

From: Tim Smith
Sent: Wednesday, February 22, 2017 12:01 PM
To: Tim Smith
Subject: NOTICE TO APPLICANTS - UPDATED NOTICE, City of Olympia new Low Impact (LID) Stormwater Standards

Dear Applicants,

On November 9, 2016 the City of Olympia distributed a notice via email to project applicants regarding the City's new low impact development (LID) stormwater standards. As of December 1, 2016, all new development and redevelopment projects, regardless of size, are required to manage stormwater runoff according to the City of Olympia Drainage Design and Erosion Control Manual (DDECM). This includes stormwater runoff from construction sites and projects involving demolition, clearing and grading. The City has developed a website that provides information on the new standards: <http://olympiawa.gov/ddecmm>. If you have questions about the new stormwater standards, please contact Water Resources Engineer Jake Lund at 360.753.8152 or jlund@ci.olympia.wa.us.

Following this notice was a December 29, 2016 decision of the Washington State Supreme Court, *Snohomish County, et. al. v. Pollution Control Hearings Bd., et., 92805-3*. The Court found that the State vested rights doctrine does not apply to storm water regulations that cities and counties adopt to implement the National Pollutant Discharge Elimination System permitting program. As a result of this decision, the City takes the position that the City's new stormwater standards also apply to City permit applications submitted prior to December 1, 2016, which have not started construction by January 1, 2022 (date set by Phase II Municipal Stormwater Permit). In accordance with the municipal stormwater permit, "started construction" means the site work associated with, and directly related to the approved project has begun. For example: grading the project site to final grade or utility installation.

Please contact me with questions about your land use project. My contact information is below. Should you have additional questions regarding vesting, the *Snohomish County* decision itself and how it applies to stormwater regulations, please consult your own attorney. Only your own attorney can provide you legal advice.

The Municipal Research and Services Center (MRSC) website has additional information on this topic: <http://mrsc.org/Home/Explore-Topics/Legal/Planning/Vested-Rights.aspx>

Sincerely,

Tim Smith, AICP | Principal Planner
City of Olympia Community Planning & Development
P.O. Box 1967 | 601 4th Avenue E | Olympia, WA 98507-1967
(360) 570-3915
tsmith@ci.olympia.wa.us