

## **Chapter 15.45**

### **STORMWATER MANAGEMENT**

#### Sections:

- Article I. Purpose
  - 15.45.010 Need and Purposes.
- Article II. Definitions
  - 15.45.020 Definitions.
- Article III. General Provisions
  - 15.45.030 Applicability
  - 15.45.040 More Strict Applies.
  - 15.45.050 Administration.
  - 15.45.060 Review.
  - 15.45.070 Duration of Approval.
  - 15.45.080 Interpretation.
- Article III. Regulated and Allowed Activities
  - 15.45.090 Regulated Activities.
  - 15.45.100 Exemptions.
- Article V. Permit Requirements
  - 15.45.110 General Requirements.
  - 15.45.120 Technical References.
  - 15.45.130 Application for Approval.
  - 15.45.140 Description of Application Elements.
  - 15.45.150 Abbreviated Storm Drainage Plans.
- Article VI. Design Criteria and Guidelines
  - 15.45.160 Discharge at Natural Location.
  - 15.45.170 Off-Site Analysis.
  - 15.45.180 Easements, Tracts and Covenants.
  - 15.45.190 Runoff Control.
  - 15.45.200 Computation Methods.
  - 15.45.210 Hydrologic Analysis and Design Process.
  - 15.45.220 Stormwater Discharge Control Requirements.
  - 15.45.230 Infiltration Basins.
  - 15.45.240 Water Quality.
  - 15.45.250 Illicit Discharges, Connections and Uses.
  - 15.45.260 Pollution Control Device Maintenance.
  - 15.45.270 Exemptions.
  - 15.45.280 Source Control BMP's.
  - 15.45.290 Runoff Treatment BMP's.
  - 15.45.300 Streambank Erosion Control BMP's.
  - 15.45.310 Erosion and Sedimentation Control BMP's.
  - 15.45.320 Wetland Quality Control BMP's.
- Article VII. Maintenance and Operation
  - 15.45.330 General Provisions.
  - 15.45.340 Maintenance of Stormwater Facilities by Owners.
  - 15.45.350 Maintenance Covenant Required for Privately Maintained Drainage Facilities.
  - 15.45.360 Financial Responsibility.
- Article VIII. Review and Approval
  - 15.45.370 General Provisions.
  - 15.45.380 Final Project Approval.
- Article IX. Fees
  - 15.45.390 General Provisions.
- Article X. Covenants, Securities and Bonds
  - 15.45.400 Liability.
  - 15.45.410 Securities.
  - 15.45.420 Performance Covenant for Site Stabilization.
  - 15.45.430 Performance Surety for Site Stabilization.
  - 15.45.440 Performance Surety for Uncompleted Site Improvements.
  - 15.45.450 Maintenance Bond.
- Article XI. Procedures and Enforcement
  - 15.45.460 Approval.
  - 15.45.470 Variance.
  - 15.45.480 Minor Technical Accommodation.

- 15.45.490 Appeals.
- 15.45.500 Penalties and Enforcement.

**Article I. Purpose**

**15.45.010 Need and Purposes.**

(1) An expanding population and increased construction of improvements on land coupled with inadequate drainage control have led to stormwater runoff problems affecting both lives and properties. These problems contribute to: 1) increased sedimentation in ponds, creeks, and rivers; 2) degradation of water quality and fish and wildlife habitat through uncontrolled, excess discharge of increased water runoff and transmission of contaminants such as nutrients, oil, grease, and other detrimental substances; 3) uncontrolled water runoff on streets and highways; and 4) erosion and flooding of adjacent and downstream properties.

(2) Future problems could be reduced if building and construction activities, both public and private, provide for adequate stormwater quality and quantity controls. To help protect individual property rights, preserve fish habitat, and promote sound development activities which respect and preserve water quality, Lewis County has adopted the following requirements for both temporary and long-term stormwater management.

(3) The provisions of this Chapter are intended to guide and advise those who conduct new development or redevelopment within Lewis County. The provisions establish the minimum level of compliance which must be met to permit a property to be developed or redeveloped, as defined below, within Lewis County. [Ord. 1161 §1, (1998)]

**Article II. Definitions**

**15.45.020 Definitions.**

The following definitions of terms shall apply to this Chapter:

(1) “Abbreviated Plan” shall mean a Stormwater Plan as specified in Articles V & VI having considerably fewer requirements.

(2) “Administrator” shall mean the Director of Public Works or his/her authorized designee.

(3) “Approval” shall mean the proposed work or completed work conforms to this Chapter in the judgment of the Administrator, or his/her authorized designee.

(4) “Applicant” shall mean the person, party, firm, corporation, or other legal entity that proposes to engage in site development activities in Lewis County by submitting an application for any of the activities covered by this Chapter on a form furnished by the County and paying the required application fees.

(5) “Best Management Practice (BMP)” shall mean as set forth under LCC 17.30.090, 17.35.100, and 17.35.105.

(6) “Biofiltration/Biofilter Facilities” shall mean vegetative BMPs which treat stormwater by filtration through vegetation. Biofiltration facilities include, but are not limited to, grassed or vegetated swales and filter strips.

(7) “Civil Engineer” shall mean a professional engineer licensed in the State of Washington in Civil Engineering.

(8) “Clearing or land clearing” shall be as set forth under LCC 17.35.125.

(9) “County” shall mean Lewis County.

(10) “County Commissioners” shall mean the Lewis County Board of County Commissioners.

(11) “Critical Areas” shall mean as set forth under LCC 17.35.150.

(12) “Design Storm Event” shall mean a theoretical storm event, of a given frequency interval and duration, used in the analysis and design of a stormwater facility.

(13) “Detention Facilities” shall mean stormwater facilities designed to store runoff while gradually releasing it at a pre-determined controlled rate; and also includes all appurtenances associated with their designed function, maintenance, and security.

(14) “Developed Site” shall mean the condition of the development site following completion of construction of the development including all approved phases of construction.

(15) “Development” shall mean any project that requires building, mobile home placement or floodplain development permits or reviews under Title 15 LCC, Buildings and Construction.

(16) “DOE” shall mean the Washington State Department of Ecology.

(17) “Drainage Basin” shall mean a geographic and hydrologic subunit of a watershed.

(18) “Drainage Feature” shall mean any natural or manmade structure, facility, conveyance or topographic feature which has the potential to concentrate, convey, detain, retain, infiltrate or affect the flow rate of stormwater runoff.

(19) “Earth Material” shall mean any rock, natural soil or fill and/or any combination thereof.

(20) “Easement” shall mean an acquired privilege or right of use or enjoyment that a person, party, firm, corporation, municipality, or other legal entity has in the land of another.

(21) “Erosion” shall mean the wearing away of the land surface by running water, wind, ice, or other geological agents including such processes as gravitational creep. Detachment and movement of soil or rock fragments by water, wind, ice, or gravity.

(22) “Erosion Control Design Storm” shall mean the 2-year frequency, 24-hour duration storm event used for analysis

and design of sedimentation and erosion control facilities.

(23) “Excavation” shall mean the mechanical removal of earth material.

(24) “Existing Conditions” shall mean those conditions prior to proposed development, clearing, grading, or fill including gravel roads or other gravel surfaces.

(25) “Existing Stormwater Facilities” shall mean those facilities constructed or approved for construction prior to the effective date of this Chapter.

(26) “Geotechnical Engineer” shall mean a practicing professional engineer licensed in the State of Washington who has at least four years of professional experience in geotechnical and landslide evaluation.

(27) “Grading” shall mean any excavating, filling or embanking of earth materials.

(28) “Hydrograph” shall mean a graph of runoff rate, inflow rate or discharge rate, past a specific point over time.

(29) “Hydrograph Method” shall mean a method of estimating a hydrograph using a mathematical simulation. Commonly accepted hydrograph methods include the Santa Barbara Urban Hydrograph Method and Soil Conservation Service TR-55 method.

(30) “Illicit Discharge” shall mean all non-stormwater discharges to stormwater drainage systems that cause or contribute to a violation of state water quality, sediment quality, or ground water quality standards, including but not limited to sanitary sewer connections, industrial process water, interior floor drains, and greywater systems.

(31) “Impervious Surface” shall mean a hard surface area which either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development, and/or a hard surface area which causes water to run off the surface in greater quantities or an increased rate of flow from the flow present under

natural conditions prior to development. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled, macadam or other surfaces which similarly impede the natural infiltration of stormwater. Open, uncovered retention/detention facilities shall not be considered as impervious areas.

(32) "Land Disturbing Activity" shall mean any activity that results in a change in the existing soil cover (both vegetative and non-vegetative) and/or the existing soil topography. Land disturbing activities include, but are not limited to demolition, clearing, grading, filling and excavation.

(33) "Maintenance" shall mean any activity which is necessary to keep a stormwater facility in good working order so as to function as designed. Maintenance shall include complete reconstruction of a stormwater facility if reconstruction is needed in order to return the facility to good working order. Maintenance shall also include the correction of any problem on the site property which may directly impair the functions of the stormwater facilities.

(34) "Maintenance Covenant" shall mean a binding agreement between Lewis County and the person or persons holding title to a property served by a stormwater facility whereby the property owner promises to maintain certain stormwater facilities; grants Lewis County the right to enter the subject property to inspect and to make certain repairs or perform certain maintenance procedures on the stormwater control facilities when such repairs or maintenance have not been performed by the property owner; and promises to reimburse Lewis County for the cost should the County perform such repairs or maintenance.

(35) "Maintenance Schedule" shall mean a document detailing required

stormwater facility maintenance activities to be performed at specified intervals.

(36) "Major Development" shall mean any new development or redevelopment that: 1) includes the creation or cumulative addition of 5,000 square feet or greater of impervious surface area from the pre-development conditions; or 2) includes land disturbing activity of one acre or greater.

(37) "Manual" shall mean the latest edition of the DOE's Stormwater Management Manual.

(38) "Minor Development" shall mean any new development or redevelopment activity that: 1) includes the creation or addition of less than 5,000 square feet of new impervious surface area; or 2) includes land disturbing activity of less than one acre.

(39) "Minor Technical Accommodation" shall mean permission granted from the Administrator to deviate from the provisions in Article VI provided that all of the criteria in LCC 15.45.480 are met.

(40) "Off-site Drainage Analysis" shall mean a study of those land areas contributing surface runoff to a development site as well as a study of the existing and predicted impacts of surface runoff from the development site on properties and drainage features that have the potential to receive stormwater from the development site.

(41) "Oil/Water Separator" shall mean a structure or device used to remove suspended, floating or dispersed oil and greasy solids from water.

(42) "Operation and Maintenance (O&M) Manual" shall mean a written manual prepared by a licensed civil engineer that provides a description of operation and maintenance procedures for specific stormwater control facilities, for use by operation and maintenance personnel.

(43) "Owner" shall mean any person or persons having a legal or equitable

property right or interest, whether or not said right is legal or equitable in character, including a fee owner, contract purchaser or seller, mortgagor or mortgagee, optionor or optionee, and beneficiary or grantor of a trust or deed of trust.

(44) "Pollution" shall mean contamination or other alteration of the physical, chemical, or biological properties of waters of the state including change in temperature, taste, color, turbidity, or odor of the waters, or such discharge of any liquid, gaseous, solid, radioactive or other substance into any waters of the state as will or is likely to create a nuisance or render such waters harmful.

(45) "Pre-development Conditions" shall mean site conditions as they existed prior to the effective date of this Chapter.

(46) "Professional Engineer" shall mean a person who, by reason of his/her special knowledge of the mathematical and physical sciences, and the principles and methods of engineering analysis and design, acquired by professional education and practical experience, is qualified to practice engineering as attested by his/her legal registration as a professional engineer in the State of Washington.

(47) "Project Engineer" shall mean the professional engineer responsible for the design of the project, who will affix his/her seal on the project drainage plans and drainage analysis. The project engineer shall be licensed in the state of Washington.

(48) "Redevelopment" shall mean any land disturbing activity occurring on existing developed property.

(49) "Retention Facilities" shall mean drainage facilities designed to store runoff for gradual release by evaporation, plant transpiration, or infiltration into the soil. Retention facilities shall include all such drainage facilities designed so that none of the runoff entering the facility will be discharged as surface water. Retention facilities shall include all appurtenances

associated with their designed function, maintenance, and security.

(50) "Runoff Treatment BMP's" shall mean a BMP that is designed to remove pollutants that are contained in runoff. These BMP's use a variety of mechanisms to remove pollutants from stormwater including sedimentation, filtration, plant uptake, ion exchange, absorption, and bacterial decomposition.

(51) "SEPA" shall mean the Washington State Environmental Policy Act as set forth under Ch. 43.21C RCW.

(52) "Site Development Activity" shall mean the alteration of topography, clearing, paving, grading, construction, alteration of storm water systems, site preparation, or other activity commonly associated with a land use development permit as set forth under LCC 17.35.260.

(53) "Soils Investigation Report" shall mean a study of soils on a subject property with the primary purpose of characterizing and describing the soils. The soils investigation report shall be prepared by a qualified engineer, who shall be directly involved in the soil characterization either by performing the investigation or by directly supervising employees.

(54) "Source Control BMP's" shall mean a BMP that is intended to prevent pollutants from entering stormwater. Examples include erosion control practices, maintenance of stormwater facilities, and directing wash water and similar discharges to the sanitary sewer or a dead end sump.

(55) "Stabilized" shall mean the application of BMP's sufficient to reasonably protect soil from the erosive forces of raindrop impact and flowing water. Examples include, but are not limited to, vegetative establishment, mulching, plastic covering, the early application of gravel base, and outlet and channel protection.

(56) "Storm" Drainage Approval shall mean the same as Approval in this Chapter.

(57) “Stormwater” shall mean the surface water runoff that results from all natural forms of precipitation.

(58) “Stormwater Facility” shall mean a component of a manmade drainage feature, or features, designed or constructed to perform a particular function or multiple functions. Stormwater facilities include, but are not limited to, pipes, swales, ditches, culverts, street gutters, detention basins, retention basins, wetponds, constructed wetlands, infiltration devices, catch basins, oil/water separators, sediment basins, and modular pavement. Stormwater facilities shall not include building gutters, downspouts, and drains serving one single-family residence.

(59) “Stormwater Plan” shall mean drawings and documents submitted in compliance with Articles V & VI of this Chapter.

(60) “Stormwater Quality Control” shall mean the control of the introduction of pollutants into stormwater and the process of separating pollutants from stormwater. Stormwater quality control facilities include, but are not limited to, source controls, biofiltration/biofilter facilities, wetponds, wetland forebays, oil/water separators, constructed wetlands, and erosion and sedimentation control facilities.

(61) “Stormwater Quantity Control” shall mean the control of the rate and/or volume of stormwater released from a development site. Stormwater quantity control facilities include, but are not limited to, detention and retention facilities.

(62) “Water Quality Design Storm Event” used for the design of water quality treatment facilities shall be the 6-month, 24-hour storm event. If precipitation data from isopluvial maps is not available for this design storm event, then use 64% of the 2-year, 24-hour storm event as equivalent to the 6-month, 24-hour storm event.

(63) “Wetland” shall mean as set forth under LCC 17.35.405. [Ord. 1161 §2, (1998)]

### **Article III. General Provisions.**

#### **15.45.030 Applicability.**

The provisions of this Chapter shall apply to all site development activities requiring building, mobile home placement or flood damage prevention reviews and/or permit approvals under Title 15 LCC and to subdivisions approved under Title 16 LCC, within the bounds of unincorporated Lewis County. No site development activities requiring said Titles 15 or 16 LCC reviews or approvals shall be initiated prior to issuance of Storm Drainage Approval unless exempt under LCC 17.45.100 [Ord. 1161 §3, 1998]

#### **15.45.040 More Strict Applies.**

When provisions of any other County regulation or code section conflict with this Chapter, that which provides more property and environmental protection shall apply to the extent permissible. [Ord. 1161 §3, 1998]

#### **15.45.050 Administration.**

The Director, or his/her authorized designee, shall administer this Chapter. The Director shall have the authority to develop and implement procedures to administer and enforce this Chapter. [Ord. 1161 §3, 1998]

#### **15.45.060 Review.**

The Administrator shall review all stormwater discharge submittals for administrative approval or denial for determination that the Storm Drainage Approval requirements of this Chapter have been satisfied. Such review shall include comment from the Building Official on building and flood hazard permitting requirements. [Ord. 1161 §3, 1998]

#### **15.45.070 Duration of Approval.**

(1) Storm Drainage Approval shall, at the time of its issuance, be consistent with the periods of approval for the regulated activities listed in LCC 15.45.090.

(2) One copy of an approved Stormwater Plan shall be displayed or available on construction sites at all times until completion of all site development activities. [Ord. 1161 §3, 1998]

#### **15.45.080 Interpretation.**

In the interpretation and application of this Chapter, all provisions shall be:

(1) Liberally construed to serve the purpose of this Chapter; and

(2) Deemed neither to limit nor repeal any other powers under state or local laws. [Ord. 1161 §3, 1998]

### **Article IV. Regulated and Allowed Activities**

#### **15.45.090 Regulated Activities.**

Consistent with the requirements contained in this Chapter, Lewis County shall approve, conditionally approve, or disapprove stormwater plans and facilities for the following activities, unless exempted in LCC 15.45.100:

(1) All long subdivision plats.

(2) Those short subdivision plats whose stated purpose would require issuance of building permits when the total proposed short subdivision plat development would not meet the exemption criteria in LCC 15.45.100.

(3) All construction, including remodeling, reconstruction, and new construction which add five thousand (5,000) square feet or more of impervious surfaces, including gravel parking areas.

(4) Developments entailing construction which would change the point of discharge of surface waters, discharge surface waters at a higher velocity and/or quantity than that prior to development, or increase pollution of surface waters. [Ord. 1161 §4, 1998]

#### **15.45.100 Exemptions.**

The following are exempt from this Chapter:

(1) Construction and development involving commercial agriculture and forest practices regulated under Title 222 WAC.

(2) Development undertaken by the Washington State Department of Transportation in state highway right-of-ways.

(3) Those divisions of land exempt by Chapters 16.05 or 16.10 LCC.

(4) Those activities permitted under Title 15 LCC when a previous stormwater approval, applicable to the subject building lots, has been provided consistent with LCC 15.45.090(1).

(5) Individual single family residences that do not exceed 5,000 square feet of impervious surfaces for lot sizes less than 0.77 acre, or fifteen percent (15%) of impervious surfaces to lot size for lot sizes greater than or equal to 0.77 acre. [Ord. 1161 §4, 1998]

### **Article V. Permit Requirements**

#### **15.45.110 General Requirements.**

(1) Stormwater Plan submittals shall show any surface waters entering the property, flows within the site, and surface waters exiting from the property.

(2) Other general requirements of a Stormwater Plan are:

(a) Plans for storm drainage and detention facilities shall bear the stamp and seal of a registered Civil Engineer currently licensed by the State of Washington, and qualified by experience and education in the field of hydraulics, hydrology, or a closely related field.

(b) All drainage system elements must provide for adequate maintenance and accessibility, and meet standard safety requirements. Storm drainage facilities shall be designed to eliminate interference from

underground utilities, and for conditions which exceed design loads for any pipe or other structural element.

(c) System reliability should be considered in terms of layout, materials, installation, and maintenance.

(d) The impact of a system failure should be analyzed both in terms of on-site and off-site effects. The impacts may affect adjacent or downstream properties, elements of a public storm drainage system, or private systems.

(e) No drainage including plumbing originating from the inside of a building or structure shall be connected to the storm drainage or surface water systems.

(f) Drainage systems shall be designed to meet applicable State and Federal requirements for water quality prior to discharge to any water body. The Applicant shall be responsible for obtaining any pertinent local, State, and Federal discharge approvals and permits.

(g) An Abbreviated Storm Drainage Plan may be submitted for projects which are designated as single family residence; and exceed 5,000 square feet of impervious surfaces for lot sizes less than 0.77 acre, or the percentage of impervious surfaces to lot size is greater than fifteen percent for lot sizes larger than or equal to 0.77 acre. This Abbreviated Plan need not be stamped with the seal of a licensed Professional Engineer. [Ord. 1161 §5, 1998]

#### **15.45.120 Technical References.**

The latest edition of DOE's Stormwater Management Manual shall be used as a guideline for determining the adequacy of submitted drainage plans. Other manuals and technical references may be used upon the discretion of the Project Engineer and subject to approval by the Administrator. [Ord. 1161 §5, 1998]

#### **15.45.130 Application for Approval.**

The Application shall include the following:

- (1) Vicinity map;
- (2) Site plan;
- (3) Storm drainage plan;
- (4) Hydrological engineering report;
- (5) Operation and maintenance manual performance bond or security (prior to final approval); and
- (6) Any supplemental requirements/conditions by the Administrator or the Department of Community Development. [Ord. 1161 §5, 1998]

#### **15.45.140 Description of Application Elements.**

(1) Vicinity Map. The vicinity map shall include the following information.

(a) Location of proposed development activities in relation to the local drainage basins.

(b) Location of all water courses and other natural surface water system elements downstream and upstream from the proposed development activities.

(c) Identification of upstream and downstream drainage areas.

(2) Site Plan. The following information shall be included in the site plan for the proposed storm drainage activities.

(a) Location and description of all watercourses, impoundments, wetlands, and other surface water features on or adjacent to the site into which surface waters flow.

(b) Topography of the site under existing and proposed conditions, in two-foot contours or of sufficient interval to show the general topography of the two conditions.

(c) Delineation of floodway and floodplain for a 100-year event, if applicable.

(d) Proposed improvements which includes location and description of existing and proposed buildings/structures,



impervious surfaces, and storm drainage facilities.

(e) Location and identification of all existing and proposed easements for the storm water management systems, and easements to provide adequate access for inspection and maintenance, depicted in relation to existing right-of-way and property lines.

(3) Storm Drainage Plan. The Applicant is responsible for submitting a Storm Drainage Plan which meets the design requirements of this Chapter. The Plan shall also include delineation and description of all interim storm water management facilities, including erosion and sedimentation control, to be used during construction. All site development activities shall be conducted in accordance with the Plan.

(4) Operation and Maintenance Manual. The Applicant is responsible for submitting an Operation and Maintenance Manual describing required type and frequency of long-term maintenance of drainage facilities, and identification of responsible maintenance organization. This information may be included in the Storm Drainage Plan.

(5) Hydrological Engineering Report. A hydrological engineering report shall be submitted and it shall bear the stamp and seal of a registered Civil Engineer currently licensed by the State of Washington, and qualified by experience and education in the field of hydraulics, hydrology, or a closely related field. The submitted information shall follow the requirements in this section and in Article VI.

(6) Performance Bond or Other Security. The Administrator may require from the Applicant a licensed surety, cash bond, irrevocable letter of credit from a financial institution, or other like security acceptable to the County, prior to the issuance of Storm Drainage Approval. Such securities shall be administered in

accordance with the provisions stated in Article X.

(7) Supplemental Requirements/ Conditions Imposed by the Administrator or the Department of Community Development.

(a) Supplemental requirements such as studies, inspections, and/or testing at any stage of the application or project to determine measures needed to correct or prevent surface water deficiency occurrences may be imposed.

(b) Additional requirements may be deemed necessary to prevent the storm drainage activities from being conducted in a manner hazardous to life or property, or in a manner likely to create a nuisance.

(c) All conditions must be identified in the Storm Drainage Plan submitted for approval. [Ord. 1161 §5, 1998]

#### **15.45.150 Abbreviated Storm Drainage Plans**

(1) An Abbreviated Storm Drainage Plan may be submitted for projects which are designated as single family residence; and exceed 5,000 square feet of impervious surfaces for lot sizes less than 0.77 acre, or the percentage of impervious surfaces to lot size is greater than fifteen percent for lot sizes larger than or equal to 0.77 acre. An Abbreviated Drainage Plan for individual lots may be utilized when a prior approved subdivision cannot reasonably accommodate the drainage from all lots within the overall drainage plan.

(2) This Abbreviated Plan need not be stamped with the seal of a licensed Professional Engineer.

(3) The Administrator will attach conditions on the project as necessary to control erosion and runoff which shall include but not be limited to:

(a) An evaluation of the need for dispersion trenches (french drains, drywells) or other onsite facilities for disposal of

runoff from roofs and other impervious surfaces.

(b) Routing for storm drainage as necessary and appropriate for the size of the project.

(c) Erosion and sediment control BMP's.

(d) Streambank erosion control BMP's.

(e) Wetland quality control BMP's.

(4) An Abbreviated Plan shall contain the following information:

(a) Name, address, and telephone of the Applicant.

(b) Name, address, and telephone of the person preparing the plot plan.

(c) Parcel number(s).

(d) Scale and north arrow.

(e) Legend if symbols are used.

(f) Vicinity map of sufficient clarity to locate the property and the receiving water body.

(g) Property boundaries, dimensions, and area.

(h) Contour lines from the best available source and specify datum used.

(i) Adjoining street names.

(j) Existing and proposed structures and other impervious surfaces.

(k) Location of waste treatment system.

(l) Utility and other easements.

(m) Natural drainage channels, wetlands, canyons, gullies, water bodies, etc.

(n) Established buffers, significant trees, and natural vegetation easements.

(o) Clearing limits.

(p) Areas to be graded, filled, excavated, or disturbed.

(p) Location of known wells, underground storage tanks, and septic tanks.

(q) Location and type of erosion and sediment control measures.

(5) Straight lines shall be drawn with a straight edge, and features shall be to scale. Drawing shall be sufficiently clear to see

footprint of structures and other aforementioned features. [Ord. 1161 §5, 1998]

## **Article VI. Design Criteria and Guidelines**

### **15.45.160 Discharge at Natural Location.**

(1) All surface and stormwater runoff from a proposed project to construct new, or to modify existing drainage facilities must discharge at the natural or otherwise legally existing location so as to not affect adjacent downstream properties. Discharge of runoff shall be of the similar quality, flow rate, and velocity which flowed from the site under existing conditions.

(2) Proposals which do not discharge at the natural location in order to address an existing or anticipated problem will be considered as a technical accommodation.

(3) Discharge from the development must produce no significant adverse impacts to existing, downstream drainage systems. If no conveyance system exists at the adjoining property line and the discharge was previously unconcentrated flow, then any concentrated flow must be conveyed to an acceptable discharge point. If existing topography does not provide for the natural downstream flow of surface waters, drainage easements must be secured from downstream property owners prior to Approval. [Ord. 1161 §6, 1998]

### **15.45.170 Off-Site Analysis.**

The Stormwater Plan submittal shall include an analysis of off-site conditions that may affect or be impacted by the new drainage system. These conditions may include, but are not limited to, ponding water, high and low flows, siltation, and erosion. The Applicant shall demonstrate that the proposed project will not aggravate an existing drainage problem or create a new

drainage problem. An analysis of a minimum distance of ¼ mile downstream or upstream from the site shall be considered. If conditions warrant, the Administrator may require a more extensive analysis. [Ord. 1161 §6, 1998]

**15.45.180 Easements, Tracts, and Covenants.**

(1) Drainage easements shall be provided in a proposed development for all stormwater conveyance systems that are not located in public rights-of-way or tracts. Said drainage easements shall be granted to the parties responsible for providing on-going maintenance of the systems.

(2) Drainage easements through structures are not permitted.

(3) Stormwater facilities that are to be maintained by the County shall be located in public right-of-way, or separate tracts dedicated to the County. Approval and acceptance of these stormwater facilities must be granted by the County before dedication to the County is made.

(4) All runoff from impervious surfaces, roof drains, and yard drains shall be directed so as to not create a nuisance nor damage adjacent properties. Wording to this effect shall appear on the face of all final plats/Planned Unit Developments/binding site plans, and shall be contained in any required covenants. [Ord. 1161 §6, 1998]

**15.45.190 Runoff Control.**

(1) Stormwater runoff shall be limited to the peak rate of runoff under existing site conditions as follows:

(a) 2 year, 24-hour duration design storm event.

(b) 10 year, 24-hour duration design storm event.

(c) 25 year, 24-hour duration design storm event.

(2) Detention shall not be required when discharge is directly to a lake of greater than 300 acres or directly to a major river listed in Figure 2-6.1 of the Washington State Department of Transportation Highway Runoff Manual, February 1995. The Project Engineer shall apply sound engineering judgment in recognizing instances where the risk of damages is such that a higher mean recurrence interval storm should be detained. [Ord. 1161 §6, 1998]

**15.45.200 Computation Methods.**

(1) The determination of existing and post-development runoff quantities can be analyzed using the following methods.

(a) The TR-55 method can be used to determine peak runoff flows for drainage basins less than 100 acres. This method is not acceptable for estimating detention storage volumes and designing detention facilities.

(b) The Santa Barbara Urban Hydrograph method can be used to determine peak runoff flows and quantities for detention, retention, and water quality systems. [Ord. 1161 §6, 1998]

**15.45.210 Hydrologic Analysis and Design Process.**

(1) Identify and delineate the overall drainage basin for each discharge point from the project site under existing conditions.

(a) Identify existing land uses.

(b) Identify existing soil types using SCS soil survey, or soils analysis.

(c) Identify existing drainage features such as streams, conveyance systems, ponds, detention facilities, wetlands, ponding areas, depressions, and such.

(2) Select and delineate pertinent sub basins under existing conditions.

(a) Select homogeneous areas which have generally consistent soils, topography and land use.

(b) Select separate sub basin areas for on-site and off-site drainage.

(c) Select separate sub basin areas for major drainage features.

(3) Determine runoff parameters for each sub basin under existing conditions.

(a) Identify pervious and impervious areas.

(b) Select SCS curve numbers.

(c) Compute time of concentration.

(4) Determine allowable release rates for the appropriate design storms.

(a) Compute runoff hydrographs for each design storm from each sub basin under existing conditions.

(b) For sub basins which drain into an existing storage facility, route the hydrographs for each design storm through the existing facility. This computation will yield the attenuated version of the hydrograph which will be representative for the sub basin under existing conditions.

(c) Sum the appropriate sub basin hydrographs to obtain the total hydrograph for the design storm under existing conditions.

(5) Repeat Steps 2 through 4 for the proposed development conditions.

(6) Determine whether peak flow rate and velocity surface runoff under developed conditions meet those under existing conditions.

(a) If the peak runoff rate under proposed development conditions for the 25-year, 24-hour design storm is less than or equal to 0.2 cfs of the peak runoff rate under existing site conditions, then the concentrated runoff may be discharged through a dispersal trough or other dispersal system provided the Applicant can demonstrate that there will be no significant adverse impact to downhill properties or drainage systems.

(b) If the peak runoff rate under proposed conditions for the 25-year, 24-hour design storm exceeds 0.2 cfs of the peak

runoff rate under existing conditions, then detention shall be required.

(7) Design and size the detention facility using level pool routing.

(a) Use the developed runoff hydrograph and an iterative process to size the detention facility to meet the required discharge requirements. To meet performance, the developed runoff hydrograph when routed through the new detention facility must not yield an outflow rate greater than the discharge rate for that design storm under existing conditions.

(8) Design and size the new conveyance system for the proposed development. At minimum, conveyance systems shall be designed for the 25 year, 24-hour storm. [Ord. 1161 §6, 1998]

#### **15.45.220 Stormwater Discharge Control Requirements.**

(1) Stormwater discharges must be treated and controlled by a suitable combination of BMP's. These BMP's are outlined in DOE's Manual.

(2) The following technical requirements apply to the construction of all stormwater facilities:

(a) Stormwater detention or retention facilities shall be sized according to computational requirements in Sections 6.31 and 6.32. Berm embankments greater than 6 feet in height, as measured through the center of the berm, shall require design by a qualified Geotechnical Engineer licensed in the State of Washington.

(b) Emergency overflows shall be provided at all stormwater storage facilities. The impacts of a system failure at the 100 year, 24-hr storm under developed conditions shall be analyzed to determine on-site and off-site effects. Most likely, an overflow spillway will require the analysis of a broad crested weir. The overflow spillway shall be armored and located to direct overflows safely toward the downstream conveyance system.

(c) All detention or retention ponds, or infiltration ponds should be placed out of the 100-year flood plain or special flood hazards area referenced in Ch. 15.35 LCC, and shall have a minimum freeboard of one foot above the maximum design water surface elevation of the 25 year event under post development conditions.

(d) All required detention or retention facilities must be constructed and in operation prior to building construction and paving.

(e) Access roads shall have a minimum easement of 20 feet. The minimum road width shall be 10 feet, surfaced with at least six inches of gravel, and grades shall not exceed 15% without the Administrator's approval.

(f) No facilities shall be located in the public right-of-way without the written consent of the Administrator.

(g) Adequate measures shall be incorporated into the design facilities to protect the public from the inherent hazards of such facilities including health risks associated with a failure of the system. All facilities shall be designed in such a manner that system failure will not cause flooding that threatens the safety of the public. Special protective measures may be required by the Administrator to safeguard public health and safety.

(h) Detention and retention facilities may include, but are not limited to, open basins, wet ponds, constructed wetlands, parking lot ponding, underground storage vaults, gravel filled trench storage, infiltration trenches, combinations of the above, or other facilities as outlined in DOE's Manual.

(i) Side slopes for earth lined ponds should not exceed 3 horizontal to one vertical (3:1). Flatter slopes are encouraged. All pond slopes shall be stabilized to prevent slope failure. Applicants are encouraged to install fencing, impenetrable vegetation, or other deterrents for slopes

steeper than 3:1 to provide a barrier to entry of small children or others who may be incapable of climbing out of the facility.

(j) Constructed and graded detention facilities shall be smoothly or evenly sloped no less than 0.005 ft/ft (0.5% slope) toward the outlet.

(k) The facilities should be designed and constructed to minimize the frequency and difficulty of future maintenance. The Applicant should evaluate the range of potential problems that may occur with the system and determine the corrective action. An Operation and Maintenance (O&M) Manual to be prepared by the Applicant's engineer is required. The responsibility to implement the O&M manual shall be identified by the Applicant and recorded. All facilities shall be accessible for maintenance and operation. [Ord. 1161 §6, 1998]

#### **15.45.230 Infiltration Basins.**

(1) Infiltration basins may be selected, designed, and maintained according to the latest edition of DOE's Manual. Suggested minimum standards shall be Lewis County's minimum standard. Texture class shall be based on the SCS classified soil type or by field analysis. Soils analysis, including test borings, are necessary for infiltration facilities.

(2) The Applicant shall ensure that the soils information utilized for design is consistent with the actual soil conditions upon completion of construction, prior to final project approval. [Ord. 1161 §6, 1998]

#### **15.45.240 Water Quality.**

(1) Lewis County requires that such permitted activities address the development's impact on stormwater quality as well as quantity. The objectives of providing stormwater treatment BMP's are, for both surface and ground waters, to protect the quality and quantity, and to allow attainment of the designated uses.

(2) Stormwater BMP's are required as part of all development activity. A selection process to determine if a BMP is appropriate for a given use and site outlined in DOE's Manual should be used to determine appropriate water quality BMP's. BMP's which are specified in DOE's Manual, and those set forth in this Section have been pre-approved for use.

(3) The County reserves the right to require an engineering analysis of any proposed practice or design before Approval. Plans not specifically pre-approved are subject to the review and approval by the Administrator. [Ord. 1161 §6, 1998]

#### **15.45.250 Illicit Discharges, Connections, and Uses.**

(1) The stormwater system of Lewis County may only be used to convey stormwater runoff. A stormwater system shall mean all natural and man-made systems which function together or independently to collect, store, purify, discharge, and convey stormwater. All stormwater facilities and natural systems such as streams and creeks which convey, store, infiltrate, or divert stormwater are included.

(2) Illicit discharges to the stormwater system are prohibited. No person shall use this system, directly or indirectly, to dispose of any solid or liquid matter. No person shall make any connection to the stormwater system which could result in the discharge of polluting matter. Connections to the stormwater system from the interiors of structures; and for any purpose other than to convey stormwater or groundwater are prohibited and shall be eliminated. [Ord. 1161 §6, 1998]

#### **15.45.260 Pollution Control Device Maintenance.**

Owners and operators of oil/water separators, wet ponds, biofiltration/biofilter

facilities, sediment and erosion control systems, infiltration systems, and any other pollution control devices shall operate and maintain such control devices to assure that performance meets the intended level of pollutant removal. [Ord. 1161 §6, 1998]

#### **15.45.270 Exemptions.**

The following discharges are exempt from the provisions of this section:

(1) The regulated effluent from any commercial or municipal facility holding a valid state or federal wastewater discharge permit for such effluent.

(2) Acts of nature not compounded by human negligence.

(3) Properly operating on-site permitted domestic sewerage systems.

(4) Properly applied agricultural chemicals and materials. [Ord. 1161 §6, 1998]

#### **15.45.280 Source Control BMP's.**

Source control BMP's may be selected, designed, and maintained according to the latest edition of the Manual by DOE. [Ord. 1161 §6, 1998]

#### **15.45.290 Runoff Treatment BMP's.**

(1) Runoff treatment BMP's shall be sized to intercept and treat the water quality storm, identified as the 6-month, 24-hour storm event. A high priority for treatment shall be to infiltrate as much as practicable of the design storm runoff. Ground water recharge is only recommended when site conditions are appropriate and ground water quality will not be impaired.

(2) Direct discharge of polluted, untreated stormwater to ground water is prohibited.

(3) Runoff treatment BMP's shall be selected, designed, and maintained according to the latest edition of DOE's Manual. [Ord. 1161 §6, 1998]

**15.45.300 Streambank Erosion Control BMP's.**

(1) Streambank erosion control BMP's are designed to prevent or control excessive erosion to streams. When an adopted plan or completed engineering study indicates a receiving water body is experiencing chronic streambank erosion problems, then BMP's to reduce streambank erosion shall be applied.

(2) BMP's for peak runoff rates shall be selected, designed, and maintained according to the latest edition of appropriate technical references in LCC 15.45.120. [Ord. 1161 §6, 1998]

**15.45.310 Erosion and Sedimentation Control BMP's.**

Erosion and sedimentation control BMPs are designed to prevent, minimize, or capture sediments and pollutants released during construction or under post project conditions. Some of these BMP's may be to trap sediments before it reaches the storm drainage detention system; to prevent or minimize vehicular tracking away from the project site; to address effects of seepage and slope failure; to construct energy dissipaters, bank reinforcement, and retaining walls; to landscape; or to stabilize exposed soils. These BMP's may be either source control, runoff treatment, or streambank control BMP's which can be selected, designed, and maintained according to the appropriate technical references in LCC 15.45.120. [Ord. 1161 §6, 1998]

**15.45.320 Wetland Quality Control BMP's.**

(1) Pursuant to the Critical Areas Chapter as set forth under Ch. 17.35 LCC, wetlands shall not be used for the treatment of stormwater except when the functions and values of the existing wetland are enhanced by the creation of a constructed

wetland and not materially degraded by its use in stormwater management.

(2) Wetland quality control BMP's are designed to prevent or control the degradation of water quality entering regulated wetland eco-systems. The requirements of this Section apply only to situations where stormwater discharges through a conveyance system into a wetland.

(3) Discharges to wetlands shall approximate the saturation period and flows of existing site conditions to the extent necessary to protect the important characteristic uses of the wetland.

(4) Prior to discharging to a wetland, alternative discharge locations shall be evaluated. Natural water storage and infiltration opportunities outside the wetland shall be optimized to the extent practicable. Proposed discharges to wetlands shall be subject to review and compliance under the applicable provisions of Ch. 17.35 LCC. [Ord. 1161 §6, 1998]

**Article VII. Maintenance and Operation**

**15.45.330 General Provisions.**

Proper maintenance of public and private stormwater facilities is necessary to ensure that they serve its intended function. Without adequate maintenance, sediment and other debris can clog and render the facilities useless. Rehabilitation of these facilities often is expensive, and may be impractical for infiltration systems. Polluted water and sediments removed during the cleaning operation must be disposed of properly. [Ord. 1161 §7, 1998]

**15.45.340 Maintenance of Stormwater Facilities by Owners**

Any person or persons holding title to a non-residential property for which stormwater facilities and BMP's have been required shall also be responsible for the continual operation, maintenance, and repair of said stormwater facilities and BMP's in

accordance with the provisions of this Chapter. [Ord. 1161 §7, 1998]

**15.45.350 Maintenance Covenant Required for Privately Maintained Drainage Facilities.**

(1) Prior to final approval on a permit, and use or occupancy of the improvement, the Owner shall execute and record a Maintenance Covenant, in form and content acceptable to the Administrator, which guarantees that the stormwater facilities shall be properly operated, maintained, and inspected.

(2) The restrictions set forth in the Covenant shall be included in any instrument of conveyance of the subject property and shall be recorded with the County Auditor. Such Covenant shall run with the land, and shall be binding upon such owner's heirs, successors, and assigns. [Ord. 1161 §7, 1998]

**15.45.360 Financial Responsibility.**

(1) Property owners are financially responsible for the inspection, maintenance, operation, and repair of stormwater systems not specifically accepted for maintenance by the County through the development process. Property owners shall maintain, operate, and repair these facilities in compliance with the requirements of the O & M Manual or Maintenance Plan, and these standards.

(2) Financial responsibility may include reimbursing the County for its costs to perform inspections to verify compliance as described in the Maintenance Plan.

(3) In the event the County must take action to correct a stormwater system not properly, safely or expeditiously operated, repaired or maintained, the costs of such action, including County operation, repair or maintenance assistance, or County court costs and reasonable attorney fees, shall be charged to said property owners and the

same may become lien upon said property(s) upon judicial determination. [Ord. 1161 §7, 1998]

**Article VIII. Review and Approval**

**15.45.370 General Provisions.**

(1) This jurisdiction will review all drainage related submittals for general compliance with these criteria. The County's review and approval of storm drainage plan shall not relieve the Applicant, Owner, or Project Engineer from responsibility for ensuring that all facilities are safe, that other property owners are not adversely affected, and that calculations, plans, specifications, construction, and as-built drawings comply with normal engineering standards, this Chapter, and all applicable federal, state, and local laws and codes.

(2) Any property owner prior to submitting any permit application that may require a storm drainage plan may request a preliminary review of the proposal by the Administrator. Such preliminary review shall not be binding upon either party. [Ord. 1161 §8, 1998]

**15.45.380 Final Project Approval.**

(1) The jurisdiction will not approve plats, grant certificates of occupancy, release financial securities related to drainage and erosion control, or accept final construction until the following have been completed:

(a) Letter of Certification .

(b) Filing of covenants on lots, property owners association articles, maintenance agreements, and agreements with adjacent property owners.

(c) Conditions of approval fulfilled.

(d) Special requirements on the cover sheet of plat, such as drywell or surface retention pond sizes, and an easement for protection and maintenance.

(2) A letter of certification shall be submitted to Lewis County Public Works



stating that the constructed drainage facilities conform to the approved plans and specifications. The Letter of Certification shall bear the seal and signature of a licensed Civil Engineer, or the notarized signature of the Owner (where an engineered design was not required) swearing to such conformance. [Ord. 1161 §8, 1998]

## **Article IX. Fees**

### **15.45.390 General Provisions.**

(1) This fee shall be as set forth in Title 18 LCC.

(2) All fees for application and issuance of Storm Drainage Approval shall be paid to the Community Development Department, deposited regularly with the Lewis County Treasurer, and credited to the Lewis County Public Works operating fund.

(3) The Public Works Director and Community Development Director shall prepare an administrative agreement providing for transfer of such collected funds to the Lewis County Road Fund and/or the Lewis County Flood Control Zone Fund in such amounts as to provide for reimbursement of costs to these funds.

(4) The Administrator shall index and maintain for public inspection all records pertaining to the provisions of this Chapter. [Ord. 1161 §9, 1998]

## **Article X. Covenants, Securities and Bonds.**

### **15.45.400 Liability.**

Liability for any adverse impacts or damages resulting from work performed in accordance with any permit or approval issued on behalf of Lewis County for the development of any site shall be the sole responsibility of the Owner. [Ord. 1161 §10, 1998]

### **15.45.410 Securities.**

(1) For developments which involve a risk of property damages or possible hazards, the Administrator may require from the Applicant a licensed surety, irrevocable letter of credit from a financial institution, or other like security acceptable to the County prior to the issuance of Storm Drainage Approval.

(2) The following provisions shall apply in instances where such securities are required:

(a) The amount of any security shall not serve as a gauge or limit to the compensation collected from a property owner as a result of damages associated with any storm drainage activity.

(b) Securities shall be retained until the completion of any project involving storm drainage activity or following a prescribed trial maintenance period, normally two years.

(c) Securities and/or financial assurances provided in accordance with this Chapter may be redeemed in whole or in part by the County upon determination by the Administrator that any or all of the following exist:

(i) Failure on the part of the party providing such assurances to fully comply, within the time specified, with approved plans and/or any corrective or enforcement actions mandated by this Chapter; or

(ii) Damages to public or property arising from the activities for which the assurance or security was required. [Ord. 1161 §10, 1998]

### **15.45.420 Performance Covenant for Site Stabilization.**

(1) For a project site involving a single family residence with less than 5 acres of land disturbing activity, a Performance Covenant, of such form and of such content acceptable to the Administrator, may be recorded in lieu of performance surety prior to issuance of a Land Use Development

Permit to guarantee the County that temporary erosion and sedimentation control and permanent site stabilization measures will be performed in accordance with this Chapter.

(2) The Covenant shall be recorded with the Lewis County Auditor and shall run with the land until the County issues final acceptance of the permitted activities, or until a separate performance bond is posted prior to final project approval. Upon issuance of final project approval, the Department of Public Works will record a document that extinguishes the Performance Covenant.

(3) If the site work is determined by the Administrator to be in violation of this Chapter, the County may enforce the Performance Covenant to provide temporary and permanent site stabilization. In this case, the Applicant will be charged for all associated costs and, if required, a lien may be placed on the property. [Ord. 1161 §10, 1998]

**15.45.430 Performance Surety for Site Stabilization.**

(1) For project sites with 5 or more acres of land disturbing activity, a Performance Surety, of such form and of such content acceptable to the Administrator, shall be posted prior to issuance of a Land Use Development Permit to guarantee the County that temporary erosion and sedimentation control and permanent site stabilization measures will perform in accordance with this Chapter.

(2) The amount of the Performance Surety shall be as follows:

(a) One hundred twenty five percent (125%) of the estimated cost of performing minor grading and installing temporary erosion and sedimentation control, and permanent site stabilization measures to bring the construction site into compliance with the Chapter. A cost estimate shall be submitted by the Project Engineer subject to

the approval of the Director. The minimum amount of the licensed surety shall be five thousand dollars (\$5,000.00); or

(b) One thousand dollars (\$1,000.00) per acre of land disturbing activity. No Project Engineer's estimate is required.

(3) If the site work is determined by the Administrator to be in violation of this Chapter, the County may use the Performance Surety to provide temporary and permanent site stabilization. All Performance Sureties shall run continuously until released by the County, and shall not be subject to an expiration or cancellation date. [Ord. 1161 §10, 1998]

**15.45.440 Performance Surety for Uncompleted Site Improvements.**

(1) For single family residential developments, a Performance Surety, of such form and of such content acceptable to the Administrator, shall be provided prior to the final recording of the plat/PUD, guaranteeing completion of all site improvements not yet completed. The amount of the Performance Surety shall be one-hundred twenty five percent (125%) of the estimated cost of said improvement. The estimated cost of the construction shall be determined by a Professional Engineer subject to the approval of the Administrator.

(2) All Performance Sureties shall run continuously until released by the County, and shall not be subject to an expiration or cancellation date. [Ord. 1161 §10, 1998]

**15.45.450 Maintenance Bond.**

(1) A Maintenance Bond, of such form and of such content acceptable to the Administrator, is required for residential plats/PUDs and other projects where maintenance of the stormwater facilities or roads is to ultimately be taken over by the County.

(2) Prior to the final approval of construction and release of any performance

sureties, a Maintenance Bond must be posted and maintained by the Owner for a period of two (2) years. The Maintenance Bond shall guarantee the constructed stormwater facilities and roads against defects and/or failures in workmanship, and shall guarantee that the constructed facilities will be regularly and adequately maintained throughout the maintenance period. At the end of this time, the County will inspect the system, and when the facility is acceptable and eighty percent (80%) of the lots in that phase have been improved, the County will take over the maintenance and operation of the system. In the event that eighty percent (80%) of the lots in a residential development have not been improved by the end of the two year maintenance period, the Maintenance Bond may be extended, subject to the approval of the Administrator, for one (1) additional year.

(3) The amount of the Performance Bond shall be twenty five percent (25%) of the estimated construction cost of the stormwater facilities and roads requiring maintenance, or five thousand dollars (\$5,000.00), whichever is greater. The construction cost of the facilities requiring maintenance shall be estimated by the Project Engineer, subject to the approval of the Administrator. [Ord. 1161 §10, 1998]

## **Article XI. Procedures and Enforcement.**

### **15.45.460 Approval.**

The Administrator shall approve or deny Approval within applicable guidelines of this Chapter or County Code, or return the application to the Applicant for modification or correction within thirty (30) days unless the Applicant consents in writing to an extension of such time. [Ord. 1161 §11, 1998]

### **15.45.470 Variance.**

(1) The Administrator shall receive and decide requests for variances.

(2) A written application for a variance request shall be submitted in conjunction with any permit application, and any notice required for such application shall include notice of the request for variance.

(3) Standards of Review. In deciding upon a request for variance, the Administrator shall consider all technical evaluations, all relevant factors, standards specified in this Chapter, purposes and intents of this Chapter, and the following:

(a) The granting of the variance will not be detrimental to the public welfare or injurious to other property in the vicinity;

(b) The granting of the variance will meet the objectives of safety, function, appearance, environmental protection, and maintainability based on sound engineering judgment;

(c) The variance will produce a compensating or comparable result which is in the public interest; and

(e) Whether there are special physical circumstances or conditions affecting said property such that the restrictive application of these regulations would deprive the Applicant of all reasonable use and development of the land.

(4) Decisions of the Administrator regarding a variance or combined variance and permit application may be appealed as described in LCC 15.45.480. [Ord. 1161 §11, 1998]

### **15.45.480 Minor Technical Accommodations.**

The Administrator may allow minor technical accommodations in the design of a stormwater facility within the technical requirements of Article VI, hereunder, upon a sufficient showing by the Applicant that all of the following have been met:

(1) The technical accommodation will not result in non-compliance with the remainder of the provisions of these regulations;

(2) The granting of the accommodations will not result in non-compliance with the development conditions imposed upon the project by other applicable County permits and approvals;

(3) The granting of the accommodation will produce a compensating or comparable result which is in the public interest; and

(4) The granting of the accommodation will meet the objectives of safety, function, appearance, environmental protection, and maintainability based on sound engineering judgment. [Ord. 1161 §11, 1998]

#### **15.45.490 Appeals.**

(1) Hearing Examiner. Any final decision of the Administrator in the interpretation and application of this Chapter may be appealed to the County Hearing Examiner pursuant to county procedures and regulations thereto; except, that such appeal may be consolidated by the Administrator, Building Official or Department of Community Development with other appeals, brought under Ch.s 1.20 and 2.25 LCC, and Title 15 LCC, regarding the same subject matter, case, or controversy, and shall be thereafter be heard as a consolidated appeal by the Hearing Examiner pursuant to Ch. 2.25 LCC.

(2) Standards of Review. The Hearing Examiner may reverse, modify, or affirm wholly or in part the decision of the Administrator. The Hearing Examiner shall consider the following in his or her decision to either grant or deny the variance:

(a) The application;

(b) The recommendation of the Administrator; and

(c) The general purposes and intent of this Chapter.

(3) Judicial Review. Those aggrieved by the decision of the Hearing Examiner may appeal such decision to the Superior Court of Lewis County, WA, pursuant to county procedures and regulations under Ch. 2.25 LCC. [Ord. 1161 §11, 1998]

#### **15.45.500 Penalties and Enforcement.**

(1) It shall be unlawful for any person, firm, corporation, or association, or agent thereof, to violate any provision of these regulations. Any such person or other such party who violates any provision of these regulations are required thereunder shall be subject to the penalties and provisions of Ch. 1.20 LCC, and as follows:

(a) Criminal Penalty. Any person, firm, partnership, corporation, or other entity violating any of the provisions of this Chapter shall be subject to the penalties in LCC 1.20.020.

(b) Violations a Public Nuisance. The following are hereby declared to be unlawful and a public nuisance:

(i) Any development or construction which is contrary to the provisions of this Chapter;

(ii) Any work done or action taken with respect to any development or construction, or product thereof, which is contrary to the provisions of this Chapter; and

(iii) Any violation of any provision of this Chapter.

(2) The Administrator or county code compliance officer shall take steps to abate public nuisances as defined herein. The Prosecuting Attorney may also commence an action or actions, proceeding or proceedings for the abatement, removal, or enjoinder of public nuisances as defined herein. The power hereby granted to abate a public nuisance shall be construed broadly.

(3) Cumulative Civil Penalty. In addition to, or as an alternative to, any other penalty provided herein or by law, any person, firm, or corporation which violates the provisions of this Chapter or violates the provisions of regulations adopted by reference in this Chapter shall incur a cumulative civil penalty as set forth in LCC 1.20.040:

(a) For good cause shown, the Administrator may extend the date set for correction in the notice of violation; provided, that such an extension shall not affect or extend the time within which an administrative appeal must be commenced.

(b) Collection of Civil Penalty. The Prosecuting Attorney on behalf of the County is authorized to collect the civil penalty by use of appropriate legal remedies, the seeking or granting of which shall neither stay nor terminate the accrual of additional per diem penalties so long as the violation continues.

(4) Stop Work Orders shall mean a written notice signed by the Administrator that is posted on the site of an unlawful construction activity or development which states that a violation of this Chapter has occurred, and that all unlawful activity or development, except for erosion and sedimentation control activities, is to immediately cease until and unless notice is thereafter given by the Administrator to proceed. A Stop Work Order may be issued whenever there is reason to believe that there is a violation of the provisions of this Chapter. Failure to immediately abide by the Stop Work Order may result in issuance of a notice of civil penalty or initiation of enforcement actions, as noted in this section.

(5) Compromise, Settlement and Disposition of Suit. The Prosecuting Attorney is hereby authorized to enter into negotiations with the parties or their legal representatives named in a lawsuit for the collection of civil penalties to negotiate a settlement, compromise, or otherwise dispose of a lawsuit when to do so will be in the best interest of the County. [Ord. 1161 §11, 1998]