

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF ISLAND COUNTY, WASHINGTON**

IN THE MATTER OF ADOPTING A)	
NEW ORDINANCE, CHAPTER 11.02)	ORDINANCE C-92 -98
ICC, AND AMENDMENTS TO)	PLG-025-98
CHAPTER 11.01 ICC GOVERNING)	
CLEARING & GRADING IN ISLAND)	
COUNTY)	

WHEREAS, Island County adopted its critical area regulation, Chapter 11.01 ICC, for geologically hazardous areas on December 13, 1982; and

WHEREAS, in its review of the draft GMA Comprehensive Plan, the Public Works Department has identified areas proposed as rural areas of intensive development where additional clearing and grading regulations are needed to address both existing problems and the potential impacts of future development; and

WHEREAS, Island County intends to adopt the new clearing and grading ordinance as a critical area development regulation under Chapter 36.70A RCW, the Growth Management Act for geologically hazardous areas and as a measure to protect rural character and implement the Rural Element of Island County's GMA Comprehensive Plan; and

WHEREAS, after completing a public hearing on July 21, 1998, the Planning Commission has recommended new Chapter 11.02 ICC and the amendments to Chapter 11.01 ICC; and

WHEREAS, a SEPA determination of Non-Significance on the preferred action was published in the Whidbey News Times on June 24, 1998 providing for a fifteen (15) day comment period ending July 9, 1998, and fifteen (15) day appeal period ending July 24, 1998.

NOW, THEREFORE, BE IT HEREBY ORDAINED, that the Board of Island County Commissioners hereby adopts the proposed Clearing and Grading Ordinance (new Chapter 11.02) attached hereto as Exhibit A to govern clearing and grading of land in Island County and serve as a development regulation under Chapter 36.70A RCW and the amendments to Chapter 11.01 attached hereto as Exhibit B. Material lined through on Exhibit B is being deleted from Chapter 11.01 and material underlined is being added.

APPROVED AND ADOPTED this 28th day of Sept, 1998

BOARD OF COUNTY COMMISSIONERS OF
ISLAND COUNTY, WASHINGTON



Wm. L. McDowell
Wm. L. McDowell, Chairman

Tom Shaughnessy
Tom Shaughnessy, Member

Mike Shelton
Mike Shelton, Member

ATTEST:

Margaret Rosenkranz
Margaret Rosenkranz
Clerk of the Board

APPROVED AS TO FORM:

David L. Jameson, Jr.
DAVID L. JAMESON, JR. 7/2/98
Deputy Prosecuting Attorney
& Island County Code Reviser

EXHIBIT A
C-92-98

Chapter 11.02
CLEARING AND GRADING REQUIREMENTS

TABLE OF CONTENTS

<u>Sections</u>	<u>Page</u>
GENERAL PROVISIONS.....	3
11.02.010 Purpose.....	3
11.02.020 Applicability	3
11.02.030 Definitions.....	4
11.02.040 Public Works Director/County Engineer Authority	8
11.02.050 Compliance with Other Laws	8
11.02.060 Relationship to Chapter 16.14C ICC Environmental Impacts.....	8
11.02.070 Liability.....	8
PERMIT ADMINISTRATION.....	9
11.02.080 Grading Permit Required	9
11.02.090 Exemptions	9
11.02.100 Grading in Accordance with Approved Permit and Plans - Person Responsible .	11
11.02.110 Grading Permit Application Submittal Requirements	12
11.02.120 Submittals for Engineered Grading	13
11.02.130 Notice of Application--Grading in Excess of Five Hundred (500) Cubic Yards..	13
11.02.140 Reports on Geotechnical Engineering, Soils Engineering, Engineering Geology, and Mitigation Plans	14
11.02.150 Bonds	16
11.02.160 Issuance of Grading Permits. Grading in Shorelines of the State, Geologically Hazardous Areas, Steep Slopes, and/or Critical Areas	16
11.02.170 Covenant	17
11.02.180 Disclosure Statement	17
11.02.190 Grading Permit Expiration and Renewal	18
11.02.200 Modifications of Permit Conditions	19
11.02.210 Grading Inspection.....	19
11.02.220 Completion of Work	20
11.02.230 Hazards	21
11.02.240 Grading Permit Fees	21
11.02.250 Appeals	22
11.02.260 Violations and Enforcement	22
REQUIREMENTS AND REVIEW STANDARDS.....	23

EXHIBIT A
C-92-98

11.02.270	Standards for Class IV General Forest Practices Permits, Class IV Platted Forest Practices Permits, and Conversion Option Harvest Plans, and for Any Lands Harvested Without a Forest Practices Permit When a Permit was Required.....	23
11.02.280	Cuts or Excavations	23
11.02.290	Fills or Embankments	24
11.02.300	Slope Requirements	25
11.02.310	Setbacks for Cuts or Fills (See Figure 1).....	25
11.02.320	Drainage and Terracing.....	26
11.02.330	Erosion Control.....	27
11.02.340	Reclamation of Quarry or Mining Sites.....	28
SEVERABILITY AND EFFECTIVE DATE.....		28
11.02.350	Severability	28
11.02.360	Effective Date	29

EXHIBIT A
C-92-98

GENERAL PROVISIONS

11.02.010 Purpose

The purpose of this chapter shall be to regulate clearing and grading on property to safeguard life, limb, property, and the general welfare. The objectives of this chapter are as follows:

- A. To promote sound, practical, and economical development practices and construction procedures which minimize impacts to the county's water resources and adjoining properties;
- B. To minimize degradation of water quality and to prevent erosion and sedimentation of streams, creeks, lakes, wetlands, and other surface water;
- C. To control soil movement originating on developing land;
- D. To preserve and protect archeological sites;
- E. To maintain stable earth foundations for structures or site grading operations using benches, keys, and compaction of soils or other suitable engineering methods;
- F. To maintain the quality of the county's water resources;
- G. To minimize adverse effects caused by alterations in surface water or ground water quality, quantities, locations, and flow patterns;
- H. To promote site planning and construction practices that are consistent with natural topographical, vegetational, and hydrological conditions;
- I. To maintain the safety of county roads and right-of-ways; and
- J. To protect public safety by reducing slope instability and potential for landslides.

11.02.020 Applicability

This chapter applies to all clearing and grading except as exempted herein. Prior to beginning regulated grading activity on a site, the owner of the project or agent shall be required to comply with the terms and conditions of this chapter. Failure to comply is subject to the enforcement and penalty provisions stated herein.

EXHIBIT A
C-92-98

11.02.030 Definitions

Unless the context clearly requires otherwise, the definitions in this chapter apply to all clearing and grading in unincorporated Island County. Clearing and grading within proposed or existing public right-of-ways shall follow the standards of the 1998 Standard Specifications for Road Bridge and Municipal Construction, or most recent addition.

- A. **Applicant** means a property owner, or any person or entity designated or named in writing by the property owner to be the applicant, in an application for a development proposal, permit, or approval.
- B. **Approval** means that the proposed work or completed work conforms to this chapter in the opinion of the Building Official or Director.
- C. **As-graded** means the extent of surface conditions on completion of grading.
- D. **Bank** means the rising ground bordering the sea, river, or lake. (Also see Bluff)
- E. **Bluff** means a high bank composed largely of unconsolidated deposits with near-vertical face overlooking a body of water.
- F. **Bedrock** means in-place solid rock.
- G. **Bench** means a relatively level step excavated into earth material on which fill is to be placed.
- H. **Best management practices (BMPs)** or "BMPs" means physical, structural, or managerial practices which have gained general acceptance for their ability to prevent or reduce public safety impacts and other environmental impacts and which are adopted in the Island County Drainage Manual or approved by the Director.
- I. **Bond.** "Bond" shall mean a surety bond, assignment of funds, or irrevocable bank letter of credit."
- J. **Civil engineer** means a professional engineer licensed by the State of Washington to practice civil engineering.
- K. **Civil engineering** means the application of the knowledge of the forces of nature, principles of mechanics, and the properties of materials to the evaluation, design, and construction of civil works.
- L. **Clearing** means the cutting and removal of vegetation by mechanical or chemical methods.

EXHIBIT A
C-92-98

- M. **Compaction** means the densification of a fill by mechanical means.
- N. **Critical areas**, as used in this chapter, means fish and wildlife habitat conservation areas, wetlands, flood hazard areas, geologically hazardous areas, and their buffers, as applicable.
- O. **Development activity** means any proposal which will result in construction, development, earth movement, clearing, or other site disturbance and requires a permit, approval, or authorization from the county or is proposed by a public agency.
- P. **Director** means, unless otherwise specified, the Director of the Public Works Department or his or her designee.
- Q. **Earth material** means any rock, natural soil, or fill or any combination thereof.
- R. **Engineering geologist** means a geologist experienced and knowledgeable in engineering geology.
- S. **Engineering geology** means the application of geologic knowledge and principles in the investigation and evaluation of naturally occurring rock and soil for use in the design of civil works.
- T. **Erosion** means the removal and loss of soil by the action of water, ice, or wind.
- U. **Excavation** means the mechanical removal of earth material.
- V. **Fill** means a deposit of earth material placed by artificial means.
- W. **Forest practices** means any activity conducted on or directly pertaining to forest land and related to growing, harvesting, or processing timber as described in WAC 222-16.
- X. **General Design and Construction Standards.** "General Design and Construction Standards" means "The Standard Specifications for Municipal Public Works Construction", latest edition, as prepared by the Washington State Chapter of the American Public Works Association, except as amended herein or by variance granted in writing by the Director.
- Y. **Geologically hazardous area** means those areas that because of their susceptibility to erosion, sliding, or other geologic events, are generally not suited to the siting of commercial, residential, or industrial development consistent with public health or safety concerns, including but not limited to those lands designated in the Department of Ecology Coastal Zone Atlas dated April 1979, as it may be amended or revised, as land which has had recent or historical slide activity and/or has unstable slope conditions, including those lands within one-hundred (100) feet (either top or base) thereof.

EXHIBIT A
C-92-98

- Z. **Geologist** means a person who has earned a degree in geology from an accredited college or university or who has equivalent educational training and has at least five (5) years of experience as a practicing geologist or four (4) years of experience and at least two (2) years post-graduate study, research, or teaching. The practical experience shall include at least three (3) years work in applied geology and landslide evaluation, in close association with qualified practicing geologists or geotechnical professional/civil engineers.
- AA. **Geotechnical engineer** means a professional engineer licensed by the State of Washington to practice in the field of civil engineering and experienced and knowledgeable in the theory of soil mechanics, geology, soils testing, and geotechnical engineering.
- BB. **Grade** means the vertical location of the ground surface.
1. Existing grade means the grade prior to grading.
 2. Finish grade means the final grade of the site that conforms to the approved plan.
 3. Rough grade means the stage at which the grade approximately conforms to the approved plan.
- CC. **Grading** means any excavating or filling or combination thereof.
- DD. **Key** means a designed compacted fill placed in a trench excavated in earth material beneath the toe of a proposed fill slope.
- EE. **Land disturbing activity** means any activity that results in a change in the existing soil cover (both vegetative and nonvegetative) and/or the existing soil topography. Land disturbing activities include, but are not limited to, demolition, construction, clearing, grading, filling, and excavation. Land disturbing activities also include Class IV General Forest Practices Permits, Class IV Platted Forest Practices Permits, and Conversion Option Harvest Plans and their associated forest practices permit submitted pursuant to RCW 76.09.060(3)(b)(I)(F).
- FF. **Landslide hazard areas** means areas potentially subject to risk of mass movement due to a combination of geologic, topographic, and hydrologic factors.
- GG. **Professional inspection** means the inspection required by this code to be performed by the civil engineer, soils engineer, or engineering geologist. Such inspections include that performed by persons supervised by such engineers or geologists and shall be sufficient to form an opinion relating to the conduct of the work.
- HH. **Scarp** means a line of a cliff(s) produced by faulting, landslides, or erosion.

EXHIBIT A
C-92-98

- II. **Site** means any lot or parcel of land or contiguous combination thereof, under the same ownership, where grading is performed or permitted.
- JJ. **Site review** means the inspection by an Island County employee of a site at which development activity has been proposed, including examination of proposed plans, and may include critical area site plan review per ICC 17.02, erosion control, site conditions, and applicable Island County codes, standards, and written policies.
- KK. **Slope** means the gradient in vertical feet per horizontal feet or percent. Side slopes of drainage facilities are usually referred to with the horizontal dimension first as in 3H:1V.
- LL. **Slope - Steep**. "Steep slope" as used in this chapter means those areas in Island County on slopes forty percent (40%) or steeper within a vertical elevation change of at least ten (10) feet. A slope is delineated by establishing its toe and top and is measured by averaging the inclination over at least ten (10) feet of vertical relief. For the purpose of this definition:
1. The toe of a slope is a distinct topographic break in slope which separates slopes inclined at less than forty percent (40%) from slopes forty percent (40%) or steeper. Where no distinct break exists, the toe of a steep slope is the lowermost limit of the area where the ground surface drops ten (10) feet or more vertically within a horizontal distance of twenty-five (25) feet; and
 2. The top of a slope is a distinct, topographic break in slope which separates slopes inclined at less than forty percent (40%) from slopes forty percent (40%) or steeper. Where no distinct break exists, the top of a steep slope is the uppermost limit of the area where the ground surface drops ten (10) feet or more vertically within a horizontal distance of twenty-five (25) feet.
- MM. **Soil** means naturally-occurring superficial deposits overlying bedrock.
- NN. **Soils engineer (geotechnical engineer)** means an engineer or geologist experienced and knowledgeable in the practice of soils engineering (geotechnical engineering).
- OO. **Soils engineering (geotechnical engineering)** means the application of the principles of soils mechanics in the investigation, evaluation, and testing of soils on site.
- PP. **Specifications** mean requirements for the proposed work. It may include, but is not limited to, the current and subsequent amendment to Washington State Department of Transportation and American Public Works Association standards and specifications for Road, Bridge and Municipal Construction.
- QQ. **Temporary Erosion and Sedimentation Control** means any temporary measures taken to reduce erosion, control siltation and sedimentation, and ensure that sediment-laden water does not leave the site.

EXHIBIT A
C-92-98

RR. **Terrace** means a relatively level step constructed in the face of a graded slope surface for drainage and maintenance purposes.

11.02.040 Public Works Director/County Engineer Authority

- A. **Administration of grading.** The Public Works Director/County Engineer shall administer and enforce compliance with all grading requirements of this chapter for all grading except for grading administered by the Public Works Director/County Engineer as provided in this chapter, or otherwise noted herein.
- B. **Policies and procedures.** The Public Works Director/County Engineer may adopt and amend administrative policies and procedures for the purpose of implementing and enforcing the provisions of this chapter. All administrative policies and procedures and any amendments thereto will be approved by the Board of County Commissioners and shall be available to the public at the Public Works Department.

11.02.050 Compliance with Other Laws

Approvals and permits granted under this chapter and any policies and procedures promulgated hereunder do not constitute waivers of the requirements of any other laws or regulations nor do they indicate compliance with any other laws or regulations. Compliance is still required with all applicable federal, state, or other local laws and regulations.

11.02.060 Relationship to Chapter 16.14C ICC Environmental Impacts

- A. The grading requirements of this chapter, together with the comprehensive plan adopted pursuant to RCW 36.70A, the critical areas regulations of ICC 17.02, and the drainage regulations of ICC 11.03, constitute the policy of the county under the county's police power authority, the Growth Management Act (GMA), and the State Environmental Policy Act (SEPA) for the review of development and the determination of significant adverse environmental impacts and imposition of mitigation requirements due to the impacts on-site and off-site from grading.
- B. For the purposes of ICC 16.14C, measures required by this chapter and other applicable development regulations shall constitute adequate mitigation of adverse or significant adverse environmental impacts, on-site and off-site, from grading.

11.02.070 Liability

- A. Administration of this chapter shall not be construed to impose or create a basis for any liability on the part of the county, its appointed and elected officials, officers, agents, or employees, nor shall this chapter be construed to create any special relationship with or otherwise protect any specific person or class of persons.

EXHIBIT A
C-92-98

- B. Island County is not responsible for the accuracy of grading plans submitted for approval. The county expressly disclaims any responsibility for the design or implementation of a grading plan. The design or implementation of a suitable grading plan is the responsibility of the person submitting the application.

PERMIT ADMINISTRATION

11.02.080 Grading Permit Required

A grading permit shall be required for all land disturbing activities, unless exempted by this chapter. Examples of regulated land disturbing activities include, but are not limited to:

- A. Accumulative filling and/or excavation exceeding five hundred (500) cubic yards.
- B. Clearing, filling, or excavation, in any quantities, within two hundred (200) feet of a regulated shoreline area, on steep slopes as defined herein, or within a geologically hazardous area, as herein defined, in wetlands or their associated buffers, or into or next to any body of water, including streams or their associated buffers, or any other critical areas, as herein defined.
- C. Class IV Forest Practice Permits, Class IV Platted Forest Practice Permits, and Conversion Option Harvest Plans and their associated forest practices permit.
- D. Clearing to bare earth if greater than two (2) acres in size.

11.02.090 Exemptions

The following land disturbing activities outside a critical area and its associated buffer, which are at least five (5) feet from the property boundary line, are exempt from the requirements of this chapter, except for land disturbing activities located partially or entirely within a geologically hazardous area or steep slope as herein defined:

- A. Operation of a solid waste disposal site controlled by other regulations. This exemption shall not apply to expansion, relocation, or closure of a solid waste disposal site;
- B. Commercial operations involving mining, quarrying, excavating, processing, or stockpiling of rock, sand, gravel, aggregate, or clay if such operations are authorized by a valid Island County permit as required by ICC 17.03. This exemption does not apply to:
 - 1. Reclamation pursuant to this chapter;

EXHIBIT A
C-92-98

2. An operation which destabilizes or undermines any adjacent or contiguous property; or
 3. An operation which results in adverse downstream drainage impacts;
- C. Agricultural activities as follows:
1. Tilling, soil preparation, and maintenance;
 2. Fallow rotation, planting, and harvesting; or
 3. Application of fertilizer and chemicals approved by the Environmental Protection Agency, the Washington State Department of Ecology, or the United States Department of Agriculture in accordance with applicable regulation and best management practices;
- D. Site investigative work necessary for land use application submittals such as surveys, soil borings and test pits, soil logs and other related activities, provided the land-disturbing activity is no greater than is necessary to accomplish the work;
- E. Excavation of a well for a single family dwelling;
- F. Excavation or filling of cemetery graves;
- G. Grading pursuant to an approved public road access permit when the provisions of this chapter have been considered and addressed in the terms and conditions of the access permit;
- H. Grading which is regulated by this chapter, but for which review has occurred and conditions specified in compliance with this chapter, as a requirement of the approval of the development activity, including but not limited to the issuance of a building permit;
- I. Accumulated filling and/or excavation less than five hundred (500) cubic yards, except that as a condition of this exemption those land disturbing activities specified below must comply with the minimum erosion and sedimentation control requirements of ICC 11.03:
1. Grading which does not obstruct or significantly alter an existing drainage course or pattern, and/or which creates five thousand (5,000) square feet or less of new impervious surface;
 2. Grading which is greater than two hundred fifty (250) cubic yards but less than five hundred (500) cubic yards in a Rural Area of Intense Development; or

EXHIBIT A
C-92-98

3. Grading on a site for a single-family dwelling and accessory structures, provided that excess excavated material must be disposed of at a permitted site approved by the Director (if not retained on site), and that the excavations shall not commence until the building permit is secured by the applicant, unless otherwise authorized by the Director; or
- J. Grading of five thousand (5,000) cubic yards or less in a isolated, self-contained area not in a UGA/RAID, if there is no danger of environmental degradation to critical areas as herein defined, on or off site, and no threat that sediment will be transported off site to adjoining properties.
- K. Routine maintenance or repair of the following agricultural activities:
 1. Drainage facilities;
 2. Animal waste management facilities;
 3. Buildings, fences, roads, and bridges;
 4. Ponds, drains, and waterways.
- L. A grading permit is not required for county Public Works Department construction or maintenance projects. The Public Works Director/County Engineer shall administer and enforce compliance with all grading requirements of this chapter for county Public Works Department construction projects. The Public Works Director/County Engineer shall include a requirement for all applicable grading, drainage, and erosion and sedimentation control plans in any contract documents prepared for such projects.
- M. Development that is undertaken by the Washington State Department of Transportation in state highway rights-of-way and is regulated by Chapter 173-270 WAC, the Puget Sound Highway Runoff Program, shall be exempt from the provisions of this chapter.

11.02.100 Grading in Accordance with Approved Permit and Plans - Person Responsible

When a grading permit is required, all land disturbing activities shall be done in accordance with the approved plans, specifications, and permit requirements. Any person performing land disturbing activities subject to a grading permit shall have a copy of a valid grading permit and plans on the work site at all times and shall be responsible for compliance with the plans, specifications, and permit requirements.

ATTACHMENT A
C-92-98

11.02.110 Grading Permit Application Submittal Requirements

- A. The purpose of the grading permit application is to require sufficient engineering and design information to determine compliance with the requirements of this chapter and Chapter 11.03 and Titles 16 and 17 ICC, as applicable.
- B. The Director shall establish and may revise submittal requirements for a complete grading permit application. The list of submittal requirements shall be available at the Public Works Department. The submittal requirements may include at least the following:
1. The applicant's name, address, and legal description;
 2. Vicinity map;
 3. Grading plans drawn to scale which include all proposed grading showing cross-sections or an equivalent method;
 4. Grading quantities (amount of cut or fill to be moved);
 5. If excess material excavated, the location of the disposal site;
 6. Temporary erosion and sedimentation control plans which meet the requirements of ICC 11.03;
 7. Existing grade and proposed finish grade contours shall be shown on each grading plan sheet;
 8. A preliminary drainage plan/drainage narrative pursuant to ICC 11.03, if applicable;
 9. Location of property boundary, easements, critical areas, and structures within fifteen (15) feet of said boundary, on-site sewage facilities, and location of domestic water supply; and/or
 10. Applicable grading permit application fees pursuant to this chapter, if any.
- C. A civil engineer shall prepare and stamp the grading plans if they are engineered grading pursuant to this chapter.
- D. After a site review of the proposed grading, the Building Official or Director may require additional information be submitted to determine compliance with the requirements of this chapter. The request for additional information is subject to the procedures and time frames established in ICC 16.09.

ATTACHMENT A
C-92-98

11.02.120 Submittals for Engineered Grading

- A. All grading in excess of five thousand (5,000) cubic yards requires submittal and approval of a grading plan and drainage plan, as specified in ICC 11.03, prepared and stamped by a civil engineer.
- B. All grading within a geologically hazardous area, as herein defined, requires submittal and approval of a geotechnical engineering report, an engineered grading plan and full drainage plan, as specified in ICC 11.03, prepared and stamped by a civil engineer.
- C. All grading, except for utility installations, within public road right-of-ways shall follow the grading requirements and specifications of the 1998 WSDOT Standard Specifications, or current edition, and the grading plans shall be prepared and stamped by a civil engineer.
- D. When required by this chapter, all grading plans that are presented for record as part of a public hearing associated with the approval of the development activity, except appeal hearings, shall be prepared and stamped by a civil engineer.

11.02.130 Notice of Application--Grading in Excess of Five Hundred (500) Cubic Yards

- A. Within five (5) working days of filing an application for a grading permit for grading in excess of five hundred (500) cubic yards of material, an applicant shall post one or more signs which meet county standards in conspicuous locations on the property's frontage abutting a public right-of-way. If no public right-of-way exists, the signs shall be placed at the point of access to the property. If the grading is subject to SEPA review, the posting shall occur at the same time and in the same manner as the posting/notice requirements of ICC 16.19.
- B. The signs shall contain at least the following information in a form prescribed by the Director: type of permit requested, assigned county file number, project description, and the county contact person. The signs shall remain posted throughout the review process and until all appeal periods have expired.
- C. Posting is not required if the grading was anticipated and described in a prior approved land use action.
- D. The applicant shall submit a declaration verifying the date and location of posting in a form prescribed by the Director.

ATTACHMENT A
C-92-98

- E. If a declaration of posting is not returned to the Director within fifteen (15) days of application, the Director shall discontinue processing of the permit request until the declaration is received.

11.02.140 Reports on Geotechnical Engineering, Soils Engineering, Engineering Geology, and Mitigation Plans

If the Director determines that geologic, hydrologic, or soil conditions may present special grading or drainage problems, he or she may require the applicant to submit a geotechnical engineering report which includes a soils engineering report and/or an engineering geology report per this chapter. In the case of land-disturbing activities proposed on a steep slope, not in a geological hazardous area, a soils engineering report shall be required. In the case of land-disturbing activities proposed to be entirely within or proposed to be within one hundred (100) feet, as measured horizontally from the line of the uppermost scarp or scarp base of a geological hazardous area, a geotechnical engineering report shall be required. When a geotechnical engineering report is required, the applicant's geotechnical engineer shall inspect and comment on the suitability of the prepared ground to receive fills and the stability of cut slopes with respect to soil, hydrologic, and geologic conditions.

- A. **Geotechnical report.** The scope of a geotechnical report shall include the following where applicable:
1. An assessment of the geologic characteristics and engineering properties of the soils, sediments, and/or rock of the subject property and potentially affected adjacent properties. Soils analysis shall be accomplished in accordance with the Unified Soil Classification System;
 2. Determination of height of slope and slope gradient, including slope cross sections;
 3. A description of load intensity including surface and groundwater conditions, public and private sewage disposal systems, fills and excavations and all structural development;
 4. An estimate of slope stability and the effect construction and placement of structures will have on the slope over the estimated life of the structure;
 5. An estimate of the bluff retreat rate which recognizes and reflects potential catastrophic events such as seismic activity or one hundred (100) year storm event;
 6. An assessment describing the extent and type of vegetative cover to include tree attitude;

ATTACHMENT A
C-92-98

7. A detailed description of the project, its relationship to geologic hazard(s), and its potential impact upon the hazard area, the subject property, and affected adjacent properties.
- B. **Mitigation plan.** A mitigation plan shall accompany a geotechnical report and shall be prepared by a professional engineer or geologist under supervision of a professional engineer and include a discussion on how the project has been designed to avoid and minimize the impacts of the project. The plan shall include:
1. A recommendation for the minimum building setback from any bluff edge/base and/or other geologic hazard based upon the geotechnical analysis;
 2. Mitigation proposals including:
 - a) the location and methods of drainage;
 - b) locations and methods of erosion control;
 - c) a vegetation management and/or restoration plan and/or other means for maintaining long term stability of slopes;
 - d) the potential impact of mitigation on the hazard area, the subject property, and affected adjacent properties;
 - e) a temporary erosion and sedimentation control plan prepared in accordance with the requirements of ICC 11.03;
 - f) a drainage plan for the collection, transport, treatment, discharge, and/or recycle of water in accordance with the requirements of ICC 11.03. Surface drainage shall not be directed across the face of a geologically hazardous or landslide hazard area (including marine bluffs or ravines). If drainage must be discharged from the area into adjacent waters, it shall be collected above the hazard, secured, and directed to the water by tight line drain and provided with an energy dissipating device at the point of discharge. Installations within two hundred (200) feet of the shoreline must be authorized by the County Shoreline Administrator and must be consistent with the Shoreline Management Act;
 - g) all infiltration systems, such as stormwater detention and retention facilities, and curtain drains utilizing buried pipe or french drain are prohibited in geologically hazardous areas and their buffers unless a geotechnical report indicates such facilities or systems will not affect slope stability and the systems are designed by a licensed civil engineer. The applicant's engineer shall also state that the system and/or facilities are installed as designed;

ATTACHMENT A
C-92-98

3. The mitigation plan must be approved by the Director and be implemented as a condition of project approval;
 4. Projects found to be in non-compliance with the mitigation conditions issued as part of the development approval are subject to enforcement actions necessary to bring the development into compliance with this chapter;
 5. Mitigation plans which do not fulfill the performance required based on the site assessment/geotechnical report findings or otherwise fail to meet the intent of this chapter shall be revised and the subject development brought into compliance with the revised mitigation plan.
- C. **Soils engineering report.** The soils engineering report shall include data regarding the nature, distribution, and strength of existing soils; conclusions and recommendations for grading procedures; and design criteria for corrective measures, including structural fills, when necessary, and an opinion on adequacy for the intended use of sites to be developed by the proposed grading as affected by soils engineering factors, including the stability of slopes.
- D. **Engineering geology report.** The engineering geology report shall include an adequate description of the geology of the site, conclusions and recommendations regarding the effect of geologic conditions on the proposed development, and an opinion on the adequacy for the intended use of sites to be developed by the proposed grading, as affected by geologic factors.

11.02.150 Bonds

- A. The Director may require bonds in such form and amounts as may be deemed necessary to ensure that the work, if not completed in accordance with the approved plans and specifications, will be corrected to eliminate hazardous conditions.
- B. For drainage facilities required by a grading permit, the Director may require security and/or insurance in accordance with ICC 11.03.

11.02.160 Issuance of Grading Permits. Grading in Shorelines of the State, Geologically Hazardous Areas, Steep Slopes, and/or Critical Areas

- A. A grading permit shall not be issued for grading in a shoreline/geologically hazardous area, steep slope or critical areas or their buffers or grading that is associated with a project in a shoreline/geologically hazardous, steep slope or critical area until all required permits and approvals have been granted.
- B. A grading permit will be issued after all other necessary permits and plan approvals required for site development have been obtained or review indicates that approvals are

ATTACHMENT A
C-92-98

assured by other affected agencies, all fees have been paid, the grading plans and specifications have been approved, and environmental review under ICC 16.14C has been completed, if applicable.

11.02.170 Covenant

The Public Works Director/County Engineer may require a covenant between the owner(s) of the property and Island County. The covenant shall be signed by the owner(s) of the site and notarized prior to issuance of any permit or approval in a potential geologically hazardous area or other area of potentially hazardous soils or drainage or erosion conditions. The covenant shall not be required where the permit or approval is for work done by Island County. The covenant shall include:

- A. A legal description of the property;
- B. A description of the property condition making this subsection applicable;
- C. A statement that the owner(s) of the property understands and accepts the responsibility for the risks associated with development on the property given the described condition, and agrees to inform future purchasers and other successors and assignees of the risks;
- D. The application date, type, and number of the permit or approval for which the covenant is required;
- E. A statement waiving the right of the owner(s), the owner's heirs, successors and assigns to assert any claim against Island County by reason of or arising out of issuance of the permit or approval by Island County for the development on the property, except only for such losses that may directly result from the negligence of Island County.

The covenant shall be filed for record by the owner with the Island County Auditor, at the expense of the owner, so as to become part of the Island County real property records.

11.02.180 Disclosure Statement

Pursuant to the requirements of this chapter, no person shall sell, lease, or offer for sale or lease any property within a geologically hazardous area that has been the subject of a geotechnical report required by this chapter, unless the prospective buyer or lessee has been given notice substantially as follows:

To: _____

The Property at _____ is located within geologically hazardous area. Geologically hazardous areas include areas susceptible to the effects of erosion, sliding, earthquake, or other geologic events.

ATTACHMENT A
C-92-98

They pose a threat to the health and safety of citizens when incompatible residential, commercial, industrial, or infrastructure development are sited in areas of a hazard. Geologic hazards pose a risk to life, property, and resources when steep slopes are destabilized by inappropriate activities and development or when structures or facilities are sited in areas susceptible to natural or human-caused geologic events.

Some geologic hazards can be reduced or mitigated, but not eliminated by engineering, design, or modified construction practices so that risks to health and safety are acceptable. Island County has placed certain restrictions on development and use of geologically hazardous areas.

Before purchasing or leasing the above property, you should consult the Island County Zoning Ordinance ICC 17.03, the Island County Critical Area Ordinance ICC 17.02, the Island County Grading Ordinance ICC 11.02, and any previously issued permits/geotechnical reports to determine restrictions, if any, which have been placed on the subject property.

11.02.190 Grading Permit Expiration and Renewal

- A. Grading permits shall expire twenty four (24) months from the date of issuance, provided that the Director may set an earlier expiration date for a permit, or issue a permit that is non-renewable, or both, if the Director determines that soil, hydrologic, or geologic conditions on the project site necessitate that grading and drainage improvements and site stabilization be completed within less time.
- B. If a permit has expired, the applicant must obtain a renewed permit before starting work authorized under the expired permit.
- C. A permit may be renewed only once for up to twenty four (24) additional months and must be renewed no later than thirty (30) days after the date of expiration of the original permit. Additional extensions may be granted following a site inspection verifying that conditions have not changed, and work in progress, if any, is in compliance with the conditions of the permit.
- D. Requirements under this chapter that are not expressly temporary during the grading operations, including but not limited to, requirements for erosion control, drainage, and slope management do not terminate with the expiration of the grading permit.

ATTACHMENT A
C-92-98

11.02.200 Modifications of Permit Conditions

After issuance of a grading permit, the Director may require modifications of grading plans and operations if grading delays or weather-generated problems occur which were not considered at the time the permit was issued.

11.02.210 Grading Inspection

- A. Land-disturbing activities for which a permit is required shall be subject to inspection by the Director/Building Official. Professional inspection of grading operations shall be provided, at the expense of the applicant, by the civil engineer, soils engineer, and the engineering geologist retained to provide such services in accordance with E below for engineered grading and as required by the Building Official for other grading.
- B. The civil engineer shall provide professional observation within such engineer's area of technical specialty, which shall consist of observation and review as to the establishment of line, grade, surface drainage, and erosion control of the development area. If revised plans are required during the course of the work they shall be prepared by the civil engineer, at the expense of the applicant.
- C. The soils engineer shall provide professional observation within such engineer's area of technical specialty, which shall include observation during grading and testing for required compaction. The soils engineer shall provide sufficient observation during the preparation of the natural ground and placement and compaction of the fill to verify that such work is being performed in accordance with the conditions of the approved plan and the appropriate requirements of this chapter. Revised recommendations relating to conditions differing from the approved soils engineering and engineering geology reports shall be submitted to the permittee, the Building Official, and the civil engineer.
- D. The engineering geologist/geotechnical engineer shall provide professional observation within such engineer's area of technical specialty to determine if conditions encountered are in conformance with the approved report. Revised recommendations relating to conditions differing from the approved engineering geology report shall be submitted to the soils engineer.
- E. The applicant or owner shall be responsible for the work to be performed in accordance with the approved plans and specifications and in conformance with the provisions of this code and shall engage consultants, when required, to provide professional inspections on a timely basis. The applicant or owner shall act as a coordinator between the consultant, the contractor, and the Director/Building Official. In the event of changed conditions, the applicant or owner shall be responsible for informing the Director/Building Official of such change and shall provide revised plans for approval.

ATTACHMENT A
C-92-98

- F. The Director shall require grading observation of subdivisions to assure that future public or private roadways and slopes are graded in accordance with the approved plans and specifications and in conformance with provisions of this chapter.
- G. If, in the course of fulfilling their respective duties under this chapter, the civil engineer, the soils engineer, geotechnical engineer, or the engineering geologist finds that the work is not being done in conformance with this chapter or the approved grading plans, the discrepancies shall be reported immediately in writing to the applicant or owner and to the Building Official.
- H. If the civil engineer, the soils engineer, geotechnical engineer, or the engineering geologist of record is changed during grading, the work shall be stopped until the replacement has agreed in writing to accept their responsibility within the area of technical competence for approval upon completion of the work. It shall be the duty of the applicant or owner to notify the Building Official in writing of such change prior to the recommencement of such grading.
- I. The types of soils inspections and standards recognized as acceptable soils tests are:
 - 1. ASTM D 1557, moisture-density relations of soils and soil aggregate mixtures;
 - 2. ASTM D 1556, in-place density of soils by the sand-cone method; ASTM D 2167, the rubber-balloon method; or ASTM D 2937, the drive-cylinder method; and
 - 3. ASTM D 2922 and D 3017, in-place moisture content and density of soils by nuclear methods.

11.02.220 Completion of Work

Upon final completion of the work, the following final reports and drawings and supplements thereto are required for engineered grading or when professional inspection is performed for grading, as applicable.

- A. Civil engineers shall state that to the best of their knowledge the work within their area of responsibility was done in accordance with the final approved grading plan, or the civil engineer shall show any significant deviations from the approved plans. The locations, elevations, and details of subsurface drains shall show any significant deviations from the approved plan as reported by the design engineer.
- B. A report prepared by the soils engineer retained to provide such services in accordance with this chapter, including locations and elevations of field density tests, summaries of field and laboratory tests, other substantiating data, and comments on any changes made

ATTACHMENT A

C-92-98

during grading and their effect on the recommendations made in the approved soils engineering investigation report. Soils engineers shall submit a statement that, to the best of their knowledge, the work within their area of responsibilities is in accordance with the approved soils engineering report and applicable provisions of this chapter.

- C. A report prepared by the engineering geologist retained to provide such services in accordance with this chapter, including a final description of the geology of the site and any new information disclosed during the grading and the effect of same on recommendations incorporated in the approved grading plan. Engineering geologists shall submit a statement that, to the best of their knowledge, the work within their area of responsibility is in accordance with the approved engineering geologist report and applicable provisions of this chapter.
- D. The applicant's engineer shall submit, in a form prescribed by the Director/Building Official, a statement of conformance to said as-built plan and the specifications. The applicant or owner shall notify the Director/Building Official when the grading operation is ready for final inspection. Final approval shall not be given until all work, including installation of all drainage facilities and their protective devices, and all erosion-control measures have been completed in accordance with the final approved grading and drainage plans, and the required reports have been submitted.

11.02.230 Hazards

- A. Whenever the Director/Building Official determines that any existing cut or excavation, fill, or embankment on private property adversely affects the safety, use, or stability of a public way or drainage channel, the owner of the property upon which the excavation or fill is located or other person or agency in control of said property, upon receipt of notice in writing from the Building Official, shall within the period specified therein repair or eliminate such cut or excavation, fill, or embankment to eliminate the hazard to conform with the requirements of this chapter. Failure to comply shall be considered a violation subject to the penalty and enforcement provisions of this chapter.
- B. Where the Director determines that hazardous conditions exist, warning signs shall be affixed at locations as required by the Director, and the site must be enclosed by fencing with lockable gates that must be closed and locked when personnel are not present at the site. The fence must be no less than five (5) feet in height and the fence material shall have no horizontal opening larger than two (2) inches.

11.02.240 Grading Permit Fees

Refer to Island County Fee Schedule available at the Island County Public Works Department.

ATTACHMENT A
C-92-98

11.02.250 Appeals

- A. Any aggrieved person may appeal any final decision or determination of the Director under this chapter to the Hearing Examiner as a Type II appeal, except that the appeal of decisions and determinations of the Director that are included as a condition of another permit, pursuant to the exemption provisions of this chapter, do not change the appeal procedures established for issued permit. Appeals shall be filed and processed pursuant to the provisions of ICC 16.19.
- B. At the hearing, the appellant shall have the burden of proof.
- C. The decision of the Hearing Examiner shall be final and conclusive with the right of reconsideration and may then be reviewable by an action for writ of review filed in Island County Superior Court as provided in ICC 16.19.

11.02.260 Violations and Enforcement

- A. All violations of this chapter are subject to the provisions of ICC 11.01.140-160. Whenever the Director determines that a condition exists in violation of this chapter, or in violation of any condition or requirement of a permit or approval imposed pursuant to this chapter, the Director is authorized to take enforcement action under ICC 11.01.140-160.
- B. The department may inspect any development activity for which a grading permit is required and grading for which plan approval is required to enforce the provisions of this chapter. By submitting an application for a grading permit, the applicant consents to entry upon the site by the county for the purpose of making reasonable inspections to verify information provided by the applicant and to verify that work is being performed in accordance with the approved plans, permits, and the requirements of this chapter.
- C. Whenever the Director determines that work is being done in violation of a provision of this chapter, the Director may order work at the site stopped, in coordination with the Building Official for projects requiring a building permit, if the Director determines that is necessary in order to obtain compliance with a provision of this chapter. The stop-work order shall contain a description of the violation and an order that work be stopped until the violation has been corrected and the correction has been approved by the Director.
- D. The stop-work order shall be posted conspicuously on the premises or personally served on any person engaged in or causing such work to be done. Any person served with a stop-work order shall immediately stop all work or cause all work to be stopped, except work necessary to correct the violation, until authorized by the Director to proceed. A

ATTACHMENT A
C-92-98

stop-work order that has been posted may not be removed, obscured, or mutilated. The penalty for violation of a stop-work order shall be imposed pursuant to ICC 11.01.140.

REQUIREMENTS AND REVIEW STANDARDS

11.02.270 Standards for Class IV General Forest Practices Permits, Class IV Platted Forest Practices Permits, and Conversion Option Harvest Plans, and for Any Lands Harvested Without a Forest Practices Permit When a Permit was Required

- A. Grading permit requirements shall be established on a case-by-case basis, following a field inspection/evaluation of slopes and their relative stability, of topography and existing natural, constructed, or planned drainage ways/systems, of soils and their susceptibility to erosion, of forest and vegetative cover as exists and planned, and of critical areas, as defined in this chapter, and regulated shoreline areas. Prior to establishing the requirements of the grading permit a determination shall be made by the Director as to:
1. the presence of documented critical drainage/flooding/erosion/stability problems downstream of the development activity that may be exacerbated by the development activity if appropriate conditions are not established; and
 2. the quality and use of receiving waters which may be degraded if appropriate conditions are not established.
- B. Grading permit requirements may include the preparation and implementation of drainage plans pursuant to the requirements of ICC 11.03.
- C. If the proposal is within an urban growth area, the city/town shall be consulted to ensure conformance with the requirements for similar development activities within the incorporated area of the UGA.

11.02.280 Cuts or Excavations

- A. Unless otherwise recommended in the approved soils engineering or engineering geology report, cuts shall conform to the provisions of this section. These provisions may be waived for minor cuts which are less than four (4) feet in height.
- B. **Slopes.** Maximum slopes allowable are specified in Section 11.02.300.
- C. Slopes after being cut shall be stabilized. The soils engineering or an engineering geology report, or both, shall verify that the slopes shall not be subject to on-going erosion that would adversely impact public or private property.

ATTACHMENT A
C-92-98

- D. Cuts or excavations within critical areas or their buffers shall not occur unless consistent with requirements of ICC 17.02.

11.02.290 Fills or Embankments

- A. **General.** Unless otherwise recommended in the approved soils engineering report, fills shall conform to the provisions of this section. In the absence of an approved soils engineering report, these provisions may be waived for minor fills not intended to support structures, and which are less than four (4) feet in height.

- B. **Slopes.** Maximum allowable slopes are specified in Section 11.02.300.

C. **Fill material.**

1. Detrimental amounts of organic material shall not be permitted in fills. Except as permitted by the Director, no rock or similar irreducible material with a maximum dimension greater than twelve (12) inches shall be buried or placed in fills.

2. **Exception.** The Director may permit placement of larger rock when the soils engineer properly devises a method of placement, and continuously inspects its placement and approves the fill stability. The following conditions shall also apply:

- a) Prior to issuance of the grading permit, potential rock disposal areas shall be delineated on the grading plan;
- b) Rock sizes greater than twelve (12) inches in maximum dimension shall be ten (10) feet or more below grade, measured vertically; and
- c) Rocks shall be placed so as to assure filling of all voids with well-graded soil.

3. **Compaction.** All fills intended to support structures or private roads shall be compacted to a minimum of ninety percent (90%) of maximum dry density (MDD) as determined by the modified Proctor (ASTM D1557).

4. **Slope.** Maximum allowable slopes are specified in Section 11.02.300.

5. **Fills.** Fills shall not be placed in critical areas unless in compliance with the requirements of ICC 17.02.

ATTACHMENT A
C-92-98

11.02.300 Slope Requirements

Slopes shall be constructed to ensure the stability of embankments and adjacent properties and shall be constructed consistent with accepted design standards, but shall not be steeper than those maximum slopes specified below without an analysis and recommendation from the soils engineer:

A. Cut slope:

1. 1H:1V requires stepped construction method, as specified in design standards or as approved by the Director or with review and recommendation of a civil engineer; or
2. 1.75H:1V

B. Fill slope:

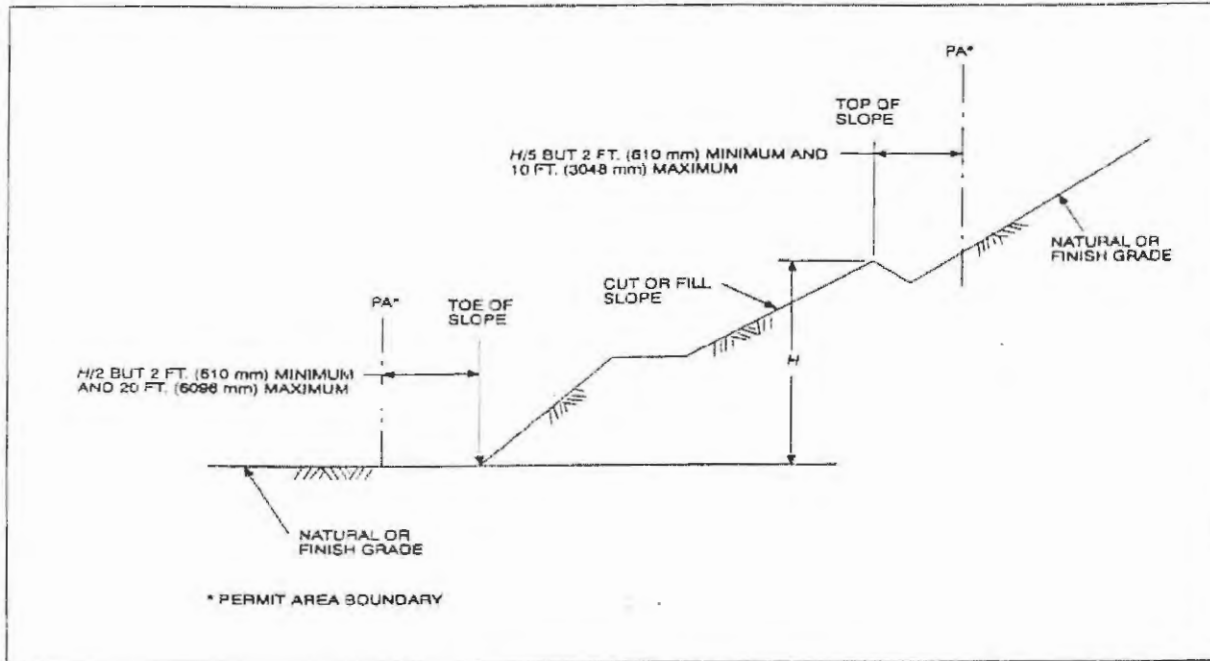
1. 1.5H:1V with review and recommendations of a civil engineer or as approved by the Director; or
2. 1.75H:1V

11.02.310 Setbacks for Cuts or Fills (See Figure 1)

- A. Cut and fill slopes shall be set back from site boundaries in accordance with this section. Setback dimensions shall be horizontal distances measured perpendicular to the site boundary. The top of cut slopes shall not be made nearer to a site boundary line than one fifth of the vertical height of cut with a minimum of two (2) feet and a maximum of ten (10) feet. The setback must be increased as necessary for stability for any required subsurface drainage or surcharge.
- B. The toe of fill slope shall be made not nearer to the site boundary line than one half the height of the slope with a minimum of two (2) feet and a maximum of twenty (20) feet.

ATTACHMENT A
C-92-98

FIGURE 1--SETBACK DIMENSIONS



11.02.320 Drainage and Terracing

- A. Unless otherwise indicated on the approved grading plan, drainage facilities and terracing shall conform to the provisions of this section for cut or fill slopes steeper than three (3) units horizontal in one (1) unit vertical (3H:1V - 33.3% slope).
- B. Terraces at least sixteen (16) feet in width shall be established at not more than thirty foot (30') vertical intervals on all cut or fill slopes to control surface drainage and debris, except that where only one terrace is required, it shall be at midheight. For cut or fill slopes greater than sixty (60) feet and up to one hundred and twenty (120) feet in vertical height, one terrace at approximately mid height shall be twelve (12) feet in width. Terrace widths and spacing for cut and fill slopes greater than one hundred and twenty (120) feet in height shall be designed by the civil engineer and approved by the Building Official. Suitable access shall be provided to permit proper cleaning and maintenance.
- C. Swales or ditches on terraces shall have a minimum gradient of one-half percent (0.5%).
- D. Cut or fill slopes shall be provided with subsurface drainage as necessary for stability and proper conveyance of groundwater.
- E. All drainage facilities shall be designed to carry waters to the nearest practicable drainage way in a safe manner approved by the Building Official or Director and shall comply

ATTACHMENT A
C-92-98

with provisions of ICC 11.03, if applicable. Outfalls or points of discharge shall be designed using best management practices and construction procedures which minimize erosion.

- F. Building pads shall have a drainage gradient of two percent (2%) toward approved drainage facilities, unless waived by the Building Official. Exception: the gradient from the building pad may be one percent (1%) if all of the following conditions exist throughout the permit area:
1. No proposed fills are greater than ten (10) feet in maximum depth;
 2. No proposed finish cut or fill slope faces have a vertical height in excess of ten (10) feet; and
 3. No existing slope faces steeper than one (1) unit vertical in ten (10) units horizontal, ten percent (10%) slope have a vertical height in excess of ten (10) feet.
- G. Paved interceptor drains shall be installed along the top of all cut slopes where the tributary drainage area above slopes toward the cut and has a drainage path greater than forty (40) feet measured horizontally. Interceptor drains shall be paved with a minimum of three (3) inches of concrete or granite and reinforced. They shall have a minimum depth of twelve (12) inches and a minimum paved width of thirty (30) inches measured horizontally across the drain. The slope of drain shall be approved by the Building Official or Director.

11.02.330 Erosion Control

- A. The faces of cut and fill slopes shall be prepared and maintained to control against erosion. This control may consist of effective planting, hydroseeding, or mulching. The protection for the slopes shall be installed as soon as practicable and prior to calling for/or requesting final project approval. Where cut slopes are not subject to erosion due to the erosion-resistant character of the materials, such protection may be omitted.
- B. Where necessary, check dams, cribbing, riprap, silt fences, or other devices/methods shall be employed to provide safety to adjoining properties or to minimize impacts.
- C. Small residential development and other small development activity, as defined in ICC 11.03, that creates less than five thousand (5,000) square feet of new impervious surface must comply with erosion control and best management practices requirements of ICC 11.03.
- D. Major development and redevelopment, as defined in ICC 11.03, must comply with erosion control and best management practices requirements of ICC 11.03.

ATTACHMENT A
C-92-98

- E. All other regulated grading shall comply with drainage and erosion control requirements of ICC 11.03.

11.02.340 Reclamation of Quarry or Mining Sites

Upon completion or abandonment of quarrying or mining operations, the owner or operator of sites not regulated by Washington State Department of Natural Resources pursuant to Chapter 78.44 RCW, must obtain a grading permit under this chapter for reclamation and an approved full drainage plan under ICC 11.03, and comply with the following reclamation standards:

- A. Grading or backfilling shall be done with clean earth material (i.e., non-noxious, nonflammable, noncombustible, and nonputrescible solids);
- B. Such graded or backfilled areas, except for roads, shall be sodded or surfaced with soil of a quality at least equal to the topsoil of the immediately surrounding land areas, and to a depth equal to that of the topsoil of immediately surrounding land areas, provided that all sod and soil shall be at least four (4) inches in depth;
- C. Final grading shall be such as to encourage the uses permitted within the underlying zone classification;
- D. Bare topsoil shall be planted with trees, shrubs, and grasses which are indigenous to the region and compatible with the surrounding area;
- E. Graded or backfilled areas shall be reclaimed in a manner which will not allow water to collect nor permit stagnant water to remain unless specifically authorized in the grading permit; and
- F. Non-harmful tailings consisting of earth material and soil piles shall be level. The leveled and graded area must be sodded or surfaced and planted as required in paragraphs B and D of this section. Burying of material other than earth materials as part of the mining reclamation must have prior approval from the Director.

SEVERABILITY AND EFFECTIVE DATE

11.02.350 Severability

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

ATTACHMENT A
C-92-98

11.02.360 Effective Date

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

amt:c:\98\cfp, gma final docs\11.02 grading\11.02 grading adopted 9-28.doc



EXHIBIT B

C-92-98

Chapter 11.01

Land Development Standards¹

Sections:

- 11.01.010 Purpose and Intent
- 11.01.020 Definitions
- 11.01.030 Applicability
- 11.01.040 Master Land Development Application--Optional
- 11.01.050 General Design and Construction Standards
- 11.01.060 Standards for Private Roads
- 11.01.070 Standards for County Roads
- 11.01.080 Utilities
- 11.01.090 Development Standards
- 11.01.100 Performance and Construction Bonds
- ~~11.01.110 Erosion Control and Drainage~~
- ~~11.01.120 Grading~~
- 11.01.~~130~~110 Modifications
- 11.01.~~140~~120 Caveat and Disclaimer
- 11.01.~~150~~130 Appendices
- 11.01.~~160~~140 Civil Penalty
- 11.01.~~170~~150 Enforcement Authority
- 11.01.~~180~~160 Abatement
- 11.01.~~190~~170 Repealer
- 11.01.~~200~~180 Fees and Charges
- 11.01.~~210~~190 Codification
- 11.01.~~220~~200 Severability
- 11.01.210 Effective Date

¹ Appendices "A" through "E" to this ordinance shall be considered a part of this ordinance and shall not be amended except by county ordinance. Copies of appendices "A" through "E" may be obtained from the Island County Engineer's office or planning department.

EXHIBIT B

C-92-98

11.01.010 Purpose and Intent

The purpose of these provisions is to minimize nuisances associated with development practices which are dysfunctional to the orderly development of Island County. The provisions of this ordinance are intended to accomplish these purposes:

- A. Facilitate the development of properly designed and constructed public and private roadways so as to provide a safe, durable, and efficient integrated roadway system for Island County;
- B. Protect public rights-of-way, natural resources, scenic and open space from undue degradation due to poor development practices;
- ~~C. Protect, to the greatest extent possible, life, limb, and property from loss and damage by flooding, landslides, accelerated soil creep, settlement, and subsidence, abnormal erosion, and other potential natural hazards;~~
- ~~D. Protect the public interest in management of surface water drainage, groundwater recharge, and related functions of drainage basins, water courses and shoreline areas;~~
- ~~E. Protect streams, creeks, ponds, wetlands, lakes, coastal areas, and drainage facilities from mechanical damage, excessive flows, and other conditions which increase erosion, turbidity, siltation, and other forms of pollution, or which reduce low water level and/or flow rates endangering aquatic and benthic life; and~~
- F.C. Fulfill the objectives of comprehensive planning policies of Island County in promoting the health, safety, and welfare of the general public, as well as fulfilling the county's responsibilities as trustees of the environment as provided by law.

Satisfactory compliance with the provisions of this ordinance shall be consistent with zoning and land use control provisions of Island County, as well as adopted planning policy.

11.01.020 Definitions

For the purpose of this chapter:

- A. **Access road** means a public or private road providing vehicular access to the boundary of a parcel of real property being proposed for development.
- B. **All weather road** means a roadway suitable by its construction and design features to be passable during adverse weather conditions.
- ~~C. **Clearing** means the exposing of soil by the removal of live vegetation and/or vegetative debris for non-agricultural purposes.~~
- D.C. **Collector road** means a road whose function is to collect traffic from neighborhoods and local streets and which connects to another road of equal or greater classification. A collector arterial also may provide direct access to adjacent properties.
- E.D. **Commercial access** means a road providing access to commercial properties in business, commercial, manufacturing, and industrial areas.

EXHIBIT B

C-92-98

- F.E. **Common approach** means a shared approach serving no more than two (2) lots/units. A common approach does not have to straddle a common property line.
- G.F. **County engineer** shall be defined in chapter 36.75 RCW, or the office or person assigned such duties under a county charter.
- H.G. **County road** means a road open to the public and maintained for public travel by Island County.
- ~~I. **Critical drainage area** includes those mapped sensitive areas as hereinafter identified in the Island County Zoning Ordinance, and those areas where sufficient justification is demonstrated by the Island County Engineer, in which flooding, drainage, erosion and/or instability hazards exist and the welfare and safety of the surrounding community would be threatened by increasing the volume and/or rate of surface water discharge from a developing parcel.~~
- J.H. **Cul-de-sac** means a dead-end road of limited length having a primary function of serving adjoining land and constructed with a turnaround at its end (local access road).
- K.I. **Design engineer** means an individual licensed by the State of Washington to practice civil engineering and who has been retained to design land development improvements.
- ~~L. **Design storm** means a rain storm of a particular intensity and duration used in storm drainage analysis and system design.~~
- ~~M. **Design storm frequency** means the probability of a design storm occurring, expressed in terms of a statistically probable yearly interval of recurrence.~~
- ~~N. **Development coverage** means all developed surface areas within subject property, including but not limited to rooftops, driveways, carports, accessory buildings, and parking areas.~~
- ~~O. **Drainage area** means the watershed (acreage) contributing surface water runoff to and including the subject property.~~
- ~~P. **Drainage plan** means a plan for receiving, handling, and transporting surface water within the subject property and may extend sufficiently downstream to assure adequate control of potential detrimental effects.~~
- Q.J. **Easement** means an interest in land owned by another that entitled its holder to a specific limited use or enjoyment.
- ~~R. **Excavation** means the mechanical removal of earth material.~~
- ~~S. **Filling** means any deposit of earth material, rubble, or demolition wastes placed by artificial means.~~
- T.K. **Generalized plan** means a plan delineating the contiguous property within one ownership and properly delineating natural drainage ways and existing roadway systems as well as indicating a conceptual plan for drainage facilities or improvements thereto, and a suitable access plan for the remnant parcel(s) when topography/development and

EXHIBIT B

C-92-98

policies could reasonably be expected to limit locations and number of approaches to public roads. It is not to be construed as a binding site plan.

- ~~U.~~ ~~Grading~~ means any clearing, excavating, or filling, or combination thereof.
- ~~V.~~ ~~Grading permit~~ means the permit required under section 11.01.120 of this ordinance.
- ~~W.~~ ~~Homesite evaluation~~ means a report prepared by a qualified professional geologist/registered soils engineer which addresses the feasibility/safety of structural improvements within/adjacent to unstable slope areas, citing specific recommendations/conclusions, including but not limited to, structure placement, foundation design, drainage, and geological stability of the site for the intended use. Such reports shall be site and development specific.
- ~~X.L.~~ **Internal private road** means that road contained solely within the bounds of a proposed short plat which is not used as a means of access to any adjoining properties.
- ~~Y.M.~~ **Large tract subdivision** means the division of land for the purpose of development, sale, lease, transfer, gift, or other conveyance into five (5) or more lots, tracts, parcels, sites, or divisions, wherein no lot, tract, parcel, site, or division is less than five (5) acres in size.
- ~~Z.N.~~ **Loop road** means a road of limited length forming a loop, having a beginning and ending on the same road, having no other intersecting road, and having as its primary function the provision of direct access to adjoining properties (local access road).
- ~~AA.O.~~ **Major arterial** means a road connecting two (2) or more towns or communities, connecting two (2) highways of equal or greater capacity, or serving as the primary access to a large land area. A major arterial may also serve a large traffic generator (e.g., an industrial area, recreational area) and perform a secondary function of providing local access.
- ~~BB.P.~~ **Neighborhood access** means a road the primary function of which is to provide direct access to adjoining properties, but which also provides for traffic circulation within and/or through a neighborhood (local access road).
- ~~CC.~~ ~~Peak discharge~~ means the maximum surface water runoff rate (CFS) determined for the design storm frequency.
- ~~DD.Q.~~ **Potential number of lots or units served** means total possible users of a facility under current and/or contractual zoning, covenant restriction, and extensions to serve adjacent property.
- ~~EE.R.~~ **Primitive road** means a road so designated in accordance with the provisions of RCW 36.75.
- ~~FF.S.~~ **Private road** means a road not maintained by Island County, the Washington State Department of Transportation or any other political subdivision of the state.
- ~~GG.T.~~ **Public road** means a road maintained by the Washington State Department of Transportation or any political subdivision of the state.

EXHIBIT B

C-92-98

- ~~HH.~~ ~~Retention/detention facilities~~ means facilities designed either to hold runoff for a short period of time and then releasing it to the natural water course, or to hold water for a considerable length of time and then consuming it by evapotranspiration or infiltration into the ground.
- ~~II.U.~~ **Roadside** means the portion of an easement or right-of-way lying on either side of the roadway, including curbs, sidewalks, and ditches.
- ~~JJ.V.~~ **Roadway** means the improved portion of an easement or right-of-way, excluding curbs, sidewalks, and ditches.
- ~~KK.W.~~ **Rural area** means land not located within an urban growth area as designated in the Island County Comprehensive Plan.
- ~~LL.X.~~ **Rural road** means a road located within the rural area of Island County.
- ~~MM.Y.~~ **Scenic route** means a road affording a view of a scenic area and/or retaining natural roadside characteristics.
- ~~NN.Z.~~ **Secondary arterial** means a road connecting two (2) or more roads of equal or greater classification, or connecting two (2) or more communities. A secondary arterial may serve as an alternate route to a higher classified road or a traffic generation of medium importance, and serves an additional function of land service.
- ~~OO.~~ ~~Side casting~~ means the act of moving excavated waste material and vegetative debris to the side, and subsequently depositing or dumping such material over the side, of a shoreline bluff or natural drainage way.
- ~~PP.AA.~~ **Sidewalk** means a pedestrian access adjacent to or within the right-of-way of an adjoining public or private road.
- ~~QQ.BB.~~ **Special provisions** means construction requirements peculiar to a specific project and which are not otherwise thoroughly or satisfactorily detailed and set forth in the standard specifications.
- ~~RR.CC.~~ **Standard specifications** means those specifications adopted for design and construction of land development improvements in ~~section 11.01.050~~ of this chapter.
- ~~SS.~~ **Steep slopes** means those lands in Island County which have slopes greater than 15 percent (15%) as generally designated on, but not limited to, the Island County steep or unstable slope maps.
- ~~TT.DD.~~ **Structure** means that which is built or constructed, an edifice or building of any kind or any place of work, artificially built up or composed of parts joined together in some definite manner, but not to include utilities for the purposes of this ordinance.
- ~~UU.EE.~~ **Subject property** means the tract of land which is the subject of the permit and/or approval action.
- ~~VV.FF.~~ **Trail** means an improved but natural path or way set aside for public and private use providing an access route to, from, or between points of interest and intended for use by pedestrians, equestrians, bicycles, and/or other non-motor vehicular users.

EXHIBIT B

C-92-98

~~WW. Unstable slopes~~ means those lands designated in the Department of Ecology Coastal Zone Atlas of Island County dated April, 1979, as it may be amended or revised, as land which has had recent or historical slide activity and/or has unstable slope conditions, and those lands where supplemental information has indicated unstable slopes.

~~XX.GG. Urban Growth area-Area~~ means lands located within an urban growth area as designated in the Island County Comprehensive Plan. ~~Urban areas do not include potential urban growth areas designated in the Island County Comprehensive Plan for the purpose of this ordinance.~~

~~YY.HH. Urban road~~ means a road located within the urban area of Island County.

~~ZZ.II. Utilities~~ means those services provided for private or public use, including electric power lines, gas lines, telephone lines, television cables, sewer lines, water lines, and drainage facilities.

~~AAA.JJ. Walkway~~ means a pedestrian access which is within the building site envelope, total building complex, or between lots, but not adjacent to or within the right-of-way of a public or private road.

~~BBB. Wetlands~~ means lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface, or the land is covered by shallow water.

11.01.030 Applicability

This ordinance shall apply to the following land development actions or permits, as applicable:

- A. Subdivisions
- B. Short subdivisions
- C. Condominiums
- D. Planned residential developments
- E. Business and professional parks
- F. Shopping centers
- G. Mobile home parks
- H. Campgrounds and recreational facilities
- I. Industrial parks
- J. All building permits, ~~except single family residential and accessory structures less than four thousand (4,000) square feet of total floor area, except as provided for in section 11.01.120 of this ordinance~~
- ~~K. Grading and clearing~~
- ~~LK.~~ Construction or development activity related to approval of rezones, zoning amendments, conditional use approvals, site plans, use approvals, shoreline substantial development permits

EXHIBIT B

C-92-98

~~M. Forest practices, as defined in chapter 76.09 RCW, where:~~

- ~~1. The application therefor submitted to the Washington State Department of Natural Resources under RCW 76.09.060, as now or hereafter amended, indicates that the lands will be converted to a use other than commercial timber production; or~~
- ~~2. The forest practice or practices are to occur on lands which have been platted after January 1, 1960.~~

~~N.L. Access permits sought in connection with or subsequent to any of the above-mentioned land development actions or permits.~~

~~Commencement of construction work under any of the above-mentioned actions or permits, including the initial clearing of any proposed land development, shall not begin until such time as final approval of the drainage, erosion/sedimentation control and/or grading plans are obtained, or a waiver therefrom is granted by the Island County Engineer in accordance with the provisions of this ordinance.~~

~~Notwithstanding any other term or provision of this ordinance, this ordinance shall not apply to any "forest practice," as defined in the Forest Practice Act of 1974 (chapter 76.09 RCW), except to the extent that such regulation is expressly permitted by said act, as now or hereafter amended. (See RCW 76.09.240; ICC 11.01.030.M, infra.)~~

11.01.040 Master Land Development Application--Optional

Pursuant to the above, Island County may administratively establish a master application procedure to facilitate the processing of permit activities governed by the ordinance. The Island County Permit Center, in coordination with affected departments, shall be responsible for developing such procedures which will fully disclose all Island County required permits within ten (10) days upon completion of an application.

11.01.050 General Design and Construction Standards

A. The standards for design and construction of land development improvements (as applicable) are:

1. **The Standard Specifications for Road and Bridge Construction**, latest edition, as published by the Washington State Department of Transportation, except as amended herein or by variance granted in writing by the county engineer;
2. **The Standard Specifications for Municipal Public Works Construction**, latest edition, as prepared by the Washington State Chapter of the American Public Works Association, except as amended herein or by variance granted in writing by the county engineer;
3. **The Washington State Department of Transportation Design Manual**, latest edition. Modifications to design criteria may be authorized where strict adherence would be counterproductive to the purpose and intent of this ordinance.

EXHIBIT B

C-92-98

4. Those drawings of typical sections for roadway construction and design criteria attached hereto and incorporated herein by this reference as appendix "D." The county engineer shall specify which of the standard specifications will apply to each construction project.
- B. The above standards for construction shall apply to all improvements, whether public or private, and inspection required shall be at the sole expense of the proponent.

11.01.060 Standards for Private Roads

A. Private roads--general requirements applicable to all private roads.

1. Private roads shall be allowed only for such roads that have no public interest for traffic circulation and are to be built in accordance with the standards adopted herein. Private roads are not allowed when in conflict with the adopted road circulation plans or studies.
2. The face of any recorded plat, short plat, planned residential development, or site plan containing a private road shall bear the following language: "Island County has no responsibility to improve or maintain the private roads contained within, or private roads providing access to, the property described in this development."
3. A private maintenance agreement shall be required for all private roads serving three (3) or more lots/units.
4. The approach to a public road of a private road serving nine (9) or more lots shall be paved to the right-of-way line or to such distance so that the drive wheels of a common user vehicle will be upon the paved surface in accordance with the appropriate approach specifications, except that private roads already constructed and serving more than nine (9) lots are exempt from this provision.
5. Private roadway street name and stop signs shall be privately installed and maintained at the intersection of private roads serving nine (9) or more lots with public roads. Such signs shall meet the adopted standards of Island County. The county shall not maintain roads or signs within private rights-of-way.
6. Private roads, except as modified in paragraph D.1.c) of this section, are the responsibility of the developer to construct in accordance with the criteria of this section.
7. Private road rights-of-way may be required to be located within "future public rights-of-way tracts" as provided in ~~ICC 11.01.090.F hereof~~ this chapter.
8. In situations wherein developments are to be served by private roads serving three (3) or more lots/units, the developer shall file for record, after review by the Island County Engineer, a declaration of covenants in general compliance with those set forth in appendix "A" of this ordinance, which shall run with the land. The seller of any property encumbered by the covenant set forth in appendix "A" of this ordinance shall obtain from the purchaser and record with the auditor the purchaser's

EXHIBIT B

C-92-98

acknowledgment of the private road maintenance responsibilities and restrictions, as set forth in appendix "B" of this ordinance.

B. Private roads--reduced private road requirements when permitted

1. The right-of-way width requirements for existing private roads may be reduced in accordance with the provisions of this chapter ~~ICC 11.01.130~~, so long as the following is found:
 - a) No traffic hazard will result;
 - b) No additional extensions will be necessary or permitted;
 - c) There is no public road access alternative available to serve the additional lots; and
 - d) The right-of-way of the existing private road cannot be expanded.
2. The limitation on the number of lots/units which may be served by a private road may be modified in accordance with the provisions of ~~section 11.01.130~~ this chapter when extending private roads or when subdividing property which abuts such a road, provided:
 - a) The road would be consistent with required findings in subsection B.1 set forth above; and
 - b) The right-of-way will be improved consistent with county standards and specifications to the maximum extent practicable.

C. Private roads--units served--determination of:

1. The potential number of lots or units used for determination of applicable standards shall be based on the potential number of lots or units that could reasonably be served, using the comprehensive plan and existing zoning to calculate density.
2. Lots abutting and having a legal right of access to a private road, but gaining access to another private road or a public road, shall be included in the calculation of lots or units being served by each abutting private road.
3. Where potential additional lots/units are planned to be served by the private road, there shall be established on the plat an easement for roadway and utility installations which provides for future extensions of the private road to serve the remainder of the potential lots/units for which the road is designed.
4. Potential number of lots/units may be reduced wherein existing or proposed restrictive covenants, contractual zoning, or use approval, limits/specifies density. A suitable restriction upon a short plat, plat, planned residential development, or site plan, approved by the Island County Engineer, is acceptable.
5. The actual number of lots/units used for determination of applicable standards shall be based on the number of lots along the private road, as shown in the records of Island County and shall include those lots/units within a proposed development. All

EXHIBIT B

C-92-98

lots/units shown having access to the private road shall be counted, regardless of size or date of creation.

D. Private roads--general specifications--design and construction standards. Private roads serving developments, when allowed, shall conform to the following minimum standards:

1. Short subdivision and planned residential development standards.

a) Easement requirements:

(i) Private road easement width shall depend on the potential number of lots or units that may be served, in accordance with the following schedule:

Potential No. of Lots/ Units to be served	Minimum Required Easement Width (When Applicable)
1-2 (common road approach)	30' x 30'
1-4 (all lots 15,000 sq.ft. or less)	20'
1-4	30'
5 or more	40' ²

(ii) A cul-de-sac easement with a radius of forty (40) feet or an equivalent turnaround area shall be required in the case of easements serving nine (9) or more lots, and may be temporary in nature where extension to serve adjoining properties is planned.

(iii) Access easements shall extend at least thirty (30) feet into the interior lot(s) when deemed necessary by the Island County Engineer.

b) Roadway construction requirements:

(i) Private roadway construction shall depend on the actual number of lots or units to be served, in accordance with the following schedule:

Actual Number of Lots/Units	Minimum Traveled Surface Width
1-4	14'
5-8	18'
9 or more	22' ³

(ii) All short subdivision roads shall require a minimum of 6" of gravel base consistent with the general requirements of this ordinance. Suitability of in-place material to fulfill all or part of this requirement is subject to the approval of the county engineer.

² Refer to section 11.01.090.C for limitations on future public dedications, if less than sixty (60) feet is used.

³ Refer to section 11.01.090.C for limitations on future public dedications, if less than thirty (30) feet is used.

EXHIBIT B

C-92-98

Planned residential development roads shall require a minimum of 2" of top course in addition to this gravel base.

The intent is to provide an "all-weather roadway" capable of supporting the traffic characteristics for which the road is proposed.

- (iii) Private short plat and planned residential development roads shall be constructed in accordance with the applicable typical section adopted as part of this ordinance.
 - (iv) For graveled private roads the maximum permitted grade shall be 12 percent (12%). Steeper grades shall be asphalt concrete, paved consistent with the public road construction requirements to assure all-weather accessibility to a maximum grade of 20 percent (20%). The above-stated grade of 12 percent (12%) may, however, be exceeded for distances one-hundred (100) feet or less.
 - (v) When nine (9) or more lots/units are served, a constructed cul-de-sac with a radius of thirty (30) feet, or an equivalent turnaround area, shall be required.
- c) Exemption of roadway construction:
- (i) Two-lot short plats and site plan segregations are exempted from the requirement of constructing the "internal private road" serving the interior lot.
 - (ii) Planned residential developments in the agricultural or forest management classified lands are exempted from the requirement of constructing private roads providing access to individual parcels, sites, or buildings.
2. **Developments requiring site plans wherein no segregations are proposed.** Except where public circulation requires otherwise, roads within subject developments providing access to individual parcels, sites, or buildings may be private roads, but shall be constructed in alignment and width to provide safe and convenient access in accordance with an approved site plan.
3. **Site plan segregations, large tract subdivisions, subdivisions, mobile home parks, condominiums not within a planned residential development.** Except where public circulation requires otherwise, roads within subject developments providing access to individual parcels, sites, or buildings may be private roads. In such circumstances, roadways shall be built in accordance with the provisions specified ~~herein in this chapter~~ for county roads (~~section 11.01.070~~) except as follows:

EXHIBIT B

C-92-98

Private roads serving eight (8) or less total lots/units may meet the easement and roadway widths/standards for short plats/ planned residential developments, except that asphalt paving is required.

11.01.070 Standards for County Roads

A. General roadway and right-of-way standards.

1. The minimum right-of-way and roadway widths for all county urban and rural roads shall be as shown on the design criteria adopted by reference in ~~section 11.01.050~~ this chapter as standard specifications. Additional right-of-way or private easement may be required where necessary to accommodate slopes, associated roadway improvements, and utilities. Modifications to roadway and right-of-way standards may be considered in support of the County's affordable housing goals and the low-impact site development goals of the chapter 11.03 ICC.
2. Scenic route design shall allow reduced design speed and modified roadway and right-of-way widths to preserve naturally-occurring scenic beauty unique to the location of the route. When possible, existing alignment and roadway section shall be used. Special features, such as vehicle turnouts for vista areas for bicycle/ pedestrian facilities, may be provided. ~~Scenic routes shall be designated by the Board of County Commissioners in the Island County Arterial Road Plan, and the county engineer shall perform a functional analysis to protect such routes consistent with said plan.~~
3. The roadway section(s) shall be detailed on the construction plans submitted for each new roadway or improvement to an existing roadway in accordance with the typical cross sections of appendix "D."
4. Surfacing. The depth and type of materials shall be as shown on the typical sections for roadway construction attached hereto unless modified as follows:
 - a) The county engineer, after conducting soil tests in the area, determines a heavier section is required; or,
 - b) The developer provides a soil test report to the county engineer, prepared by a qualified soils engineer, indicating a lesser depth is satisfactory, and the county engineer approves the lesser depth. Any modification approved by the county engineer under this subsection shall be based upon the standard specifications, taking into consideration anticipated traffic loading characteristics, soils types, surfacing materials, and other relevant factors.

- #### B. County roads--plans for construction of roads, utilities, and drainage structures.
- The designing engineer shall submit to the county engineer plans and specifications for street, utility, and drainage structures for the proposed development. The plans and specifications shall include a vicinity map and a plan and profile. The plan and profile of the proposed road construction shall be submitted to the county engineer for approval prior to construction and shall include:

EXHIBIT B
C-92-98

Plan:

1. Road alignment in stations of 100-foot intervals
2. Bearing on road centerline (may be specified on final plan)
3. Radius of horizontal curves
4. Proposed right-of-way width limits
5. Label all sheets and adjoining subdivisions
6. Typical roadway section(s), including utility locations
7. Existing and proposed drainage structures, showing type and size of culverts, with direction of flow indicated
8. Suggested scales: 1 inch equals 50 feet, or 1 inch equals 100 feet

Profile:

1. Original ground line. The ground lines for roads extending to the perimeter of any developments shall be extended a sufficient distance beyond the perimeter to include any change in contours which would affect the profile of the proposed road, which extension shall in no event be less than two-hundred (200) feet;
2. Stationing in intervals of one-hundred (100) feet;
3. Proposed grade line showing percent grade and vertical curves;
4. Elevation datum; and
5. Horizontal scale shall be the same as the plan; vertical scale shall be at the ratio of 10 to 1 with horizontal scale.

The above plan and profile requirements may be waived by the county engineer in the case of existing private roads petitioned for establishment as county roads.

- C. **County roads--inspection.** The following inspections may be conducted of all road construction covered by these standards. In accordance with the standard specifications, the county engineer may stop or delay construction when, in his opinion, the weather or other conditions indicate that suitable results cannot be obtained. The county engineer's actions do not absolve the contractor's responsibilities should subsequent failure occur.

1. **Inspection No. 1** shall be required following installation of the drainage system, underground utilities, and completion of roadway grading to a suitable subgrade.
2. **Inspection No. 2** shall be required following placement of gravel base, if required, and compaction; oversized material and debris to be removed from the right-of-way.
3. **Inspection No. 3** shall be required following placing of crushed surfacing top course and construction of curbing, if required. Island County reserves the right to conduct tests on all materials.

EXHIBIT B

C-92-98

4. **Inspection No. 4 (final)** shall be required following surfacing, cleaning of drainage systems, monumentation, installation of traffic control signing or devices, seeding of slopes as presented, and all necessary trimming and cleanup has been accomplished.

It shall be the responsibility of the applicant or his representative to notify the county engineer at least one (1) working day in advance of the required inspection. Failure to comply may necessitate appropriate testing of construction materials by a materials lab at the developer's expense. In the event this action is necessary, no further work will be permitted until test results are received.

- D. **County roads--acceptance by county.** Roads may be accepted for provisional maintenance by Island County upon recommendation of the county engineer. Final acceptance shall not be made for one (1) year from the date of provisional acceptance, and the owner and/or his contractor must repair any failure within the one (1) year period at the expense of the owner or his contractor; **provided**, prior to such acceptance, a bond in an amount and with surety acceptable to the county engineer, or other secure method, shall be required providing for and securing to Island County the satisfactory performance and maintenance of such road improvements for a one (1) year period.

11.01.080 Utilities

- A. Domestic water, sewer, and drainage systems shall be designed and constructed in accordance with the applicable state and county regulations.
- B. Utility locations are to be shown on the typical street sections. Any deviations from the standardized locations are to be approved by the county engineer. Waterlines are to be located on the north and east side of streets. The preferred location for waterlines parallel to the road is within six (6) feet of the right-of-way at a minimum cover of thirty (30) inches.
- C. Underground power, telephone and TV lines to be located on the south and west sides in a joint utility area, as provided in appendix "D," at a minimum depth of thirty (30) inches; sanitary sewer and gas lines as directed by the county engineer. Overhead utilities shall be placed as near as practical to the right-of-way line, no greater than seven (7) feet therefrom, with appropriate utility easements being provided contiguous to the right-of-way line for any resultant overhang.
- D. Wherever feasible, underground utilities, together with service crossing, shall be installed after sub-grade has been completed, but before surfacing has been placed. Backfill of trenches shall be in accordance with approved methods as required by the county engineer. Pipe encasements may be installed under the roadbed for future utility pipe installations.
- E. Franchises for utilities are required to construct, operate, and maintain utilities in county right-of-way. All utilities installed in proposed county right-of-way prior to the approval of a subdivision, condominium, planned unit development, or other similar development shall be covered by an application for a franchise which would be subject to the approval by the Board of County Commissioners subsequent to the approval of the development.

EXHIBIT B

C-92-98

- F. The minimum easement width for utilities is fifteen (15) feet, unless subject easement is contiguous to a private or public right-of-way. In such case, the minimum easement width shall be seven and one-half (7-1/2) feet.
- G. Utilities shall be located in recognition of the potential for future expansion of the existing roadway beyond current use.
- ~~H. At the recommendation of the sewer municipality and where municipal waste water engineering plans are sufficiently detailed, as determined by the county engineer, any urban development within an identified service area shall provide connection to an approved sanitary sewer system, or the installation of "dry sewers" if such system is not yet available.~~

11.01.090 Development Standards

General requirements and improvements.

- A. Additional building setbacks to accommodate future right-of-way requires a development restriction which imposes a sufficient building setback to guarantee that future right-of-way expansion could be accomplished without infringing on the yard requirements of the zone. When the setback requirements of the Island County Zoning Ordinance are insufficient to protect the future use or function of the roadway, additional setbacks may be imposed consistent with the functional roadway requirements of appendix "D."
- B. When only a portion of land having the same ownership, including contiguous property, is being developed by a subdivision or site planning process, a generalized plan for the entire ownership shall be required at the time of application to indicate that the roadways, drainage, and general design can be coordinated with the entire ownership when fully developed.
- C. Roadway systems shall be planned and designed to facilitate the development of an integrated public roadway network. Any subdivision containing forty (40) lots or more should contain at least two (2) developed/planned ingress-egress routes. Any right-of-way of less than county standards for public road shall be retained permanently as privately-owned and maintained; except when subsequently the street is developed to adopted county standards and specifications and established as a county road in accordance with the provisions of law.
- D. Maintenance responsibilities and the method of financing said maintenance for all privately-owned and operated facilities (e.g., water, sewer, drainage, and road systems), shall be established prior to approval of development actions.
- E. Nothing herein shall be construed to preclude the imposition of additional requirements for off-site access road improvements as a condition of approving a preliminary plat, preliminary short plat, rezone, zoning amendment, site plan, use approval, conditional use, or other discretionary land use permit or approval, where such additional improvements are found by the county approving authority to be necessary in order to either provide adequate

EXHIBIT B

C-92-98

road access to the proposed development, to maintain the adopted level of service standards, or to mitigate traffic hazards caused or aggravated by the proposed development.

- F. Future public right-of-way tracts or trail systems. The setting aside of sufficient future right-of-way may be required when it is necessary, consistent with the Island County Comprehensive Plan, to provide for future public street or trail system right-of-way to assure the orderly development of neighborhood circulation. When required, the form set forth in appendix "C" of this ordinance shall be used as a condition of approving a preliminary plat, preliminary short plat, rezone, zoning amendment, site plan, use approval, or conditional use. The dimensions of such tract, when required, shall be consistent with the adopted standards and plans for public streets, roads, and tracts attached. Such tracts may contain a private road consistent with the requirements of this ordinance.
- G. Every development applicable ~~under section 11.01.030.A through I, L and M, of~~ in this chapter shall be provided with an adequate public or private access complying with construction standards applicable to the development action. Where any abutting county road has insufficient right-of-way to conform to the provisions of appendix "D," sufficient additional right-of-way shall be deeded and/or dedicated to Island County to conform the abutting half to such standards.

If the access road serving and/or adjoining a development is a state road or highway, required dedication and/or improvements thereto shall be governed by the provisions of this ordinance as they relate to county roads, unless specified otherwise by the Washington State Department of Transportation.

- H. In order to protect and preserve the function and character of adjoining public roadways, access to adjoining public roads may be restricted or denied by Island County. In such circumstances, the developer shall be required to fulfill the access road requirements herein stated.
- I. The county engineer may require the construction of individual or common lot accesses concurrent with roadway construction when said access requires excessive excavation, filling, or clearing to meet the county's standard requirements.
- J. The deed/dedication of right-of-way to the county ~~under subsections E, F, and G~~ per this chapter shall only be required when an individualized determination shows that the deed/dedication requirement is reasonably calculated to prevent or compensate for the adverse public impacts of the proposed development and the deed/dedication requirement is roughly proportional to the nature and extent of the adverse impacts of the proposed development.
- K. **Pedestrian circulation**
1. **Requirements.** Sidewalks and/or surfaced walkways shall be constructed adjacent to and/or within a parcel being "developed" in an urban growth area and in a ~~potential urban growth area~~ rural area of intensive development where subcommunity plans have been adopted and so dictate, as provided for below:

EXHIBIT B

C-92-98

- a) ~~2.~~ All commercial/industrial development contiguous to highway, arterial, and collector streets.
 - b) Residential development--contiguous to external highway, arterial, and collector streets. Internal pedestrian ways shall be provided in accordance with an approved plan to separate pedestrian and motor vehicular traffic.
2. **Trail and bikeway systems.** Consistent with the Island County Comprehensive Plan, trail and bicycle systems may be required to implement adopted plans.
 3. **Construction standards.** Material and construction for sidewalks, trails, and bikeways adjacent to county roads shall conform with the standard specifications or approved alternatives.
 4. **Construction.** Unless earlier installation is required by the Island County Engineer, required sidewalks shall be installed in conjunction with either the construction of an adjacent road or the construction of a building structure. That portion of any required sidewalks adjacent to any lot shall be constructed prior to issuance of a certificate of occupancy for a building constructed on such lot.
- L. **Lighting.** Illumination of intersections adjoining highway, arterial, and collector roads shall be required for residential development generating in excess of two-hundred-fifty (250) average daily traffic as per the Institute of Traffic Engineer's data. All lighting shall be low intensity (200-watt sodium vapor or equivalent) and shielded to reflect downward towards the street.
- ~~M. **Forest debris.** Forest debris resulting from forest practices regulated pursuant to RCW 76.09.240 and ICC 11.01.030.M infra, shall be properly disposed of prior to the issuance of any permits or approvals by Island County or within one (1) year from the completion of harvesting, whichever is less.~~
- ~~N.M. **Fire protection.** All new subdivisions, including site plan segregations, developments, and buildings, shall be required to provide fire protection in accordance with requirements specified in ~~chapter~~ ICC 13.03A-ICC, in addition to those required by the Uniform Building and Fire Code as adopted by Island County.~~

EXHIBIT B

C-92-98

0-N. Direct access driveway/road approach requirements shall meet the following criteria:

1. Direct access driveway/roadway placement must be such that an exiting vehicle has an unobstructed sight distance according to the following schedule:

Posted Speed Limit (mph)	Minimum Sight Distance (feet)
25	250-275
30	300-330
35	350-385
40	400-440
45	450-495
50	500-550
The longer distances reflect heavy truck traffic.	

2. Driveway/roadway spacing on arterial and collector roads will be determined as a function of posted operating speeds. Spacing will be determined according to the following schedule:

Posted Speed Limit (mph)	Minimum Spacing (feet)
25	105
30	125
35	150
40	180
45	230
50	275

- a) These spacings are based on average vehicle acceleration and deceleration rates and are considered necessary to maintain safe traffic operation.
- b) Spacing will be measured from the midpoint of each driveway/roadway.
- c) In the event that a particular parcel lacks minimum sight distance by the above criteria, but safe sight distance is available, the Island County Engineer may grant an administrative variance.

11.01.100 Performance and Construction Bonds

In lieu of the completion of any required public or private improvements prior to approval of a final plat, condominium, or planned residential development, or other facility required by this ordinance for projects of similar scope, or to secure the successful operation and maintenance of said facilities, the Island County Engineer may recommend acceptance of a bond in an amount and with surety and conditions satisfactory to him, or other secure method as Island County may require, providing for and securing to Island County the actual construction and installation and

EXHIBIT B

C-92-98

operation of such improvements within a period specified by Island County and specified in the bond or other agreement, and to be enforced by Island County by appropriate legal and equitable remedies.

~~11.01.110 — Erosion Control and Drainage~~

~~A. — Plans submission.~~

- ~~1. — Application for any of the permit/approvals listed in section 11.01.030 of this ordinance shall be accompanied by an interim erosion/ sedimentation control plan and a drainage plan or a waiver therefrom granted by the Island County Engineer, in accordance with the provisions of this ordinance specified in paragraph 3 below before preliminary approval of the application.~~
- ~~2. — The plan submitted during one permit approval process may be subsequently submitted with further required applications.~~
- ~~3. — The plan requirement established in this section will not apply when the Engineering Department determines that the proposed permit and/or activity:~~
 - ~~a) — Will neither seriously nor adversely impact the water quality conditions of any affected receiving bodies of water;~~
 - ~~b) — Will not significantly alter the drainage patterns, increase the peak discharge significantly, and cause other serious adverse effects in the drainage area; and~~
 - ~~e) — Will not seriously or adversely impact the recharge of a groundwater aquifer and/or the capacities of nearby springs and wells.~~

~~B. — Plans contents. All persons applying for any of the permits and/or approvals specified in section 11.01.030 shall provide an interim erosion/sedimentation control plan and drainage plan for surface and pertinent subsurface water flows entering, flowing within, and leaving the subject property. Said plans shall present the following required information:~~

- ~~1. — Interim erosion/sedimentation control plan. An interim erosion/sedimentation control plan will be required unless waived by the Island County Engineering Department. At the discretion of the Island County Engineer, plans prepared in conjunction with those actions not identified as categorical exemptions under SEPA, WAC 197-10-170 and/or occurring in lands classified as sensitive lands per section 11.01.120.A of this ordinance shall be prepared under the direction of a civil engineer, soil scientist, or other qualified individuals. The plan for a proposed construction site shall describe:~~
 - ~~a) — Soils, topography, existing vegetation, the areas to be cleared and graded, and the location of major cuts and fills covered by the permit and/or approval for which application is made;~~
 - ~~b) — Computations and hazards associated with the area covered by the permit and/or approval for which application is made, the anticipated schedule of construction, and the proposed measures, including site management practices (such as check~~

EXHIBIT B

C-92-98

dams, slash removal, reseeding, or mulching) as appropriate for controlling erosion/sedimentation and runoff.

- e) ~~Island County may require additional interim erosion/sedimentation control measures to account for season changes, alterations of the topography and water course during construction, and other such factors affecting site conditions which need to be constructed to insure complete siltation control on the subject property. It shall be the obligation and responsibility of the person required to provide and maintain temporary erosion/sedimentation facilities pursuant to this section to address any new conditions that may be created by his activities and to utilize additional control measures as may be needed.~~
- d) ~~The interim erosion/sedimentation control facility shall be constructed prior to any grading or extensive land clearing in accordance with the approved temporary plan. These facilities must be satisfactorily maintained until construction and landscaping is completed and the potential for on site erosion has passed.~~

2. ~~**Preliminary drainage plan.** A preliminary drainage control plan will be required unless waived by the Island County Engineer.~~

- a) ~~Background computations for sizing drainage facilities:
 - (i) ~~Depiction of the drainage area and the natural surface drainage system on a topographical map, with acreage indicated;~~
 - (ii) ~~Indication of the peak discharge and amount of surface water currently entering and leaving the subject property;~~
 - (iii) ~~Indication of the peak discharge and amount of runoff which will be generated within the subject property if development is allowed to proceed.~~~~
- b) ~~Proposed improvements for handling the computed runoff;~~
- e) ~~Arrangements by the developer to provide for continuing maintenance of the project drainage facilities.~~

3. ~~**Modifications.** The requirements of this section may be modified if, in the county engineer's professional opinion, such additional or reduced amount of information is necessary or appropriate to carry out the express purpose and intent of this ordinance.~~

4. ~~**Planned residential developments** in the agricultural or forest management classified lands shall be exempt from the detailed drainage plan requirements of section 11.01.110.C, except in critical drainage areas.~~

C. ~~**Detailed drainage plan mandatory requirements.** A detailed drainage plan shall be prepared by a registered civil engineer based upon the Island County Engineer's determination as provided in section 11.01.110.B.3; except that in the case of the construction of a single commercial/industrial structure with less than four thousand~~

EXHIBIT B

C-92-98

(4,000) square feet of total floor area, detailed plans prepared by a licensed architect may be accepted.

1. ~~Surface water entering the subject property shall be received at the naturally-occurring location, and surface water exiting the subject property shall be discharged at the natural location, with adequate energy dissipators within the subject property to eliminate downstream damage and with no diversion at any of these points. Deviations consistent with law may be permitted.~~
2. ~~The peak discharge from the subject property due to the design storm may not be increased due to the proposed development. Further control may be required as specified in section 11.01.110.D.E hereof.~~
3. ~~Retention/detention facilities or other drainage facilities must be provided in order to handle all surface water in excess of the peak discharge, to include intercepted subsurface water resulting from development on subject property as well as surface water entering the subject property and dissipating thereon.~~
4. ~~Open retention/detention facilities and infiltration facilities shall not be located in public road right of way unless specifically waived by the county engineer. The Island County Engineer is authorized to require all persons, associations, and/or corporations constructing or maintaining retention/detention facilities to secure a liability insurance policy for the duration of the operation of the facility.~~
5. ~~An emergency overflow system is required for all retention/detention facilities.~~
6. ~~Detention basin design must account for antecedent conditions which may contribute to a partially full basin at the beginning of the design storm, (i.e., a minimum of one (1) foot of freeboard above the maximum design water surface).~~
7. ~~The drainage course for a minimum distance of 1/4 mile downstream from the development must be evaluated for its capacity to pass the design storm flow after completion of the development.~~
8. ~~Existing wetlands may function as both a control feature in the natural surface drainage system and as areas of groundwater recharge. Any reduction of such features shall be replaced with equivalent drainage controls.~~
9. ~~Recharge of storm water into the ground is encouraged; however, recharge potential shall be reviewed and certified by the proponent or his engineer prior to any attempt to recharge to the ground. Approved recharge projects shall have an inflow capacity sufficient to handle the design storm. An overflow system which meets the water quality and quantity release standards shall be available for backup. Runoff is required to flow through an oil separator and a filtering system prior to entering the infiltration system unless otherwise approved by the county engineer. Recharge systems of any type shall not be permitted in industrialized areas. The approval of any recharge project shall not constitute approval of any means by which unstable subsurface conditions may occur.~~

EXHIBIT B

C-92-98

- ~~10. The developer will obtain the necessary easements from all affected properties for the flow of storm drainage between the development and a drainage way or receiving body of water necessary to comply with the foregoing requirements.~~
- ~~11. Drainage from roofs, downspouts, surface drains, and subdrains shall not be discharged into a county road or drainage ditch without first having received a permit from the Island County Engineer.~~
- ~~12. Variances from any or all of the foregoing requirements may be permitted only after a determination by the county engineer employing the following criteria:~~
 - ~~a) Capacity of downstream facilities~~
 - ~~b) Acceptability of receiving bodies of water~~
 - ~~c) Possibility of adverse effects of retention~~
 - ~~d) Utility of regional retention facilities~~
 - ~~e) Capability of maintaining the system~~

~~D. **Drainage.** Development in a critical drainage area shall meet special drainage conditions set by the county engineer until such time as the community hazard is alleviated. Such conditions may include the limitations of the volume of discharge from subject property to predevelopment levels, preservation of wetlands or other natural drainage features, or other controls necessary to protect against community hazard.~~

~~E. **Design criteria.**~~

- ~~1. **Design storm.** The minimum design storm shall be for a ten year (10) return period; except that if the watershed within which the development is located exceeds fifty (50) acres, or the design discharge of such watershed exceeds twenty (20) CFS, then the minimum design shall be for a twenty five year (25) return period. A twenty four hour (24) storm duration shall be used as the minimum design standard.~~
- ~~2. **Methods of computation.** Two (2) general methods are recommended for runoff estimation:~~
 - ~~a) The "rational" method for tributary areas of less than two hundred (200) acres; and~~
 - ~~b) The Soil Conservation Service "TR-55" method for tributary areas greater than two hundred (200) acres.~~
- ~~3. **Peak discharge control of peak discharge less than the design storm.** At the discretion of the county engineer, outlet control shall be designed to attenuate peak discharges from storm events less than the design storm.~~

11.01.120 — Grading

~~A. **Applicability.** No person shall do any excavating or filling in excess of five hundred (500) cubic yards over the lifetime of the fill or excavation or do any grading in a sensitive area~~

EXHIBIT B

C-92-98

prior to having first obtained a grading permit from the county engineer. This section is applicable to any of the permits/approvals specified in section 11.01.030 hereof, including all building and sewage permits in sensitive areas, and these requirements are in addition to the county's shoreline permit requirements for grading in shoreline areas. Areas designated as sensitive are, for the purpose of this ordinance:

1. ~~Wetland areas.~~ All lands within one hundred (100) feet of all those wetlands and deep water habitats as defined in the U.S. Fish and Wildlife Service publication, "Classification of Wetlands and Deep Water Habitats of the United States," 1979 (FWS/OBS07/31), which are 1/4 acre or larger in size, including all perennial and intermittent streams. The boundary of such wetlands shall be as defined in the above-referenced publication, except that on all lakes, streams, and tidal water bodies, the boundary shall be the ordinary high water mark as defined in the Shoreline Management Act of 1971.
2. ~~Steep slope areas.~~ All lands having greater than 15 percent (15%) slopes on which grading is proposed.
3. ~~Unstable slope areas.~~ Those lands designated in the Department of Ecology Coastal Zone Atlas of Island County dated April, 1979, as it may be amended or revised, as land which has had recent or historical slide activity and/or has unstable slope conditions, and those lands within one hundred (100) feet thereof, or supplemental information related thereto.
4. ~~Flood hazard/high water table areas.~~

B. A permit shall not be required for:

1. ~~Grading in an isolated, self contained area if there is no danger apparent to private or public property as determined by the Island County Engineer;~~
2. ~~Refuse disposal sites controlled by other regulations;~~
3. ~~Grading not to exceed an area of one (1) acre incidental to an Island County residential building permit unless otherwise specified in section 11.01.120.A;~~
4. ~~Excavations and filling of cemetery graves;~~
5. ~~Grading, mining, or extractions which are regulated by the Island County Zoning Ordinance, provided such provisions do not affect the lateral support or increase the stresses in or pressure upon any adjacent or contiguous property;~~
6. ~~Grading pursuant to an approved public road access permit wherein the provisions of this ordinance have been considered for the entire scope of the grading proposal;~~
7. ~~Work required for the repair, replacement, reconstruction or widening of an existing public road or utility in an existing right of way/ easement when project plans/departmental policies govern the activity consistent with this ordinance, except that disposal of excavated material outside the project area must either occur at an approved public site or the property owner of the disposal site must have received an approved grading permit from Island County, as applicable;~~

EXHIBIT B

C-92-98

- ~~8. Work required for the construction of private roadways/utilities necessitated by and/or being reviewed as those actions specified in section 11.01.030.A J, where erosion control, drainage, and slope stability reports/plans are pre approval requirements;~~
 - ~~9. Exploratory excavations under the direction of a registered soils engineer or professional geologist;~~
 - ~~10. Exploratory excavations performed as a pre requisite of septic drain field approval so long as work is performed more than twenty five (25) feet from the top of identified unstable slopes;~~
 - ~~11. Grading incidental to construction/repair of a bulkhead for protection of an existing single family residence, provided that the applicant has an exemption from a shoreline management substantial development permit;~~
 - ~~12. Grading activities which are regulated by this section, but for which review has occurred, and conditions specified in compliance with this section, as applicable, as a requirement for approval of a land development action or permit listed in section 11.01.030 of this ordinance.~~
- ~~C. **Required information for permits preliminary plan.** Every person, corporation, etc., who desires to undertake grading activities subject to the requirements of this ordinance shall first make application to the Island County Engineering Department for a permit. The Island County Engineer shall, in accordance with subsection A above, require the submittal of a preliminary grading plan specifying the construction site, soil profile, waste disposal areas, erosion control methods, schedule of operation, existing and proposed topography, composition of fill or waste, location of physical features, property boundaries, drainage control plans, intended use of the property, and other such information as the Island County Engineer may deem necessary. The Island County Engineer may waive specific items due to the simplicity and relative safety of the proposed project. The county engineer shall either grant, deny, or specify any additional requirements within a fifteen (15) working day period, commencing on the date a complete application is received by the county engineer.~~
- ~~D. **Homesite evaluations (when required).** The Island County Engineer shall require the preparation of a homesite evaluation for structural development which is proposed to occur within sensitive unstable slope areas as defined by section 11.01.120.A.3, except in those instances wherein the structure is set back from the line of the uppermost scarp a horizontal distance of no less than one third (1/3) the height of the scarp, plus forty (40) feet, at the time of construction, and except in those cases when not required by the Island County Engineer after suitable investigation. Homesite evaluations are to be submitted as addenda to the grading permit application and in lieu of a detailed grading plan.~~
- ~~Applicants for developments wherein the stability of the property has been evaluated by qualified consultants, in compliance with this section, as a requirement for approval of a previous application, shall be able to fulfill this requirement with a suitable addendum to the original homesite evaluation prepared and submitted by the same consultant/ firm, wherein a specific proposal is compared to the original proposal/concept. Approved subdivisions which required an analysis of stability in compliance with this section as a~~

EXHIBIT B

C-92-98

~~prerequisite of approval, for example, would not require new homesite evaluations for each lot, if setbacks and similar considerations were adequately addressed in the original report and site conditions remain essentially the same.~~

- ~~The Island County Engineering Department reserves the right to hire an independent qualified consultant at the expense of the applicant/developer to evaluate the homesite evaluation/project when, in the opinion of the Island County Engineer, more detailed information is necessary to evaluate the stability of a particularly sensitive site.~~
- ~~E. Detailed grading plan (when required). The Island County Engineer may require that a detailed grading/drainage plan be prepared by a soils engineer/engineering geologist/hydrologist with demonstrated qualifications to develop a specific report citing the adequacy of the site to support the proposed immediate and long term intended use of the property. Such plans shall be submitted to the county engineer for review and approval and shall include a soil engineering and engineering geology report with specific conclusions, recommendations, implementation, inspection, and certification procedures.~~
- ~~F. Completion of grading work. Upon completion of all work authorized/required by these provisions, the responsible consultant shall certify that the grading is complete in accordance with the grading plan as approved or modified. Projects involving complex slopes and drainage conditions shall require submittal of an as-built grading plan to certify compliance with these provisions.~~
- ~~G. Prohibitions. Sidecasting over shoreline bluff areas is expressly prohibited by this ordinance.~~

11.01.130110 Modifications

In cases where unusual topographic conditions, nature of existing construction, unique development design, or similar factors would make adherence to the width, design, or alignment standards of this ordinance undesirable or impracticable, the requirements may be modified, if not otherwise provided herein, upon written request as follows:

- A. Up to 10 percent (10%) variation from any numerical standard contained within this ordinance by the Public Works Director/County Engineer or the short plat administrator in cases involving short subdivisions;
- B. In the case of ~~private~~ roads, the Public Works Director/Island County Engineer may modify the requirements specified herein upon the written finding, consistent with the conditions specified in ~~section 11.01.060.B.1 and 2~~ this chapter or to support the County's affordable housing and/or low-impact site development goals;
- C. By final approval of the hearing examiner in approving any development actions or permits listed in ~~section 11.01.030~~ this chapter over which the hearing examiner has final approval authority. Conditions may be attached to a modification approval which are necessary to protect the public interest and carry out the purpose of this ordinance; and

EXHIBIT B

C-92-98

- D. By the Board of County Commissioners in approving any development actions or permits listed in ~~section 11.01.030~~ this chapter over which the Board of County Commissioners has final approval authority

11.01.440120 Caveat and Disclaimer

It is the specific intent of this ordinance to place the obligation of complying with its requirements upon the owner of the property of land within its scope, and no provision or term used in this ordinance is intended to impose any duty whatsoever upon the county or any of its officers or employees running to any specific person or entity. Nothing contained in this ordinance shall be construed as a guarantee or warranty on the part of the county that site development has been or will be accomplished in accordance with the provisions of this ordinance, nor shall it be construed to create or form the basis for any liability on the part of the county or its officers, employees, or agents for any injury or damage resulting from the failure of an owner of property or land to comply with the provisions of this ordinance, or by reason or in consequence of any inspection notice, order, certificate, permission, or approval authorized or issued or done in connection with the implementation or enforcement of this ordinance, or by reason of any action or inaction on the part of the county related in any manner to the enforcement of this ordinance by its officers, employees, or agents.

11.01.450130 Appendices⁴

Appendices "A" through "E" to this ordinance shall be considered a part of this ordinance and shall not be amended except by county ordinance.

11.01.460140 Civil Penalty

It shall be unlawful and punishable as a civil violation under RCW 7.80 for any person to violate or refuse or fail to comply with any of the provisions of this chapter.

- A. A violation of the provisions of this chapter shall be a Class 2 civil infraction. A second or subsequent violation within a five (5) year period is a Class 1 civil infraction.
- B. Any notice of infraction of this ordinance shall be processed pursuant to the provisions of chapter 7.80 RCW and any adopted rules of the Washington Supreme Court and any adopted local court rules.

⁴ Copies of appendices "A" through "E" may be obtained from the Island County Engineer's Office or planning department.

EXHIBIT B

C-92-98

Each day or portion thereof during which any infraction occurs or continues shall be a separate infraction and separately punishable. Adjudication of the infraction shall not excuse the violation or allow the continuation of the violation.

11.01.170150 Enforcement Authority

- A. The Island County Public Works Director, County Engineer and Island County Sheriff or their deputies or designees are enforcement officers within the meaning of RCW chapter 7.80.
- B. Prior to any enforcement action the county commissioner in the district in which the violation has occurred will be advised of the violation and any contemplated enforcement action.

11.01.180160 Abatement

In addition to any other remedy provided herein or by law, the Island County Public Works Director may require any person, who creates or maintains a violation of this chapter, to commence corrective work and to complete the work within such time as the Island County Public Works Director determines reasonable under the circumstances. If the required corrective work is not commenced or completed within the time specified, the Island County Public Works Director may proceed to abate the violation and cause the work to be done. The cost thereof will be charged as a lien against the property and as a joint and separate personal obligation of each person who is in violation. The cost of abatement may include administrative costs.

11.01.190170 Repealer

The following parts of the Island County Code are hereby repealed:

- A. Resolution 876, October 5, 1970, vol. 13, p. 358, of the Commissioners' Proceedings
- B. Resolution 877, October 5, 1970, vol. 13, p. 359, of Commissioners' Proceedings, section 16.01.060 of the Island County Code
- C. Ordinance 709, September 8, 1969, vol. 13, p. 215, of Commissioners' Proceedings, section 16.01.050.2 through 6 of the Island County Code
- D. That portion of Resolution, September 13, 1965, vol. 12, p. 371, of Commissioners' Proceedings, codified as section 16.01.004.I.1 through 7 and 9(e) of the Island County Code
- E. That portion of Ordinance PW-1-80, June 5, 1980, codified as section 13.03.060.G and H of the Island County Code
- F. That portion of the Short Plat Ordinance, August 22, 1983, codified as ~~section ICC~~ 16.04A.090.G.

EXHIBIT B

C-92-98

11.01.200180 Fees and Charges

The Board of County Commissioners shall levy such fees and charges as are necessary for the administration or review of the applications, plans, or permits required, to the end that the individuals benefiting from said actions will bear a greater portion of the costs of administration and review.

11.01.210190 Codification

This ordinance shall be codified as a separate chapter in Title 11, said chapter to be entitled "Land Development Standards." Each codified section shall be in the same order as set forth in this ordinance.

11.01.220200 Severability

If any portion of this ordinance is held invalid, such decision shall have no effect upon the validity of the remaining portion of this ordinance. The Board of County Commissioners hereby declares that it would have adopted this ordinance and each part or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, parts, or portions thereof be declared invalid or unconstitutional.

11.01.210 Effective Date

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

amt.c:\98\efp_gma final docs\11.01. land dev std\11.01 land dev stds, adopted 9-28.doc

A P P E N D I X A

DECLARATION OF COVENANT REQUIRING PRIVATE MAINTENANCE OF APPROVED PRIVATE ROAD AND DEDICATION TO COUNTY WHEN REQUIRED.

Declaration of Covenant

In consideration of the approval by Island County of _____, which said development creates the Lot(s) described as follows: (Insert legal description)

the undersigned covenants and agrees that:

1. The owner(s) of the aforescribed property or of any lot which has been or is subsequently created on said property shall be responsible for the maintenance of all private roads within said _____.
2. The road(s) and any private road name and/or stop signs shall be maintained consistent with Island County Standards for such private roads and/or signs.
3. Roadway maintenance financing shall be in a manner determined by the owners of a majority of the square footage of buildable land within such aforesaid property.
4. In the event such private road is improved to County standards for public streets, and the County is willing to accept the dedication of such road, each lot owner shall execute any documents necessary to accomplish such dedication.
5. Owners of lots within the above referenced development, who are served by such private road, may sue and recover from any owner of any lot within the development which is similarly served who refuses to participate in the road maintenance. Such owners who refuse to share the costs shall be liable for any attorney's fees.
6. Warning: Island County has no responsibility to build, improve, maintain, or otherwise service the private roads contained within or providing service to the above referenced property.

_____ Owner

_____ Owner

_____ Owner

STATE OF WASHINGTON)
COUNTY OF ISLAND)

On this day personally appeared before me _____
_____ to me known as the individual(s) described in
and who executed the within and foregoing instrument and
acknowledged that he/she/they signed the same as his/her/their
free and voluntary act and deed, for the uses and purposes therein
stated.

Given under my hand and official seal this ____ day of

NOTARY PUBLIC in and for the
State of Washington, residing at

Printed Name of Notary _____
My Commission expires _____

A P P E N D I X C

FUTURE RIGHT-OF-WAY TRACTS - SUBDIVIDER'S AGREEMENT AND COVENANTS, CONDITIONS, AND RESTRICTIONS RUNNING WITH THE LAND:

Tract(s) _____, designated upon the plat as a private road and thoroughfare, is described in the Island County Comprehensive Plan as a "local access street or road" and in accordance with the standards therein, may be required for future County street, road, or thoroughfare.

1. The owner, his grantees and assigns, hereby agree to dedicate Tract(s) _____ to Island County for right-of-way and street purposes, at such time as said Tract(s) _____ is/are needed for those purposes. A Deed conveying Tract(s) _____ to Island County shall be executed by the owner, his grantees and assigns, and shall be delivered to Island County upon demand.
2. The owner, his grantees and assigns, hereby agree(s) to participate in, and/or not oppose or protest, the formation of a County Road Improvement District (CRID) pursuant to RCW 36.88 or any Road Improvement project sanctioned by Island County which is designed to improve Tract(s) _____ and the immediate street system of which it is a part.
3. Building constructed on any parcel abutting Tract(s) - shall be set back from the Tract(s) _____ boundary by that distance which equals the yard requirements of the zone.

Timing of the formation of said CRID or other road improvement project shall be determined by Island County. The street improvement authorized by the CRID or other road improvement project shall call for the improvement of Tract(s) _____ and its immediate street system to at least the minimum Island County road standards applicable to the CRID or other road project is formed; provided that, in situations where there is a multiple ownership of properties participating in the formation of the CRID, or other road improvement project, if a majority of the property owners want a higher standard, i.e., curbs, gutters, underground drainage, etc., that standard shall prevail.

Owner

Owner

STATE OF WASHINGTON)
COUNTY OF ISLAND)ss

On this day personally appeared before me _____, to me known as the individual(s) described in and who executed the within and foregoing instrument and acknowledged that they signed the same as their free and voluntary act and deed, for the uses and purposes therein stated.

Given under my hand and official seal this _____ day of _____, 19_____.

S E A L

NOTARY PUBLIC in and for the State of Washington, residing at _____

A P P E N D I X B

WARNING: READ THIS CAREFULLY:

PURCHASER IS RESPONSIBLE FOR ROAD MAINTENANCE:

Property Legal Description: _____

I am purchasing the above described property and I understand the following:

1. I must pay money for maintaining the private road(s) serving this property.
2. Owners of other lots in this development may sue me and recover my share of the road costs, plus other costs and attorney's fees, if I fail to contribute.
3. Island County has no responsibility to build, improve, maintain or otherwise service the private roads for this property.

Purchaser

Purchaser

STATE OF WASHINGTON)
COUNTY OF ISLAND)

On this day personally appeared before me _____,
_____, the individual(s) who executed the above
instrument as a free and voluntary act.

Dated this _____ Day of _____, 19__.

S E A L

NOTARY PUBLIC in and for the State
of Washington, residing at

A P P E N D I X D

COUNTY ROAD DESIGN AND RIGHT-OF-WAY STANDARDS.

NON-ARTERIAL ROADS: (County and Local Access Roads)

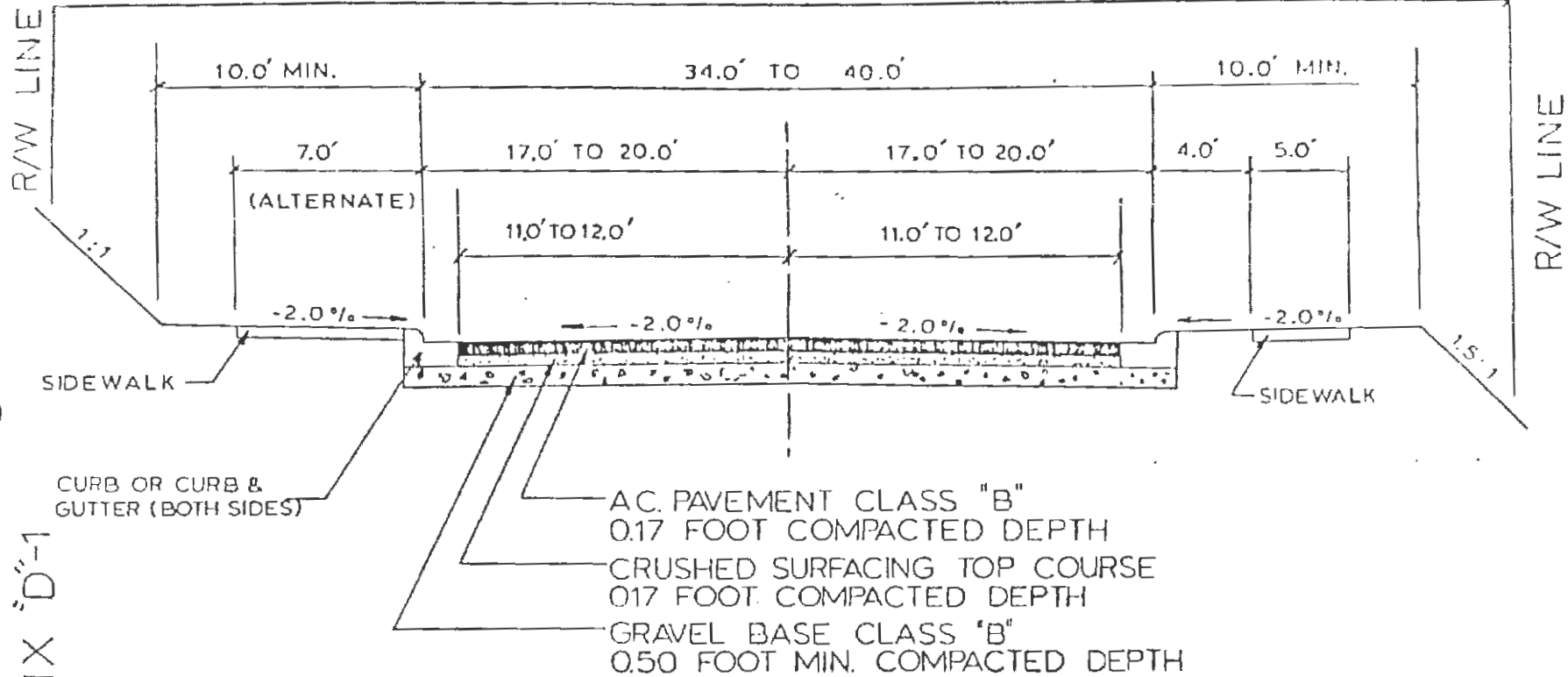
CLASSIFICATION	NEIGHBORHOOD		LOOP ROAD		CUL-DE-SAC	
FUNCTION	Roads that connect two or more neighborhoods and provide access to adjoining properties.		Roads of limited length, beginning and ending on the same road and providing direct access to adjoining properties.		Dead end roads of limited length serving adjoining land.	
ACCESS	Access limited to abutting lots not fronting on loop or cul-de-sac roads.		Access to abutting properties. No intermediate intersections.		Access to abutting properties.	
ADT *	Less than 500		Less than 500		Less than 250	
CRITERIA	Rural	Urban	Rural	Urban	Rural	Urban
A. MINIMUM RIGHT-OF-WAY (ft.) 2 lane **	60	60	50	50	50	50
B. LANE WIDTH (ft.)	11	11	11	10	11	10
C. Park/Shoulder/Edge - Width (ft.) 2 lane	4	6	3	4	3	4
D. ROADWAY WIDTH (ft.)	30	34	28	28	28	28
E. MAXIMUM GRADE (%)	12	12	12	12	12	12
F. MAXIMUM LENGTH (ft.)	N/A	N/A	1,200	1,200	600	600
G. SIDEWALKS	***	5	***	4	***	4

* Roads are primarily defined by function and not strictly by existing ADT.

** Where full road improvements have been constructed, including curbs and sidewalks, the required right-of-way may be modified to accommodate the improvements.

***Sidewalks may be required in accordance with the provisions of this Ordinance.

80.0' MAJOR & SECONDARY ARTERIALS; 60.0' COLLECTOR ROADS



- NOTES:
- 1.) BICYCLE ROUTES WILL REQUIRE ADDITIONAL RIGHT OF WAY AND ROADWAY SECTIONS IN ACCORDANCE WITH ADOPTED BIKEWAY CLASSIFICATIONS PLAN.
 - 2.) FOR SPECIFIC ROADWAY WIDTH SEE ISLAND COUNTY CODE TITLE 11.

APPENDIX 'D'-1

MAJOR & SECONDARY ARTERIALS, AND
COLLECTOR ROADS
URBAN PUBLIC ROADS
TYPICAL SECTION

ISLAND COUNTY ROAD DEPARTMENT

60.0' NEIGHBORHOOD OR 50.0' LOOP & CUL-DE-SAC

R/W LINE

R/W LINE

10.0' MIN.

34.0' NEIGHBORHOOD OR 28.0' LOOP & CUL-DE-SAC

10.0' MIN.

5.0'

14.0' TO 17.0'

14.0' TO 17.0'

4.0'

4.0'

SEE NOTE 2

10.0' TO 11.0'

10.0' TO 11.0'

SEE NOTE 3
ALTERNATE

SIDEWALK
CURB OR CURB AND
GUTTER (BOTH SIDES)

SIDEWALK

A.C. PAVEMENT CLASS 'B'
0.17 FOOT COMPACTED DEPTH
CRUSHED SURFACING TOP COURSE
0.17 FOOT COMPACTED DEPTH
GRAVEL BASE CLASS 'B'
0.50 FOOT COMPACTED DEPTH MIN.

NOTES:

- 1) ALTERNATE EQUIVALENT SECTION MAY BE DESIGNED BY THE ENGINEER AND SUBMITTED TO THE COUNTY ENGINEER FOR APPROVAL.
- 2) INCREASE TO 6.0' ALONG NEIGHBORHOOD STREETS.
- 3) INCREASE TO 5.0' ALONG NEIGHBORHOOD STREETS.

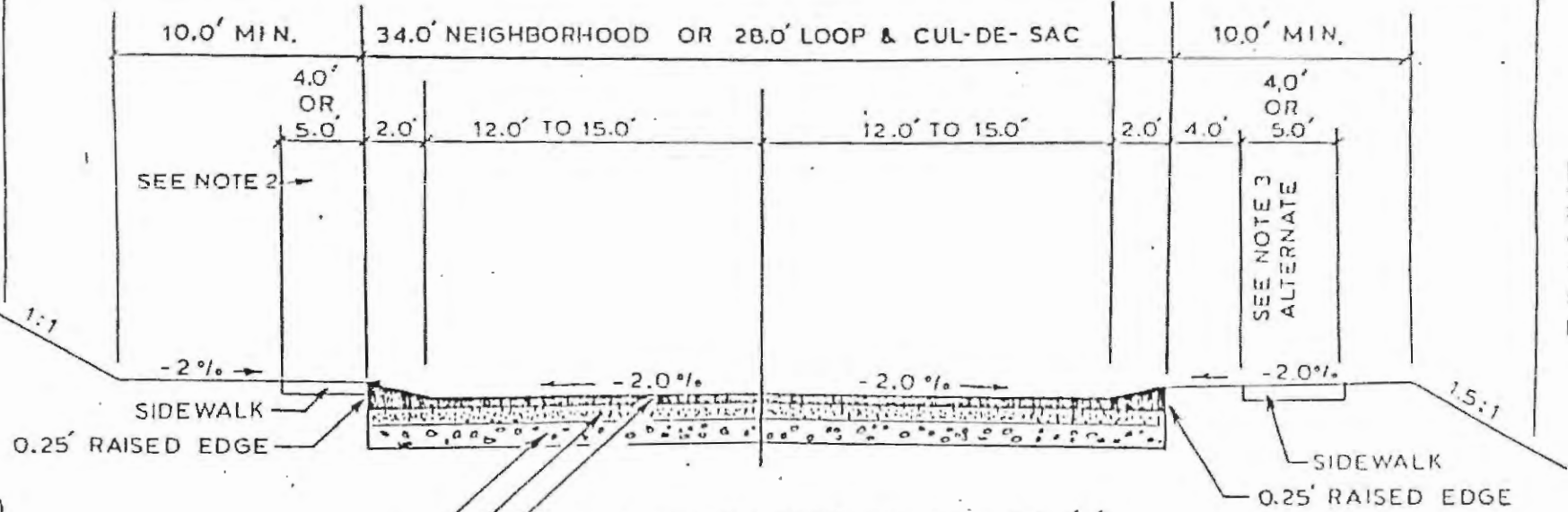
NEIGHBORHOOD, LOOP & CUL-DE-SAC
 URBAN PUBLIC ROADS
 TYPICAL SECTION
 ISLAND COUNTY ROAD DEPARTMENT

APPENDIX "D"-2

60.0' NEIGHBORHOOD 50.0' LOOP & CUL-DE-SAC

R/W LINE

R/W LINE



SIDEWALK
0.25' RAISED EDGE

SIDEWALK
0.25' RAISED EDGE

A.C. PAVEMENT CLASS 'B'
0.17 FOOT COMPACTED DEPTH
CRUSHED SURFACING TOP COURSE
0.17 FOOT COMPACTED DEPTH
GRAVEL BASE CLASS 'B'
0.50 FOOT COMPACTED DEPTH MIN.

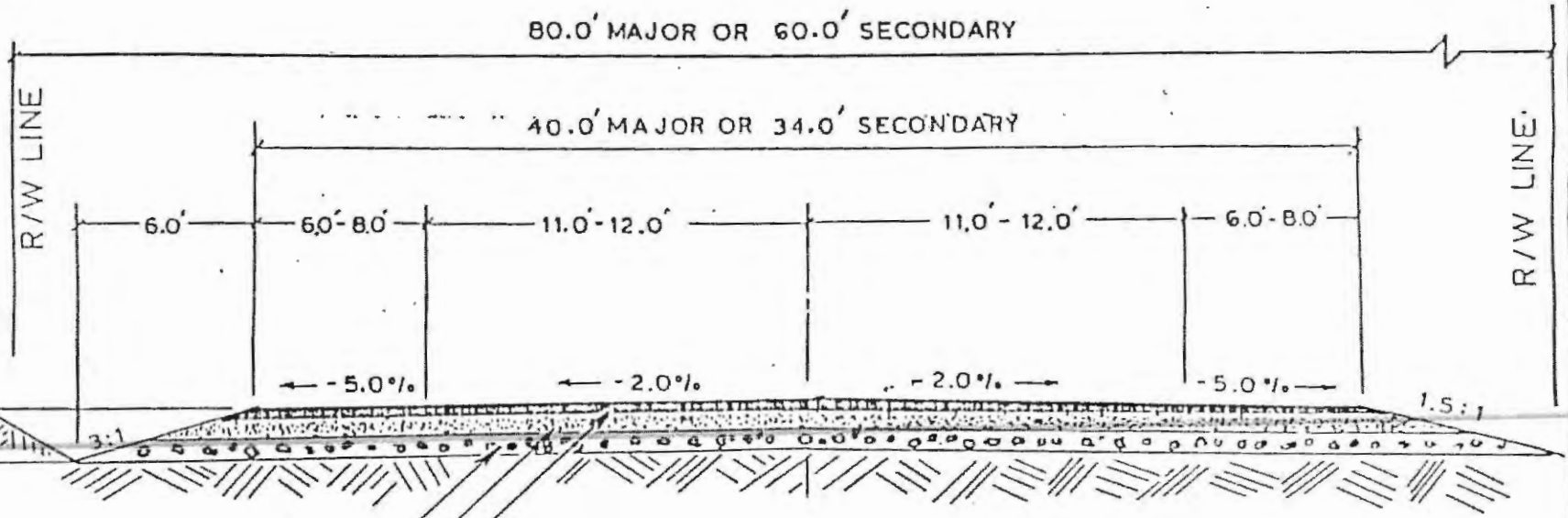
- 1.) ALTERNATE EQUIVALENT SECTION MAY BE DESIGNED BY THE ENGINEER AND SUBMITTED TO THE COUNTY ENGINEER FOR APPROVAL.
- 2.) INCREASE TO 6.0' ALONG NEIGHBORHOOD STREETS.
- 3.) INCREASE TO 5.0' ALONG NEIGHBORHOOD STREETS,

NEIGHBORHOOD, LOOP & CUL-DE-SAC
ALTERNATE URBAN ROAD
TYPICAL SECTION

ISLAND COUNTY ROAD DEPARTMENT

APPENDIX "D"-3

APPENDIX "D"-4



A.C. PAVEMENT CLASS "B"
0.17 FOOT COMPACTED DEPTH

CRUSHED SURFACING TOP COURSE
0.17 FOOT COMPACTED DEPTH

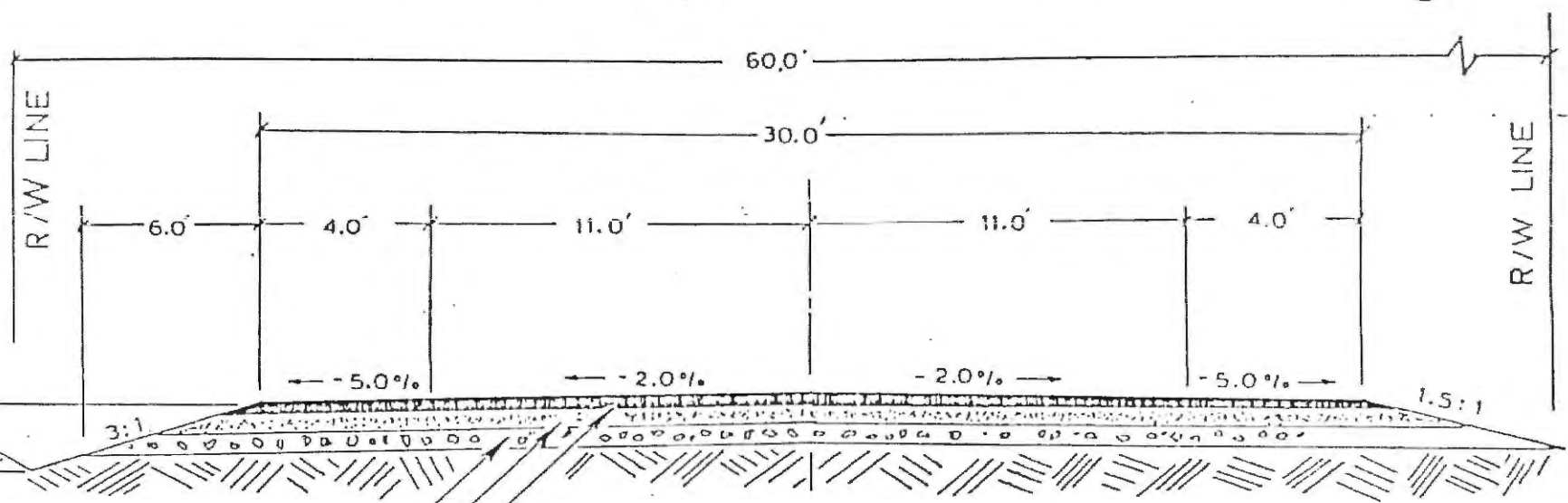
GRAVEL BASE CLASS "B"
0.50 FOOT COMPACTED DEPTH MIN.

- NOTES:
1. BICYCLE ROUTES WILL REQUIRE ADDITIONAL RIGHT OF WAY AND TYPICAL SECTION IN ACCORDANCE WITH ACCEPTED CLASSIFICATIONS, PLAN.
 2. FOR SPECIFIC ROADWAY WIDTH SEE ISLAND COUNTY CODE TITLE 11

MAJOR AND SECONDARY ARTERIALS
RURAL PUBLIC ROADS
TYPICAL SECTION

ISLAND COUNTY ROAD DEPARTMENT

APPENDIX "D"-5

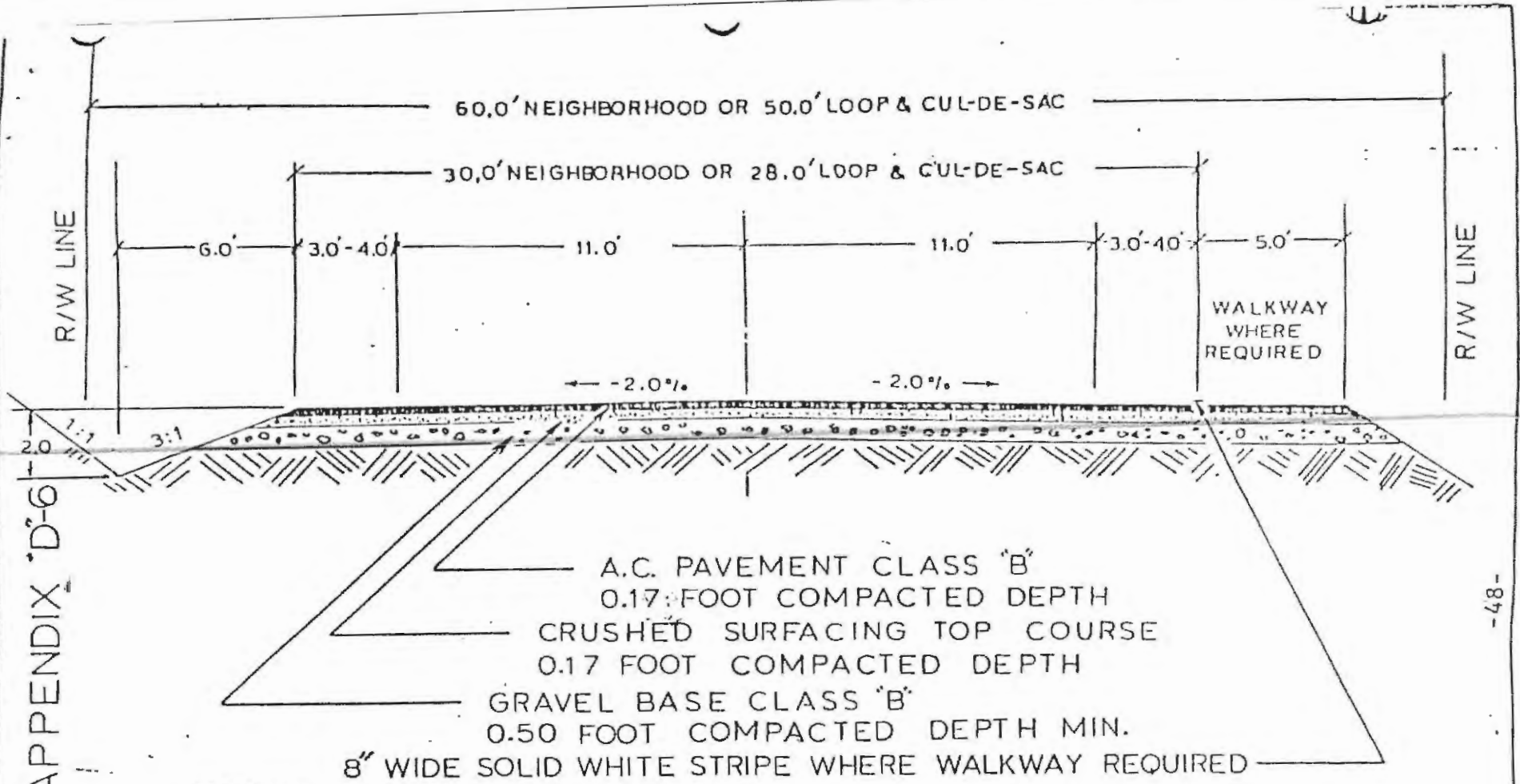


A.C. PAVEMENT CLASS 'B'
0.17 FOOT COMPACTED DEPTH
CRUSHED SURFACING TOP COURSE
0.17 FOOT COMPACTED DEPTH
GRAVEL BASE CLASS 'B'
0.50 FOOT COMPACTED DEPTH MIN.

NOTES:

1. BICYCLE ROUTES WILL REQUIRE ADDITIONAL RIGHT OF WAY AND SECTION IN ACCORDANCE WITH ACCEPTED CLASSIFICATIONS, PLAN

COLLECTOR ARTERIAL
RURAL PUBLIC ROADS
TYPICAL SECTION
ISLAND COUNTY ROAD DEPARTMENT



NOTES:

- 1 4.0' WIDE SHOULDERS FOR NEIGHBORHOOD ROADS.
- 2 3.0' WIDE SHOULDERS FOR LOOP & CUL-DE-SAC ROADS.

NEIGHBORHOOD, LOOP & CUL-DE-SAC
RURAL PUBLIC ROADS
TYPICAL SECTION

ISLAND COUNTY ROAD DEPARTMENT

60.0 NEIGHBORHOOD 50.0' LOOP & CUL-DE-SAC

R/W LINE

R/W LINE

10.0' MIN.

28.0' NEIGHBORHOOD AND 28.0' LOOP & CUL-DE-SAC

10.0' MIN.

2.0'

12.0'

12.0'

2.0'

-2.0%

-2.0%

-2.0%

-2.0%

0.25' RAISED EDGE

0.25' RAISED EDGE

1:1

1.5:1

A.C. PAVEMENT CLASS 'B'
0.17 FOOT COMPACTED DEPTH

CRUSHED SURFACING TOP COURSE
0.17 FOOT COMPACTED DEPTH

GRAVEL BASE CLASS 'B'
0.50 FOOT COMPACTED DEPTH MIN.

NOTES:

- 1.) ALTERNATE EQUIVALENT SECTION MAY BE DESIGNED BY THE ENGINEER AND SUBMITTED TO THE COUNTY ENGINEER FOR APPROVAL.

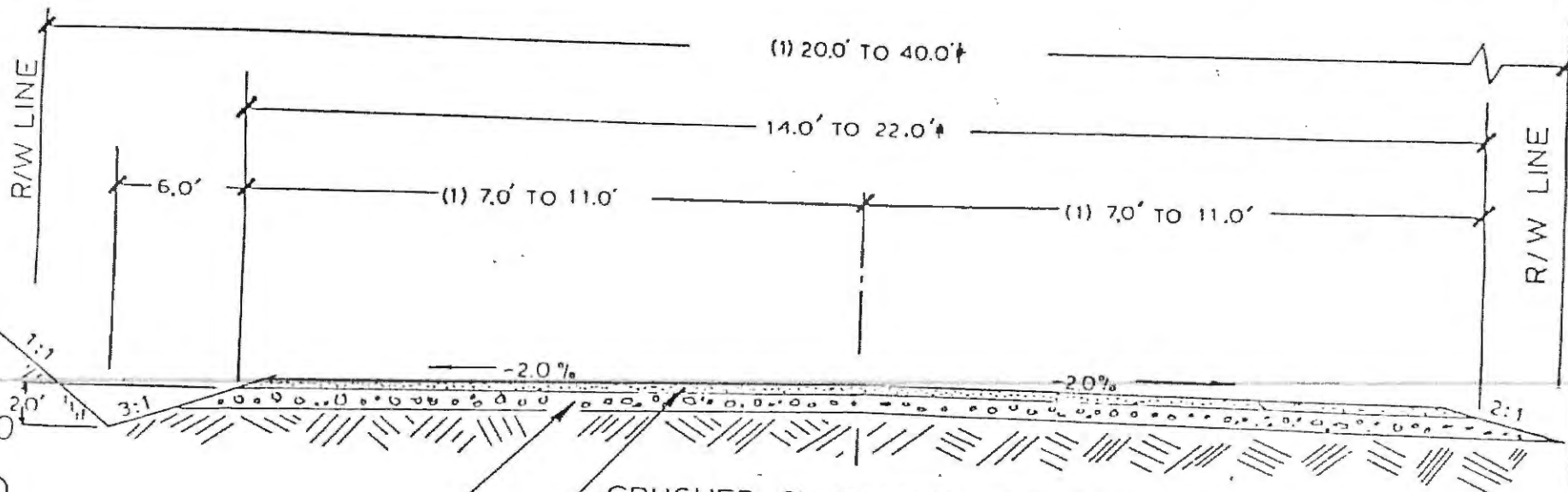
APPENDIX 'D'-7

-49-

NEIGHBORHOOD, LOOP & CUL-DE-SAC
ALTERNATE RURAL ROAD
TYPICAL SECTION

ISLAND COUNTY ROAD DEPARTMENT

APPENDIX "D"-8



CRUSHED SURFACING TOP COURSE WHEN REQUIRED - 0.17 FOOT COMPACTED DEPTH.
GRAVEL BASE CLASS "B"
0.50 FEET COMPACTED DEPTH MIN.

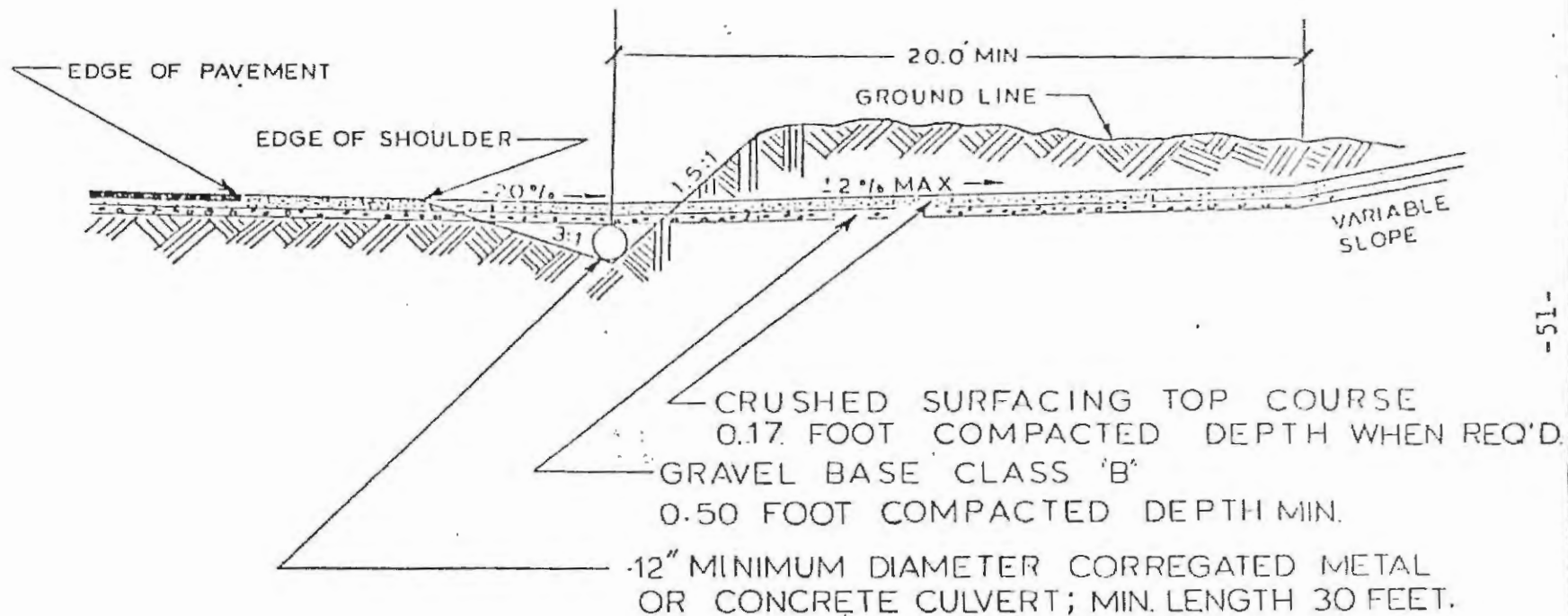
NOTES:

1. FOR SPECIFIC REQUIREMENTS SEE ISLAND COUNTY CODE TITLE II
2. MAXIMUM GRADE 12%
3. DISPERSION OF ROADWAY RUNOFF IS ENCOURAGED
4. CLEARING OF FULL RIGHT-OF-WAY IS UNNECESSARY
5. DITCH SPECIFICATIONS ARE INTENDED TO PROVIDE ADEQUATE PROVISIONS FOR DRAINAGE; LESSER STANDARDS MAY BE ACCEPTED BY THE ENGINEERING DEPARTMENT.
- * 6. REFER TO SECTION 11.01.090.c FOR LIMITATIONS OF FUTURE PUBLIC DEDICATION.

SHORT PLAT PRIVATE ROADS
TYPICAL SECTION
ISLAND COUNTY ROAD DEPARTMENT

R/W LINE

-50-



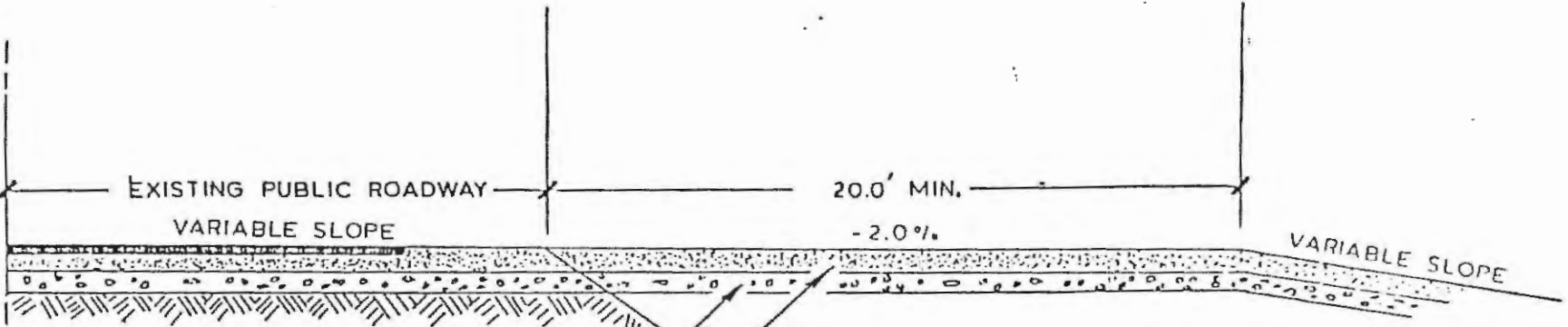
NOTES:

- 1) 0.5 FOOT MINIMUM COMPACTED DEPTH OF SPECIFIED MATERIALS COVER OVER CULVERT. 1.0 FOOT DESIRABLE.
- 2) LOW POINT OF APPROACH PROFILE SHALL BE A MINIMUM OF 21.0 FEET FROM THE PUBLIC ROAD CENTERLINE.

ROAD APPROACH PROFILE
CUT SECTION

ISLAND COUNTY ROAD DEPARTMENT

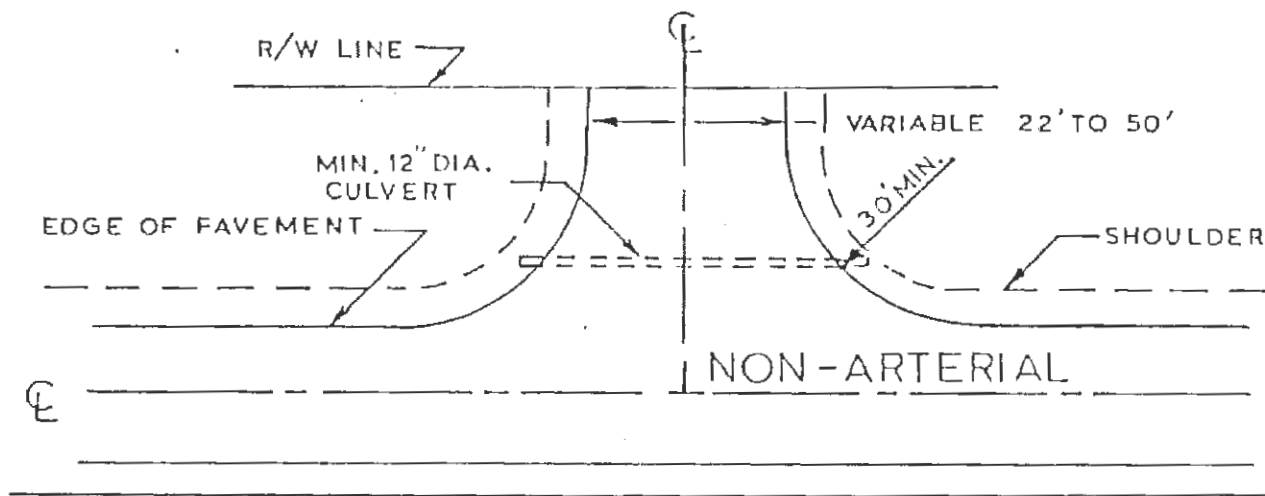
APPENDIX D-10



CRUSHED SURFACING TOP COURSE
0.17 FOOT COMPACTED DEPTH WHEN REQUIRED.
GRAVEL BASE CLASS "B"
0.50 FOOT COMPACTED DEPTH MIN.

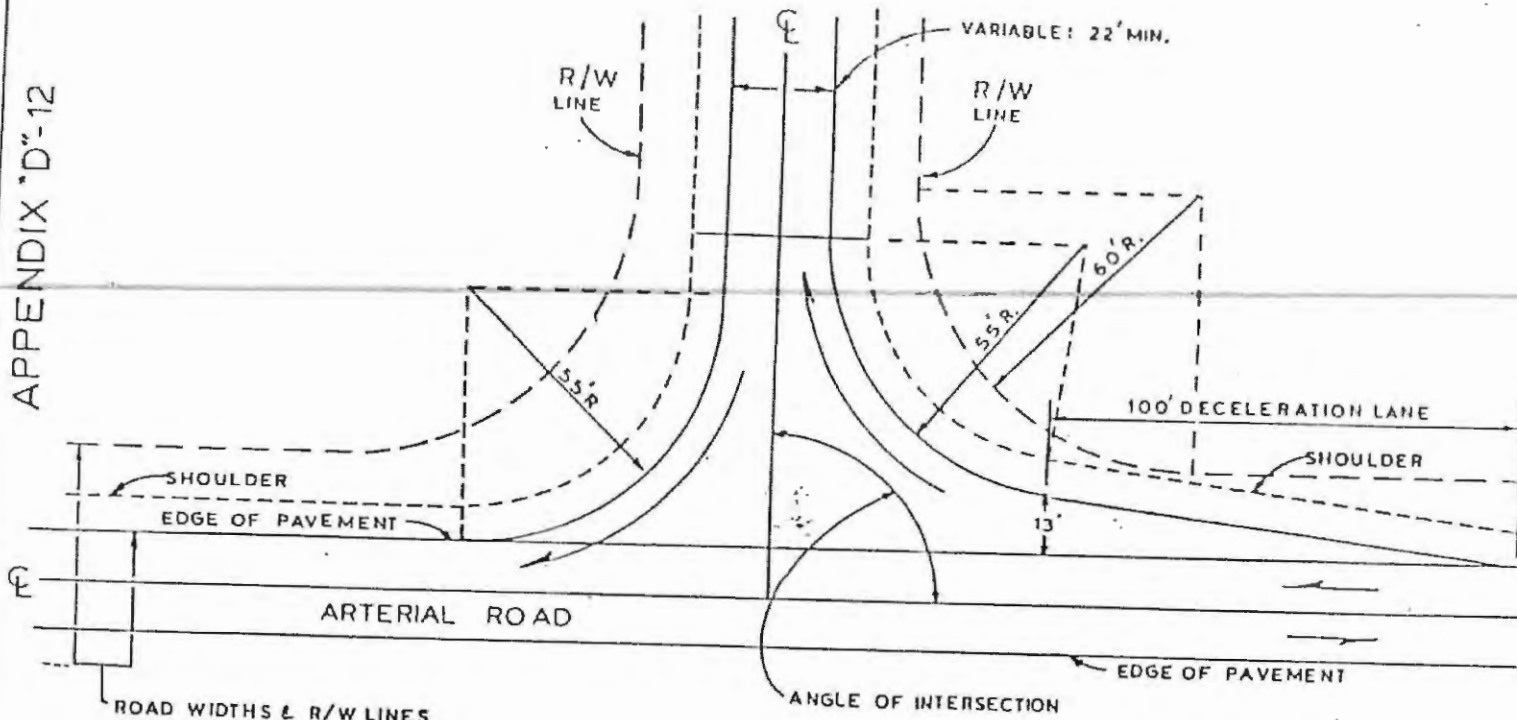
ROAD APPROACH PROFILE
FILL SECTION
ISLAND COUNTY ROAD DEPARTMENT

APPENDIX "D"-11



COMMERCIAL OR PLAT ROADS
NON-ARTERIAL
INTERSECTION

ISLAND COUNTY ROAD DEPARTMENT

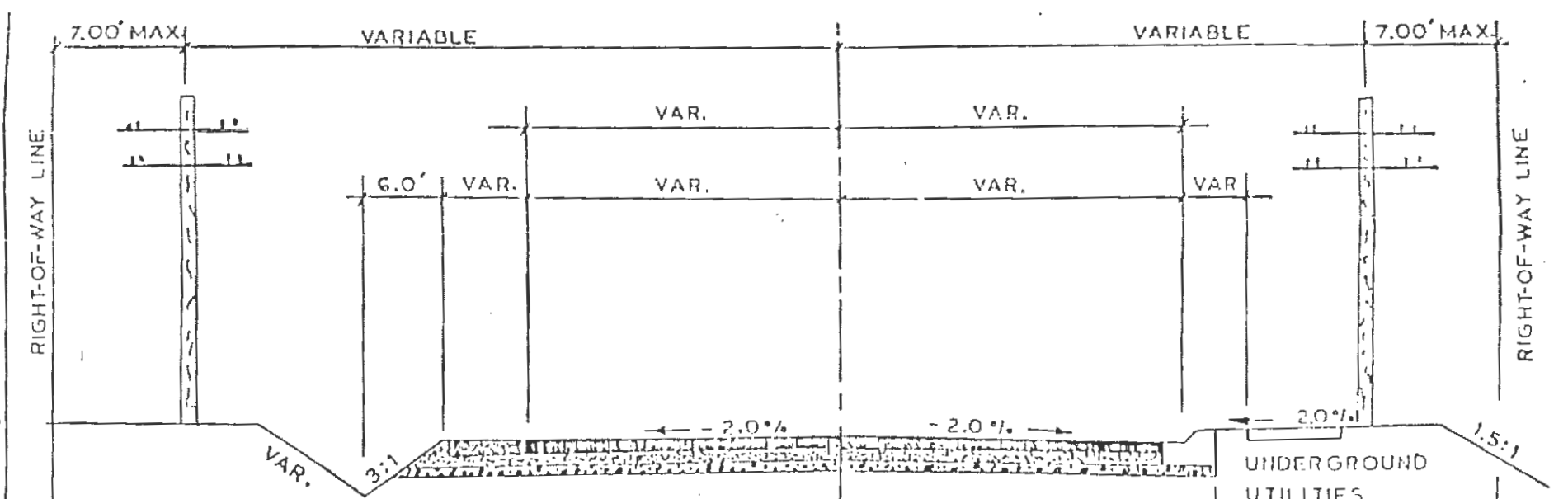


ROAD WIDTHS & R/W LINES ARE VARIABLE.

NOTE:

- 1. MINIMUM ANGLE OF INTERSECTION FOR THIS DESIGN SHALL BE 75°.

TYPICAL INTERSECTION WITH DECELERATION LANE
ISLAND COUNTY ROAD DEPARTMENT



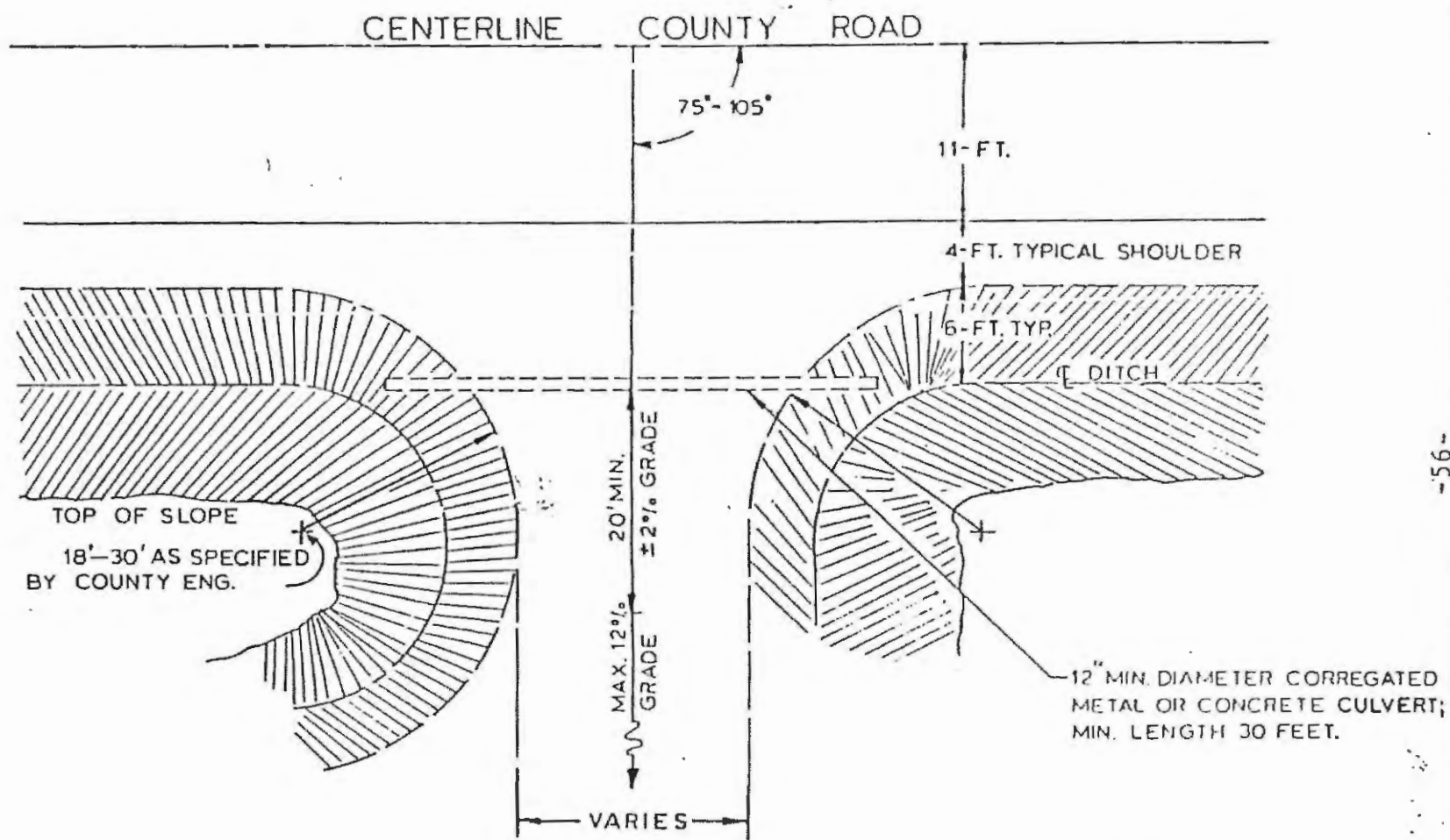
NOTES:

- 1.) FOR OVERHEAD UTILITIES THE MAXIMUM DISTANCE BETWEEN THE CENTER OF THE POLE AND THE RIGHT-OF-WAY LINE SHALL BE 700 FEET.
- 2.) UNDERGROUND UTILITIES SHALL HAVE A MINIMUM OF 30.0 INCHES OF COVER.
- 3.) REFER TO THE APPLICABLE TYPICAL SECTION FOR ROADWAY & RIGHT-OF-WAY WIDTHS.

APPENDIX "D"-13

UTILITIES LOCATION
 URBAN & RURAL
 TYPICAL SECTION
 ISLAND COUNTY ROAD DEPARTMENT

APPENDIX "D"-14



NOTE: 1) FOR SPECIFIC ROADWAY WIDTH
SEE ISLAND COUNTY CODE TITLE 11

TYPICAL SINGLE FAMILY RESIDENCE
& SHORT PLAT RD. APPROACH
ISLAND COUNTY ROAD DEPARTMENT

A P P E N D I X E

DECLARATION OF COVENANT REQUIRING PRIVATE MAINTENANCE
OF APPROVED DRAINAGE CONTROL FACILITIES

DECLARATION OF COVENANT:

In consideration of the approval by Island County of Building Permit _____ and Drainage Control Plan _____ which authorizes construction of _____ and approved drainage facilities upon the property described as follows:

THE UNDERSIGNED COVENANTS AND AGREES THAT:

1. The owner(s) of the aforescribed property or of any lot which has been or is subsequently created on said property shall be responsible for the maintenance of all drainage control facilities shown on the approved drainage control plan on file in the office of the Island County Engineer.
2. The owner shall notify all successors and assigns of the existence of the above-referenced drainage control plan, and of the existence of this covenant for its continued maintenance.
3. In the event said drainage control facilities are not maintained to ensure its continued functioning as designed and as specified in the above referenced drainage control plan, the Island County Engineer may do, order, or have done any and all work considered necessary to restore, to the design condition, any facility creating a condition dangerous to life or property resulting from the owners facility, and upon demand, the owner, successor or assign shall pay to the County all costs of such work and material.

STATE OF WASHINGTON)
County of _____) ss

On this day personally appeared before me _____ to me known to be the individual _____ described in and who executed the within and foregoing instrument and acknowledged to me that _____ signed the same as _____ free and voluntary act and deed for the purposes therein mentioned.

Given under my hand and official seal
this _____ day of _____, 19 _____

NOTARY PUBLIC in and for the
State of Washington
Residing at _____

S E A L