

ORDINANCE NO. ~~17~~ 062

**REVISING THE COWLITZ COUNTY STORMWATER DRAINAGE CODE TO MEET ORDINANCE THE REQUIREMENTS OF THE WESTERN WASHINGTON PHASE II MUNICIPAL STORMWATER PERMIT**

WHEREAS, pursuant to RCW 90.48 and The Federal Water Pollution Control Act 'The Clean Water Act', the Washington State Department of Ecology has issued Cowlitz County the Western Washington Phase II Municipal Stormwater Permit that requires Cowlitz County to manage stormwater discharge within its Urbanized Area; and

WHEREAS, pursuant the Western Washington Phase II Municipal Stormwater Permit, the Board of County Commissioners is required to implement an ordinance or other enforceable mechanism that addresses runoff from new development, redevelopment and construction site projects; and

WHEREAS, the Board of County Commissioners of Cowlitz County, Washington, upon recommendation of the County Engineer, has deemed it advisable to revise the Cowlitz County Drainage Code (CCC 16.22) to meet the requirements of the Western Washington Phase II Municipal Stormwater Permit; and

WHEREAS, this Board finds such regulations and their codification to be in the public interest.

NOW THEREFORE, BE IT ORDAINED by the Board of County Commissioners that:

Section 1. Adoption. Chapter 16.22 of the Cowlitz County Code (CCC) is hereby repealed, and a revised Chapter 16.22, "Stormwater Management in the Unincorporated Urbanized Area", as attached hereto as Exhibit "A" and incorporated herein, is adopted.

Section 2. Codification. Only Exhibit "A" noted in Section 1 of this Ordinance shall be codified.

Section 3. Severability. The provisions of this ordinance are declared separate and severable. If any section, paragraph, clause, or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Commissioners hereby declares that it would have passed this ordinance and each section, paragraph subsection, clause or phrase thereof irrespective of the fact that any one or more sections, paragraph subsections, clauses or phrases may subsequently be found to be unconstitutional or invalid.

Section 4. Repeal. CCC 16.22.010 through 16.22.140, and Ordinance No. 11-095 are amended, repealed and revised as set forth above. The sections and provisions of other and prior ordinances or resolutions not expressly referenced, amended, repealed or revised herein, shall remain in full force and effect. Such amendment, repeal and revision shall not be construed as affecting any existing right or registration acquired under the ordinance or portions of ordinance amended, nor as affecting any proceeding instituted thereunder, nor any rule, regulation, or order promulgated thereunder, nor the administrative action taken thereunder. Further, it is not the intention of these actions to reenact any ordinance or portions or sections of ordinances previously revised, repealed or amended, unless this ordinance specifically states such intent to reenact such revised, repealed or amended ordinances.

Section 5. Effective Date. These regulations are in the public interest and shall take effect on July 1<sup>st</sup>, 2017.

PASSED IN REGULAR SESSION THIS 18<sup>th</sup> day of July, 2017, after a public hearing was held on June 27, July 11 & July 18, 2017, pursuant to Notice published in the Longview Daily News on June 14, 2017.

APPROVED AS TO FORM:  
RYAN JURVAKAINEN, Prosecuting Attorney

BOARD OF COUNTY COMMISSIONERS  
COWLITZ COUNTY, WASHINGTON

By: Douglas E. Jensen, Chief Civil Deputy

Joe Gardner, Chairman

*Joe Gardner* \* UNDER PROTEST

ATTEST:



*Dennis P. Weber*  
Dennis P. Weber, Commissioner

*Tiffany Ostreim*  
Tiffany Ostreim, Clerk of the Board

*Arne Mortensen* (UNDER PROTEST)  
Arne Mortensen, Commissioner

# Exhibit A

## CHAPTER 16.22

### STORMWATER MANAGEMENT IN THE UNINCORPORATED URBANIZED AREA

#### Sections:

- 16.22.010 Declaration of Title
- 16.22.020 Authority and Purpose
- 16.22.030 Definitions
- 16.22.040 Applicability
- 16.22.050 Exemptions
- 16.22.060 Minimum Requirements for Construction and Development
- 16.22.070 Modifications, Variances, and Appeals
- 16.22.080 Ownership, Inspection and Maintenance
- 16.22.090 Easements, Deeds, and Covenants
- 16.22.100 Enforcement
- 16.22.110 Interpretation
- 16.22.120 Liability
- 16.22.130 Ultimate Responsibility
- 16.22.140 Conflict with Other Regulations

#### **16.22.010. DECLARATION OF TITLE.**

This chapter shall be known as the Cowlitz County Stormwater Drainage Code.

#### **16.22.020. AUTHORITY AND PURPOSE.**

Implementation of this chapter is required under the Western Washington Phase II Municipal Stormwater Permit (Phase II Permit) issued by the Washington State Department of Ecology under sections 307, 318, 402 and 405 of the Federal Clean Water Act, 33 U.S.C. 1251 et seq. Under the authority granted to Cowlitz County in RCW Chapter 36.70 and RCW Chapter 90.48 and the provisions of the Phase II Permit and Clean Water Act, Cowlitz County hereby establishes minimum requirements regulating stormwater discharge from construction and development activities into the surface waters and municipal stormwater facilities of Cowlitz County.

The purpose of this chapter is to:

- A. Promote public awareness;
- B. Prevent accelerated soil erosion, prevent sedimentation and control stormwater runoff resulting from earth changes proposed within Cowlitz County, both during and after construction activities;
- C. Ensure that property owners control the volume and rate of stormwater runoff originating from their property so that surface water and groundwater quality is protected, soil erosion minimized, off-site sedimentation prevented and flooding potential reduced;

- 41 D. Promote site planning, construction and maintenance practices that are consistent with  
42 natural geological, topographical, vegetative, and hydrological conditions;
- 43 E. Maintain and protect the County's municipal stormwater facilities and the stormwater  
44 facilities located downstream of development and construction activities; and
- 45 F. Establish legal authority for the inspection, surveillance and monitoring procedures necessary  
46 to ensure compliance with this chapter.
- 47 G. Define the responsible person and to place the obligation of complying with the requirements  
48 of this chapter upon that person.

49

50 **16.22.030. DEFINITIONS.**

51 A. For the purposes of this chapter, the following definitions shall apply:

52 1. **Applicant** means the person constructing the stormwater facilities and/or the person  
53 holding title to the property where the subject stormwater facilities are located. Also see  
54 definition of "person" found below.

55 2. **Best Management Practices (BMP)** means the physical, educational, structural and/or  
56 managerial practices and activities that, when used singly or in combination, prevent or  
57 reduce the release of pollutants and other adverse impacts to waters of the Washington  
58 State or the County's municipal stormwater facilities.

59 3. **Clean Water Act (CWA)** means the Federal Water Pollution Control Act (33 U.S.C. §  
60 1251 et seq.).

61 4. **Clearing** means the removal of vegetation by manual, mechanical, chemical or other  
62 such methods.

63 5. **Commercial agriculture** means those activities conducted on lands defined in RCW  
64 Section 84.34.020(2), and activities involved in the production of crops or livestock for  
65 wholesale trade. An activity ceases to be considered commercial agriculture when the  
66 area on which it is conducted is proposed for conversion to a nonagricultural use.

67 6. **Common plan of development** means a site where multiple separate and distinct  
68 construction activities may be taking place at different times on different schedules, but  
69 still under a single plan. Examples include: phased projects and projects with multiple  
70 filings or lots, even if the separate phases or filings/lots will be constructed under  
71 separate contract or by separate owners (i.e., a development where lots are sold to  
72 separate builders); a development plan that may be phased over multiple years, but is still  
73 under a consistent plan for long-term development; and projects in a contiguous area that  
74 may be unrelated but still under the same contract, such as construction of a building  
75 extension and a new parking lot at the same facility. If the project is part of a common  
76 plan of development, the disturbed area of the entire plan shall be used in determining the  
77 application of Minimum Requirements.

78 7. **Construction** means a land disturbing activity that results in development. Such  
79 activities include but are not limited to clearing, grubbing, grading, excavating, filling,  
80 demolition, compaction, and building.

- 81 8. **Construction Stormwater Pollution Prevention Plan (SWPPP)** means a document  
82 which describes the BMPs, schedules, and activities to be implemented for a Project to  
83 eliminate or reduce pollutant discharges to stormwater during construction activities.
- 84 9. **Converted Vegetation** means the surfaces on a project site where native vegetation,  
85 pasture, scrub/shrub, or unmaintained non-native vegetation (e.g. Himalayan blackberry,  
86 scotch broom) are converted to lawn or landscaped areas, or where native vegetation is  
87 converted to pasture.
- 88 10. **Conveyance Facility** means a constructed component of a stormwater drainage system  
89 designed or constructed to convey storm water. Conveyance facilities include but are not  
90 limited to pipes, ditches, culverts, street gutters, catch basins, manholes, and storm water  
91 pump stations.
- 92 11. **County** means any and all applicable Departments of Cowlitz County, including  
93 employees, representatives or designees representing the County in the administration  
94 and enforcement of this chapter.
- 95 12. **Detention** means temporary storage of stormwater to facilitate the release of stormwater  
96 runoff from the site at a slower rate than collected by the stormwater facility system.
- 97 13. **Development** includes construction, new development, and/or redevelopment, including  
98 a combination thereof. See definitions for each.
- 99 14. **Director** means the County Engineer for Cowlitz County or his/her designee.
- 100 15. **Discharge point** means the location where a discharge leaves the Permittee's MS4  
101 through the Permittee's MS4 facilities/BMPs designed to infiltrate.
- 102 16. **Ecology** means the Washington State Department of Ecology.
- 103 17. **Erosion** means the removal of solids (sediment, soil, rock and other particles) in the  
104 natural environment due to transport by wind, water, or ice; by down-slope creep of soil  
105 and other material under the force of gravity; or by living organisms.
- 106 18. **Excavation** means the mechanical removal of earth material.
- 107 19. **Fill** means a deposit of earth material placed by artificial means.
- 108 20. **Forest practice** means any activity conducted on or directly pertaining to forest land and  
109 relating to growing, managing or harvesting timber, as described in WAC Chapter 222-16.
- 110 21. **Hard Surface** means an impervious surface, a permeable pavement or a vegetated roof.
- 111 22. **Impervious surface** means a hard surface area that either prevents or retards the entry of  
112 water into the soil mantle as under natural conditions prior to development. A hard  
113 surface area which causes water to run off the surface in greater quantities or at an  
114 increased rate of flow from the flow present under natural conditions prior to  
115 development. Common impervious surfaces include but are not limited to roof tops,  
116 walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving,  
117 packed gravel surfaces, packed earthen materials, and macadam or other surfaces which  
118 similarly impede the natural infiltration of stormwater. Open, uncovered  
119 retention/detention facilities shall not be considered as impervious surfaces for purposes

- 120 of determining whether the thresholds for application of Minimum Requirements are  
121 exceeded, but shall be considered impervious surfaces for purposes of runoff modeling.
- 122 23. **Land disturbing activity** means any activity that results in movement of earth, or a  
123 change in the existing soil cover (both vegetative and non-vegetative) and/or the existing  
124 soil topography. Land disturbing activities include, but are not limited to clearing,  
125 grading, filling, and excavation. Compaction that is associated with stabilization of  
126 structures and road construction shall also be considered a land disturbing activity.  
127 Vegetation maintenance practices and gardening are not considered land-disturbing  
128 activities.
- 129 24. **Land use permit**, or license or authorization means the review and administration and/or  
130 approval by the Department of Building and Planning on a “land use decision” ,as  
131 defined by RCW 36.70C, including but not limited to the following:
- 132 a. Private roadway or bridge construction pursuant to Cowlitz County Code Chapter  
133 11.36;
- 134 b. Fill and grade work pursuant to Cowlitz County Code Chapter 16.35;
- 135 c. Land subdivision or development including but not limited to:
- 136 i. Planned unit development pursuant to Cowlitz County Code Chapter 18.30;
- 137 ii. Short subdivision pursuant to Cowlitz County Code Chapter 18.34;
- 138 iii. Large lot subdivision pursuant to Cowlitz County Code Chapter 18.38;
- 139 iv. Mobile home parks pursuant to Cowlitz County Code Chapter 18.42.
- 140 v. Rural subdivision pursuant to Cowlitz County Code Chapter 18.50;
- 141 vi. Campground and recreation facilities pursuant to Cowlitz County Code Chapter  
142 18.56; or
- 143 vii. Commercial and industrial binding site plans pursuant to Cowlitz County Code  
144 Chapter 18.64.
- 145 25. **Low Impact Development (LID)** means a stormwater and land use management  
146 strategy that strives to mimic pre-disturbance hydrologic processes of infiltration,  
147 filtration, storage, evaporation and transpiration by emphasizing conservation, use of on-  
148 site natural features, site planning, and distributed stormwater management practices that  
149 are integrated into a project design.
- 150 26. **LID Best Management Practices** means distributed stormwater practices, integrated  
151 into a project design, that emphasize pre-disturbance hydrologic processes of infiltration,  
152 filtration, storage, evaporation and transpiration.
- 153 27. **LID Principles** mean land use management strategies that emphasize conservation, use  
154 of on-site natural features, and site planning to minimize impervious surfaces, native  
155 vegetation loss and stormwater runoff.
- 156 28. **Maintenance** means activities conducted on currently serviceable structures, facilities,  
157 and equipment that involve no expansion or use beyond that previously existing use and  
158 resulting in no significant adverse hydrological impact. Maintenance includes those usual  
159 activities taken to prevent a decline, lapse, or cessation in the use of structures and

- 160 systems. Those usual activities may include but are not limited to removal and  
161 replacement of nonfunctional or poorly functioning facilities, including cases where  
162 environmental permits require replacing an existing structure with a different type  
163 structure, as long as the functioning characteristics of the original structure are not  
164 changed. As an example, the replacement of a collapsed, fish blocking, round culvert  
165 with a new box culvert under the same span, or width, of roadway is a maintenance  
166 activity.
- 167 29. **Minimum Requirements** means Ecology’s Minimum Technical Requirements for New  
168 Development and Redevelopment for land disturbances of one acre or more or land  
169 disturbance less than one acre that are part of a larger common plan of development.
- 170 30. **Municipal Separate Storm Sewer System (MS4)** means any part of a man-made  
171 physical system owned or maintained by the County, designed and constructed to collect,  
172 treat, convey, store, or control the flow of stormwater, including, but not limited to any  
173 roads with drainage systems, municipal streets, catch basins, curbs, gutters, inlets, piped  
174 storm drains, constructed channels and ditches, stormwater conveyances and containment  
175 facilities, including infiltration facilities, retention and detention facilities, stormwater  
176 treatment facilities, erosion and sedimentation control facilities, pumping facilities and  
177 all other drainage structures and appurtenances which are within the County and not  
178 considered a combined sewer or part of a publicly owned treatment works or system used  
179 in the conveyance and treatment of municipal sewage or industrial wastes of a liquid  
180 nature.
- 181 31. **National Pollutant Discharge Elimination System (NPDES) Permit** means a permit  
182 issued and administered by the Washington State Department of Ecology under authority  
183 delegated pursuant to 33 USC § 1342(b) that authorizes the discharge of pollutants to  
184 surface waters of the United States.
- 185 32. **Native vegetation** means vegetation comprised of plant species, other than noxious  
186 weeds, that are indigenous to the coastal region of the Pacific Northwest and which  
187 reasonably could have been expected to naturally occur on the site. Examples may  
188 include but are not limited to trees such as Douglas fir, western hemlock, western red  
189 cedar, alder, big-leaf maple, and vine maple; shrubs such as willow, elderberry,  
190 salmonberry, and salal; and herbaceous plants such as sword fern, foam flower, and  
191 fireweed.
- 192 33. **New development** means land disturbing activities, including Class IV-general forest  
193 practices that are conversions from timber land to other uses; structural development,  
194 including construction or installation of a building or other structure; creation of  
195 impervious surfaces; and subdivision, short subdivision and site plans, as defined in the  
196 Cowlitz County Code. Projects meeting the definition of redevelopment shall not be  
197 considered new development.
- 198 34. **Outfall** means point source as defined by 40 CFR 122.2 at the point where a discharge  
199 leaves the permittee’s MS4 and enters a surface receiving waterbody or surface receiving  
200 waters. Outfall does not include pipes, tunnels, or other conveyances which connect  
201 segments of the same stream or other surface waters and are used to convey primarily  
202 surface waters (i.e. culverts).

- 203 35. **Person** means any individual, association, organization, partnership, firm, corporation or  
204 other entity recognized by law and acting as either the owner or as the owner's agent.
- 205 36. **Phase II Permit** means the Western Washington Phase II Municipal Stormwater Permit  
206 issued to Cowlitz County in August 2013 by the Washington State Department of  
207 Ecology under sections 307, 318, 402 and 405 of the Federal Clean Water Act that  
208 authorizes the discharge of pollutants to surface waters of the State for a Phase II  
209 community.
- 210 37. **Pre-developed condition** means the native vegetation and soils that existed at a site prior  
211 to the influence of Euro-American settlement. The pre-developed condition shall be  
212 assumed to be a forested land cover unless reasonable historic information is provided  
213 that indicates the site was prairie prior to settlement.
- 214 38. **Premises** mean any building, lot, parcel of land, or portion of land, whether improved or  
215 unimproved, including adjacent sidewalks and parking strips.
- 216 39. **Project Site** means that portion of a property, properties, or right-of-way subject to land  
217 disturbing activities, new hard surfaces, or replaced hard surfaces.
- 218 40. **RCW** means the Revised Code of Washington.
- 219 41. **Receiving waters** means body/bodies of water or surface water systems where surface  
220 runoff is discharged via outfall or sheet flow. Roadside ditches are not considered  
221 receiving waters. They are a part of the MS4.
- 222 42. **Redevelopment** means on a site that is already substantially developed (i.e. has thirty  
223 five percent or more of existing hard surface coverage), the creation or addition of hard  
224 surfaces; the expansion of a building footprint or addition or replacement of a structure;  
225 structural development including construction, installation or expansion of a building or  
226 other structure; replacement of hard surface that is not part of a routine maintenance  
227 activity; and land disturbing activities.
- 228 43. **Replaced impervious surface** means with respect to structures, the removal and  
229 replacement of any exterior impervious surfaces or foundation. With respect to other  
230 impervious surfaces, the removal down to bare soil or base course and replacement of  
231 impervious surface.
- 232 44. **Road, street or highway** means a public or private thoroughfare leading from one place  
233 to another, which has typically been prepared to allow travel by some conveyance.
- 234 45. **Routine Maintenance** means preventative or cyclical maintenance that is an essential  
235 part of the on-going care and upkeep of a system or facility against normal wear and tear.
- 236 46. **Site** means the area defined by the legal boundaries of one or more parcels of land that  
237 are subject to new development or redevelopment. For road projects, the site includes the  
238 full length of the project and the associated right-of-way.
- 239 47. **Soil** means the unconsolidated mineral and organic material on the immediate surface of  
240 the earth that serves as a natural medium for the growth of land plants.
- 241 48. **Stormwater** means surface runoff of water resulting from natural precipitation.

- 242 49. **Stormwater Drainage Manual** means the most current Cowlitz County Stormwater  
243 Drainage Manual prepared by Cowlitz County Public Works.
- 244 50. **Stormwater Facility** means a constructed component of a stormwater drainage system  
245 designed or constructed to perform a particular (or multiple) function, other than  
246 conveyance. Stormwater facilities include but are not limited to swales, detention ponds,  
247 retention ponds, constructed wetlands, infiltration devices, oil/water separators,  
248 biofiltration swales, LID features and BMPs.
- 249 51. **Stormwater Management Manual for Western Washington (SWMMWW)** means  
250 the 2012 edition of the manual prepared by Ecology, containing BMPs to prevent, control  
251 or treat pollution in stormwater and reduce other stormwater-related impacts to waters of  
252 the State. The SWMMWW is intended to serve as a reference and supplement to this  
253 chapter to control the quantity and quality of stormwater runoff from new development,  
254 redevelopment and construction activities.
- 255 52. **Stormwater Site Plan** means the comprehensive report containing all of the technical  
256 information and analysis necessary for a regulatory agency to evaluate a proposed new  
257 development or redevelopment project for compliance with this chapter.
- 258 53. **SWPPP Threshold** means the threshold for applicability of this chapter and applicability  
259 of Ecology’s second Minimum Requirement (Construction Stormwater Pollution  
260 Prevention Plan).
- 261 54. **Unincorporated Urbanized Area** means the unincorporated area within Cowlitz County  
262 constituting an urbanized area as defined by the State of Washington Department of  
263 Ecology’s Western Washington Phase II Municipal Stormwater Permit. The area  
264 includes those parcels depicted on the map appended to this ordinance as Exhibit “A”  
265 and detailed on a listing of parcels identified within such urbanized area maintained on  
266 file in the office of Cowlitz County Department of Public Works.
- 267 55. **WAC** means the Washington Administrative Code.
- 268 56. **Water of the State** means those waters as defined as “waters of the United States” in 40  
269 CFR Subpart 122.2 within the geographic boundaries of Washington State and “waters  
270 of the state” as defined in chapter 90.48 RCW which includes lakes, rivers, ponds,  
271 streams, inland waters, underground waters, salt waters and all other surface waters and  
272 water courses within the jurisdiction of the State of Washington.
- 273 57. **Waterbody** means lakes, rivers, ponds, streams, inland waters, sloughs, diking ditches,  
274 and all other surface waters and watercourses within the jurisdiction of the State of  
275 Washington.
- 276 58. **Wetlands** means those areas that are inundated or saturated by surface or ground water at  
277 a frequency and duration sufficient to support, and that under normal circumstances do  
278 support, a prevalence of vegetation typically adapted for life in saturated soil conditions.  
279 Wetlands generally include swamps, marshes, bogs and similar areas. Wetlands do not  
280 include those artificial wetlands intentionally created from non-wetland sites, including,  
281 but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention  
282 facilities, wastewater treatment facilities, farm ponds and landscape amenities or those  
283 wetlands created after July 1, 1990 that were unintentionally created as a result of the

284 construction of a road, street, or highway, as approved by the County. Wetlands may  
285 include those artificial wetlands intentionally created from non-wetland areas to mitigate  
286 the conversion of wetlands.

287

288 **16.22.040. APPLICABILITY.**

289 A. The provisions of this chapter shall apply specifically to all development activities, as  
290 defined herein, within the unincorporated urbanized area that meet the following thresholds  
291 shall satisfy the applicable provisions of this chapter, unless explicitly exempted herein. .

292 1. **Construction Stormwater Management.**

293 i. All development activities that result in two thousand (2,000) square feet or  
294 more of new plus replaced hard surface area or disturb seven thousand  
295 (7,000) square feet or more of land shall satisfy Minimum Requirement #2-  
296 Preparation of a Construction SWPPP. This shall hereby be referred to as the  
297 SWPPP (Stormwater Pollution Prevention Plan) threshold. Common Plan of  
298 Development shall not pertain to the SWPPP threshold.

299 ii. Additionally, development activities that meet the regulatory threshold  
300 requirement shall obtain a *General NPDES Permit for Stormwater*  
301 *Discharges Associated with Construction or Industrial Activities* as required  
302 by Ecology.

303 2. **Post-Construction Stormwater Management.** Technical Requirements and  
304 Thresholds for Development and Redevelopment.

305 i. All development activities shall satisfy Minimum Requirements #1 through  
306 #5 for the new and replaced hard surfaces and the disturbed land if the  
307 project:

308 1. Results in two thousand (2,000) square feet or more of new, replaced,  
309 or a total of new plus replaced hard surface area; or

310 2. Has development activities that affect seven thousand (7,000) square  
311 feet of area or more.

312 ii. All development activities shall satisfy Minimum Requirements #1 through  
313 #9 for the new and replaced hard surfaces and the converted pervious surfaces  
314 if the project:

315 1. Results in five thousand (5,000) square feet or more of new, replaced,  
316 or a total of new plus replaced hard surface area; or

317 2. Converts three-quarters ( $\frac{3}{4}$ ) of an acre, or more of vegetation to lawn  
318 or landscaped areas; or

319 3. Converts two and a half ( $2\frac{1}{2}$ ) acres, or more of native vegetation to  
320 pasture.

321 iii. All redevelopment activities shall satisfy Minimum Requirements #1 through  
322 #5 for the new and replaced hard surfaces if the project:

- 323 1. Results in two thousand (2,000) square feet or more of new, replaced,  
324 or a total of new plus replaced hard surface area; or
- 325 2. Has development activities that affect seven thousand (7,000) square  
326 feet of area or more.
- 327 iv. All redevelopment activities shall satisfy Minimum Requirements #1 through  
328 #9 for the new and replaced hard surfaces if the project:
- 329 1. Adds five thousand (5,000) square feet or more of new hard surface  
330 area; or
- 331 2. Converts three-quarters ( $\frac{3}{4}$ ) of an acre, or more of vegetation to lawn  
332 or landscaped areas; or
- 333 3. Converts two and a half ( $2\frac{1}{2}$ ) acres, or more of native vegetation to  
334 pasture; or.
- 335 4. Results in five thousand (5,000) square feet or more of new, replaced  
336 or a total of new plus replaced hard surface area and the valuation of  
337 proposed improvements, including interior improvements, exceed  
338 fifty percent of the assessed value of the existing site improvements.
- 339 v. Road related activities that meet the regulatory threshold requirements shall  
340 satisfy Minimum Requirements #1 through #9 for the new and replaced hard  
341 surfaces, including pavement, shoulders, curbs and sidewalks, and converted  
342 vegetation areas if the project:
- 343 1. Creates or adds five thousand (5,000) square feet or more of new hard  
344 surfaces; and
- 345 2. If the new hard surface area total meets or exceeds fifty percent of the  
346 existing impervious surface area within the project limits, defined by  
347 the length of the project and the width of the right-of-way.
- 348 3. If the runoff generated from the new impervious area and converted pervious area is  
349 not separated from runoff from other surfaces on the site, the stormwater treatment  
350 facilities shall be sized for the entire flow that is directed to them.
- 351 4. An equivalent area with similar flow and pollution characteristics within the same  
352 site can be used to meet the Minimum Requirements. For public road projects, the  
353 equivalent area does not have to be within the project limits, but must drain to the  
354 same receiving water.
- 355 B. Development activities within a site that do not occur within 2 years of each other shall not  
356 be considered a common plan of development. The period of occurrence shall be measured  
357 from the acceptance of one project to the vesting date of the next project.
- 358 C. Implementation of this chapter requires use of the Cowlitz County Stormwater Drainage  
359 Manual (Stormwater Drainage Manual) and the Stormwater Management Manual for  
360 Western Washington (SWMMWW) as amended by Appendix 1 of the Phase II Permit. The  
361 *Stormwater Drainage Manual and SWMMWW contain additional technical and*  
362 *administrative details related to design methods, submittal information, and facility selection*  
363 *and design not specifically described in this chapter.*

- 364 D. No Person shall be issued a land use permit, license or authorization by the County for  
365 development activities within the parameters of the regulatory threshold without first meeting  
366 the provisions of this chapter. All construction activities required by the provisions of this  
367 chapter may occur at the time the proposed land disturbing activities occur.
- 368 E. Compliance with provisions of this chapter is considered the minimum level of effort.  
369 Additional permits, licenses or authorizations for development activities may be required by  
370 local, state or federal agencies.
- 371 F. Nothing in this chapter is applicable to development activities, or a plat, that does not involve  
372 land disturbing activities.

373

#### 374 16.22.050. EXEMPTIONS.

375 A. **General Exemptions.** Exemptions to technical and administrative provisions of this chapter  
376 are described in the following:

377 1. Forest Practices. Forest practices regulated under WAC Title 222, except for Class IV  
378 General Forest Practices that are conversions from timber land to other uses.

379 2. Commercial Agriculture. Commercial agriculture practices involving working the land  
380 for production are generally exempt. However, the conversion from timberland to  
381 agriculture, and the construction of impervious surfaces are not exempt.

382 3. Road Maintenance.

383 a. The following road maintenance activities are exempt: Pothole and square cut  
384 patching, overlaying existing bituminous surface treatment (“chip seal”), asphalt or  
385 concrete pavement with asphalt or concrete without expanding the area of coverage,  
386 shoulder grading, reshaping/regrading drainage systems, crack sealing, resurfacing  
387 with in-kind material without expanding the road prism, pavement preservation  
388 activities that do not expand the road prism and vegetation maintenance.

389 b. The following road maintenance activities are considered redevelopment, and  
390 therefore are not categorically exempt:

391 i. Removing and replacing a paved surface to base course or lower, or repairing the  
392 roadway base: If the impervious surfaces are not expanded, Minimum  
393 Requirements #1 through #5 apply The Minimum Requirements are further  
394 described in section 16.22.060.

395 ii. Extending the pavement edge without increasing the size of the road prism, or  
396 paving graveled shoulders is considered to be new impervious surfaces and are  
397 subject to all technical and administrative requirements of this chapter.

398 iii. Resurfacing the roadway by upgrading from dirt to gravel, asphalt, or concrete;  
399 upgrading the roadway surface from gravel to asphalt, or concrete (i.e.,  
400 extending the pavement edge without increasing the size of the road prism, or  
401 paving graveled shoulders); or upgrading from a bituminous surface treatment  
402 (“chip seal”) to asphalt or concrete are all roadway maintenance activities that  
403 would generate new impervious surface and are subject to all technical and  
404 administrative requirements of this chapter.

- 405 4. Underground Utility Projects. Underground utility projects that replace the ground  
 406 surface with in-kind material or materials with similar runoff characteristics are only  
 407 subject to Minimum Requirement #2-Construction Stormwater Pollution Prevention  
 408 Plan.
- 409 5. Oil and Gas Field Activities or Operations. Construction of drilling sites, waste  
 410 management pits, and access roads, as well as construction of transportation and  
 411 treatment infrastructure such as pipelines, natural gas treatment plants, natural gas  
 412 pipeline compressor stations, and crude oil pumping stations are exempt from all  
 413 technical and administrative requirements in the chapter. Operators are encouraged to  
 414 implement and maintain Best Management Practices to minimize erosion and control  
 415 sediment during and after construction activities to help ensure protection of surface  
 416 water quality during storm events.
- 417 6. Diking Districts #1 and #3. New development and redevelopment within the boundaries  
 418 of Consolidated Diking Improvement District #1 (CDID #1) and Consolidated Diking  
 419 Improvement District #3 (CDID #3) are partially exempt from Minimum Requirement  
 420 #7. Development and redevelopment within these areas shall design flow control  
 421 facilities utilizing the Santa Barbara Urban Hydrograph (SBUH) modeling method, and  
 422 the existing site characteristics as the predeveloped condition. Facilities shall be sized  
 423 such that the peak release rate from the development shall not exceed the peak release  
 424 rate from half the pre-developed 2-year, 24-hour, the pre-developed 25-year, and the pre-  
 425 developed 100-year, 24-hour design storms.

426

427 **16.22.060. MINIMUM REQUIREMENTS FOR CONSTRUCTION AND**  
 428 **DEVELOPMENT.** All development activities that meet the requirements shall satisfy one or  
 429 more of the following nine Minimum Requirements:

- 430 1. Preparation of a Stormwater Site Plan  
 431 2. Construction Stormwater Pollution Prevention Plan (SWPPP)  
 432 3. Source Control of Pollutants  
 433 4. Preservation of Natural Drainage  
 434 5. On-site Stormwater Management  
 435 6. Runoff Treatment  
 436 7. Flow Control  
 437 8. Wetlands Protection  
 438 9. Operations and Maintenance

439 **A. Administrative Requirements**

- 440 1. Applicants proposing any development activities governed by this chapter shall submit to  
 441 the Department of Public Works, the requisite plans, reports, manuals and other  
 442 documents as provided herein in addition to any information required for a complete  
 443 land use application. The Department of Public Works shall review provided plans for  
 444 compliance with this Chapter.

- 445 2. All applications for stormwater approval shall be subject to the fees established by  
446 Resolution by the Board of County Commissioners.
- 447 3. Prior to issuance of construction approval for an activity meeting the regulatory  
448 threshold, the County shall be provided a copy of the issued State *General NPDES*  
449 *Permit for Stormwater Discharges Associated with Construction or Industrial Activities*,  
450 as required by Ecology, indicating Ecology's approval of the submitted Construction  
451 SWPPP.

452

#### 453 **16.22.070. MODIFICATIONS, VARIANCES, AND APPEALS.**

454 A. **Modifications.** A modification is a technical variation in the application of the Minimum  
455 Requirements found in section 16.22.060. The Director may grant a modification to the  
456 Minimum Requirements, provided all the following criteria are met:

- 457 1. Written documentation shall be provided describing the rationale for granting a  
458 modification;
- 459 2. The modification shall provide substantially equivalent protection or a comparable result  
460 which is in the overriding public interest; and based upon sound engineering judgment,  
461 meet the objectives of safety, function, environmental protection, and facility  
462 maintenance;
- 463 3. The modification will not otherwise result in noncompliance with this chapter or with  
464 any development conditions imposed upon the project; and
- 465 4. A modification shall not be used in place of an exception procedure as outlined below in  
466 section 16.22.070B, where such procedure is applicable.

467 A written finding of fact shall be prepared recording the modification determination.

#### 468 B. **Variances.**

- 469 1. The Director may vary strict compliance to the Minimum Requirements, only if  
470 application of the Minimum Requirements imposes a severe and unexpected economic  
471 hardship. Legal public notice shall be made for all applications for variance. The  
472 application for variance shall be written documentation describing the rationale for  
473 granting a variance and shall include:
- 474 a. The current (pre-project) use of the site;
- 475 b. How application of the Minimum Requirements restricts the proposed use of the site  
476 compared to the restrictions that existed prior to the adoption of the Minimum  
477 Requirements;
- 478 c. The remaining possible uses of the site if the variance were not granted;
- 479 d. The uses of the site that would have been allowed prior to the adoption of the  
480 Minimum Requirements;
- 481 e. A comparison of the estimated amount and percentage of value loss as a result of the  
482 Minimum Requirements versus the estimated amount and percentage of value loss as

- 483 a result of the requirements that existed prior to adoption of the Minimum  
484 Requirements; and
- 485 f. The feasibility of the owner to alter the project to apply the Minimum Requirements.
- 486 2. The Director shall make a determination based upon the following:
- 487 a. A severe and unexpected economic hardship resulting from the application of the  
488 Minimum Requirements does exist;
- 489 b. The exception will not increase risk to the public health and welfare, nor be injurious  
490 to other properties in the vicinity and/or downstream, and to the quality of waters of  
491 the state; and
- 492 c. The exception results in the least possible alteration that could be granted and still  
493 comply with the intent of the Minimum Requirements.
- 494 3. A written finding of fact will be prepared and a public notice published to record the  
495 County's decision regarding the application.
- 496 C. **Prior Approval.** Any modification or variance shall be approved prior to approval of  
497 construction plans and the start of construction.
- 498 D. **Right of Appeal.** The original applicant or an aggrieved party may appeal a decision of the  
499 Director to the Hearing Examiner and shall follow the Hearing Examiner procedures in CCC  
500 18.02.110, as presently codified or later amended, except: an appeal of a final action,  
501 decision or interpretation arising only under this Chapter shall be filed in writing, along with  
502 the appropriate fees with the Department of Public Works within 14 calendar days of  
503 issuance of the Director's decision. For appeals under this Chapter that include appeals of  
504 other land use decisions, such appeals shall be consolidated and filed with the Department of  
505 Building and Planning pursuant to CCC 18.02.110. Appeal of the Hearing Examiner's  
506 decision may be made to the Cowlitz County Superior Court.

507

## 508 **16.22.080. OWNERSHIP, INSPECTION AND MAINTENANCE.**

### 509 **A. Ownership and Responsibility.**

- 510 1. County Ownership of Stormwater and Conveyance Facilities. County ownership is  
511 required for stormwater and conveyance facilities located within the public right-of-way  
512 or on land owned by the County. The County shall be responsible for the inspection,  
513 operation, maintenance and repair of stormwater and conveyance facilities under any of  
514 the following situations:
- 515 a. The stormwater or conveyance facilities are located in the public right-of-way; or
- 516 b. The stormwater or conveyance facilities have been dedicated to and accepted by the  
517 County.
- 518 2. Private Ownership of Stormwater and Conveyance Facilities. Any person holding title to  
519 property for which stormwater or conveyance facilities that have been required or owners  
520 of stormwater or conveyance facilities that collect, convey, treat, detain and/or infiltrate  
521 runoff from private properties shall be responsible for the proper construction, inspection,  
522 operation, maintenance and repair of said stormwater and conveyance facilities, unless

523 such responsibility is transferred and accepted by the County. See section 16.22.080C.  
524 The responsible person or designee shall ensure inspections, operation, maintenance and  
525 repairs occur in accordance with an approved Stormwater Operations and Maintenance  
526 Manual and Covenant as outlined below in section 16.22.080E.

527 3. Ownership and maintenance responsibility for stormwater and conveyance facilities shall  
528 be specified in a recorded plat, short plat or covenant.

529 **B. Inspection and Maintenance during Construction.**

530 1. To ensure proper performance and maintenance of stormwater and conveyance facilities  
531 during construction, the responsible person or designee shall conduct inspections in  
532 accordance with the approved construction plans and any issued land-use permits. The  
533 responsible person shall:

- 534 a. Notify the County two working days prior to the commencement of construction;
- 535 b. Keep written records of inspections, which shall be retained onsite or within  
536 reasonable access to the site;
- 537 c. Make inspection records available to the County upon request; and
- 538 d. Transfer these records to the new owner or responsible party upon sale or conveyance  
539 of the property.
- 540 e. In addition, a County representative or designee shall conduct inspections prior to  
541 and periodically during construction activities to verify proper installation and  
542 maintenance of required construction stormwater and conveyance facilities, as  
543 indicated in the approved construction plans and any issued land-use permits. Upon  
544 completion of construction, a County representative or designee shall conduct a final  
545 inspection of the permitted development to ensure proper installation of stormwater  
546 and conveyance facilities, including those installed on construction sites that may  
547 have had an “Erosivity Waiver” in place.

548 **C. County Acceptance of Conveyance Facilities**

549 Any person holding title to property with conveyance facilities resulting from the Minimum  
550 Requirements found in section 16.22.060 may offer to the County for dedication said  
551 conveyance facilities, together with such easements, tracts and appurtenances as may be  
552 reasonably necessary. Any conveyance facility located within public right-of-way shall be  
553 dedicated to the County together with such easements, tracts and appurtenances as may be  
554 reasonably necessary. The County, at the Department of Public Works’ discretion, may  
555 accept inspection, operation and maintenance responsibility for conveyance facilities,  
556 existing prior to the effective date of this Chapter. Conveyance facilities that are to be owned  
557 by the County will be accepted for ownership upon approval of the following conditions:

- 558 1. The applicant, at their sole expense, shall provide any document or information  
559 requested by the County in order for a decision to be reached on accepting the  
560 facilities;
- 561 2. Final surfacing has been installed.
- 562 3. The conveyance facilities have been inspected and accepted by the County;

- 563 4. All easements and dedications required by this chapter entitling the County to access,  
564 inspect, operate and maintain the conveyance facilities have been conveyed to  
565 Cowlitz County and have been recorded with the Cowlitz County Auditor; and
- 566 5. The applicant has provided a complete and accurate set of reproducible as-built  
567 record drawings of the conveyance facilities to Cowlitz County. These drawings  
568 shall be stamped and certified as accurate by a Professional Engineer, licensed in the  
569 state of Washington, and accompanied by an operations and maintenance manual.

570 **D. County Acceptance of Stormwater Facilities**

571 Any person holding title to property with stormwater facilities resulting from the Minimum  
572 Requirements found in section 16.40.060, serving single family residential developments,  
573 may offer to the County said stormwater facilities for dedication, together with such  
574 easements, tracts and appurtenances as may be reasonably necessary. The County, at the  
575 Department of Public Works' discretion, may accept inspection, operation and maintenance  
576 responsibility for stormwater facilities serving residential developments. Stormwater  
577 facilities that are to be owned by the County will be accepted for ownership upon approval of  
578 the following conditions:

- 579 1. The applicant, at their sole expense, shall provide any document or information requested  
580 by the County in order for a decision to be reached on accepting the facilities;
- 581 2. Improvements in residential subdivisions have been made on at least eighty percent of  
582 the created lots draining to the facility, unless waived by the County;
- 583 3. All stormwater facilities have been in satisfactory operation for at least two years; The  
584 two year period begins upon application for County ownership of stormwater facilities;
- 585 4. After two years of satisfactory operation and maintenance, the stormwater facilities have  
586 been inspected and accepted by the County;
- 587 5. All easements and dedications required by this chapter entitling the County to access,  
588 inspect, operate and maintain the stormwater facilities have been conveyed to Cowlitz  
589 County and have been recorded with the Cowlitz County Auditor; and
- 590 6. The applicant has provided a complete and accurate set of reproducible as-built record  
591 drawings of the stormwater facilities to Cowlitz County. These drawings shall be  
592 stamped and certified as accurate by a professional engineer and accompanied by an  
593 operations and maintenance manual.

594 **E. Operations and Maintenance Manual and Covenants.**

- 595 1. In accordance with Minimum Requirement #9 from section 16.40.060, an operations and  
596 maintenance manual and covenants will be required for all stormwater and conveyance  
597 facilities installed for any new development project that meets the regulatory threshold  
598 requirement.
- 599 2. Such operations and maintenance manual and covenants shall be submitted with  
600 Minimum Requirement #1-Stormwater Site Plan and approved prior to the County  
601 granting final approval for the development under this chapter. The original maintenance  
602 manual and covenants shall be recorded in the Cowlitz County Auditor's office and

- 603 copies shall be attached with the property deed for parcels containing or served by the  
604 stormwater facilities referred to in the covenants.
- 605 3. A copy of the operations and maintenance manual, covenants and a log of inspections,  
606 maintenance activities and repairs shall be retained by the designated responsible party.  
607 These records shall be made available to the County upon request and retained onsite or  
608 within reasonable access to the site. These records shall be transferred with the property  
609 to the new owner or responsible party.
- 610 4. The stormwater operations and maintenance covenants shall detail the continued  
611 performance of inspection and maintenance obligations required by this chapter. An  
612 operations and maintenance manual shall be submitted as an attachment to the actual  
613 operations and maintenance covenants. Information required for the operations and  
614 maintenance manual and covenants includes:
- 615 a. Designated Responsible Party. The designated owner or other legally established  
616 entity (responsible person), who shall be permanently responsible for the inspection  
617 and maintenance of the stormwater and conveyance facilities shall be indicated.
- 618 b. Successor Responsibility. The agreement shall indicate the succession of inspection  
619 and maintenance responsibilities based upon the sale of property (if applicable) or  
620 dedication to other entities.
- 621 c. Right of Entry for Stormwater Authority. The agreement shall grant the County  
622 representative or designee the right of entry, at reasonable times and in a reasonable  
623 manner, for the purposes of inspecting stormwater and conveyance facilities, for  
624 abatement of a public nuisance or correction of a violation of this chapter.
- 625 d. Inspection and Maintenance Standards. The manual shall include inspection and  
626 maintenance standards for each stormwater and conveyance facility and BMP, as  
627 documented in Volume V, Chapter 4 of the 2012 SWMMWW. In addition, the  
628 manual shall include a list of inspection and maintenance tasks, a schedule for routine  
629 inspection and maintenance and actions to be taken when maintenance is required.  
630 Initial inspection frequencies shall be defined according to the following:
- 631 i. All stormwater facilities and catch basins for new residential developments that  
632 meet the regulatory threshold shall be inspected every six months until eighty  
633 percent of the created parcels are occupied.
- 634 ii. All stormwater facilities, excluding catch basins, shall be inspected annually,  
635 unless maintenance records justify a different frequency. If a revised frequency is  
636 requested, approval of the request shall be based upon actual inspection and  
637 maintenance records for a period of time twice that of the proposed inspection  
638 frequency interval (i.e., if bi-annual maintenance is requested, then four years of  
639 maintenance records would be needed to justify the modification).
- 640 iii. When inspections identify the need for maintenance, such maintenance shall be  
641 conducted in accordance with the following timeframes:
- 642 A. Within one year for wet pool facilities and retention/detention ponds.

- 643 B. Within six months for typical system maintenance (i.e. catch basins and  
644 ditches).
- 645 C. Within nine months for revegetation activities.
- 646 D. Within two years for any maintenance that requires capital construction costs  
647 of less than \$25,000.
- 648 E. Within a timeframe acceptable to the County for any capital construction  
649 costs greater than \$25,000.

650 **F. County Inspections of Privately Maintained Stormwater Facilities**

- 651 1. A County representative or designee shall have authority to conduct periodic inspections  
652 of post-construction stormwater facilities in order to ensure continued functioning of the  
653 facilities for the purposes for which they were constructed, and to ensure that  
654 maintenance is being performed in accordance with the standards set forth in the  
655 Operations and Maintenance Manual and Covenants. Inspection procedures shall be as  
656 outlined in section 16.22.080.E.
- 657 2. Inspection Procedure. Prior to making any inspections, the County representative or  
658 designee shall present identification credentials, state the reason for the inspection and  
659 request entry of the owner or other person having charge or control of the property, if  
660 available, or as provided below:
  - 661 a. Unoccupied Site. If the property or structure on the property is unoccupied, the  
662 County representative or designee shall first make a reasonable effort to locate the  
663 owner or other person(s) having charge or control of the property or portions of the  
664 property and request entry.
  - 665 b. Imminent Hazard. If, after reasonable effort, the County representative or designee is  
666 unable to locate the owner or other person(s) having charge or control of the property,  
667 and has reason to believe the condition of the site or of the private stormwater  
668 drainage system creates an imminent hazard to persons or property, the inspector may  
669 enter.
  - 670 c. Special Inspection Warrant. If the County has been refused access to any part of the  
671 premises from which stormwater is discharged, and if the County is able to  
672 demonstrate probable cause to believe that there may be a violation of this chapter, or  
673 that there is a need to inspect as part of a routine inspection program designed to  
674 verify compliance with this chapter or any order issued hereunder, or to protect the  
675 overall public health, safety, and welfare of the community, then the County may  
676 seek issuance of a search warrant from any court of competent jurisdiction.

677

678 **16.22.090. EASEMENTS, DEEDS, AND COVENANTS.**

- 679 A. Drainage easements shall be required where the conveyance, storage, or treatment of  
680 stormwater is identified in development plans that are not located in public rights of way, and  
681 where access to stormwater facilities is required. Drainage easements shall be granted to the  
682 persons responsible for providing ongoing maintenance of the drainage systems. Drainage

683 easements through structures are not permitted. Easements shall be of a width and location  
684 sufficient to allow access for equipment that would normally perform maintenance activities  
685 (minimum 15-ft width).

686 B. Stormwater and conveyance facilities that are to be maintained by Cowlitz County, together  
687 with maintenance access roads to the facilities, shall be located in the public right-of-way, in  
688 separate tracts dedicated to Cowlitz County or in drainage easements granted to Cowlitz  
689 County.

690 C. Private homeowner deed restrictions and homeowners/building covenants shall be required  
691 for all properties with onsite low impact development (LID) features to ensure that the  
692 stormwater management applications continue to function as designed. The deed restrictions  
693 or covenants shall specifically address and/or append the requirements and responsibilities  
694 for long-term management and maintenance of any LID features.

695

#### 696 **16.22.100. ENFORCEMENT.**

697 It shall be unlawful to violate any provision or fail to comply with any of the requirements of this  
698 chapter. Any person(s) who violates or continues to violate any of the provisions of this chapter  
699 or any order issued hereunder, shall be subject to one or more of the actions outlined in this  
700 section or may be restrained by injunction or otherwise in a manner provided by law. Violation  
701 of any provision of this chapter shall be deemed a nuisance in RCW Section 36.32.120(10) and  
702 may be referred to the Prosecuting Attorney as a civil infraction for appropriate action as  
703 specified in this section and in Cowlitz County Code Chapter 2.06.

704 A. **Remedies.** Whenever the County finds failure to meet a requirement of this chapter, the  
705 County may order compliance as outlined below:

- 706 1. Installation, maintenance, or repair of a component of a stormwater or conveyance  
707 facility;
- 708 2. The performance of monitoring, analyses, and reporting;
- 709 3. That violating discharges, practices, or operations shall cease and desist;
- 710 4. The abatement or remediation of stormwater pollution or contamination hazards and the  
711 restoration of any affected property; and
- 712 5. The implementation of source control or treatment BMPs.

713 The above remedies must be completed before an established deadline in order to avoid  
714 County actions, issuance of a stop work order or having the noncompliance declared as a  
715 civil infraction. The remedies listed in this section are not exclusive of any other remedies  
716 available under any applicable Federal, State or Local law and it is within the discretion of  
717 the County to seek cumulative remedies.

718 B. **County Actions.** In addition to any other remedies that the County may require under this  
719 chapter, this chapter shall not prevent the County from conducting repairs or maintenance to  
720 stormwater facilities if the County determines that imminent danger to public safety, health  
721 or welfare, or public or private property, or critical areas or habitat is likely as a result of the  
722 actions or inaction of the property owner(s). If the County conducts repairs or maintenance  
723 to a private facility, the cost will be charged to the property owner(s) together with any

724 penalties incurred under this chapter and any costs of collection, including attorneys' fees, all  
725 of which shall be considered a lien against the subject property, prorated against the  
726 beneficial users of the property, placed on the tax bill and collected as ordinary taxes by the  
727 County, and also collectable as an in personal debt against the property owner(s).

728 **C. Liability for Installation and Maintenance.** The property owner and all persons engaged  
729 in development activities shall be liable, jointly and severally, for all costs incurred by the  
730 County for any public nuisance action taken hereunder, or on account of damage or  
731 threatened damage to County property or facilities or water bodies, or associated remedial  
732 actions necessitated by the failure to install and/or maintain required erosion controls and/or  
733 stormwater facilities.

734

#### 735 **16.22.110. INTERPRETATION.**

736 The provisions of this chapter shall be held to be minimum requirements and standards in their  
737 interpretation and application and shall be liberally construed to serve the purposes of this  
738 chapter. It shall be the duty of the Director or his designee to administer this chapter in  
739 accordance with such requirements and standards, and to interpret the provisions of this chapter.

740

#### 741 **16.22.120. LIABILITY.**

742 The requirements of this chapter are minimum standards and a person's compliance with the  
743 same shall not relieve such person from the duty of enacting all measures necessary to minimize  
744 the hydrologic impacts of development and the pollution of surface waters.

745

#### 746 **16.22.130. ULTIMATE RESPONSIBILITY.**

747 The standards set forth herein and promulgated pursuant to this chapter are minimum standards;  
748 therefore this ordinance is not intended to imply, nor does it imply, that compliance by any  
749 person will ensure that there will be no pollution or unauthorized discharge of pollutants.

750

#### 751 **16.22.140. CONFLICT WITH OTHER REGULATIONS.**

752 Except as may be expressly provided herein, this chapter is not intended to repeal, abrogate or  
753 modify any provision of the Cowlitz County Code or any other ordinance, resolution, regulation  
754 easement, covenant or deed restriction. The requirements of this chapter should be considered in  
755 addition to the requirements of Cowlitz County Code and any other ordinance, resolution or  
756 regulation and where any provision of this chapter is in conflict with any other section of the  
757 Cowlitz County Code, ordinances, resolutions, or regulations, the more restrictive regulation or  
758 the regulation that imposes higher protective standards for human health or the environment shall  
759 apply and such application shall extend to those specific provisions which are more restrictive.