
PACIFIC COUNTY, WASHINGTON
FLOOD CONTROL ZONE DISTRICT No. 1

ORDINANCE No. 1
LAND ALTERATION
AND DRAINAGE

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**PACIFIC COUNTY
FLOOD CONTROL ZONE DISTRICT NO. 1**

**ORDINANCE NO. 1
LAND ALTERATION AND DRAINAGE**

AN ORDINANCE ESTABLISHING DEVELOPMENT STANDARDS WITHIN THE NORTH AND SOUTH SUBZONES OF FLOOD CONTROL ZONE DISTRICT NO.1 AND REGULATING LAND ALTERATION, SURFACE WATER CONTROL, AND EROSION CONTROL ACTIVITIES THEREIN; ESTABLISHING PERMIT AND REVIEW PROCESSES; ESTABLISHING FEES; AND PROVIDING PENALTIES FOR VIOLATIONS THEREOF.

WHEREAS, Flood Control Zone District No. 1 of Pacific County was created by the Pacific County Board of Commissioners on September 18, 1961, under the provisions of Chapter 86.15 RCW to address flood control and stormwater control issues; and

WHEREAS the Flood Control Zone District No. 1 of Pacific County is a quasi-municipal corporation with general authority to exercise all the powers vested in a county for flood water or storm water control purposes, provided that, in exercising such powers, all actions be taken in the name of the Flood Control Zone District No. 1; and

WHEREAS, the Flood Control Zone District No. 1 consists of two active subzones: the North Long Beach Peninsula Flood Control Subzone and the South Long Beach Peninsula Flood Control Subzone; and

WHEREAS, population growth within the North and South Subzones of Flood Control Zone District No. 1 of Pacific County has caused a high rate of property development therein; and

WHEREAS, land alteration is a necessary component of said property development; and

WHEREAS, land alteration and other development activities may (1) increase the amount of impermeable surfaces, such as roads, streets and parking areas, (2) decrease the permeability of natural surfaces, (3) decrease the storage available for surface and flood waters, (4) increase the amount of surface water runoff, and (5) alter natural runoff patterns; and

WHEREAS, this increased runoff, if not properly controlled and managed, may cause erosion, flooding, pollutant transport, and water quality degradation, and thereby damage shellfish, fish and wildlife habitat, and groundwater resources; and

WHEREAS, the area within the North and South Subzones of Flood Control Zone District No. 1 of Pacific County is subject to periodic inundation of flood waters which causes (1) property, health, and safety hazards, (2) disruption of commerce and governmental services, (3) extraordinary public expenditures for flood protection and relief, and (4) impairment of the tax base, all of which adversely affect the public health, safety, and general welfare; and

WHEREAS, these flood losses are exacerbated by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities; and

WHEREAS, the Board of Supervisors of Flood Control Zone District No. 1 deems the classifications, designations, controls, standards, procedures, and penalties set forth in this Ordinance to be necessary to minimize the adverse effects of improper land alteration practices and surface water control, and to protect the public health, safety, and general welfare of the citizens of Flood Control Zone District No. 1 of Pacific County; and the adoption thereof to be in the public interest; **NOW, THEREFORE**

BE IT ORDAINED by the Board of Supervisors of Pacific County Flood Control Zone District No. 1, Washington, as follows:

SECTION 1 PURPOSE

1.1 ESTABLISHMENT

There is hereby established a Land Alteration and Drainage Ordinance for the North and South Subzones of Flood Control Zone District No. 1 of Pacific County (hereinafter referred to as the “District”).

1.2 GEOGRAPHICAL DELINEATION OF FLOOD CONTROL ZONE DISTRICT #1

The legal description of the District as established in 1961 is hereby attached as Exhibit No. 1 and by this reference is incorporated herein. The District now consists of two active subzones: the North Long Beach Peninsula Flood Control Subzone and the South Long Beach Peninsula Flood Control Subzone; the legal descriptions of these subzones are hereby attached as Exhibits Nos. 2 and 3 and by this reference are incorporated herein.

1.3 POLICIES AND GOALS

1.3.1 Policies

The policies of this Ordinance are as follows:

1. Potential dangers or public costs associated with inappropriate land development and improper control of surface water runoff from such development should be minimized by reasonable regulation of said land development. Reasonable regulation should be achieved by balancing of individual and collective interests;
2. Land alteration and development activities should make provision for surface water and erosion control;
3. Drainage features should be maintained and enhanced to protect water quality, reduce public costs, and prevent environmental degradation. Public improvements and private development should not alter drainage systems without acceptable mitigating measures which eliminate risk of flooding or negative impacts to water quality;
4. The natural flood storage function of floodplains should be preserved. Natural flood water storage sites that help regulate stream flows and/or recharge groundwater should be preserved and their water quality protected. Floodplains should be protected by locating roads and structures above the 100-year flood elevation. Existing flood storage lost to land alteration and development should be replaced using acceptable mitigating measures;
5. Land alteration and development should not increase peak surface water runoff. In frequently flooded areas, land alteration and development should not increase total runoff quantity; and
6. Water quality, natural drainage, and shellfish, fish and wildlife habitat of rivers, streams, channels, lakes, and Willapa Bay should be protected.

1.3.2 Goals

The goals of this Ordinance are:

1. To protect human life, health and property;
2. To encourage growth and development patterns compatible with natural and constructed drainage features;
3. To minimize water pollution, flooding, and habitat damage resulting from increases in surface water runoff and soil erosion;
4. To minimize expenditure of public money on flood control improvements and operation and maintenance of flood control facilities of the District;
5. To minimize prolonged business interruptions due to flooding;
6. To minimize damage to public facilities and utilities due to flooding; and
7. To provide for the sound use, development, and protection of areas of special flood hazard.

1.4 OTHER APPLICABLE LAWS

Development activities covered under this Ordinance may also be subject to other regulations, permit authority review, and approvals. Requirements of this Ordinance or any permit granted pursuant to this Ordinance shall not remove a person's obligation with respect to the applicable provisions or any other Federal, State, or local law or regulation, including, but not limited to, the acquisition of any other required permit or approval.

In the event that federal, state, or other applicable laws impose a standard or regulation that is in conflict with any provision of this Ordinance or any standard or regulation that the District may adopt pursuant to this Ordinance, the most restrictive standard shall prevail.

Other agencies may require review for a project's impact. Such other agency requirements are separate from, and in addition to, the District's requirements. The proponent shall coordinate joint agency review, including resolution of any conflicting requirements between agencies.

1.5 PACIFIC COUNTY ORDINANCES, PLANS, AND POLICIES

This Ordinance and any administrative policies or standards developed to effectuate this Ordinance, are intended to be consistent with the most currently adopted provisions of:

1. District Ordinances, and more specifically the following:
 - Ordinance No. 2 Civil Infractions
 - Ordinance No. 3 Procedures for Processing Land Alteration and Drainage Permit Applications

2. Pacific County Ordinances, and more specifically the following:
 - Ordinance No. 2 Highway, Right of Way Use (Road Standards)
 - Ordinance No. 31 Subdivisions
 - Ordinance No. 34 Buildings
 - Ordinance No. 48 Short Subdivisions
 - Ordinance No. 95 Zoning
 - Ordinance No. 116A Flood Damage Prevention
 - Ordinance No. 119 Mobile Home
 - Ordinance No. 121 Environmental Policy
 - Ordinance No. 147 Critical Areas and Resource Lands
3. Comprehensive Flood Hazard Management Plans of the District
4. Pacific County Shoreline Master Program

1.6 INTERPRETATION

In the interpretation and application of this Ordinance, all provisions shall be liberally construed to serve the purpose of this Ordinance, as delineated in subsection 1.3, Policies and Goals.

1.7 SAVINGS AND SEVERABILITY

If any provision, or any portion thereof, contained in this Ordinance shall be adjudged by any court or competent jurisdiction to be invalid or unenforceable, said provision(s), or portion(s) thereof, shall be deemed severed and the remainder of this Ordinance shall not be affected and shall remain in full force and effect.

1.8 CONCURRENCY REQUIREMENT

Applications and submittals required by this Ordinance or by any administrative policies or standards that effectuate this Ordinance shall be submitted to the Administrator concurrently with other permit applications and submittals for the proposed project or activity unless otherwise provided herein.

SECTION 2 DEFINITIONS

Unless the context specifically indicates otherwise, the following terms are provided for reference and use with this Ordinance and any administrative policies or standards developed to effectuate this Ordinance.

2.01 Adjacent

Within a radius of 300 feet from the exterior boundaries of a designated Frequently Flooded Area or other critical area or resource lands.

2.02 Administrator

The County Engineer of Pacific County, or his or her designee(s).

2.03 Agricultural Activities-Existing and Ongoing

Those activities routinely conducted on lands defined in RCW 84.34.020(2), and those activities involved in the production of crops and/or raising or keeping livestock. Agricultural activities include associated activities, including the operation and maintenance of farm and stock ponds, drainage ditches, irrigation systems including irrigation laterals, canals, or irrigation drainage ditches, and normal operation, maintenance, and repair of existing serviceable agricultural structures, facilities or improved areas, and the practice of aquaculture. Forest practices regulated under Chapter 76.09 RCW and Title 222 WAC as amended are not included in this definition.

2.04 Allowable Discharge

The rate at which runoff may be released from a project.

2.05 Alteration

A human induced action which materially affects the physical condition of land or improvements including, but not limited to, those activities which are commonly referred to as clearing, grubbing, excavation, filling, grading, surfacing, paving, compaction, stockpiling, and stabilizing.

2.06 Assessed Value

The value of the existing improvements, excluding land, as listed in the current records of the Pacific County Assessor.

2.07 Basin or Drainage Basin

The land area that contributes surface runoff to any point of interest, such as the mouth of a stream.

2.08 Basin Plan

A comprehensive flood hazard management plan adopted by the Board of Supervisors of the Flood Control Zone District No. 1 of Pacific County and which identifies flood history and frequency patterns, and specifies capital improvements, regulations and policies for managing drainage in a basin.

2.09 Best Management Practice (BMP)

Conservation practices and/or systems of practices and management measures that: (1) control soil loss and water quality degradation; and (2) minimize adverse impacts to surface water and ground water flow, circulation patterns, and to the chemical, physical, and biological characteristics of receiving water bodies.

2.10 Biofilter

A plane, vegetated surface over which runoff traverses at a uniform depth and velocity.

2.11 Biofiltration

The process by which pollutant concentrations in runoff are reduced by filtration through vegetation.

2.12 Board of Supervisors

The governing body of the Flood Control Zone District No. 1 of Pacific County. The Board of County Commissioners are ex officio, by virtue of their office, members of the Board of Supervisors.

2.13 Bond

A surety bond, cash deposit or escrow account, assignment of savings, irrevocable letter of credit or other means acceptable to the Administrator to guarantee that work is completed in compliance with the project permits, approvals and plans and in compliance with all District requirements. A surety bond shall be furnished by a corporate surety company authorized to conduct business in Washington State and shall be acceptable to the Administrator.

2.14 Check Structure or Check Dam

A rock, earthen, or log dam used in channels to reduce water velocities, promote sediment deposition, and/or enhance infiltration.

2.15 Clean Impervious Surface

An impervious surface on which the frequency or probability of contamination from motor vehicles or from the routine handling of hazardous materials is minimal. Such surfaces may include, but are not limited to, rooftops, sidewalks, dedicated play areas and emergency fire lanes.

2.16 Clearing

The act of vegetation removal from the land surface by mechanical or chemical means, and is often referred to as land clearing.

2.17 Closed Depression

A basin for which there is no surface water outlet.

2.18 Compaction

The mechanical stabilization or densification of earth material.

2.19 Construction Cost

The estimated cost, including sales tax, of the redevelopment calculated using current Uniform Building Code methods, bid estimates, or best available information.

2.20 Conveyance

A mechanism or device for transporting water including, but not limited to, pipes, natural and/or man made channels, culverts, gutters and manholes.

2.21 Critical Areas

All wetlands, frequently flooded areas, aquifer recharge areas, fish and wildlife habitat conservation areas, geologically hazardous areas, shellfish, kelp, eelgrass, herring, and smelt spawning areas, as those terms are used and defined in the Pacific County Critical Areas and Resource Lands Ordinance No. 147, or any amendments thereto.

2.22 Critical Facilities

Critical facilities include: schools; hospitals; police, fire, and emergency response installations; sewage and water treatment facilities; electrical substations and other essential utility infrastructure; and installations which produce, use, or store hazardous waste.

2.23 Dangerous Wastes

Those wastes designated in WAC 173-303-070 through 173-303-120 as dangerous or extremely hazardous or mixed waste. As used in Chapter 173-303 WAC, the words "dangerous waste" refer to the full universe of wastes regulated by that chapter.

2.24 Dead Storage

The volume of storage in a stormwater facility below an outlet which does not drain freely after a storm event.

2.25 Delineation

A formal demarcation of the boundary of a frequently flooded area by the Pacific County Department of Public Works or a Qualified Professional.

2.26 Department of Community Development (DCD)

The Department of Pacific County which, among other things, is responsible for the administration of land development standards within Pacific County.

2.27 Department of Public Works (DPW)

The Department of Pacific County which has been established, pursuant to Pacific County Resolution dated September 2, 1969, as a completely independent department within the government of Pacific County. The Department's County Engineer is responsible for the administration of the affairs and activities of the District in accordance with RCW 86.15.060.

2.28 Design Event

An amount of rainfall in a specified period of time and occurring in specified volume increments over time which is used in the design of facilities.

2.29 Detention Facility

A storage facility such as a pond, vault, or pipe in which surface water runoff is temporarily stored and released to a natural channel or storm drain.

2.30 Detention Pond

A detention facility which is an open pond.

2.31 Determination

An action or decision by the Administrator.

2.32 Development

Any land altering activity that requires a permit or approval, including but not limited to, a building permit, land alteration permit, drainage permit, mobile home/RV park permit, shoreline substantial development permit, zoning variance or reclassification, subdivision, short subdivision, or Right of Way permit.

2.33 Discharge

Runoff, excluding off-site flows, leaving the proposed development through overland flow, built conveyance system, or infiltration facilities.

2.34 Disturbed Area

An area inside project boundaries which is altered from its natural state by human activity or natural action, such as landslide or erosion.

2.35 Drainage

The collection, conveyance, containment, and/or discharge of surface and storm water runoff.

2.36 Drainage Easement

The land reserved or dedicated for the installation, operation, and maintenance of stormwater facilities, or required along a stream or watercourse for preserving the channel and providing for the flow of water to safeguard the public against flood damage, sedimentation, and erosion.

2.37 Drainage Review

An evaluation by the Department of Public Works staff of a proposed project's compliance with the drainage requirements in the District Surface Water Control Standards.

2.38 Easement

A legal right of use of a property of another for a particular purpose.

2.39 Ecology Technical Manual

The most recent edition of the State of Washington, Department of Ecology's "Stormwater Management Manual for the Puget Sound Basin".

2.40 Effective Impervious Surface

Impervious surface which is not directed to an infiltration facility capable of infiltrating the design event and which causes runoff.

2.41 Emergency Action

An action that is taken to address an unanticipated and imminent threat to public health, safety, or the environment which requires immediate action within a time period too short to allow full compliance with this Ordinance.

2.42 Erosion

Detachment of soil or rock fragments by water, ice, wind, gravity, or other elements.

2.43 Erosion Control

On-site and off-site control measures that are used to control conveyance and/or deposition of earth or sediment which associated with development.

2.44 Excavation

The mechanical removal of earth material.

2.45 Filling

Deposition of earth material placed by artificial means.

2.46 Flood/Flooding

A partial or complete inundation of water over land not usually covered by water, or water which inundates an area of the surface of the earth where it ordinarily would not be expected to be.

2.47 100-Year Flood

A flood which has a one (1) percent chance of being equaled or exceeded in any given year.

2.48 Flood Control Zone District No. 1

The quasi-municipal corporate body created by the Pacific County Board of Commissioners under the provisions of Chapter 86.15 RCW and delineated geographically according to subsection 1.2 of this Ordinance.

2.49 Forest Land

Any land designated as forest land of long-term significance or as transitional forest land under the Pacific County Critical Areas and Resource Lands Ordinance No. 147, or any amendments thereto.

2.50 Forest Practice

Any activity conducted on forest land and regulated by WAC 222-12 through 222-50, except for Class IV general forest practices that are conversions from timber land to other uses.

2.51 Frequently Flooded Areas

Frequently flooded areas shall be those floodways and associated floodplains: (1) designated by the Federal Emergency Management Act (FEMA) flood hazard classifications as delineated on the area flood hazard maps for Pacific County dated September 27, 1985, or as subsequently revised by FEMA, as being within the 100-year floodplain, or (2) those floodways and associated floodplains delineated by a comprehensive flood hazard management plan adopted by the Board of Supervisors of the District, as being within the 100-year floodplain, or (3) those areas delineated by the Administrator as having experienced historic flooding as documented by aerial photography, written testimony from Qualified Professionals, or written testimony from individuals otherwise deemed qualified by the Administrator as being experienced in such delineation.

2.52 Grading

Excavation or filling or a combination thereof.

2.53 Grubbing

The act of root vegetation removal from beneath the surface of the earth, usually in association with clearing.

2.54 Hazardous Substances

See Dangerous Waste.

2.55 Impervious Surface

A surface which prevents or retards the transmission of water into the soil mantle under natural conditions prior to development, and/or a hard surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, asphalt concrete and cement concrete paving, paving blocks, compacted soils for parking areas, rooftops, walkways, patios, driveways, parking lots or storage areas, gravel roads, packed earthen material, and oiled, macadam, or other surfaces which similarly impede the natural infiltration of surface and storm water runoff. Lattice

work paving systems which have a portion of their area open to the subgrade shall be not be considered impervious as to the portion which is open. Open, uncovered retention/detention facilities shall not be considered as impervious surfaces.

2.56 Interflow

Subsurface flow moving laterally in the unsaturated zone following the hydraulic gradient of soil layers with lower vertical hydraulic conductivity. At the surface, interflow is referred to as a “spring” or a “seep”.

2.57 Land Alteration

A human induced action which materially affects the physical condition of land or improvements including, but not limited to, those activities which are commonly referred to as clearing, grubbing, excavation, filling, grading, surfacing, paving, compaction, stockpiling, and stabilizing.

2.58 Land Alteration Standards

Written policies or standards prepared by the Administrator to effectuate the provisions of this Ordinance regarding land alteration.

2.59 Maintenance

Those usual acts to prevent a decline, lapse, or cessation from a lawfully established condition or to restore a development to a state comparable to its original conditions within a reasonable period after decay or partial destruction except where repair involves total replacement which is not common practice or causes substantial adverse effects to the environment.

2.60 Marine Bluff Hazard Zone

The area seaward of a plane surface extending landward at a 50% slope from the toe of a marine bluff.

2.61 Mitigation

The use of any or all of the following actions that are listed in descending order of preference:

1. Avoiding the impact altogether by not taking a certain action or parts of an action; or
2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts; or
3. Rectifying the impact by repairing, rehabilitating, or restoring the affected area;
4. Reducing or eliminating the impact over time by preservation or maintenance operations during the life of the development proposal;
5. Compensating for the impact by replacing, enhancing, or providing substitute areas; or
6. Monitoring the impact and taking appropriate corrective measures.

2.62 Monitor

To measure something systematically and repeatedly in order to document conditions over time.

2.63 Native Vegetation

Plant species which are indigenous to the subject site.

2.64 Natural Channel

A stream, creek, river, lake, wetland, estuary, gully, swale, ravine or any open channel in which water concentrates and flows intermittently or continuously.

2.65 Natural Discharge Location

The location of the drainage pathway at the proposed project boundary at the time of analysis.

2.66 New Impervious Surface

Any impervious surface proposed by a project that will increase the runoff curve number of that surface for existing site conditions (e.g., gravel to asphalt).

2.67 Off-site

Any land area lying upstream of the site that drains onto the site and any land area lying downstream of the site to which the site drains.

2.68 On-site

The entire property that includes the proposed development.

2.69 Outfall (Point of Discharge)

A point where collected and concentrated surface and storm water runoff is discharged from the project site or into an open drainage feature, including receiving water bodies.

2.70 Owner

The lawful and legal owner of a lot or parcel of land.

2.71 Permeability or Coefficient of Permeability

The soil property which describes how water flows through soils, as determined by field and/or laboratory work conducted by a Qualified Soils Professional.

2.72 Permit

Written authorization from the Administrator granting the permission to make the land alteration(s) requested in the application for same.

2.73 Permittee

A person granted a permit under this Ordinance.

2.74 Person

An individual, a partnership (including partners and managers), a corporation (including board members, officers, and managers), or any other entity of any kind. "Person" also includes a proponent, an applicant, a re-applicant, a permit holder, an authorized agent of any entity, or any third party acting on behalf of any entity.

2.75 Plat

A map or representation of a subdivision showing the division of a tract or parcel of land into lots, blocks, streets, or other divisions and dedications.

2.76 Post-development Conditions

The condition of a site following project completion.

2.77 Pre-development Conditions

The existing condition of a site prior to any development or construction in relation to a proposed project.

2.78 Project

The proposed action of a permit application or an approval which leads to addition or reconstruction of impervious surface, addition of value to a property, or disturbance of the ground surface.

2.79 Project Site

The parcel or parcels on which the permitted activity occurs including adjacent parcels with existing development which the Administrator determines is part of the project.

2.80 Proponent

The owner and/or his agents, contractors, or other entity representing the Owner who proposes a development activity.

2.81 Qualified Professional

Any individual registered as a professional engineer in the State of Washington in accordance with Chapter 18.43 RCW, and having experience, education, professional degree(s), and/or training pertaining to hydrology, surface water management, drainage, and/or flooding.

2.82 Qualified Geotechnical Professional

Any individual registered as a professional engineer in the State of Washington in accordance with Chapter 18.43 RCW, and who has at least four years of professional employment and experience as a geotechnical engineer.

2.83 Qualified Soils Professional

A sanitarian or soil scientist registered in the State of Washington, a certified on-site septic system designer, a Qualified Professional, or a Qualified Geotechnical Professional having sufficient knowledge and experience in the areas of soil classification and infiltration testing, as determined by the Administrator.

2.84 Receiving Waters

A natural water feature including but not limited to wetlands, lakes, marine water bodies, intermittent streams, natural swales and gullies, and all waters of the State.

2.85 Retention/Detention Facility

Either a facility with an outlet to surface water intended to discharge partially to groundwater and partially to surface water, or a retention facility or a detention facility or combination thereof.

2.86 Retention Facility

A facility, such as a pond, vault, or pipe, having no outlet to surface water and which is intended to discharge to groundwater or through evaporation.

2.87 Retention Pond

A retention facility that is an open pond.

2.88 Runoff

Surface water that is discharged from a project site.

2.89 Run-on

Surface water that enters or runs onto a project site.

2.90 Sediment

Soil transported from its site of origin by water, ice, wind, gravity, or other natural means as a product of erosion.

2.91 SEPA

The State Environmental Policy Act, Chapter 43.21C RCW, as amended.

2.92 Single-family Residence

A detached dwelling designed for and occupied by one family including those structures and developments within a contiguous ownership which are a normal appurtenance. An "appurtenance" is necessarily connected to the use and enjoyment of a single-family residence and is located upland of a frequently flooded area. Normal appurtenances include a garage; deck; driveway; septic system; utilities; and fences. For the purpose of this Ordinance, a single-family residence shall include a duplex located on a single tax parcel.

2.93 Site

One or more parcels on which the project is proposed to be located, including those parcels on which existing development is located.

2.94 Stabilizing

Counteracting the actions of water, ice, gravity, wind, water, or other natural processes.

2.95 Stockpiling

The temporary deposition of earth material placed by artificial means.

2.96 Storm drain or Storm drain system

A network of open ditches or channels or enclosed conduits that transport surface and stormwater runoff toward points of discharge.

2.97 Stormwater

Water originating from rainfall and other precipitation, such as snow, sleet, or hail, that is found in drainage facilities, rivers, streams, springs, seeps, ponds, lakes, and wetlands as well as other shallow groundwater, washdown water, irrigation wastewater, and other wastewater that enters the drainage system.

2.98 Surface water

Any body of water, whether fresh or marine, which either flows or is contained in natural or artificial depressions for continuous periods of thirty (30) days or more. Such bodies include, but are not limited to, natural and artificial lakes, ponds, rivers, streams, swamps, marshes, and tidal waters.

2.99 Surface Water Control Facilities

Any structure, facility, or system intended to control and/or treat surface water including, but not limited to, conveyance, treatment, detention/retention, and infiltration systems; channel, ditch, stream, and lake protection and rehabilitation; and other surface water control facilities. For the purpose of establishment of connection fees, surface water control facilities shall also include comprehensive planning; public

education and outreach programs; and other activities associated with construction of surface water control facilities or the avoidance of such construction.

2.100 Surface Water Control Standards

Written policies or standards prepared by the Administrator to effectuate the provisions of this Ordinance regarding control of surface water.

2.101 Stream

Those areas where naturally occurring surface waters flow sufficiently to produce a defined channel or bed which demonstrates clear evidence of the passage of water, including, but not limited to, bedrock channels, gravel beds, sand and silt beds, and defined-channel swales. The channel or bed need not contain water during the entire year. This definition does not include water courses which were created entirely by artificial means, such as irrigation ditches, canals, roadside ditches, or storm or surface water run-off features, unless the artificially created water course contains salmonids or conveys a stream that was naturally occurring prior to the construction of the artificially created water course.

2.102 Temporary Erosion/Sedimentation Control Plan

The plans and specifications for construction of temporary erosion/sedimentation control facilities for the project.

2.103 Wetland or Wetlands

Areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands include those artificial wetlands intentionally created from non-wetland areas to mitigate conversion of wetlands.

2.104 Wet Pond

A stormwater detention pond used for treatment of surface water runoff and designed to maintain a continuous or seasonal static water level below the pond outlet elevation.

SECTION 3 APPLICABILITY AND EXEMPTIONS

3.1 APPLICABILITY

This Ordinance shall govern all land development activities within the geographical limits of the North and South Subzones of the District. The District shall not grant any permit, license, or other development approval to alter the condition of any land, water, or vegetation, or construct or alter any structure or improvement, nor shall any person alter the condition of any land, water, or vegetation, or construct or alter any structure or improvement, for any development proposal which requires a governmental permit regulated by this Ordinance, except in compliance with the provisions of this Ordinance. Failure to comply with the provisions of this Ordinance shall cause the violator to be subject to penalty procedures under section 7 of this Ordinance.

3.2 EXEMPTIONS

The following activities, as hereinafter defined, shall be exempt from the provisions of this Ordinance:

1. Activities Outside North and South Subzones of the District;
2. Emergency Actions;
3. Existing and Ongoing Agricultural Activities;
4. Maintenance, Repair, and Operation Activities;
5. Minor Modification of Existing Buildings;
6. Spartina Alterniflora Activities;
7. Forest Practices;
8. Minor Land Alteration Activities;
9. Special Construction;
10. Site Investigation Work; and
11. Mining Activities.

Persons who implement exempt activities shall use reasonable methods that minimize the impact to a frequently flooded area and shall restore the area following completion of the exempt activity to the maximum extent practicable.

3.2.1 Activities Outside North and South Subzones of District

Activities conducted outside the geographical limits of the North and South Subzones of the District as defined by the legal description attached as Exhibit 1 and shown on the map attached as Exhibit 4 are exempt.

3.2.2 Emergency Action

Emergency action as defined in subsection 2.41 is exempt. Persons undertaking emergency action shall notify the Administrator within one working day following commencement of the emergency action. Following such notification, the Administrator shall determine if the action taken was within the scope of the emergency actions allowed in this subsection. If the Administrator determines that the action taken or any part of the action taken was beyond the scope of allowed emergency action, then the penalty provisions of section 7 of this Ordinance shall apply.

3.2.3 Existing and Ongoing Agricultural Activities

Existing and ongoing agricultural activities as defined in subsection 2.03, including clearing, grading and filling for such purposes are exempt, provided that said activity is in compliance with the Pacific County Critical Areas and Resource Lands Ordinance. Existing and ongoing agricultural activities shall comply with best management practices contained within any conservation plan between the property owner and the Department of Ecology pursuant to Chapter 89.08 RCW.

3.2.4 Maintenance, Repair, and Operation Activities

Maintenance, repair, and operation of: (1) existing utilities, sewage disposal systems, water systems, drainage facilities, ponds, flood control facilities, and essential electric and communications facilities; and (2) public roads, logging roads, agricultural roads, or private roads when carried out within the existing right of way and which do not create more than 10,000 square feet of new impervious surface are exempt. Work, including maintenance and new construction on public roads, logging roads, agricultural roads, or private roads which creates more than 10,000 square feet of new impervious surface is not exempt from the requirements of this Ordinance. Maintenance is defined in subsection 2.59.

3.2.5 Minor Modification of Existing Buildings

Minor modification of existing buildings includes any modification of an existing building that does not: (1) expand the primary building footprint by more than twenty-five (25) percent; (2) create new impervious surface exceeding twenty-five (25) percent of the existing impervious surface on the project site and 5,000 square feet; or (3) create a discharge of runoff or sediment to adjoining property, rights-of-way, or waters of the State. Such modifications are exempt. A person who is granted an exemption under this subsection for a particular building shall not receive another exemption for the same building unless ten (10) years has elapsed from the date of the previous exemption.

3.2.6 Spartina Alterniflora Activities

Activities aimed at controlling/eradicating Spartina Alterniflora are exempt.

3.2.7 Forest Practices

Forest practices as defined in subsection 2.50 are exempt.

3.2.8 Minor Land Alteration Activities

The following minor land alteration activities are exempt:

- a. Clearing and grading activities which do not result in disturbance of more than 5,000 square feet, provided that there is no danger to private or public property, as determined by the Administrator, as a result of said activity;
- b. Landscaping, yard maintenance, and gardening related to a single-family residence which does not result in disturbance of more than 7,500 square feet;

- c. Placement of fill less than one foot in depth on natural terrain with a slope flatter than 5H:1V (20% slope) and which: (1) does not exceed 50 cubic yards on any one lot or parcel; and (2) does not obstruct a drainage course or surface water control facility; and (3) is not placed within an area delineated as a Frequently Flooded Area;
- d. An excavation which is less than two feet in depth, or which does not create a cut slope greater than five feet in height and steeper than 1½H:1V (66.7% slope);
- e. Excavation and subsequent backfilling below finished grade for basements and footings of a building, retaining wall, or other structure authorized by a valid building permit; and
- f. Activities which do not: (1) change or have the potential to change the point of discharge from a project site; (2) discharge surface waters at a greater rate or volume than that of the pre-development discharge rate or volume; or (3) discharge sediment or pollutants from the site.

3.2.9 Special Construction

Special construction is exempt. Special construction includes construction pertaining to cemetery graves; solid waste disposal sites controlled by other regulations; wells, tunnels, or utilities; and on-site sewage disposal (septic) systems.

3.2.10 Site Investigation Work

Site investigation work is exempt. It includes exploratory excavations and fill pads, necessary for project design, environmental permitting, or land use applications such as surveys, geotechnical or hydrogeological investigations, infiltration tests, and other related activities;

3.2.11 Mining Activities

Mining activities are exempt. They include mining, quarrying, excavating, processing, stockpiling of rock, sand, gravel, aggregate or clay where established and provided for by law, provided such operations do not affect the lateral support or increase stresses in or pressure upon any adjacent or contiguous property.

3.3 NON-CONFORMING ACTIVITIES

An established use or existing structure that was lawfully permitted prior to adoption of this Ordinance, but which is not in compliance with this Ordinance, may continue subject to the following:

1. Non-conforming uses and existing structures shall not be expanded or altered in any manner that increases the nonconformity without a permit or other approval issued pursuant to the provisions of this Ordinance except as allowed under this subsection;
2. Activities or uses which are discontinued for twelve (12) consecutive months shall be allowed to resume only if they are in compliance with this Ordinance; and
3. Non-conforming structures destroyed by fire, explosion, or other casualty (except flooding) may be replaced or restored if reconstruction of the same facility is commenced within twelve (12)

months of such damage. The reconstruction or restoration shall not serve to expand, enlarge, or increase the extent of the nonconformity.

SECTION 4 ADMINISTRATIVE PROCEDURES

4.1 DEPARTMENT OF PUBLIC WORKS

Pursuant to Pacific County Resolution dated September 2, 1969, the Pacific County Department of Public Works has been established as a completely independent department within the government of Pacific County. This Department is under the management of the Director of the Department of Public Works. This department has the responsibility for the administration of the affairs of the District in accordance with RCW 86.15.060.

4.2 DESIGNATION OF ADMINISTRATOR

The Administrator shall be the County Engineer of the Pacific County Department of Public Works or his or her designee(s), who shall be responsible for applying the provisions and requirements of this Ordinance. All instructions and decisions made by the Administrator shall be binding, subject only to the provisions of appeal as defined in District Ordinance No. 3. Where this Ordinance requires the Administrator to take action, the Administrator shall be guided by current resolutions, ordinances, and policies of the District as well as by generally recognized engineering standards and practices. The Administrator shall also be guided by current applicable state and federal laws and regulations.

4.3 INTERDEPARTMENTAL COOPERATION AND AGREEMENTS

The Administrator, insofar as practicable, may make use of services of the other departments, offices, and agencies of Pacific County. Interdepartmental agreements between departments of Pacific County may be authorized by the Board of Supervisors when necessary.

4.4 DELEGATION OF AUTHORITY

It is the express purpose of this Ordinance that land alteration and drainage within the geographical limits of the North and South Subzones of the District be conducted in accordance with administrative policies and standards to provide for and promote the health, safety, and welfare of the general public, and not create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this Ordinance.

The Administrator is hereby authorized to develop administrative policies and standards, including requirements for financial securities related thereto, which are consistent with and effectuate this Ordinance. All land alteration and drainage shall be in accordance with any such administrative policies and standards.

4.5 LAND ALTERATION AND DRAINAGE REGULATIONS

4.5.1 Land Alteration & Drainage Permits Required

Land alteration activities not exempted by subsection 3.2 of this Ordinance shall require a permit from the Pacific County Department of Public Works prior to initiating any activity.

Drainage activities not exempted by subsection 3.2 of this Ordinance shall require a permit from the Pacific County Department of Public Works prior to initiating any activity when said project or activity:

1. Adds or creates 5,000 square feet or more of new impervious surface; or
2. Adds or creates 10,000 square feet or more of new impervious surface for public roads, logging roads, agricultural roads, and private roads when carried out within the existing right-of-way; or
3. Contains, or is contiguous with, an area delineated as a Frequently Flooded Area, stream, channel, lake, wetland, or closed depression, or a critical area as defined by a local Critical Areas and Resource Lands Ordinance; and
4. Requires one or more of the following local permits or approvals:
 - a. Preliminary Plat;
 - b. Short Subdivision;
 - c. Building Permit;
 - d. Land Alteration Permit;
 - e. Mobile Home/RV Park Permit;
 - f. Right of Way Permit;
 - g. Shoreline Substantial Development Permit;
 - h. Zoning Variance Request; and
 - i. Zoning Reclassification.

No land alteration or drainage activity, except those activities exempt from the provisions of this Ordinance as specified in subsection 3.2 of this Ordinance, shall occur in the absence of express approval by the Administrator. Any land alteration or drainage activity shall occur only through the issuance of a permit. Any Land Alteration or Drainage Permit may incorporate appropriate conditions to effectuate the policies and goals of this Ordinance. The proponent shall submit permit applications on forms provided by the Department of Community Development.

If the proposed project or activity will require subsequent permits or approvals which require review for conformance with this Ordinance, then the review may be deferred by the Administrator until the proponent applies for subsequent permits.

To facilitate review of land alteration and drainage impacts and to document conformance with administrative policies or standards developed to effectuate this Ordinance, various engineering plans, reports, and drawings may be required to be submitted to the Administrator for review, depending on the type of project or activity proposed.

4.5.2 Procedures for Processing Land Alteration and Drainage Permits

Land Alteration and Drainage Permits will be processed in accordance with District Ordinance No. 3, including any amendments thereto.

Issuance of a permit by the Administrator does not relieve the proponent from responsibility for ensuring that all facilities are safe and that calculations, plans, specifications, construction and drawings of record comply with normal engineering standards, this Ordinance and administrative policies or standards developed to effectuate this Ordinance, and applicable federal, state, and local codes, standards, ordinances, and laws.

If the Administrator determines that the application does not satisfy the requirements of this Ordinance and administrative policies or standards developed to effectuate this Ordinance, the application shall be rejected and no permit will be issued. The proponent will be notified in writing of such rejection. Said notification will include a listing of all requirements not satisfied (deficiencies). The proponent will be provided an opportunity to correct deficiencies and resubmit the application.

If, as a result of the rejection notification, the proponent believes that he or she is entitled to a variance from one or more of the requirements of this Ordinance and any administrative policies or standards developed to effectuate this Ordinance, the proponent may request a variance as described in subsection 4.6.

If the proponent believes that the requirements of this Ordinance and administrative policies or standards developed to effectuate this Ordinance, including any request for a variance, leave the proponent with no economically viable use of his or her property, the proponent may apply for a viable use exception pursuant to subsection 4.7.

If the Administrator determines that a variance request and/or a viable use exception request do not satisfy the requirements of this Ordinance, the request shall be rejected and no permit will be issued. The proponent will be notified of such rejection. The proponent may appeal such rejection to the Board of Supervisors pursuant to District Ordinance No. 3.

4.6 VARIANCE FROM STANDARDS

4.6.1 Variance Authority

The Administrator shall hear and decide on all variance requests.

4.6.2 Variance Request Process

Requests for a variance will be accepted only for permits pending approval or approved permits which have not yet expired. A variance request must be submitted to the Administrator along with sufficient information necessary to evaluate the request.

The burden of proof shall be on the proponent to bring forth evidence in support of the application and to provide sufficient information on which any decision has to be made on the application.

In granting any variance, the Administrator shall prescribe such conditions and safeguards as are necessary to secure adequate protection of the altered land and adjacent properties from adverse impacts.

4.6.3 Variance Request Review

Within fourteen (14) calendar days after the date a complete variance request is received, including required variance fee as delineated in subsection 4.9, the Administrator shall issue an administrative decision pertaining to the requested variance. An administrative decision shall include:

1. A statement of the applicable criteria and standards in local ordinances and other applicable regulations;

2. Findings of fact and conclusions of law that justify the decision rendered; and
3. The decision pertaining to the application. An application may be approved subject to special conditions to ensure that the proposed development will comply with applicable law.

Within five (5) working days of issuance of an administrative decision, the Administrator shall mail a notice of decision to the proponent and to any parties of record regarding the application. The mailing shall include a notice which includes the following information:

1. A statement that the decision is final, but may be appealed as provided in District Ordinance No. 3. The statement shall describe how a party may appeal the decision. The notice also shall list the applicable appeal fees; and
2. A statement that the complete case file is available for review. The notice shall list the place, days, and times where the case file is available and the name and telephone number of the District representative to contact for information about the case.

4.6.4 Criteria for Granting Variance

The Administrator shall grant a variance if the proponent demonstrates that the requested variance conforms to all of the criteria set forth below:

1. That special conditions and circumstances exist which are peculiar to the land, such as size, shape, topography, or location; and
2. That literal interpretation of the provisions of this Ordinance would deprive the proponent of rights commonly enjoyed by other properties conforming to the terms of this Ordinance; and
3. That the special conditions and circumstances do not result from the actions of the proponent; and
4. That the granting of the variance requested will not confer on the proponent any special privilege that is denied by this Ordinance to other lands, structures, or buildings under similar circumstances; and
5. That the variance requested is the minimum necessary to afford relief; and
6. That to afford relief the requested variance will not create significant impacts to critical areas and resource lands, downstream or adjacent properties, flood control or surface water control facilities, and will not be materially detrimental to the public welfare, injurious to the property in the vicinity and zone in which subject property is situated, or contrary to the public interest; and

4.7 VIABLE USE EXCEPTION

If the application of this Ordinance and any administrative policies or standards developed to effectuate this Ordinance would result in denial of all economically viable use of a property, and if such economically viable use of the property cannot be obtained by consideration of a variance under subsection 4.6 to one or more individual requirements of this Ordinance, then a proponent may seek a

viable use exception from the requirements of this Ordinance. Viable use exception requests shall follow the variance procedures articulated in subsection 4.6, and shall only be granted if the following criteria are met:

1. The application of this Ordinance and any administrative policies or standards developed to effectuate this Ordinance would deny all economically viable use of the property so that there is no economically viable use with a lesser impact than that proposed;
2. The proposed development does not pose a threat to the public health and safety; and
3. Any proposed land alteration will be the minimum necessary to allow economically viable use of the property.

4.8 STOP WORK ORDER

If a person fails to comply with the terms of a permit issued under this Ordinance, or engages in activities regulated under this Ordinance without the appropriate permit(s), the Administrator may issue a written order to immediately stop all work except that which is necessary to bring the project into compliance with this Ordinance.

4.9 FEES

4.9.1 Land Alteration Permit Fees

At the time a land alteration permit application is made, the proponent shall pay to the District a land alteration permit fee for costs associated with processing and reviewing the application.

4.9.2 Drainage Permit Fee

At the time a drainage permit application is made, the proponent shall pay to the District a drainage permit fee for costs associated with processing and reviewing the application and inspecting construction authorized under any permit issued. Said fee shall be paid to the District prior to review of any permit application.

Drainage permit fees shall be two tiered, depending on whether the potential drainage problems associated with a development project are minimal or extensive. The Administrator is hereby authorized to promulgate standards that explicitly delineate what kinds of development projects present potential drainage problems which are minimal and what kinds are extensive. The permit fee for projects presenting minimal drainage problems shall be a fixed fee; the permit fee for projects presenting extensive drainage problems shall be based on actual costs incurred by the District to review an application and inspect construction authorized under any permit issued.

A deposit in the amount of the fixed fee established for projects presenting minimal drainage problems shall be submitted at the time of application. For projects presenting extensive drainage problems, additional costs incurred by the District over and above the fixed fee amount will be charged to the proponent on a time and materials basis. Hourly rates used to establish actual costs shall be as set forth by resolution of the District Board of Supervisors. All additional fees shall be paid in full prior to issuance of permit.

4.9.3 Drainage System Connection Fee

Property or portions thereof discharging surface water from the site to a surface water control facility owned and operated by the District shall be required to pay a connection fee. Such fee shall reflect an apportionment to the connector of a pro rata portion of the capital cost of installation of the surface water control facility, the anticipated volume of surface water to be discharged to the facility by the connector, the additional capital costs incurred by the facility as a result of the connection, and the actual costs incurred by the facility for the connection. Said fee shall be paid to the District prior to connection to the surface water control facility.

4.9.4 Variance Fee

Any variance from this Ordinance or any administrative policies or standards developed to effectuate this Ordinance, shall be accompanied by a variance fee. Said fee shall be paid to the District prior to review of any variance.

4.9.5 Viable Use Exception Fee

Any request for a viable use exception shall be accompanied by a viable use exception fee. Said fee shall be paid to the District prior to review of any viable use exception.

4.9.6 Appeal Fee

Any decision of the Administrator appealed to the Board of Supervisors shall be accompanied by an appeal fee. Said fee shall be paid to the District prior to review by the Board of Supervisors of any appeal. The Board of Supervisors may waive or reduce the appeal fee on a case-by-case basis.

4.9.7 Fee Amounts

The amount of said fees shall be established by the Administrator and approved by resolution of the District Board of Supervisors. The Department shall not accept for review any such plan, nor issue any permit, nor in any manner approve of the commencement of construction until said fees are paid.

SECTION 5 REGULATION OF FREQUENTLY FLOODED AREAS

5.1 PURPOSE

The purpose of regulation of frequently flooded areas is to minimize public and private losses due to flood conditions in specific areas.

5.2 IDENTIFICATION

Frequently flooded areas shall be as defined in subsection 2.51. If an area of interest is not included in a comprehensive flood hazard management plan adopted by the Board of Supervisors of the District, and the Administrator believes that the FEMA flood hazard maps do not correctly delineate the 100-year floodplain, the Administrator may delineate the 100-year floodplain. If available documentation is not adequate to allow the Administrator to make such delineation, the person seeking development which is covered under this Ordinance shall provide a flood hazard study prepared by a Qualified Professional assessing the extent of the 100-year floodplain, which shall be subject to approval by the Administrator.

5.3 PROTECTION STANDARDS

Land alteration within Frequently Flooded Areas and which: (1) eliminates existing flood storage; (2) increases peak surface water runoff; or (3) increases total runoff quantity shall be prohibited unless certification by a Qualified Professional is provided demonstrating that proposed land alteration or encroachment, including any proposed mitigation, will not result in any increase in flood levels during the occurrence of the 100-year flood discharge.

SECTION 6 PROHIBITED ACTIVITIES

6.1 PROHIBITED ACTIVITIES

The following activities are prohibited and shall constitute a violation of this Ordinance:

1. To cause, permit, or allow trash, rubbish, litter, vegetative matter or any form of debris directly or indirectly to enter a storm drainage system or to discard such matter on surfaces which drain to conveyance systems;
2. To cause, permit, or allow any pollutants to enter directly or indirectly a storm drainage system. Pollutants include, but are not limited to, sewage, septage, oils, petroleum products, ethylene glycol, paints, paint thinners, pesticides fertilizers, soaps, detergents, washdown wastes, swimming pool wastewater, and materials on lists of pollutants in the following regulations or any amendments thereto:
 - a. Discarded Chemicals List WAC 173-303-9903
 - b. Toxic Dangerous Waste List WAC 173-303-101
 - c. Dangerous Waste Sources List WAC 173-303-9904
 - d. Dangerous Waste Constituents List WAC 173-303-9905
 - e. Dangerous Waste Mixtures List WAC 173-303-084
 - f. Persistent Dangerous Waste List WAC 173-303-102
3. To cause, permit, or allow land alteration or any other land surface changes such as traversing in a motor vehicle so as to allow sediment from the property to directly or indirectly enter into a drainage system or waters of the State;
4. To cause, permit, or allow work that would transmit sediment from one part of a drainage system to another;
5. To cause, permit, or allow a discharge into a drainage system or waters of the State of a material that would cause the water quality of the receiving water to degrade below the State of Washington water quality standard for that water body;
6. To cause, permit, or allow the placement of any obstructions, in waters of the State, which would prohibit free fish passage under all flow conditions, unless approved by the Administrator; or
7. To cause, permit, or allow the removal from waters of the State, except under emergency conditions, of any naturally occurring woody debris. Emergency conditions may consist of flow blockage which, in the discretion of the Administrator, threatens life or property.
8. To cause, permit, or allow any connection to, opening into, use, alteration, or disturbance of the public surface water control facilities without receiving a permit authorizing such connection or use.
9. To engage in nonexempt activities under this Ordinance without valid land alteration and/or drainage permits, or to exceed the scope of the issued permits;
10. To violate a stop work order under subsection 4.8 of this Ordinance;

SECTION 7...

11. To violate any requirement related to regulation of frequently flooded areas under section 5 of this Ordinance; and
12. To engage in activities beyond the scope of allowed emergency actions under subsection 3.2.2 of this Ordinance.

Violators shall be subject to the penalty provisions of section 7 of this Ordinance and District Ordinance No. 2.

SECTION 7 PENALTIES

A person who violates the provisions of this Ordinance or who fails to comply with any of its requirements shall be subject to the procedures and sanctions set forth in District Ordinance No. 2 and any amendments thereto.

In addition to the civil penalty provisions provided in District Ordinance No. 2, or amendment thereto, any person who violates any of the provisions of this Ordinance is guilty of a misdemeanor, and each day or portion thereof during which a violation is committed, continued, or not permitted shall constitute a separate offense. The penalty for each violation is a fine of not more than \$1,000 or imprisonment for not more than 90 days, or both. The principles of liability contained in Chapter 9A.08 RCW, including, but not limited to, liability for conduct of another shall apply to the enforcement of this Ordinance as shall all judicial interpretations thereof.

When a court determines that a person has committed a civil infraction under this Ordinance and District Ordinance No. 2, or any amendment thereto, the District may collect penalties, assessments, costs, and/or fines by any procedure established for the collection of debts that are owed to the District.

Any disposition of a violation pursuant to this Ordinance and District Ordinance No. 2, or any amendment thereto, shall not absolve a person from correcting or abating a violation and shall not prevent the prosecuting authority from pursuing criminal prosecution, other civil action including, but not limited to, injunctive relief, license revocation, and abatement, or all of the above. If the District prevails in a separate civil action, the Court may award the District reasonable costs including, but not limited to, the costs of the responsible officials' time, witness fees, attorney fees, court costs, and the costs to the District of abatement or of enforcement of an injunction, or both.

Any or all of the remedies articulated in this section may be used by the District to enforce this Ordinance. Nothing contained in this Ordinance shall prevent the District, by and through the prosecuting authority, from taking such other lawful action as is necessary to prevent or remedy any violation.

SECTION 8 EFFECTIVE DATE

This Ordinance shall take effect immediately.

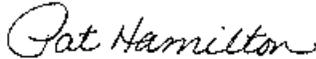
PASSED by the Pacific County Flood Control Zone District No. 1 Board of Supervisors meeting in special session at South Bend, Washington, by the following vote, then signed by its membership and attested to by its Clerk in authorization of such passage the 22nd day of July, 1997.

 3 Ayes; 0 Nays; 0 Abstain; 0 Absent

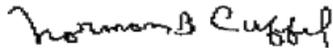
**BOARD OF SUPERVISORS, FLOOD CONTROL ZONE DISTRICT NO. 1
PACIFIC COUNTY, WASHINGTON**



Jon Kaino, Jr.

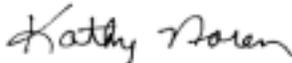


Pat Hamilton



Norman "Bud" Cuffel

ATTEST:



Kathy Noren

EXHIBIT 1 - LEGAL DESCRIPTION OF FCZD#1

All land lying within the following description:

“Beginning at the meander corner of Sections 3 and 10 Township 10 North Range 11 West W.M. on the shores of Willapa or Shoalwater Bay; thence southerly to the mouth of Tarlett Slough; thence westerly to the east line of Section 10 Township 10 North Range 11 West W.M.; thence south about one and three-fourths miles along the east line of Sections 10 and 15 Township 10 North Range 11 West W.M. to the southeast corner of Section 15 Township 10 North Range 11 West W.M.; thence east about two and one-half miles along the north line of Sections 23, 24 and 19 Township 10 North Range 10 West W.M. to the northeast corner of the northwest quarter of Section 19 Township 10 North Range 10 West W.M.; thence south about three-quarters mile to the northeast corner of the southeast quarter of the southwest quarter of Section 19 Township 10 North Range 10 West W.M.; thence east about one mile to the northeast corner of the southeast quarter of the southwest quarter of Section 20 Township 10 North Range 11 West W.M.; thence south about one-half mile to the southeast corner of the northeast quarter of the northwest quarter of Section 29 Township 10 North Range 10 West W.M.; thence east about one-quarter mile to the northeast corner of the southwest quarter of the northeast quarter of Section 29 Township 10 North Range 10 West W.M.; thence south about one-half mile to the northeast corner of the southwest quarter of the southeast quarter of Section 29 Township 10 North Range 10 West W.M.; thence east about one mile to the northeast corner of the southwest quarter of the southeast quarter of Section 28 Township 10 North Range 10 West W.M.; thence north about one-quarter mile to the northwest corner of the northeast quarter of the southeast quarter of Section 28 Township 10 North Range 10 West W.M.; thence east about three-quarters mile to the center of Section 27 Township 10 North Range 10 West W.M.; thence south about two and one-quarter miles through the center of Section 34 Township 10 North Range 10 West W.M. to the northeast corner of the southeast quarter of the southwest quarter of Section 3 Township 9 North Range 10 West W.M.; thence east about one mile to the northeast corner of the southeast quarter of the southwest quarter of Section 2 Township 9 North Range 10 West W.M.; thence south about one and three quarters miles through the center of Section 11 Township 9 North Range 10 West W.M. to the center of Section 14 Township 9 North Range 10 West W.M.; thence west about one-half mile to the southeast corner of the northeast quarter of Section 15 Township 9 North Range 10 West W.M.; thence south about one-quarter mile to the southeast corner of the northeast quarter of the southeast quarter of Section 15 Township 9 North Range 10 West W.M.; thence west about two and one-eighth miles through Section 16 Township 9 North Range 10 West W.M. to the shoreline of the Columbia River; thence westerly and northerly along the shoreline of the Columbia River and Baker Bay to the west line of the city limits of Ilwaco; thence north along the west city limits of Ilwaco to the north right of way line of the Ilwaco-North Head Road; thence northwesterly along the north right of way line of the Ilwaco-North Head Road to the west line of Section 33 Township 10 North Range 11 West W.M.; thence continuing northwesterly to the high tide line of the Pacific Ocean; thence northerly along the high tide line of the Pacific Ocean in Townships 10 North, 11 North, 12 North, and 13 North Range 11 West W.M. to Leadbetter Point; thence easterly and southerly along the west boundary of Willapa or Shoalwater Bay to the point of beginning.”

EXHIBIT 2 - LEGAL DESCRIPTION OF NORTH SUBZONE OF FCZD#1

All land lying within the following description:

“Beginning at the meander corner to Sections 27 and 34, Township 11 North, Range 11 West, W.M. on the shores of Willapa or Shoalwater Bay; thence westerly along the south line of Section 27 to a point which is 500 feet easterly of the southwest corner of said section; thence northerly and parallel with the west line of Sections 27, 22, and 15 to the north line of said Section 15; thence westerly along the north line of said Section 5, 500 feet to the corner of Sections 9, 10, 15, and 16; thence westerly along the north line of said Section 16, 570 feet; thence southerly and parallel with the east line of Section 16 to the south line of said Section 16; thence westerly 171 feet along said south line; thence southerly and parallel with east line of Section 21 to south line of said Section 21; thence southerly following centerline of Birch Street as described in Plat of Cranberry Lake Tracts to south line of Section 28; thence westerly along said south line to mean high tide line of the Pacific Ocean; thence northerly along the high tide line of the Pacific Ocean in Township 11 North, Range 11 West, W.M.; Township 12 North, Range 11 West, Township 13 North, Range 11 West to Leadbetter Point; thence easterly and southerly along the west boundary of Willapa or Shoalwater Bay to the point of beginning.”

EXHIBIT 3 - LEGAL DESCRIPTION OF SOUTH SUBZONE OF FCZD#1

All land lying within the following description:

“Beginning at the meander corner to Sections 27 & 34, Township 11 North., Range 11 West., W.M., on the shores of Willapa or Shoalwater Bay; thence southerly to the mouth of Tarlatt Slough; thence westerly to the east line of Section 10; thence south along the east line of Sections 10 and 15, 1 3/4 miles, more or less, to the southeast corner of Section 15; thence west 1/4 mile to the N.E. corner of the N.W. 1/4 of N.E. 1/4 of Section 27; thence south 1/2 mile to the S.E. corner of the S.W. 1/4 of N.E. 1/4 of Section 22; thence west 1/8 mile; thence south 3/4 miles; thence west 1/8 mile to the N.W. corner of the S.W. 1/4 of N.E. 1/4 of Section 27; thence south 3/4 miles, more or less, to the south line of Section 27; thence west to the S.W. corner of Section 27; thence west along the town limits of Ilwaco to the S.E. corner of Tax Lot 6, Section 28; thence north along the town limits of Ilwaco to the north right of way line of Williams Road; thence S.W. along the town limits of Ilwaco and the north right of way line of Williams Road to the west right of way of Sandridge Road; thence southerly along the town limits of Ilwaco and west right of way line of Sandridge Road to the north line of Tax Lot 96, Section 28; thence west along the town limits of Ilwaco to the N.W. corner of Tax Lot 96; thence south to the N.E. corner of the S.E. 1/4 of the N.W. 1/4 of Section 33 following portions of the town limits of Ilwaco; thence west along the town limits of Ilwaco and the north line of the S.E. 1/4 of the N.W. 1/4 of Section 33 to the north right of way line of the Ilwaco-North Head Road; thence northwesterly along the north right of way line of the Ilwaco-North Head Road to the west line of Section 33.

Thence continuing westerly along the north right of way line of the Ilwaco-North Head Road to the southerly right of way line of Third Street in the Plat of Ocean View; thence westerly along the southerly right of way of Third Street to the high tide line of the Pacific Ocean; thence northerly along the high tide line of the Pacific Ocean to the north line of Section 33, Township 11 North., Range 11 West., W.M.; thence east along the north line of Section 33 and Section 34, to the meander corner of Section 27 and 34, and the point of beginning;

TOGETHER WITH beginning at a point which is 500 feet easterly of the southwest corner of Section 27, Township 11 North, Range 11 West, W.M. and on the south line of Section 27.

Thence northerly and parallel with the west line of Sections 27, 22, and 15 to the north line of said Section 15; thence westerly along the north line of said Section 15, 500 feet to the corner of Sections 9, 10, 15, and 16; thence westerly along the north line of said Section 16, 570 feet; thence southerly and parallel with the east line of Section 16 to the south line of said Section 16; thence westerly 171 feet along said south line; thence southerly and parallel with east line of Section 21 to south line of said Section 21; thence southerly following centerline of Birch Street as described in Plat of Cranberry Lake Tracts to south line of Section 28.

Thence easterly along the south lines of Sections 28 and 27 to the point of beginning.”

EXHIBIT 4 - MAP OF FLOOD CONTROL ZONE DISTRICT No. 1



Long Beach Peninsula