way shall not be included in the setback calculation.

16       (b) Wireless communications support structures shall be setback from a property  
17 line with a minimum of 50 feet except as provided for in SCC 30.23.110(25)(c) through  
18 30.23.110(25)(e). For the purposes of this subsection, a wireless communications  
19 support structure lease area boundaries shall not be considered property lines.

20       (c) Setbacks may be modified by the approval authority to no less than 20 feet  
21 from a property line only if there is significant existing vegetation, topography, or some  
22 other land feature that will provide a higher level of screening of the facility. In  
23 accordance with SCC 30.25.025(2), a Native Vegetation Retention Area (NVRA) shall  
24 be established and maintained when this provision is used.

25       (d) Wireless communications support structures located on utility support  
26 structures shall have no specific setback requirement.

27       (e) Wireless communications support structures located on parcels adjacent to  
28 forest lands or lands designated local forest shall be set back in accordance with SCC  
29 30.32A.110.

30       (f) To minimize the potential for birds to collide into antenna support structures,  
31 personal wireless telecommunications services facilities shall not be located within the  
32 recommended construction buffer zone for birds listed as priority species by the  
33 Washington Department of Fish and Wildlife as described in its Management  
34 Recommendations for Washington's Priority Species Volume IV: Birds (May 2004), or  
35 listed as endangered or threatened species under the federal Endangered Species Act  
36 (64 FR 14307), and as amended, unless the applicant demonstrates that the proposed  
37 location will not have a significant impact on such birds.

38       (g) In no case shall a wireless communications support structure be constructed  
39 so that its base is closer to an existing dwelling than a distance equal to the height of  
40 the wireless communications support structure, unless the owner of such dwelling  
41 consents in writing that a closer distance is permitted.

42       (27) (((26))) Excavation and Processing of Minerals:

43       (a) Minimum setbacks, as measured from the nearest edge of active mining or  
44 processing, shall be established as follows:

45       (i) Distance from property line: 50 feet;

- (ii) Distance from any public street or right-of-way: 50 feet;
- (iii) Distance from residences: 100 feet, provided that the residence is located on a site(s) designated and zoned for residential use;
- (iv) Distance from parks, schools, hospitals and/or libraries in existence at the time of permit application: ¼ mile (1,320 ft);
- (v) Distance from UGA boundary: ¼ mile (1,320 ft)
- (b) No mining, processing or permanent buildings shall be located within the setback.
- (c) Structures or buildings associated with mineral operations shall be located at least 100 feet from a developed residential property line.

Section 5. Snohomish County Code Section 30.23A.080, last amended by Amended Ordinance 08-101 on January 21, 2009, is amended to read:

**30.23A.080 On-site recreation space.**

- (1) On-site recreation space shall be required for residential development that is subject to the provisions of this chapter and containing seven or more dwellings.
- (2) On-site recreation space shall be provided in accordance with SCC Table 30.23A.080(2) below:

**Table 30.23A.080(2) - On-site recreation space requirements**

Number of dwelling units	Amount of on-site recreation open space required per each dwelling
Units 7 to 40	200 sq ft
Units 41 to 100	150 sq ft
Units Over 100	100 sq ft

(3) The requirements in SCC Table 30.23A.080(2) may be reduced by up to 50 percent for residential development that is located within one-quarter mile walking distance of a public park or public school containing a playground or outdoor recreational facilities. The director shall determine the amount of reduction based on the following:

- (a) The availability of safe pedestrian facilities connecting the development to the park/school;
- (b) The ability of the park/school facilities to accommodate additional usage by residents of the development; and
- (c) The number of parks and school facilities located within one-quarter mile distance.

1 (4) On-site recreation open space shall be designed as follows:

2 (a) On-site recreation open space shall be located in a separate tract from the  
3 residential dwellings and shall have an undivided ownership interest by owners of the  
4 development;

5 (b) At least 40 percent of the total required on-site recreation open space shall  
6 be located in a single tract;

7 (c) At least 75 percent of the total required on-site recreation open space shall  
8 be located outside of critical areas other than buffers identified in chapters 30.62 and  
9 30.62A;

10 (d) No on-site recreation open space tract shall contain less than 700 square  
11 feet in area;

12 (e) On-site recreation open space shall be developed for active and passive  
13 uses. At least 50 percent of the on-site recreation open space shall be designed and  
14 improved for one or more active uses. When an area of on-site recreation open space  
15 is designed and improved for active uses other than improved pedestrian or bicycle  
16 paths with hard surfaces, the average width of the area shall be at least equal to half of  
17 the average length of the area. Active uses include, but are not limited to:

18 (i) Playgrounds developed with children's play equipment;

19 (ii) Improved pedestrian or bicycle paths with hard surfaces;

20 (iii) Sports fields (such as soccer or softball fields), with associated  
21 improvements;

22 (iv) Indoor or outdoor sports courts (such as volleyball, basketball or  
23 tennis courts), swimming pools, and similar facilities;

24 (v) Picnic areas with permanent tables, benches or gazebos;

25 (vi) Community club house and meeting facilities;

26 (vii) Community gardens for use by the residents;

27 (viii) Plazas with lighting, artwork, and sitting space for pedestrians at  
28 four or more spaces for every required 100 square feet of area; and

29 (ix) Other similar uses approved by the director;

30 (f) Passive uses include critical areas that cannot be developed, nature  
31 interpretive areas, bird watching facilities, unimproved trails, and similar uses approved  
32 by the director;

33 (g) ~~((Stormwater facilities may be counted as an on-site passive recreation  
34 space if the facility meets the following requirements:—~~

35 ~~(i) Stormwater facilities, such as detention, infiltration and wet ponds, and  
36 stormwater treatment wetlands, shall not have side slopes that exceed 33  
37 percent unless they are existing, natural and covered with vegetation;~~

38 ~~(ii) The ponds and wetland facilities shall include a forebay(s) that meets  
39 the minimum requirement for access road load established in SCC 30.63.780 for  
40 maintenance purposes;~~

41 ~~(iii) Pond and wetland facilities shall be graded and blended with the  
42 topography of the site;~~

43 ~~(iv) An earthen bench that meets the EDDS standards surrounding the  
44 permanent pool of the pond or wetland facility is required when the pool depth  
45 exceeds three feet at the pond overflow elevation;~~

1                   (v) ~~If the pond or wetland facility is located near a lake, wetland, or fish~~  
2 ~~and wildlife habitat conservation area or their buffers, these areas shall be left in natural~~  
3 ~~or near natural conditions;~~

4                   (vi) ~~A pond or wetland facility shall be landscaped in a manner consistent~~  
5 ~~with SCC 30.25.023 and capable of successfully enduring the expected inundation;~~  
6 ~~and)) The following drainage facilities may be counted as on-site passive recreation~~  
7 ~~space:~~

8                   (i) Unfenced detention, retention and wet ponds;

9                   (ii) Stormwater treatment wetlands;

10                  (iii) Stormwater infiltration trenches and bioswales that serve more than  
11 one dwelling; and

12                  (iv) Vegetated areas located above underground detention facilities; and

13                  (h) Pedestrian access shall be provided from ((The on-site recreation space  
14 shall have pedestrian access adjoining)) all dwellings within the development to the on-  
15 site recreation space through trails, sidewalks, pathways and other similar means of  
16 access pursuant to SCC 30.24.080.

17  
18                  Section 6. Snohomish County Code Section 30.25.015, last amended by  
19 Amended Ordinance No. 08-101 on January 21, 2009, is amended to read:

20  
21 **30.25.015 General landscaping requirements.**

22  
23                  (1) All residential developments located within urban growth areas are required to  
24 landscape a minimum of 10 percent of the total gross area of the site to the standards  
25 set forth in this chapter unless exempted otherwise. The 10 percent requirement may  
26 include perimeter landscaping, parking lot and detention facility landscaping, tree  
27 retention areas and street trees not in a public right-of-way.

28                  (2) No building permit shall be issued when landscaping is required until a landscaping  
29 plan has been submitted and approved by the department, if applicable.

30                  (a) Landscaping plan requirements shall be defined by the department in a submittal  
31 requirements checklist, as authorized by SCC 30.70.030.

32                  (b) The landscaping plan shall be prepared by a qualified landscape designer.

33                  (c) The landscaping plan shall include an assessment of whether temporary or  
34 permanent irrigation is required to maintain the proposed landscaping in a healthy  
35 condition.

36                  (d) ~~(((by the department of public works\*))))~~ Street trees and other right-of-way  
37 planting shall be shown on the approved landscaping plan.

38                  (e) The landscaping plan shall include the location, caliper and species of all  
39 significant trees located on the site that are proposed to be removed.

40                  (f) The landscaping plan shall include the location, caliper or height, and species of  
41 all replacement trees to be planted.

42                  (g) The landscaping plan shall include a description of why significant trees cannot or  
43 should not be retained.

44                  (h) The landscaping plan shall include a description and approximate location of any  
45 trees on adjoining properties that may be directly affected by any proposed activities.

RELATING TO REGULATION OF STORMWATER;  
REPEALING CHAPTER 30.63A SCC; ADOPTING A  
NEW CHAPTER 30.63A SCC; AND AMENDING AND  
REPEALING SECTIONS OF TITLE 30 SNOHOMISH  
COUNTY CODE (SCC)

1 (i) The landscaping plan shall show ~~((the))~~ clearing limits consistent with applicable  
2 land disturbing activity site plans required pursuant to chapter 30.63B SCC. ~~((on the site~~  
3 ~~of land disturbing activities.))~~

4 (3) Planting areas outside of the right-of-way may include landscape features such as  
5 decorative paving, sculptures, fountains, rock features, benches, picnic tables, and  
6 other amenities; provided that the area devoted to such features may count toward no  
7 more than 20 percent of the total required perimeter and parking lot landscaping area.  
8 Use of bark, mulch, gravel, and similar non-vegetative material shall be minimized and  
9 used only to assist plant growth and maintenance or to visually complement plant  
10 material.

11 (4) An accessible route of travel meeting construction code barrier free requirements  
12 may cross a required landscape area at a 90 degree angle or as close to a 90 degree  
13 angle to the road right-of-way as conditions allow. The area devoted to an accessible  
14 route of travel in a required perimeter area may be included to satisfy the requirements  
15 of SCC 30.25.020.

16 (5) The following minimum planting standards apply, except that street trees required  
17 pursuant to SCC 30.25.015(8) shall comply with planting standards in the EDDS:

18 (a) Evergreen and deciduous trees shall be at least eight feet high at the time of  
19 planting;

20 (b) Deciduous trees shall have a minimum diameter of one and one-half inches  
21 caliper at the time of planting; provided that the combined diameter measurements of  
22 groupings of under-story trees, such as vine maples, may be used to meet this  
23 requirement;

24 (c) Evergreen and deciduous shrubs shall be at least 18 inches high at the time of  
25 planting;

26 (d) Trees shall be of a size and type projected to reach a height of at least 20 feet in  
27 10 years, except where under-story or low-growing trees are specifically approved or  
28 required by the director; and

29 (e) Trees shall be planted at least five feet from adjoining property lines, except as  
30 may be approved for landscaping along road frontages ~~((pursuant to the \*EDDS and~~  
31 ~~road frontage requirements. \*))~~ pursuant to the EDDS and road frontage requirements.

32 (6) All landscape materials shall meet or exceed current United States standards for  
33 nursery stock published by the American Nursery and Landscape Association and  
34 consist of native species. The applicant shall use a list of acceptable species prepared  
35 by the director or may substitute a species with similar characteristics not on the list with  
36 the director's approval.

37 (7) To promote stabilization and continued healthy growth of the landscape areas  
38 required by this section, a qualified landscape designer shall determine the need for  
39 irrigation. An irrigation plan shall be submitted together with the required landscape  
40 plan.

41 (8) Street trees are required to be planted along public and private roads and drive  
42 aisles within urban growth areas on land developed for residential use according to the  
43 road cross section and general landscaping standards of the EDDS. Street trees are not  
44 required around turnarounds at the end of roads less than 150 feet in length.

(9) Street tree maintenance shall be as follows:

(a) Property owners shall be responsible for the maintenance (including pruning) and liability of street trees on their property, or where responsibility has been assumed by the owner through a recorded agreement with the county; and

(b) Utility work affecting street trees shall be limited to the actual necessities of the services of the company and such work shall be done in a neat and professional manner.

~~((Note-- Code Revisor The shown in italic, underline and strikeout format in subsections (2)(d) and (5)(e) were amended by Amended Ord. 08-101 but were not indicated with deletion and/or addition marks.))~~

Section 7. Snohomish County Code Section 30.25.023, last amended by Amended Ordinance No. 08-101 on January 21, 2009, is amended to read:

**30.25.023 Stormwater ~~((detention))~~ flow control or treatment facility landscaping.**

(1) Vegetation and landscaping requirements for the functional components and areas of stormwater flow control or treatment facilities are regulated by chapter 30.63A SCC. These functional components and areas include, but are not limited to, earthen berms, infiltration and detention pond bottoms, filter beds, bioretention facilities, vegetated slopes and swales used for stormwater treatment or flow control, access roads for these facilities, and any other components or areas used for or required for proper function, inspection, maintenance, or repair of these facilities, as described in chapter 30.63A SCC, the EDDS, or the Drainage Manual.

~~((4))~~ (2) ((Stormwater)) Landscaping in tracts or easements containing stormwater flow control or treatment facilities, excluding those areas described in SCC 30.25.023(1),  
~~((detention facilities and wetponds))~~ shall ~~((be landscaped to))~~ meet or exceed the standards set forth in this section except:

(a) In the LI and HI zones, landscaping shall only be required around ~~((detention))~~ flow control or treatment facilities ~~((and wetponds))~~ located between a public road and building ~~((are required to be landscaped))~~; and

(b) When critical areas or their buffers are used for stormwater ~~((detention))~~ flow control or treatment as allowed pursuant to ~~((chapter))~~ chapters 30.62A and 30.63A SCC, the landscaping provisions of ~~((chapter))~~ chapters 30.62A and 30.63A SCC shall apply instead of SCC 30.25.023.

~~((2))~~ (3) The department shall review proposed landscaping plans and may require revisions and upgrades to the proposed landscaping to ensure that landscaping provides an effective visual screen for fenced facilities without compromising safety, security and maintenance access, is able to endure expected inundation, and enhances the overall appearance of a ~~((detention))~~ stormwater flow control or treatment facility.

~~((3))~~ (4) Where perimeter fencing of a ~~((detention))~~ stormwater flow control or treatment facility is required pursuant to chapter 30.63A SCC, Type A landscaping at least six feet in height and six feet in width shall be installed. The landscaping shall be placed at least five feet from the fence in order to create a maintenance access

RELATING TO REGULATION OF STORMWATER;  
REPEALING CHAPTER 30.63A SCC; ADOPTING A  
NEW CHAPTER 30.63A SCC; AND AMENDING AND  
REPEALING SECTIONS OF TITLE 30 SNOHOMISH  
COUNTY CODE (SCC)



1 pathway((-)) unless the director makes a determination based on documentation  
2 provided by the applicant that site characteristics render this setback infeasible and the  
3 proposal documents that maintenance may be otherwise provided. This decision shall  
4 be processed as a landscape modification pursuant to SCC 30.25.040. To maintain  
5 sight triangles, ~~((Where))~~ fenced facilities that abut public rights-of-way, shall comply  
6 with setbacks and height restrictions pursuant to SCC 30.23.100(3) ~~((shall apply))~~.  
7 ~~((4))~~ (5) Where ~~((no))~~ fencing is not required for landscaping within a ~~((an open~~  
8 ~~stormwater detention))~~ stormwater flow control or treatment facility, the ~~((standards))~~  
9 landscaping guidelines contained in ~~((the Department of Ecology 2005 Stormwater~~  
10 ~~Manual for Western Washington—Volume V))~~ volume III, section 3.2.1 of the Drainage  
11 Manual shall be considered during the design of the facility.  
12 ~~((5))~~ (6) Where fencing is not required and the unfenced ~~((detention))~~ stormwater flow  
13 control or treatment facility is not completely screened ~~((as described in))~~ pursuant to  
14 subsection (3) above, the facility shall be landscaped to improve its appearance  
15 ~~((subject to the following))~~ as follows:  
16 (a) If the ~~((detention))~~ stormwater flow control or treatment facility is located in,  
17 adjacent to or near a ~~((natural, year-round stream or wetland, landscaping shall be~~  
18 ~~designed to replicate and enhance natural or near-natural conditions))~~ lake, wetland, or  
19 fish and wildlife habitat conservation area, or their buffers, the areas between the  
20 facilities and these critical areas shall be left in natural or near-natural conditions; and  
21 (b) If ~~((The detention))~~ the stormwater flow control or treatment facility ~~((may))~~  
22 ~~((feature))~~ features terraces or steps ~~((to provide a safe pond edge and accommodate~~  
23 ~~changes in water levels. In this case)),~~ landscaping in accordance with the standards  
24 set forth in volume III, section 3.2.1 of the Drainage Manual shall be used to ~~((must))~~  
25 complement the terraced edge condition.

26  
27 Section 8. Snohomish County Code Section 30.28A.110, adopted by Amended  
28 Ordinance No. 05-038 on November 30, 2005, is amended to read:

29 **30.28A.110 Site selection criteria.**

30 In addition to using the highest priority locations set forth in SCC 30.28A.120 the  
31 following site selection criteria shall govern the issuance of permits and must be  
32 demonstrated by the applicant:

33 (1) Any applicant proposing to construct a wireless communications support  
34 structure, or mount an antenna on an existing structure, shall demonstrate by a  
35 propagation map that the facility must be located at the site to satisfy its function in the  
36 applicant's grid system. An analysis by a radio frequency expert documenting these  
37 demonstrations shall accompany the propagation maps.

38 (2) Further, the applicant must demonstrate by a propagation map that the height  
39 requested is no greater than the minimum height necessary to fulfill the facility site's  
40 function within the applicant's grid system. An analysis by a radio frequency expert  
41 documenting these demonstrations shall accompany the propagation maps.

42 (3) Personal wireless telecommunications service facilities shall be located and  
43 designed on the site to minimize aesthetic impacts on residential property. Facilities

RELATING TO REGULATION OF STORMWATER;  
REPEALING CHAPTER 30.63A SCC; ADOPTING A  
NEW CHAPTER 30.63A SCC; AND AMENDING AND  
REPEALING SECTIONS OF TITLE 30 SNOHOMISH  
COUNTY CODE (SCC)

1 shall be placed in locations on the wireless communications support structure site  
2 where the existing topography, vegetation, buildings or other structures provide the  
3 greatest amount of screening in accordance with SCC ((30.23.110(25)(b)))  
4 30.23.110(26)(b).

5 Section 9. Snohomish County Code Section 30.28A.150, adopted by Amended  
6 Ordinance No. 05-038 on November 30, 2005, is amended to read:

7 **30.28A.150 Wireless communications support structure design criteria.**

8 Wireless communications support structures for new personal wireless  
9 telecommunications service facilities shall be designed to accommodate co-location  
10 unless the applicant demonstrates why such design is not feasible for economic,  
11 technical or physical reasons. Thus, the applicant shall address the following design  
12 criteria:

13 (1) The applicant shall provide 3-dimensional, visual simulation of the facilities or  
14 other appropriate graphics to demonstrate the visual impact on the view of the county's  
15 foothills, mountains, open space areas, or other scenic resources within the county.  
16 Due considerations shall be given so that placement of personal wireless  
17 telecommunications service facilities do not obstruct or diminish these views. In  
18 determining a significant visual impact on a view listed above, the department shall, at a  
19 minimum, consider the following:

20 (a) the degree to which the wireless communications support structure is  
21 screened by topographic features from the views listed above;

22 (b) whether trees and vegetation can be preserved in a manner that would  
23 substantially limit the visibility of the proposed wireless communications support  
24 structure from the views listed above;

25 (c) whether background features in the line of sight to the proposed wireless  
26 communications support structure would obscure it or make it more conspicuous;

27 (d) whether the proposed design would reduce the silhouette of the portion of the  
28 wireless communications support structure extending above surrounding trees,  
29 landforms, or structures; and

30 (e) whether the facility is designed to blend into the surroundings.

31 (2) Setbacks shall be in accordance with SCC ((30.23.110(25))) 30.23.110(26)  
32 (wireless communications support structures).

33 (3) No signals, lights or signs shall be permitted on wireless communications support  
34 structures unless required by the Federal Communications Commission (FCC) or the  
35 Federal Aviation Administration (FAA). If the FCC or the FAA updates the requirements  
36 for lighting, the provider or wireless communications support structure owner is  
37 authorized to install the required lighting without any further county approvals.

38 (4) The applicant shall demonstrate that the antenna is no greater than the minimum  
39 height required to function satisfactorily. No wireless communications support structure  
40 that is taller than this maximum height shall be approved except as allowed by co-  
41 location.  
42

1  
2 (5) Security fencing no less than 6 feet in height with access through a locked gate  
3 shall be required around each wireless communications support structure and its related  
4 equipment and other support structures unless the entire wireless communications  
5 support structure area is fenced in a manner meeting these specifications, in which  
6 case the Department may grant relief from this requirement.

7 (6) The parking requirements for personal wireless telecommunications service  
8 facilities shall be in accordance with SCC 30.26.030 for utility and communications uses  
9 without regular employment. Alternate parking provisions may be approved by the  
10 approval authority when the applicant demonstrates vehicle parking is in proximity but  
11 may not be appropriate on the facility site.

12 (7) Site location and development shall preserve the preexisting character of the site  
13 as much as possible. Existing vegetation shall be preserved or improved, and  
14 disturbance of the existing topography of the site shall be minimized unless such  
15 disturbance would result in less visual impact of the site on the surrounding area.

16 (8) To ensure the structural integrity of wireless communications support structures,  
17 the owner of a structure or facility shall ensure that it is maintained in compliance with  
18 all applicable federal standards (i.e., FCC and FAA standards), state and local  
19 regulations, the applicable standards of the Electronic Industries Association (EIA), and  
20 the applicable building codes, as amended from time to time.

21 (9) If, upon inspection, the county concludes that a wireless communications support  
22 structure fails to comply with the standards, the applicable building codes or constitutes  
23 a danger to persons or property, written notice will be provided to the owner of the  
24 structure or facility in accordance with Chapter 30.85 SCC.

25 (10) Wireless communications support structures shall be constructed to the EIA  
26 Standards that may be amended from time to time and all applicable  
27 construction/building codes. Further, any improvements or additions to existing wireless  
28 communications support structures shall require submission of site plans, structural  
29 plans, and structural calculations stamped by a structural engineer registered or  
30 licensed in the State of Washington, which demonstrate compliance with the EIA  
31 Standards and all other applicable building codes. The plans shall be submitted and  
32 reviewed at the time building permits are requested.

33  
34 Section 10. Snohomish County Code Section 30.32B.230, adopted by Amended  
35 Ordinance No. 02-064 on December 9, 2002, is repealed.

36  
37 Section 11. Snohomish County Code Section 30.32C.150, last amended by  
38 Amended Ordinance No. 08-087 on February 4, 2009, is amended to read:

39 **30.32C.150 Provisions for subdivision of designated mineral resource lands and**  
40 **lands adjacent to mineral resource lands.**

41 (1) Where the MRO coincides with the R-5 zone, residential subdivision is prohibited  
42 on any parcel, or portion of a parcel, located within the MRO. Where the MRO covers  
43 only a portion of a parcel zoned R-5, that portion of the parcel not covered by the MRO

RELATING TO REGULATION OF STORMWATER;  
REPEALING CHAPTER 30.63A SCC; ADOPTING A  
NEW CHAPTER 30.63A SCC; AND AMENDING AND  
REPEALING SECTIONS OF TITLE 30 SNOHOMISH  
COUNTY CODE (SCC)

1 may be subdivided subject to the requirements of SCC 30.32C.150(2).

2 (2) Residential subdivision of land partially designated with the MRO, as well as land  
3 adjacent to the MRO, shall be allowed on that portion of the land located outside of the  
4 MRO provided the owner:

5 (a) Uses rural cluster subdivision methods consistent with chapter 30.41C SCC;

6 (b) Protects the mineral resource deposit for future resource use by adequate  
7 setbacks pursuant to SCC (~~30.23.110(26))~~ 30.23.110(27); and

8 (c) Includes open space configured to maximize preservation of the mineral  
9 resources and provide buffers between the MRO designation and residential uses. The  
10 option to utilize such open space for mineral operations shall be preserved as provided  
11 in SCC 30.41C.210.

12  
13 Section 12. Snohomish County Code Section 30.41C.090 last amended by  
14 Amended Ordinance No. 08-087 on February 4, 2009, is amended to read:

15  
16 **30.41C.090 Restricted open space - general requirements.**  
17

18 (1) All open space within the rural cluster subdivision used to meet the open space  
19 requirements for lot yield calculations shall be restricted open space. Such restricted  
20 open space shall be designated, held in tracts separate from residential lots, and  
21 marked on the face of the plat.

22 (2) To qualify as restricted open space, an area must meet the following standards:

23 (a) It must be used for buffering, critical area protection, resource production,  
24 conservation, recreation, community utility purposes, or general preservation;

25 (b) At least 25 percent of the open space tract shall be accessible by all residents of  
26 the rural cluster subdivision or short subdivision for passive recreation, except when the  
27 restricted open space is fenced off as a critical area protection area. Access points to  
28 open space shall be shown on the face of the plat;

29 (c) The following uses are permitted in restricted open space tracts unless prohibited  
30 by chapters 30.62, 30.62A, 30.62B or 30.62C SCC:

31 (i) Beaches, docks, swimming areas, picnic areas, trails/pedestrian walkways,  
32 equestrian trails, equestrian centers or structures related to animal husbandry or  
33 farming, playgrounds, or any non-motorized passive recreational facilities and other  
34 similar uses as authorized by the director;

35 (ii) Community wells, well houses, water lines, water system appurtenances and  
36 community drain fields;

37 (iii) (~~((Stormwater detention and retention ponds, subject to landscaping requirements~~  
38 ~~pursuant to SCC 30.25.023, water recharge and infiltration facilities, water system~~  
39 ~~appurtenances and biofiltration swales. Such facilities shall meet design standards for~~  
40 ~~low impact development when site conditions allow; and))~~ The following drainage  
41 facilities that meet the landscaping requirements in SCC 30.25.023:

42 (A) Unfenced detention, retention and wetponds;

43 (B) Stormwater treatment wetlands; and

44 (C) Stormwater infiltration trenches and bioswales that serve more than one  
45 dwelling.

RELATING TO REGULATION OF STORMWATER;  
REPEALING CHAPTER 30.63A SCC; ADOPTING A  
NEW CHAPTER 30.63A SCC; AND AMENDING AND  
REPEALING SECTIONS OF TITLE 30 SNOHOMISH  
COUNTY CODE (SCC)

(iv) Natural resource uses in accordance with chapters 30.32A, 30.32B and 30.32C SCC; and

(d) At least 30 percent of the total area of restricted open space shall be left undisturbed. Undisturbed open space may contain critical areas and their buffers. Such undisturbed restricted open space shall be identified on the site plan and marked clearly on ~~((grading))~~ the land disturbing activity site ((plans)) plan.

(3) SCC Table 30.41C.090 establishes the minimum percentage of the original gross development area that shall be retained as restricted open space tracts, except when the land is also designated as rural urban transition area (RUTA), which is governed by SCC 30.41C.140.

**Table 30.41C.090**  
**RESTRICTED OPEN SPACE AREA REQUIREMENTS**

Zones and comprehensive plan designation	(1) Forestry (F) zone (2) Forestry & Recreational (F&R) zone (3) Mineral Conservation zone (MC) with or without MRO	(1) Rural 5-acre zone in RR-5 & RR-10(RT) without MRO (2) Rural Resource Transition 10-acre zone, Rural Conservation (RC) zone & Rural Diversification zones in RR-10(RT) designation with MRO	(1) Rural 5-acre zone in RR (RR Basic) designation without MRO
Minimum restricted open space	60 percent	45 percent	45 percent
Minimum restricted open space (natural resource lands)	60 percent	60 percent	60 percent

Notes: The Mineral Resource Lands Overlay (MRO) is a comprehensive plan designation overlay which overlaps other designations. Where the MRO overlaps the R-5 zone, residential subdivision is prohibited on any portion of a parcel located within the MRO under SCC 30.32C.150.

(4) No more than 65 percent of the total restricted open space area may consist of unbuildable land as defined in SCC 30.91U.060.

(5) To retain rural character, the restricted open space shall contain on-site forested areas, active agriculture, meadows, pastures or prominent hillsides or ridges.

(6) The following notice shall be filed on the title of the properties within the plat and shall be placed on the face of the final plat and short plat:

RELATING TO REGULATION OF STORMWATER;  
REPEALING CHAPTER 30.63A SCC; ADOPTING A  
NEW CHAPTER 30.63A SCC; AND AMENDING AND  
REPEALING SECTIONS OF TITLE 30 SNOHOMISH  
COUNTY CODE (SCC)

1 "Tract \_\_\_\_ is a restricted open space tract with limited uses pursuant to  
2 chapter 30.41C SCC. The open space tract is intended to be preserved in  
3 perpetuity."  
4

5 Section 13. Snohomish County Code Section 30.42B.115, last amended by  
6 Amended Ordinance No. 08-101 on January 21, 2009, is amended to read:  
7

8 **30.42B.115 Design criteria - open space.**  
9

10 (1) Open space shall be provided in PRD developments consistent with the following  
11 standards:

12 (a) Within a PRD, a minimum of 20 percent of the gross site area shall be established  
13 as open space;

14 (b) Open space shall be used for:

15 (i) On-site recreation space;

16 (ii) Critical areas and their required buffers subject to chapters 30.62, 30.62A and  
17 30.62B SCC;

18 (iii) Perimeter landscaping areas outside of right-of-ways;

19 (iv) All other open space areas owned in common and shared by residents and/or  
20 owners in the PRD, excluding those items listed in SCC 30.42B.115(1)(c);

21 (c) Open space shall not include any of the following:

22 (i) Lots, dwellings, and associated private yards, outdoor storage areas, and building  
23 setback areas;

24 (ii) Public or private street right-of-way including sidewalks and planter strips;

25 (iii) Parking lots, driveways and other areas of motorized vehicle access;

26 (iv) ~~((Stormwater detention or retention ponds which do not meet the design~~  
27 ~~standards in SCC 30.23A.080(4)(f); or))~~ Open drainage facilities such as detention and  
28 retention ponds, wetponds, and other drainage facilities that require fencing pursuant to  
29 chapter 30.63A SCC, the Drainage Manual, or the EDDS; or

30 (v) Submerged lands when not defined as critical areas pursuant to chapters 30.62A,  
31 30.62B or 30.62C SCC;

32 (d) Open space shall be permanently established in clearly designated, separate tracts.  
33 Tracts shall be owned by:

34 (i) The landowner, when no individual building lots are created and the property is  
35 held under single ownership;

36 (ii) All lot owners and condominium owners jointly, with an equal and undivided  
37 interest; or

38 (iii) A homeowners association, when consistent with SCC 30.42B.210(6);

39 e) Open space shall be protected in perpetuity by a recorded covenant, in a form  
40 approved by the director. The recorded covenant must restrict uses of the total open  
41 space to those specified in the approved PRD site plan and must provide for the  
42 maintenance of the total open space in a manner which assures its continuing use for  
43 the intended purpose.

44 (2) On-site recreation space shall be provided as a component of total open space and  
45 shall be consistent with the following standards:

RELATING TO REGULATION OF STORMWATER;  
REPEALING CHAPTER 30.63A SCC; ADOPTING A  
NEW CHAPTER 30.63A SCC; AND AMENDING AND  
REPEALING SECTIONS OF TITLE 30 SNOHOMISH  
COUNTY CODE (SCC)

1 (a) The on-site recreation space shall be for the uses set forth in SCC 30.23A.080(4),  
2 excluding the following:

3 (i) Critical areas and their buffers subject to chapters 30.62, 30.62A and 30.62B  
4 SCC; and

5 (ii) Utility easements that exist on the project site at the time of application submittal;

6 (b) The requirement for on-site recreation space shall be at least 600 square feet per  
7 dwelling unit: except that retirement apartments and retirement housing shall be 200  
8 square feet per dwelling unit;

9 (c) 40 percent of the required on-site recreation space shall be located in a single  
10 open space tract or permanent easement. Alternatively, the applicant shall be permitted  
11 to satisfy this requirement when no more than three open space tracts are created that  
12 provide a comparable open space use to that otherwise required. Power line, utility  
13 rights-of-way and other similar easement may be incorporated into on-site recreation  
14 space and counted towards the open space requirements of this section, provided they  
15 are developed with active recreational improvements. Remaining on-site recreation  
16 space shall be adequate in design and size for the intended passive and/or active  
17 recreation. No on-site recreation space shall have any dimension less than 20 feet  
18 (except for segments containing trails, which shall not be less than 10 feet in width),  
19 unless the applicant can demonstrate that a lesser dimension will not inhibit the use of  
20 the open space for its designated purpose;

21 (d) On-site recreation space shall be accessed by all-weather pedestrian pathways  
22 and/or sidewalks from all lots and dwellings within the PRD;

23 (e) On-site recreation space designed for children shall not be located adjacent to any  
24 street designated as a collector/arterial unless properly designed with fencing, located  
25 away from street edges and other provisions to ensure adequate child safety. On-site  
26 recreation space designed for children shall be open, accessible, and visible from  
27 adjacent dwellings in order to enhance security;

28 (f) On-site recreation space shall have the appropriate location, slope, soils, and  
29 drainage to be considered for recreational development;

30 (g) On-site recreation space shall not contain above ground utility transmission lines  
31 and associated easement or right of way;

32 (h) On-site recreation space shall be landscaped pursuant to the provisions of SCC  
33 30.42B.125, and in accordance with the required landscape plan in a manner that  
34 enhances the design of the open space while not conflicting with the function of the  
35 proposed recreation use; and

36 (i) Any buildings, structures, and improvements to be permitted in the on-site  
37 recreation space shall be those appropriate to the proposed uses.

38 (3) Active recreation uses shall be provided as follows:

39 (a) A minimum of 30 percent of the required on-site recreation space within PRDs  
40 with 10 or more lots or dwelling units shall be developed for active recreation uses.

41 (b) The active recreation requirement may be reduced by up to 30 percent for  
42 projects of 20 or fewer dwelling units, if pedestrian access is constructed to an adjacent  
43 off-site public recreation area that contains an active recreation use that meets the  
44 needs of residents within the PRD and is approved by the off-site recreation provider;

- 1 (c) The active recreation facility shall be located on a reasonably level site with slopes  
2 no greater than six percent unless the applicant can demonstrate that the recreation  
3 facility can function adequately on greater slopes; and  
4 (d) Playgrounds with children's play equipment shall meet all safety recommendations  
5 and construction specifications of the manufacturer of the equipment used.

6  
7 Section 14. A new section is added to Chapter 30.61 of the Snohomish County  
8 Code to read:

9  
10 **30.61.122 State Environmental Policy Act (SEPA) requirements relating to**  
11 **stormwater management.**

12  
13 SEPA review shall include consideration of the specific probable adverse environmental  
14 impacts of a development activity with regard to on-site and off-site changes to  
15 stormwater volume, release rate, erosion, sedimentation, stream channel stability and  
16 water quality. When the director determines that the requirements of chapters 30.43C,  
17 30.43D, 30.44, 30.62, 30.62A, 30.62B, 30.62C, 30.63A, 30.63B, 30.63C, 30.64 and  
18 30.65 SCC ensure that the development activity will not result in any probable  
19 significant adverse environmental impacts, compliance with those requirements shall  
20 constitute adequate analysis and mitigation of the specific significant probable adverse  
21 environmental impacts of the development activity with regard to on-site and off-site  
22 changes to stormwater volume, release rate, erosion, sedimentation, stream channel  
23 stability and water quality, as provided by RCW 43.21C.240.

24  
25 Section 15. Snohomish County Code Section 30.62A.320, last amended by  
26 Amended Ordinance No. 06-061 on August 1, 2007, is amended to read:

27 **30.62A.320 Standards and requirements for buffers.**

28 Buffers shall be required adjacent to streams, lakes, wetlands and marine waters to  
29 protect the functions and values of these aquatic critical areas.

30 (1) Buffer standards and requirements - no mitigation required. All development  
31 activities, actions requiring project permits and clearing that comply with the buffer  
32 requirements of SCC 30.62A.320(1)(a) through (g) satisfy the avoidance criteria of SCC  
33 30.62A.310(3) and are not required to provide mitigation.

34 (a) Buffer widths shall be as set forth in Table 2a or 2b below.



Table 2a – Stream, Lake and Marine Buffer Width Standards (Feet)		
<i>Streams and Lakes</i>		
Type S		150
Type F with anadromous or resident salmonids		150
Type F without anadromous or resident salmonids		100
Type Np		50
Type Ns		50
<i>Marine Waters</i>		
Type 1	All marine waters	150

1

<b>Wetlands</b>						
<b>Wetland Category</b>	<b>Description</b>	<b>Buffer Width Requirements (feet)</b>				
		<b>Standard Buffer Width</b>	<b>High Intensity Land Use <sup>1</sup> [30.62A.340(4)(b)]</b>			<b>Low Intensity Land Use <sup>2</sup></b>
			<b>Buffer w/out mitigation measure 1 or 2</b>	<b>Buffer w/ mitigation measure 1 (*may use measure 1 OR 2)</b>	<b>Buffer w/ mitigation measures 1 AND 2</b>	
<b>Wetlands containing salmonids (minimum)</b>		<b>150</b>				
<b>Category I</b>	Washington Natural Heritage Program/DNR high quality wetlands	190	250	220*	190	125
	Bogs	190	250	220*	190	125
	Estuarine (at least 1 acre) & Coastal Lagoons	150	200	175*	150	100
	High Level Habitat Function (habitat function score is 29-36)	225	300	262*	225	150
	Moderate Level Habitat Function (habitat function score is 20-28)	110	150	130*	110	75
	Total score 70 or above but not meeting above criteria	75	100	75		50
<b>Category II</b>	Estuarine (less than 1 acre)	110	150	130*	110	75
	High level of function for habitat (habitat function score is 29-36)	225	300	262*	225	150
	Moderate level of function for habitat (habitat function score is 20-28)	110	150	130*	110	75
	High level of function for water quality improvement and low for habitat (water quality function score is 24 – 32 and habitat function score is less than 20)	75	100	75		50
	Total score 51-69 but not meeting above criteria	75	100	75		50
<b>Category III</b>	Moderate Level Habitat Function (habitat function score is 20-28)	110	150	110		75
	Total score of 30-50 but not meeting above criteria	60	80	60		40
<b>Category IV</b>	Total score for all functions less than 30 points	40	50	40		25

<sup>1</sup> High intensity land uses include:

- commercial or industrial uses
- nonresidential use in zones where the primary intent is residential use as per SCC 30.21.025
- Residential use (4 or more units/acre)
- High-intensity recreation (golf courses, ball fields, ORV parks, etc.)

<sup>2</sup> Low intensity land uses include:

- Forestry (cutting of trees only)
- Low-intensity open space (hiking, bird-watching, preservation of natural resources, etc.)
- Unpaved trails
- Utility corridor without a maintenance road and little or no vegetation management.

1  
2  
3

(b) Buffer widths shall be measured as follows:

- (i) the buffer for streams, lakes and marine waters shall be measured from the ordinary highwater mark extending horizontally in a landward direction and for wetlands, the buffer shall be measured from the edge of the wetland extending horizontally in a landward direction; and
- (ii) provided however, where the landward edge of the standard buffer shown in Table 2a or 2b extends on to a slope of 33 percent or greater, the buffer shall extend to a point 25 feet beyond the top of the slope.

(c) Within buffers, the following restrictions on impervious surfaces apply:

- (i) no new effective impervious surfaces are allowed within the buffer of streams, wetlands, lakes or marine waters; and
- (ii) total effective impervious surfaces shall be limited to 10 percent within 300 feet of:
  - (A) any streams or lakes containing salmonids;
  - (B) wetlands containing salmonids; or
  - (C) marine waters containing salmonids.

(d) All development activities, actions requiring project permits or clearing shall be designed to avoid the loss of or damage to trees in buffers due to blow down or other causes.

(e) The following measures for reducing buffer width and area may be used without a critical area study or mitigation plan:

- (i) separate tract reductions. Up to a 15 percent reduction of the standard buffer is allowed when the buffer and associated aquatic critical area are located in a separate tract as specified in SCC 30.62A.160(3);
- (ii) fencing reductions. Up to a 15 percent reduction of the standard buffer is allowed when a fence is installed along the perimeter of the buffer. The fence shall be designed and constructed as set forth below:
  - (A) the fence shall be designed and constructed to be a permanent structure;
  - (B) the fence shall be designed and constructed to clearly demarcate the buffer from the developed portion of the site and to limit access of landscaping equipment, vehicles, or other human disturbances; and
  - (C) the fence shall allow for the passage of wildlife, with a minimum gap of one and one half feet at the bottom of the fence, and a maximum height of three and one half feet at the top; and
- (iii) for permanent fencing combined with separate tracts, the maximum reduction shall be limited to 25 percent.

(f) The following buffer reduction methods are only allowed in conjunction with a critical area study, pursuant to SCC 30.62A.140, demonstrating that the methods will provide protection equivalent to the standard requirements contained in Table 2. Proposals offering better protection would also be acceptable:

- (i) the width of a buffer may be averaged, by reducing the width of a portion of the buffer and increasing the width of another portion of the same buffer, if all of the following requirements are met:

(A) averaging will not diminish the functions and values of the wetland(s), fish and wildlife habitat conservation area(s) or buffer(s);

(B) the total area of the buffer on the subject property may not be less than the area that would have been required if averaging had not occurred;

(C) the total area of buffer averaging shall be placed between the developed area and the wetland, lake, stream or marine water;

(D) no part of the width of the buffer may be less than 50 percent of the standard required width or 25 feet, whichever is greater;

(E) averaging of a buffer shall not be allowed where the reduction extends into associated sloping areas of 33 percent or greater; and

(F) buffers on isolated - wetlands or lakes located in close proximity to other aquatic critical areas shall be connected by corridors of native vegetation where possible using the buffer averaging provisions of this section and the following criteria:

- (1) the width of the corridor connection between the aquatic critical areas shall be no less than the combined average of the standard buffers for each of the critical areas, provided that if there is not sufficient buffer area available when using averaging to establish a connection, a connection is not required;
- (2) no more than 25((%)) percent of the buffer of the individual critical areas shall be used to make a corridor connection;
- (3) the corridor connection shall be established where feasible using the highest quality habitat existing between the critical areas;

(ii) enhancement reductions. Up to a 25 percent reduction of the standard buffer width and area is allowed provided the project proponent demonstrates the enhancement complies with all of the following criteria:

- (A) a comparative analysis of buffer functions and values prior to and after enhancement, demonstrates that there is no net loss of buffer functions and values;
- (B) a full enhancement reduction shall only be allowed where it can be demonstrated that the existing buffer functions and values are non-existent or significantly degraded. Buffers with partial function may receive a partial or prorated reduction; and
- (C) the total buffer area after reduction is not less than 75 percent of the total buffer area before reduction;

(iii) reductions may be combined based on the following criteria:

- (A) for enhancement combined with permanent fencing, the maximum reduction in width and area shall be limited to 30 percent; and
- (B) for enhancement combined with separate tracts, the maximum reduction in both width and area shall be limited to 30 percent.

(g) When averaging is used in combination with any or all of the reduction methods contained in this section, the buffer shall not be reduced to less than half of the standard buffer widths contained in SCC 30.62A.320(1)(a), Table 2.

(2) Buffer standards and Requirements - mitigation required. All actions, structures or facilities listed in this section are allowed only when they are determined

1 to be unavoidable pursuant to SCC 30.62A.310(3) and are conducted according to the  
2 standards and requirements identified in this section. When a permit is required, an  
3 applicant must also provide a critical area study meeting the requirements of SCC  
4 30.62A.140 and a mitigation plan meeting the requirements of SCC 30.62A.150.

5 (a) New utilities and transportation structures are allowed within buffers when:

6 (i) no other feasible alternative exists or the alternative would result in  
7 unreasonable or disproportionate costs; and

8 (ii) location, design and construction minimizes impacts to the buffers  
9 pursuant to SCC 30.62A.310.

10 (b) Stormwater detention/retention facilities are allowed pursuant to the  
11 requirements of SCC ((30.63A.240)) 30.63A.570.

12 (c) Access through buffers is allowed provided it is designed and constructed to  
13 be the minimum necessary to accommodate the use or activity.

14 (d) Construction of pedestrian walkways or trails in buffers is allowed when  
15 constructed with natural permeable materials and does not exceed 6 feet in width.

16 (e) Trimming of vegetation for purposes of providing a view corridor in a buffer  
17 is allowed provided that:

18 (i) trimming shall not include felling, topping, or removal of trees and be  
19 limited to hand pruning of branches and vegetation;

20 (ii) trimming and limbing of vegetation for the creation and maintenance of  
21 view corridors shall occur in accordance with the pruning standards of the International  
22 Society of Arboriculture (See articles published by the International Society of  
23 Arboriculture, Consumer Information Program, updated July, 2005);

24 (iii) trimming shall be limited to view corridors of 30 feet wide or 50 percent  
25 of the lot width, whichever is less;

26 (iv) no more than 30 percent of the live crown shall be removed; and

27 (v) the activity will not increase the risk of landslide or erosion.

28 (f) New shoreline and bank stabilization measures or flood protection are  
29 allowed pursuant to SCC 30.62A.330(2).

30 (g) Reconstruction or replacement of buildings may be allowed provided the  
31 new building does not encroach further into a critical area or its buffer than did the  
32 original building being reconstructed or replaced.

33 (3) Buffer standards and requirements - mitigation ratios. To mitigate impacts to  
34 functions and values of buffers, the ratios in Table 3 shall be required unless using the  
35 provisions of innovative development in SCC 30.62A.350. The ratios are based upon  
36 the existing type of vegetative cover and are expressed in terms of the number of acres  
37 needed to recover the lost functions and values of one acre of buffer area. For impacts  
38 to buffers that permanently remove existing vegetation, functions and values shall be  
39 assumed to be replaced by creating or enhancing new buffers at the following ratios:

Table 3 –Buffer Mitigation Ratios

Existing Riparian habitat vegetation type	Creation	Enhancement <sup>1</sup>
Mature forest	6:1	12:1
Non-mature forest	3:1	6:1
Shrub	2:1	4:1
Non-woody vegetation	1.5:1	3:1
No vegetated cover	1:1	2:1
<sup>1</sup> enhancement of the existing buffer is allowed in lieu of creation for up to one acre of buffer loss		

Section 16. Snohomish County Code Section 30.62A.340, adopted by Amended Ordinance No. 06-061 on August 1, 2007, is amended to read:

**30.62A.340 Standards and requirements for activities conducted in wetlands.**

Protection of wetlands is inextricably linked to protection of the adjacent buffer areas. Standards and requirements for the buffers adjacent to wetlands are found in SCC 30.62A.320. Additional standards and requirements for development activities, actions requiring project permits and clearing within wetlands are in this section.

(1) Standards for wetlands - prohibitions. The following actions are prohibited:

(a) Filling of estuarine wetlands, Natural Heritage wetlands, mature forested wetlands and Category I bogs;

(b) Point discharges of stormwater into Category I bogs; and

(c) Septic systems and effective impervious surfaces within 300 feet of Category I bogs.

(2) Standards for wetlands - no mitigation required. All development activities, actions requiring project permits and clearing that do not encroach into wetlands and provide buffers consistent with the requirements of SCC 30.62A.320(1)(a) through (f) and the prohibitions in SCC 30.62A.340(1) satisfy the avoidance criteria of SCC 30.62A.310(3) and do not require mitigation.

(3) Standards for wetlands - mitigation required. The actions, structures and facilities listed in this section are allowed only when they are determined to be unavoidable pursuant to SCC 30.62A.310, are consistent with the prohibitions in SCC 30.62A.340(1), and are conducted according to the standards and requirements

RELATING TO REGULATION OF STORMWATER;  
REPEALING CHAPTER 30.63A SCC; ADOPTING A  
NEW CHAPTER 30.63A SCC; AND AMENDING AND  
REPEALING SECTIONS OF TITLE 30 SNOHOMISH  
COUNTY CODE (SCC)

identified in this section. When a permit is required, an applicant must also provide a critical area study meeting the requirements of SCC 30.62A.140 and a mitigation plan meeting the requirements of SCC 30.62A.150.

(a) Except for estuarine wetlands, Natural Heritage wetlands, mature forested wetlands and bogs, filling of up to one acre of wetland is allowed provided no other feasible alternative exists.

(b) New utilities and transportation structures are allowed within wetlands provided no other feasible alternative exists.

(c) Stormwater detention/retention facilities are prohibited in Category I bogs pursuant to SCC 30.62A.340(1)(b) but are otherwise allowed pursuant to the requirements of SCC ((30.63A.240)) 30.63A.570.

(4) Standards for wetlands - mitigation requirements.

(a) Mitigation ratios - To mitigate total loss of wetland functions, the ratios in Table 4 shall be required unless using the provisions for innovative development in SCC 30.62A.350. The ratios are expressed in terms of the units of area needed to replace the lost functions and values of the wetland.

**Table 4 - Wetland Mitigation Ratios**

Category/Type of Wetland	Creation	Enhancement <sup>1</sup>
All Category IV	1.5:1	3:1
All Category III	2:1	4:1
Category II Estuarine	innovative development only	4:1
All other Category II	3:1	6:1
Category I based on score for functions	4:1	8:1
Category I Natural Heritage site	Innovative development only	Innovative development only
Category I Coastal Lagoon	Innovative development only	Innovative development only
Category I Bog	Not allowed	Innovative design only
Category I Estuarine	Innovative development only	Innovative development only
<sup>1</sup> Enhancement is allowed in lieu of creation for up to one acre of wetland fill		

(b) To reduce wetland buffer widths from the width required for high intensity land uses, optional mitigation measures and process requirements may be applied to reduce wetland buffer widths as shown in SCC 30.62A.320(1)(a) Table 2b.

(i) Optional mitigation measures.

(A) Mitigation measure 1. All applicable mitigation measures from Table 5 may be used to mitigate impacts to wetlands from high intensity land uses. When fencing and/or separate tracts are used pursuant to this section additional buffer width reductions for fencing or separate tracts otherwise allowed in SCC 30.62A.320(1) ((SGG)) shall not be applied;



**Table 5 - Mitigation Measures for High Intensity Land Uses**

<b>Examples of disturbance</b>	<b>Activities and uses that cause disturbances</b>	<b>Examples of measures to minimize impacts</b>
Lights	<ul style="list-style-type: none"><li>• Parking lots</li><li>• Warehouses</li><li>• Manufacturing</li><li>• Residential</li></ul>	<ul style="list-style-type: none"><li>• Direct lights away from wetland</li></ul>
Noise	<ul style="list-style-type: none"><li>• Manufacturing</li><li>• Residential</li></ul>	<ul style="list-style-type: none"><li>• Locate activity that generates noise away from the wetland</li></ul>
Toxic runoff*	<ul style="list-style-type: none"><li>• Parking lots</li><li>• Roads</li><li>• Manufacturing</li><li>• Residential areas</li><li>• Landscaping</li></ul>	<ul style="list-style-type: none"><li>• Route all new untreated runoff away from wetland while ensuring that wetland is not dewatered</li><li>• Establish covenants governing use of pesticides within 150 feet of wetland</li><li>• Apply integrated pest management</li></ul>
Storm water runoff	<ul style="list-style-type: none"><li>• Parking lots</li><li>• Roads</li><li>• Manufacturing</li><li>• Residential areas</li><li>• Commercial</li><li>• Landscaping</li></ul>	<ul style="list-style-type: none"><li>• Retrofit stormwater detention and treatment for roads and existing adjacent development</li><li>• Prevent channelized flow from lawns that directly enters buffer</li></ul>
Change in water regime	<ul style="list-style-type: none"><li>• Impermeable surfaces</li><li>• Lawns</li><li>• Tilling</li></ul>	<ul style="list-style-type: none"><li>• Infiltrate or treat, detain, and disperse into buffer new runoff from impervious surface and new lawns</li></ul>
Pets and human disturbance	<ul style="list-style-type: none"><li>• Residential areas</li></ul>	<ul style="list-style-type: none"><li>• Use privacy fencing; plant dense vegetation to delineate buffer edge and to discourage disturbance using vegetation appropriate for the ecoregion; place wetland and its buffer in a separate tract</li></ul>
* These examples are not necessarily adequate for minimizing toxic runoff if threatened or endangered species are present at the site.		

(B) Mitigation measure 2. For Category I or II wetlands that score moderate or high for habitat (20 points or more for the habitat functions), a habitat corridor shall be preserved that meets the following criteria:

RELATING TO REGULATION OF STORMWATER;  
REPEALING CHAPTER 30.63A SCC; ADOPTING A  
NEW CHAPTER 30.63A SCC; AND AMENDING AND  
REPEALING SECTIONS OF TITLE 30 SNOHOMISH  
COUNTY CODE (SCC)

(I) Except as allowed in number (II) below, the habitat corridor shall connect the Category I or II wetland with a habitat score of 20 or more to any other wetland, fish and wildlife habitat conservation area or buffer which is:

- (aa) on the same property or within the same development, including all phases proposed;
- (bb) on adjacent properties and already protected as NGPAs or CAPAs or other permanently protected open space suitable for wildlife habitat use and which either extends to the property boundary or connected by easement; or
- (cc) on county, state or federal land used for forestry, conservation or passive recreation parks.

(II) The habitat corridor may connect to a stormwater detention facility, either on-site or on an adjacent site, if it is designed to replicate a natural pond or wetland.

(III) The habitat corridor shall meet the following minimum physical characteristics:

- (aa) The corridor shall consist of a relatively undisturbed, vegetated corridor.
- (bb) The corridor shall maintain an average width equal to the difference between the high intensity buffer and the standard buffer for the relevant Category I or II wetland as shown in Table 6, except when the corridor is connecting two Category I or II wetlands each with a habitat score of 20 or more and the corridor maintains an average width of 100 feet, it will fulfill the connection requirement for both wetlands.

**Table 6 - Average Width for Habitat Corridor (feet)**

Wetland Category	Description	Standard Buffer Width	High Intensity Buffer Width	Average Habitat Corridor Width
Category I	Washington Natural Heritage Program/DNR high quality wetlands	190	250	60
	Bogs	190	250	60
	Estuarine (at least 1 acre) & Coastal Lagoons	150	200	50
	High Level Habitat Function (habitat function score is 29-36)	225	300	75
	Moderate Level Habitat Function (habitat function score is 20-28)	110	150	40
Category II	Estuarine (less than 1 acre)	110	150	40
	High Level Habitat Function (habitat function score is 29-36)	225	300	75
	Moderate Level Habitat Function (habitat function score is 20-28)	110	150	40

RELATING TO REGULATION OF STORMWATER;  
 REPEALING CHAPTER 30.63A SCC; ADOPTING A  
 NEW CHAPTER 30.63A SCC; AND AMENDING AND  
 REPEALING SECTIONS OF TITLE 30 SNOHOMISH  
 COUNTY CODE (SCC)

(cc) The corridor shall maintain a width at each connection not less than the required average width as described in (3)(bb) above.

(dd) The ~~((Director))~~ director may approve alternative configurations which meet the intent of no net loss of habitat functions and values pursuant to SCC 30.62A.350.

(IV) The following activities are allowed within the habitat corridor:

(aa) If the corridor maintains an average width of 100 feet or more, an unpaved trail - narrow single file walking path no bicycles or motorized vehicles allowed - may be allowed.

(bb) Vegetation management is allowed as follows:

(A) hazardous tree management -creation of snags and down logs is favored over tree removal whenever possible

(B) hand removal of invasive plant species

(C) removal of noxious weeds using ~~((bmps))~~ BMPs

(D) when trails are allowed as per (4)(aa) above, minimal trail maintenance is also allowed

(E) restorative/enhancement plantings with native species to increase species diversity or replace plants lost to disease or damage; and

(F) planting with native species along outer edge of corridor to increase plant density and discourage disturbance or intrusion.

(ii) Process requirements in Part 100 shall be supplemented with the necessary information to document the mitigation locations and protection requirements, provide an assessment of functions and values and evaluation of the level of protection achieved by the mitigation measures and establish provisions for permanent protection.

Section 17. Snohomish County Code Chapter 30.63A, last amended by Amended Ordinance No. 09-077 on August 26, 2009, is repealed.

Section 18. A new chapter is added to Subtitle 30.6 of the Snohomish County Code to read:

## **CHAPTER 30.63A DRAINAGE**

### **PART 000 GENERAL**

30.63A.010 Purpose and objectives.

30.63A.020 Applicability.

30.63A.030 Compliance with other laws.

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

RELATING TO REGULATION OF STORMWATER;  
REPEALING CHAPTER 30.63A SCC; ADOPTING A  
NEW CHAPTER 30.63A SCC; AND AMENDING AND  
REPEALING SECTIONS OF TITLE 30 SNOHOMISH  
COUNTY CODE (SCC)

1	<b>PART 100</b>	<b>STORMWATER REGULATIONS, MANUALS AND DESIGN</b>
2		<b>STANDARDS</b>
3		
4	30.63A.100	Snohomish County stormwater regulations.
5	30.63A.110	Snohomish County Drainage Manual.
6	30.63A.120	Engineering Design and Development Standards.
7	30.63A.140	Washington State Department of Transportation Highway Runoff
8		Manual.
9	30.63A.150	Hierarchy of regulations.
10	30.63A.160	Hierarchy of definitions.
11	30.63A.170	Modification and waiver criteria and processes.
12		
13	<b>PART 200</b>	<b>EXEMPTIONS</b>
14		
15	30.63A.200	General exemptions.
16	30.63A.220	Exemption for county projects.
17		
18	<b>PART 300</b>	<b>NEW DEVELOPMENT AND REDEVELOPMENT THRESHOLDS</b>
19		
20	30.63A.300	Drainage review thresholds and requirements for new development.
21	30.63A.310	Minimum drainage review thresholds and requirements for redevelopment.
22		
23	<b>PARTS 400 - 600</b>	<b>MINIMUM REQUIREMENTS</b>
24		
25	30.63A.400	Minimum requirement 1: Preparation of a stormwater site plan.
26	30.63A.405	Minimum requirement 1: Stormwater site planning process.
27	30.63A.405	Minimum requirement 1: Stormwater site planning process.
28	30.63A.410	Minimum requirement 1: Stormwater site planning process step 1.
29	30.63A.415	Minimum requirement 1: Stormwater site planning process step 2.
30	30.63A.420	Minimum requirement 1: Stormwater site planning process step 3.
31	30.63A.425	Minimum requirement 1: Stormwater site planning process step 4.
32	30.63A.430	Minimum requirement 1: Stormwater site planning process step 5.
33	30.63A.435	Minimum requirement 1: Stormwater site planning process step 6.
34	30.63A.440	Minimum requirement 1: Stormwater site planning process step 7.
35	30.63A.445	Minimum requirement 2: Stormwater pollution prevention plan (SWPPP) -
36		objectives and applicability.
37	30.63A.450	Minimum requirement 2: Stormwater pollution prevention plan (SWPPP) –
38		general requirements.
39	30.63A.455	SWPPP element 1: Preserve vegetation/mark clearing limits.
40	30.63A.460	SWPPP element 2: Establish construction access.
41	30.63A.465	SWPPP element 3: Control flow rates.
42	30.63A.470	SWPPP element 4: Install sediment controls.
43	30.63A.475	SWPPP element 5: Stabilize soils.
44	30.63A.480	SWPPP element 6: Protect slopes.
45	30.63A.485	SWPPP element 7: Protect permanent drain inlets.

RELATING TO REGULATION OF STORMWATER;  
 REPEALING CHAPTER 30.63A SCC; ADOPTING A  
 NEW CHAPTER 30.63A SCC; AND AMENDING AND  
 REPEALING SECTIONS OF TITLE 30 SNOHOMISH  
 COUNTY CODE (SCC)

- 1 30.63A.490 SWPPP element 8: Stabilize channels and outlets.
- 2 30.63A.495 SWPPP element 9: Control pollutants.
- 3 30.63A.500 SWPPP element 10: Control de-watering.
- 4 30.63A.505 SWPPP element 11: Maintain BMPs.
- 5 30.63A.510 SWPPP element 12: Manage the project.
- 6 30.63A.515 Minimum requirement 3: Water pollution source control for new
- 7 development or redevelopment.
- 8 30.63A.520 Minimum requirement 4: Preservation of natural drainage systems and
- 9 outfalls.
- 10 30.63A.525 Minimum requirement 5: On-site stormwater management.
- 11 30.63A.530 Minimum requirement 6: Runoff treatment - requirements.
- 12 30.63A.535 Minimum requirement 6: Treatment facility selection, design and
- 13 maintenance.
- 14 30.63A.540 Minimum requirement 6: Water quality design flow rate.
- 15 30.63A.545 Minimum requirement 6: Stormwater discharge from PGIS.
- 16 30.63A.550 Minimum requirement 7: Flow control requirements for new development
- 17 or redevelopment.
- 18 30.63A.555 Minimum requirement 7: Flow control thresholds.
- 19 30.63A.560 Minimum requirement 7: Flow control design - parking lots.
- 20 30.63A.570 Minimum requirement 8: Detention or treatment in wetlands and wetland
- 21 buffers.
- 22 30.63A.575 Minimum requirement 9: Inspection, operation and maintenance
- 23 requirements.
- 24 30.63A.580 Minimum requirement 9: Interim maintenance responsibility for facilities
- 25 and BMPs in the county right-of-way after construction acceptance.
- 26 30.63A.585 Minimum requirement 9: Release of owner and applicant from
- 27 maintenance responsibility for certain facilities and BMPs.
- 28 30.63A.590 Minimum requirement 9: Easements granted to the county.
- 29 30.63A.595 Minimum requirement 9: Private easements.
- 30 30.63A.600 Reserved.
- 31 30.63A.605 Minimum requirement 9: Separate tracts or easements.

32  
33

#### 34 **PART 700 ADDITIONAL REQUIREMENTS**

35

- 36 30.63A.700 Minimum requirements for road maintenance redevelopment.
- 37 30.63A.710 Drainage facility setback requirements.
- 38 30.63A.720 Access to flow control and treatment facilities.
- 39 30.63A.730 Conveyance systems – minimum standards.
- 40 30.63A.740 Stormwater plan conveyance system and stub out requirements for
- 41 development or redevelopment activities, subject to full drainage plan.
- 42 30.63A.750 Tightline systems required in the Lake Stevens Urban Growth Area.

43

44

45

RELATING TO REGULATION OF STORMWATER;  
REPEALING CHAPTER 30.63A SCC; ADOPTING A  
NEW CHAPTER 30.63A SCC; AND AMENDING AND  
REPEALING SECTIONS OF TITLE 30 SNOHOMISH  
COUNTY CODE (SCC)

**PART 800 SUBMITTAL, REVIEW, INSPECTION AND ACCEPTANCE PROCESS**

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

**PART 900 PERFORMANCE SECURITIES AND INSURANCE**

- 30.63A.900 Drainage performance security and insurance - general.
- 30.63A.910 Drainage performance security requirements.
- 30.63A.920 Drainage warranty security requirements.
- 30.63A.930 Drainage maintenance security requirements.
- 30.63A.940 Drainage insurance requirements.

**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,

RELATING TO REGULATION OF STORMWATER;  
REPEALING CHAPTER 30.63A SCC; ADOPTING A  
NEW CHAPTER 30.63A SCC; AND AMENDING AND  
REPEALING SECTIONS OF TITLE 30 SNOHOMISH  
COUNTY CODE (SCC)

- 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.

**30.63A.110 Snohomish County Drainage Manual.**

The director of the department of public works is authorized to adopt by rule, pursuant to chapter 30.82 SCC, 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.

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

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.

RELATING TO REGULATION OF STORMWATER;  
REPEALING CHAPTER 30.63A SCC; ADOPTING A  
NEW CHAPTER 30.63A SCC; AND AMENDING AND  
REPEALING SECTIONS OF TITLE 30 SNOHOMISH  
COUNTY CODE (SCC)



1 **30.63A.160 Hierarchy of definitions.**

2  
3 In the application of chapters 30.63A, 30.63B and 30.63C SCC, where a definition in  
4 chapter 30.91 SCC conflicts with a definition in the Drainage Manual or chapter 5 of the  
5 EDDS, the definition from chapter 30.91 SCC shall control. Where a term used in the  
6 Drainage Manual or the EDDS is not defined in chapter 30.91 SCC, the definition in the  
7 Drainage Manual or the EDDS shall apply.  
8

9 **30.63A.170 Modification and waiver criteria and processes.**

10  
11 Requests for modifications or waivers from the requirements of chapters 30.63A and  
12 30.63B SCC, the Drainage Manual, and chapter 5 of the EDDS and any submittal  
13 checklist item pertaining to the requirements of chapters 30.63A and 30.63B SCC shall  
14 be processed under SCC 30.63A.830 through SCC 30.63A.842.  
15

16 **PART 200 EXEMPTIONS**

17  
18 **30.63A.200 General exemptions.**

19  
20 The following new development and redevelopment activities shall be exempt from all  
21 stormwater management requirements of this chapter except as otherwise specified  
22 below:

23 (1) Repair or installation of underground or overhead facilities performed by a utility.  
24 For this exemption to apply, the repair or installation shall only replace ground surfaces  
25 with in-kind materials or materials with similar runoff characteristics and the  
26 development activities must occur outside all critical areas, together with the buffers of  
27 and setbacks from these critical areas, except that such activities may occur within  
28 floodplains and aquifer recharge areas of low or moderate sensitivity to groundwater  
29 contamination.

30 (2) Utility facility maintenance and repairs performed by a utility that replace ground  
31 surfaces with in-kind materials or materials with similar runoff characteristics, that do not  
32 add impervious surface, and that do not adversely impact any critical areas, critical area  
33 buffers or upstream or downstream properties, except that such activities shall comply  
34 with minimum requirement 2 (SCC 30.63A.445 through 30.63A.510).

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

37 (4) Development activities that result in less than 2,000 square feet of new, replaced  
38 or new plus replaced impervious surface, except that such activities shall comply with  
39 minimum requirement 2 (SCC 30.63A.445 through 30.63A.510). For this exemption to  
40 apply, development activities must occur outside all critical areas, together with the  
41 buffers of and setbacks from these critical areas, except that such activities may occur  
42 within floodplains and aquifer recharge areas of low or moderate sensitivity to  
43 groundwater contamination.

44 (5) Forest practice Classes I, II, III and Class IV special non-conversion forest  
45 practices regulated by Title 222 WAC.

RELATING TO REGULATION OF STORMWATER;  
REPEALING CHAPTER 30.63A SCC; ADOPTING A  
NEW CHAPTER 30.63A SCC; AND AMENDING AND  
REPEALING SECTIONS OF TITLE 30 SNOHOMISH  
COUNTY CODE (SCC)

1 (6) Oil and gas field activities or operations, including the construction of drilling sites,  
2 waste management pits, access roads and transportation and treatment infrastructure  
3 (such as pipelines, natural gas treatment plants, natural gas pipeline compressor  
4 stations and crude oil pumping stations).

5 (7) The following road maintenance activities: pothole and square cut patching,  
6 overlaying existing asphalt or concrete pavement with asphalt or concrete without  
7 expanding the coverage area, shoulder grading, reshaping and/or re-grading drainage  
8 systems, crack sealing, resurfacing with in-kind material without expanding the road  
9 prism and vegetation maintenance.

10 (8) The following commercial agricultural activities:

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

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

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

28 (9) Agricultural activities defined in chapter 30.32B SCC, SCC 30.91A.090 or 30.62.015,  
29 provided:

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

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

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

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

36 (ii) The activity occurs on designated agricultural or rural lands and the wetland  
37 area is no greater than 5,000 square feet of non-riparian Category 2 or 3 wetlands or  
38 10,000 square feet of non-riparian Category 4 wetlands, pursuant to chapter 30.62  
39 SCC; or

40 (iii) The activity occurs in a UGA or on designated forest lands, and the wetland  
41 is an area of no greater than 5,000 square feet of non-riparian wetland Categories II or  
42 III or 10,000 square feet of non-riparian Category IV wetlands, pursuant to SCC  
43 30.62A.230(2).

1   **30.63A.220 Exemption for county projects.**

2  
3   Projects performed by the county shall be exempt from the bonding, covenant, security  
4   and insurance requirements of SCC 30.63A.900 through 30.63A.940.

5  
6   **PART 300   NEW DEVELOPMENT AND REDEVELOPMENT THRESHOLDS**

7  
8   **30.63A.300 Drainage review thresholds and requirements for new development.**

9  
10   (1) Regardless of the new development thresholds established below in SCC  
11   30.63A.300(2) and (3), all new development shall be required to comply with minimum  
12   requirement 2 (SCC 30.63A.445 through 30.63A.510), unless minimum requirement 2 is  
13   not required for an exempted activity pursuant to SCC 30.63A.200. In addition, new  
14   development shall comply with any other applicable additional requirement specified in  
15   part 700 of this chapter.

16   (2) New development projects shall comply with minimum requirements 1 through 5  
17   (SCC 30.63A.400 through 30.63A.525) for the new and replaced impervious surfaces  
18   and the land disturbed if the new development will:

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

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

22   (3) New development projects shall comply with all minimum requirements 1 through  
23   9 (SCC 30.63A.400 through 30.63A.605) for the new impervious surfaces and  
24   converted pervious surfaces if the new development will:

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

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

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

29  
30   **30.63A.310 Minimum drainage review thresholds and requirements for**  
31   **redevelopment.**

32  
33   (1) Regardless of the redevelopment thresholds established below in SCC  
34   30.63A.310(2) and (3) all redevelopment shall comply with minimum requirement 2  
35   (SCC 30.63A.445 through SCC 30.63A.510) unless minimum requirement 2 is not  
36   required for an exempted activity pursuant to SCC 30.63A.200. In addition,  
37   redevelopment shall comply with any other applicable redevelopment requirement  
38   specified in part 700 of this chapter.

39   (2) Redevelopment projects shall comply with minimum requirements 1 through 5  
40   (SCC 30.63A.400 through 30.63A.525) for the new and replaced impervious surfaces  
41   and the land disturbed if the redevelopment will:

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

44       (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;

RELATING TO REGULATION OF STORMWATER;  
REPEALING CHAPTER 30.63A SCC; ADOPTING A  
NEW CHAPTER 30.63A SCC; AND AMENDING AND  
REPEALING SECTIONS OF TITLE 30 SNOHOMISH  
COUNTY CODE (SCC)

1 (c) Tree retention and replacement areas and landscaping required pursuant to  
2 title 30 SCC, if applicable; and

3 (d) Required or existing open space areas, tracts or easements.

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

10  
11 **30.63A.415 Minimum requirement 1: Stormwater site planning process step 2.**

12  
13 This section establishes the requirements of step 2 of the stormwater site planning  
14 process.

15 (1) Based upon the analysis of existing site conditions in step 1 (SCC 30.63A.410), the  
16 applicant shall prepare a preliminary development layout that locates the proposed  
17 buildings, roads, parking lots, landscaping areas and buffers for the proposed  
18 development using the following design principles:

19 (a) Fit development to the terrain to minimize land disturbance;

20 (b) Confine construction activities to the smallest area possible, and away from  
21 critical areas;

22 (c) Preserve natural vegetation (especially forested areas) as much as possible;

23 (d) On sites with a mix of soil types, locate impervious areas over less permeable  
24 soil (e.g., till), and limit development over more porous soils (e.g., outwash);

25 (e) Cluster buildings together;

26 (f) Minimize impervious surface areas; and

27 (g) Maintain and utilize natural drainage patterns.

28 (2) The preliminary development layout shall be used to determine threshold discharge  
29 areas and whether the size thresholds in minimum requirements 6, 7 and 8 (SCC  
30 30.63A.530 through 30.63A.570) are exceeded, and to create the drawings and maps  
31 required for the stormwater site plan.

32  
33 **30.63A.420 Minimum requirement 1: Stormwater site planning process step 3.**

34  
35 This section establishes the requirements of step 3 of the stormwater site planning  
36 process.

37 (1) All new development and redevelopment projects shall submit a general off-site  
38 analysis report, which shall be comprised of a downstream analysis (SCC  
39 30.63A.420(2)) and an upstream analysis (SCC 30.63A.420(3)). Both analyses shall be  
40 qualitative, shall be performed in accordance with volume 1, chapter 2 of the Drainage  
41 Manual, and shall address potential off-site water quality, erosion, slope stability, and  
42 drainage impacts associated with the new development or redevelopment project.

43 (2) The downstream analysis shall assess the area downstream of the subject  
44 property for the entire flow path from the project site to the nearest receiving water or up  
45 to one mile, whichever is less.

RELATING TO REGULATION OF STORMWATER;  
REPEALING CHAPTER 30.63A SCC; ADOPTING A  
NEW CHAPTER 30.63A SCC; AND AMENDING AND  
REPEALING SECTIONS OF TITLE 30 SNOHOMISH  
COUNTY CODE (SCC)

1 (a) The downstream analysis shall:

2 (i) Evaluate potential downstream drainage impacts as well as the adequacy of  
3 the downstream drainage facilities to accommodate flows from the development activity  
4 and all other upstream sources identified by the threshold discharge area pursuant to  
5 SCC Figure 30.91T.054B;

6 (ii) Provide a narrative of the downstream conditions and a computation of the  
7 adequacy of downstream conveyance systems required under SCC 30.63A.730;

8 (iii) Include a summary of a visual inspection of the condition of the downstream  
9 drainage system, whenever possible, and photographic documentation to verify that it  
10 will function in accordance with the downstream analysis; and

11 (iv) Provide documentation of drainage problems identified in the Snohomish  
12 County Drainage Needs Report (DNR) or equivalent studies, and in the department of  
13 public works surface water management complaint database.

14 (b) If the downstream analysis indicates that flooding of a building, structure, road,  
15 critical area, lake or fishery resource has the potential to occur within one mile  
16 downstream of the property, or to the nearest receiving water, the director may return  
17 the downstream analysis to the applicant and require further evaluation of the potential  
18 impacts of the new development activity to the downstream area beyond one mile or the  
19 nearest receiving water.

20 (3) The upstream analysis shall assess the area upstream from the project site, which  
21 drains onto or through the site. The analysis shall evaluate potential drainage impacts  
22 that may occur upstream as a result of the project, and calculate the area of land and  
23 drainage flow to the site.

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

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

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

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

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

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

RELATING TO REGULATION OF STORMWATER;  
REPEALING CHAPTER 30.63A SCC; ADOPTING A  
NEW CHAPTER 30.63A SCC; AND AMENDING AND  
REPEALING SECTIONS OF TITLE 30 SNOHOMISH  
COUNTY CODE (SCC)

(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.

#### **30.63A.425 Minimum requirement 1: Stormwater site planning process step 4.**

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

1 Washington State Department of Ecology is used, its documentation files shall be  
2 included;

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

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

7 (ii) WWHM or other approved model printouts pursuant to SCC  
8 30.63A.430(3)(g)(ii), as well as any necessary calculations, equations, references, and  
9 graphs to show that the facilities are designed consistent with the requirements and  
10 design criteria of volume V of the Drainage Manual; and

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

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

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

20  
21 **30.63A.435 Minimum requirement 1: Stormwater site planning process step 6.**  
22

23 This section establishes the requirements of step 6 of the stormwater site planning  
24 process.

25 (1) The applicant shall prepare a SWPPP pursuant to SCC 30.63A.445 through  
26 30.63A.510. For projects that result in 2,000 square feet or greater of new, replaced or  
27 new plus replaced impervious surfaces, the SWPPP shall contain sufficient information  
28 to show that the potential pollution problems have been adequately addressed for the  
29 proposed project. Projects that result in less than 2,000 square feet of impervious  
30 surfaces or disturb less than 7,000 square feet of land may utilize an abbreviated  
31 SWPPP for small project development pursuant to SCC 30.63A.810.

32 (2) Pursuant to SCC 30.63A.445 through 30.63A.510, the SWPPP narrative and  
33 drawings shall explain and justify the pollution prevention decisions made for the  
34 project.

35 (3) New development and redevelopment shall be designed to prevent erosion and  
36 discharge of sediment and other pollutants into receiving waters. Land disturbing  
37 activities for new development and redevelopment shall be permitted only if conducted  
38 pursuant to an approved stormwater site plan that establishes and delineates permitted  
39 areas of land disturbing activity pursuant to chapter 30.63B SCC. All clearing limits,  
40 streams, wetlands, lakes, marine waters, and fish and wildlife habitat conservation  
41 areas, and their buffers, erosion or landslide hazard areas and setbacks pursuant to  
42 chapters 30.62 and 30.62B SCC, and drainage courses shall be delineated and  
43 quantified in the SWPPP narrative and on the plans in square footage or acres.

44 (4) The twelve elements listed in this subsection shall be addressed in the  
45 development of a SWPPP unless site conditions render the element unnecessary, the

1 applicant provides written justification in the SWPPP narrative that the element is not  
2 applicable to the site or project, and the director agrees in writing that the element is not  
3 applicable. The director's administrative determination that an element is not applicable  
4 shall not be considered a modification or waiver under SCC 30.63A.830 or 30.63A.840.  
5 The twelve SWPPP elements required by this section and SCC 30.63A.450 through  
6 30.63A.510 are described in detail in volume 1, section 2.5.2 of the Drainage Manual.  
7 These elements address water quality protection strategies that would limit site impacts,  
8 prevent erosion and sedimentation, and manage activities and sources of pollution. The  
9 twelve elements are:

- 10 (a) Mark clearing limits;
- 11 (b) Establish construction access;
- 12 (c) Control flow rates;
- 13 (d) Install sediment controls;
- 14 (e) Stabilize soils;
- 15 (f) Protect slopes;
- 16 (g) Protect drain inlets;
- 17 (h) Stabilize channels and outlets;
- 18 (i) Control pollutants;
- 19 (j) Control de-watering;
- 20 (k) Maintain BMPs; and
- 21 (l) Manage the project.

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

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

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

36  
37 **30.63A.440 Minimum requirement 1: Stormwater site planning process step 7.**

38  
39 This section establishes the minimum requirements of step 7 of the stormwater site  
40 planning process. A completed stormwater site plan shall include the following  
41 documents:

- 42 (1) A project overview narrative that provides a general description of the project,  
43 pre-developed and developed conditions of the site, site area and size of the  
44 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 bond amount when required under part 900 of this chapter.

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

When minimum requirement 2 applies pursuant to part 300 of this chapter or SCC 30.63A.200, the applicant or any person required to comply with minimum requirement 2 shall prepare a SWPPP consistent with SCC 30.63A.445 through 30.63A.510.

(1) The objectives of a SWPPP are:

1 (a) To implement and maintain BMPs that identify, reduce, eliminate, and/or prevent  
2 the discharge of stormwater pollutants;

3 (b) To prevent violations of surface water quality, groundwater quality, and  
4 sediment management standards;

5 (c) To prevent adverse impacts to receiving waters by controlling peak rates and  
6 volumes of stormwater runoff; and

7 (d) To eliminate the discharges of unpermitted process wastewater, domestic  
8 wastewater, non-contact cooling water, and other illicit discharges to stormwater  
9 drainage systems.

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

13 (3) The twelve elements set forth in SCC 30.63A.455 through 30.63A.510 shall be  
14 addressed in the development of a SWPPP, unless site conditions render the element  
15 unnecessary, the applicant provides written justification in the SWPPP narrative that the  
16 element is not applicable to the site or project, and the director agrees in writing that the  
17 element is not applicable. The director's administrative determination that an element is  
18 not applicable shall not be considered a modification or waiver under SCC 30.63A.830  
19 or 30.63A.840.

20  
21 **30.63A.450 Minimum requirement 2: SWPPP – general requirements.**  
22

23 (1) Applicants for all new development and redevelopment projects of any size shall  
24 be responsible for preventing soil erosion and the discharge of sediment and pollutants  
25 into receiving waters. A SWPPP must be submitted as part of the stormwater site plan.  
26 The SWPPP shall be implemented at initial soil disturbance through final stabilization.

27 (2) The SWPPP shall include a narrative and drawings. The narrative shall be a  
28 stand-alone document attached to the construction drawings. The standard SWPPP  
29 format for narratives is available from the Washington State Department of Ecology.  
30 The narrative shall include written explanations describing the pollution prevention  
31 decisions made for the project to comply with the SWPPP requirements contained in  
32 SCC 30.63A.450 through 30.63A.510, including information concerning existing site  
33 conditions, construction schedules and other pertinent items not found in the drawings.  
34 Sediment and erosion control BMPs shall be selected and designed pursuant to volume  
35 II, chapters 3 and 4 of the Drainage Manual. The drawings and narrative shall describe  
36 when and where the selected BMPs will be installed, the performance that the BMPs  
37 are expected to achieve and actions to be taken if performance is not achieved. All  
38 relevant information shall be included on the construction plans for the availability of  
39 project inspectors.

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

42 (4) To control sediment transport and erosion during the wet season, seasonal work  
43 limitations shall apply. From October 1 through April 30, land disturbing activities may  
44 only be authorized if silt-laden runoff will be prevented from leaving the site through any  
45 combination of the following:

RELATING TO REGULATION OF STORMWATER;  
REPEALING CHAPTER 30.63A SCC; ADOPTING A  
NEW CHAPTER 30.63A SCC; AND AMENDING AND  
REPEALING SECTIONS OF TITLE 30 SNOHOMISH  
COUNTY CODE (SCC)

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

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

4 (c) Proposed erosion and sediment control measures.

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

7 Where there is 100 percent infiltration of surface water runoff within the site into  
8 approved and installed stormwater facilities, land disturbing activities are exempt from  
9 the seasonal clearing and grading limitations in subsection (4).

10  
11 **30.63A.455 SWPPP element 1: Preserve vegetation and marking clearing limits.**

12  
13 SWPPP element 1 establishes requirements regarding the preservation of vegetation  
14 and marking clearing limits.

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

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

25 (a) Clearing limits;

26 (b) Critical areas and their buffers or setbacks;

27 (c) Erosion or landslide hazard areas and their setbacks;

28 (d) Easements;

29 (e) Tree retention and replacement areas and landscaping and landscape  
30 buffers required by title 30 SCC; and

31 (f) Other areas on the site required to be preserved or protected including, but  
32 not limited to, drainage courses.

33  
34 **30.63A.460 SWPPP element 2: Establish construction access.**

35  
36 SWPPP element 2 establishes requirements regarding construction access.

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

39 (2) All soil erosion control plans shall provide for installation of a stabilized  
40 construction entrance constructed with quarry spalls, crushed rock or other equivalent  
41 BMP or method to prevent sediment transport onto roads. If a standard gravel  
42 construction entrance is proposed, geo-textile fabric shall be used under the rock.

43 (3) A wheel wash or tire bath is required if wet season grading is proposed or if the  
44 stabilized construction entrance is not effective in preventing sediment from being  
45 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:

RELATING TO REGULATION OF STORMWATER;  
REPEALING CHAPTER 30.63A SCC; ADOPTING A  
NEW CHAPTER 30.63A SCC; AND AMENDING AND  
REPEALING SECTIONS OF TITLE 30 SNOHOMISH  
COUNTY CODE (SCC)



(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

1 surfaces shall be cleaned immediately following any spill incident.

2 (3) Wheel wash or tire bath wastewater shall be discharged to a separate on-site  
3 treatment system or to the sanitary sewer with local sewer district approval.

4 (4) Application of fertilizers and pesticides shall be conducted in a manner and at  
5 application rates that will not result in loss of chemical to stormwater runoff.  
6 Manufacturers' label requirements for application rates and procedures shall be  
7 followed.

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

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

15 (7) Construction site operators shall obtain written approval from the Washington State  
16 Department of Ecology prior to using chemical treatment other than CO<sub>2</sub> or dry ice to  
17 adjust pH.

18  
19 **30.63A.500 SWPPP element 10: Control de-watering.**

20  
21 SWPPP element 10 establishes requirements for the control of de-watering. Highly  
22 turbid or contaminated de-watering water shall be handled separately from stormwater.  
23 The water from all de-watering systems for trenches, vaults and foundations may be  
24 disposed of in one of the following manners:

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

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

33 (a) Infiltration;

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

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

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

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

1 **30.63A.505 SWPPP element 11: Maintain BMPs.**

2  
3 SWPPP element 11 establishes requirements regarding the maintenance of BMPs. The  
4 SWPPP shall provide for inspection and maintenance of the constructed BMPs. The  
5 applicant shall maintain BMPs and comply with their removal at the end of the project as  
6 follows:

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

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

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

15  
16 **30.63A.510 SWPPP element 12: Manage the project.**

17  
18 SWPPP element 12 establishes requirements regarding management of the project.  
19 The SWPPP narrative shall describe how the project site shall be managed for soil  
20 erosion and sedimentation control throughout the life of the project.

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

30  
31 (2) Construction site operators shall inspect, maintain, update and implement the  
32 SWPPP in accordance with the Drainage Manual and as required by the director.  
33 SWPPPs shall be modified whenever there is a change in design, construction,  
34 operation, or maintenance at the construction site that has or could have a significant  
35 effect on the discharge of pollutants to waters of the state.

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

1  
2 **30.63A.515 Minimum requirement 3: Water pollution source control for new**  
3 **development or redevelopment.**  
4

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

13 (1) Source control BMPs in accordance with volume IV, chapters 3 and 4 of  
14 the Drainage Manual shall be applied during construction if any pollution-  
15 generating activities described in volume IV, chapters 3 and 4 are performed on  
16 the site during construction; and

17 (2) Source control BMPs in accordance with volume IV, chapter 5 of the  
18 Drainage Manual shall be selected, designed, and constructed if any pollution-  
19 generating activities or uses described in volume IV, chapter 5 are proposed for  
20 the developed site following construction.  
21

22 **30.63A.520 Minimum requirement 4: Preservation of natural drainage systems**  
23 **and outfalls, and provision of off-site mitigation.**  
24

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

28 (1) Natural drainage patterns identified in the stormwater site plan and  
29 determined by the currently functioning drainage pattern and patterns occurring  
30 over the past ten consecutive years shall be maintained. Discharges from the  
31 project site shall occur at natural locations, to the maximum extent practicable.

32 (2) The manner by which runoff is discharged from the project site shall not cause  
33 significant adverse off-site drainage impacts, as defined in SCC 30.63A.420(4)(a).  
34 Mitigation of significant adverse off-site drainage impacts should be provided pursuant  
35 to SCC 30.63A.420. In addition, appropriate energy dissipation shall be provided for all  
36 outfalls in accordance with the requirements of the EDDS and volume III of the  
37 Drainage Manual.  
38

39 **30.63A.525 Minimum requirement 5: On-site stormwater management.**  
40

41 When minimum requirement 5 applies pursuant to part 300 of this chapter and no  
42 exemption under SCC 30.63A.200 applies, the requirements of this section shall be  
43 met.

44 (1) In order to infiltrate, disperse, and retain stormwater runoff on-site to the maximum  
45 extent feasible without causing flooding or erosion impacts, and to reduce the hydrologic

RELATING TO REGULATION OF STORMWATER;  
REPEALING CHAPTER 30.63A SCC; ADOPTING A  
NEW CHAPTER 30.63A SCC; AND AMENDING AND  
REPEALING SECTIONS OF TITLE 30 SNOHOMISH  
COUNTY CODE (SCC)

1 disruption of developed sites, the following on-site stormwater management BMPs shall  
2 be implemented to the maximum extent feasible and according to the conditions set  
3 forth in SCC 30.63A.525(2) through SCC 30.63A.525(6):

4 (a) Non-pollution-generating impervious surface (NPGIS) runoff control BMPs in  
5 volume III, chapter 3 of the Drainage Manual;

6 (b) Pollution-generating impervious surface (PGIS) dispersion BMPs in volume V,  
7 chapter 5 of the Drainage Manual; and

8 (c) BMP T.5.13 (Post-Construction Soil Quality and Depth) provided in volume V,  
9 chapter 5 of the Drainage Manual.

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

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

16 (4) BMP T.5.13 provided in volume V, chapter 5 of the Drainage Manual shall be  
17 implemented to the maximum extent feasible on all new development and  
18 redevelopment projects.

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

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

25  
26 **30.63A.530 Minimum requirement 6: Runoff treatment – requirements.**

27  
28 When minimum requirement 6 applies pursuant to part 300 of this chapter and where no  
29 exemption applies pursuant to SCC 30.63A.200, the applicable requirements of SCC  
30 30.63A.530 through 30.63A.545 shall be met. Volume V, chapters 2 and 3 of the  
31 Drainage Manual provide the step-by-step process for selecting the type of treatment  
32 that will apply to individual projects and four treatment menus (oil control, phosphorous,  
33 enhanced and basic).

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

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

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

**Table 30.63A.530**  
**Treatment Requirements by Threshold Discharge Area**

	Less than $\frac{3}{4}$ acre of PGPS	Greater than or equal to $\frac{3}{4}$ 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:

1 (a) Single-family or duplex residential projects not otherwise needing phosphorus  
2 treatment as required by United States Environmental Protection Agency, the  
3 Washington State Department of Ecology, or the county;

4 (b) Project sites discharging directly to waters listed in volume 1, Appendix I-C of  
5 the Drainage Manual;

6 (c) Project sites that drain to waters that are not fish-bearing, or to waters not  
7 tributary to fish-bearing waters;

8 (d) Landscaped areas of industrial, commercial and multi-family project sites,  
9 and parking lots of industrial and commercial project sites that do not involve pollution-  
10 generating sources (e.g., industrial activities, customer parking, storage of erodible or  
11 leachable material, wastes or chemicals) other than parking of employees' private  
12 vehicles. For developments with a mix of land use types, the basic treatment  
13 requirement shall apply when the runoff from the areas subject to the basic treatment  
14 requirement comprises 50 percent or more of the total runoff within a threshold  
15 discharge area; and

16 (e) Project sites for which:

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

19 (ii) Phosphorous treatment is not required pursuant to SCC 30.63A.530(3); and

20 (iii) Enhanced treatment is not required pursuant to SCC 30.63A.530(4).  
21

22 **30.63A.535 Minimum requirement 6: Treatment facility selection, design and**  
23 **maintenance.**  
24

25 (1) The applicant shall provide stormwater treatment facilities that are:

26 (a) Selected in accordance with the process identified in volume I, chapter 4 and  
27 volume V, chapter 2 of the Drainage Manual;

28 (b) Designed in accordance with the design criteria in volume V of the Drainage  
29 Manual;

30 (c) Maintained in accordance with the minimum schedule in volume V of the  
31 Drainage Manual;

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

34 (e) Sized for treatment facility and water quality design storm volumes based upon  
35 the volume of runoff predicted from a 24-hour storm with a six-month return frequency  
36 (i. e., six-month, 24-hour Type 1A storm). Wet pool facilities shall be sized based upon  
37 the volume of runoff predicted through use of the Natural Resource Conservation  
38 Service curve number equations in volume III, chapter 2 of the Drainage Manual for the  
39 six-month, 24-hour Type 1A storm. Alternatively, the 91<sup>st</sup> percentile, 24-hour runoff  
40 volume indicated by a continuous runoff model approved by the Washington State  
41 Department of Ecology and the department may be used pursuant to the water quality  
42 design flow rates established in SCC 30.63A.540.  
43  
44  
45



1 **30.63A.540 Minimum requirement 6: Water quality design flow rate.**

2  
3 Water quality design flow rates shall comply with the following standards:

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

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

9 (3) A modification to the design flow rate may be approved pursuant to SCC  
10 30.63A.830 if the request identifies volumes and flow rates that are at least equivalent  
11 to the applicable water quality design flow rate.

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

15  
16 **30.63A.545 Minimum requirement 6: Stormwater discharge from PGIS.**

17  
18 The discharge of untreated stormwater from PGIS to groundwater is not allowed, except  
19 for the discharge achieved by infiltration or dispersion of runoff from projects designed  
20 solely for residential use through the use of on-site stormwater BMPs.

21  
22 **30.63A.550 Minimum requirement 7: Flow control requirements for new**  
23 **development or redevelopment.**

24  
25 When minimum requirement 7 applies pursuant to part 300 of this chapter, and no  
26 exemption under SCC 30.63A.200 applies, the requirements of SCC 30.63A.550  
27 through 30.63A.565 shall be met.

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

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

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

43 (a) Any direct discharge does not result in the diversion of drainage from any lake,  
44 wetland or stream classified as Type 1, 2, 3, or 4 in the State of Washington Interim

1 Water Typing System, or Type “S”, “F”, or “Np” in the Permanent Water Typing System,  
2 or from any Category I, II, or III wetland;

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

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

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

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

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

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

24 (4) For project sites with multiple discharge points, a threshold discharge area analysis  
25 shall be required to determine whether multiple flow control and treatment facilities are  
26 required to meet minimum requirement 7 pursuant to SCC 30.63A.550 through  
27 30.63A.565.

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

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

### 34 **30.63A.555 Minimum requirement 7: Flow control thresholds.**

36 (1) Projects that meet the following thresholds illustrated in SCC Table 30.63A.555  
37 require construction of flow control facilities and/or BMPs:

38 (a) Projects in which the total of effective impervious surfaces is 10,000 square  
39 feet or more in a threshold discharge area;

40 (b) Projects that convert three-quarters of an acre or more of native vegetation to  
41 lawn or landscape;

42 (c) Projects that convert 2.5 acres or more of native vegetation to pasture in a  
43 threshold discharge area and from which there is a surface discharge into a natural or  
44 man-made conveyance system 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 30.63A.555**  
**Flow Control Requirements by Threshold Discharge Area**

	Flow Control Facilities Required	On-site Stormwater Management BMPs Required
Less than ¾ acres conversion to lawn/landscape, or less than 2.5 acres to pasture	No	Yes
Greater than or equal to ¾ acres conversion to lawn/landscape, or greater than or equal to 2.5 acres to pasture	Yes	Yes
Less than 10,000 square feet of effective impervious area	No	Yes
Greater than or equal to 10,000 square feet of effective impervious area	Yes	Yes
Greater than or equal to 0.1 cubic feet per second increase in the 100-year flow frequency	Yes	Yes

(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

RELATING TO REGULATION OF STORMWATER;  
REPEALING CHAPTER 30.63A SCC; ADOPTING A  
NEW CHAPTER 30.63A SCC; AND AMENDING AND  
REPEALING SECTIONS OF TITLE 30 SNOHOMISH  
COUNTY CODE (SCC)

1 wetlands. A threshold discharge area analysis is required for project sites with multiple  
2 discharge points.

3 (2) Discharges to wetlands shall maintain the hydrologic conditions, hydrophytic  
4 vegetation, and substrate characteristics necessary to support existing wetland  
5 functions and values or mitigation shall be required pursuant to chapters 30.62 and  
6 30.62A SCC. All runoff treatment requirements in SCC 30.63A.530 through 30.63A.545  
7 shall be met. The following requirements shall also apply:

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

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

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

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

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

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

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

26 (6) Natural or created Category 3 and 4 or III and IV wetlands, as classified in SCC  
27 30.62.300 or 30.62A.230, as applicable, together with created wetlands intended to  
28 mitigate for loss of wetlands, and their buffers, shall not be used for detention of  
29 stormwater runoff except when the applicant demonstrates that all of the following  
30 criteria have been met:

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

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

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

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

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

43 (7) If the department approves the use of a natural or created wetland for stormwater  
44 detention as provided in SCC 30.63A.570(6), the design of such a detention facility  
45 shall be based on field measurements of water level fluctuations under natural

RELATING TO REGULATION OF STORMWATER;  
REPEALING CHAPTER 30.63A SCC; ADOPTING A  
NEW CHAPTER 30.63A SCC; AND AMENDING AND  
REPEALING SECTIONS OF TITLE 30 SNOHOMISH  
COUNTY CODE (SCC)

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;

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

3 (c) Any other information pertinent to the functioning of the drainage facilities,  
4 stormwater facilities and/or other stormwater BMPs on the property.

5 (5) Any modification to the drainage facilities, stormwater facilities or other stormwater  
6 BMPs shown on an approved stormwater site plan for a property, which is not part of an  
7 approved maintenance schedule, requires prior approval by the county. Proposed  
8 revisions to the approved plans, drainage computations or maintenance schedule shall  
9 be submitted to the county for approval prior to modification pursuant to SCC  
10 30.63A.825.

11  
12 **30.63A.580 Minimum requirement 9: Interim maintenance responsibility for**  
13 **facilities and BMPs in the county right-of-way after construction acceptance.**  
14

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

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

23 (b) Through such time as any warranty security and/or maintenance security is  
24 released pursuant to SCC 30.63A.920 and 30.63A.930.

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

27 (3) The private party responsible for interim inspection, maintenance and operation of  
28 drainage facilities, stormwater facilities and/or other stormwater BMPs pursuant to this  
29 section shall provide a warranty security and maintenance security as required pursuant  
30 to SCC 30.63A.920 through 30.63A.930.

31  
32 **30.63A.585 Minimum requirement 9: Release of owner and applicant from**  
33 **maintenance responsibility for certain facilities and BMPs.**  
34

35 The county may release the warranty security and maintenance security required  
36 pursuant to SCC 30.63A.920 and 30.63A.930 and accept maintenance responsibility for  
37 drainage facilities, stormwater facilities and/or other stormwater BMPs located in, on,  
38 above, upon, over, under, across or through any portion of a county right-of-way or  
39 other county-owned property in accordance with the provisions of SCC 30.63A.920 and  
40 30.63A.930. After such release and acceptance by the county, the private party who  
41 constructed, located, built or otherwise placed the facilities and/or other BMPs shall no  
42 longer be responsible for maintaining those elements of the approved drainage system.  
43 The county may accept the offer of dedication for drainage facilities, stormwater  
44 facilities and/or other stormwater BMPs located outside the county right-of-way, if the

1 private party owning same offers to dedicate the facilities to the county and if the  
2 director of public works determines that such facilities should become a part of a county  
3 maintained drainage system.

4  
5 **30.63A.590 Minimum requirement 9: Easements granted to the county.**  
6

7 (1) To protect the public from flooding, water quality degradation, damage to aquatic  
8 habitat and other drainage impacts, easements shall be granted to the county for the  
9 right to enter onto privately owned property, at the county's discretion, for the purpose of  
10 accessing, inspecting, maintaining, modifying or replacing the following types of  
11 privately owned drainage facilities, stormwater facilities or other stormwater BMPs:

12 (a) All permanent drainage facilities, stormwater facilities and stormwater BMPs  
13 approved by the county pursuant to this chapter, except for those facilities and/or BMPs  
14 that are:

15 (i) Shown in an approved stormwater site plan that serves only one single  
16 family residence or one duplex (and any accessory uses thereto); or

17 (ii) Located on a lot created prior to September 30, 2010 (effective date of this  
18 ordinance); and

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

22 (2) All easements granted to the county under SCC 30.63A.590(1) shall include  
23 access rights from an opened public right-of-way.

24 (3) Drainage easements granted to the county pursuant to SCC 30.63A.590(1) shall  
25 be 20 feet in width unless:

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

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

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

41 (4) The director of public works shall have the authority to modify existing drainage  
42 easement widths pursuant to the conditions in SCC 30.63A.590(3).

43 (5) All drainage easements granted pursuant to SCC 30.63A.590(1) shall be in a form  
44 specified by the director, and shall include a covenant requiring the owner(s) of the

1 property at issue to regularly inspect and maintain the drainage facilities, stormwater  
2 facilities or stormwater BMPs located within the easement area. All persons having an  
3 ownership interest in the property at issue shall execute and acknowledge the  
4 easement document, which shall be recorded.

5 (6) Should the county determine, at any time, that the property owner(s) have not  
6 performed the required inspection and maintenance of the drainage facilities,  
7 stormwater facilities or stormwater BMPs located within a drainage easement granted  
8 pursuant to SCC 30.63A.590(1), the county may cause such inspection and/or  
9 maintenance to be performed, and the property owner(s) shall reimburse the county for  
10 the cost of any such work.

11 (7) Prior to accepting an easement granted pursuant to SCC 30.63A.590(1), the  
12 director may require the removal of all obstructions or encumbrances located in, on,  
13 above, upon, over, under, across or through the easement area which are inconsistent  
14 with the purposes for which the easement is being granted.

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

21 (9) Payments due to the county under SCC 30.63A.590(6) and (8) above shall be  
22 made within 90 days of the day the county submits a bill for costs. In the event of  
23 nonpayment, the county may bring suit to recover such removal costs, including its  
24 attorneys' fees, and upon obtaining a judgment, such amount shall become a lien  
25 against the property of the owner as provided in RCW 4.56.190.

### 26 27 **30.63A.595 Minimum requirement 9: Private easements.**

28  
29 (1) All privately owned drainage facilities, stormwater facilities and other stormwater  
30 BMPs shown on an approved stormwater site plan that are located on multiple,  
31 contiguous properties not contained in a public easement dedicated to the county shall  
32 be contained within a recorded private easement. Such private easements shall be  
33 established for the benefit of all real property for which such facilities and other BMPs  
34 have been designed to convey, store or treat stormwater runoff. Private easements  
35 shall be a minimum of ten feet in width. Private easements required by this section shall  
36 permit each affected property owner to enter onto the easement area for purposes of  
37 inspecting and maintaining the facilities or other BMPs located thereon.

38 (2) Private easements required by SCC 30.63A.595(1) shall be in a form specified by  
39 the director, and shall include a covenant requiring the owner(s) of the properties at  
40 issue to regularly inspect and maintain the drainage facilities, stormwater facilities or  
41 other BMPs located within the easement area. All persons having an ownership interest  
42 in the properties at issue shall execute and acknowledge the easement document,  
43 which shall be recorded prior to drainage or construction plan approval.

44 (3) Any private drainage easement required by SCC 30.63A.595(1) that is located in



1 a subdivision or other platted development shall be depicted on the face of the plat. In  
2 such cases, the face of the plat shall contain covenant language approved by the  
3 director requiring affected property owners to regularly inspect and maintain the  
4 drainage facilities, stormwater facilities or other BMPs located within the easement  
5 areas depicted on the face of the plat. SCC 30.63A.595(2) above shall not apply to  
6 private easements covered by this subsection SCC 30.63A.595(3).

7  
8 **30.63A.605 Minimum requirement 9: Separate tracts or easements.**

9  
10 (1) Runoff treatment facilities constructed to meet the requirements of SCC  
11 30.63A.530 through 30.63A.545, flow control facilities constructed to meet the  
12 requirements of SCC 30.63A.550 through 30.63A.560, and access constructed to serve  
13 those facilities shall be placed in one or more separate lots or tracts that are owned in  
14 common by all of the property owners served by the facility, or by a homeowners  
15 association.

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

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

25  
26 **PART 700 ADDITIONAL REQUIREMENTS.**

27  
28 **30.63A.700 Minimum requirements for road maintenance redevelopment.**

29  
30 This section establishes requirements for the application of minimum requirements to  
31 road maintenance redevelopment practices.

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

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

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

- 40 (a) Resurfacing by upgrading from dirt to gravel, asphalt, or concrete;  
41 (b) Upgrading from gravel to asphalt, or concrete; and  
42 (c) Upgrading from a bituminous surface treatment ("chip seal") to asphalt or  
43 concrete.

1     **30.63A.710 Drainage facility setback requirements.**

2  
3     Drainage facilities shall meet the setback requirements in SCC 30.23.110 and the  
4     EDDS.

5  
6     **30.63A.720 Access to flow control and treatment facilities.**

7  
8     The applicant shall provide an access route from a public right-of-way to all stormwater  
9     flow control and treatment facilities. The access road shall be constructed in accordance  
10    with the EDDS and provide access to all areas necessary for maintenance of the  
11    facility. The director may require the applicant to provide access routes to other  
12    elements of the proposed drainage system to allow effective inspection or maintenance  
13    of drainage facilities.

14  
15    **30.63A.730 Conveyance systems - minimum standards.**

16  
17    (1) All conveyance systems shall be designed to at least accommodate the peak  
18    discharge from the 25-year, 24-hour design storm based on post-development site  
19    conditions, including stormwater flowing through the site which originates both on-site  
20    and off-site. This peak discharge flow shall remain within the conveyance system.  
21    Conveyance systems for new development or redevelopment projects that require full  
22    drainage plans shall be designed in accordance with SCC 30.63A.740.

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

25  
26    **30.63A.740 Stormwater plan conveyance system and stub out requirements for**  
27    **new development or redevelopment activities, subject to full drainage plan.**

28  
29    (1) Conveyance systems.

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

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

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

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

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

RELATING TO REGULATION OF STORMWATER;  
REPEALING CHAPTER 30.63A SCC; ADOPTING A  
NEW CHAPTER 30.63A SCC; AND AMENDING AND  
REPEALING SECTIONS OF TITLE 30 SNOHOMISH  
COUNTY CODE (SCC)

(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.

RELATING TO REGULATION OF STORMWATER;  
REPEALING CHAPTER 30.63A SCC; ADOPTING A  
NEW CHAPTER 30.63A SCC; AND AMENDING AND  
REPEALING SECTIONS OF TITLE 30 SNOHOMISH  
COUNTY CODE (SCC)

- (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.

RELATING TO REGULATION OF STORMWATER;  
REPEALING CHAPTER 30.63A SCC; ADOPTING A  
NEW CHAPTER 30.63A SCC; AND AMENDING AND  
REPEALING SECTIONS OF TITLE 30 SNOHOMISH  
COUNTY CODE (SCC)

(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 volume1, 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.

RELATING TO REGULATION OF STORMWATER;  
REPEALING CHAPTER 30.63A SCC; ADOPTING A  
NEW CHAPTER 30.63A SCC; AND AMENDING AND  
REPEALING SECTIONS OF TITLE 30 SNOHOMISH  
COUNTY CODE (SCC)

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

6 (3) The department shall review the targeted stormwater site plan and make  
7 written findings regarding whether the proposed new development or redevelopment  
8 will:

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

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

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

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

17 (4) The department shall provide a written recommendation regarding the targeted  
18 stormwater site plan to the hearing examiner. If the department recommends  
19 conditional approval of the targeted stormwater site plan, the recommendation shall  
20 include a statement requiring the submittal and approval of a full stormwater site plan,  
21 which must be found by the department to comply with the requirements of chapter  
22 30.63A SCC prior to any construction plan approval.

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

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

### 29 30 **30.63A.825 Stormwater site plan revisions.**

31  
32 (1) Proposed revisions to an approved stormwater site plan shall be submitted to the  
33 department prior to construction, except that requests for revisions to an approved  
34 stormwater site plan may be submitted to the department during construction if  
35 necessary to address unforeseen circumstances that occur during construction.

36 (2) The applicant may revise an approved stormwater site plan upon paying a revision  
37 review fee pursuant to SCC 30.86.510(2) and obtaining written approval from the  
38 department prior to construction of any proposed revision to an approved stormwater  
39 site plan. At a minimum, the revised submittal shall include substitute pages of the  
40 approved stormwater site plan, which include the proposed changes, revised drawings  
41 showing any structural changes, and any other supporting information that explains and  
42 supports the reason for the change. The department may require additional information  
43 before approving or denying the proposed revision. All revisions shall be consistent

1 with all applicable minimum requirements 1 through 9 (SCC 30.63A.400 through  
2 30.63A.605). Any revision shall comply with the requirements of this chapter and be  
3 shown on final record drawings.

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

#### 14 15 **30.63A.830 Modifications.**

16  
17 (1) The county may approve project-specific modifications of the regulations and  
18 standards in chapters 30.63A and 30.63B SCC, the Drainage Manual and chapter 5 of  
19 the EDDS pursuant to the requirements of this section. The department shall have  
20 decision-making authority for title 30 SCC modifications and the department of public  
21 works shall have decision-making authority for modifications of the Drainage Manual  
22 and chapter 5 of the EDDS.

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

25 (3) Modification requests shall be submitted as soon as the need for the modification  
26 is identified. Modifications that affect project lot yield, density or scope must be  
27 submitted prior to the SEPA threshold determination or the final administrative decision  
28 on the application.

29 (4) The modification fee established in SCC 30.86.515 shall be paid at the time the  
30 modification request is submitted to the department.

31 (5) The modification request shall:

32 (a) Specify the section(s) of chapters 30.63A or 30.63B SCC, the Drainage  
33 Manual, or chapter 5 of the EDDS for which the modification is requested;

34 (b) Describe how the intent of the regulations and standards will be achieved with  
35 the modification;

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

37 (d) Indicate how the request meets the criteria of SCC 30.63A.830(6);

38 (e) Indicate if a submittal requirement is required to be modified or waived; and

39 (f) Contain sufficient information to evaluate the request.

40 (6) The appropriate director may modify any regulation or standard in chapters 30.63A  
41 and 30.63B SCC, the Drainage Manual, or chapter 5 of the EDDS for a specific project,  
42 provided that the applicant has demonstrated to the director's satisfaction that the  
43 following criteria are met:

44 (a) The modification provides substantially equivalent environmental protection as  
45 adopted stormwater management regulations and standards;

RELATING TO REGULATION OF STORMWATER;  
REPEALING CHAPTER 30.63A SCC; ADOPTING A  
NEW CHAPTER 30.63A SCC; AND AMENDING AND  
REPEALING SECTIONS OF TITLE 30 SNOHOMISH  
COUNTY CODE (SCC)

1 (b) The modification is based upon sound engineering practices which will meet  
2 design objectives addressing safety, function, environmental protection, and facility  
3 maintenance;

4 (c) The modification does not adversely impact off-site properties; and

5 (d) The modification results in the least possible change that could be granted that  
6 still meets the intent of chapters 30.63A and 30.63B SCC, the Drainage Manual and  
7 chapter 5 of the EDDS.

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

11 (8) The appropriate director shall issue a written decision within 30 days of receipt of a  
12 complete modification request. However, if the request requires a significant amount of  
13 technical analysis by the department, the director may notify the applicant by U.S. or  
14 electronic mail that additional review time is required beyond 30 days or that additional  
15 information is needed to render a decision.

16 (9) The appropriate director's written decision shall approve, conditionally approve, or  
17 deny the request. It shall include findings of fact and conclusions documenting the  
18 county's evaluation of the modification criteria in SCC 30.63A.830(6). The decision  
19 shall state that the applicant can file a request for reconsideration pursuant to SCC  
20 30.63A.835.

21 (10) The appropriate director's modification decision shall be the county's final  
22 decision on the modification request unless reconsideration is requested under SCC  
23 30.63A.835. The hearing examiner may not review the director's final decision on the  
24 modification request under either the hearing examiner's original or appellate  
25 jurisdiction.

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

### 30 31 **30.63A.835 Reconsideration of a modification decision.**

32  
33 (1) An applicant may file a written request for reconsideration of a modification  
34 decision issued pursuant to SCC 30.63A.830 with the department within 15 calendar  
35 days following the date the written decision was issued. The applicant shall pay the fee  
36 established in SCC 30.86.515 at the time the request for reconsideration is made. The  
37 timely filing of a request for reconsideration shall stay the review of related project  
38 components until the appropriate director issues the reconsideration decision.

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

40 (a) The appropriate director's findings, conclusions or conditions are not supported  
41 by the record;

42 (b) New information, which could not reasonably have been produced and which is  
43 material to the decision, is discovered; or

44 (c) The applicant proposes changes to the application in response to deficiencies  
45 identified in the modification decision.

RELATING TO REGULATION OF STORMWATER;  
REPEALING CHAPTER 30.63A SCC; ADOPTING A  
NEW CHAPTER 30.63A SCC; AND AMENDING AND  
REPEALING SECTIONS OF TITLE 30 SNOHOMISH  
COUNTY CODE (SCC)



- 1 (3) The request for reconsideration must:
- 2 (a) Contain the name, mailing address, and daytime telephone number of the
- 3 applicant, or the applicant's representative, together with the signature of the applicant
- 4 or of the applicant's representative;
- 5 (b) Identify the specific findings, conclusions, actions, and/or conditions for which
- 6 reconsideration is requested;
- 7 (c) State the specific grounds upon which relief is requested;
- 8 (d) Describe the specific relief requested; and
- 9 (e) Where applicable, identify and provide documentation of the newly-discovered
- 10 information or changes proposed.
- 11 (4) Within 30 days of the date a complete request for reconsideration is filed, the
- 12 appropriate director shall make a written decision to either approve, approve with
- 13 conditions, or deny the request for reconsideration. The decision shall include findings
- 14 of fact and conclusions documenting the county's evaluation of the modification criteria
- 15 in SCC 30.63A.830(6).
- 16 (5) The appropriate director shall consider only one request for reconsideration per
- 17 each modification decision.
- 18 (6) When reconsideration is requested, the applicable director's decision on
- 19 reconsideration shall be the county's final decision on the modification request.
- 20

21 **30.63A.840 Waivers.**

22

23 (1) The county may approve requests for project-specific waivers of the regulations

24 and standards in chapters 30.63A and 30.63B SCC, the Drainage Manual, and chapter

25 5 of the EDDS pursuant to the requirements of this section. The department shall have

26 decision-making authority for title 30 SCC waivers and the department of public works

27 shall have decision-making authority for waivers of the Drainage Manual and chapter 5

28 of the EDDS.

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

30 department.

31 (3) Waiver requests shall be submitted as soon as the need for the waiver is identified.

32 Waivers that affect project lot yield, density or scope must be submitted prior to the

33 SEPA threshold determination or the final administrative decision on the application.

34 The waiver fees established in SCC 30.86.510 shall be paid at the time the waiver

35 request is submitted to the department.

36 (4) The waiver request shall:

- 37 (a) Specify the section(s) of chapters 30.63A or 30.63B SCC, the Drainage
- 38 Manual, or chapter 5 of the EDDS for which the waiver is requested;
- 39 (b) Describe how the intent of the requirement will be achieved with the waiver;
- 40 (c) Provide the reasons for the request including site-specific details;
- 41 (d) Document how the request meets the criteria of SCC 30.63A.840(5); and
- 42 (e) Contain sufficient information to evaluate the request.

43 (5) The appropriate director may waive any regulation or standard in chapters 30.63A

44 and 30.63B SCC, the Drainage Manual, or chapter 5 of the EDDS for a specific project,

1 provided that the applicant has demonstrated to the director's satisfaction that the  
2 following criteria are met:

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

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

10 (c) The waiver is the least possible waiver that could be granted to comply with the  
11 intent of chapters 30.63A and 30.63B SCC, the Drainage Manual, and chapter 5 of the  
12 EDDS.

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

15 (7) The appropriate director shall issue a written decision within 30 days of the end of  
16 the comment period established in SCC 30.70.060. However, if the request requires a  
17 significant amount of technical analysis by the department, the director may notify the  
18 applicant by U.S. or electronic mail that additional review time is required beyond 30  
19 days or that additional information is needed to render a decision.

20 (8) The director's decision shall be in writing and include findings of fact and  
21 conclusions based upon an evaluation of the waiver criteria in SCC 30.63A.840(5). The  
22 director may approve, approve conditionally or deny the waiver request. The decision  
23 shall state that the applicant and any party of record may request reconsideration of the  
24 decision pursuant to SCC 30.63A.842. The director shall provide a notice of decision  
25 pursuant to SCC 30.71.040.

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

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

29 (b) How the application of the standard(s) or requirement(s) for which the waiver is  
30 sought restricts the proposed use of the site compared to the restrictions that existed  
31 prior to the adoption of the minimum requirements on \_\_\_\_\_, 20\_\_;

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

33 (d) The uses of the site that would have been allowed in title 30 SCC prior to the  
34 adoption of the minimum requirements on \_\_\_\_\_, 20\_\_;

35 (e) A comparison of the estimated amount and percentage of value loss as a  
36 result of the requirements versus the estimated amount and percentage of value loss as  
37 a result of requirements that existed prior to adoption of the minimum requirements on  
38 \_\_\_\_\_, 20\_\_; and

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

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

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

5  
6 **30.63A.842 Reconsideration of a waiver decision.**  
7

8 (1) An applicant or any aggrieved party of record may file a written request for  
9 reconsideration of a waiver decision issued pursuant to SCC 30.63A.840 with the  
10 department within 15 calendar days following the date the written decision was issued.  
11 The applicant or party of record shall file a reconsideration application and pay the fee  
12 established in SCC 30.86.600 with the department. The petitioner for reconsideration  
13 shall mail a copy of the petition for reconsideration to all parties of record as of the date  
14 of filing the request for reconsideration. The timely filing of a request for reconsideration  
15 shall stay the review of related project components until the appropriate director issues  
16 the reconsideration decision.

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

18 (a) The director's findings, conclusions or conditions are not supported by the  
19 record;

20 (b) New information, which could not reasonably have been produced and which is  
21 material to the decision is discovered; or

22 (c) The applicant proposes changes to the application in response to deficiencies  
23 identified in the waiver decision.

24 (3) The request for reconsideration must:

25 (a) Contain the name, mailing address, and daytime telephone number of the  
26 applicant, or the applicant's representative, together with the signature of the applicant  
27 or of the applicant's representative;

28 (b) Identify the specific findings, conclusions, actions, and/or conditions for which  
29 reconsideration is requested;

30 (c) State the specific grounds upon which relief is requested;

31 (d) Describe the specific relief requested; and

32 (e) Where applicable, identify and provide documentation of the newly discovered  
33 evidence or changes proposed.

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

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

43 (6) When reconsideration is requested, the appropriate director's decision on  
44 reconsideration shall be the county's final decision on the waiver request.  
45

**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.

1   **30.63A.860 Drainage inspection process.**

2  
3   When new development or redevelopment meets the minimum thresholds pursuant to  
4   part 300 of this chapter and no exemption under SCC 30.63A.200 applies, the  
5   inspection processes set forth in this section apply.

6   (1) The certified erosion sediment control lead (CESCL) for the development activity  
7   shall complete inspections necessary to manage the project and comply with minimum  
8   requirement 2 (SCC 30.63A.445 through SCC 30.63A.510).

9   (2) New development sites and redevelopment sites shall be inspected by the county  
10   prior to land disturbing activity.

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

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

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

20   (6) When the construction of drainage facilities is completed in accordance with the  
21   approved construction and stormwater site plans, the applicant shall request an  
22   inspection by the department. The department shall inspect and approve the installed  
23   or constructed drainage facilities either, before construction acceptance; before  
24   issuance of a certificate of temporary or permanent occupancy; or at the single-family  
25   residential final inspection pursuant to SCC 30.63A.870(5) depending on the type of  
26   development activity. The department shall determine in writing that construction is  
27   complete or identify construction items which are incomplete. After county inspection  
28   and upon request of the applicant, the department may accept a drainage performance  
29   security to guarantee the completion of the required drainage facilities pursuant to SCC  
30   30.63A.910(2).

31   (7) When the department determines that a special inspection is required for water  
32   quality monitoring pursuant to chapter 17 of the International Building Code, the  
33   applicant or owner shall engage consultants with the appropriate expertise to provide  
34   the professional inspections. The consultants shall prepare and submit periodic  
35   inspection reports to the county. The county shall determine the frequency of the  
36   reports. The county shall respond within seven working days as to the acceptability of  
37   the reports. The applicant or owner shall act as a coordinator between the consultant  
38   inspector, the contractor, and the county inspector. In the event of changed soil or  
39   groundwater conditions between the time of submitting a stormwater site plan and  
40   construction acceptance, the applicant or owner shall be responsible for informing the  
41   county inspector of such change and shall provide revised plans pursuant to SCC  
42   30.63A.825 as necessary to mitigate potential water quality or drainage impacts. The  
43   revised plans shall require review and approval by the department pursuant to SCC  
44   30.63A.825.

45  
RELATING TO REGULATION OF STORMWATER;  
REPEALING CHAPTER 30.63A SCC; ADOPTING A  
NEW CHAPTER 30.63A SCC; AND AMENDING AND  
REPEALING SECTIONS OF TITLE 30 SNOHOMISH  
COUNTY CODE (SCC)

(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 PERFORMANCE SECURITIES AND INSURANCE**

**30.63A.900 Drainage performance security and insurance – general.**

Drainage performance securities and insurance in forms acceptable to the director shall be provided as required by this chapter and chapter 30.84 SCC 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.910 Drainage performance security requirements.**

Drainage performance securities shall be in a form acceptable to the director. A bond or an irrevocable letter of credit are permitted as a drainage performance security pursuant to this section.

(1) Prior to the issuance of any permit or approval for any development activity for which a stormwater site plan is required, the applicant shall furnish the department a

1 drainage performance security for installation and maintenance of erosion and sediment  
2 control measures, including an amount sufficient to abate potential adverse impacts to  
3 public and private drainage facilities in the event of a failure to complete the project.

4 (2) The applicant for any activity for which a stormwater site plan is required who  
5 wishes to phase construction and construct a portion of the required drainage facilities  
6 after recordation of the final subdivision or short subdivision or issuance of the  
7 certificate of occupancy, shall submit a drainage performance security prior to  
8 recordation or certificate of occupancy. The director may only accept the performance  
9 security for this purpose where delayed construction of drainage facilities and BMPs will  
10 not pose a threat of significant adverse drainage impacts, as determined by the  
11 director. In no case shall the director accept the performance security for delayed  
12 construction of retention facilities, detention facilities, stormwater treatment facilities and  
13 associated conveyance systems, or erosion and sedimentation control facilities.

14 (3) The drainage performance security required pursuant to this section shall be in  
15 the amount of the cost of inspection of the drainage facilities plus 110 percent of the  
16 greater of either:

17 (a) The estimated construction cost of constructing all drainage facilities as specified  
18 in the approved stormwater site plan; or

19 (b) The estimated construction cost of monitoring drainage facility performance and  
20 designing and constructing any corrective work, plus other mitigation measures which  
21 may be necessary to correct the effects on-site and off-site of inadequate or failed  
22 workmanship, materials or design.

23 (4) The drainage performance security shall remain in effect until:

24 (a) Final inspection and construction acceptance by the county of all drainage  
25 facilities specified in the stormwater site plan pursuant to SCC 30.63A.870, which may  
26 occur up to two years after recordation of a final subdivision or short subdivision, or two  
27 years after final inspection, issuance of certificates of occupancy or temporary  
28 certificates of occupancy of any single-family detached unit (SFDU), condominium or  
29 other type of commercial project; and

30 (b) A drainage warranty security is accepted by the department pursuant to SCC  
31 30.63A.920.

32 (5) If construction acceptance is not satisfactorily achieved within two years after  
33 recordation or issuance of a certificate of occupancy, the applicant shall forfeit the  
34 drainage performance security to the county. In such event, where the drainage  
35 security has been provided in the form of a bond, the surety company shall be required,  
36 at the option of the department, to either pay the drainage performance security amount  
37 to the county upon demand, or complete the work according to the county's terms and  
38 conditions. Forfeiture of the drainage performance security hereunder shall be in  
39 addition to any other legal or equitable remedy available to the county.  
40

#### 41 **30.63A.920 Drainage warranty security requirements.**

42

43 (1) Before the release of any drainage performance bond required pursuant to SCC  
44 30.63A.910, and before recordation of a subdivision or short subdivision, single-family  
45 detached unit (SFDU), condominiums, or other type of commercial project, or

RELATING TO REGULATION OF STORMWATER;  
REPEALING CHAPTER 30.63A SCC; ADOPTING A  
NEW CHAPTER 30.63A SCC; AND AMENDING AND  
REPEALING SECTIONS OF TITLE 30 SNOHOMISH  
COUNTY CODE (SCC)

1 issuance of a certificate of occupancy, the applicant shall furnish the department a  
2 drainage warranty security after final inspection and acceptance of all drainage facilities  
3 required by an approved full stormwater site plan.

4 (2) The drainage warranty security shall be in a form acceptable to the director.

5 (3) The drainage warranty security shall be 50 percent of the actual in place  
6 construction costs of the drainage facilities that the department determines to be a fair  
7 representation of the drainage facility costs. Alternatively, the applicant may provide a  
8 warranty amount based upon an engineered estimate of 110 percent of the estimated  
9 cost of monitoring drainage facility performance and designing and constructing any  
10 corrective work plus other mitigation measures necessary to correct the effects on and  
11 off the site of inadequate or failed workmanship or materials, or defective design, as  
12 determined by the department. The estimated cost shall also include related incidental  
13 and consequential costs and the cost of inspection of the work by the department.

14 (4) The drainage warranty security shall remain in effect for a period of two years  
15 after final inspection and construction acceptance by the county of all drainage facilities  
16 specified in the stormwater site plan. Where a project is completed in phases, the  
17 drainage warranty period shall begin to run after completion and acceptance by the  
18 county of the first phase of the work and shall remain in effect for a period of two years  
19 after final inspection and construction acceptance of the final phase.

20 (5) If, during the period the drainage warranty security is in effect, the drainage  
21 facilities required by an approved stormwater site plan do not perform or function  
22 satisfactorily or do not accomplish their intended purpose, the department shall notify  
23 the applicant and specify an appropriate timeframe in which the applicant shall correct  
24 or amend the unsatisfactory performance or perform corrective or restorative work as  
25 required. If this additional work is not performed by the applicant either within the time  
26 specified or in a manner acceptable to the department, the applicant shall forfeit the  
27 drainage warranty security to the county. In such event, where the drainage warranty  
28 security has been provided in the form of a bond, the surety company shall be required,  
29 at the option of the department, to either pay the drainage warranty security amount to  
30 the county upon demand, or complete the additional work according to the county's  
31 terms and conditions. Forfeiture of the drainage warranty security shall be in addition to  
32 any other legal or equitable remedy available to the county.

33  
34 **30.63A.930 Drainage maintenance security requirements.**

35  
36 (1) Prior to the release of any drainage warranty security required pursuant to SCC  
37 30.63A.920, the applicant shall furnish the department a drainage maintenance security  
38 in a form acceptable to the director in the amount of ten percent of the warranty security  
39 required pursuant to SCC 30.63A.920 or \$5,000, whichever is greater.

40 (2) The drainage maintenance security shall remain in effect for a period of one year  
41 beginning on the date on which the drainage warranty security required pursuant to  
42 SCC 30.63A.920 is released.



1 **30.63A.940 Drainage insurance requirements.**

2  
3 (1) When drainage facilities are constructed within any portion of county road right-of-  
4 way, the department shall require the applicant for such construction to obtain  
5 commercial general liability insurance coverage against personal injury, property  
6 damage, or loss resulting from activities related to the construction.

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

18 (3) The policy shall provide that the director shall be notified by certified mail of any  
19 modification or cancellation of the policy at least thirty days prior to any such  
20 modification or cancellation. If the insurance required by this section is canceled and  
21 not replaced, or is modified in a manner unacceptable to the director of the department  
22 of budget and finance, the director may revoke the permit or approval.

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

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

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

31 (c) A copy of the complete policy.

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

35  
36 Section 19. Snohomish County Code Section 30.91B.080, adopted by  
37 Amended Ordinance 02-064 on December 9, 2002, is amended to read:

38  
39 **30.91B.080 "Best management practices" or "BMPs" means ((means physical,**  
40 **structural, or managerial practices)) structures, equipment, supplies or operations which**  
41 **have gained general acceptance for their ability to prevent or reduce public safety**  
42 **impacts and other environmental impacts, and which are adopted in the Snohomish**  
43 **County Drainage Manual, or approved by the director.)) the schedules of activities,**

1 prohibitions of practices, maintenance procedures, structural practices or managerial  
2 practices, that when used singly or in combination, prevent or reduce the release of  
3 pollutants and other adverse impacts to waters of Washington State.

4  
5 *This definition applies only to (~~"drainage" regulations in chapter 30.63~~) chapters*  
6 *30.63A, 30.63B and 30.63C SCC.*

7  
8 Section 20. A new section is added to Chapter 30.91C of the Snohomish  
9 County Code to read:

10  
11 **30.91C.066 "Certified Erosion and Sediment Control Lead" or "CESCL"** means an  
12 individual who has current certification through an approved erosion and sediment  
13 control training program that meets the minimum training standards established by the  
14 Department of Ecology (see BMP C160 in volume II, chapter 4 of the Drainage Manual).  
15 A CESCL is knowledgeable in the principles and practices of erosion and sediment  
16 control. The CESCL must have the skills to assess site conditions and construction  
17 activities that could impact the quality of stormwater and the effectiveness of erosion  
18 and sediment control measures used to control the quality of stormwater discharges.

19  
20 Section 21. Snohomish County Code Section 30.91C.112, adopted by Amended  
21 Ordinance No. 06-061 on August 1, 2007, is amended to read:

22  
23 **30.91C.112 "Clearing"** means the destruction or surface removal of vegetation by  
24 cutting, pruning, limbing, topping, relocating manually or mechanically, application of  
25 herbicides or pesticides or other chemical methods, or any application of hazardous or  
26 toxic substance that has the effect of destroying or removing the vegetation.

27  
28 Section 22. A new section is added to Chapter 30.91C of the Snohomish  
29 County Code to read:

30  
31 **30.91C.185 "Common plan of development or sale"** means a site where multiple  
32 separate and distinct construction activities are taking place at different times on  
33 different schedules, but are being performed as part of a single plan. Examples include,  
34 but are not limited to: 1) Phased projects and projects with multiple phases or lots, even  
35 if the separate phases or lots will be constructed under separate contracts or by  
36 separate owners (e.g., a development where lots are sold to separate builders); 2) A  
37 development plan that may be phased over multiple years, but is still under a consistent  
38 plan for long-term development; and 3) Projects in a contiguous area that may be  
39 unrelated but are under the same contract, such as construction of a building extension  
40 and a new parking lot at the same facility. If a project is part of a common plan of  
41 development or sale, the disturbed area of the entire plan shall be used in determining  
42 permit requirements.

1           Section 23. A new section is added to Chapter 30.91C of the Snohomish  
2 County Code to read:

3 **30.91C.298 "Converted pervious surfaces"** means surfaces that are easily penetrable  
4 and have been converted from native vegetation to pasture or lawn or other landscaped  
5 areas.

6  
7           Section 24. Snohomish County Code Section 30.91D.180, adopted by Amended  
8 Ordinance No. 02-064 on December 9, 2002, is amended to read:

9  
10 **30.91D.180 "Detention facility"** means an ~~((above or below ground))~~ open or closed  
11 drainage facility, such as a pond or tank, that temporarily stores ((storm water))  
12 stormwater runoff and releases it at a slower rate than it is collected by the drainage  
13 facility. The facility includes the flow control structure, the inlet and outlet pipes, and all  
14 maintenance access points.

15  
16           Section 25. A new section is added to Chapter 30.91D of the Snohomish  
17 County Code to read:

18  
19 **30.91D.287 "Discharge"** means runoff leaving new development or redevelopment via  
20 overland flow, conveyance systems or infiltration facilities. The runoff is measured in  
21 terms of hydraulic rate of flow, specifically fluid flow. Fluid flow is determined by a  
22 volume of fluid passing a point per unit of time, which is commonly expressed in cubic  
23 feet per second, cubic meters per second, gallons per minute, gallons per day, or  
24 millions of gallons per day.

25  
26           Section 26. Snohomish County Code Section 30.91D.370, adopted by Amended  
27 Ordinance No. 02-064 on December 9, 2002, is amended to read:

28  
29 **30.91D.370 "Drainage facility"** ~~((means a system of collecting, conveying and storing~~  
30 ~~storm water runoff. Drainage facilities include, but are not limited to, all storm water~~  
31 ~~conveyance systems and containment facilities including pipelines, channels, dikes,~~  
32 ~~ditches, closed depressions, infiltration facilities, retention facilities, detention facilities,~~  
33 ~~storm water treatment facilities, erosion and sedimentation control facilities, and other~~  
34 ~~drainage structures and appurtenances, both natural and artificial.))~~ means "stormwater  
35 facility." See SCC 30.91S.596.

36  
37           Section 27. Snohomish County Code Section 30.91D.400, adopted by Amended  
38 Ordinance No. 02-064 on December 9, 2002, is amended to read:

39  
40 **30.91D.400 "Drainage manual" or "Snohomish County drainage manual"** means  
41 the drainage manual adopted by the director of public works pursuant to SCC  
42 ~~((30.63A.040))~~ 30.63A.110. The Drainage Manual provides detail and specificity  
43 regarding the requirements of chapters 7.53, 30.63A, 30.63B and 30.63C SCC.  
44 ~~((This definition applies only to "Drainage" regulations in chapter 30.63A, 30.63B and~~  
45 ~~30.63C SCC.))~~

RELATING TO REGULATION OF STORMWATER;  
REPEALING CHAPTER 30.63A SCC; ADOPTING A  
NEW CHAPTER 30.63A SCC; AND AMENDING AND  
REPEALING SECTIONS OF TITLE 30 SNOHOMISH  
COUNTY CODE (SCC)

Section 28. Snohomish County Code Section 30.91D.420, adopted by Amended Ordinance No. 02-064 on December 9, 2002, is repealed:

Section 29. Snohomish County Code Section 30.91D.430, adopted by Amended Ordinance No. 02-064 on December 9, 2002, is repealed.

Section 30. Snohomish County Code Section 30.91E.070, adopted by Amended Ordinance No. 02-064 on December 9, 2002, is amended to read:

**30.91E.070 "Effective impervious surface"** means ~~((that fraction))~~ the portion of impervious surface producing ((stormwater)) runoff ((that cannot be infiltrated.)) upon which runoff cannot infiltrate and that is connected via sheet flow or discrete conveyance to a drainage system. Impervious surfaces on residential development sites are considered ineffective if the runoff is dispersed through at least 100 feet of native vegetation in accordance with BMP T5.30 in volume V, chapter 5 of the Drainage Manual.

Section 31. A new section is added to Chapter 30.91E of the Snohomish County Code to read:

**30.91E.158 "Erosion hazard"** means the soils classified by the Natural Resource Conservation Service (NRCS) of Snohomish County based on soil type, permeability, underlying geology and slope. The actual soil on site shall be used to determine whether an erosion hazard area exists. When there is more than one type of soil on the site, the soil that has the greater erosion hazard shall be utilized to determine whether there is high, medium or low erosion potential on-site.

Section 32. A new section is added to Chapter 30.91F of the Snohomish County Code to read:

**30.91F.225 "Final Stabilization"** means the completion of all land disturbing activities at a site and the establishment of a permanent vegetative cover or equivalent permanent stabilization measures (such as pavement, riprap, gabions or geotextiles) to prevent erosion.

Section 33. A new section is added to Chapter 30.91F of the Snohomish County Code to read:

**30.91F.522 "Full stormwater site plan"** means a comprehensive report containing all of the technical information and analysis necessary for the evaluation of a proposed new development or redevelopment project's compliance with the county's stormwater regulations and which includes a narrative, drainage reports, plans, designs and calculations prepared by a professional engineer licensed in Washington State to

1 comply with stormwater management minimum requirements 1 through 9 (SCC  
2 30.63A.400 through 30.63A.605).

3  
4 Section 34. Snohomish County Code Section 30.91L.010, adopted by Amended  
5 Ordinance No. 02-064 on December 9, 2002, is amended to read:

6  
7 **30.91L.010 "Impervious surface"** means a hard surface area that either prevents or  
8 retards the entry of water into the soil mantle as compared to infiltration under natural  
9 conditions prior to development. A hard surface area which causes water to run off the  
10 surface in greater quantities or at an increased rate of flow from the flow that was  
11 present under natural conditions, prior to development. Common impervious surfaces  
12 include, but are not limited to, roofs, walkways, patios, driveways, parking lots, storage  
13 areas, concrete or asphalt paving, graveled areas and roads, packed earthen materials,  
14 surfaces covered by oil, macadam, asphalt treated base material (ATB), bituminous  
15 surface treatment (BST), chip seal, seal coat or emulsified asphalt and cutback asphalt  
16 cement, and other surfaces which similarly impede the natural infiltration of stormwater.  
17 Open, uncovered retention and detention facilities shall not be considered impervious  
18 surfaces for purposes of determining whether the thresholds for applying minimum  
19 stormwater management requirements are exceeded pursuant to chapter 30.63A SCC.  
20 However, open, uncovered retention and detention facilities shall be considered  
21 impervious surfaces for purposes of runoff modeling. ((and causes water to run off the  
22 surface in greater quantities or at a greater rate of flow than under natural conditions. A  
23 graveled area is an impervious surface. Open, uncovered retention or detention facilities  
24 are not considered impervious surfaces.))

25  
26 Section 35. A new section is added to Chapter 30.91L of the Snohomish County  
27 Code to read:

28  
29 **30.91L.025 "Land disturbing activity"** means any activity that will result in movement  
30 of earth or a change in the existing soil cover or the existing soil topography (both  
31 vegetative and non-vegetative), including the creation and/or replacement of impervious  
32 surfaces. Land disturbing activities include, but are not limited to, clearing and grading.  
33 Land disturbing activities do not include agricultural plowing and tilling exempt from  
34 stormwater regulations pursuant to SCC 30.63A.200. Compaction that is associated  
35 with stabilization of structures and road construction also is a land disturbing activity.  
36 Vegetation and drainage facility maintenance practices are not land disturbing activities,  
37 provided that the maintenance is performed according to standards adopted by  
38 Snohomish County.

39  
40 Section 36. Snohomish County Code Section 30.91L.215, adopted by Ordinance  
41 No. 05-101 on December 21, 2005, is amended to read:

42  
43 **30.91L.215 "Low impact development" or ((LID)) "LID"** is a stormwater  
44 management and land development strategy applied at the parcel and subdivision scale  
45 that emphasizes conservation and use of ((existing)) on-site natural features integrated

RELATING TO REGULATION OF STORMWATER;  
REPEALING CHAPTER 30.63A SCC; ADOPTING A  
NEW CHAPTER 30.63A SCC; AND AMENDING AND  
REPEALING SECTIONS OF TITLE 30 SNOHOMISH  
COUNTY CODE (SCC)

1 with ~~((distributed))~~ engineered, small-scale ~~((storm-water))~~ hydrologic controls to more  
2 closely mimic ~~((natural))~~ pre-development hydrologic ~~((patterns))~~ function. ~~((in~~  
3 ~~residential, commercial and industrial settings.))~~

4  
5 Section 37. A new section is added to Chapter 30.91M of the Snohomish County  
6 Code to read:

7  
8 **30.91M.011 "Maintenance"** means activities conducted on currently serviceable  
9 structures, facilities and equipment that involve no expansion or use beyond that  
10 previously existing and result in no significant adverse hydrologic impact. It includes  
11 those usual activities taken to prevent a decline, lapse or cessation in the use of  
12 structures and systems. Those usual activities may include replacement of  
13 dysfunctional facilities, including cases where any permit requires replacing an existing  
14 structure with a different type structure, as long as the functioning characteristics of the  
15 original structure are not changed. Maintenance does not include an expansion in  
16 physical dimension, capacity or use.

17  
18 *This definition applies to chapters 30.63A, 30.63B and 30.63C SCC.*

19  
20  
21 Section 38. A new section is added to Chapter 30.91M of the Snohomish  
22 County Code to read:

23  
24 **30.91M.225 "Municipal separate storm sewer system"** means all separate storm  
25 sewers that are defined as "large," "medium" or "small" municipal separate storm  
26 sewer systems pursuant to 40 CFR § 122.26(b)(18).

27  
28 Section 39. A new section is added to Chapter 30.91N of the Snohomish  
29 County Code to read:

30  
31 **30.91N.012 "Native vegetation"** means vegetation comprised of plant species, other  
32 than noxious weeds, that are indigenous to the coastal region of the Pacific Northwest  
33 and which reasonably could have been expected to naturally occur on the site.  
34 Examples include, but are not limited to, trees such as douglas fir, western hemlock,  
35 western red cedar, alder, big leaf maple and vine maple, shrubs such as willow,  
36 elderberry, salmonberry and salal, and herbaceous plants such as sword ferns, foam  
37 flower and fireweed.

38  
39 Section 40. A new section is added to Chapter 30.91N of the Snohomish  
40 County Code to read:

41  
42 **30.91N.044 "New development"** means the following land disturbing activities: Class  
43 IV - general forest practices; structural development, including construction or  
44 installation of a building or other structure; creation of impervious surfaces; and  
45 subdivisions, short subdivisions, residential condominiums, single-family detached

RELATING TO REGULATION OF STORMWATER;  
REPEALING CHAPTER 30.63A SCC; ADOPTING A  
NEW CHAPTER 30.63A SCC; AND AMENDING AND  
REPEALING SECTIONS OF TITLE 30 SNOHOMISH  
COUNTY CODE (SCC)

1 units (SFDU), residential condominiums, planned residential developments (PRD) and  
2 binding site plans. Projects meeting the definition of redevelopment shall not be  
3 considered new development.

4  
5 Section 41. A new section is added to Chapter 30.91P of the Snohomish  
6 County Code to read:

7  
8 **30.91P.255 “Pollution-generating impervious surface” or “PGIS”** means those  
9 impervious surfaces considered to be a significant source of pollutants in stormwater  
10 runoff. Such surfaces include those which are regularly subject to: vehicular use,  
11 industrial activities, or storage of erodible or leachable materials, wastes, or chemicals,  
12 and which receive direct rainfall or the run-on or blow-in of rainfall. Erodible or leachable  
13 materials, wastes, or chemicals are those substances which, when exposed to rainfall,  
14 measurably alter the physical or chemical characteristics of the rainfall runoff and are  
15 PGIS.

16  
17 Examples include, but are not limited to, erodible soils that are stockpiled, uncovered  
18 process wastes, manure, fertilizers, oily substances, ashes, kiln dust, and garbage  
19 dumpster leakage. Metal roofs are also considered PGIS unless they are coated with an  
20 inert, non-leachable material such as baked-on enamel coating.

21 The following surfaces are considered regularly-used by motor vehicles: Roads,  
22 unvegetated road shoulders, bike lanes within the traveled lane of a roadway,  
23 driveways, parking lots, unfenced fire lanes, vehicular equipment storage yards, and  
24 airport runways. A surface, whether paved or not, shall be considered subject to  
25 vehicular use if it is regularly used by motor vehicles.

26  
27 The following surfaces are not considered to be regularly-used surfaces by motor  
28 vehicles: Paved bicycle pathways separated from and not subject to drainage from  
29 roads for motor vehicles, fenced fire lanes, and infrequently used maintenance access  
30 roads.

31  
32 Section 42. A new section is added to Chapter 30.91P of the Snohomish  
33 County Code to read:

34  
35 **30.91P.256 “Pollution-generating pervious surfaces” or “PGPS”** means any non-  
36 impervious surface subject to use of pesticides and fertilizers or loss of soil. Typical  
37 PGPS include lawns, landscaped areas, golf courses, parks, cemeteries and sports  
38 fields.

39  
40 Section 43. A new section is added to Chapter 30.91P of the Snohomish  
41 County Code to read:

42  
43 **30.91P.258 “Pre-developed condition”** means a fully-forested condition (soils and  
44 vegetation) to which a Washington State Department of Ecology-approved continuous

1 runoff hydrologic model is calibrated, unless reasonable, historic information is provided  
2 that indicates the site was prairie prior to Euro-American settlement.

3  
4 Section 44. Snohomish County Code Section 30.91P.330, adopted by Amended  
5 Ordinance No. 02-064 on December 9, 2002, is amended to read:

6  
7 **30.91P.330 "Professional inspection"** means the inspection required by this code to  
8 be performed by the civil engineer, soils engineer or engineering geologist. Such  
9 inspections include that performed by persons supervised by such engineers or  
10 geologists and shall be sufficient to form an opinion relating to the conduct of the work.

11  
12 *This definition applies only to (~~"Drainage" and "Grading regulations in chapters 30.63A~~*  
13 *~~and 30.63B~~) chapters 30.63A, 30.63B and 30.63C SCC.*

14  
15 Section 45. A new section is added to Chapter 30.91P of the Snohomish  
16 County Code to read:

17  
18 **30.91P.354 "Project site"** means that portion of a property, properties, or right-of-way  
19 subject to land disturbing activities, new impervious surfaces or replaced impervious  
20 surfaces.

21 *This definition applies only to chapters 30.63A, 30.63B and 30.63C SCC.*

22  
23 Section 46. A new section is added to Chapter 30.91R of the Snohomish  
24 County Code to read:

25  
26 **30.91R.027.1 "Receiving waters"** means bodies of water or surface water systems to  
27 which surface stormwater runoff is discharged via a point source or via sheet flow.

28  
29 Section 47. Snohomish County Code Section 30.91R.070, adopted by Amended  
30 Ordinance No. 02-064 on December 9, 2002, is amended to read:

31  
32 **30.91R.070 "Redevelopment"** (~~((means, the creation or addition, on an already~~  
33 ~~developed site, of impervious surfaces, ground area expansion of a building or other~~  
34 ~~structure, or replacement of impervious surface that is not part of a routine maintenance~~  
35 ~~activity, and development activities associated therewith. Overlay projects are routine~~  
36 ~~maintenance and shall not be considered redevelopment. Construction which cuts and~~  
37 ~~subsequently repairs existing impervious surface including trenching or utility installation~~  
38 ~~or maintenance which is outside critical areas is considered routine maintenance.))~~  
39 means the following activities that take place on a site that already has 35 percent or  
40 more existing impervious surface coverage: The creation of new impervious surface(s);  
41 structural development including construction, installation, expansion or replacement of  
42 a building footprint or other structure; replacement of existing impervious surface that is  
43 not maintenance; and land disturbing activity.



Section 48. A new section is added to Chapter 30.91R of the Snohomish County Code to read:

**30.91R.121 "Replaced impervious surface"** means, for structures, the removal of impervious surfaces and replacement of any exterior impervious surfaces or foundation with other impervious surfaces, or the removal down to bare soil or base course and the replacement with other impervious surfaces.

Section 49. Snohomish County Code Section 30.91R.170, adopted by Amended Ordinance No. 02-064 on December 9, 2002, is amended to read:

**30.91R.170 "Retention facility"** means an ~~((above or below ground))~~ open or closed facility, such as a pond or tank, that stores ~~((storm water))~~ stormwater runoff without release except by means of evaporation, plant transpiration ~~((and))~~ or infiltration into the ground. The facility includes the flow control structure, the infiltration system, the inlet and outlet pipes, and all maintenance access points.

*This definition applies only to ~~(("Drainage" regulations in))~~ chapter 30.63A SCC.*

Section 50. A new section is added to Chapter 30.91R of the Snohomish County Code to read:

**30.91R.252 "Runoff"** means water originating from rainfall and other precipitation that is found in drainage facilities, rivers, streams, springs, seeps, ponds, lakes and wetlands as well as shallow groundwater. It includes the portion of rainfall or other precipitation that becomes surface flow and interflow.

Section 51. A new section is added to Chapter 30.91S of the Snohomish County Code to read:

**30.91S.350 "Site"** means the area defined by the legal boundaries of a parcel or parcels of land that is (are) subject to new development or redevelopment, including contiguous improvements in the right-of-way. For road projects, the length of the project site and right-of-way boundaries define the site.

*This definition applies only to chapters 30.63A, 30.63B and 30.63C SCC.*

Section 52. A new section is added to Chapter 30.91S of the Snohomish County Code to read:

**30.91S.450 "Snohomish County drainage manual" or "Drainage Manual"** means the drainage manual adopted by the director of public works pursuant to SCC 30.63A.110. The Drainage Manual provides detail and specificity regarding the requirements of chapters 7.53, 30.63A, 30.63B and 30.63C SCC.

RELATING TO REGULATION OF STORMWATER;  
REPEALING CHAPTER 30.63A SCC; ADOPTING A  
NEW CHAPTER 30.63A SCC; AND AMENDING AND  
REPEALING SECTIONS OF TITLE 30 SNOHOMISH  
COUNTY CODE (SCC)

Section 53. A new section is added to Chapter 30.91S of the Snohomish County Code to read:

**30.91S.521 “Source control BMP”** means structures, equipment, supplies or operations intended to prevent pollutants from coming into contact with stormwater through physical separation of areas or careful management of activities that are sources of pollutants.

Section 54. A new section is added to Chapter 30.91S of the Snohomish County Code to read:

**30.91S.596 “Stormwater facility”** means a system of collecting, conveying and storing stormwater runoff. Stormwater facilities include, but are not limited to, all stormwater conveyance systems and containment facilities including pipelines, channels, dikes, ditches, closed depressions, infiltration facilities, retention facilities, detention facilities, stormwater treatment facilities, erosion and sedimentation control facilities, and other drainage structures and appurtenances, both natural and artificial.

Section 55. A new section is added to Chapter 30.91S of the Snohomish County Code to read:

**30.91S.597 “Stormwater flow control facility”** means a drainage facility designed to mitigate the impacts of increased surface and stormwater runoff flow rates generated by development. Flow control facilities are designed either to hold water for a considerable length of time and then release it by evaporation, plant transpiration, and/or infiltration into the ground, or to hold runoff for a short period of time, releasing it to the conveyance system at a controlled rate.

Section 56. A new section is added to Chapter 30.91S of the Snohomish County Code to read:

**30.91S.598 “Stormwater pollution prevention plan” or “SWPPP”** means a documented plan that identifies measures to prevent and control contamination of point source discharges of stormwater. The SWPPP is one element of a construction plan and drainage report.

Section 57. A new section is added to Chapter 30.91S of the Snohomish County Code to read:

**30.91S.637 “Strahler stream order”** means the hierarchical ordering of streams based on the degree of branching which is used in an assessment of water quality treatment requirements. A first-order stream is an unforked or unbranched stream. Two first-order streams flow together to form a second-order stream and two second-order streams

RELATING TO REGULATION OF STORMWATER;  
REPEALING CHAPTER 30.63A SCC; ADOPTING A  
NEW CHAPTER 30.63A SCC; AND AMENDING AND  
REPEALING SECTIONS OF TITLE 30 SNOHOMISH  
COUNTY CODE (SCC)

1 combine to make a third-order stream, etc. This ordering method starts at zero at each  
2 terminal segment, and proceeds towards the root stream. Each time a bifurcation node  
3 is encountered, if both daughter branches have the same order, then the order is  
4 increased by one, otherwise the largest order is used.

5  
6 Section 58. A new section is added to Chapter 30.91T of the Snohomish County  
7 Code to read:

8  
9 **30.91T.005 “Targeted stormwater site plan”** means a comprehensive report  
10 containing all of the technical information and analysis necessary for the evaluation of a  
11 proposed new development or redevelopment project’s compliance with the county’s  
12 stormwater regulations and which includes drainage reports, plans, designs and when  
13 applicable, calculations, prepared by the applicant to comply with minimum  
14 requirements 1 through 5 (SCC 30.63A.400 through 30.63A.525). The targeted plan  
15 may address compliance with minimum requirements 6 through 8 based on the results  
16 of the hydrologic analysis required under minimum requirement 1 and the scope of the  
17 proposed project, or for phased submittal of a full stormwater drainage plan subject to a  
18 public hearing and a Type 2 hearing examiner decision.

19  
20 Section 59. A new section is added to Chapter 30.91T of the Snohomish County  
21 Code to read:

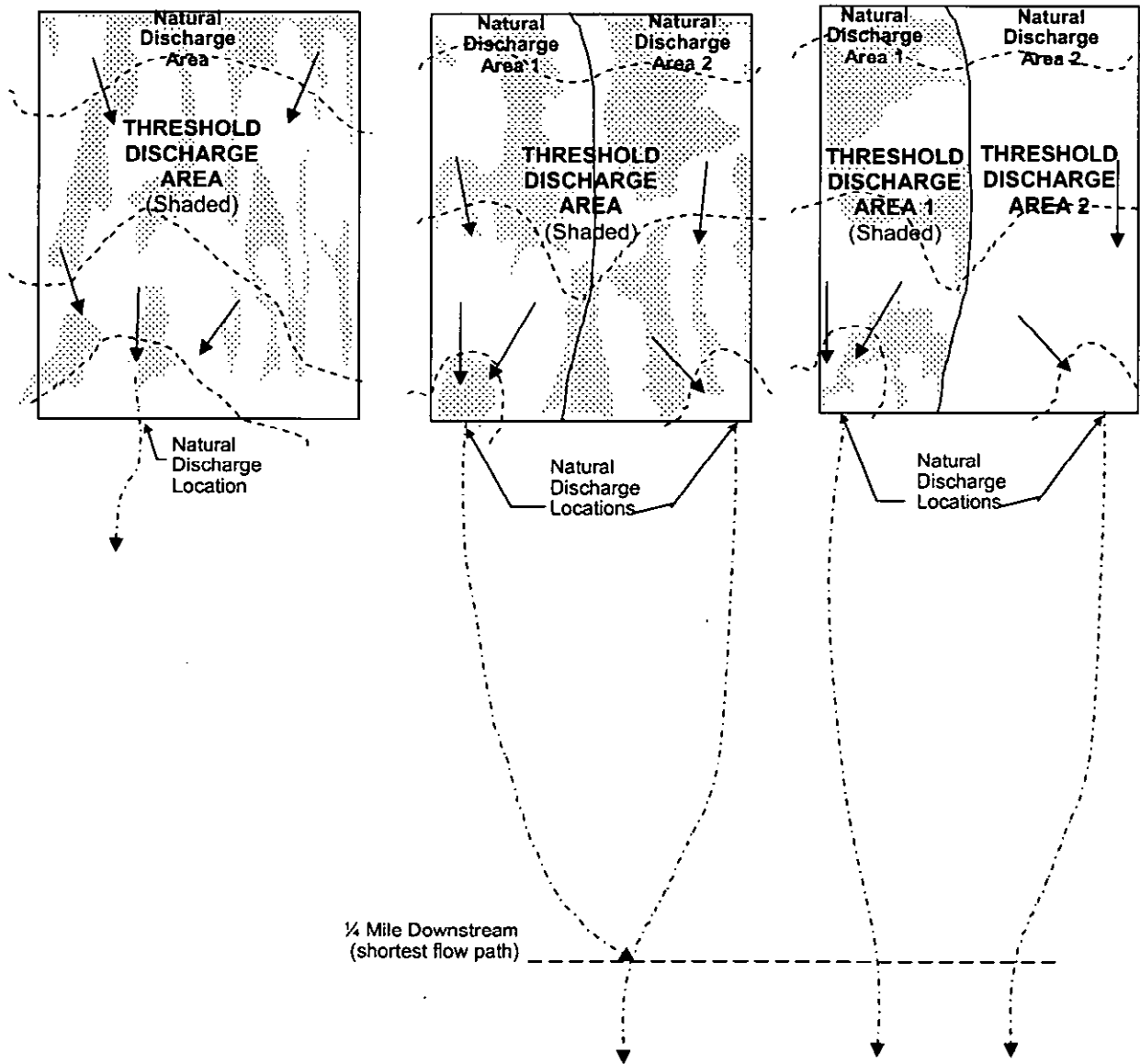
22  
23 **30.91T.054B “Threshold discharge area”** means an on-site area draining to a single  
24 natural discharge location or multiple natural discharge locations that combine within  
25 one-quarter mile downstream as determined by the shortest flow path. The examples in  
26 Figure 30.91T.054B illustrate this definition.

**Figure 30.91T.054B Threshold Discharge Areas**

Project Site with a Single Natural Discharge and a Single Threshold Discharge Area

Project Site with Multiple Natural Discharges and a Single Threshold Discharge Area

Project Site with Multiple Natural Discharges and Multiple Threshold Discharge Areas



RELATING TO REGULATION OF STORMWATER;  
REPEALING CHAPTER 30.63A SCC; ADOPTING A  
NEW CHAPTER 30.63A SCC; AND AMENDING AND  
REPEALING SECTIONS OF TITLE 30 SNOHOMISH  
COUNTY CODE (SCC)

Section 60. A new section is added to Chapter 30.91T of the Snohomish County Code to read:

**30.91T.054.2 “Timber”** means trees, standing or down, of a commercial species, including Christmas trees. Timber does not include Christmas trees that are cultivated by agricultural methods, as that term is defined in RCW 84.33.035.

Section 61. A new section is added to Chapter 30.91W of the Snohomish County Code to read:

**30.91W.021 “Water quality”** means the chemical, physical, and biological characteristics of water, usually with respect to its suitability for a particular purpose.

Section 62. A new section is added to Chapter 30.91W of the Snohomish County Code to read:

**30.91W.025 “Waters of the state”** means those waters defined as “waters of the United States” in 40 CFR Subpart 122.2 within the geographic boundaries of Washington State, as well as those waters defined as “waters of the state” in RCW 90.48.020, which include lakes, rivers, ponds, streams, inland waters, underground waters, salt waters and all other surface waters and water courses within the jurisdiction of Washington.

Section 63. Effective date. This ordinance shall become effective September 30, 2010.

Section 64. Severability. If any section, sentence, clause or phrase of this ordinance is held to be invalid or unconstitutional by the Growth Management Hearings Board, or a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance. Provided, however, that if any section, sentence, clause or phrase of this ordinance is held to be invalid by the Growth Management Hearings Board or court of competent jurisdiction, then the section, sentence, clause or phrase in effect prior to the effective date of this ordinance shall be in full force and effect for that individual section, sentence, clause, or phrase as if this ordinance had never been adopted.

1  
2 PASSED this 9<sup>th</sup> day of June, 2010.  
3  
4


5 SNOHOMISH COUNTY COUNCIL  
6 Snohomish County, Washington  
7

8   
9  
10 Chairperson

11  
12 ATTEST:

13   
14  
15 Asst. Clerk of the Council  
16

17  
18 ( ☒ ) APPROVED  
19 ( ) EMERGENCY  
20 ( ) VETOED  
21

22  
23   
24 County Executive  
25 Date 6/21/10  
26 AARON REARDON  
27 County Executive  
28

29 ATTEST:

30   
31

32 Approved as to form:

\_\_\_\_\_  
Deputy Prosecuting Attorney

RELATING TO REGULATION OF STORMWATER;  
REPEALING CHAPTER 30.63A SCC; ADOPTING A  
NEW CHAPTER 30.63A SCC; AND AMENDING AND  
REPEALING SECTIONS OF TITLE 30 SNOHOMISH  
COUNTY CODE (SCC)

D 16