

1 Adopted: January 11, 2016
2 Effective: January 22, 2016
3

4 SNOHOMISH COUNTY COUNCIL
5 SNOHOMISH COUNTY, WASHINGTON
6

7 ORDINANCE NO. 15-103
8

9 RELATING TO REGULATION OF STORMWATER; AMENDING VARIOUS SECTIONS
10 OF THE SNOHOMISH COUNTY CODE (SCC) IN SUPPORT OF AMENDMENTS TO
11 CHAPTER 30.63A SCC AND THE REPEAL OF CHAPTER 30.63C SCC IN A
12 COMPANION ORDINANCE AND IN RESPONSE TO THE COUNTY'S 2014 NPDES
13 PERMIT
14

15 WHEREAS, the Federal Water Pollution Control Act ("Clean Water Act" or CWA)
16 requires states and their local governments to take steps to implement the National
17 Pollutant Discharge Elimination System (NPDES) permit program; and
18

19 WHEREAS, under its administration of the CWA, the Environmental Protection
20 Agency (EPA) promulgated regulations to control stormwater discharges from municipal
21 separate storm sewer systems (MS4s) in two groups called Phase I and Phase II; and
22

23 WHEREAS, EPA designated Snohomish County ("the county") as a Phase I
24 municipal stormwater permittee in 1990 for the purpose of regulating discharge from
25 MS4s under the NPDES permit program and Washington State's Waste Discharge
26 General Permit program; and
27

28 WHEREAS, chapter 90.48 RCW, the Washington State Water Pollution Control
29 Act, authorizes the Washington State Department of Ecology ("Ecology") to implement
30 the NPDES permit program at the state level; and
31

32 WHEREAS, Ecology issued the county's first Phase I Municipal Stormwater
33 Permit ("NPDES Permit") on July 5, 1995; and
34

35 WHEREAS, the Snohomish County Council ("county council") adopted Amended
36 Ordinance No. 98-055 on August 3, 1998, enacting drainage development regulations
37 consistent with the 1995 NPDES Permit and the goals and policies of the Snohomish
38 County Growth Management Act Comprehensive Plan (GMACP) General Policy Plan
39 (GPP); and
40

41 WHEREAS, Ecology re-issued the county's NPDES Permit on January 17, 2007,
42 under Phase I Municipal Stormwater Permit No. WAR04-4502; and
43

1 WHEREAS, the county council adopted Amended Ordinance Nos. 10-023 and
2 10-026 and Ordinance No. 10-024 on June 9, 2010, enacting revised development
3 regulations consistent with the 2007 NPDES Permit and the goals and policies of the
4 GPP; and
5

6 WHEREAS, Ecology re-issued the county's NPDES Permit on August 1, 2012,
7 which became effective on August 1, 2013; and
8

9 WHEREAS, Ecology modified and re-issued the county's NPDES Permit on
10 December 17, 2014, which became effective on January 16, 2015 ("the 2014 NPDES
11 Permit"); and
12

13 WHEREAS, the 2014 NPDES Permit regulates stormwater that enters into large
14 and medium MS4s in unincorporated Snohomish County that are owned or operated by
15 the county and that discharges from such MS4s to surface waters and groundwaters of
16 the state, as set forth in special condition S2; and
17

18 WHEREAS, MS4s include roads with drainage systems, county roads, catch
19 basins, curbs, gutters, ditches, manmade channels and storm drains that are owned or
20 operated by the county; and
21

22 WHEREAS, special condition S4.C of the 2014 NPDES Permit requires the
23 county to reduce the discharge of pollutants to the maximum extent practicable (MEP);
24 and
25

26 WHEREAS, special condition S4.D of the 2014 NPDES Permit requires the
27 county to use all known, available and reasonable methods of prevention, control and
28 treatment (AKART) to prevent and control pollution to the waters of the State of
29 Washington; and
30

31 WHEREAS, special condition S5.C.5 of the 2014 NPDES Permit requires the
32 county to design a program to prevent and control the impacts of runoff from new
33 development, redevelopment, and construction activities applicable to both public and
34 private development, including roads; and
35

36 WHEREAS, the program to prevent and control the impacts of runoff from new
37 development, redevelopment and construction activities shall be enforceable; and
38

39 WHEREAS, special condition S5.C.5.a of the 2014 NPDES Permit requires that
40 the county's stormwater management regulations comply with the minimum
41 requirements, thresholds, definitions, and adjustment and variance criteria in *Appendix 1*
42 *Minimum Technical Requirements for New Development and Redevelopment* ("Appendix
43 1") of the 2014 NPDES Permit, or provide minimum requirements, thresholds and
44 definitions determined by Ecology to provide equivalent or similar protection of receiving

1 waters and equal or similar levels of pollution control to those required in Appendix 1;
2 and
3

4 WHEREAS, special condition S5.C.5.a.ii of the 2014 NPDES Permit requires that
5 the county's stormwater management regulations include a site planning process, best
6 management practice (BMP) selection and design criteria, BMP infeasibility criteria, low
7 impact development (LID) competing needs criteria, and BMP limitations to implement
8 the minimum requirements of Appendix 1 of the 2014 NPDES Permit. The county may
9 use either the *Washington State Department of Ecology's 2014 Stormwater*
10 *Management Manual for Western Washington* ("2014 Ecology Manual") or an equivalent
11 manual approved by Ecology to meet this requirement; and
12

13 WHEREAS, special condition S5.C.5.a. of the 2014 NPDES Permit requires that
14 local regulations be modified to require low impact development (LID) techniques be
15 used, to the extent feasible, to minimize the creation of impervious surfaces and to
16 minimize the disturbance of soils and vegetation; and
17

18 WHEREAS, the county updated stormwater regulations and standards under
19 special condition S5.C.5.a must be adopted and made effective by January 22, 2016, to
20 comply with the 2014 NPDES Permit; and
21

22 WHEREAS, it is necessary to repeal chapter 30.63C of the Snohomish County
23 Code (SCC) and amend and repeal portions of chapter 30.63A SCC, which is
24 accomplished through a companion ordinance; and
25

26 WHEREAS, it is necessary in this ordinance to amend various sections of the
27 SCC in support of the amendments in the companion ordinance and in response to the
28 county's 2014 NPDES Permit; and
29

30 WHEREAS, it is necessary to update the Snohomish County Drainage Manual
31 ("Drainage Manual") and the Engineering Design and Development Standards (EDDS) to
32 comply with the 2014 NPDES Permit; and
33

34 WHEREAS, the Drainage Manual and the EDDS are administrative rules
35 promulgated by the Snohomish County Department of Public Works (DPW) and provide
36 the standards and design details necessary to implement the requirements of chapters
37 30.63A and 30.63B SCC; and
38

39 WHEREAS, the updated Drainage Manual is proposed as an equivalent to the
40 2014 Ecology Manual and has been tailored for consistency with the SCC to provide
41 clarity, improve usability and promote permit review efficiencies; and
42

1 WHEREAS, draft stormwater regulation documents were transmitted to Ecology
2 for review on July 23, 2014, in accordance with the 2014 NPDES Permit requirements;
3 and
4

5 WHEREAS, Ecology and county staff met to discuss the county's draft stormwater
6 regulation documents on February 26, 2015; and
7

8 WHEREAS, Ecology provided written comments on the county's draft stormwater
9 regulation documents on May 15, 2015; and
10

11 WHEREAS, county staff and Ecology staff communicated on several occasions
12 from May through September 2015 to resolve issues identified in Ecology's written
13 comments; and
14

15 WHEREAS, the county implemented a public participation program pursuant to
16 special condition S.5.C.4 of the 2014 NPDES Permit, in conjunction with public
17 participation opportunities afforded under the Growth Management Act (GMA), that
18 included opportunities for the public's involvement in the development of the county's
19 stormwater management program and implementation priorities; and
20

21 WHEREAS, a State Environmental Policy Act (SEPA) comprehensive checklist
22 was completed and a threshold determination of nonsignificance (DNS) was issued for
23 the proposed non-project actions relating to the stormwater regulations and standards on
24 October 16, 2015, pursuant to chapter 43.21 RCW, chapter 197-11 WAC and chapter
25 30.61 SCC; and
26

27 WHEREAS, pursuant to RCW 36.70A.106, a notice of intent to adopt the
28 proposed regulations and standards was transmitted to the Washington State
29 Department of Commerce on September 10, 2015; and
30

31 WHEREAS, the Snohomish County Planning Commission ("planning
32 commission") was briefed on the revised 2014 NPDES Permit conditions and/or the
33 updated stormwater drainage regulation proposals on November 27, 2012, January 28,
34 2014, July 28, 2015, and August 25, 2015; and
35

36 WHEREAS, the planning commission held a public hearing on the proposed
37 stormwater regulations on September 22, 2015; and
38

39 WHEREAS, the planning commission deliberated on the stormwater regulations
40 on September 22, 2015, and voted to recommend approval of the stormwater
41 regulations; and
42

43 WHEREAS, the county council was briefed on the planning commission
44 recommendation on December 1, 2015; and

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VARIOUS SECTIONS OF THE SNOHOMISH COUNTY CODE (SCC) IN
SUPPORT OF AMENDMENTS TO CHAPTER 30.63A SCC AND THE
REPEAL OF CHAPTER 30.63C SCC IN A COMPANION ORDINANCE
AND IN RESPONSE TO THE COUNTY'S 2014 NPDES PERMIT

1
2 WHEREAS, the county council held a public hearing on the proposed stormwater
3 regulations on January 11, 2016, to consider the entire record and hear public testimony
4 on Ordinance No. 15-103; and
5

6 WHEREAS, the county council considered all public testimony on the proposed
7 stormwater regulations prior to deliberating on January 11, 2016.
8

9 NOW, THEREFORE, BE IT ORDAINED:
10

11 Section 1. The county council adopts the following findings in support of this ordinance:

12 A. The foregoing recitals are adopted as findings as though set forth in full herein.

13 B. The county council makes the following additional general findings of fact:

- 14 1. The amendments to county drainage regulations in chapter 30.63A SCC
15 proposed in a companion ordinance establish drainage requirements for all
16 of unincorporated Snohomish County and will prevent and control pollution
17 of waters of the State of Washington pursuant to special condition S5.C.5
18 of the 2014 NPDES Permit.
- 19 2. Permit applicants will be required to comply with the drainage regulations in
20 amended chapter 30.63A SCC, the land-disturbing activity regulations in
21 amended chapter 30.63B SCC, the Drainage Manual and the EDDS.
22 Together, these regulations will control stormwater runoff from new
23 development, redevelopment and construction activities including public
24 and private development and roads. These regulations meet the minimum
25 performance measures in special condition S5.C.5.a of the 2014 NPDES
26 Permit.
- 27 3. The Drainage Manual and the EDDS shall be used to comply with chapters
28 30.63A and 30.63B SCC, as applicable. The Drainage Manual will be
29 updated to be equivalent to the 2014 Ecology Manual.
- 30 4. These regulations will regulate development to achieve the intended
31 performance specified in the county's 2014 NPDES Permit through
32 application of the thresholds, minimum technical requirements, definitions
33 and adjustment (modification) and variance (waiver) criteria for new
34 development, redevelopment and construction sites pursuant to special
35 condition S5.C.5.a and Appendix 1 of the 2014 NPDES Permit.
- 36 5. The Drainage Manual includes methods for achieving compliance with the
37 stormwater requirements addressed in chapters 30.63A, 30.63B, and 7.53
38 SCC. The Drainage Manual includes the following volumes:
39 a. Volume I: Introduction and stormwater site plans;

- b. Volume II: BMPs for short-term stormwater management at construction sites;
 - c. Volume III: Hydrologic analysis and BMPs to control flow volumes from developed sites;
 - d. Volume IV: BMPs to minimize pollution generated by potential pollution sources at developed sites; and
 - e. Volume V: BMPs to treat runoff that contains sediment or other pollutants from developed sites.
6. Pursuant to the 2014 NPDES Permit special condition S5.C.5.a, chapter 30.63A SCC regulates the stormwater management site planning process and the BMP selection process and requires the use of BMP design criteria needed to meet Appendix 1 requirements. Pursuant to chapter 90.48 RCW, the stormwater management regulations will protect water quality, reduce the discharge of pollutants to the maximum extent practicable, and require implementation of all known, available and reasonable methods of prevention, control and treatment (AKART) prior to discharge. The required site planning process incorporates LID site planning techniques and BMPs necessary to minimize land disturbing activity and runoff impacts pursuant to the 2014 NPDES Permit special condition S5.C.5.a. The amendments in this ordinance are consistent with and supportive of the amendments to chapter 30.63A SCC and the repeal of chapter 30.63C SCC to be adopted through a companion ordinance.
 7. The 2014 NPDES Permit requires the county to implement on-site stormwater LID BMPs to the maximum extent feasible. These BMPs, contained in Volumes III and V of the Drainage Manual, include infiltration and dispersion systems that must be installed on each lot in residential development projects and an amended soil LID BMP that must be implemented in all developments. The technical requirements and methods of determining feasibility are described in the Drainage Manual.
 8. 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 GMA and the 2014 NPDES Permit special condition S5.C.4. Project information, updates and draft proposals have been maintained on the NPDES project webpage. Public comments have been solicited from the website.
 9. On October 8, 2014, through Amended Ordinance No. 14-070, the county council adopted amendments to the Land Use and Natural Environment chapters of the county's GPP to reflect the purpose and objectives of the 2014 NPDES Permit.

1 10. The GPP sets forth the following objective and policies related to
2 stormwater management:

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

7 NE Policies

8
9 3.H.1 The county shall protect properties and waters from adverse
10 impacts by eliminating illicit discharges and sediment transport,
11 and regulating stormwater and land disturbing activity to reduce
12 the discharges of pollutants and impacts to receiving waters.

13
14 3.H.2 The county shall develop inspection and enforcement
15 procedures to prevent water quality degradation.

16
17 3.H.3 The county shall adopt programs, development regulations and
18 standards regulating drainage and land disturbing activity that
19 require low impact development techniques, where feasible,
20 consistent with the Phase I Municipal Stormwater Permit.

21
22 3.H.4 REPEALED BY ORDINANCE 14-070

23
24 3.H.5 The county shall adopt comprehensive site planning
25 requirements that minimize land disturbing activity and promote
26 on-site stormwater management on new development and
27 redevelopment project sites.

28
29 3.H.6 The county shall adopt water pollution control requirements
30 intended to ensure that receiving waters, groundwater, and
31 stormwater in Snohomish County meet or exceed state water
32 quality standards.

33
34 11. The code amendments in this ordinance are consistent with the county's
35 GPP objective and policies cited above because they, together with those
36 amendments in the companion ordinance, include proposed regulations,
37 site planning requirements, and inspection and enforcement programs as
38 specifically addressed in the policy language to manage stormwater and
39 prevent pollution.

40 12. These code amendments are consistent with GMA planning goal 10
41 ("Protect the environment and enhance the state's high quality of life,
42 including air and water quality, and the availability of water") because they,

1 together with those amendments in the companion ordinance, will prevent
2 and control pollution of waters of the state consistent with special condition
3 S5.C.5.a of the 2014 NPDES Permit.

4 13. These code amendments are consistent with the following Multicounty
5 Planning Policies (MPP) and Countywide Planning Policies (CPP) because
6 they, together with those amendments in the companion ordinance, further
7 the protection of natural ecosystems through LID techniques, site planning,
8 and BMP selection, consistent with special condition S5.C.5.a of the 2014
9 NPDES Permit.

10 a. MPP EN-12 – “Preserve and restore native vegetation to protect habitat,
11 especially where it contributes to the overall ecological function and
12 where invasive species are a significant threat to native ecosystems.”

13 b. MPP EN -13 – “Maintain natural hydrological functions within the
14 region’s ecosystems and watersheds and, where feasible, restore them
15 to a more natural state.”

16 c. CPP Env-1 – “All jurisdictions shall protect and enhance natural
17 ecosystems through their comprehensive plans, development
18 regulations, capital facilities programs and management practices.
19 Jurisdictions should consider regional and countywide strategies and
20 assessments, as well as best available qualitative and quantitative
21 information, in formulating plans and regulations that are specific to
22 their community.”

23
24 C. The county council makes the following additional specific findings of fact relating
25 to amendments to chapter 30.63B SCC:

- 26 1. Amendments to the following sections of chapter 30.63B SCC update
27 terms or code citations or correct legislative drafting errors: 30.63B.120,
28 30.63B.150, 30.63B.350 and 30.63B.380.
- 29 2. The amendment to SCC 30.63B.010 helps integrate LID techniques into the
30 site planning and application process for land disturbing activity (LDA)
31 permits, pursuant to the 2014 NPDES Permit special condition S5.C.5.a.
- 32 3. The amendment to SCC 30.63B.050 makes LID-based site planning a
33 criterion for LDA permit approval.
- 34 4. The amendments to SCC 30.63B.070 reflect the 2014 NPDES Permit’s
35 revised terminology, minimum requirement threshold as applied to site
36 investigative work, and an LDA permit exemption for site investigative work
37 consistent with recently modified critical area regulations in chapters
38 30.62A and 30.62B SCC.

- 1 5. The amendments to SCC 30.63B.100 clarify the process for compliance for
2 county road projects and that the director of DPW shall adopt necessary
3 rules to apply the substantive 2014 NPDES Permit requirements reflected
4 in chapter 30.63A SCC.
- 5 6. The amendment to SCC 30.63B.130 specifies that topographic data used
6 to establish setbacks for cuts and fills must be the same as used to comply
7 with corresponding drainage requirements.
- 8 7. The amendments to SCC 30.63B.140 and 30.63B.180 add clarity to these
9 code provisions.
- 10 8. The amendment to SCC 30.63B.160 incorporates LID principles consistent
11 with those articulated in chapter 30.63A SCC and the Drainage Manual into
12 tree and vegetation retention standards applicable to LDA site plans.
- 13 9. The amendments to SCC 30.63B.190 facilitate coordination and
14 consistency between the stormwater site planning requirements in chapter
15 30.63A SCC and the LDA site planning requirements in chapter 30.63B
16 SCC, consistent with the 2014 NPDES permit.
- 17 10. The amendments to SCC 30.63B.200 expand the list of land disturbing
18 activities requiring engineered construction plans to better ensure that
19 drainage mitigation facilities and stream and wetland mitigation facilities are
20 designed with appropriate expertise.
- 21 11. The amendments to SCC 30.63B.210 accomplish the following: 1) add
22 groundwater analysis to the subjects that must be included in LDA permit
23 applications; 2) list hydrogeologist as one who can prepare the reports; and
24 3) specify that the technical requirements for stormwater management and
25 control found in the Drainage Manual apply to these reports.
- 26 12. The amendment to SCC 30.63B.220 expands the required content of the
27 geotechnical report to include the minimum technical and site planning
28 requirements specified in Volume I of the Drainage Manual.
- 29 13. The amendments to SCC 30.63B.230 expand the required content of the
30 soils engineering report to include: 1) the minimum technical and site
31 planning requirements specified in Volume I of the Drainage Manual; 2) an
32 analysis of groundwater; and 3) a feasibility determination related to soil
33 capacity to accommodate infiltration BMPs.
- 34 D. The county council makes the following additional specific findings of fact relating
35 to amendments to other sections of the SCC:
 - 36 1. Amendments to the following sections of the SCC update terms or code
37 citations or correct legislative drafting errors: 13.60.030, 30.25.023,
38 30.41A.530, 30.61.122, 30.84.120, 30.86.710, 30.91B.080, 30.91D.400,

- 30.91F.522, 30.91M.011, 30.91P.330, 30.91S.351, 30.91S.450 and 30.91T.005.
2. The amendments to SCC 30.23.040, 30.23.050, 30.31A.115 and 30.41F.040 eliminate the potential for builders to modify building height restrictions as an incentive to utilize LID techniques, since these techniques will now be required, where feasible.
 3. The amendments to SCC 30.23.110, in combination with the amendments to SCC 30.63A.710 in companion Ordinance No. 15-102, move the required separation distance requirements for drainage facilities from chapter 30.23 SCC to chapter 30.63A SCC, thereby changing the process for requesting modifications from a zoning variance to a code deviation.
 4. The amendments to SCC 30.41C.050 reflect the fact that LID site planning principles are no longer special considerations for particular types of residential projects, such as rural cluster subdivisions, but are rather general requirements for all types of land development.
 5. The amendment to SCC 30.41C.070 reflects the fact that LID BMPs are no longer special considerations for particular types of residential projects, such as rural cluster subdivisions, but are rather general requirements for all types of land development.
 6. The amendment to SCC 30.41F.040 is necessary and appropriate to reflect the proposed repeal of chapter 30.63C.
 7. The amendments to SCC 30.42B.100 retain the ability to construct small multi-family structures in planned residential developments within single-family zones where LID BMPs are used.
 8. The amendment to SCC 30.62A.350 reflects the proposed repeal of chapter 30.63C SCC and the 2014 NPDES Permit requirement to utilize LID BMPs, where feasible.
 9. The amendments to SCC 30.86.515 remove the reference to modifications pursuant to provisions in chapter 30.63C since that chapter is being repealed and replaces reference to SCC 30.63A.830 with reference to Part 800 of chapter 30.63A SCC.
 10. The addition of new definitions in chapter 30.91 SCC for the terms “converted vegetation area,” “hard surface,” “low impact development best management practices,” “on-site stormwater management BMPs,” “pervious surface,” “pollution generating hard surface,” and “replaced hard surface” reflect new terms found in the 2014 NPDES Permit and/or the 2014 Ecology Manual and adopted into SCC provisions amended by this ordinance or the companion ordinance.

11. The amendments to existing definitions in chapter 30.91 SCC for the terms “conveyance system,” “effective impervious surface,” “impervious surface,” “land disturbing activity,” “low impact development, or LID,” “municipal separate storm sewer system, or MS4,” “new development,” “pollution generating impervious surface, or PGIS,” “pollution generating pervious surface, or PGPS,” “project site,” “receiving waters,” “redevelopment,” “stormwater facility,” “stormwater flow control facility,” and “stormwater treatment facility” reflect new or revised definitions used in the 2014 NPDES Permit and/or the 2014 Ecology Manual.

Section 2. The county council makes the following conclusions:

- A. Title 30 SCC, as amended herein and through companion Ordinance No. 15-102, contains enforceable stormwater regulations that will protect the public health, safety, welfare and the environment through the regulation of stormwater runoff as required by federal and state law.
- B. Title 30 SCC, as amended herein and through companion Ordinance No. 15-102, regulates stormwater to support the preservation of water quality for aquatic habitats, recreation, and drinking water.
- C. Title 30 SCC, as amended herein and through companion Ordinance No. 15-102, includes regulatory mechanisms and control measures required by special condition S5.C.5.a of the 2014 NPDES Permit.
- D. The stormwater management requirements of Title 30 SCC, as amended herein, promote sound, practical, and economical development practices and construction procedures that prevent or minimize impacts to adjoining properties and county waters and reduce the discharge of pollutants to the maximum extent practicable. These regulations permit the use of all known, available and reasonable methods of prevention, control and treatment to prevent and control pollution of waters of the State of Washington.
- E. The stormwater management requirements of Title 30 SCC, as amended herein, does not result in less restrictive performance standards or objectives than those required by the 2014 NPDES Permit. These regulations meet the minimum performance measures in special condition S5.C.5.a of the 2014 NPDES Permit.
- F. The minimum requirements, thresholds, definitions, modification and waiver criteria in this ordinance are equivalent to Appendix 1 of the 2014 NPDES Permit for new development, redevelopment and construction sites. The regulations contained in this ordinance provide equal or similar levels of pollutant controls as compared to Appendix 1.

- 1 G. Title 30 SCC, as amended herein, complies with the 2014 NPDES Permit.
- 2
- 3 H. These stormwater regulations strengthen the county's stormwater management
- 4 program.
- 5
- 6 I. Title 30 SCC, as amended herein, implements the comprehensive plan objective
- 7 and policies identified in finding B.10 in section 1 of this ordinance.
- 8
- 9 J. The public participation process implemented for the 2014 NPDES Permit code
- 10 and standard updates has been early and continuous and has complied with all
- 11 applicable requirements, including but not limited to, RCW 36.70A.140, special
- 12 condition S5.C.4 of the 2014 NPDES Permit, chapter 30.73 SCC and the
- 13 Snohomish County Charter.
- 14
- 15 K. The SEPA process conducted for this ordinance satisfies the requirements of
- 16 chapter 43.21C RCW, as implemented by chapter 197-11 WAC and chapter
- 17 30.61 SCC.
- 18
- 19 L. The regulations proposed by this ordinance do not result in an unconstitutional
- 20 taking of private property for public purpose. As required by RCW 36.70A.370,
- 21 the Washington State Attorney General last issued an advisory memorandum in
- 22 December of 2006 entitled "Advisory Memorandum: Avoiding Unconstitutional
- 23 Takings of Private Property" to help local governments avoid the unconstitutional
- 24 taking of private property. The process outlined in the State Attorney General's
- 25 2006 advisory memorandum was used by the County in objectively evaluating the
- 26 regulatory changes proposed by this ordinance.
- 27
- 28 M. The county council bases its findings and conclusions on the entire record of the
- 29 planning commission and the county council, including all testimony and exhibits.
- 30 Any finding, which should be deemed a conclusion, and any conclusion which
- 31 should be deemed a finding, is hereby adopted as such.
- 32

33 Section 3. Snohomish County Code Section 13.60.030, last amended by Amended

34 Ordinance No. 12-001 on February 15, 2012, is amended to read:

35 **13.60.030 Conditions--General.**

36 Type D permits are granted subject to the following conditions and such additional

37 conditions as the engineer deems appropriate:

38 (1) All items contained in SCC 13.40.030 except 13.40.030(1) and (2).

39 (2) All construction within the right-of-way shall conform to the most current edition of

40 the EDDS. The permittee shall keep the road right-of-way in a condition that is safe to

41 the public and further, will not adversely impact the environment with debris, dirt,

42 dust, or other pollutants, or cause erosion.

(3) The location of all openings, changes, or attachments to the surface of the right-of-way must be approved by the engineer.

(4) At the discretion of the engineer, one or more of the following requirements may be specified when conditions require their use. Whenever such special conditions are required, they shall be set forth in the permit at the time of issuance or as an amendment to the permit where conditions requiring their use become known after the permit has been issued.

(a) Installation within the right-of-way shall be made in a manner and by a method approved by the engineer. All improved or unimproved areas within the right-of-way shall be restored to the satisfaction of the engineer.

(b) Signs, cones, barricades, and all other traffic control devices to protect and control pedestrian and vehicular traffic in the construction area shall be used as prescribed by the engineer and in accordance with the EDDS and the MUTCD. A traffic control (Type B5) permit shall be required in accordance with chapter 13.40 SCC for use of such devices, except where exempt under SCC 13.10.050.

(c) One or more traffic lanes shall be kept open at all times except where approved by the engineer. Moving traffic shall be properly controlled by flagmen and/or patrol cars if specified. Hours of operation during construction and restoration shall be limited to those contained in the permit. A traffic control (Type B5) permit shall be required in accordance with chapter 13.40 SCC for such traffic control, except where exempt under SCC 13.10.050.

(d) Ingress and egress for vehicles and personnel to abutting property shall be maintained at all times except as approved by the engineer.

(e) Backfill and restoration of pavement surface shall be done in accordance with the EDDS and to the satisfaction of the engineer.

(f) All construction of structures within the right-of-way shall be performed in accordance with the EDDS and to the satisfaction of the engineer.

(5) Site inspections will be made by the engineer to determine need for culvert pipe, size and length of pipe, type of pipe acceptable, end sections, catch basins, backfill materials to be used, and other construction requirements.

(6) A permittee and any contractor of a permittee utilizing vehicles upon a right-of-way pursuant to a Type D permit shall provide persons or equipment to keep the right-of-way clean at all times to the satisfaction of the engineer. Upon failure to do so, the engineer may issue an immediate stop work order for the operation and the responsible person or persons shall be directed to immediately clean the right-of-way to the satisfaction of the engineer.

(7) Permittee will be responsible, before commencing any excavation within county right-of-way, to provide notice of the scheduled commencement of excavation to all

owners of underground facilities, through the one-call locator service. In addition the permittee shall be familiar with and comply with Chapter 19.122 RCW.

(8) Following completion of any construction in the right-of-way under a Type D permit, the site must be maintained as required by the engineer and be subject to periodic inspections by the engineer.

(9) Utility activities conducted pursuant to a Type D permit are subject to the requirements of chapters 30.63A and 30.63B SCC, with exemptions as provided ((in SCC 30.63A.200 and 30.63B.070, respectively)) therein. Utility purveyors applying for a blanket utility construction (Type D7) permit or a major utility construction (Type D8) permit shall propose erosion and sedimentation control best management practices for all permitted activities at the time of application.

(10) Utility purveyors meeting the insurance and other applicable requirements of this title, may conduct certain minor activities in county rights-of-way without a permit. Such minor activities shall consist of inspection, repair and maintenance of existing structures in the same location, tree trimming and activities historically not requiring a permit as determined by the engineer, and not falling in the category of a Type D7 blanket permit as detailed in this chapter and not involving cutting of hard road surface.

(11) Before any work is performed under a Type D permit, the permittee shall establish two or more reference marks to all monuments and markers of every nature relating to subdivisions, plats, rights-of-way and all other surveys within the permitted area. The reference points shall be so located as to not be disturbed during the permittees' operations under the permit. The permittee shall also be responsible to comply with State Department of Natural Resources regulations such as the "Application for Permit to Temporarily Remove or Destroy Section Corner or other Land Boundary Mark or Monument" (Ref WAC 332-120), where applicable. Such forms shall be available at the department.

(12) Permits for access in connection with development will only be approved if the development and access are in compliance with applicable land development codes and standards.

(13) A construction site structures (Type C2) permit in accordance with chapter 13.50 SCC shall be required for placement of construction site structures within the right-of-way.

Section 4. Snohomish County Code Section 30.23.040, last amended by Amended Ordinance No. 15-025 on May 6, 2015, is amended to read:

30.23.040 Reference notes for SCC Tables 30.23.030 and 30.23.032.

(1) MR bulk requirements shall apply for all residential development permitted in urban commercial zones.

- (2) When subdivisionally described, the minimum lot area shall be 1/128th of a section.
- (3) When subdivisionally described, the minimum lot area shall be 1/32nd of a section.
- (4) In the LDMR zone, the maximum density shall be calculated based on 4,000 square feet of land per dwelling unit.
- (5) In the MR zone, the maximum density shall be calculated based on 2,000 square feet of land per dwelling unit.
- (6) Commercial forestry structures shall not exceed 65 feet in height.
- (7) Non-residential structures shall not exceed 45 feet in height.
- (8) Lot coverage includes all buildings on the given lot.
- (9) RESERVED for future use.
- (10) RESERVED for future use.
- (11) These setbacks shall be measured from the property line.
- (12) Greater setbacks than those listed may apply to areas subject to Shoreline Management Program jurisdiction or critical areas regulations in chapter 30.62A, 30.62B, 30.62C and 30.67 SCC. Some uses have special setbacks identified in SCC 30.23.110.
- (13) The listed setbacks apply where the adjacent property is zoned F. In all other cases, setbacks are the same as in the R-8,400 zone. In the F zone, the setbacks for residential structures on 10 acres or less which were legally created prior to being zoned to F shall be the same as in the R-8,400 zone.
- (14) RESERVED for future use.
- (15) See SCC 30.23.300.
- (16) In the FS zone, the setback from non-residential property shall be five feet for side setbacks and 15 feet for rear setbacks.
- (17) In the IP zone there shall be an additional one foot setback for every one foot of building height over 45 feet.
- (18) RESERVED for future use.
- (19) See SCC 30.31A.020(1) and (2) which specify the minimum area of a tract of land necessary for PCB or BP zoning.
- (20) See additional setback provisions for dwellings located along the boundaries of designated farmland contained in SCC 30.32B.130.
- (21) See additional setback provisions for structures located adjacent to forest lands, and/or on lands designated local forest or commercial forest contained in SCC 30.32A.110.
- (22) The minimum lot size for properties designated Rural Residential (RR)--10 (Resource Transition) on the comprehensive plan shall be 10 acres.

(23) Minimum lot area requirements may be modified within UGAs in accordance with SCC 30.23.020.

(24) In rural cluster subdivisions approved in accordance with the provisions of chapter 30.41C SCC, the minimum lot area shall be as provided in SCC 30.23.220. The maximum lot area shall be 20,000 square feet or less when located in rural/urban transition areas.

(25) RESERVED for future use.

(26) RESERVED for future use.

(27) See SCC 30.23.050 for height limit exceptions. See also SCC 30.67.460 for height limit requirements within shoreline jurisdiction.

(28) RESERVED for future use.

(29) See SCC 30.23.200 et seq. for additional lot area requirements and exceptions.

(30) SCC 30.32A.120 (Siting of new structures--Commercial forest land) requires an application for a new structure on parcels designated commercial forest, but not within a designated commercial forest--forest transition area, to provide a minimum 500-foot setback, which shall be a resource protection area, from the property boundaries of adjacent commercial forest lands except that if the size, shape, and/or physical site constraints of an existing legal lot do not allow a setback of 500 feet, the new structure shall maintain the maximum setback possible, as determined by the department.

(31) Setback requirements for mineral excavation and processing are in SCC 30.23.110(26). Performance standards and permit requirements are in chapter 30.31D SCC.

(32) The site shall be a contiguous geographic area and have a size of not less than 10 acres, except in the case of subsurface shaft excavations, no minimum acreage is required, pursuant to SCC 30.31D.020(1).

(33) See SCC Table 30.28.050(4)(i) for setback requirements for structures containing a home occupation.

(34) RESERVED for future use.

(35) See chapter 30.31E SCC, for more complete information on the Townhouse Zone height, setback, and lot coverage requirements.

(36) RESERVED for future use (MR and LDMR setbacks--DELETED by Ord. 05-094, effective September 29, 2005).

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

(38) There shall be no subdivision of land designated commercial forest in the comprehensive plan except to allow installation of communication and utility facilities if all the following requirements are met:

(a) The facility cannot suitably be located on undesignated land;

(b) The installation cannot be accomplished without subdivision;

(c) The facility is to be located on the lowest feasible grade of forest land; and

(d) The facility removes as little land as possible from timber production.

(39) On parcels designated commercial forest, but not within a designated commercial forest--forest transition area, establish and maintain a minimum 500-foot setback, which shall be a resource protection area, from the property boundaries of adjacent commercial forest lands except when the size, shape, and/or physical site constraints of an existing legal lot do not allow a setback of 500 feet, the new structure shall maintain the maximum setback possible as provided in SCC 30.32A.120.

(40) Land designated local commercial farmland shall not be divided into lots of less than 10 acres unless a properly executed deed restriction which runs with the land and which provides that the land divided is to be used exclusively for agricultural purposes and specifically not for a dwelling(s) is recorded with the Snohomish County auditor.

(41) Minimum lot area in the rural use zone shall be the minimum allowed by the zone identified as the implementing zone by the comprehensive plan for the plan designation applied to the subject property. Where more than one implementing zone is identified for the same designation, the minimum lot size shall be that of the zone allowing the smallest lot size.

(42) RESERVED for future use.

(43) Additional bulk requirements may apply. Refer to SCC 30.31F.100 and 30.31F.140.

(44) The 50 percent maximum lot coverage limitation applies solely to the portion of the area within the CRC comprehensive plan designation and zone that is centered at 180th Street SE and SR 9, generally extending between the intersection of 172nd Street/SR 9 to just south of 184th Street/SR 9, as indicated on the County's FLUM and zoning map.

(45) The 30 percent maximum lot coverage limitation applies solely to the portion area located within the CRC comprehensive plan designation and zone that is centered at State Route (SR) 9 and 164th Street SE, as indicated on the County's Future Land Use Map (FLUM) and zoning map.

(46) Additional setbacks may apply to development within a rural cluster subdivision. *Refer to chapter 30.41C SCC.* Residential subdivision is restricted pursuant to SCC 30.32C.150. Uses are restricted where the R-5 zone coincides with the Mineral Resource Overlay (MRO) to prevent development which would preclude future access to the mineral resources.

(47) RESERVED for future use.

(48) RESERVED for future use.

(49) RESERVED for future use.

(50) RESERVED for future use.

(51) RESERVED for future use.

(52) See SCC 30.33B.020 for bulk regulations related to existing playing fields on designated recreational land.

(53) RESERVED for future use.

(54) A split parcel may be subdivided along the UGA boundary line using one of three methods. First, a split parcel may be subdivided along the UGA boundary line into two lots, whereby one lot remains within the UGA and the other lot remains outside the UGA, pursuant to SCC 30.41B.010(5). Second, a split parcel may be subdivided as part of a short plat application, pursuant to SCC 30.41B.010(6). Finally, a split parcel may be subdivided as part of a plat application, pursuant to SCC 30.41A.010(3).

(55) See SCC 30.42E.100(9)(c).

(56) RESERVED for future use.

(57) RESERVED for future use.

(58) RESERVED for future use.

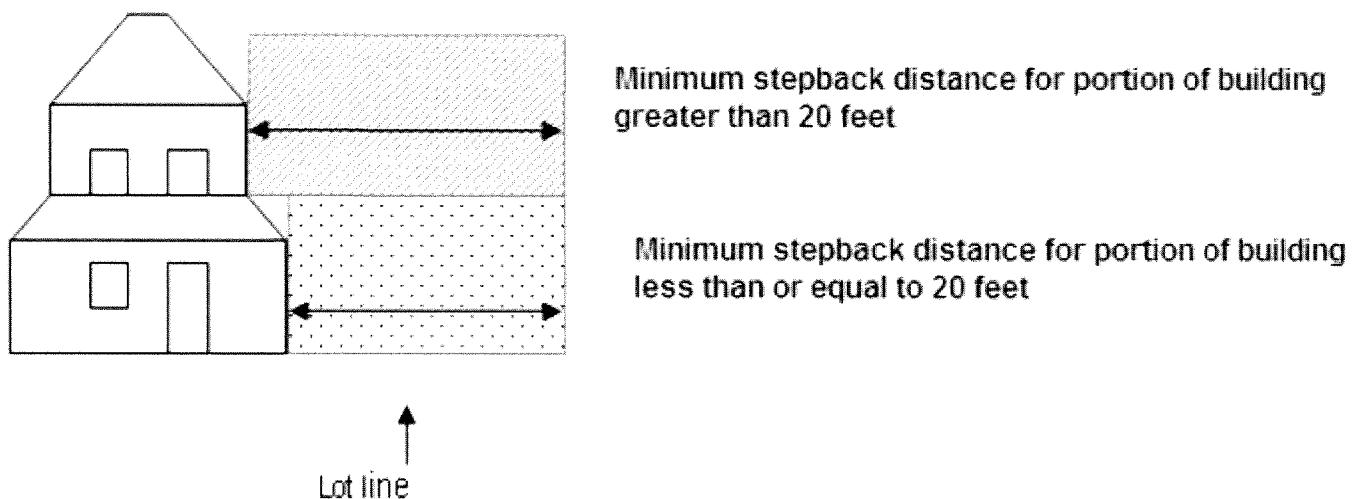
(59) Relationship of setback to building height:

The minimum setback requirements are dependent on the heights of the building as specified in this column. To meet the setback requirements, buildings over 20 feet in height must either:

(a) Set the entire building back the minimum setback distance; or

(b) Stepback those portions of the building exceeding 20 feet in height to the minimum setback distance, as illustrated in Figure 30.23.040(59).

Figure 30.23.040(59)
Example of relationship of building height to setback



1 ((c) These portions of a building or structure allowed to exceed the maximum
2 building height pursuant to SCC 30.23.050(3) for low impact development shall have
3 the minimum side and rear yard setbacks increased by one foot for each additional
4 two feet of building height.))

5 (60) RESERVED for future use.

6 (61) Single-family detached, single-family attached and duplex structures shall
7 comply with the minimum setbacks required in the R-8,400 zone.

8 (62) Fencing between single-family detached, single-family attached and duplex
9 structures shall be:

10 (a) Prohibited in the area that is within five feet of a third story ingress/egress window
11 so ladder access to the third floor window is not impeded; or

12 (b) Limited to either vegetative, wood, block, concrete or metal that does not exceed
13 42 inches in height.

14 (63) Additional building height up to a maximum of 180 feet may be allowed under
15 certain circumstances as provided for in SCC 30.34A.040(1).

16 (64) If located within an airport compatibility area, building height is subject to the
17 requirements of SCC 30.32E.060.

18
19 Section 5. Snohomish County Code Section 30.23.050, last amended by Amended
20 Ordinance No. 15-025 on May 6, 2015, is amended to read:

21 **30.23.050 Height requirements, exceptions and measuring height.**

22 (1) The maximum height of buildings and structures shall be pursuant to the height
23 standards in SCC Tables 30.23.030 and 30.23.032, except as provided in
24 ((subsections (2) and (3))) subsection (2) of this section.

25 (2) The following shall be exempt from the maximum height standards, except
26 structures and uses located in an airport compatibility area are subject to the height
27 review requirements of SCC 30.32E.060:

28 (a) Tanks and bunkers, turrets, church spires, belfries, domes, monuments,
29 chimneys, water towers, fire and hose towers, observation towers, stadiums,
30 smokestacks, flag poles, towers and masts used to support commercial radio and
31 television antennas, bulkheads, water tanks, scenery lofts, cooling towers, grain
32 elevators, gravel and cement tanks and bunkers, and drive-in theater projection
33 screens, provided they are set back at least 50 feet from any adjoining lot line;

34 (b) Towers and masts used to support private antennas, provided they meet the
35 minimum setback of the zoning district in which they are located, and the
36 horizontal array of the antennas does not intersect the vertical plane of the
37 property line;

38 (c) Towers, masts or poles supporting electric utility, telephone or other
39 communication lines;

1 (d) Schools and educational institutions; provided, that:

2 (i) The use was approved as part of a conditional use permit;

3 (ii) A maximum building height of 45 feet is not exceeded; and

4 (iii) Any portion of any building exceeding the underlying zoning maximum
5 height standard is set back at least 50 feet from all of the site's perimeter lot
6 lines; and

7 (e) Aircraft hangars located within any industrial zone; provided, that the hanger is
8 set back at least 100 feet from any non-industrial zone.

9 ~~((3) Applicants proposing height modifications pursuant to SCC 30.63C.080(1)(a) to~~
10 ~~incorporate low impact development techniques into site design and planning, may~~
11 ~~exceed the maximum height of the underlying zoning district; provided, that:~~

12 ~~(a) The maximum height is not increased if the property is located in R-9,600, R-~~
13 ~~8,400, R-7,200, T, LDMR, and MR zones; and the maximum height is not~~
14 ~~increased by more than 14 feet if the property is located in FS, NB, PCB, CB, GC,~~
15 ~~IP, BP, LI and HI zones;~~

16 ~~(b) The property is located within an urban growth area;~~

17 ~~(c) The maximum lot coverage is reduced by one percentage point for each foot of~~
18 ~~additional height (example: one foot of additional height means a 35 percent~~
19 ~~maximum lot coverage will be reduced to 34 percent); and~~

20 ~~(d) If the zone does not have a maximum lot coverage requirement then at least~~
21 ~~40 percent of the site shall contain pervious surfaces.))~~

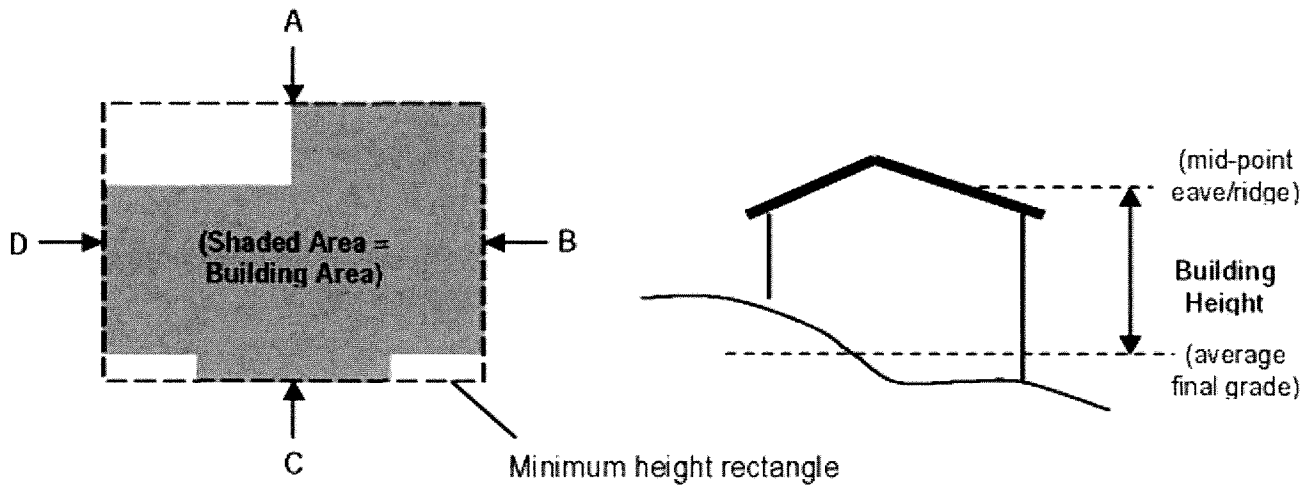
22 ~~((4))~~ (3) Building height shall be measured as the vertical distance from the average
23 final grade to the highest point of a flat roof, or to the deck line of a mansard roof, or
24 to the average height of the highest gable of a pitch or hip roof.

25 ~~((5))~~ (4) Calculation of the average final grade shall be made by drawing the
26 smallest rectangle possible that encompasses the entire building area as shown in
27 Figure 30.23.050(1) and averaging the elevations at the midpoint of each side of the
28 rectangle.

29 ~~((6))~~ (5) Fill shall not be used to raise the average final grade more than five feet
30 above the existing grade of any dwelling located within 50 feet on adjoining
31 properties. (Figure 30.23.050(2)).

Figure 30.23.050(1)

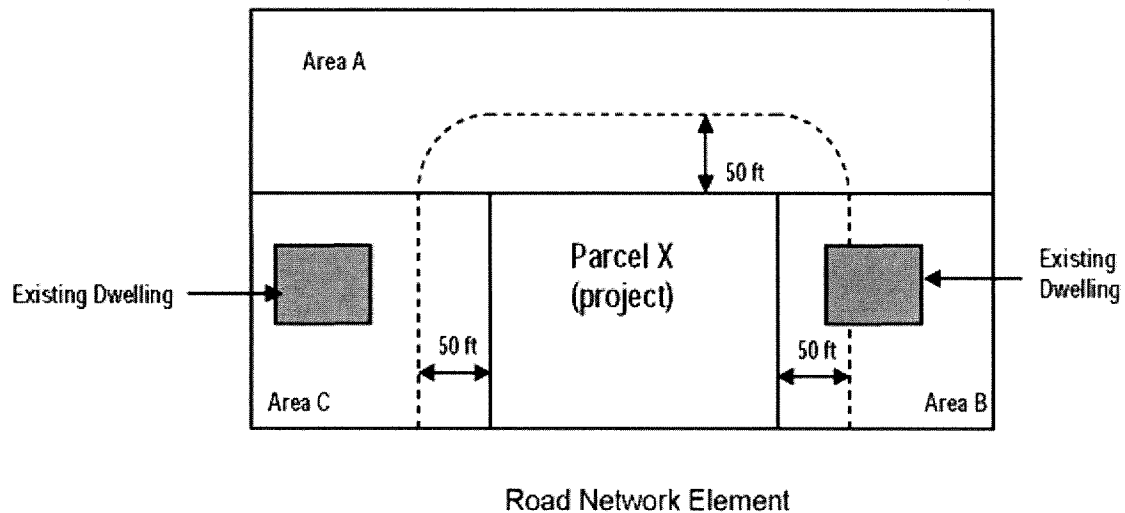
Calculating average final grade and determining height



$$(\text{Final Elevation at Mid-point of A} + \text{B} + \text{C} + \text{D}) \div 4 = \text{Average Final Grade Elevation}$$

Figure 30.23.050(2)

Adjustments for measuring height where an adjoining dwelling(s) exists:



No adjustments required for structures on Parcel "X" adjoining Areas A or C;
Adjustment required for structures adjoining Area B.

1 ((7)) (6) The measurement of height under this section does not apply to buildings
2 regulated by the Snohomish County Shoreline Management Program, nor does it
3 replace the definitions of height in the construction codes, which are specific to the
4 provisions in those chapters.

5 ((8)) (7) Rooftop heating, ventilation and air conditioning (HVAC) and similar
6 systems, when located on commercial, industrial or multifamily structures. The
7 system shall not exceed the maximum building height of the underlying zone by more
8 than 30 percent or 15 feet, whichever is less. Sight-obscuring screening shall be
9 required unless otherwise approved by the director of the department.

10 Section 6. Snohomish County Code Section 30.23.110, last amended by Amended
11 Ordinance No. 15-005 on March 18, 2015, is amended to read:

12
13 **30.23.110 Special setbacks for certain uses.**

14 This section supplements the normal setbacks required by the underlying zone for
15 the specified use.

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

18 (2) Amusement Facilities. Theaters must be at least 300 feet from the property
19 line of any preschool or K-12 school. Other amusement facilities must be at least 500
20 feet from the property line of any park, playground, preschool, or K-12 school.
21 Distances shall be measured horizontally by following a straight line from the nearest
22 point in the building in which the amusement facility will be located, to the nearest
23 property line of a parcel which contains a park, playground, preschool, or K-12
24 school.

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

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

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

31 (6) Dock and Boathouse. Covered structures must be at least three feet from any
32 side lot line or extension thereof. No setback from adjacent properties is required for
33 any uncovered structure, and no setback from the water is required for any structure
34 permitted hereunder, except that setbacks for docks and boathouses located in
35 shoreline jurisdiction are regulated under SCC 30.67.515.

36 (7) Educational Institutions.

37 (a) All buildings shall be set back at least 35 feet from all external property
38 lines; and

- (b) All buildings shall be set back from all road network elements, except a driveway. The setback shall be the greater of either 75 feet from the centerline of a road network element, or 45 feet from the edge of a road network element.
- (8) Equestrian Center and Mini-Equestrian Center. Open or covered arenas must be at least 50 feet from any external property line. New structures located on or adjacent to lands subject to chapter 30.32A SCC shall comply with all applicable setbacks.
- (9) Governmental Structure or Facility. All structures must be at least 20 feet from any other lot in a residential zone.
- (10) Health and Social Service Facility, Level II. All buildings must be at least 30 feet from all external property boundaries.
- (11) Kennel, Commercial; Kennel, Private-Breeding; or Kennel, Private-Non-Breeding. All animal runs, and all buildings and structures devoted primarily to housing animals, must be at least 30 feet from all external property lines.
- (12) Library. All buildings must be at least 20 feet from any other lot in a residential zone.
- (13) Museum. All buildings must be at least 20 feet from any other lot in a residential zone.
- (14) Office, Licensed Practitioners. All buildings must be at least 20 feet from any other lot in a residential zone.
- (15) Race Track. The track must be at least 50 feet from all external property lines.
- (16) Rural Industry. All buildings and structures, storage areas, or other activities (except sales stands) occurring outside of a residential structure must be at least 20 feet from any property line.
- (17) School Preschool and K-12.
- (a) All buildings shall be set back at least 35 feet from all external property lines; and
- (b) All buildings shall be set back from all road network elements, except a driveway. The setback shall be the greater of either 75 feet from the centerline of a road network element, or 45 feet from the edge of the road network element.
- (18) Service Station Pump Island or Canopy.
- (a) The setback for a pump island, where the width of the road network element is less than 60 feet, shall be 45 feet from the centerline of the road network element.
- (b) The setback for a pump island, where the road network element is 60 feet or wider, shall be one-half the width of the road network element plus 15 feet.

(c) The setback for a canopy, where the road network element is less than 60 feet, shall be 35 feet from the centerline of the road network element.

(d) The setback for a canopy, where the road network element is 60 feet or wider, shall be one-half the width of the road network element plus five feet.

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

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

(21) ~~((Stormwater Facilities:~~

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

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

~~–(c) If the construction of drainage facilities will require a structural setback on adjacent properties pursuant to subsection (21)(a) or (b) of this section, the owner of the drainage facility shall obtain a drainage easement or agreement from the affected adjacent property owner(s) prior to construction approval.))~~

RESERVED for future use.

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

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

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

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

(26) Personal Wireless Telecommunications Service Facilities. The setbacks of a wireless communications support structure used for a personal wireless telecommunications service facility shall be measured from the base of the structure to the property line of the parcel on which it is located. Where guy wire supports are

used, setbacks shall be measured from the base of the guy wire anchored to the ground, rather than the base of the structure except as provided for in subsection (25)(a) of this section.

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

(b) Wireless communications support structures shall be set back from a property line with a minimum of 50 feet except as provided for in (c) through (e) of this subsection. For the purposes of this subsection, a wireless communications support structure's lease area boundaries shall not be considered property lines.

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

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

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

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

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

(27) Excavation and Processing of Minerals.

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

(i) Distance from property line: 50 feet;

(ii) Distance from any public road 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: one-fourth mile (1,320 ft);
- (v) Distance from UGA boundary: one-fourth 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.

(28) Marijuana production and marijuana processing. The minimum setback for outdoor marijuana production or marijuana processing facilities shall be at least 50 feet from any property line. The minimum setback for indoor marijuana production or marijuana processing facilities shall be at least 30 feet from any property line.

Section 7. Snohomish County Code Section 30.25.023, last amended by Amended Ordinance No. 12-018 on May 2, 2012, is amended to read:

30.25.023 Stormwater 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.

(2) Landscaping in tracts or easements containing stormwater flow control or treatment facilities, excluding those areas described in SCC 30.25.023(1), shall meet or exceed the standards set forth in this section except:

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

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

(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 stormwater flow control or treatment facility.

(4) Where perimeter fencing of a stormwater flow control or treatment facility is required pursuant to the EDDS, 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 pathway unless the director makes a determination based on documentation provided by the applicant that site characteristics render this setback infeasible and the proposal documents that maintenance may be otherwise provided. This decision shall be processed as a landscape modification pursuant to SCC 30.25.040. To maintain sight triangles, fenced facilities that abut public rights-of-way, shall comply with setbacks and height restrictions pursuant to SCC 30.23.100(3).

(5) Where fencing is not required for landscaping within a stormwater flow control or treatment facility, the applicable landscaping guidelines contained in (~~volume III, section 3.2.1~~) volumes III and V of the Drainage Manual shall be considered during the design of the facility.

(6) Where fencing is not required and the unfenced stormwater flow control or treatment facility is not completely screened pursuant to subsection (3) above, the facility shall be landscaped to improve its appearance as follows:

(a) If the stormwater flow control or treatment facility is located in, adjacent to or near a lake, wetland, or fish and wildlife habitat conservation area, or their buffers, the areas between the facilities and these critical areas shall be left in natural or near-natural conditions; and

(b) If the stormwater flow control or treatment facility features terraces or steps landscaping in accordance with the applicable standards set forth in (~~volume III, section 3.2.1~~) volumes III and V of the Drainage Manual shall be used to complement the terraced edge condition.

Section 8. Snohomish County Code Section 30.31A.115, adopted by Amended Ordinance No. 12-069 on October 17, 2012, is amended to read:

30.31A.115 Optional performance standards for properties designated Urban Village.

Properties designated Urban Village on the future land use map may develop under the underlying zoning or pursuant to the following performance standards. In choosing to submit a development application under this section, all of the requirements of this section shall be met including the requirements in SCC 30.31A.100 and 30.31A.110.

(1) The following uses shall not be allowed:

- (a) Accessory apartment;
- (b) Dwelling attached, single-family;
- (c) Dwelling, duplex;

- (d) Dwelling, single-family;
- (e) Family daycare home;
- (f) Foster home;
- (g) Garage, detached; private accessory;
- (h) Garage, detached; private non-accessory;
- (i) Greenhouse, lath house, and nurseries: retail;
- (j) Greenhouse, lath house, nurseries: wholesale;
- (k) Guesthouse;
- (l) Hazardous waste storage and treatment facilities, on-site;
- (m) Kennel;
- (n) Mini self-storage;
- (o) Stables; and
- (p) Wholesale establishment.

(2) The maximum building height shall be 75 feet. ~~((Additional building height shall be allowed pursuant to SCC 30.23.050(3)))~~. The director may recommend a height increase in appropriate locations within the Urban Village of up to an additional 50 feet beyond that otherwise allowed when the applicant prepares an environmental impact statement pursuant to chapter 30.61 SCC and where such increased height in designated locations does not unreasonably interfere with the views from nearby residential structures.

(3) Front setbacks may be reduced to zero only if such reduction will not have a likely impact upon future right-of-way needs and/or right-of-way improvements as determined by the county engineer.

(4) Residential development shall maintain a minimum density of 12 dwelling units per acre and a maximum density of 44 dwelling units per acre.

(5) Open space shall comply with SCC 30.34A.070.

(6) Design standards shall comply with SCC 30.34A.100 through 30.34A.160.

(7) Development applications shall comply with the submittal checklist established by the department pursuant to SCC 30.70.030.

(8) A neighborhood meeting shall be held pursuant to SCC 30.34A.165.

(9) Development applications shall be reviewed and approved pursuant to SCC 30.34A.180(2). In addition, because the Urban Village at Point Wells is singularly unique due to its location, geography, access points, and historical uses, the applicant for any Urban Village development at Point Wells shall be subject to the following provisions:

- (a) The applicant shall successfully negotiate binding agreements for public services, utilities or infrastructure that are to be provided by entities other than the county prior to the county approving a development permit that necessitates the provision of public services, utilities or infrastructure;
- (b) Development applications may be planned and programmed in phases; and
- (c) The intensity of development shall be consistent with the level of service standards adopted by the entity identified as providing the public service, utility or infrastructure.

Section 9. Snohomish County Code Section 30.41A.530, last amended by Ordinance No. 04-017 on March 31, 2004, is amended to read:

30.41A.530 Model home application requirements.

Each residential building permit application for a model home shall include the following additional submittals:

- (1) Title certificate demonstrating ownership interest in the property on which the model home will be constructed;
- (2) Building plot plan(s) showing the location(s) of the proposed model home(s); distances from the proposed final subdivision lot lines; all existing, required or proposed easements including but not limited to easements required by ~~((30.63A.330 SCC and 30.63A.340 SCC))~~ chapter 30.63A SCC; and the ~~((setbacks))~~ separations required ~~((in 30.63A.200(4) SCC, and 30.63B.330 SCC))~~ therein;
- (3) One dark line print of the proposed final subdivision;
- (4) A statement signed by the applicant in which the applicant agrees to indemnify and hold harmless the county, its employees, agents, representatives, and elected and appointed officials from any and all claims made against them arising from the construction or occupancy of the model home(s) prior to recording of the final subdivision; and
- (5) In addition to the residential building permit fees for plan check, site review, and access permit, a model home fee for each model home and subdivision base fee shall be required. See chapter 30.86 SCC for applicable fees.

Section 10. Snohomish County Code Section 30.41C.050, last amended by Ordinance No. 10-024 on June 9, 2010, is amended to read:

30.41C.050 Site planning principles.

All rural cluster subdivisions and short subdivisions must comply with the following site planning principles to the greatest extent feasible:

- (1) The post-development view of the site from the roads should be as similar to the pre-development view as is practical.

- (2) Avoid placing lots on ridgelines and other prominent topographic features to blend new development into the existing rural landscape.
- (3) Landscaping, using both retention of existing vegetation and new plantings, shall soften and minimize the view of new development and preserve scenic views.
- (4) Retain 50 percent of the overall tree canopy on the predevelopment site whenever feasible.
- (5) Incorporate existing landscape features and structures into the site design to maintain rural character and the familiar landscape.
- (6) Configure the clusters and lots to maintain the natural features of the site and minimize topographic alteration and clearing of existing vegetation.
- (7) Avoid uniformity of cluster siting and building sites to provide visual diversity and maintain the dominance of natural features and open space in the rural area.
- (8) Provide connectivity between open space tracts and natural habitat and wildlife corridors with adjacent properties whenever practical.
- ~~((9) Use low impact development site planning principles identified in chapter 30.63A SCC and low impact development best management practices identified in SCC 30.63C.030 to meet the requirements of chapter 30.63A SCC when they are appropriate to the site conditions)).~~
- ~~((10))~~ (9) Phase land disturbing activity site plans in accordance with any construction phasing.

Section 11. Snohomish County Code Section 30.41C.070, last amended by Ordinance No. 10-024 on June 9, 2010, is amended to read:

30.41C.070 Site design and development standards - general.

The following standards shall apply to all rural cluster subdivisions and short subdivisions:

(1) Site design shall be subject to the following standards for clustering and protection of natural resource lands and critical areas:

- (a) A subdivision may contain more than one cluster of housing lots;
- (b) The minimum number of residential lots in a cluster shall be 2, except a residential lot may stand alone when an existing residence is maintained;
- (c) The maximum number of residential lots in a cluster shall be 13;
- (d) In addition to the minimum front yard setback defined in Table SCC 30.41C.130, the building areas on the plat shall represent residential dwellings and accessory buildings located at varying front yard setback distances to provide a visually diversified streetscape. The minimum variation between setbacks for buildings on adjacent lots shall be 10 feet;

(e) Individual clusters shall be located a minimum of 100 feet from adjacent natural resource lands designated in accordance with chapters 30.32A, 30.32B and 30.32C SCC; and

(f) Designate and protect critical areas and their buffers pursuant to chapter 30.62A SCC.

(2) Tree retention is encouraged on building sites with the approved fire mitigation review in accordance with SCC 30.53A.514.

(3) Services and optional development features shall conform to the following standards:

(a) Electric, telephone, and other utility lines and support infrastructure shall be located underground;

(b) Rural cluster subdivisions or short subdivisions are prohibited from connecting to public sanitary sewers, except when required by the Snohomish County Health District or a state agency to protect public health;

(c) When a proposal includes street lights, lighting should be low intensity and shall be projected downward, with full cut-off illumination that shields light from being emitted upwards toward the night sky or surrounding natural areas;

(d) Entrance signs shall incorporate materials typical of the rural character of the area and shall comply with all applicable provisions of SCC 30.27.060; and

(e) Rural cluster subdivisions shall draw water supply from a public water utility when one is available within 1/4 mile of the project site as measured along the existing right-of-way and the water utility is willing and able to provide service to the subdivision at the time of preliminary subdivision approval.

~~((4) Rural cluster subdivisions shall, when site conditions allow, use the low impact development best management practices (BMPS) allowed pursuant to SCC 30.63C.030 to meet the requirements of chapter 30.63A SCC. Only when site conditions prevent exclusive use of LID BMPs may the applicant use conventional stormwater management techniques.))~~

Section 12. Snohomish County Code Section 30.41F.040, last amended by Amended Ordinance No. 14-073 on October 8, 2014, is amended to read:

30.41F.040 Approvals.

(1) Administrative site plan. In order to approve an administrative site plan, the department must find that the site plan is consistent with the requirements of this chapter and other applicable regulations as determined by the department.

(2) Final inspection and occupancy shall not be completed until the following requirements are met for those units included in the inspection:

(a) Fire lane signs and/or striping are completed for all access ways to the units;

- (b) Address signs, street signs and unit addressing is completed;
- (c) All landscaping, site amenities, fencing, pedestrian facilities, lighting, and other requirements for the units, pursuant to this chapter, are installed and approved; and
- (d) Parking restrictions, common facilities, drive aisles, fire lanes and other vehicle and pedestrian facilities, and all other commonly-owned and operated property shall be protected in perpetuity by a recorded covenant, in a form approved by the director.

(3) Director's discretion. For the purpose of achieving greater innovation and design flexibility, the director and public works director shall have the authority to grant modifications or deviations as follows:

(a) Modifications or deviations may be granted to the following provisions of the county code if the applicant demonstrates that its proposal is consistent with the requirements of this chapter and the requested modification or deviation is consistent with the intent and purpose of this chapter and its provisions:

- (i) chapter 30.24 SCC;
- (ii) chapter 30.25 SCC;
- (iii) chapter 30.26 SCC; and
- (iv) chapter 30.27 SCC.

(b) The director shall retain administrative authority over the request. The director's decision shall be final and not subject to appeal to the hearing examiner.

~~((c) Nothing in this section limits the director's and/or public works directors' authority to grant modifications as provided in chapter 30.63C SCC if an applicant incorporates low impact development techniques into the design of single family detached units.))~~

(4) An approved administrative site plan shall expire pursuant to SCC 30.23A.100(6).

Section 13. Snohomish County Code Section 30.42B.100, last amended by Ordinance No. 10-024 on June 9, 2010, is amended to read:

30.42B.100 Design criteria - general.

(1) The design criteria contained in SCC 30.42B.100 through SCC 30.42B.140 are applicable to all PRDs.

(2) Unless specifically modified by this chapter, all requirements of the underlying zone shall apply within the PRD.

(3) PRDs located in the R-7,200, R-8,400, and R-9,600 zones and that are not accompanied by a concurrent subdivision or short subdivision approval, wherein each dwelling unit is to be placed on a single lot, shall be subject to a declaration of

condominium pursuant to chapters 64.32 and/or 64.34 RCW. The applicant shall commit to use of the condominium provisions at the time of PRD application.

(4) All housing types listed in the bulk requirements in SCC 30.42B.145 shall be allowed in any PRD in the zones specified in SCC 30.42B.020, except as follows:

(a) Single family dwellings shall not be permitted in the Multiple Residential (MR) zone;

(b) Multifamily dwellings shall not be permitted in the R-7,200, R-8,400 and R-9,600 zones, except that, a multiple family structure containing three or four dwellings units shall be permitted when the PRD is designed utilizing low impact development best management practices pursuant to ~~((chapters))~~ chapter 30.63A ~~((and 30.63C))~~ SCC and the Drainage Manual ~~((where feasible))~~; and

(c) Single family dwellings, duplexes, attached single family dwellings, townhouses, and multiple family structures containing three or four dwellings units shall not be permitted in the R-7,200, R-8,400, or R-9,600 zones without concurrent subdivision or short subdivision approval, or condominium approval for all dwelling units.

(5) Planned residential developments meeting the applicability thresholds of chapter 30.23A SCC shall be subject to the design standards of that chapter.

Section 14. Snohomish County Code Section 30.61.122, last amended by Amended Ordinance No. 13-042 on July 10, 2013, is amended to read:

30.61.122 State Environmental Policy Act (SEPA) requirements relating to stormwater management.

SEPA review shall include consideration of the specific probable adverse environmental impacts of a development activity with regard to on-site and off-site changes to stormwater volume, release rate, erosion, sedimentation, stream channel stability and water quality. When the director determines that the requirements of chapters 30.43C, 30.43D, 30.44, 30.62A, 30.62B, 30.62C, 30.63A, 30.63B, ~~((30.63C,))~~ 30.64, 30.65 and 30.67 SCC ensure that the development activity will not result in any probable significant adverse environmental impacts, compliance with those requirements shall constitute adequate analysis and mitigation of the specific significant probable adverse environmental impacts of the development activity with regard to on-site and off-site changes to stormwater volume, release rate, erosion, sedimentation, stream channel stability and water quality, as provided by RCW 43.21C.240.

Section 15. Snohomish County Code Section 30.62A.350, last amended by Amended Ordinance No. 15-034 on September 2, 2015, is amended to read:

30.62A.350 Innovative development design.

(1) A project permit applicant may request approval of an innovative design, which addresses wetland, fish and wildlife habitat conservation area or buffer treatment in a manner that deviates from the standards contained in Part 300. The applicant shall demonstrate in a critical area study required pursuant to SCC 30.62A.140 how the innovative development design complies with the following requirements:

(a) The innovative design will achieve protection equivalent to the treatment of the functions and values of the critical area(s) which would be obtained by applying the standard prescriptive measures contained in this chapter;

(b) Applicants for innovative designs are encouraged to consider measures prescribed in guidance documents, such as watershed conservation plans or other similar conservation plans, and low impact stormwater management strategies that address wetlands, fish and wildlife habitat conservation area or buffer protection consistent with this section; and

(c) The innovative design will not be materially detrimental to the public health, safety or welfare or injurious to other properties or improvements located outside of the subject property(~~(; and)~~).

~~((d) Applicants for innovative designs are encouraged to consider the use of low impact development best management practices described in chapter 30.63C SCC.))~~

(2) Applicants proposing development activities on properties designated as Urban Center Transit Pedestrian Village on the county's Future Land Use Map may utilize the innovative design provisions in this section to deviate from the requirements in Part 300. Such deviations may include, but are not limited to provisions related to avoidance of impacts, standard buffer widths, allowed uses in buffers and wetlands, mitigation ratios and use of off-site mitigation. The applicant shall demonstrate in a critical area study required pursuant to SCC 30.62A.140:

(a) Why the deviation is necessary to implement the policies in the county's comprehensive plan General Policy Plan under objective LU 3.B; and

(b) How the innovative development design achieves protection at least equivalent to the treatment of the functions and values of the critical area(s) which would be obtained by applying the standard prescriptive measures contained in Part 300.

Section 16. Snohomish County Code Section 30.63B.010, adopted by Amended Ordinance No. 10-023 on June 9, 2010, is amended to read:

1
2 **30.63B.010 Purpose and objectives.**

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

5 (2) Specific objectives of this chapter are:

6 (a) To promote sound, practical, and economical development practices and
7 construction activities that prevent or minimize adverse impacts to adjoining
8 properties and to waters of the state within Snohomish County;

9 (b) To prevent or minimize degradation of water quality to protect human health,
10 recreational opportunities and fish and wildlife habitat;

11 (c) To control soil movement on land that is subject to new development or
12 redevelopment;

13 (d) To maintain stable earth during land disturbing activity for structures and to
14 maintain stable earth foundations for structures;

15 (e) To protect public safety by reducing slope instability and the potential for
16 landslides or erosion; ~~((and))~~

17 (f) To maintain the safety of county roads and rights-of-way ~~((:-))~~ ; and

18 (g) To integrate low impact development (LID) techniques, where feasible, into the
19 site planning process and project design prior to issuance of a land disturbing
20 activity permit.

21
22 Section 17. Snohomish County Code Section 30.63B.050, last amended by Amended
23 Ordinance No. 10-086 on October 20, 2010, is amended to read:

24 **30.63B.050 Permit approval criteria.**

25 (1) A land disturbing activity permit shall only be issued after:

26 (a) The project complies with the requirements of this chapter;

27 (b) Stormwater site plan approvals and all other permits and approvals required
28 by the county for site development have been obtained;

29 (c) Written evidence has been submitted that approvals required from other
30 jurisdictions and agencies will be issued;

31 (d) Clearing limits have been marked on the land disturbing activity site plan;

32 (e) A land disturbing activity site plan ~~((and specifications have))~~ has been
33 approved using LID techniques where feasible, unless exempted or excepted by
34 SCC 30.63A.200, 30.63A.210, or 30.63A.220;

(f) Security devices pursuant to chapter 30.84 SCC and insurance pursuant to SCC 30.63A.940 have been accepted by the department when applicable;

(g) Environmental review under chapter 30.61 SCC has been completed, if applicable; and

(h) The project complies with all other applicable requirements of title 30 SCC.

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

Section 18. Snohomish County Code Section 30.63B.070, last amended by Amended Ordinance No. 13-042 on July 10, 2010, is amended to read:

30.63B.070 Land disturbing activity permit exemptions.

A land disturbing activity permit is not required for activities exempted in this section. Exemption from obtaining a land disturbing activity permit is not an exemption from compliance with this chapter, nor from any other applicable provision in title 30 SCC. Land disturbing activity exempted in this section shall comply with SCC 30.63A.445 ~~((through 30.63A.510))~~ and 30.63A.450, unless specifically exempted from those provisions by SCC 30.63A.200.

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

(a) The land disturbing activity occurs outside all critical areas, together with the buffers of and setbacks from these critical areas, except that such activities may occur within floodplains and aquifer recharge areas of low or moderate sensitivity to groundwater contamination;

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

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

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

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

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

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

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

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

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

(2) The following land disturbing activities are exempt from obtaining a land disturbing activity permit when the activity is at least two feet from all property boundary lines. For this exemption to apply, development activities must occur outside all critical areas, together with the buffers of and setbacks from these critical areas, except that such activities may occur within floodplains and aquifer recharge areas of low or moderate sensitivity to groundwater contamination:

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

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

(i) Reclamation pursuant to SCC 30.63B.170;

(ii) An operation which the director determines may destabilize or undermine any adjacent or contiguous property; and

(iii) An operation which the director determines may result in an adverse downstream drainage impact;

(c) Site investigative work necessary for land use application submittals pursuant to this title, such as surveys, soil borings, test pits, percolation tests, nonmechanical survey monument placement, data collection by nonmechanical means and other related activities, if performed in accordance with state-approved sampling protocols or sections 7 and 10 of the federal Endangered Species Act (ESA) (16 U.S.C. §§ 1536 and 1539), provided that the land disturbing activity is no greater than is necessary to accomplish the site investigative work and results in less than 2,000 square feet of new plus replaced hard surfaces;

(d) Drilling or excavation of a well for a single family dwelling;

(e) Digging, excavating, or filling cemetery graves; and

(f) Repair or installation of underground or overhead utility facilities that replace ground surfaces with in-kind materials or materials with similar runoff characteristics.

(3) The following land disturbing activities are exempt from obtaining a land disturbing activity permit:

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

(b) Facility maintenance and repairs performed by a utility that replace ground surfaces with in-kind materials or materials with similar runoff characteristics, that do not add ~~((impervious surface))~~ hard surfaces, and that do not adversely impact any critical areas, critical area buffers or upstream or downstream properties;

(c) Remodeling or tenant improvements that do not meet the definitions of new development or redevelopment;

(d) Forest practice Classes I, II, III and Class IV special nonconversion forest practices regulated by title 222 WAC;

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

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

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

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

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

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

(iv) Design of the trail conforms to:

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

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

(h) Site investigative work necessary for land use application submittals pursuant to this title, such as surveys, soil borings, test pits, percolation tests, nonmechanical survey monument placement, data collection by nonmechanical means or other related activities, provided that the work is otherwise consistent with the provisions of other local, state and federal laws and regulations. Land disturbance shall be no greater than that necessary to accomplish the site investigative work and disturbed areas shall be restored to pre-disturbance conditions in one growing season.

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

(a) Tilling, soil preparation, fallow rotation, planting, harvesting and other commercial agricultural activities involving working the land. For this exemption to apply, development activities must occur outside all critical areas, together with the buffers of and setbacks from these critical areas, except that such activities may occur within floodplains and aquifer recharge areas of low or moderate sensitivity to groundwater contamination;

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

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

(5) Agricultural activities defined in chapter 30.32B SCC or SCC 30.91A.090 are exempt from obtaining a land disturbing activity permit, provided that:

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

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

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

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

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

Section 19. Snohomish County Code Section 30.63B.100, adopted by Amended Ordinance No. 10-023 on June 9, 2013, is amended to read:

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

(1) ~~((For projects performed under the authority of the))~~ The director of the department of public works ((or the county engineer that require a land disturbing activity permit, the director of the department of public works or the county engineer may)) shall adopt a rule, in accordance with the rule-making provisions of chapter 30.82 SCC, applicable to projects that require a land disturbing activity permit and are performed under the authority of the director of public works or the county engineer, that:

(a) ~~((Submit a land disturbing activity permit application and the applicable fee payment to the department of planning and development services pursuant to SCC 30.63B.030 and 30.63B.040; or))~~ Establishes administrative procedures and tools under which the department of public works will achieve and document compliance with the substantive requirements of this chapter, chapter 30.63A SCC, and other applicable provisions of title 30 SCC during project stormwater site planning, design, environmental review and throughout construction administration and acceptance;

(b) ~~((The director of the department of public works may adopt a rule, in accordance with the rulemaking provisions in chapter 30.82 SCC, that is intended to ensure compliance with the substantive requirements of chapters 30.63A, 30.63B, and 30.63C SCC. The rule may be administered either by the director of the department of public works or the county engineer. The rule shall:))~~ Requires identical or functional equivalents of plans and reports required by this chapter, chapter 30.63A and other applicable provisions of title 30 SCC; and

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

7 ~~((ii) Require identical or functional equivalents of plans and reports required by~~
8 ~~chapters 30.63A, 30.63B and 30.63C SCC or other applicable chapters of title~~
9 ~~30 SCC; and~~

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

13 (c) Implements the modifications and waivers provisions of SCC 30.63A.830
14 through 30.63A.842 without amendment, except that such provisions may be
15 administered by either the director of the department of public works or the county
16 engineer.

17 (2) For projects that require a land disturbing activity permit and are performed under
18 the authority of the director of the department of public works or the county engineer,
19 the director of the department of public works or the county engineer shall either:

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

23 (b) Design and construct the project in accordance with the provisions of the rule
24 described in SCC 30.63B.100(1).

25 ~~((2))~~ (3) If the director of the department of public works or the county engineer
26 chooses to administer any project according to the rule described in ((SCC
27 30.63B.100(1)(b))) SCC 30.63B.100(1) and consultation with the department of
28 planning and development services is desired to ensure compliance with title 30
29 SCC, the department of public works shall follow the pre-application process
30 described in SCC 30.70.020 to arrange the consultation. The department of public
31 works shall pay the appropriate consultation fee established in ((SCC
32 30.86.510(2)(e))) SCC 30.86.510(2).

33 Section 20. Snohomish County Code Section 30.63B.120, last amended by Amended
34 Ordinance No. 13-042 on July 10, 2013, is amended to read:

35 **30.63B.120 Standards for fills and embankments.**

36 Fills shall conform to the provisions of this section, unless the department approves
37 the recommendations contained in a soils engineering report required under SCC
38 ~~((30.63A.230))~~ 30.63B.230. The requirements of this section shall not apply to fills
39 that are less than four feet in height and which are not intended to support structures.

(1) Fill slopes shall not be constructed on natural slopes steeper than one unit vertical to two units horizontal (50 percent slope). The slope of fill surfaces shall be no steeper than is safe for the intended use. The slope shall be protected pursuant to SCC ((30.63A.480)) 30.63A.445 and 30.63A.450. Fill slopes steeper than 33 percent shall require a geotechnical engineering report pursuant to chapter 30.62B SCC, as applicable.

(2) Fill material.

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

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

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

(ii) Rock greater than 12 inches in diameter shall be located no less than 10 feet or more below the finish grade, measured vertically; and

(iii) Rocks or other similar irreducible material shall be placed so as to assure filling of all voids with well-graded soil.

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

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

Section 21. Snohomish County Code Section 30.63B.130, last amended by Amended Ordinance No. 12-018 on May 2, 2012, is amended to read:

30.63B.130 Standard setbacks for cuts and fills.

(1) Before performing any land disturbing activity subject to a land disturbing activity permit, the applicant shall mark on the site and show on the land disturbing activity site plan the limits of all proposed land disturbing activities, trees and native

vegetation to be retained, and drainage courses, so that setbacks can be determined. Cut and fill slopes shall be set back from site boundaries in accordance with this section. Setback dimensions shall be horizontal distances measured perpendicular to the site boundary.

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

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

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

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

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

(5) The grades and cuts and fills established on the land disturbing activity plan shall be prepared based on topographic data obtained to comply with SCC 30.63A.400 and Volume I of the Drainage Manual.

Section 22. Snohomish County Code Section 30.63B.140, adopted by Amended Ordinance No. 10-023 on June 9, 2010, is amended to read:

30.63B.140 Standards for drainage and terracing.

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

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

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

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

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

(e) Building pads located on cuts or fills shall have a drainage gradient of two percent toward approved drainage facilities except that the gradient from a building pad may be one percent if all of the following conditions exist throughout the project site:

(i) No proposed fills are greater than ten feet ((deep)) in depth;

(ii) No proposed finish cut or fill slope faces have a vertical height more than ten feet; and

(iii) No existing slope faces that are steeper than one unit vertical to ten units horizontal (ten percent slope) have a vertical height more than ten feet; and

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

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

Section 23. Snohomish County Code Section 30.63B.150, adopted by Amended Ordinance No. 10-023 on June 9, 2010, is amended to read:

30.63B.150 Standards for soil erosion control.

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

(1) The faces of cut and fill slopes shall be prepared and maintained to control erosion. Soil erosion control may consist of effective planting, hydro-seeding or mulching. Soil erosion control protection for the slopes shall be installed as soon as practicable in accordance with SCC ((30.63A.480)) 30.63A.445 and 30.63A.450 and prior to calling the department to request final land disturbing activity inspection. Where cut slopes are not subject to erosion due to the erosion-resistant character of the materials, such protective measures may not be required, as determined by the department.

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

Section 24. Snohomish County Code Section 30.63B.160, adopted by Amended Ordinance No. 10-023 on June 9, 2010, is amended to read:

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

Land disturbing activity site plans and SWPPPs required pursuant to chapter 30.63A SCC shall show all on-site tree and vegetation retention areas required by any applicable provisions of title 30 SCC. Tree replacement areas shall also be shown on the land disturbing activity plan, when applicable. Stormwater site planning shall minimize the removal of on-site trees and vegetation where feasible consistent with SCC 30.63A.400.

Section 25. Snohomish County Code Section 30.63B.180, adopted by Amended Ordinance No. 10-023 on June 9, 2010, is amended to read:

30.63B.180 Land disturbing activity permit submittal requirements.

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

- (1) Land disturbing activity site plan pursuant to SCC 30.63B.190;
- (2) Engineered construction plans pursuant to SCC 30.63B.200;
- (3) Geotechnical engineering report pursuant to SCC 30.63B.220;
- (4) Soils engineering report pursuant to SCC 30.63B.230;
- (5) Engineering geology report pursuant to SCC 30.63B.240;
- (6) Liquefaction report pursuant to SCC 30.63B.250;
- (7) Zero-rise analysis pursuant to SCC 30.63B.120(3);
- (8) ~~((Plans))~~ Stormwater site plans and reports necessary for compliance with chapter 30.63A SCC; and
- (9) Haul route agreements related to the land disturbing activity.

Section 26. Snohomish County Code Section 30.63B.190, adopted by Amended Ordinance No. 10-023 on June 9, 2010, is amended to read:

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

(1) A land disturbing activity site plan, including a stormwater site plan consistent with the land disturbing activity site plan, shall be submitted with the land disturbing activity permit application. Engineered construction plans shall be submitted when required under SCC 30.63B.200. The land disturbing activity site plan shall depict, but not be limited to, the following items, when applicable:

- (a) Existing and finished grade contours including natural drainage courses consistent with the requirements of Volume I of the Drainage Manual;
- (b) Critical areas and their buffers;
- (c) The amount of proposed fill, measured in acres, in critical areas;
- (d) Landscape and open space areas and tree and native vegetation retention and replacement areas;
- (e) Clearing limits and clearing operations;
- (f) Quantity of cut or excavations and fill or embankments in cubic yards;
- (g) Soils specifications for compaction;
- (h) Cut and fill areas and stockpile areas;
- (i) Setbacks from property boundaries;
- (j) Terracing, keyways and benches; ~~((and))~~
- (k) A description of construction specifications, operations and scheduling pursuant to requirements in the EDDS ~~((?))~~;
- (l) A description of efforts made to minimize the amount of cut or fill necessary for the site; and
- (m) The location of all on-site stormwater management BMPs that constitute infiltration facilities and therefore require protection from over compaction from grading.
- (2) Pursuant to chapter 30.52A SCC and SCC 30.63B.210 through 30.63B.250, reports on geotechnical engineering, soils engineering, engineering geology, groundwater, and liquefaction shall be submitted when required by this chapter and chapter 18 of the IBC.

Section 27. Snohomish County Code Section 30.63B.200, adopted by Amended Ordinance No. 10-023 on June 9, 2010, is amended to read:

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

(1) The following land disturbing activities require the submittal of construction plans prepared by and stamped by an engineer licensed in the State of Washington:

- (a) All land disturbing activity in excess of 5,000 cubic yards;
- (b) All land disturbing activity located within public or private roads and their rights-of-ways, tracts or easements;
- (c) All land disturbing activity that is subject to environmental review under chapter 30.61 SCC or is related to development activity that is subject to environmental review under chapter 30.61 SCC; ~~((and))~~

(d) All land disturbing activity projects that require civil engineering, as determined by the department pursuant to subtitle 30.5 SCC and IBC sections 1802.4, 1802.6 and 1803.4(2)((-));

(e) All land disturbing activity that has drainage impacts that are required to be mitigated by construction of detention, water quality treatment, and/or bioretention systems; and

(f) All land disturbing activity that may cause impacts to wetlands or streams as described in chapter 30.63A SCC or Volume I of the Drainage Manual.

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

Section 28. Snohomish County Code Section 30.63B.210, adopted by Amended Ordinance No. 10-023 on June 9, 2010, is amended to read:

30.63B.210 Reports.

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

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

Section 29. Snohomish County Code Section 30.63B.220, adopted by Amended Ordinance No. 10-023 on June 9, 2010, is amended to read:

30.63B.220 Geotechnical engineering report.

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

1 structural fills as a condition of permit approval. The required content of the
2 geotechnical engineering report is contained in section 1802.6 of the IBC and Volume
3 I, Chapter 3 of the Drainage Manual.

4 Section 30. Snohomish County Code Section 30.63B.230, adopted by Amended
5 Ordinance No. 10-023 on June 9, 2010, is amended to read:

6 **30.63B.230 Soils engineering report.**

7 When required by chapters 16, 18 and 33 of the IBC for expansive soils, questionable
8 soils and the potential for soils near high groundwater, a soils engineering report shall
9 be required. The required content of the soils engineering report is contained in
10 sections 1613, 1802.6 and 3304 of the IBC and Volume I, Chapter 3 of the Drainage
11 Manual. The report also shall include the following:

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

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

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

19 (4) An analysis of the adequacy of affected soils for the intended use of the site as
20 affected by soils engineering factors~~((-))~~;

21 (5) An analysis that describes the hydraulic conductivity, cation exchange capacity,
22 depth to seasonal high water table and groundwater flow direction and gradient within
23 the soils; and

24 (6) A determination if it is feasible to infiltrate stormwater into the underlying site soils
25 as part of the LID BMP selection or design for the site, without adversely affecting
26 adjoining or off-site properties.

27 Section 31. Snohomish County Code Section 30.63B.350, adopted by Amended
28 Ordinance No. 10-023 on June 9, 2010, is amended to read:

29 **30.63B.350 Inspection schedule after permit issuance.**

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

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

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

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

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

Section 32. Snohomish County Code Section 30.63B.380, adopted by Amended Ordinance No. 10-023 on June 9, 2010, is amended to read:

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

(1) Land disturbing activity that requires a land disturbing activity permit may be undertaken to perform an emergency action, without first obtaining a permit, when insufficient time exists to obtain a land disturbing activity permit. An emergency action is only allowed when:

(a) One of the following circumstances exists:

- (i) Damage is occurring as a result of flood waters at or exceeding flood stage as defined by the county's departments of emergency management or public works, and land disturbing activity is necessary to protect existing property, maintain an existing utility facility function, or to prevent channel impairment;
- (ii) Maintenance performed by a utility is necessary to repair a utility facility or line which has been damaged as a direct result of an emergency; or
- (iii) Removal and relocation of material deposited onto commercial farmland by flood waters is necessary to protect farming operations; and

(b) All of the following criteria are met:

- (i) Circumstances causing the emergency developed suddenly;
- (ii) The emergency constitutes an imminent threat to public health, safety, welfare, property or the environment and emergency land disturbing activities are necessary to prevent an imminent threat of serious environmental degradation; and
- (iii) The land disturbing activity is the minimum necessary to alleviate the emergency.

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

(3) The department shall notify the property owner or person who conducted the emergency land disturbing activity in writing that:

(a) The person responsible for the emergency action shall comply with soil erosion and sedimentation control practices required pursuant to minimum requirement 2 (SCC 30.63A.445 ~~((through 30.63A.510))~~ and 30.63A.450) as soon as practicable; and

(b) Applications for project permits necessary to satisfy compliance with this chapter shall be submitted to the department within 120 days from the date the emergency land disturbing activity was initiated; and

(c) Whether the land disturbing activity meets the criteria of SCC 30.63B.380(1) and (2).

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

Section 33. Snohomish County Code Section 30.84.120, adopted by Amended Ordinance No. 10-086 on October 20, 2010, is amended to read:

30.84.120 Drainage.

To ensure that any development activity for which a full drainage plan is required by chapters 30.63A~~((;-))~~ and 30.63B ~~((and 30.63C))~~ SCC is satisfactorily performed and completed in accordance with the approved plans, specifications, permit or approval requirements or conditions, security devices shall be provided as follows:

(1) Prior to the issuance of any permit or approval for any development activity for which a full drainage plan is required, the applicant shall furnish the department a performance security. The performance security shall be for the installation and maintenance of erosion and sediment control measures in compliance with the approved plans, specifications, requirements, and regulations. The performance security shall not be released until a maintenance security is accepted.

(2) A maintenance security shall be provided for all installed drainage facilities after final inspection and acceptance by the department and prior to recordation of a subdivision or short subdivision, approval of occupancy of the first new single-family detached unit (SFDU), issuance of a certificate of occupancy for condominiums, or any type of commercial project.

Section 34. Snohomish County Code Section 30.86.515, adopted by Amended Ordinance No. 10-025 on June 9, 2010, is amended to read:

30.86.515 Stormwater modification, waiver and reconsideration request fees.

This section establishes fees for a modification, waiver or reconsideration request, submitted pursuant to SCC 30.63A.830 through 30.63A.842 ((and modifications requested pursuant to SCC 30.63C.060(4))). These fees are established by the county to compensate the department for the costs of administering this title. Such fees are in addition to any other fees required by law.

**Table 30.86.515 –
STORMWATER MODIFICATION, WAIVER AND RECONSIDERATION FEES**

STORMWATER MODIFICATION, WAIVER AND RECONSIDERATION FEES:	
Stormwater modification requests pursuant to ((SCC 30.63A.830 and modifications requested pursuant to SCC 30.63C.060(4))) <u>Part 800 of chapter 30.63A SCC</u>	\$ 1,350
Stormwater waiver requests pursuant to SCC 30.63A.840	\$ 3,600
Reconsideration of a stormwater modification or waiver decision pursuant to SCC 30.63A.835 or SCC 30.63A.842.	\$ 630

Section 35. Snohomish County Code Section 30.86.710, last amended by Amended Ordinance No. 10-025 on June 9, 2010, is amended to read:

30.86.710 Engineering, Design and Development Standards (EDDS) deviations.

**Table 30.86.710-
ENGINEERING, DESIGN AND DEVELOPMENT STANDARDS (EDDS) DEVIATION FEES**

Activity	Fee
Application for deviation from Engineering, Design and Development Standards (EDDS) ¹	\$1,350
(1) Modifications and waivers of ((chapter 5)) <u>the stormwater-applicable requirements</u> of the EDDS are authorized under SCC 30.63A.170. The fee for a modification or waiver is established in SCC 30.86.515. Deviations from ((chapter 5)) <u>the stormwater-applicable requirements</u> of the EDDS are not authorized.	

Section 36. Snohomish County Code Section 30.91B.080, last amended by Amended Ordinance No. 10-026 on June 9, 2010, is amended to read:

1
2 **30.91B.080 Best management practices or BMPs.**

3 "Best management practices or "BMPs" means the schedules of activities,
4 prohibitions of practices, maintenance procedures, structural practices or managerial
5 practices, that when used singly or in combination, prevent or reduce the release of
6 pollutants and other adverse impacts to waters of Washington State.

7 *This definition applies only to chapters 30.63A ((;)) and 30.63B ((and 30.63C)) SCC.*

8 Section 37. A new section is added to Chapter 30.91C of the Snohomish County Code
9 to read:

10 **30.91C.299 Converted vegetation area.**

11 The surfaces on a project site where native vegetation, pasture, scrub/shrub, or
12 unmaintained non-native vegetation (e.g., himalayan blackberry, scotch broom) are
13 converted to lawn or landscaped areas, or where native vegetation is converted to
14 pasture.

15 Section 38. Snohomish County Code Section 30.91C.300, adopted by Amended
16 Ordinance No. 02-064 on December 9, 2002, is amended to read:

17 **30.91C.300 Conveyance system.**

18 "Conveyance system" means a constructed system of drainage facilities ((, natural, or
19 artificial)) which collects, contains and conducts the flow of storm water runoff.((The
20 elements of a natural conveyance system include, but are not limited to, swales,
21 wetlands, drainage courses, streams, and rivers.)) The elements of ((an artificial)) a
22 conveyance system include, but are not limited to, gutters, ditches, pipes, constructed
23 open channels and detention facilities.

24 Section 39. Snohomish County Code Section 30.91D.400, last amended by Amended
25 Ordinance No. 10-026 on June 9, 2010, is amended to read:

26 **30.91D.400 Drainage manual or Snohomish County drainage manual.**

27 "Drainage manual" or "Snohomish County drainage manual" means the drainage
28 manual adopted by the director of public works pursuant to SCC 30.63A.110. The
29 Drainage Manual provides detail and specificity regarding the requirements of
30 chapters 7.53, 7.54, 30.63A, and 30.63B ((and 30.63C)) SCC.

31
32 Section 40. Snohomish County Code Section 30.91E.070, last amended by Amended
33 Ordinance No. 10-026 on June 9, 2010, is amended to read:

34 **30.91E.070 Effective impervious surface.**

35 "Effective impervious surface" means ((the portion of)) those impervious ((surface))
36 surfaces ((producing runoff upon which runoff cannot infiltrate and)) that ((is)) are
37 connected via sheet flow or discrete conveyance to a drainage system. Impervious

surfaces (~~on residential development sites~~) are considered ineffective if: (1) the runoff is dispersed through at least 100 feet of native vegetation in accordance with BMP T5.30 - "Full Dispersion," as described in volume V, chapter 5 of the Drainage Manual ((-)) ; or (2) Residential roof runoff is infiltrated in accordance with Downspout Full Infiltration Systems in BMP T5.10A in volume III of the Drainage Manual; or (3) approved continuous runoff modeling methods indicate that the entire runoff file is infiltrated.

Section 41. Snohomish County Code Section 30.91F.522, adopted by Amended Ordinance No. 10-026 on June 9, 2010, is amended to read:

30.91F.522 Full stormwater site plan.

"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 comply with stormwater management minimum requirements 1 through 9 (~~SCG 30.63A.400 through 30.63A.605~~)) (as described in chapter 30.63A SCC and the Drainage Manual).

Section 42. A new section is added to Chapter 30.91H of the Snohomish County Code to read:

30.91H.035 Hard surface.

An impervious surface, a permeable pavement, or a vegetated roof.

Section 43. Snohomish County Code Section 30.91I.010, last amended by Amended Ordinance No. 10-026 on June 9, 2010, is amended to read:

30.91I.010 Impervious surface.

"Impervious surface" means a (~~hard surface~~) non-vegetated area that either prevents or retards the entry of water into the soil mantle as compared to infiltration under natural conditions prior to development. A (~~hard surface~~) non-vegetated area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow that was present under natural conditions, prior to development. Common impervious surfaces include, but are not limited to, roofs, walkways, patios, driveways, parking lots, storage areas, concrete or asphalt paving, graveled areas and roads, packed earthen materials, surfaces covered by oil, macadam, asphalt treated base material (ATB), bituminous surface treatment (BST), chip seal, seal coat or emulsified asphalt and cutback asphalt cement, and other surfaces which similarly impede the natural infiltration of stormwater. Open, uncovered retention and detention facilities shall not be considered impervious surfaces for purposes of determining whether the thresholds for applying minimum stormwater management

requirements are exceeded pursuant to chapter 30.63A SCC. However, open, uncovered retention and detention facilities shall be considered impervious surfaces for purposes of runoff modeling.

Section 44. Snohomish County Code Section 30.91L.025, adopted by Amended Ordinance No. 10-026 on June 9, 2010, is amended to read:

30.91L.025 Land disturbing activity.

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

Section 45. Snohomish County Code Section 30.91L.215, last amended by Amended Ordinance No. 10-026 on June 9, 2010, is amended to read:

30.91L.215 Low impact development or "LID".

"Low impact development" or "LID" is a stormwater management and land development strategy (~~((applied at the parcel and subdivision scale))~~) that ~~((emphasizes))~~ strives to mimic pre-disturbance hydrologic processes of filtration, storage, evaporation, infiltration and transpiration by emphasizing conservation and use of on-site natural features, site planning and distributed stormwater management practices that are integrated into a project design (~~((with engineered, small-scale hydrologic controls to more closely mimic pre-development hydrologic function))~~).

Section 46. A new section is added to Chapter 30.91L of the Snohomish County Code to read:

30.91L.216 Low impact development best management practices.

"Low impact development best management practices" or "LID BMPs" are distributed stormwater management practices, integrated into a project design, that emphasize pre-disturbance hydrologic processes of filtration, storage, evaporation, infiltration and transpiration. LID BMPs include, but are not limited to, bioretention/rain gardens, permeable pavements, roof downspout controls, dispersion, soil quality and depth, minimal excavation foundations, vegetated roofs, and water re-use.

Section 47. Snohomish County Code Section 30.91M.011, adopted by Amended Ordinance No. 10-026 on June 9, 2010, is amended to read:

1 **30.91M.011 Maintenance**

2 “Maintenance” means activities conducted on currently serviceable structures,
3 facilities and equipment that involve no expansion or use beyond that previously
4 existing and result in no significant adverse hydrologic impact. It includes those usual
5 activities taken to prevent a decline, lapse or cessation in the use of structures and
6 systems. Those usual activities may include replacement of dysfunctional facilities,
7 including cases where any permit requires replacing an existing structure with a
8 different type structure, as long as the functioning characteristics of the original
9 structure are not changed. Maintenance does not include an expansion in physical
10 dimension, capacity or use.

11 *This definition applies to chapters 30.63A ((7)) and 30.63B ((and 30.63C)) SCC.*

12 Section 48. Snohomish County Code Section 30.91M.225, adopted by Amended
13 Ordinance No. 10-026 on June 9, 2010, is amended to read:

14 **30.91M.225 Municipal separate storm sewer system.**

15 “Municipal separate storm sewer system” or “MS4” means ~~((all separate storm~~
16 ~~sewers that are defined as “large,” “medium” or “small” municipal separate storm~~
17 ~~sewer systems pursuant to 40 CFR § 122.26(b)(18).))~~ a conveyance, or system of
18 conveyances (including roads with drainage systems, municipal streets, catch basins,
19 curbs, gutters, ditches, manmade channels, or storm drains):

20 (i) Owned or operated by a state, city, town, borough, county, parish, district,
21 association, or other public body (created by or pursuant to State Law) having
22 jurisdiction over disposal of wastes, stormwater, or other wastes, including
23 special districts under State law such as a sewer district, flood control district or
24 drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal
25 organization, or a designated and approved management agency under section
26 208 of the CWA that discharges to waters of the State.

27 (ii) Designed or used for collecting or conveying stormwater.

28 (iii) Which is not a combined sewer.

29 (iv) Which is not part of a Publicly Owned Treatment Works (POTW) as defined at
30 40 CFR 122.2.

31 (v) Which is defined as “large” or “medium” or “small” or otherwise designated by
32 Ecology pursuant to 40 CFR 122.26.

33 The “existing” MS4 means all elements of the system that are in place and operating
34 at the time of a project’s initial permit application. The “planned” MS4 includes future
35 elements of the system that are either 1) under construction; 2) included in the
36 system operator’s adopted 6-Year Capital Improvement Program, or comparable
37 capital plan; or 3) included in any private development project that has submitted a
38 complete application.

39
40 Section 49. Snohomish County Code Section 30.91N.044, adopted by Amended
41 Ordinance No. 10-026 on June 9, 2010, is amended to read:

1 **30.91N.044 New development.**

2 "New development" means ~~((the following))~~ land disturbing activities~~((:))~~, including
3 Class IV - general forest practices; structural development, including construction or
4 installation of a building or other structure; creation of ~~((impervious))~~ hard surfaces;
5 and subdivisions, short subdivisions, residential condominiums, single-family
6 detached units (SFDU), residential condominiums, planned residential developments
7 (PRD) and binding site plans. Projects meeting the definition of redevelopment shall
8 not be considered new development.

9 Section 50. A new section is added to Chapter 30.91O of the Snohomish County Code
10 to read:

11 **30.91O.015 On-site stormwater management BMPs.**

12 "On-site stormwater management BMPs" means those best management practices
13 designed to meet Minimum Requirement 5 specified in SCC 30.63A.525 and
14 described in Volume I of the Snohomish County Drainage Manual.

15 Section 51. A new section is added to Chapter 30.91P of the Snohomish County Code
16 to read:

17 **30.91P.188 Pervious surface.**

18 Any surface material that allows stormwater to infiltrate into the ground. Examples
19 include lawn, landscape, pasture, native vegetation areas, and permeable pavement.

20 Section 52. A new section is added to Chapter 30.91P of the Snohomish County Code
21 to read:

22 **30.91P.252 Pollution generating hard surface.**

23 Any hard surface considered to be a significant source of pollutants in stormwater
24 runoff. See the listing of surfaces under "Pollution generating impervious surface"
25 (30.91P.256 SCC).

26
27 Section 53. Snohomish County Code Section 30.91P.256, adopted by Amended
28 Ordinance No. 10-026 on June 9, 2010, is amended to read:

29 **30.91P.256 Pollution-generating impervious surface or PGIS.**

30 "Pollution-generating impervious surface" or "PGIS" means those impervious
31 surfaces considered to be a significant source of pollutants in stormwater runoff.
32 Such surfaces include: those which are regularly subject to: vehicular use, industrial
33 activities (as defined in the glossary of the Drainage Manual), or storage of erodible
34 or leachable materials, wastes, or chemicals, and which receive direct rainfall or the
35 run-on or blow-in of rainfall~~((:))~~ ; ~~((Erodible or leachable materials, wastes, or~~
36 ~~chemicals are those substances which, when exposed to rainfall, measurably alter~~
37 ~~the physical or chemical characteristics of the rainfall runoff and are PGIS.~~

1 ~~Examples include, but are not limited to, erodible soils that are stockpiled, uncovered~~
2 ~~process wastes, manure, fertilizers, oily substances, ashes, kiln dust, and garbage~~
3 ~~dumpster leakage.)) ((Metal)) metal roofs ((are also considered PGIS)) unless they~~
4 ~~are coated with an inert, non-leachable material such as baked-on enamel coating~~
5 ~~((;-)) ; or roofs that are subject to venting significant amounts of dusts, mists, or fumes~~
6 ~~from manufacturing, commercial, or other indoor activities.~~

7 The following surfaces are considered regularly-used by motor vehicles: Roads,
8 unvegetated road shoulders, bike lanes within the traveled lane of a roadway,
9 driveways, parking lots, unfenced fire lanes, vehicular equipment storage yards, and
10 airport runways. A surface, whether paved or not, shall be considered subject to
11 vehicular use if it is regularly used by motor vehicles.

12 The following surfaces are not considered to be regularly-used surfaces by motor
13 vehicles: Paved bicycle pathways separated from and not subject to drainage from
14 roads for motor vehicles, fenced fire lanes, and infrequently used maintenance
15 access roads.

16
17 Section 54. Snohomish County Code Section 30.91P.257, adopted by Amended
18 Ordinance No. 10-026 on June 9, 2010, is amended to read:

19 **30.91P.257 Pollution-generating pervious surfaces or PGPS.**

20 "Pollution-generating pervious surfaces" or "PGPS" means any non-impervious
21 surface subject to vehicular use, industrial activities (as further defined in the glossary
22 of the Drainage Manual), or storage of erodible or leachable materials, wastes, or
23 chemicals, and which receive direct rainfall or the run-on or blow-in of rainfall, use of
24 pesticides and fertilizers, or loss of soil. Typical PGPS include permeable pavement
25 subject to vehicular use, lawns, and landscaped areas, including golf courses, parks,
26 cemeteries and sports fields (natural and artificial turf).

27 Section 55. Snohomish County Code Section 30.91P.330, last amended by Amended
28 Ordinance No. 10-026 on June 9, 2010, is amended to read:

29 **30.91P.330 Professional inspection.**

30 "Professional inspection" means the inspection required by this code to be performed
31 by the civil engineer, soils engineer or engineering geologist. Such inspections
32 include that performed by persons supervised by such engineers or geologists and
33 shall be sufficient to form an opinion relating to the conduct of the work.

34 *This definition applies only to chapters 30.63A ((;-)) and 30.63B ((~~and 30.63G~~)) SCC.*

35 Section 56. Snohomish County Code Section 30.91P.354, adopted by Amended
36 Ordinance No. 10-026 on June 9, 2010, is amended to read:

30.91P.354 Project site.

"Project site" means that portion of a property, properties, or right-of-way subject to land disturbing activities, new ~~((impervious))~~ hard surfaces or replaced ~~((impervious))~~ hard surfaces.

This definition applies only to chapters 30.63A ~~((;))~~ and 30.63B ~~((and 30.63C))~~ SCC.

Section 57. Snohomish County Code Section 30.91R.027.1, adopted by Amended Ordinance No. 10-026 on June 9, 2010, is amended to read:

30.91R.027.1 Receiving waters.

"Receiving waters" means ~~((bodies of water or surface water systems to which surface stormwater runoff is discharged via a point source or via sheet flow.))~~ naturally and/or reconstructed naturally occurring surface water bodies, such as creeks, streams, rivers, lakes, wetlands, estuaries and marine waters, or ground water, to which a MS4 discharges.

This definition applies only to chapters 30.63A and 30.63B SCC.

Section 58. Snohomish County Code Section 30.91R.070, last amended by Amended Ordinance No. 10-026 on June 9, 2010, is amended to read:

30.91R.070 Redevelopment.

"Redevelopment" means the following activities that take place on a site that already has 35 percent or more existing ~~((impervious))~~ hard surface coverage: The creation of new ~~((impervious))~~ hard surface(s); structural development including construction, installation, expansion or replacement of a building footprint or other structure; replacement of existing ~~((impervious))~~ hard surface that is not maintenance; and land disturbing activity.

Section 59. A new section is added to Chapter 30.91R of the Snohomish County Code to read:

30.91R.119 Replaced hard surface.

For structures, the removal and replacement of hard surfaces down to the foundation.
For other hard surfaces, the removal down to bare soil or base course and replacement.

Section 60. Snohomish County Code Section 30.91R.121, adopted by Amended Ordinance No. 10-026 on June 9, 2010, is repealed.

Section 61. Snohomish County Code Section 30.91S.351, adopted by Amended Ordinance No. 10-026 on June 9, 2010, is amended to read:

1 **30.91S.351 Site.**

2 "Site" means the area defined by the legal boundaries of a parcel or parcels of land
3 that is (are) subject to new development or redevelopment, including contiguous
4 improvements in the right-of-way. For road projects, the length of the project site and
5 right-of-way boundaries define the site.

6 *This definition applies only to chapters 30.63A ((;)) and 30.63B ((~~and 30.63C~~)) SCC.*

7 Section 62. Snohomish County Code Section 30.91S.450, adopted by Amended
8 Ordinance No. 10-026 on June 9, 2010, is amended to read:

9 **30.91S.450 Snohomish County drainage manual or Drainage Manual.**

10 "Snohomish County drainage manual" or "Drainage Manual" means the drainage
11 manual adopted by the director of public works pursuant to SCC 30.63A.110. The
12 Drainage Manual provides detail and specificity regarding the requirements of
13 chapters 7.53, 7.54, 30.63A, and 30.63B ((~~and 30.63C~~)) SCC.

14 Section 63. Snohomish County Code Section 30.91S.596, adopted by Amended
15 Ordinance No. 10-026 on June 9, 2010, is amended to read:

16 **30.91S.596 Stormwater facility.**

17 "Stormwater facility" means any part of a constructed infrastructure system ((of))
18 used for collecting, conveying and storing stormwater runoff. Stormwater facilities
19 include, but are not limited to, all stormwater conveyance systems and containment
20 facilities including pipelines, channels, dikes, ditches, closed depressions, ((~~infiltration~~
21 ~~facilities, retention facilities, detention~~)) stormwater flow control facilities, stormwater
22 treatment facilities, erosion and sedimentation control facilities, and other drainage
23 structures and appurtenances((~~, both natural and artificial~~)).

24 Section 64. Snohomish County Code Section 30.91S.597, adopted by Amended
25 Ordinance No. 10-026 on June 9, 2010, is amended to read:

26 **30.91S.597 Stormwater flow control facility.**

27 "Stormwater flow control facility" means a drainage facility designed to mitigate the
28 impacts of increased surface and stormwater runoff flow rates generated by
29 development. Flow control facilities are designed either to hold water for a
30 considerable length of time and then release it by evaporation, plant transpiration,
31 and/or infiltration into the ground, or to hold runoff for a short period of time, releasing
32 it to the conveyance system at a controlled rate. This term includes bio-retention
33 systems, vegetated roofs, permeable pavements and stormwater treatment facilities
34 that are designed to provide a flow control function.

35 Section 65. Snohomish County Code Section 30.91S.620, adopted by Amended
36 Ordinance No. 02-064 on December 9, 2002, is amended to read:

"((Storm water)) Stormwater treatment facility" means a constructed drainage facility that removes pollutants from ((storm water)) stormwater and includes the inlet and outlet pipes and all maintenance access points for such facilities. This term includes bio-retention systems, vegetated roofs, permeable pavements, and stormwater flow control facilities that are designed to provide a treatment function.

30.91T.005 Targeted stormwater site plan.

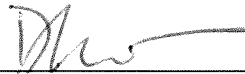
"Targeted stormwater site plan" means a comprehensive report containing all of the technical information and analysis necessary for the evaluation of a proposed new development or redevelopment project's compliance with the county's stormwater regulations and which includes drainage reports, plans, designs and when applicable, calculations, prepared by the applicant to comply with minimum requirements 1 through 5 (~~((SCC 30.63A.400 through 30.63A.525)))~~ described in chapter 30.63A SCC and the Drainage Manual. The targeted plan may address compliance with minimum requirements 6 through 8 based on the results of the hydrologic analysis required under minimum requirement 1 and the scope of the proposed project, or for phased submittal of a full stormwater drainage plan subject to a public hearing and a Type 2 hearing examiner decision.

Section 68. 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.

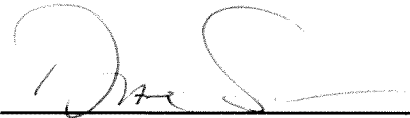
SNOHOMISH COUNTY COUNCIL
Snohomish County, Washington


Terry Ryan, Council Chair

1 ATTEST:
2
3
4

5 
6 Debbie Eco, CMC
7 Clerk of the Council
8

9 ☒ APPROVED
10 ☐ EMERGENCY
11 ☐ VETOED
12

13 
14 County Executive
15

16 Date: 1/11/16, 2016
17

18 ATTEST:
19
20

21 
22
23

24 Approved as to form:
25

26 _____
27 Deputy Prosecuting Attorney