

Snohomish County Department of Public Works (DPW) Rule # 5001 REVISED

Adopted on October 16, 2020, and effective October 19, 2020,
Pursuant to Chapter 30.82 Snohomish County Code (SCC) – Rulemaking

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5001.000 Rule Name

Procedures for Ensuring Compliance with Chapters 30.63A (Drainage) and 30.63B (Land Disturbing Activity) SCC and other applicable chapters of Title 30 SCC for Projects Performed Under the Authority of the Director of the Department of Public Works (DPW) or the County Engineer pursuant to SCC 30.63A.040 and SCC 30.63B.100. These projects are hereinafter referred to as “DPW Project” or “DPW Projects.”

5001.010 Authority

This rule is adopted pursuant to SCC 30.63A.040, SCC 30.63B.100, and SCC 30.82.010.

5001.020 Purpose

The purpose of this Rule is to establish administrative procedures and tools for DPW Projects that require an LDA Permit in order to achieve and document compliance with the substantive requirements of Chapters 30.63A SCC and 30.63B SCC, together with those critical area regulations (CARs) set forth in Chapters 30.62A SCC (Wetlands and Fish & Wildlife Habitat Conservations Areas), 30.62B SCC (Geologically Hazardous Areas) and 30.62C SCC (Critical Aquifer Recharge Areas), and other applicable provisions of Title 30 SCC.

5001.030 **Applicability**

This Rule applies to all DPW Projects where the DPW Director or the County Engineer elects to self-administer and ensure compliance with the substantive requirements of the Drainage and LDA chapters and other applicable provisions of Title 30 SCC pursuant to SCC 30.63B.100. DPW Projects shall include, but not be limited to, projects constructed by DPW staff, consultants, contractors, or any other person under the control of the DPW Director or the County Engineer via contract, interlocal agreement, or similar means, and this Rule shall apply during project stormwater site planning, design, environmental review and throughout construction administration and acceptance.

5001.040 **Department of Public Works Assignment of Authority**

The DPW Director, County Engineer and the DPW division directors shall have concurrent authority to implement this Rule and certify compliance with the substantive requirements of the Drainage and LDA chapters and other applicable provisions of Title 30 SCC. For all compliance elements other than those described in Section 5001.050.01, below, DPW division directors may in turn assign this responsibility to appropriately trained or licensed division staff with the concurrence of the DPW Director or the County Engineer. A written list of names and/or job titles of all such DPW division staff to whom such authority has been assigned by their respective DPW division director shall be kept on file with the County Engineer.

5001.050 **Procedures**

5001.050.01 LDA Application, Vesting and Public Notice of LDA Application

DPW Projects shall vest as of the date the County Engineer approves a Design Report or Memorandum as set forth in SCC 30.70.300. The Design Report or Memorandum shall be deemed to be functionally equivalent to the Date of LDA Application and shall be subject to Public Notice per SCC 30.70.050(1). The Design Report or Memorandum shall set forth in sufficient detail the proposed design of the DPW Project, which shall include, at a minimum, the project description, location, known design criteria, anticipated permits, technical reports, deviations, modifications or waivers required, and estimated schedule and costs. A signed and completed SEPA Checklist per SCC 30.61.057(1)(a) will also be prepared. To the extent any exemptions from the substantive requirements of the Drainage and LDA chapters and other chapters in Title 30 SCC are deemed applicable to the DPW Project, the Design Report or Memorandum shall set forth the basis for all such exemptions.

5001.050.02 Environmental Review (SEPA) and Public Notice of SEPA Decision

Pursuant to SCC 30.61.045, DPW is the “lead department” for purposes of SEPA review for DPW Projects. In accordance with SCC 30.61.055, the DPW Director/County Engineer or their designee, is recognized as the “Responsible Official” authorized to take those actions set forth in SCC 30.61.055 for those projects under which DPW is the lead department including SEPA exemption determinations and SEPA threshold determinations. A SEPA threshold determination shall be issued for all DPW Projects

subject to this Rule prior to issuance of LDA Decision unless the project is determined by the DPW Director/County Engineer, or their designee, to be exempt from SEPA or for which a SEPA programmatic determination has been made.

SEPA Public Notices shall be issued per SCC 30.61.110 or defer issuance by combining with the Notice of LDA Decision per Section 5001.050.05, below.

5001.050.03 Determination of Compliance with Chapter 30.62A SCC – Design Stage

Where available mapping, records or site inspection indicate the presence of critical areas within and/or near the DPW Project site, the DPW Project proponent may consult and initiate a work request with DPW's Environmental Services Section (ENVS) to delineate critical areas, identify required buffers and prepare a critical area study (CAS) in accordance with Chapter 30.62A SCC (Wetlands and Fish & Wildlife Habitat Conservation Areas). However, where a particular DPW division undertaking the DPW Project has qualified personnel or consultants capable of performing such delineation of critical area boundaries and buffers, said division may prepare the delineation together with all other plans, reports and studies required by Chapter 30.62A SCC. ENVS staff shall be responsible for establishing procedural standards of compliance for all DPW Projects to include checklists and other guidance compliant with Chapter 30.62A SCC. When delineation of critical area boundaries and buffers is performed by a DPW division's qualified personnel or consultants as set forth above, ENVS staff may be consulted for review prior to the issuance of a DPW Project's certificate of compliance for Chapter 30.62A SCC by a division director or his/her designee.

5001.050.04 Determination of LDA, Drainage and Other SCC Compliance – Design Stage

Each DPW division shall adopt a checklist/tool in a form to be approved by the DPW Director or County Engineer which ensures and documents compliance with the Drainage and LDA chapters and other applicable provisions of Title 30 SCC, such as Chapters 30.62B and 30.62C SCC, with the exception of Chapter 30.62A SCC. The checklist or tool to be used by each DPW division shall demonstrate the manner in which compliance is determined, and shall be submitted to and maintained on file with the County Engineer. All checklists/tools shall be of similar substantive content to the extent applicable to those projects performed by each division, and shall include a mechanism for documenting modifications and waivers in accordance with SCC 30.63B.100(1)(c).

The Project Manager or assigned DPW staff shall ensure completion of all the DPW Project's plans and reports required by the Drainage and LDA chapters for purposes of evaluating compliance with the substantive requirements of such chapters deemed applicable to the DPW Project (including stormwater site planning, design, and environmental review and other applicable provisions of Title 30 SCC), together with the basis for any waivers or modifications proposed, in accordance with the checklist/tool of the division, which shall be included in the permanent DPW Project file.

Compliance with the substantive requirements of the Drainage and LDA chapters and other applicable provisions of Title 30 SCC shall be determined by those in authority described in Section 5001.040, using the checklists/tools on file for the DPW Project under review. Date of Decision of compliance shall be documented, included in the permanent DPW Project file, and shall be subject to Public Notice per Section 5001.050.05, below, to be administered by ENVS.

5001.050.05 Public Notice of LDA Decision to Parties of Record

If a DPW Project is deemed compliant with the substantive requirements of the Drainage and LDA chapters and other applicable provisions of Title 30 SCC, in accordance with Section 5001.050.04

above, a Public Notice of LDA Decision shall be issued to parties of record by the County Engineer or designee and administered through ENVIS. The Notice of LDA Decision shall be given in accordance with Chapter 30.71 SCC in such form as approved by the DPW Director or County Engineer and shall be subject to the same appeal procedures set forth therein applicable to Type 1 administrative decisions.

If Public Notice for SEPA Threshold Determination has not been previously given, Notice of LDA Decision and SEPA Threshold Determination may be combined, per SCC 30.70.080.

5001.050.06 LDA Permit Issuance

If the LDA Decision approves the application those in authority described in Section 5001.040 above shall issue an LDA Permit for the DPW Project in accordance with the terms and conditions set forth in Section 5001.050.04 upon expiration of the 14-day appeal period following issuance of the Notice of Decision set forth in Section 5001.050.05 above; Provided, however, if an appeal is timely filed such appeal shall stay the effect of the permit in accordance with SCC 30.71.055.

5001.050.07 LDA Permit Revisions and Compliance – Construction Stage

The Project Manager or assigned DPW staff shall ensure that all construction is done per the approved LDA Permit which is included in the DPW Project's specifications and kept on the construction site at all times along with copies of all other relevant permits. A schedule of inspections shall be established meeting the minimum requirements set forth in SCC 30.63B.310 through SCC 30.63B.350. Where applicable, compliance with the requirements in SCC 30.63B.360 will be documented in the project file.

Field adjustments recommended for design or engineering purposes to address field conditions which do not materially alter the size, shape, configuration, location, or function of the project as set forth in the approved LDA Permit are deemed to be contemplated by the approved LDA Permit and may be approved by the Project Manager or assigned DPW staff in the field. All other revisions to the approved LDA Permit shall be processed in accordance with Chapter 30.70 SCC. Any minor revision to an approved LDA permit meeting the requirements of SCC 30.70.210 may be administratively approved by the DPW Director, County Engineer, DPW division directors or DPW staff to whom such authority has been assigned.

5001.060 Use of Existing Documents and Construction Practices

Pursuant to SCC 30.63B.100(1)(b), identical or functional equivalents of required plans and reports necessary to comply with the substantive requirements of the Drainage and LDA chapters and other applicable provisions of Title 30 SCC may be used for DPW Projects described in Section 5001.030 of this Rule. The DPW Director, the County Engineer, DPW division director or the DPW staff with assigned responsibilities may utilize information and practices contained or described in such documents. These include, but are not limited to, Design Memoranda, Design Reports, stormwater site plans, special topic reports (geotechnical reports, zero rise analysis, etc.), site plans, construction drawings, specifications, contracts, inspection reports, as-built surveys, final approved drawings, policies, procedures, project management handbooks or other documents determined by DPW staff to be the functional equivalent of the substantive requirements of Title 30 SCC. The use of any functional equivalent document and its

description shall be identified in the compliance documentation described in Section 5001.050 of this Rule.

5001.070 Planning and Development Services (PDS) Consultation

Pursuant to SCC 30.63B.100(3), the DPW Director, the County Engineer, DPW division director or the DPW staff with assigned responsibilities may schedule a consultation with PDS staff by following the pre-application process in SCC 30.70.020 to discuss project compliance issues and to obtain assistance understanding Title 30 SCC requirements. The appropriate consultation fee under SCC 30.86.510(2) shall be paid by DPW.

5001.080 Rule Replaces and Supersedes All Prior and Related Policies and Procedures

This rule is intended to replace and supersede all prior Policies and Procedures adopted by DPW or any DPW division director purporting to implement former Rule 5001 to the extent inconsistent herewith.