



PERMIT CENTER

HANDOUT FOR THE DEVIATION PROCESS FROM THE MINIMUM REQUIREMENTS OF THE SURFACE WATER MANAGEMENT MANUAL

Informational Brochure

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Prepared By:

City of Auburn

Customer service center

(253) 931-3010
FAX (253) 931-3053

This handout describes the deviation process for exception to the ten Minimum Requirements of the City of Auburn Surface Water Management Manual. These requirements are as follows:

1. Stormwater Site Plan
2. Construction Stormwater Pollution Prevention Plan
3. Source Control of Pollution
4. Preservation of Natural Drainage Systems
5. On-site Stormwater Management
6. Runoff Treatment
7. Flow Control
8. Wetlands Protection
9. Operation and Maintenance
10. Off-site Analysis and Mitigation

Deviations from the ten Minimum Requirements of the City of Auburn Surface Water Management Manual may be requested, in writing, in accordance with ACC 13.48.226 to allow a waiver of a requirement, a reduction or modification of a requirement, or to permit an alternative requirement. Public notice of application for a deviation, decision, and written findings will be published in accordance with ACC 13.48.226. Deviations must meet the following criteria:

- The minimum requirements would impose a severe and unexpected economic hardship; and
- The deviation will not increase risk to the public health and welfare, nor injurious to other properties in the vicinity and/or downstream, and to the quality of waters of the state; and
- The deviation is the least possible exception that could be granted to comply with the intent of the Minimum Requirements.

In accordance with ACC 13.48.226, the City Engineer may grant a deviation following a documented finding that:

The deviation is likely to be equally protective of public health, safety and welfare, the environment, and public and private property, as the requirement from which an exception is sought.

OR

Substantial reasons exist under ACC 13.48.226 C., for approving the requested deviation and the deviation will not cause significant harm. The substantial reasons may include, but are not limited to:

- The requirement to be imposed is not technically feasible; or
- An emergency situation necessitates approval of the deviation; or
- No reasonable use of the property is possible unless the deviation is approved; or

- The requirement would cause significant harm or a significant threat of harm to public health, safety and welfare, the environment, or to public and private property, or would cause extreme financial hardship which substantially outweighs its benefits.

The decision to grant a deviation is within the sole discretion of the City, and the City Engineer shall only approve a deviation to the extent it is necessary. The City Engineer may impose new or additional requirements to offset or mitigate harm that may be caused by approving the deviation. The City Engineer may require the applicant to submit a licensed engineer's report or analysis along with a request, in writing, for a deviation. Deviations are intended to maintain necessary flexible working relationship between the City and applicants.

The approval of a deviation shall not be construed to be an approval of any violation of any of the other provisions of the City's Municipal Code, or of any other valid law of any governmental entity having jurisdiction.

Applications for a deviation from the Minimum Requirements of ACC13.48.225 must be in writing and include the following information:

1. The current (pre-project) use of the site, and
2. How the application of the minimum requirement(s) restricts the proposed use of the site compared to the restrictions that existed prior to the adoption of the minimum requirements; and
3. The possible remaining uses of the site if the deviation were not granted; and
4. The uses of the site that would have been allowed prior to the adoption of the minimum requirements; and
5. A comparison of the estimated amount and percentage of value loss as a result of the minimum requirements versus the estimated amount and percentage of value loss as a result of requirements that existed prior to adoption of the minimum requirements; and
6. The feasibility for the owner to alter the project to apply the minimum requirements.

The following public notice requirements apply whenever a request for an exception to the Minimum Requirements contained in ACC 13.48.225 is received by the City:

- Public notice (Notice) shall be made to inform the public about the contents of the Request and the City Engineer's decision to grant or deny it. Notice of the Request and the decision to grant or deny the Request may be combined.
- The Notice shall be published, at the requestor's cost, in the City's newspaper of record and a local newspaper of general circulation within Auburn.
- The Notice shall include: (i) a brief description of the Request; (ii) a brief description of the City Engineer's decision to grant the Request and reasons supporting the decision, or a statement that the request is denied; (iii) where the

Request can be reviewed; and (iv) the name and contact information of a City employee who can answer questions regarding the Request.

- The City shall provide a hardcopy of the City Engineer's decision to grant or deny a Request to the requester. The City Engineer's decision to approve or deny a Request shall include a reference to the procedures in City of Auburn Engineering Design Standards for contesting such a decision.