

SNOHOMISH COUNTY COUNCIL
SNOHOMISH COUNTY, WASHINGTON

ORDINANCE NO. 09-_____

RELATING TO REGULATION OF LOW IMPACT DEVELOPMENT IN TITLE 30
SNOHOMISH COUNTY CODE (SCC); REPEALING CHAPTER 30.63C SCC; AND
ADOPTING A REVISED CHAPTER 30.63C SCC; AMENDING SECTIONS OF
SECTIONS OF TITLE 30 SCC

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

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

WHEREAS, the Environmental Protection Agency (EPA) promulgated regulations to control stormwater discharges from municipal stormwater sewer systems in two phases called Phase I and Phase II; and

WHEREAS, EPA's 1990 Phase I rule designated Snohomish County as a Phase I municipal stormwater permittee for the purpose of regulating discharge from municipal separate storm sewer systems under NPDES and the state waste discharge general permit program; and

WHEREAS, under WAC 173-226, the Water Discharge General permit program requires a state waste discharge general permit to cover stormwater runoff from any point source discharging into waters of the state that is not authorized by an individual stormwater permit; and

WHEREAS, pursuant to 33 U.S.C. 1342(p) 2nd chapter 90.48 RCW, DOE originally issued a Phase I Municipal Stormwater Permit to Snohomish County on July 5, 1995; and

WHEREAS, the NPDES permit regulates discharges from large and medium municipal separate storm sewer systems; and

WHEREAS, the county council adopted Amended Ordinance No. 98-055 on August 3, 1998, enacting drainage development regulations consistent with the initial Phase I municipal stormwater permit and the goals and policies of the General Policy Plan; and

1 WHEREAS, DOE re-issued the county's 1995 Phase I Municipal Stormwater
2 Permit for large and medium municipal separate storm sewer systems, on January 17,
3 2007, with an effective date of February 16, 2007, through February 15, 2012; and
4

5 WHEREAS, the re-issued Phase I Municipal Stormwater Permit requires the
6 adoption of new development regulations related to stormwater management; and
7

8 WHEREAS, the Phase I Municipal Stormwater Permit requires the county to
9 adopt stormwater runoff protection regulations that comply with the *Appendix 1*
10 *Minimum Technical Requirements for New Development and Redevelopment* of the
11 Phase I Municipal Stormwater Permit; and
12

13 WHEREAS, the 2007 Phase I Municipal Stormwater Permit requires the county
14 to adopt the DOE's *Stormwater Management Manual for Western Washington (2005)* or
15 an equivalent stormwater drainage manual; and
16

17 WHEREAS, this project is included in the Unified Development Code Update
18 Project work plan; and
19

20 WHEREAS, this project protects the life, health and safety by regulating land
21 disturbing activities including clearing, grading, filling and excavating; and
22

23 WHEREAS, the updated code will protect the public health, safety and welfare by
24 preventing flooding and slope instability, and by supporting the preservation of water
25 quality for aquatic habitats, recreation, and drinking water; and
26

27 WHEREAS, the county council finds that it is necessary to amend chapters
28 30.63A and 30.63B SCC relating to drainage and grading, and other sections of title 30
29 SCC to comply with the requirements of the Phase I Municipal Stormwater Permit and
30 the goals and policies of the General Policy Plan relating to stormwater management;
31 and
32

33 WHEREAS, the county has prepared amendments to the Snohomish County
34 Drainage Manual (Drainage Manual) and the Engineering Design and Development
35 Standards (EDDS) to also comply with the 2007 Phase I permit that support the
36 development regulations in title 30 SCC, but are not considered Growth Management
37 Act regulations pursuant to RCW 36.70A; and
38

39 WHEREAS, the Phase I Municipal Stormwater Permit requires the county to
40 implement a process to create opportunities for the public's involvement in the
41 development of the county's stormwater management program and implementation
42 priorities; and
43

1 WHEREAS, the county developed a public participation program to educate and
2 inform the public and to solicit public comment on the proposed project code
3 amendments and revisions to the Drainage Manual and EDDS; and
4

5 WHEREAS, notice was provided and the public was invited to comment on the
6 stormwater management program code amendments and revisions to the Drainage
7 Manual and EDDS at the Unified Development Code (title 30 SCC) Update Project
8 public forums on May 3, October 4, and December 6, 2007, _____, 2008, and at
9 other stakeholder meetings; and
10

11 WHEREAS, the planning commission was briefed on the NPDES program on
12 October 23, 2007, and _____, 2008 and _____, 2009; and
13

14 WHEREAS, regulations relating to drainage and land disturbing activity including
15 grading that and incorporating the minimum requirements of Appendix 1 of the Phase I
16 Municipal Stormwater Permit were proposed in two draft ordinances revisions to the
17 Drainage Manual and EDDS were transmitted to DOE for review on _____, 2008,
18 and _____, 2009; and
19

20 WHEREAS, DOE comments were received on _____, 2008, and
21 _____, 2009, and have been incorporated in this ordinance; and
22

23 WHEREAS, the planning commission held a public hearing on draft ordinances
24 XXX and XXX on _____, 2009, and recommended _____;
25 and
26

27 WHEREAS, pursuant to RCW 36.70A.106, a notice of intent to adopt these code
28 amendments was transmitted to Washington State Department of Community, Trade
29 and Economic Development on _____, 2008; and
30

31 WHEREAS, the County Council was briefed on the NPDES project on October
32 29, 2007, January 22, 2008, and on _____, 2008, and held a public
33 hearing on
34 _____, 2009, to consider the entire record and hear public testimony on
35 Ordinance No. 09-____, adopting the minimum stormwater management requirements of
36 Appendix 1 of the Phase I Municipal Stormwater Permit.
37

38 NOW, THEREFORE, BE IT ORDAINED:
39

40 Section 1. The foregoing recitals are incorporated by this reference as though
41 set forth in full.
42

43 Section 2. The Snohomish County Council makes the following findings of
44 fact:

- 1 A. The Federal Clean Water Act (CWA) requires states and their local
2 governments to take steps to implement the National Pollutant Discharge
3 Elimination System (NPDES) permit program. Pursuant to chapter 90.48
4 RCW, Washington State Water Pollution Control Law, authorizes the
5 Washington State Department of Ecology (DOE) to implement the NPDES
6 permit program. The Environmental Protection Agency (EPA) promulgated
7 regulations to control stormwater discharges from municipal stormwater
8 sewer systems in two phases, called Phase I and Phase II. EPA's 1990
9 Phase I rule designated Snohomish County as a Phase I municipal
10 stormwater permittee for the purpose of regulating discharge from municipal
11 separate storm sewer systems under NPDES and the state waste discharge
12 general permit program.
13
- 14 B. Under WAC 173-226, the Water Discharge General permit program requires
15 a state waste discharge general permit to cover stormwater runoff from any
16 point source discharging into waters of the state that is not authorized by an
17 individual stormwater permit. The Department of Ecology originally issued a
18 Phase I Municipal Stormwater Permit to Snohomish County on July 5, 1995,
19 regulating discharges from large and medium municipal separate storm sewer
20 systems.
21
- 22 C. Snohomish County was re-issued a Phase I Municipal Stormwater Permit by
23 the Washington Department of Ecology (DOE) on February 16, 2007.
24
- 25 D. In accordance with the Phase 1 permit, Snohomish County must adopt
26 stormwater protection regulations to comply with *Appendix 1 Minimum*
27 *Technical Requirements for New Development and Redevelopment of*
28 (Appendix 1) by August 16, 2008. The permit also requires that the county
29 adopt the 2005 DOE Stormwater Manual for Western Washington or an
30 equivalent stormwater drainage manual.
31
- 32 E. An inclusive public involvement process has accompanied the development
33 of this ordinance. This "NPDES" project is included under the Unified
34 Development Code (UDC) Update Project. Three public
35 outreach presentations were conducted at UDC Update Project public forums
36 and project news and work products are available on the project webpage.
37 Numerous stakeholder meetings were held as noted below:
38
- 39 • 5/3/06 UDC Update Public Forum
 - 40 • 10/4/07 UDC Update Public Forum
 - 41 • 10/18/07 Engineering Focus Group
 - 42 • 11/6/07 2007 Developer/Builder Issues Council (DBIC)
 - 43 • 11/13/07 Utilities Stakeholder Meeting
 - 44 • 11/13/07 Agricultural Advisory Board
 - 45 • 11/19/07 Water/Sewer Purveyors Meeting

- 1 • 11/28/07 Managers Meeting
- 2 • 12/3/07 Forestry/Mining
- 3 • 12/4/07 2007 Developer/Builder Issues Council (DBIC)
- 4 • 12/6/07 UDC Update Public Forum
- 5 • 12/12/07 Developers (MBA committee)
- 6 • 12/12/07 Snohomish County Farm Bureau
- 7 • 12/13/07 Washington State DNR Timber, Fish & Wildlife
- 8 • 01/08 Selected stakeholders
- 9 • 1/08/08 2008 Developer/Builder Issues Council (DBIC)

10

11 J. The Snohomish County Comprehensive Plan - General Policy Plan sets forth
12 the following goals relating to stormwater management:

13

- 14 1. Goal CF 3 requires management of stormwater in Snohomish
15 County in a manner that protects the public health and safety;
- 16
- 17 2. Goal NE 3 requires compliance with the requirements for state,
18 federal and local laws for protecting and managing water, including
19 compliance with the requirements of the NPDES permit; and
- 20

21

22 K. A determination of nonsignificance (DNS) was issued for this proposed
23 non-project action on _____, 2009, pursuant to the State Environmental
24 Policy Act (SEPA), chapter 43.21 RCW and chapter 197-11 WAC, and
25 chapter 30.61 SCC.

26

27 Section 3. The county council makes the following conclusions:

28

29 A. The council concludes that this ordinance implements the
30 regulatory mechanisms and control measures necessary to prevent
31 pollution that may be carried to waters of the state by stormwater
32 runoff related to land disturbing activities.

33

34 B. Adoption of the proposed amendments does not result in less
35 restrictive performance standards or objectives than those in the
36 county's Phase 1 Municipal Stormwater Permit.

37

38 C. There has been early and continuous public participation in review
39 of the proposed amendments.

40

41 D. The proposals were broadly disseminated to the public and
42 opportunities have been provided for written comments and public
43 hearing after effective notice that satisfies the public involvement
44 and participation requirements of the Growth Management Act
45 (GMA).

45

- 1 E. The SEPA process conducted for this ordinance satisfies the
2 requirements of the State Environmental Policy Act codified in
3 chapter 43.21C RCW, as implemented by chapter 197-11 WAC
4 and chapter 30.61 SCC.
5
6 F. This ordinance provides for the health, safety and general welfare
7 of the citizens of Snohomish County and the environment through
8 the regulation of stormwater runoff to the maximum extent practical
9 as required by federal and state law.
10
11 G. The county council bases its findings and conclusions on the entire
12 record of the planning commission and the county council, including
13 all testimony and exhibits. Any finding, which should be deemed a
14 conclusion, and any conclusion which should be deemed a finding,
15 is hereby adopted as such.
16

17 Section XX. Snohomish County Code Section 30.23.050, added by Amended
18 Ordinance No. 08-101, Jan. 21, 2009, is amended to read:

19 **30.23.050 Height requirements, exceptions and measuring height.**

20 (1) The maximum height of buildings and structures shall be pursuant to the height
21 standards in SCC Table 30.23.030(1) and Table 30.23.030(2), except as provided in
22 SCC 30.23.050(2) and SCC 30.23.050(3).

23 (2) The following shall be exempt from the maximum height standards:

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

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

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

35 (d) Schools and educational institutions provided that:

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

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

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

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

42 (3) Applicants proposing height modifications pursuant to SCC

1 ((30.63C.040(1)(a))) 30.63A.110(1)(a) to incorporate low impact development
 2 techniques into site design and planning, may exceed the maximum height of the
 3 underlying zoning district provided that:

4 (a) The maximum height is not increased if the property is located in R-9600, R-
 5 8400, R-7200, T, LDMR, and MR zones; and the maximum height is not increased by
 6 more than 14 feet if the property is located in FS, NB, PCB, CB, GC, IP, BP, LI and HI
 7 zones;

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

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

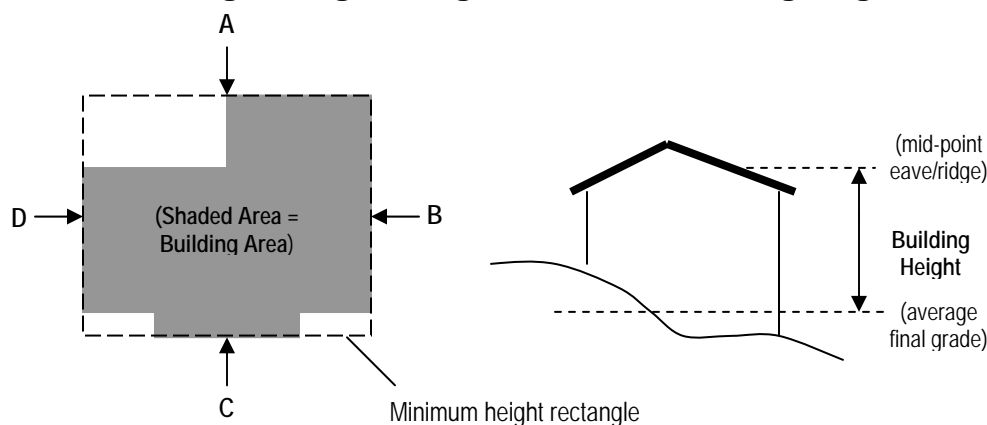
12 (d) If the zone does not have a maximum lot coverage requirement then at least
 13 40 percent of the site shall contain pervious surfaces.

14 (4) Building height shall be measured as the vertical distance from the average
 15 final grade to the highest point of the coping of a flat roof, or to the deck line of a
 16 mansard roof, or to the average height of the highest gable of a pitch or hip roof, subject
 17 to the following:

18 (a) Calculation of the average final grade shall be made by drawing the smallest
 19 rectangle possible that encompasses the entire building area as shown in Figure
 20 30.23.050(1) and averaging the elevations at the midpoint of each side of the rectangle;
 21 and

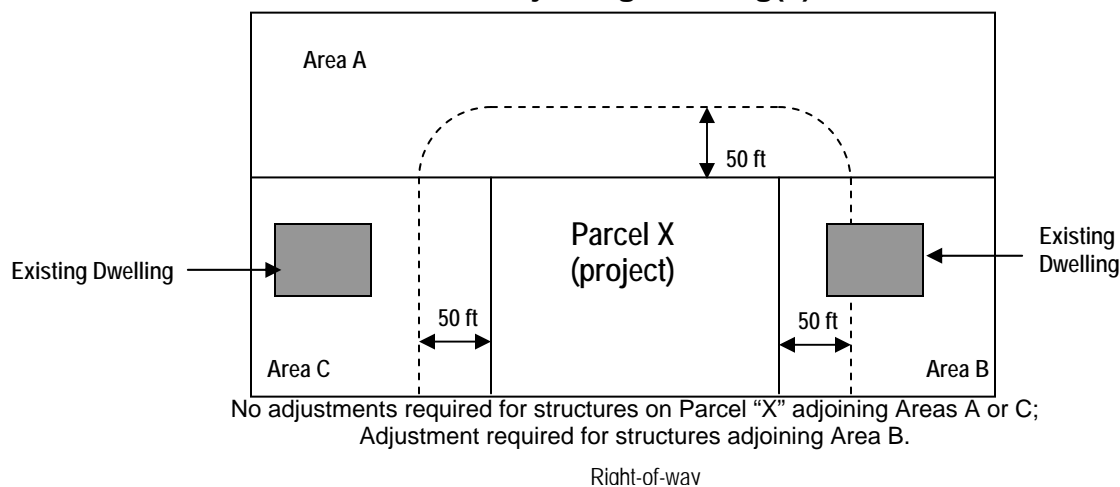
22 (b) Where fill or regrading is proposed at the perimeter of the property that will
 23 raise the elevation of a structure above existing grade and where dwelling units are
 24 present within 50 feet of the project boundary on any adjoining properties, the average
 25 final grade for measuring height of dwellings adjacent to those properties shall not
 26 exceed by more than 10 feet the average existing grade of the area of the adjoining
 27 property within 50 feet of the abutting lot lines, not to include roads, or public or private
 28 rights-of-way. (Figure 30.23.050(2)).

29 **Figure 30.23.050(1)**
 30 **Calculating average final grade and determining height:**



(Final Elevation at Mid-point of A + B + C + D) ÷ 4 = Average Final Grade Elevation

Figure 30.23.050(2)
Adjustments for measuring height
where an adjoining dwelling(s) exists:



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

Section XX. Snohomish County Code Section 30.42B.100, amended by Amended Ordinance No. 08-101, Jan. 21, 2009, 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 techniques and best management practices pursuant to chapter 30.63C SCC

1 (~~accepted in the reduced drainage discharge housing demonstration program of~~
2 ~~chapter 30.34B SCC, and approved consistent with the provisions of the program~~); and

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

8 (5) Planned residential developments meeting the applicability thresholds of chapter
9 30.23A SCC shall be subject to the design standards of that chapter.

10 Section XX. Snohomish County Code chapter 30.63C added in Amended
11 Ordinance No. 06-044, June 28, 2006, is repealed.

12
13 Section XX. A new chapter of Snohomish County Code is adopted to read:

14 **Chapter 30.63C**
15 **Low Impact Development**

16 30.63C.010 Purpose.

17 30.63C.020 Applicability.

18 30.63C.030 Low Impact Development Guidance Manual for Puget Sound adopted.

19 30.63C.040 Low impact development techniques and best management practices.

20 30.63C.050 Compliance with chapter 30.63A SCC – drainage regulations.

21 30.63C.060 Use of low impact development (LID) in Little Bear Creek Urban Growth
22 Area (UGA) expansion areas.

23 30.63C.070 Use of low impact development in fully contained communities (FCCs).

24 30.63C.080 Low impact development pre-application submittal meetings.

25 30.63C.090 Low impact development modifications and EDDS deviations.

26 30.63C.100 Approval authority.

27 30.63C.110 LID modifications from Snohomish County Code.

28 30.63C.120 Deviations from the EDDS.

29
30 **30.63C.010 Purpose.**

31 The purpose of this chapter is to regulate the use of low impact development (LID)
32 techniques and LID best management practices (BMPs) and to provide for the
33 modification of certain provisions of Snohomish County Code and the EDDS to allow
34 innovative project design that enables the use of LID.

35 **30.63C.020 Applicability.**

36
37 This chapter applies to all development applications designed to use LID techniques
38 and LID BMPs to meet the stormwater management requirements of chapter 30.63A,
39 30.63B and 30.63C SCC. Applicants that have applications vested on June 28, 2006,
40 may request the use of the provisions of this chapter without losing their vested rights.

1 **30.63C.030 Low Impact Development Guidance Manual for Puget Sound**
2 **adopted.**

3 The 2005 Edition of the Puget Sound Action Team's Low Impact Development
4 Technical Guidance Manual for Puget Sound (LID Guidance Manual), as amended, is
5 adopted as a low impact development guidance manual for development within
6 Snohomish County.

7 **30.63C.040 Low impact development techniques and best management practices.**

8 (1) LID techniques and LID BMPs from the following sources may be used pursuant to
9 this chapter:

10 (a) The LID Guidance Manual;

11 (b) The Drainage Manual, including but not limited to, the supplemental BMPs in
12 Appendix I-A;

13 (c) The 2008 Washington State Department of Highway Runoff Manual; and

14 (d) Other BMPs approved by the Washington State Department of Ecology and the
15 department and adopted through the rulemaking process in chapter 30.82 SCC.

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

19

20 **30.63C.050 Compliance with chapter 30.63A SCC – drainage regulations.**

21

22 (1) The use of LID techniques and LID BMPs shall be considered during the
23 stormwater site planning process pursuant to SCC 30.63A.400 through 30.63A.440 and
24 during design of on-site stormwater management pursuant to SCC 30.63A.525 and as
25 otherwise required in title 30 SCC.

26 (2) An applicant may choose to incorporate LID techniques and LID BMPs in a
27 stormwater site plan as an alternative to, or in conjunction with conventional stormwater
28 techniques and LID BMPs to comply with the drainage requirements of chapter 30.63A
29 SCC, unless the use of LID techniques and LID BMPs is otherwise required pursuant to
30 SCC 30.63C.040, SCC 30.63C.050, SCC 30.41C.050(9), SCC 30.41C.070(4) or SCC
31 30.41C.090(2)(c)(iii).

32 (3) Hydrologic modeling for the design of LID techniques and LID BMPs described in
33 the LID Guidance Manual shall be performed in accordance with the requirements of
34 the LID Guidance Manual and associated hydrologic modeling or design criteria in the
35 Drainage Manual.

36

37 **30.63C.060 Use of low impact development (LID) in Little Bear Creek Urban**
38 **Growth Area (UGA) expansion areas.**

39

40 (1) New development or redevelopment, excluding single-family residential building
41 permits, proposed within any portion of a Southwest UGA expansion area approved on
42 or after December 20, 2006, that is located in the Little Bear Creek Watershed shall,

1 when site conditions allow, use LID techniques and LID BMPs to meet the stormwater
2 management requirements of chapters 30.63A, 30.63B and 30.63C SCC.

3 (2) If site conditions prevent the exclusive use of approved LID techniques and LID
4 BMPs, conventional stormwater management strategies and techniques may be used in
5 conjunction with other feasible LID techniques and LID BMPs to meet the requirements
6 of chapters 30.63A, 30.63B and 30.63C SCC. LID techniques and LID BMPs submitted
7 for approval under this title shall be consistent with the LID Guidance Manual and the
8 Drainage Manual.

9
10 **30.63C.070 Use of low impact development in fully contained communities**
11 **(FCCs).**

12
13 Pursuant to SCC 30.33A.150(6), stormwater site plans for new development and
14 redevelopment in fully contained communities (FCCs) shall incorporate LID techniques
15 and LID BMPs in the design, construction and operation of drainage facilities to meet
16 the requirements of chapters 30.63A, 30.63B and 30.63C SCC.

17
18 **30.63C.080 Low impact development pre-application submittal meetings.**

19
20 (1) All project applicants, except those submitting single-family residential building
21 permits, that propose the use of stormwater modeling credits, or request a modification
22 from code, or a deviation from the EDDS in order to use an LID technique or LID BMP
23 pursuant to SCC 30.63C.100 through 30.63C.120 shall participate in a pre-application
24 submittal meeting.

25 (2) All other project applicants not specified in SCC 30.63C.080(1) that propose to
26 use LID techniques and LID BMPs to meet the requirements of chapter 30.63A SCC are
27 encouraged to participate in a pre-application submittal meeting.

28 (3) The department shall expedite pre-application meetings for projects that are
29 scheduled pursuant to this chapter. The department may also expedite the intake of
30 applications from applicants that have had a pre-application meeting.

31 (4) The director may waive a mandatory pre-application meeting upon written
32 request by the applicant, if the director determines in writing that the pre-application
33 meeting would serve no useful purpose based upon the circumstances outlined in the
34 request.

35
36 **30.63C.090 Low impact development modifications and EDDS deviations.**

37
38 The code modifications and EDDS deviations processes authorized under this chapter
39 to allow the use of LID techniques and LID BMPs shall be the only modification and
40 deviation process required. Modification or waivers from SCC 30.63A.170 shall not be
41 required when LID techniques and LID BMPs are used.

42 (1) Applicants shall submit LID modifications or EDDS deviations requests on forms
43 approved by the appropriate department. All submittals shall include sufficient
44 documentation to justify each code modification or EDDS deviation requested pursuant
45

1 to SCC 30.63C.090 through SCC 30.63C.120.

2 (2) Requests for all modifications from Snohomish County Code and any deviation
3 required from the EDDS allowed under this chapter are encouraged to be submitted
4 under one proposal as a comprehensive site analysis. One fee will apply to a combined
5 submittal pursuant to SCC 30.86.TBD.

6 (3) The fee for the LID modification or deviation request established in SCC 30.86.TBD
7 or 30.86.710 shall be paid at the time of submittal. A separate fee shall be required for
8 each separate submittal of LID modification and EDDS deviation requests.

9
10 **30.63C.100 Approval authority.**

11
12 (1) The director is authorized to approve, deny or approve with conditions requests for
13 modifications from certain county requirements specified in this chapter and the or
14 county engineer authorized to approve, deny or approve with conditions requests for
15 EDDS deviations to allow the use of LID techniques or LID BMPs consistent with the
16 Snohomish County stormwater regulations described in SCC 30.63A.100.

17 (2) The director and county engineer shall retain administrative authority over LID
18 modification or EDDS deviation requests. Such administrative decisions shall be final
19 and not subject to appeal to the hearing examiner.

20 (3) As a condition of approval for modifications and deviations under this chapter, the
21 county may require adoption of covenants and restrictions and the establishment or
22 grant of necessary tracts or easements to preserve and maintain the LID techniques
23 and LID BMPs.

24
25 **30.63C.110 LID modifications from Snohomish County Code.**

26
27 (1) To meet the purposes of this chapter, an applicant may request a
28 modification from the provisions of the following SCC chapters to allow the use of LID
29 techniques or LID BMPs:

- 30 (a) Chapter 30.23 SCC, General development standards - bulk regulations;
31 (b) Chapter 30.24 SCC, General development standards – access and roads;
32 (c) Chapter 30.25 SCC, Landscaping;
33 (d) Chapter 30.26 SCC, Parking;
34 (e) Chapter 30.42B SCC, Planned residential developments;
35 (f) Subtitle 30.5 SCC, Construction codes.

36 (2) LID modifications pursuant to SCC 30.63C.040(1) may be granted based upon
37 the following criteria:

- 38 (a) The change is consistent with and furthers the purposes of the stormwater
39 regulations described in SCC 30.63A.100;
40 (b) The change does not result in significant adverse environmental impacts;
41 (c) The change does not threaten public health, safety, or welfare;
42 (d) The change is consistent with generally accepted engineering and design
43 criteria, as provided in this chapter;
44 (e) The change promotes one or more of the following:
45 (i) Innovative site design;

- 1 (ii) Increased on-site stormwater retention using a variety of vegetation and
- 2 landscape conditions;
- 3 (iii) Retention or redevelopment of original natural habitat conditions over a
- 4 significant portion of the site;
- 5 (iv) Improved on-site water quality beyond that required by current applicable
- 6 regulations; or
- 7 (v) Retention or re-creation of pre-development and/or natural hydrologic
- 8 conditions, and retention or re-creation of forested watershed conditions; and
- 9 (f) The change does not conflict with chapters 30.62, 30.62A, 30.62B, 30.62C,
- 10 30.63A, 30.64 and 30.65 SCC.

11
12 **30.63C.120 Deviations from the EDDS.**

13
14 Approval of EDDS deviations authorized by this chapter will be based on a finding by
15 the county engineer that the deviation will not be detrimental to the public health, safety,
16 and welfare, and will meet the provisions and criteria in SCC 30.63C.040. Projects may
17 be granted deviations from the EDDS only if the applicant can demonstrate that
18 adequate fire safety and access are provided. Modifications of the EDDS as authorized
19 by this chapter to further the use of low impact development techniques and best
20 management practices shall be decided by the county engineer based on the criteria in
21 EDDS section 1-05 and SCC 30.63C.040(2) to allow:

- 22 (1) The flexibility necessary to accomplish LID innovations;
- 23 (2) Greater compatibility with natural site conditions and restraints;
- 24 (3) Reduction of impervious surfaces and reduced drainage discharge offsite; or
- 25 (4) To otherwise further the purposes of meeting the LID Guidance Manual.

26
27 Section XX. Severability. If any section, sentence, clause or phrase of this
28 ordinance is held to be invalid or unconstitutional by the Growth Management Hearings
29 Board ("Board"), or a court of competent jurisdiction, such invalidity or unconstitutionality
30 shall not affect the validity or constitutionality of any other section, sentence, clause or
31 phrase of this ordinance. Provided, however, that if any section, sentence, clause or
32 phrase of this ordinance is held to be invalid by the Board or court of competent
33 jurisdiction, then the section, sentence, clause or phrase in effect prior to the effective
34 date of this ordinance shall be in full force and effect for that individual section,
35 sentence, clause or phrase as if this ordinance had never been adopted.

36
37
38 PASSED this _____ day of _____, 20__.

39
40
41 SNOHOMISH COUNTY COUNCIL
42 Snohomish County, Washington
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Chairperson

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ATTEST:

Asst. Clerk of the Council

- APPROVED
- EMERGENCY
- VETOED

County Executive

Date

ATTEST:

Approved as to form:

Deputy Prosecuting Attorney