

**Chapter 30.63A - DRAINAGE**

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**30.63A.010 - Purpose and applicability.**

The purpose of this chapter is to regulate and control drainage and storm water to safeguard the public health, safety, and general welfare. This chapter applies to all development activity. The objectives of this chapter are as follows:

- (1) To promote sound, practical, and economical development practices and construction procedures which prevent or minimize impacts to the county's waters;
- (2) To prevent or minimize degradation of water quality and to control the sedimentation of streams, rivers, lakes, wetlands, and other surface water;
- (3)

- To control storm water runoff originating on developing land;
- (4) To preserve the suitability of water for recreation and fishing;
- (5) To maintain aquatic habitat;
- (6) To maintain the quality of the county's water resources;
- (7) To prevent or minimize adverse effects caused by alterations in surface water or ground water quality, quantities, locations, and flow patterns;
- (8) To maintain the safety of county roads and rights-of-way;
- (9) To protect public safety by reducing slope instability and landslides;
- (10) To preserve and protect the county's wetlands by maintaining hydrologic continuity with other aquatic resources; and
- (11) To encourage development to locate within urban growth areas, and prevent or minimize drainage impacts from development.

*(Added Ord. 02-064, § 19 (part), Dec. 9, 2002; Amended Ord. 06-061, § 32, Aug. 1, 2007, Eff date Oct. 1, 2007).*

### **30.63A.020 - Exemptions.**

- (1) The following commercial agricultural activities conducted outside critical areas and on land designated riverway commercial farmland, upland commercial farmland, or local commercial farmland by the comprehensive plan are exempt from all requirements of this chapter:
  - (a) Tilling, soil preparation, and maintenance; and
  - (b) Fallow rotation, planting, harvesting.
- (2) The following commercial agricultural activities conducted outside critical areas and on land designated riverway commercial farmland, upland commercial farmland, or local commercial farmland by the comprehensive plan shall comply with the minimum erosion control requirements of SCC 30.63A.220(1)(a)-(g), and are exempt from all other requirements of this title:
  - (a) Maintenance and repair on private property of existing commercial agricultural facilities, which may include drainage facilities, ponds, animal stock flood sanctuaries, animal waste management facilities, agricultural buildings, fences, roads, and bridges; and
  - (b) New construction (including enlargement) of drainage ditches including 500 cubic yards or less of grading, which does not adversely impact critical areas, lakes, or upstream or downstream properties, when such ditches do not have a surface connection within 100 feet of a critical area or lake, or which contain water on-site for retention, infiltration or evaporation.
- (3) Utility construction and maintenance.
  - (a) Minor utility activities in county rights-of-way which, pursuant to Title 13 SCC, do not require a Type D permit are exempt from the requirements of this chapter;
  - (b) Utility construction outside critical areas and within county rights-of-way conducted under a Type D7 blanket utility permit pursuant to Title 13 SCC which does not adversely impact critical areas, lakes, or upstream or downstream properties shall comply with the erosion control requirements of SCC 30.63A.220(1), and is exempt from all other requirements of this chapter. Utilities applying for a blanket utility construction permit shall propose erosion and sedimentation control best management practices for all permitted activities at the time of application.
  - (c) Major utility construction within impervious surface areas, including trenching or other utility installation or maintenance which cuts and subsequently repairs existing impervious surface outside critical areas and within public rights-of-way conducted under a Type D8 major utility construction permit pursuant to Title 13 SCC, which does not adversely impact critical areas, lakes, or upstream or downstream properties, shall comply with the erosion control requirements of SCC 30.63A.220(1), and is exempt from all other requirements of this chapter. Utilities applying for a major utility construction permit shall propose erosion and sedimentation control best management practices for the utility construction at the time of application.

- (d) Utility construction within impervious surface areas, including trenching or other utility installation or maintenance which cuts and subsequently repairs existing impervious surface outside critical areas and outside of public rights-of-way, which does not adversely impact critical areas, lakes, or upstream or downstream properties, shall comply with the erosion control requirements of SCC 30.63A.220(1), and is exempt from all other requirements of this chapter. Utilities proposing installation or maintenance which is subject to a county permit, approval or authorization shall propose erosion and sedimentation control best management practices for the utility construction at the time of application.
  - (e) Utility maintenance outside critical areas and outside of public rights-of-way which does not add impervious surface and does not adversely impact critical areas, lakes, or upstream or downstream properties shall comply with the erosion control requirements of SCC 30.63A.220(1), and is exempt from all other requirements of this chapter.
  - (f) All utility construction not exempt pursuant to subsections (a)-(e) above shall comply with all applicable requirements of this chapter.
- (4) Maintenance of existing drainage facilities which does not adversely impact critical areas or lakes is exempt from all requirements of this chapter.
  - (5) Interior remodeling or tenant improvements which create less than 200 square feet of additional impervious surface are not considered redevelopment, and are exempt from all requirements of this chapter.
  - (6) Development activities outside critical areas which create less than 200 square feet of impervious surface shall comply with the erosion and sedimentation control requirements of SCC 30.63A.220(1) and are exempt from all other requirements of this chapter.
  - (7) County department of public works construction projects shall be exempt from all fee requirements of SCC 30.86.310, all requirements of maintenance of drainage facilities except SCC 30.63A.300, and all requirements of security and insurance SCC 30.63A.400.

*(Added Ord. 02-064, § 19 (part), Dec. 9, 2002, Eff date Feb. 1, 2003).*

### **30.63A.030 - Right to farm.**

For purposes of this chapter, grading and development activities do not include agricultural activities as defined in chapter 30.32B SCC, SCC 30.91A.090, or RCW 7.48.310 and the permit requirements of this title do not apply to such activities, provided:

- (1) The activity occurs on property on which agriculture is a legal use of the property;
- (2) The activity does not occur in a wetland, unless:
  - (a) The activity is exempt from wetlands regulations under section 404(f) of the federal Clean Water Act; or
  - (b) The wetland is an area of no greater than 5,000 square feet of non riparian Category 2 or 3 wetlands or 10,000 square feet of non riparian Category 4 wetlands, as defined under state law; and
- (3) The activity requires no other permit from Snohomish County.

*(Added Ord. 02-064, § 19 (part), Dec. 9, 2002, Eff date Feb. 1, 2003).*

### **30.63A.040 - Department of public works authority.**

- (1) Snohomish County Drainage Manual. The department of public works (DPW) shall develop and adopt, and may amend, the Snohomish County Drainage Manual (the Drainage Manual). The Drainage Manual and any amendments thereto shall be subject to 30 days public review prior to adoption, and once adopted, shall be filed with the clerk of the county council, and shall be available to the public at the DPW and the department. The Drainage Manual shall contain technical guidance for complying with this chapter, including recommended best management practices, engineering design information for various drainage facilities, and other drainage control measures.
- (2) The Drainage Manual shall include, but is not limited to, guidance on the following:
  - (a) Hydrologic and hydraulic analysis, modeling, and design;

- (b) Detention and retention facility design and maintenance;
  - (c) Erosion and sediment control practices;
  - (d) Storm water treatment practices, design, and maintenance;
  - (e) Source control practices;
  - (f) Structural design methods and facility maintenance practices for other drainage facilities;
  - (g) A selection of recommended best management practices (BMPs); and
  - (h) A procedure for selecting BMPs.
- (3) The director of public works may adopt an interim Drainage Manual effective September 19, 1998, and adopt a regular Drainage Manual thereafter.
- (4) The director of public works shall establish an ad hoc committee consisting of a representative sample of interested citizens, including but not limited to, professional consultants, development interests, environmental interests, tribes and others. The ad hoc committee shall advise the director in developing the regular Drainage Manual, review the regular Drainage Manual and its amendments, and make recommendations on which details to move from this chapter to the Manual.
- (5) When first developing the regular Drainage Manual, the director shall propose for public review which drainage requirement details in this chapter may be appropriate candidates for moving from code and replacing as provisions in the regular Drainage Manual. The director of DPW may propose revisions to this chapter and the regular Drainage Manual pursuant to review by the ad hoc committee.
- (6) Adoption authority for the regular Drainage Manual rests with the director of DPW.
- (7) Engineering Design and Development Standards (EDDS) drainage system standards. The director of DPW shall develop and adopt, and may amend, drainage system standards in the EDDS. The EDDS and any amendments thereto shall be filed with the clerk of the county council and shall be available to the public at DPW and the department.
- (8) Public works projects. The director of DPW shall include a requirement for all applicable grading, drainage, and erosion and sedimentation control plans in any contract documents prepared for county DPW construction projects.
- (Added Ord. 02-064, § 19 (part), Dec. 9, 2002, Eff date Feb. 1, 2003).*

### **30.63A.050 - Compliance with other laws.**

Approvals and permits granted based on compliance with this chapter and any policies and procedures promulgated hereunder do not constitute waivers of the requirements of any other laws or regulations, nor do they indicate compliance with any other laws or regulations. Compliance is still required with all applicable federal, state and local laws and regulations.

*(Added Ord. 02-064, § 19 (part), Dec. 9, 2002, Eff date Feb. 1, 2003).*

### **30.63A.060 - Relationship to chapter 30.61 SCC.**

When the director, upon consideration of the specific probable adverse environmental impacts of a development activity with regard to on-site and off-site changes to storm water volume, release rate, erosion, sedimentation, and water quality, determines that the requirements of this chapter and chapters 30.43C, 30.43D, 30.44, 30.62, 30.62A, 30.62B, 30.62C, 30.63B, 30.64 and 30.65 SCC adequately address those impacts, compliance with those requirements shall constitute adequate analysis of and mitigation for the specific adverse or significant adverse environmental impacts of the development activity with regard to on-site and off-site changes to storm water volume, release rate, erosion, sedimentation, and water quality, as provided by RCW 43.21C.240.

*(Added Ord. 02-064, § 19 (part), Dec. 9, 2002; Amended Ord. 06-061, § 33, Aug. 1, 2007, Eff date Oct. 1, 2007).*

### **30.63A.100 - Drainage review for residential small parcel development activities.**

- (1) The department shall conduct a site review of all proposed residential small parcel development activities for which a permit

application has been submitted to determine if a drainage plan is necessary in accordance with subsection (3).

(2)

If a drainage plan is not required or voluntarily submitted pursuant to subsection (3), the department shall attach to the applicant's approved site plan a list of required erosion control best management practices (BMPs) which fulfill the minimum erosion control requirements of SCC 30.63A.220(1)(a)-(g). These BMPs shall be installed and maintained during construction. The BMPs may be inspected by the county during construction and must be approved before the applicant may obtain a certificate of occupancy. Residential small parcel development activity shall also comply with the wetland detention restrictions of SCC 30.63A.240.

(3)

A targeted drainage plan prepared in accordance with SCC 30.63A.150 shall be required if the department determines that:

(a)

The proposed development activity would alter a natural drainage course;

(b)

The proposed development activity would adversely impact a critical area or lake; or

(c)

A culvert or other drainage facility used by the proposed development activity will accommodate flow from upstream of the site. In such case, the drainage plan shall include an upstream analysis to size the drainage facility; or

(d)

The proposed development activity is subject to environmental review pursuant to chapter 30.61 SCC.

An applicant may voluntarily submit a targeted or full drainage plan in accordance with SCC 30.63A.150 or SCC 30.63A.155, even if not required.

(4)

Any drainage plan and subsequent residential small parcel development activity for which a drainage plan has been submitted shall comply with the drainage system requirements of SCC 30.63A.200, the minimum erosion control provisions of SCC 30.613.220(1)(a)(g), the wetland detention restrictions of SCC 30.63A.240, and all applicable requirements for maintenance of drainage facilities of SCC 30.63A.300.

(5)

For purposes of this chapter, residential small parcel development activity means a development activity for a single family dwelling or duplex which requires a building permit or grading permit, which creates at least 200 but less than 5,000 square feet of impervious surface and collects and concentrates drainage from less than 5,000 square feet.

*(Added Ord. 02-064, § 19 (part), Dec. 9, 2002, Eff date Feb. 1, 2003).*

### **30.63A.110 - Drainage review for other small parcel development activities.**

(1)

For all proposed other small parcel development activities:

(a)

A targeted drainage plan in accordance with SCC 30.63A.150 shall be submitted, or an applicant may voluntarily submit a full drainage plan in accordance with SCC 30.63A.155;

(b)

Any drainage plan and subsequent development for which a drainage plan has been submitted shall comply with the drainage system requirements of SCC 30.63A.200, the minimum erosion control provisions of SCC 30.63A.220(1)(a)-(g), the wetland detention restrictions of SCC 30.63A.240, and all applicable requirements for maintenance of drainage facilities in chapter 30.63A SCC, and security and insurance in SCC 30.63A.400.

(2)

For purposes of this chapter, all other small parcel development activities means any development activity other than a residential small parcel development activity, which creates at least 200 but less than 5000 square feet of impervious surface and collects and concentrates drainage from less than 5000 square feet.

*(Added Ord. 02-064, § 19 (part), Dec. 9, 2002, Eff date Feb. 1, 2003).*

### **30.63A.120 - Drainage review for major development activities.**

(1)

For all proposed major development activity:

(a)

If the proposed development activity is subject to a pre-approval public hearing where the hearing examiner has original jurisdiction, a targeted drainage plan in accordance with SCC 30.63A.150 shall be submitted for approval by the department with the underlying permit application. An applicant may voluntarily submit a full drainage plan in accordance with SCC 30.63A.155 for this purpose.

(b)

A full drainage plan in accordance with SCC 30.63A.155 shall be submitted for all major development activities, unless waived pursuant to this subsection. If a targeted drainage plan is not required pursuant to SCC 30.63A.120(1),

a full drainage plan shall be submitted with the underlying permit application. If both a targeted and full drainage plan are required under this section, the full drainage plan shall be submitted at the time specified in SCC 30.63A.150(2). The department may waive the requirement for a full drainage plan after a targeted drainage plan has been submitted and reviewed as provided for by SCC 30.63A.120(1), upon making written findings that the proposed development activity will not:

- (i) adversely affect existing water quality conditions of any surface or ground water;
- (ii) alter the existing surface or subsurface drainage patterns or flow rates on site or off site;
- (iii) increase peak discharge or storm water runoff volume sufficiently to cause adverse impacts downstream; or
- (iv) cause erosion, sedimentation or flooding on upstream or downstream properties.

(c)

Any drainage plan and subsequent major development activity shall comply with the drainage system requirements of SCC 30.63A.200 and SCC 30.63A.210, all erosion control provisions of SCC 30.63A.220, all redevelopment requirements of SCC 30.63A.230, the wetland detention restrictions of SCC 30.63A.240, and all applicable requirements for maintenance of drainage facilities in SCC 30.63A.300, and security and insurance in SCC 30.63A.400.

(2)

For purposes of this chapter, major development activity means any development activity or redevelopment that creates 5,000 square feet or more of impervious surface, or which collects and concentrates drainage from 5,000 square feet or more.

*(Added Ord. 02-064, § 19 (part), Dec. 9, 2002, Eff date Feb. 1, 2003).*

### **30.63A.130 - Owner and applicant to comply with drainage review.**

The owner and applicant performing any development activity shall comply with all specifications, standards, requirements and conditions of any permit or plan approved or of any review conducted under the authority of this chapter. Any person performing drainage facility construction shall have a copy of the plans on the work site at all times and shall also be responsible for compliance with the plans, specifications, and permit requirements. No person may alter or interfere with any drainage facility which is an element of an approved drainage plan without an approved plan revision.

*(Added Ord. 02-064, § 19 (part), Dec. 9, 2002, Eff date Feb. 1, 2003).*

### **30.63A.140 - Drainage review process.**

(1)

Drainage review pursuant to this chapter shall be conducted in conjunction with, and shall be a condition of, approval of the underlying permit for the proposed development activity. Construction may not commence until issuance of approval of any required permit or plan, or completion of any review conducted under the authority of this chapter.

(2)

Whenever a development activity requires submittal of a drainage plan under this chapter, the drainage plan shall be submitted at the time of application for the underlying permit for a proposed project, except as provided in this subsection. An application for a development activity which requires a drainage plan to be submitted at the time of application for the underlying permit shall not be deemed complete until the drainage plan is complete. The department shall use the provisions of SCC 30.63A.150 and SCC 30.63A.155 to determine if the drainage plan is complete. When both a targeted and full drainage plan are required for a major development activity pursuant to SCC 30.63A.120, the full drainage plan shall be submitted at the time construction plans are submitted. Pursuant to SCC 30.63A.120(2), the department may waive the requirement for a full drainage plan after a targeted drainage plan has been submitted and reviewed.

(3)

Upon finding any deficiencies in the drainage plan submittal, the department shall notify the applicant of the deficiencies and return the drainage plan to the applicant for revision and resubmittal.

(4)

Once a drainage plan has been determined complete, the department shall review the plan for compliance with the requirements of Snohomish County code. This review may include a site review.

(5)

If a drainage plan is resubmitted after two reviews by the department, or the drainage plan has been revised, it shall be subject to the resubmittal and revision fee requirements of SCC 30.86.510(2).

(6)

The department shall notify the applicant upon approval of the plan.

(7)

The applicant shall pay the review and inspection fees as required by SCC 30.86.510(2) before obtaining the approval.

(8)

The department shall inspect and approve drainage facilities before the applicant may obtain a construction acceptance or a certificate of occupancy.

*(Added Ord. 02-064, § 19 (part), Dec. 9, 2002, Eff date Feb. 1, 2003).*

### **30.63A.150 - Targeted drainage plan submittal requirements.**

(1)

The purpose of the targeted drainage plan submittal requirements is to require a conceptual layout of the proposed drainage system which indicates the nature and extent of the work proposed, and which explains how the drainage system will function with sufficient information to allow the county to determine compliance with the applicable requirements of this chapter and other applicable laws. Targeted drainage plan submittals may also include additional or detailed engineering and design information for a portion of the drainage system.

(2)

The director shall establish and may revise submittal requirements for targeted drainage plans pursuant to SCC 30.70.030.

*(Added Ord. 02-064, § 19 (part), Dec. 9, 2002, Eff date Feb. 1, 2003).*

### **30.63A.155 - Full drainage plan submittal requirements.**

(1)

The purpose of the full drainage plan submittal requirements is to require an accurate set of plans and calculations that become part of the construction documents prepared for the development activity, and which clearly indicate the nature and extent of the work proposed with sufficient information to allow the county to determine compliance with the applicable requirements of this chapter and other applicable laws.

(2)

The director shall establish and may revise submittal requirements for full drainage plans pursuant to SCC 30.70.030.

*(Added Ord. 02-064, § 19 (part), Dec. 9, 2002, Eff date Feb. 1, 2003).*

### **30.63A.160 - Revisions to drainage plans.**

(1)

The applicant shall revise drainage plans to respond to the department's mark ups or comments during the drainage plan review process to assure compliance with this chapter. The department may request additional information as necessary to determine compliance with this chapter.

(2)

The applicant may revise an approved drainage plan upon paying a subsequent review fee pursuant to SCC 30.86.310(2) and obtaining written approval from the department prior to construction for any proposed revision to an approved drainage plan. The department may require additional information before approving or denying the proposed revision. Any revision shall comply with the requirements of this chapter and be shown on the final record drawings.

*(Added Ord. 02-064, § 19 (part), Dec. 9, 2002, Eff date Feb. 1, 2003).*

### **30.63A.170 - Drainage inspection process.**

(1)

Inspection to determine if construction is complete. When the applicant completes or substantially completes construction of the drainage facilities in accordance with the approved construction plan or drainage plan, the applicant may request an inspection by the department to determine whether the construction is complete. The department shall either determine that construction is complete or identify construction items which are incomplete. Pursuant to SCC 30.63A.410(2), after inspection and upon request of the applicant, the department may accept a performance security to guarantee the completion of the required drainage facilities after recordation of a final subdivision or short subdivision or issuance of a certificate of occupancy.

(2)

Special inspection. When the department determines that special inspection is required for water quality monitoring on major development activity projects, the applicant or owner shall engage consultants to provide professional inspections and prepare and submit periodic inspection reports to the county on a timely basis, and the county shall respond within 7 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. In the event of changed soil or groundwater conditions between the time of submitting a drainage plan and construction acceptance, the applicant or owner shall be responsible for informing the county inspector of such change and shall provide revised plans as necessary to mitigate potential water quality or drainage impacts. The revised plans shall require review and approval by the department.

(3)

Transfer of responsibility. During the installation of drainage facilities, if the civil engineer, the soils engineer, or the engineering geologist of record is replaced, the work shall be stopped until a replacement agrees in writing to accept responsibility for inspecting and approving the work within his or her area of technical competence. It shall be the duty of the applicant or owner to notify the department in writing of such change prior to the recommencement of such work.

*(Added Ord. 02-064, § 19 (part), Dec. 9, 2002, Eff date Feb. 1, 2003).*

### **30.63A.180 - Submittal of record drawings.**

Upon final completion of the work, the applicant shall submit record drawings of the full drainage plan prepared by the applicant's civil engineer or registered surveyor showing the actual vertical and horizontal locations of roads and drainage facilities constructed on the site. The record drawings shall meet the standards contained in the EDDS.

*(Added Ord. 02-064, § 19 (part), Dec. 9, 2002, Eff date Feb. 1, 2003).*

### **30.63A.185 - Process for construction acceptance.**

When the applicant or owner requests construction acceptance of drainage facilities for purposes of recording a final subdivision or short subdivision pursuant to chapter 30.41A or 30.41B SCC, or obtaining a certificate of occupancy pursuant to SCC 30.52A.130, the department shall first perform a drainage inspection pursuant to SCC 30.63A.170(1) and determine whether the construction is complete in conformance with the approved drainage plan. The director shall determine in writing that construction is complete and is accepted or identify construction items which are incomplete and determine that the construction is not accepted.

*(Added Ord. 02-064, § 19 (part), Dec. 9, 2002, Eff date Feb. 1, 2003).*

### **30.63A.200 - Drainage system requirements for all development activities with drainage plans.**

The review standards and drainage system requirements of this section shall apply to all drainage plans and subsequent development activities.

(1)

Storm water entry and exit. If drainage patterns currently exist on the site, drainage facilities shall be designed so that storm water enters and exits the site at the existing location(s) of entry and exit.

(2)

Mitigation.

(a)

Mitigation shall be provided for all significant drainage impacts upstream or downstream caused only by the development activity, including any significant drainage impacts identified in a downstream analysis performed in accordance with paragraph (b) of this subsection, to the extent the impacts are caused by the development activity. Avoiding, minimizing, rectifying, or lastly compensating for impacts shall be given preference in that order.

(b)

Downstream and upstream analysis. The applicant shall perform a downstream analysis for at least a quarter mile downstream of the subject property which evaluates potential downstream drainage impacts as well as the adequacy of the downstream drainage facilities to accommodate flows from the development activity and all other upstream sources. The downstream analysis shall include proposed mitigation pursuant to paragraph (a) of this subsection for all significant drainage impacts from the development activity identified in the downstream analysis. The applicant shall include in the downstream analysis a computation of the adequacy of downstream conveyance systems in accordance with SCC 30.63A.210(2)(c), and whenever possible, shall include a visual or photographic inspection of the condition of the downstream drainage system to verify that it will function in accordance with the analysis. If flooding areas, locations of existing severe cumulative drainage impacts, critical areas, lakes, or fisheries resources which may be adversely impacted, or other features where significant drainage impacts may occur as a result of the proposed development activity, are located more than a quarter of a mile downstream of the subject property, the downstream analysis shall also evaluate the potential impacts by the development activity to these areas. If the director determines that a downstream analysis fails to include an evaluation of all such areas located more than a quarter mile downstream of the subject property, the downstream analysis shall be returned to the applicant for revision.

The applicant shall perform an upstream analysis of the area upstream from the site which drains onto or through the site, which evaluates potential upstream drainage impacts, and calculates the area of land and drainage flow to the site in accordance with SCC 30.63A.210(2)(c). The upstream analysis shall include proposed mitigation pursuant to paragraph (a) of this subsection for all significant drainage impacts from the development activity identified in the upstream analysis.

(3)

Conveyance systems.



- (a) Conveyance systems shall accommodate the peak discharge from the 25-year, 24-hour design storm based on post-development site conditions including storm water flowing through the site which originates on-site and off-site.
  - (b) Conveyance systems within public road rights-of-way shall be constructed of vegetation-lined channels, instead of pipe systems unless:
    - (i) the channel gradient exceeds five percent (5%),
    - (ii) construction of the channel will require deviation from the EDDS, or
    - (iii) the director determines that an open channel presents an unacceptable public health or safety risk.
  - (c) Conveyance systems shall not place streams in culverts unless determined by the director to be necessary for property access and traffic circulation. Bridges or bottomless arch culverts shall be installed instead of culverts at stream crossings, unless an alternative which has been approved by the Washington Department of Fish and Wildlife is approved by the director.
- (4) Setbacks from drainage facilities.
- (a) Open drainage facilities. A setback of at least fifteen (15) feet, measured horizontally, shall be provided between the plan view projection of any structure, on-site or off-site, and the top of the bank of a constructed open channel or open retention or detention pond.
  - (b) Closed drainage facilities. A setback of at least ten (10) feet, measured horizontally, shall be provided between the plan view projection of any structure, on-site or off-site and the nearest edge of a closed drainage facility, unless the public works director determines that adequate accessibility can be provided otherwise.
- (5) Easements. Drainage facilities shall include easements as provided in SCC 30.63A.330 and SCC 30.63A.340, if required thereby.
- (6) Maintenance. Drainage facilities shall be maintained as required by SCC 30.63A.300.
- (7) Storm water retention, detention and water quality treatment facilities may not be constructed within critical areas and their buffers pursuant to chapters 30.62, 30.62A and 30.62B SCC except as authorized under the provisions of SCC 30.63.240.
- (8) Compliance with the EDDS. All drainage facilities constructed in the county road right-of-way or in easements granted to the County in accordance with chapter 30.63A SCC, shall be constructed in accordance with the EDDS unless alternative standards have been approved for use under chapter 30.63C SCC.

*(Added Ord. 02-064, § 19 (part), Dec. 9, 2002; Amended Ord. 06-044, § 2, June 28, 2006; Amended Ord. 06-061, § 34, Aug. 1, 2007, Eff date Oct. 1, 2007).*

### **30.63A.210 - Drainage system requirements for major development activities.**

In addition to the requirements of SCC 30.63.200, the review standards and drainage system requirements of this section shall apply to all major development activities and the review of drainage plans submitted therefore.

- (1) Quantity Controls.
  - (a) The following storm water runoff quantity controls shall be achieved, except as provided in subsection (1)(b):
    - (i) major development activities shall infiltrate the storm water runoff from the 2-year, 24-hour design storm without impairing ground water quality. If site conditions prevent infiltration, storm water runoff for the 2-year, 24-hour storm shall be detained and released at a rate no greater than fifty percent (50%) of the peak discharge for existing site conditions.
    - (ii) storm water runoff from the 10-year, 24-hour design storm shall be detained and released at a rate no greater than the peak discharge for existing site conditions.
    - (iii) storm water runoff from the 100-year, 24-hour design storm shall be detained and released at a rate no greater than the peak discharge for existing site conditions.

(b)

The storm water runoff quantity controls of subsection (1)(a) shall not apply if the storm water runoff generated on-site is treated for water quality using appropriate best management practices in accordance with subsection (4), and:

(i)

the proposed increase from existing conditions in peak discharge for a 100-year, 24-hour design storm is less than 0.1 cubic feet per second, and downstream analysis demonstrates that there will be no adverse impacts to existing drainage facilities or to critical areas or lakes downstream of the subject property;

(ii)

the storm water runoff is discharged to an appropriately sized public regional storm water management facility and the following conditions are met: the facility is in operation by the time construction begins; the conveyance system between the proposed project and the public regional facility meets the requirements of subsection (2); and the public regional facility meets the storm water runoff quantity control standards of subsection 1(a); or

(iii)

the storm water runoff is discharged directly into Puget Sound, the Snohomish River mainstream including sloughs, the Skykomish River downstream of the confluence with the Beckler River, the Snoqualmie River in Snohomish County, the Stillaguamish River mainstem, the North Fork of the Stillaguamish River downstream of the confluence with Boulder River, or the South Fork of the Stillaguamish River downstream of the confluence with Canyon Creek; and all of the following conditions are met:

(A)

the project site discharge point is less than one quarter mile from the receiving water body;

(B)

the conveyance system between the project site and the receiving water body does not contain a stream or wetland;

(C)

the conveyance system between the project site and the receiving water body can convey the peak discharge from the 25-year, 24-hour design storm without erosion to the conveyance system; and

(D)

the applicant can demonstrate that there will be no adverse drainage impacts resulting from direct discharge into the receiving water body.

(c)

Retention or detention facility computations.

(i)

to size retention or detention facilities, the minimum computation standard shall be the Soil Conservation Service (SCS) method with level pool routing, the Santa Barbara Unit Hydrograph (SBUH) method, or other equivalent method approved by the director. A factor of safety of 1.3 times the calculated retention or detention capacity shall be used for the SCS, SBUH or equivalent method. When a Hydrological Simulation Program Fortran (HSPF) model or equivalent method approved by the director is used, no factor of safety is necessary.

(ii)

to size retention or detention facilities in drainage basins where there is a closed depression or where downstream flooding below the 100-year, 24-hour event threshold has occurred within a quarter mile of the proposed development activity, the minimum computation standard shall be a HSPF model or an equivalent method approved by the director. If the SCS, SBUH models, or their equivalent are used, the correction factors in Table A shall be used in place of the 1.3 factor of safety in subsection (1)(c)(i).

**Table 30.63A.210(1)**

**VOLUME CORRECTION FACTORS FOR USING THE SCS OR SBUH MODELS IN CLOSED DEPRESSIONS OR WITHIN 1/4 MILE OF DOWNSTREAM FLOODING**

Land Use Conversion	Correction Factor
Forest to Single Family	2.5
Forest to Commercial/ Industrial	3.7
Pasture to Single Family	2.6
Pasture to Commercial/ Industrial	2.7

(2)

Conveyance Systems.

(a)

Conveyance systems shall accommodate the peak discharge from the 100-year, 24-hour design storm based on post-development site conditions.

**(b)**

For purposes of this subsection, a conveyance system shall be considered adequate if the peak discharge and maximum water level is contained within drainage easements or within existing conveyance systems, provided that the conveyance system may overflow or be surcharged if:

**(i)**

storm water runoff does not inundate any of the traveled portion of a public or private road; and

**(ii)**

no portion of a building will be flooded.

**(c)**

Conveyance system computations. To size conveyance systems with drainage areas of less than twenty-five (25) acres, the computation standard shall be the rational method, or its equivalent as approved by the director.

For drainage areas of twenty-five (25) acres or more, the minimum computation standard shall be the SCS TR-55 method or equivalent flood routing simulation method as approved by the director.

**(3)**

Stub-outs. If the director does not approve individual lot infiltration systems or dispersion systems designed in accordance with the Snohomish County Drainage Manual, drainage stub-outs shall be provided for each proposed lot served by a new drainage pipe system for conveyance. Drainage stub-outs shall comply with the following requirements:

**(a)**

Each drainage stub-out shall be connected to the pipe system and be suitably located at the lowest elevation on the lot, so that it will convey storm water from all future roof down spouts, driveways, and yard drains; provided that this requirement shall not preclude the connection of footing drains or other subsurface drains;

**(b)**

Each drainage stub-out shall have free-flowing drainage to an existing or proposed yard drain or other structure on the pipe conveyance system or to an approved outfall location; and

**(c)**

At the time of drainage facilities construction, drainage stub-outs shall be clearly marked in accordance with the EDDS.

**(4)**

Water Quality.

**(a)**

Source control. Source control to prevent storm water pollution shall be provided through the application of source control best management practices (BMPs) during construction and for the developed site following construction. BMPs shall be appropriate for the proposed construction activities, buildings, facilities and intended post-development site uses in accordance with the Snohomish County Drainage Manual, or as approved by the director.

**(b)**

Storm water treatment. Storm water treatment to remove pollutants shall be provided for storm water runoff from the 6-month, 24-hour design storm through the application of water quality best management practices (BMPs). BMPs shall be appropriate for the proposed buildings, facilities, and intended post-development site uses in accordance with the Snohomish County Drainage Manual, or as approved by the director.

**(5)**

Access. The applicant shall provide an access route from a public right-of-way to detention facilities, retention facilities, and treatment facilities. The access route shall be constructed in accordance with the American Association of State Highway Transportation Officials (AASHTO) HS-25 road standard or equivalent, have a gravel or paved driving surface, be a minimum of 15 feet wide, and provide access to all areas necessary for maintenance of the facility. The director may require the applicant to provide access routes to other elements of the proposed drainage system to allow effective inspection or maintenance of drainage facilities. Easements on the access route shall be granted to the county where required pursuant to SCC 30.63A.330.

*(Added Ord. 02-064, § 19 (part), Dec. 9, 2002, Eff date Feb. 1, 2003).*

**30.63A.220 - Erosion and sedimentation control requirements.**

**(1)**

The erosion and sedimentation control requirements of paragraphs (a), (b), (c), (d), (e), (f) and (g) of this subsection and subsection (2) shall apply to all development activity. In addition, all erosion and sedimentation control review standards and requirements of this subsection shall apply to any major development activity and the review of drainage plans submitted therefore. The erosion and sedimentation control requirements of this section shall also apply to grading pursuant to chapter 30.51 SCC. The applicant shall meet these standards and requirements by using appropriate best management practices (BMPs) for erosion and sedimentation control in accordance with the Snohomish County Drainage Manual, the EDDS, or as approved by the director.

**(a)**

Erosion On- and Off-site. During and after construction, all persons engaging in development activities shall prevent or minimize erosion and sedimentation on-site and shall protect properties and water courses downstream from the site

- from erosion due to increases in the volume, velocity and peak flow rate of storm water runoff from the site;
- (b) Transport of Sediment onto Adjacent Properties. The applicant shall prevent the transport of sediment onto adjacent properties;
- (c) Transport of Sediment onto Paved Surfaces. The applicant shall apply BMPs from the Snohomish County Drainage Manual or as approved by the director to prevent or minimize the transport of sediment onto paved surfaces during construction, and if sediment is transported onto a paved surface, to clean the paved surface immediately or at the end of each day as determined by the department.
- (d) Stabilizing Exposed Soil. The applicant shall stabilize denuded areas and soil stockpiles as follows:
- (i) from October 1 to April 30, no soil may remain exposed for more than 2 days. From May 1 to September 30, no soil may remain exposed for more than 7 days. On portions of the site where active grading is in progress, the director may extend the deadline for soil stabilization upon determining that the likelihood of erosion impacts is low based on the type and amount of soil exposed, site topography, the potential for discharge to critical areas and lakes, and other factors. Upon finding a risk of erosion, the applicant shall immediately apply soil stabilization, regardless of any previously established deadline, and the director may require immediate stabilization at any time for this purpose. The applicant shall keep materials, equipment, and other resources on site at all times, in adequate quantities to immediately stabilize all soil;
- (ii) denuded areas shall be covered by mulch, sod, plastic, or other BMP in the Snohomish County Drainage Manual or approved by the director;
- (iii) soil stockpiles shall be stabilized or protected with sediment retention BMPs within 24 hours of formation to prevent soil loss; and
- (iv) grading and construction shall be timed and conducted in stages to minimize soil exposure;
- (e) Removal of Temporary Erosion and Sedimentation Control Measures. The applicant may remove all temporary erosion and sedimentation control BMPs within 30 days after final site stabilization or after they are no longer necessary;
- (f) Permanent Vegetative Cover. Before construction acceptance by the county, the applicant shall establish a permanent vegetative ground cover to control soil erosion and to survive severe weather conditions on all areas of land disturbance not otherwise permanently stabilized by impervious surfaces or other means;
- (g) Maintenance and Repair of Erosion and Sedimentation Control Measures. The applicant shall maintain and repair as necessary all temporary and permanent erosion and sedimentation control BMPs to assure their continued performance through construction acceptance and extending to the release of all associated warranty security and maintenance security;
- (h) Field Marking. Before performing any grading or clearing, the applicant shall mark, in the field, the limits of all proposed clearing and grading, critical areas and their buffers pursuant to chapters 30.62, 30.62A and 30.62B SCC, trees to be retained, and drainage courses;
- (i) Protecting Storm Sewer Inlets. The applicant shall protect storm sewer inlets receiving storm water runoff during construction so that water will not enter the inlet without first being filtered or otherwise treated to minimize the amount of sediment entering the inlet;
- (j) Sediment Retention. The applicant shall route storm water runoff from disturbed areas of the site through sediment ponds, traps or other sediment retention BMPs prior to discharge from the site. The BMPs shall be installed as the first step in grading, and shall be in operation before any other site disturbance occurs. The applicant shall stabilize temporary earth structures within the time period specified in subparagraph (1)(d). If site conditions warrant, the director may require additional sediment controls, including but not limited to, preserving a vegetated buffer strip around the lower perimeter of the site;
- (k) Design of Temporary Sediment Ponds and Traps. The applicant shall design and construct all temporary sediment ponds and sediment traps in accordance with the EDDS to accommodate the peak discharge from the 10-year, 24-hour design storm based on the post development site conditions. Periodic removal of trapped sediments shall be performed as necessary, however trapped sediment may also be permanently stabilized on-site;
- (l) Temporary Conveyance Systems. The applicant shall design and construct all temporary storm water conveyance systems to withstand, without erosion, the peak discharge from the 2-year, 24-hour design storm. The peak discharge shall be calculated on the basis of post-development site conditions;

- (m) Prevention of Erosion. The applicant shall design and construct temporary and permanent BMPs adequate to prevent erosion of outlets, adjacent stream banks, slopes and downstream reaches;
- (n) Additional Requirements for Utilities. The installation of underground utility lines shall be subject to the following additional requirements:
  - (i) between October 1 and March 31, no more than 500 feet of continuous trench may remain open at one time unless check dams to reduce flow velocities and prevent erosion are installed in accordance with the Snohomish County Drainage Manual;
  - (ii) excavated material shall be placed on the uphill side of trenches, unless inconsistent with safety or site constraints;
- (o) Discharge from Dewatering Devices. Water from a dewatering device shall discharge into a sediment-retention BMP.

(2)

The applicant shall implement fully the erosion and sedimentation control plan at each stage of site development.

*(Added Ord. 02-064, § 19 (part), Dec. 9, 2002; Amended Ord. 03-013, § 2, March 19, 2003; Amended Ord. 06-061, § 35, Aug. 1, 2007, Eff date Oct. 1, 2007).*

### **30.63A.225 - Tightline systems required in the Lake Stevens UGA.**

All new drainage systems in the Lake Stevens UGA that discharge into stream channels with steep ravine walls greater than thirty-three percent (33%) shall install tightlines (totally enclosed drainage systems) to convey the stormwater from the top of the ravine wall to the stream channel in order to prevent erosion.

*(Added Ord. 03-018, § 3, April 9, 2003, Eff date April 21, 2003).*

### **30.63A.226 - Detention facility design requirements—Weiser Creek, Burri Creek, and Fox Creek basins in the Lake Stevens UGA.**

To size detention facilities for all new development within the Weiser Creek, Burri Creek, and Fox Creek basins in the Lake Stevens UGA, the minimum computation standard shall be a flow duration control standard. Under this standard, the duration of stormwater flows being released from a site after it is developed must not exceed the duration of flows being released from the site before construction of the development for all flows in between fifty percent (50%) of the existing 2-year peak flow rate and the existing 50-year peak flow rate.

*(Added Ord. 03-018, § 4, April 9, 2003, Eff date April 21, 2003).*

### **30.63A.230 - Redevelopment.**

(1)

All requirements of SCC 30.63A.200 through 30.63A.250, shall apply to any portion of a site that is undergoing redevelopment. For quantity controls, calculations of existing site conditions shall assume forested cover. Additional requirements may apply to the entire site, not just the portion subject to redevelopment, consistent with subsections (2) and (3), below.

(2)

If the redevelopment creates and/or replaces five thousand (5,000) square feet or more of impervious surface, the requirements of this subsection shall apply to the entire site.

(a)

Source control to prevent storm water pollution as required under SCC 30.63A.210(4)(a) shall apply to the entire site.

(b)

Water quality treatment to remove storm water pollutants as required under SCC 30.63A.210(4)(b) shall apply to the entire site, unless the applicant demonstrates to the director's satisfaction that the costs of treatment would increase total project cost by more than ten percent (10%) . In such case, the director may allow, for the rest of the site only, a reasonable reduction in area or best management practices required for water quality treatment, so that treatment costs remain below the ten percent threshold, if the applicant demonstrates to the director's satisfaction that the reduction will not have significant negative impacts to aquatic resources downstream of the project, nor cause a violation of the Snohomish County water pollution control ordinance pursuant to chapter 7.53 SCC. In the case of projects to widen or otherwise redevelop an existing road, the site for which water quality treatment is required shall include only the portion undergoing redevelopment, plus that portion of road which fronts on, and drains to or from, the redevelopment.

(3)

The director shall impose additional requirements on the entire site or a portion thereof, including storm water detention, if the director determines that significant flooding, water quality, critical area, or other drainage impacts are likely to be worsened as a result of the redevelopment.

*(Added Ord. 02-064, § 19 (part), Dec. 9, 2002, Eff date Feb. 1, 2003).*

### **30.63A.240 - Detention in wetlands and wetland buffers.**

- (1)** Natural wetlands and created wetlands intended to mitigate for loss of wetlands, shall not be used for water quality treatment. Storm water treatment BMP's shall not be built within a vegetated buffer to a wetland except for necessary conveyance systems.
- (2)** Category 1 and 2 wetlands as classified in SCC 30.62A.230, or SCC 30.62.300 where applicable, and their buffers shall not be used for detention of storm water runoff in lieu of detention or retention facilities required by this chapter.
- (3)** Category 3 wetlands as classified in SCC 30.62A.230 or SCC 30.62.300 where applicable, created wetlands intended to mitigate for loss of wetlands, and their buffers shall not be used for detention of storm water runoff in lieu of detention or retention facilities required by this chapter, except when the applicant demonstrates to the satisfaction of the department that all of the criteria of this subsection have been met.

  - (a)** Alternatives to detention in the wetland are not feasible.
  - (b)** The applicant has complied with the wetlands and fish and wildlife habitat conservation areas regulations of chapter 30.62A SCC or chapter 30.62 SCC where applicable.
  - (c)** Water quality treatment requirements of SCC 30.63A.210(4)(b) are met prior to discharge of storm water runoff into a wetland.
  - (d)** The overall impacts on critical areas within the watershed are beneficial, impacts on the wetland will be minimized, and mitigation is provided for loss of all wetland functions and values as provided in SCC 30.62A.310 or chapter 30.62 SCC where applicable.
  - (e)** Water level fluctuations or hydroperiod in wetlands used for storm water detention will remain similar to those which would be present under natural conditions. Periodic restrictions of outflow, causing temporary increases in storage above normal volumes during storms, may occur if necessary to prevent or minimize flooding and erosion downstream.
- (4)** Category 4 wetlands as classified in SCC 30.62A.230 or in SCC 30.62.300 where applicable, and their buffers shall not be used for detention of storm water runoff in lieu of detention or retention facilities required by this chapter, except when the applicant demonstrates to the satisfaction of the department that either the criteria of subsection (3) or the criteria of this subsection have been met.

  - (a)** The applicant has complied with the wetlands and fish and wildlife habitat conservation areas regulations of chapter 30.62A SCC and the geologically hazardous areas regulations of chapter 30.62B SCC, excluding the reasonable use allowance provisions of SCC 30.62A.540 or with the critical area regulations of chapter 30.62 SCC where applicable, but excluding the reasonable use allowance provisions in SCC 30.62.400.
  - (b)** Water quality treatment requirements of SCC 30.63A.210(4)(b) are met prior to discharge of storm water runoff into a wetland.
  - (c)** Aquatic habitat functions and values of the wetland will be increased through diversification of wetland plant species and control and monitoring of water level fluctuations.
- (5)** If the department approves the use of a natural or created wetland for storm water detention as provided in subsections (3) or (4), the design of the facility must be approved by the director. The design of such a detention facility shall be based on field measurements of water level fluctuations under natural conditions, collected in accordance with a plan approved by the department.
- (6)** Public Regional Detention Facilities. As an alternative to detention in wetlands as provided in subsections (3) or (4), public regional storm water management facilities constructed by public agencies may be located within critical areas and their buffers regulated pursuant to chapters 30.62, 30.62A and 30.62B SCC if alternative sites which provide the same degree of downstream benefits are not available and the facility is designed to prevent or minimize damage to aquatic resources and mitigation is provided in accordance with the requirements of chapter 30.62A SCC for loss of all wetland values and functions.

**30.63A.250 - Modifications or waivers of requirements.**

**(1)**

Additional or more stringent controls.

**(a)**

If, as applied to a particular development activity, the department determines that compliance with the requirements of this chapter will not result in the mitigation of drainage impacts as required by SCC 30.63A.200(2), or protection of public health, safety and welfare, the director may require the modification of plans, specifications and operations or impose additional or more stringent standards and requirements than those specified in this chapter or in any approval or permit, to the extent necessary to achieve the required mitigation of drainage impacts of the development activity and to protect public health, safety and welfare. Such modifications, standards or requirements may be necessary because of unusual or newly discovered site conditions, such as soil type and topography and weather conditions, or factors that affect fish and other biotic resources. Such modifications, standards and requirements may include but are not limited to scheduling, phasing, or time restrictions.

**(b)**

As part of the department's consideration in applying subsection (a), the department shall consider areas which have been designated in a county-adopted Watershed Management Plan as having unique characteristics which may warrant different drainage standards, specifications or requirements. The department may also consider other factors within the watershed that affect fish and other biotic resources.

**(2)**

Waiver or modification at request of applicant. At the written request of the applicant, the director may waive or modify any requirement of this chapter as provided in this subsection. A waiver or modification pursuant to this subsection shall not be valid unless approved by the director in writing with findings of fact.

**(a)**

The applicant's written request for a waiver or modification of a requirement shall specify the specific provision of this chapter for which the waiver or modification is requested; how the intent of the requirement will otherwise be achieved; the reasons for the request; and how the request meets the criteria of subsection (2)(b), below. The request shall be accompanied by payment of the fee required under SCC 30.86.510. The director shall respond in writing within thirty (30) days of receipt of the request, either approving or disapproving the request, or requesting more information. The director shall specify the reasons for any decision.

**(b)**

The director may approve a modification or waiver only upon the applicant demonstrating to the director's satisfaction that:

**(i)**

the waiver or modification will not increase drainage impacts; and

**(ii)**

at least one of the following criteria is met:

**(A)**

compliance with the requirement will not substantially achieve the intended purpose because of unusual site conditions;

**(B)**

compliance with the requirement will impose an undue hardship on the applicant that does not generally occur when the requirement is met on other sites, and the hardship is due to special circumstances on the site such as topography, location or surroundings, and is not the result of the applicant's own actions;

**(C)**

the requirement is not technically feasible;

**(D)**

the requirement will cause or poses a significant threat of harm to public health, safety or welfare; the environment; or public or private property; which harm outweighs the requirement's benefits;

**(E)**

an emergency situation necessitates approval of the waiver or modification;

**(F)**

no reasonable use of the property is possible unless the waiver or modification is approved; or

**(G)**

an alternative technology or approach provides a better way to meet or exceed the protections afforded by this chapter, provided that the director may condition final approval and acceptance of the alternative upon proof of successful operation after construction.

### **30.63A.300 - Maintenance responsibility for drainage facilities.**

The owner shall be responsible for maintenance and operation of on-site drainage facilities, unless the county assumes this responsibility pursuant to SCC 30.63A.320.

(1)

Drainage facilities shall be maintained at all times so that their water quantity and water quality control functions, and access are not impaired; and shall include keeping all drainage facilities and access areas free of accumulated debris or trash, and all impervious surfaces free from sediment.

(2)

Maintenance of all drainage facilities shall be conducted by the responsible party in compliance with an operation and maintenance plan for drainage facilities developed in accordance with the requirements of this chapter.

(3)

Any modification to detention facilities for maintenance which is not part of an approved maintenance schedule will require prior approval by the county. A revision to the approved plans, drainage computations or maintenance schedule shall require resubmittal to the county for approval prior to modification.

*(Added Ord. 02-064, § 19 (part), Dec. 9, 2002, Eff date Feb. 1, 2003).*

### **30.63A.310 - Interim maintenance responsibility after construction acceptance.**

The applicant or owner of any drainage facility shall be responsible for maintenance of the drainage facilities, including that portion within the county road right-of-way, for a period of two years following construction acceptance by the county pursuant to SCC 30.63A.185, or through the release of any warranty security and maintenance security pursuant to SCC 30.63A.400 through 30.63A.440 whichever is later. The county may periodically inspect the drainage facilities for maintenance and may enforce the maintenance requirements pursuant to this chapter. The applicant or owner shall provide a warranty security and maintenance security as may be required pursuant to SCC 30.63A.400 through 440. Verification of maintenance and county approval shall be obtained in writing prior to release of any warranty or maintenance security. If inspection during this period identifies deficiencies in maintenance of the drainage system, the applicant or owner shall correct such deficiencies within the time specified by the department.

*(Added Ord. 02-064, § 19 (part), Dec. 9, 2002, Eff date Feb. 1, 2003).*

### **30.63A.320 - Release of applicant from maintenance responsibility for certain drainage facilities.**

After release of the warranty security and maintenance security, if the county's inspection verifies that the drainage system has been adequately maintained and is functioning in accordance with the design, the owner and applicant shall be released from responsibility for maintaining those elements of the drainage system that are within the county road right-of-way. Where the owner of drainage facilities located outside the county road right-of-way offers to dedicate the facilities to the county, if the director of public works determines that the drainage facilities should become a part of a county maintained regional system, the county may accept the offer of dedication, and the owner and applicant shall thereafter be released from maintenance responsibility for the dedicated tract.

*(Added Ord. 02-064, § 19 (part), Dec. 9, 2002, Eff date Feb. 1, 2003).*

### **30.63A.330 - Easements granted to the county.**

(1)

To protect the public from flooding, water quality degradation, damage to aquatic habitat, and other drainage impacts, easements shall be granted to the county for the right to enter property, at the county's discretion, for the purpose of inspecting, maintaining, modifying, or replacing the following drainage facilities when such drainage facilities are constructed to serve a proposed development activity and are located on the site of the proposed development activity:

(a)

All detention facilities, retention facilities, and storm water treatment facilities;

(b)

Access routes constructed in accordance with the requirements of SCC 30.63A.210(5);

(c)

Conveyance systems that conduct storm water from a public or private right-of-way to detention facilities, retention facilities, and storm water treatment facilities;

(d)

Closed-conduit conveyance systems that conduct water downstream of a public or private right-of-way;

(e)

Closed-conduit conveyance systems that conduct storm water from detention facilities, retention facilities, and storm



water treatment facilities downstream to a public right-of-way;

(f)

Any other privately-owned drainage system, if the director determines that damage to a public right-of-way or county property, or a threat to public health, safety, and welfare may occur if the drainage system does not function properly; and

(g)

Any other drainage easements offered by the owner of the subject property which may be accepted by the director if the director determines the easement serves the public interest.

(2)

If the granting of easements required under subsection (1) would prevent an applicant or owner from making any economically viable use of the site, the applicant or owner may apply for a reasonable use allowance from the director to modify the easement requirements. In granting a reasonable use allowance, the director shall make the minimum modification of the easement requirements necessary to allow an economically viable use of the site.

(3)

All easements granted to the county under subsection (1) shall grant access from an opened public right-of-way.

(4)

Easements granted to the county under subsection (1) shall be twenty (20) feet in width:

(a)

The required width may be increased by the director of public works to the minimum extent necessary when the director of public works determines there are special circumstances applicable to the site or the intended use, for which a wider easement is necessary to allow adequate maintenance of the proposed drainage facility; or

(b)

The required width may be reduced by the director of public works when the director of public works determines there are special circumstances applicable to the site or the intended use, including but not limited to, shape, topography, location, or surroundings, which do not generally occur on other sites and which render it infeasible to develop the property for uses allowed under zoning, or which impose undue hardship, provided that the director of public works also determines the proposed drainage facility can be adequately maintained with the reduced easement width.

(5)

The easement shall be documented and submitted to the department in a form specified by the director.

(6)

Prior to accepting the easement, the director may require the removal of all encumbrances which are inconsistent with the purposes for which the easement is being granted.

(7)

The owners with a record interest in the property shall sign the easement document, and execute and record a covenant which runs with the land and binds the property, requiring the owners of the property burdened by the easement to maintain the easement and their adjacent property.

(8)

No fill, structures, fences, walls, rip rap, buildings or other similar encumbrances to access or restrictions to the flow of water may be placed within the drainage easement without the written consent of the director of public works. Encumbrances placed within a drainage easement in violation of this restriction may be removed by the county at the sole expense of the owner. The county shall endeavor to provide the property owner reasonable advance notification of the need to remove the encumbrance and a reasonable opportunity for the property owner to remove the encumbrance. The property owner shall reimburse the county for the cost of removing encumbrances placed within an easement in violation of this code. Payments shall be made within ninety days of the day the county submits a bill for costs. In the event of nonpayment, the county may bring suit to recover such costs, including its attorney's fees, and upon obtaining a judgment, such amount shall become a lien against the property of the owner as provided in RCW 4.56.190.

*(Added Ord. 02-064, § 19 (part), Dec. 9, 2002, Eff date Feb. 1, 2003).*

### **30.63A.340 - Drainage easements.**

All drainage facilities specified in an approved drainage plan except for conveyance systems serving only one single family residential lot shall be contained within recorded easements granted exclusively for the purpose of conveying or storing storm water runoff. Such easements shall be established for the benefit of all real property for which such drainage facilities have been designed to convey or store storm water runoff. The easements shall be documented and submitted to the department in a form specified by the director prior to recordation.

*(Added Ord. 02-064, § 19 (part), Dec. 9, 2002, Eff date Feb. 1, 2003).*

### **30.63A.350 - Maintenance covenant.**

(1)

The owners with a record interest in the private drainage facilities specified in SCC 30.63A.340 shall sign and record a covenant which runs with the land and requires the owners of the property, and their heirs, successors and assigns to

maintain the drainage facilities. The covenant shall be in a form specified by the director. The restrictions set forth in such covenant shall include, but not be limited to a description of the owner's maintenance responsibilities and obligations, the right of entry for inspection by the county, and provisions for notice to the persons holding title to the property of a county determination that maintenance and/or repairs are necessary to the facility and a reasonable time limit in which such work is to be completed.

(2)

If required maintenance has not been performed, the county may cause said maintenance to be done at the sole expense of the owner. The county shall endeavor to provide the property owner reasonable advance notification of the need to do the maintenance and a reasonable opportunity for the property owner to perform it. The property owner shall reimburse the county for the cost of performing maintenance which the owner has failed to perform in violation of this code. Payments shall be made within ninety days of the day the county submits a bill for costs. In the event of nonpayment, the county may bring suit to recover such costs, including its attorney's fees, and upon obtaining a judgment, such amount shall become a lien against the property of the owner as provided in RCW 4.56.190.

*(Added Ord. 02-064, § 19 (part), Dec. 9, 2002, Eff date Feb. 1, 2003).*

### **30.63A.360 - Separate tracts for detention facilities.**

Detention facilities, retention facilities, and storm water treatment facilities serving residential lots, and access roads serving these facilities, shall be placed in one or more separate tracts owned in common by the property owners served by the facility or owned by a homeowner's association, who shall be responsible for maintenance of such facilities unless dedicated to the county, unless allowed in easements and/or private roads pursuant to SCC 30.63A.250(2) subject to a decision of the director. An applicant may request the installation of detention facilities in public rights-of-way pursuant to SCC 30.63A.250(2) subject to a decision of the director of public works.

*(Added Ord. 02-064, § 19 (part), Dec. 9, 2002, Eff date Feb. 1, 2003).*

### **30.63A.400 - Security and insurance.**

To ensure that all work or actions required by this chapter are satisfactorily performed and completed in accordance with the approved plans, specifications, permit or approval requirements or conditions, securities and insurance shall be provided as required by this chapter and chapter 30.84 SCC.

*(Added Ord. 02-064, § 19 (part), Dec. 9, 2002, Eff date Feb. 1, 2003).*

### **30.63A.410 - Performance security—Requirements.**

(1)

Prior to permit or approval. 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 for installation and maintenance of erosion and sediment control measures, including an amount sufficient to abate potential adverse impacts to public and private drainage facilities in the event of failure to complete the project.

(2)

Prior to recordation or certificate of occupancy. The applicant for any development activity for which a drainage plan is required who wishes to construct a portion of the required drainage facilities after recordation of the final subdivision or short subdivision or issuance of the certificate of occupancy, shall submit a performance security pursuant to this subsection in a form acceptable to the director prior to obtaining approval of final subdivision or short subdivision or a certificate of occupancy. The director may only accept the performance security for this purpose for drainage facilities for which delayed construction does not pose a threat of significant adverse drainage impacts, as determined by the director. In no case shall the director accept the performance security for delayed construction of retention facilities, detention facilities, storm water treatment facilities, and associated conveyance systems, or erosion and sedimentation control facilities.

The performance security required pursuant to this subsection shall be in the amount of 110 percent of the greater of either:

(a)

The estimated cost, as determined by the department, of constructing all drainage facilities as specified in the approved drainage plan, or

(b)

The estimated cost, as determined by the department, of monitoring drainage facility performance and designing and constructing any corrective work plus other mitigation measures which may be necessary to correct the effects on-site and off-site of inadequate or failed workmanship, materials or design. The estimated costs shall also include related incidental and consequential costs, and the cost of inspection of the work by the department. The performance security shall remain in effect until final inspection and construction acceptance by the county of all drainage facilities specified by the drainage plan, which may occur up to two (2) years after recordation of a final subdivision or short subdivision or issuance of a certificate of occupancy. The performance security shall not be released until a warranty security is accepted pursuant to SCC 30.63A.420.

If the work required by this chapter is not satisfactorily completed by the applicant within two years after recordation or issuance of a certificate of occupancy, the applicant shall forfeit the performance security to the county. Where a surety bond is posted by the applicant, the surety company shall be required, at the option of the department, to either pay the security amount to the county upon demand or complete the work according to the county's terms and conditions. Forfeiture of the performance security hereunder shall be in addition to any other legal or equitable remedy available to the county.

*(Added Ord. 02-064, § 19 (part), Dec. 9, 2002, Eff date Feb. 1, 2003).*

*(Amended Ord. 09-077, § 8, Aug. 26, 2009, Eff date Sept. 19, 2009)*

### **30.63A.420 - Warranty security—Requirements.**

(1)

After final inspection and acceptance of all drainage facilities required by an approved full drainage plan and before recordation of a subdivision or short subdivision or issuance of a certificate of occupancy and before the release of any performance bond required pursuant to SCC 30.63A.410(2), the applicant shall furnish the department a warranty security in a form acceptable to the director in the amount of 110 percent of the estimated cost, as determined by the department, of monitoring drainage facility performance and designing and constructing any corrective work plus other mitigation measures which may be necessary to correct the effects on-site and off-site of inadequate or failed workmanship or materials, or defective design. The estimated cost shall also include related incidental and consequential costs, and the cost of inspection of the work by the department.

(2)

The warranty security shall remain in effect for a period of two (2) years after final inspection and construction acceptance by the county of all drainage facilities specified by the drainage plan. Where a project is completed in phases, the warranty period shall begin to run after completion and acceptance by the county of the first phase of the work and shall remain in effect for a period of two (2) years after final inspection and construction acceptance of the final phase.

(3)

Release of the warranty security by the county shall constitute final approval of the drainage facilities of the development activity.

(4)

If, during the period the warranty security is in effect, the drainage facilities required by an approved full drainage plan do not perform or function satisfactorily or do not accomplish their intended purpose, the department shall notify the applicant and specify an appropriate time in which the applicant shall cure the unsatisfactory performance or perform corrective or restoration work as required. If this additional work is not performed by the applicant either within the time specified or in a manner acceptable to the department, the applicant shall forfeit the warranty security to the county. Where a surety bond is posted, the surety company shall be required, at the option of the department, to either pay the security amount to the county upon demand, or complete the additional work according to the county's terms and conditions. Forfeiture of the warranty security shall be in addition to any other legal or equitable remedy available to the county.

*(Added Ord. 02-064, § 19 (part), Dec. 9, 2002, Eff date Feb. 1, 2003).*

*(Amended Ord. 09-077, § 9, Aug. 26, 2009, Eff date Sept. 19, 2009)*

### **30.63A.430 - Maintenance security—Requirements.**

(1)

Prior to the release of any warranty security required pursuant to SCC 30.63A.420, the applicant shall furnish the department maintenance security in a form acceptable to the director in the amount of 10 percent of the warranty security required pursuant to SCC 30.63A.420 or \$5,000, whichever is greater.

(2)

The maintenance security shall remain in effect for a period of one (1) year beginning from the date of release of the warranty security and final approval of the drainage facilities of the development activity, pursuant to SCC 30.63A.420.

*(Added Ord. 02-064, § 19 (part), Dec. 9, 2002, Eff date Feb. 1, 2003).*

### **30.63A.440 - Insurance requirements.**

(1)

When required. When drainage facilities are constructed within county rights-of-way, the department shall require an applicant subject to this title to obtain occurrence form commercial general liability insurance against personal injury and property damage or loss resulting from activities undertaken pursuant to a permit or approval, or conditions caused by such activities under this chapter.

- (2) Coverage amount and terms. The policy shall be in an amount determined by the director of the department of budget and finance to be commensurate with the risk to the public involved, and shall be at a minimum amount of \$1,000,000.00 per each occurrence. The policy shall be maintained continuously for the duration of the work undertaken pursuant to the permit or approval, and for an additional three years after the county has given final approval or has accepted construction. The policy shall contain appropriate endorsements and amendments as are required by the director of the department of budget and finance, and shall name "Snohomish County, its officers, elected and appointed officials, employees and agents" as an additional insured.
- (3) Notice of cancellation or modification of coverage. The policy shall provide that the director shall be notified by certified mail of any modification or cancellation of the policy at least 30 days prior to any such modification or cancellation. If the insurance is canceled and not replaced, or modified, the director may revoke the permit or approval.
- (4) Proof of insurance. The applicant shall provide evidence of the existence and continuation of the insurance for the required period to the director of the department of budget and finance in accordance with the requirements of the director of budget and finance, which shall include one or more of the following:
- (a) An original binder of insurance signed by an authorized broker of the insurance carrier reciting the above coverage, accompanied by a letter of clarification if requested;
  - (b) A copy of the "declarations" pages of the policy, reciting the above coverage; or
  - (c) A copy of the complete policy.
- (5) Approval by the director of the department of budget and finance. The insurance carrier must be authorized to transact business within the State of Washington. The insurance carrier and policy shall be subject to the approval of the director of the department of budget and finance.

*(Added Ord. 02-064, § 19 (part), Dec. 9, 2002, Eff date Feb. 1, 2003).*