

Chapter 11.03 - Stormwater and Surface Water¹⁵¹

11.03.010 - Declaration of purpose.

The purpose of this chapter is to regulate and control drainage or stormwater to safeguard the public health, safety, and general welfare. The objectives of this chapter are as follows:

- A. To promote sound, practical, and economical development practices and construction procedures which minimize impacts to the county's waters;
- B. To minimize degradation of water quality and to control the sedimentation of streams, rivers, lakes, wetlands, and other surface water;
- C. To control stormwater runoff originating on developing land;
- D. To preserve the suitability of water for recreation and fishing;
- E. To fulfill the goals and requirements of the critical areas ordinance, chapter 17.02B by:
 1. Preserving and protecting aquatic habitat; and
 2. Minimizing net loss of the county's wetlands by maintaining hydrologic continuity with other aquatic resources;
- F. To maintain the quality of the county's water resources;
- G. To minimize adverse effects caused by alterations in surface water or groundwater quality, quantities, locations, and flow patterns;
- H. To maintain the safety of county roads and rights-of-way; and
- I. To protect public safety by reducing slope instability and landslides.

11.03.020 - Applicability and exemptions.

This chapter shall apply to all development activities, including the construction of single family residential structures and any accessory structures, unless exempted herein.

11.03.030 - Definitions.

Unless the context clearly requires otherwise, the definitions in this chapter apply throughout this chapter. Other terms not defined in this chapter, but which are defined in the Stormwater Management Manual for the Puget Sound Basin, shall be interpreted consistent with the latter unless the context clearly requires otherwise.

Applicant means the property owner, or any person or entity designated or named in writing by the property owner to be the applicant, in an application for a development proposal, permit, or approval from Island County.

Best management practices or **BMPs** means physical, structural, or managerial practices which have gained general acceptance for their ability to prevent or reduce public safety impacts and other environmental impacts, and which are adopted in the drainage manual, or approved by the director.

Civil engineer means a professional engineer licensed by the State of Washington to practice in the field of civil engineering.

Clearing means the cutting and removal of vegetation by mechanical or chemical methods.

Conveyance means a mechanism for transporting water from one (1) point to another, including pipes, ditches, and channels.

Conveyance system means a drainage facility, natural, or artificial which collects, contains and conducts the flow of stormwater runoff. The elements of a natural conveyance system include, but are not limited to, swales, wetlands, drainage courses, streams, and rivers. The elements of an artificial

conveyance system include, but are not limited to, gutters, ditches, pipes, constructed open channels and detention facilities.

Critical areas as used in this chapter means fish and wildlife habitat conservation areas, wetlands; flood hazard areas, geologically hazardous areas, and their buffers.

Critical drainage area means an area with such severe flooding, drainage and/or erosion/sedimentation conditions, including designation as a water quality sensitive area, which have resulted or will result from the cumulative impacts of development and urbanization, that the area has been formally designated as a critical drainage area by resolution of the Board of County Commissioners.

Department means the Public Works Department.

Design storm means a rainfall event, used for the purpose of sizing and designing drainage facilities, stated in terms of a recurrence interval and a time period over which the rainfall amount is measured or analyzed [e.g., a two-year, twenty-four-hour storm]. Design storms are specified in drainage manual.

Detention means the temporary storage of stormwater runoff to control peak discharge rates and allow settling of stormwater sediment.

Detention facility means an above- or below-ground drainage facility, such as a pond or tank, that temporarily stores stormwater runoff and releases it at a slower rate than is collected by the drainage system. The facility includes the flow control structure, the inlet and outlet pipes, and all maintenance access points.

Development activity means any proposal which will result in construction, development, earth movement, clearing, including Class IV general forest practices permits, ~~Class IV-platted forest practices permits~~, conversion option harvest plans, other site disturbance including the regulated division of land, and which requires a permit, approval, or authorization from the county, or is proposed by a public agency.

Development activity, other small. "Other small development activity" means a development activity not associated with a single family residential permit and that creates less than 5,000 square feet of new impervious surface, not including the surface area of the access road to the site of the development including land disturbing activities less than two (2) acres.

Development activity, major. "Major development activity" means any development activity or redevelopment that creates 5,000 square feet or more of new impervious surface, not including the surface area of the access road to the site of the development and/or land disturbing activities of two (2) acres or more, not associated with the construction of a single family residence or associated with Class IV forest practice permits or a conversion option harvest plan and its associated grading permit.

Development activity, small residential. "Small residential development activity" means a development activity for a single family dwelling which requires a single family residential permit or clearing and grading permit and that creates less than 5,000 square feet of new impervious surface, not including the surface area of the access road to the site of the development.

Direct discharge means undetained discharge from a proposed project that is otherwise subject to flow control.

Director means the Director of the Public Works Department or a designee.

Discharge means runoff, excluding offsite flows, leaving the proposed development through overland flow, built conveyance systems, or infiltration facilities.

Downstream analysis means an analysis of potential drainage impacts and drainage facilities downstream of the subject property as required by this chapter as a requirement for a drainage plan/drainage narrative.

Drainage means the collection, conveyance, containment, or discharge of stormwater runoff.

Drainage basin means a geographic and hydrologic area of a watershed or drainage catchment area.

Drainage facility means a system of collecting, conveying, and storing stormwater runoff. Drainage facilities include, but are not limited to, all stormwater conveyance systems and containment facilities including pipelines, channels, dikes, ditches, closed depressions, infiltration facilities, retention facilities, detention facilities, stormwater treatment facilities, erosion and sedimentation control facilities, and other drainage structures and appurtenances, both natural and artificial.

Drainage impacts means the adverse impacts from changes to existing water, quantity, rate or quality, or water conveyance ability.

Drainage manual means the "Island County Surface Water Manual" which is the manual (and supporting documents as appropriate) describing surface and stormwater design and analysis requirements, procedures, and guidance which has been adopted in accordance with the provisions of this chapter.

Drainage narrative means a written report specifying the proposed conventional rate and water quality control BMPs/proposed improvements, or, alternatively, the proposed low-impact BMPs/proposed improvements of this chapter, to mitigate the surface water impacts of the proposal. In the case of a major development activity using low-impact performance objectives, the narrative shall be prepared by a civil engineer.

Drainage plan means a preliminary drainage plan which meets the submittal requirements promulgated under this chapter or a final drainage plan which meets the submittal requirements promulgated under this chapter.

Erosion means the removal and loss of soil by the action of water, ice, or wind.

Erosion and sedimentation control means any temporary or permanent measures taken to reduce erosion, control siltation and sedimentation, and ensure that sediment-laden water does not leave the site.

Existing site conditions means conditions that exist on site prior to commencement of the proposed development activity or clearing except that for sites in water quality sensitive areas, the existing condition shall mean undisturbed forest, for the purpose of calculating runoff water quality characteristics.

General design and construction standards means "The Standard Specifications for Municipal Public Works Construction", latest edition, as prepared by the Washington State Chapter of the American Public Works Association, except as amended by the Board of County Commissioners.

Hearing examiner means the office of Island County Hearing Examiner created by chapter 16.13.

Illicit discharge means 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.

Impervious surface means a surface area that prevents or impedes infiltration of water into the soil mantle; retards the infiltration of water into the soil mantle such that it causes water to run off the surface in greater quantities or at a greater rate of flow than under natural conditions. Common impervious surfaces include roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled surfaces. Open, uncovered retention/detention facilities are not considered impervious surfaces.

Improvement means those structures commonly provided as land is converted from its natural to a developed state. Examples include (with or without curbs or gutters), sidewalks, crosswalks, parking lots, water mains, sanitary and storm sewers, drainage facilities, street trees, and other appropriate items.

Infiltration means the hydrologic process of stormwater runoff soaking into the subsoil, commonly referred to as percolation, to dispose of surface and stormwater runoff.

Low-impact development means combining a functional site design with pollution prevention measures to reduce impacts and compensate for development impacts on hydrology and water quality. The goal is to maintain the predevelopment runoff volume, peak runoff rates, and frequency to mimic

predevelopment runoff conditions. Stormwater is managed in small, cost-effective landscape features rather than being conveyed and managed in large, costly pond facilities, located at the bottom of drainage areas.

New impervious surface means the addition of paved or other hard surface, as well as the paving of pre-existing dirt, gravel, or other similar compacted surfaces.

Offsite means any area lying upstream of the site that drains onto the site and any area lying downstream of the site to which the site drains.

Owner means a person with fee interest to a property.

Peak discharge means the maximum instantaneous rate of stormwater runoff in cubic feet per second (cfs) or cubic meters per second (cms) determined for the design storm.

Plans means the project drawings that show location, character, and dimensions of the proposed work including storm pipe network layouts, profiles, cross-sections, details, and general notes.

Pollution means 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.

Redevelopment means the creation or addition, on an already developed site, of impervious surfaces, ground area expansion of a building or other structure, or replacement of impervious surface that is not part of a routine maintenance activity, and land disturbing activities associated therewith. Road/parking lot overlay projects are routine maintenance and shall not be considered redevelopment.

Regional stormwater management facility or regional facility means a retention/detention facility constructed by a public agency and which serves more than one (1) property identified in an adopted Island County Watershed Management Plan.

Retention means the detainment of stormwater runoff in a basin without release except by means of evaporation, infiltration, or percolation.

Retention facility means an above- or below-ground facility, such as a pond or tank, that stores stormwater runoff without release except by means of evaporation and infiltration or percolation. The facility includes the flow control structure, the infiltration system, the inlet and outlet pipes, and all maintenance access points.

Shorelines means those lands defined as "shorelines of the state" under the Shoreline Management Act of 1971, Chapter 90.58 RCW.

Site means a lot or parcel of land or contiguous combination thereof.

Site review means the inspection by a Island County employee of a site where development activity has been proposed, including but not limited to examination and comparison of site conditions and erosion control with proposed plans and applicable Island County codes, standards, and administrative policies and procedures. A site review may include a critical area site plan review per chapter 17.02B.

Slope means the gradient in vertical feet per horizontal feet or percent. Side slopes of drainage facilities are usually referred to with the horizontal dimension first as in 3H:1V.

Soil means the unconsolidated mineral and organic material deposits overlying bed rock.

Source control means preventing pollutants from entering stormwater, by means that include, but are not limited to, materials storage and handling practices and facilities, and site maintenance practices.

Specifications means technical standards for construction. It may include, but is not limited to, standards contained in the Washington State Department of Transportation and American Public Works Association Standards and Specifications, and the engineering and Design and Development Standards.

Steep slope as used in this chapter means those areas in Island County on slopes forty (40) percent or steeper within a vertical elevation change of at least ten (10) feet. A slope is delineated by establishing

its toe and top and is measured by averaging the inclination over at least ten (10) feet of vertical relief. For the purpose of this definition:

1. The toe of a slope is a distinct topographic break in slope which separates slopes inclined at less than forty (40) percent from slopes forty (40) percent or steeper. Where no distinct break exists, the toe of a steep slope is the lowermost limit of the area where the ground surface drops ten (10) feet or more vertically within a horizontal distance of twenty-five (25) feet; and
2. The top of a slope is a distinct, topographic break in slope which separates slopes inclined at less than forty (40) percent from slopes forty (40) percent or steeper. Where no distinct break exists, the top of a steep slope is the upper most limit of the area where the ground surface drops ten (10) feet or more vertically within a horizontal distance of twenty-five (25) feet.

Stormwater runoff means water originating from rainfall and other precipitation that enters drainage facilities, rivers, streams, springs, seeps, ponds, lakes, or wetlands plus ground water base flows above the aquifer or water table.

Stormwater treatment means the removal of pollutants from stormwater by means that include, but are not limited to, filtration, sedimentation, adsorption, and chemical alteration or degradation of pollutants.

Stormwater treatment facility means a constructed drainage facility that removes pollutants from stormwater and includes the inlet and outlet pipes and all maintenance access points for such facilities.

Stream as defined in chapter 17.02B.

Temporary erosion and sedimentation control means any temporary measures taken to reduce erosion, control siltation and sedimentation, and ensure that sediment-laden water does not leave the site.

Upstream analysis means a calculation of the geographic area of land lying upstream and drainage flow that drains onto or through the site.

Water quality sensitive area means areas that are sensitive to a change in water quality and have an existing and documented water quality problem listed in final reports required under Section 303(d) of the Clean Water Act or designated in adopted local non-point action plans under Chapter 400-12 WAC.

Watershed means a geographic region in which water drains into a particular river, stream, or body of water.

Watershed management plan means a plan adopted by the county for a specific watershed management area including, but not limited to, a comprehensive drainage plan, a comprehensive drainage basin plan, or a master drainage infrastructure plan.

Wetlands as defined in chapter 17.02B.

11.03.040 - Drainage manual and ordinance administration. [\[16\]](#)

A. Drainage manual. The Board of Island County Commissioners shall adopt and amend a drainage manual and/or adopt by reference all or in part an existing drainage manual of another municipality. The drainage manual and any amendments thereto will be available to the public at the Public Works Department. The drainage manual shall contain standards and technical guidance for complying with this chapter, including recommended best management practices, engineering design storm requirements, engineering design requirements for various drainage facilities, and other drainage control measures. The drainage manual shall include, but is not limited to the following:

1. Hydrologic and hydraulic analysis, modeling, design storm, and design;
2. Detention and retention facility design and maintenance;
3. Erosion and sediment control practices;
4. Stormwater treatment practices, design, and maintenance;

5. Source control practices;
 6. Structural design methods and facility maintenance practices for other drainage facilities;
 7. A selection of recommended best management practices;
 8. The submittal requirements of a preliminary or detailed drainage plan, including plan revisions and record drawings;
 9. The drainage facility inspection process, release of maintenance responsibilities, and process for construction acceptance; and
 10. Adoption by reference of general design and construction standards.
- B. The Director/County Engineer shall administer and enforce compliance with all requirements of this chapter, or otherwise noted herein.
- C. Administration of this chapter for Public Works projects. The Director/County Engineer shall administer and enforce compliance with all requirements of this chapter for Island County Public Works Department construction projects. These projects shall be exempt from all fee requirements and all requirements of security and insurance of this chapter. The Director/County Engineer shall include a requirement for all applicable grading, drainage, and erosion and sedimentation control plans in any contract documents prepared for such projects.

11.03.050 - 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.

11.03.060 - Relationship to chapter 16.14C environmental impacts and other regulations.

- A. The requirements of this chapter, together with the comprehensive plan adopted pursuant to RCW 36.70A, the critical areas regulations of chapter 17.02B, the storm and surface water utility regulations of chapter 15.02, and the grading regulations of chapter 11.02 constitute the policy of the County under the County's police power authority, the GMA and SEPA for the review of development, and the determination of significant adverse environmental impacts and imposition of mitigation requirements due to the impacts on-site and off-site from changes to stormwater volume, release rate, and erosion and sedimentation caused by development activities.
- B. For the purposes of chapter 16.14C, measures required by this chapter and other applicable development regulations shall constitute adequate mitigation of adverse or significant adverse environmental impacts, on-site and off-site, from changes to stormwater volume, release rate, and erosion and sedimentation caused by development activities.

11.03.070 - Liability.

- A. Administration of this chapter shall not be construed to impose or create a basis for any liability on the part of the county, its appointed and elected officials, officers, agents, or employees, nor shall this chapter be construed to create any special relationship with or otherwise protect any specific person or class of persons.
- B. Island County is not responsible for the accuracy of plans (preliminary or final) submitted for approval. The county expressly disclaims any responsibility for design or implementation of a drainage plan. The design and implementation of a drainage plan is the responsibility of the person or firm submitting the application.

11.03.080 - Critical drainage areas—Designation.¹⁷⁷

Any lands determined by the Board of Island County Commissioners to meet the following criteria shall be designated critical drainage areas by resolution of the board:

- A. Areas sensitive to the effects of construction or development as evidenced by severe flooding, drainage, and/or erosion/sedimentation conditions, which have resulted or will result from the cumulative impacts of development and urbanization; or
- B. Areas that discharge to a receiving water that has a documented water quality problem and has been designated a water quality sensitive area as defined herein; or
- C. Areas where the need for additional stormwater control measures have been identified through a basin plan, watershed ranking process, or through Growth Management Act planning.

11.03.090 - Development activities requiring drainage review.

Except as exempted in section 11.03.020 the requirements of this chapter apply to three (3) types of development activities: small residential development activities per the provisions of section 11.03.100; other small development activities per the provisions of section 11.03.110; and major development activities per the provisions of section 11.03.130. The requirements also apply to the regulated division of land and planned residential developments.

11.03.100 - Drainage review for small residential development activities.

- A. The Director/County Engineer may conduct a site review of all proposed small residential activities for which a permit application has been submitted. Drainage narratives for small residential development ~~shall are not be typically required, except for proposals in areas designated as critical drainage areas except in critical drainage areas and/or except development, as determined by the Director, within or which is likely to impact a regulated critical area as defined in ICC chapter 17.02B and/or regulated steep slopes as defined per ICC 11.02.~~
- B. The Director/County Engineer shall attach to the applicant's permit a list of required temporary erosion and sedimentation control measures (best management practices—BMPs) which fulfill the minimum erosion and sedimentation control requirements of sections 11.03.230.A.1—4. and 6.
- C. In the case of small residential development proposed within a designated critical drainage area, the applicant may either submit a drainage narrative for review/approval or may accept, as conditions of permit approval, the attachment of conditions which fulfill either, as applicable, the low-impact development surface water rate control best management practices (BMPs) or conventional rate control BMPs, and which also fulfill the temporary erosion and sedimentation control requirements (BMPs) of this chapter, unless otherwise exempted below. Small residential development activities that discharge surface water into a designated water quality sensitive area shall have additional water quality BMPs attached as conditions of approval.
- D. The required erosion and sedimentation control BMPs must be installed and maintained during construction. When required, the surface water quality and/or rate BMPs must be completed prior to the issuance of an occupancy permit. The BMPs may be inspected by the county during construction and a stop work order may be issued by the Building Official if the BMPs have not been installed and maintained.
- E. A preliminary drainage plan shall be required if:
 - 1. The proposed development activity is subject to a public hearing before the hearing examiner and low-impact drainage controls are not proposed; or
 - 2. The Director/County Engineer determines that:
 - a. The proposed development activity would alter a natural drainage course; or
 - b. The proposed development activity would adversely impact a critical drainage area.
- F. Any small residential development for which a drainage plan/narrative has been submitted shall comply with the drainage system requirements, the minimum erosion and sedimentation control

provisions, the water quality, the wetland/critical area restrictions, and all applicable requirements for maintenance of drainage facilities of this chapter.

11.03.110 - Drainage review for other small development activities.

The following are required for all other small development activity which create less than 5,000 square feet of new impervious surface and are not a small residential development activity:

- A. In the case of small development proposal, the applicant must either submit a drainage narrative for review/approval or must accept, as conditions of permit approval, the attachment of conditions which fulfill either, as applicable, the low-impact development surface water rate control best management practices (BMPs) or conventional rate control BMPs, and which also fulfill the temporary erosion and sedimentation control requirements (BMPs) of this chapter, unless otherwise exempted below. Other small development activities that discharge surface water into a designated water quality sensitive area shall have additional water quality BMPs attached as conditions of approval.
- B. Any subsequent small development for which a drainage plan/drainage narrative has been submitted must comply with the drainage system requirements, the minimum erosion and sedimentation control provisions, the wetland detention restrictions, the water quality, and all applicable requirements for maintenance of drainage facilities, and security and insurance of this chapter.
- C. A preliminary drainage plan shall be required if:
 1. The proposed development activity is subject to a public hearing before the hearing examiner and low-impact drainage controls are not proposed; or
 2. The Director/County Engineer determines that:
 - a. The proposed development activity would alter a natural drainage course; or
 - b. The proposed development activity would adversely impact a critical drainage area.

11.03.120 - Exemptions for small residential development and other small development activities.

Small residential development activities and other small development activities, including the regulated division of land, of lots 2.5 acres or larger in size shall be exempt from the stormwater quantity control, source control of pollution, and stormwater treatment BMPs of this chapter except in critical drainage areas and/or except development, as determined by the Director, within or which is likely to impact a regulated critical area as defined in ICC chapter 17.02B and/or regulated steep slopes as defined per ICC 11.02.

11.03.130 - Drainage review for major development activities and for engineered grading.

For all major development activity and/or engineered grading pursuant to chapter 11.02:

- A. A preliminary drainage plan must be submitted as an application requirement for major development activities and must be submitted for engineered grading and be approved prior to project approval. An applicant may voluntarily submit a final drainage plan at this stage in the process. If the applicant proposes to use low-impact development drainage controls, a drainage narrative may be submitted in lieu of the preliminary drainage plan.
- B. The Director/County Engineer may waive the requirement for a final drainage plan after a preliminary drainage plan/narrative has been submitted and reviewed as provided for by this chapter upon making written findings that the proposed development activity/engineered grading will not:
 1. Adversely affect existing water quality conditions of any aquatic resource;
 2. Alter the existing surface or subsurface drainage patterns or flow rates on-site or off-site;

3. Increase peak discharge or stormwater runoff volume sufficiently to cause adverse impacts downstream; or
 4. Cause erosion, sedimentation, or flooding on upstream or downstream properties.
- C. Any drainage plan/drainage narrative and subsequent major development/engineered grading must comply with the drainage system requirements, all erosion and sedimentation control provisions, all redevelopment requirements, the water quality requirements, the wetland detention restrictions, and all applicable requirements for maintenance of drainage facilities and security of this chapter as a condition of approval of the development activity.

11.03.140 - Owner or applicant to comply with drainage approvals.

The owner or applicant performing any development activity/engineered grading must comply with all specifications, standards, requirements, and conditions of any permit, plan, or review approved 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. No person may alter or interfere with any drainage facility which is an element of an approved drainage plan/drainage narrative or review. Failure to comply shall be considered a violation of this chapter and subject to the enforcement process of this chapter.

11.03.150 - Drainage review process.

- A. Drainage review pursuant to this chapter shall be conducted in conjunction with and shall be a condition of, review and approval of the underlying permit for the proposed development activity. Construction, including regulated clearing and grading, may not commence until issuance of approval of any required drainage review.
- B. Whenever a development activity/engineered grading requires submittal of a drainage plan/drainage narrative under this chapter, the preliminary drainage plan/narrative shall be submitted at the time of application for a proposed project. The department shall use the provisions of the drainage manual to determine if the drainage plan/narrative and the application for the development activity are complete. Failure to submit a complete preliminary drainage plan/narrative at the time of application shall cause the application to be incomplete.
- C. Upon finding any deficiencies in the drainage plan/drainage narrative submittal, the department shall notify the applicant of the deficiencies and return the drainage plan/drainage narrative to the applicant for revision and resubmittal. Such a finding of deficiency must be timely and conform to the time frames and procedures established in chapter 16.19.
- D. Once a drainage plan/drainage narrative has been determined complete, the department shall conduct a review of the drainage plan/drainage narrative for compliance with the requirements of Island County Code. This review may include a site review.
- E. If a final drainage plan is required under this chapter, the final drainage plan shall be submitted at the time of submittal of construction plans for the building permit or in the case of those development activities regulated under the State Subdivision Act (RCW 58.17) or site plans regulated under chapter 16.15, in conjunction with the review and approval of the application for final approval. Failure to submit a complete final drainage plan shall cause the application to be incomplete.
- F. If a plan is resubmitted, a resubmittal and revision fee may be required after the second submittal.
- G. The department shall notify the applicant in writing upon approval of the plan.
- H. The applicant must pay the inspection fee required, if any, before the department shall issue the approval.

11.03.160 - Preliminary drainage plan/drainage narrative submittal requirements.

- A. **Preliminary drainage plan:**

1. The purpose of the preliminary drainage plan submittal requirements is to require a conceptual layout of the proposed drainage system that clearly 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. Preliminary drainage plan submittals may also include detailed engineering and design information for the drainage system.
2. The submittal requirements established pursuant to this section shall be used to determine whether a preliminary drainage plan submittal is complete.
3. The submittal requirements established in the drainage manual adopted pursuant to this chapter shall be used to determine whether a preliminary drainage plan submittal is complete.
4. Preliminary drainage plan fees must be paid at the time of application.

B. Drainage narrative submittal requirements:

1. The purpose of the drainage narrative is to require a conceptual layout of the proposed drainage system, which clearly indicates the nature and extent of the work proposed and which explains how the drainage system will function in fulfillment of the alternative low-impact standards of this chapter, with sufficient information to allow the county to determine compliance with the applicable requirements of this chapter and other applicable laws. If the development activity is proposed within a designated critical drainage area, special attention must be paid to those parameters upon which the designation is based.
2. The submittal requirements established in the drainage manual adopted pursuant to this chapter shall be used to determine whether a drainage narrative submittal is complete. Preliminary drainage plan fees must be paid at the time of application.
3. Preliminary drainage plan fees must be paid at the time of application.

11.03.170 - Final drainage plan submittal requirements.

- A. The purpose of the final drainage plan submittal requirements is to require an accurate set of drainage plans and calculations that are a part of the construction documents prepared for the development activity. The nature and extent of the work proposed must be clearly indicated and include sufficient information to allow the county to determine compliance with the applicable requirements of this chapter and other applicable laws.
- B. Submittal requirements for final drainage are specified in the drainage manual and shall be used to determine whether the final drainage plan and the application for the associated development activity are complete.
- C. A geotechnical report may be required by the Director/County Engineer upon determining that the development activity is within a critical area or that soil, hydrologic or geologic conditions merit more detailed information to address project safety, stability, or drainage.
- D. All or portions of a preliminary or final drainage plan/drainage narrative submitted for one (1) permit or approval may be submitted as a part of another application if it meets current requirements of this chapter and upon payment of review fees.
- E. Final drainage plan fees must be paid at the time of application for final approval.

11.03.180 - Appeals.

- A. Any aggrieved person may appeal any final decision or determination of the Director/County Engineer under this chapter to the hearing examiner, except that the appeal of decisions and determinations of the director that are included as a condition of another permit, pursuant to the provisions of this chapter, do not change the appeal procedures established for the issued permit. Appeals shall be filed and processed pursuant to the provisions of chapter 16.19 as a Type II decision.

- B. At the hearing, the appellant shall have the burden of proof.
- C. The decision of the hearing examiner shall be final and conclusive with the right of reconsideration and may then be reviewable by an action for writ of review filed in Island County Superior Court as provided in chapter 16.19.

11.03.190 - Drainage review fees.

- A. Fees required for all drainage reviews, approvals and inspections conducted by Island County in order to compensate the Public Works Department for the costs of administering this chapter: These fees apply when a drainage review is a required component of a permit application or is a condition of a building permit/final development approval. Such fees are in addition to any other fees required by law. The fees are established in the county fee schedule which is available at the Public Works Department and the Planning and Community Development Department.
- B. Refund of drainage construction inspection fees. Upon receiving an applicant's written request, the Director/County Engineer may give a pro-rated refund of drainage construction inspection fees for documented reductions in grading quantities, square footage of impervious surface area, lineal feet of road, number of lots, or acreage. Such a request must be received within six (6) months of project completion or record drawing acceptance by the county.

11.03.200 - Drainage system requirements for all development activities with drainage plans/drainage narratives.

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

- A. **Stormwater entry and exit.** If drainage patterns currently exist on the site, drainage facilities must be designed so that stormwater enters and exits the site at the existing location(s) of entry and exit.
- B. **Mitigation.** Mitigation must be provided for drainage impacts resulting from changes in the flow rate and quality of stormwater runoff, and in the case of a critical drainage area from changes in the volume of runoff. Impacts which must be mitigated include, but are not limited to, impacts from flooding, erosion, sedimentation, scouring, bank sloughing, or groundwater discharges to aquifer recharge areas, and adverse impacts to aquatic habitat and water quality resulting from increased pollutants in stormwater or from spills or discharges of pollutants. If the development activity is proposed in an area established as a critical drainage area, as herein defined, additional mitigation shall be required.
- C. **Downstream drainage.**
 - 1. **Downstream analysis.** If required, the applicant shall perform a downstream analysis per the drainage manual. A downstream analysis is not required when low-impact standards are proposed and the development is approved using low-impact standards.
 - 2. **Avoiding or mitigating downstream drainage impacts.** If the downstream analysis identifies significant adverse drainage impacts downstream from the proposed development activity, then the applicant shall avoid or mitigate these impacts. A proposed development's obligation in light of existing or potential downstream problems is that the existing problems must not be aggravated and new problems must not be created as a result of development of the site. This chapter does not require development proposals to fix or otherwise reduce the severity of existing downstream drainage problems, although to do so may be an acceptable mitigation.
- D. **Conveyance system requirements.**
 - 1. Conveyance systems shall accommodate the peak flow of the design storm as required by the drainage manual.

2. Conveyance systems shall not place streams in culverts unless determined by the Director/County Engineer to be necessary for property access and traffic circulation. Bridges or bottomless arch culverts shall be installed instead of culverts at stream crossings, unless approved by the director. Stream crossing installations may be regulated by the Washington State Department of Fish and Wildlife (WDFW) and subject to hydraulic project approval (HPA) from WDFW.

E. **Retention and detention system requirements.** The design storm retention/detention requirements for a specific site and development; the minimum computation standards; and any correction factors for sizing retention or detention facilities, are specified in the drainage manual except that the stormwater runoff rate controls of this chapter shall not apply if the stormwater runoff generated on-site is:

1. Treated for water quality using appropriate best management practices; the proposed increase in peak discharge for a 100-year, twenty-four-hour design storm is less than one-tenth (0.1) cubic feet per second; and a downstream analysis demonstrates that there will be no adverse impacts to existing drainage facilities or to critical drainage areas; or
2. Discharged to a regional stormwater management facility and the following conditions are met:
 - a. The facility is in operation by the time construction begins;
 - b. The conveyance system between the proposed project and the regional facility meets the design requirements of this chapter; and
 - c. The regional facility meets the stormwater runoff quantity control standards of this chapter; or
3. Is discharged directly into the receiving water and the applicant can demonstrate that the conveyance system is adequate to handle the increased rate and volume and that there will be no adverse impacts resulting from direct discharge into the water.

F. **Setbacks from drainage facilities.**

1. **Open drainage facilities.** A setback of at least seven and one-half (7.5) feet, measured horizontally, shall be provided between any structure, on-site or off-site, and the top of the bank of a constructed open channel or open retention/detention pond.
2. **Closed drainage facilities.** A setback of at least five (5) feet, measured horizontally, shall be provided between any structure, on-site or off-site, and the nearest edge of a closed drainage facility.

G. **Easements.** Drainage facilities shall include easements as provided in this chapter, if required thereby.

H. **Maintenance.** Drainage facilities shall be maintained as required by this chapter.

11.03.210 - Additional drainage system requirements for major development activities in UGAs and RAIDs.

In addition to the requirements this chapter, the drainage manual specifies additional surface water quantity and quality controls and design parameters for major development activities in urban growth areas (UGAs) and those rural areas of intense development (RAIDs) that have designated critical drainage areas and the review of drainage plans submitted.

11.03.220 - Drainage system requirements for developments proposing the low-impact development alternative.

Alternative low-impact development standards require:

- A. **Runoff volume control.** The predevelopment volume is maintained by a combination of minimizing the site disturbance from the predevelopment to the post development condition and then providing distributed retention BMPs. Retention BMPs are structures that retain the runoff for the design storm event. A "customized" or detailed runoff curve number (CN) evaluation is required to determine the required runoff volume. The storage required to maintain the predevelopment volume may also be sufficient to maintain the predevelopment peak rate.
- B. **Peak runoff rate control.** Low-impact development is designed to maintain the predevelopment peak runoff discharge rate for the selected design storm events. This is done by maintaining the predevelopment time of concentration (Tc) and then using retention and/or detention BMPs (e.g., rain gardens, open drainage systems, etc.) that are distributed throughout the site. The goal is to use retention practices to control runoff volume and, if these retention practices are not sufficient to control the peak runoff rate, to use additional detention practices to control the peak runoff rate.
- C. **Flow frequency duration control.** Since low-impact development is designed to emulate the predevelopment hydrologic regime through both volume and peak runoff rate controls, the flow frequency and duration for the post development conditions will be almost identical to those for the predevelopment conditions. The impacts on the sediment and erosion and stream habitat potential at downstream reaches can then be minimized.
- D. **Water quality control.** Low-impact development is designed to provide water quality treatment control for the duration storm runoff from impervious areas using retention practices. The storage required for water quality control is compared to the storage required to control the increased runoff volume. The greater of the two (2) volumes is the required retention storage. Low-impact development also provides pollution prevention by modifying human activities to reduce the introduction of pollutants into the environment.

11.03.230 - Erosion and sedimentation control requirements.

- A. The erosion and sedimentation control requirements of paragraphs 1.—4. and 6. of this subsection 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 therefor. The applicant shall meet these standards and requirements by using appropriate best management practices (BMPs) for erosion and sedimentation control in accordance with the drainage manual or as approved by the Director.
 - 1. **Erosion on- and off-site.** During and after construction, all persons engaging in development activities shall minimize erosion and sedimentation on-site and shall protect properties and water courses downstream from the site from erosion due to increases in the velocity and peak flow rate of stormwater runoff from the site;
 - 2. **Transport of sediment.** The applicant shall minimize the transport of sediment onto paved surfaces, and if sediment is transported onto a paved surface, shall clean the paved surface at the end of each day in accordance with BMPs in the drainage manual, or approved by the director;
 - 3. **Stabilizing exposed soil.** The applicant shall stabilize denuded areas and soil stockpiles as established in the drainage manual;
 - 4. **[Temporary erosion and sedimentation control measures.]** Temporary erosion and sedimentation control measures shall be maintained until final site stabilization;
 - 5. **Protecting storm sewer inlets.** The applicant shall protect storm sewer inlets receiving stormwater 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;
 - 6. **Sediment retention.** The applicant shall route stormwater runoff from the site through a sediment retention BMP as established in the drainage manual. Preserving a vegetated buffer strip around the lower perimeter of the site satisfies this requirement;

7. **Design of temporary sediment ponds and traps.** The applicant shall design and construct all temporary sediment ponds and sediment traps to accommodate the peak discharge as established by the drainage manual;
 8. **Temporary conveyance systems.** The applicant shall design and construct all temporary stormwater conveyance systems to minimize erosion, while conveying peak discharge from the design storm established in the drainage manual;
 9. **Erosion.** The applicant shall design and construct temporary and permanent BMPs adequate to minimize erosion of outlets, adjacent stream banks, slopes, and downstream reaches;
 10. **Additional requirements for utilities.** The installation of underground utility lines shall be subject to the following additional requirements:
 - a. No more than 500 feet of trench may remain open at one (1) time;
 - b. Excavated material shall be placed on the uphill side of trenches, unless inconsistent with safety or site constraints;
 11. **Discharge from dewatering devices.** Water from a dewatering device shall discharge into a sediment-retention BMP;
 12. **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.
- B. The applicant shall implement fully the erosion and sedimentation control plan at each stage of site development.

11.03.240 - Redevelopment.

- A. Where redevelopment activities meet the definition of a major development, the requirements of this chapter shall apply only to that portion of the site that is being redeveloped, except where one (1) or more of the following conditions exist, the requirements of this chapter shall apply, to the maximum extent practicable, to the entire site, including adjoining parcels, if they are part of the project:
1. Existing developed sites greater than one (1) acre in size with a total of fifty (50) percent or more impervious surface and within a designated critical drainage area as a result of severe flooding, drainage, erosion/sedimentation conditions, and/or discharging to a receiving water that has a documented water quality problem, which have resulted or will result from the cumulative impacts of development and urbanization, or
 2. Developed sites that discharge to a receiving water that has a documented water quality problem and has been designated a critical drainage area as a result of the designation of a water quality sensitive area.
- B. Regardless of the area of impervious surface, the source control BMPs and water quality treatment to remove stormwater pollutants as required under this chapter, shall apply to the entire site unless the applicant demonstrates to the Director/County Engineer's satisfaction that the cost of treatment would increase total stormwater control cost by more than ten (10) percent. In such case, the director/county engineer may allow, for the rest of the site only, a reasonable reduction in area or BMPs required for water quality treatment, so that treatment costs remain below the ten-percent threshold, if the applicant demonstrates to the Director/County Engineer's satisfaction that the reduction will not have significant negative impacts to aquatic resources downstream of the project.
- C. The Director/County Engineer may impose additional requirements on the entire site or a portion thereof, including stormwater detention, if the Director/County Engineer determines that significant water quality, flooding, or critical area impacts may be worsened as a result of the redevelopment.

11.03.250 - Modifications or waivers of requirements.

- A. **Additional or more stringent controls.** The Director/County Engineer 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, if the Director/County Engineer determines such standards or requirements are necessary because of unusual or newly discovered site conditions; because of weather conditions; to protect water quality or critical areas; to minimize flood hazards; or to protect public health, safety, and welfare.
- B. **Waiver or modification at request of applicant.** At the written request of the applicant, the Director/County Engineer 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/County Engineer in writing.
1. The applicant's written request for a waiver or modification of a requirement must 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 B.2., below. The request shall be accompanied by payment of the fee required. The Director/County Engineer 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/County Engineer shall specify the reasons for any decision.
 2. The Director/County Engineer may approve a modification or waiver only upon finding that:
 - a. The waiver or modification will not result in increased flooding, water pollution, sedimentation, or damage to adjacent properties or drainage facilities, both natural and artificial, whether public or private; and
 - b. At least one (1) of the following criteria is met:
 - (i) Compliance with the requirement will not substantially achieve the intended purpose because of unusual site conditions;
 - (ii) 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;
 - (iii) The requirement is not technically feasible;
 - (iv) 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;
 - (v) An emergency situation necessitates approval of the waiver or modification; or
 - (vi) Reasonable use of the property is not possible unless the waiver or modification is approved.
- C. **Modification of requirements in areas designated in a watershed management plan.** The county, at its discretion and in a manner determined by the county, may modify any requirement of this chapter within 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.

11.03.260 - Maintenance responsibility for drainage facilities.

The owner of record shall be responsible for maintenance and operation of on-site drainage systems, unless the county assumes this responsibility pursuant to this chapter. Detailed maintenance responsibilities are specified in the drainage manual.

- A. Drainage systems shall be maintained at all times so that their water quantity, water quality control functions, and access are not impaired. Maintenance shall include keeping all

conveyance systems, storage facilities, and access areas free of accumulated debris or trash, and all impervious surfaces free from sediment.

- B. Maintenance of all drainage systems 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.
- C. Maintenance covenant. The owners with a record interest in any private drainage facilities shall sign and record a covenant which runs with the land and requires the owners of the property, heirs, successors, and assigns to maintain the drainage facilities. The covenant shall be in a form specified by the Director/County Engineer. The covenant shall describe the owner's maintenance responsibilities and obligations, the right of entry for inspection by the county, and when applicable, notice by the county to perform the required maintenance. 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.

11.03.270 - Interim maintenance responsibility after construction acceptance.

The applicant or owner of any drainage facility shall be responsible for maintenance of the drainage system, including that portion within the county road right-of-way, for a period of two (2) years following construction acceptance by the county. The county may periodically inspect the system for maintenance and may enforce the maintenance requirements pursuant to this chapter. The applicant or owner shall provide a maintenance bond in accordance with this chapter. Verification of maintenance and county approval must be obtained in writing prior to release of any maintenance bond. If inspection during the two-year maintenance period identifies deficiencies in maintenance of the drainage system, the applicant must correct such deficiencies within the time specified by the Director. The maintenance bond security shall be administered in accordance with this chapter.

11.03.280 - Release of applicant from maintenance responsibility.

After release of the maintenance bond, the applicant will be released from responsibility for maintaining those elements of the drainage system that are to be publicly owned and are within the county road right-of-way.

11.03.290 - Easements and dedications granted to the county.

- A. 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 systems to protect the public from flooding, water quality degradation, and damage to aquatic habitat:
 - 1. All detention facilities, retention facilities, and stormwater treatment facilities;
 - 2. Access routes constructed in accordance with the requirements of this chapter;
 - 3. Conveyance systems that conduct stormwater from a public or private right-of-way to detention facilities, retention facilities, and stormwater treatment facilities;
 - 4. Closed-conduit conveyance systems that conduct water downstream of a public or private right-of-way;
 - 5. Closed-conduit conveyance systems that conduct stormwater from detention facilities, retention facilities, and stormwater treatment facilities downstream to a public right-of-way;
 - 6. Any other privately-owned drainage system, if the director/county engineer 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;
 - 7. Any other drainage easements offered by the owner of the subject property may be accepted if the Director/County Engineer determines the easement serves the public interest.

- B. All easements granted to the county under this section shall grant access from an opened public right-of-way.
- C. Easements granted to the county ~~under subsection~~ shall be fifteen (15) feet in width. The required width may be changed at the discretion of the Director/County Engineer, based upon site conditions and access needs, provided that the easement shall be at least ten (10) feet wide.
- D. The easement shall be documented and submitted to the department in a form required by the director.
- E. 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.
- F. 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.
- G. 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/County Engineer. 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 must reimburse the county for the cost of removing encumbrances placed within an easement in violation of this Code. Payments must be made within ninety (90) 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.

11.03.300 - Easements granted to the public.

If determined by the approving authority to be of public necessity during the review process, easements shall be granted to the public over all drainage facilities specified in an approved drainage plan, for the purpose of conveying or storing stormwater runoff. The easement shall be documented and submitted to the department in a form required by the Director.

11.03.310 - Maintenance covenant.

The owners with a record interest in any private drainage facilities shall sign and record a covenant which runs with the land and requires the owners of the property, heirs, successors, and assigns to maintain the drainage facilities. The covenant shall be in a form specified by the Director. The covenant shall describe the owner's maintenance responsibilities and obligations, the right of entry for inspection by the county, and when applicable, notice by the county to perform the required maintenance. 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 must reimburse the county for the cost of performing maintenance which the owner has failed to perform in violation of this Code. Payments must be made within ninety (90) 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.

11.03.320 - Separate tracts for detention facilities.

Detention facilities, retention facilities, and stormwater treatment facilities serving residential lots, and access roads serving these facilities, shall be placed in one (1) 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. Low-impact facilities may be located within individual lots or community property.

11.03.330 - Security and insurance.

The Director/County Engineer is authorized and has the discretion to require, all applicants constructing detention/retention facilities or other drainage facilities for major development activities to post surety and cash bonds in those areas that have been designated critical drainage areas. The following bonds and insurance are required:

- A. **Construction bond.** As required by the Director, the person constructing the facility shall post a construction bond in an amount sufficient to cover the cost of conforming said construction with the approved drainage plans. After determination by the Public Works Department that all facilities are constructed in compliance with the approved plans, the construction bond shall be released.
- B. **Maintenance bond.** After satisfactory completion of the facilities and release of the construction bond by the county, the owner constructing the facilities shall commence a two-year period of satisfactory maintenance of the facility.

11.03.340 - Penalties and enforcement.

Any violation of chapter 11.03 shall be enforced by the Planning and Community Development Director and shall be subject to the enforcement provisions of chapter 17.03. The Director/County Engineer shall provide support and technical guidance to the Planning and Community Development Director on all chapter 11.03 violations.

11.03.350 - Illicit connections and uses.

- A. The stormwater system of Island County, natural and artificial, publicly- and privately-owned, may only be used to convey stormwater runoff. "Stormwater system" shall mean all natural and man-made systems which function together or independently to collect, store, purify, discharge, and convey stormwater. Included are all stormwater facilities as well as natural systems such as streams and creeks and all natural systems which convey, store, infiltrate, or divert stormwater. Violation of this section can result in enforcement action being taken as prescribed herein.
- B. No person shall use the stormwater system, directly or indirectly, to dispose of any solid or liquid matter other than stormwater. No person shall make or allow 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 are prohibited. Connections to the stormwater system for any purpose other than to convey stormwater or groundwater are prohibited and shall be eliminated.

11.03.360 - Inspection and right of entry.

The department may inspect any development activity for which a permit is required and construction of drainage facilities for which plan approval is required to enforce the provisions of this chapter. By submitting a preliminary or final drainage plan/drainage narrative or an application for a Clearing and Grading permit, the applicant consents to entry upon the site by the county for the purpose of making reasonable inspections to verify information provided by the applicant and to verify that work is being performed in accordance with the approved plans, permits, and the requirements of this chapter.

11.03.370 - Withholding of certificate of occupancy.

In addition to the issuance of any order for abatement and correction of a violation of a provision of this chapter, the Director/County Engineer may request that the Building Official withhold the approval of a certificate of occupancy or other forms of occupancy approval until the violation has been corrected.

11.03.380 - Hazards.

Whenever the Director/County Engineer determines that a condition caused by a development activity regulated by this chapter creates a present or imminent hazard, or is likely to create a hazard to

the public safety, health, or welfare, the environment, or public or private property, the Director/County Engineer may declare such condition a public nuisance and may direct the property owner or persons causing or contributing to the hazardous condition to abate the hazard within a specified period, or the Director/County Engineer may take action to abate the hazard and recover all costs incurred from the responsible parties. Payments must be made within ninety (90) 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.

11.03.390 - Severability.

If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of this chapter or its application to other persons or circumstances is not affected.

11.03.400 - Effective date.

The amendments to this chapter shall take effect on December 1, 1998, and shall apply to new applications submitted on or after that date and to incomplete applications filed prior to that date.