

ORDINANCE NO. 14265

AN ORDINANCE amending Sections 15.05.010, .030 and .070 of the Thurston County Code relating to administration and adoption of the 2009 edition of the "Drainage Design and Erosion Control Manual for Thurston County".

WHEREAS, the Drainage Design and Erosion Control Manual was last amended by Ordinance No. 12305 on August 28, 2000;

WHEREAS, stormwater management standards and best management practices have changed substantially since August 2000, thereby improving the protection of ground and surface waters;

WHEREAS, Thurston County's National Pollutant Discharge Elimination System Phase II Stormwater Permit requires the adoption of a Drainage Manual that is consistent with the Department of Ecology's Stormwater Management Manual for Western Washington February 2005;

WHEREAS, Thurston County staff working in conjunction with a consultant have produced the 2009 Edition of the Drainage Design and Erosion Control Manual which meets the NPDES Phase II Permit requirement;

WHEREAS, the Board desires to comply with these requirements and further protect the ground and surface waters of Washington State;

WHEREAS, three general public workshops and two technical workshops were advertised and held throughout the County;

WHEREAS, the Board held a public hearing on August 6, 2009 to hear comments on the proposed amendments;

NOW, THEREFORE, the Board of County Commissioners of Thurston County, Washington, does ordain as follows:

**Section 1.** Section 15.05.010 of the Thurston County Code shall be amended as follows:

**15.05.010 Drainage Design and Erosion Control Manual for Thurston County.**

This section consists of the Drainage Design and Erosion Control Manual on file in the Water Resources Program Manager's office as amended.

The 2009 Edition of the Drainage Design and Erosion Control Manual for Thurston County ("manual") is adopted by reference as though set forth herein in full.

**Section 2.** Section 15.05.030 of the Thurston County Code shall be amended as follows:

**15.05.030 County to act in emergency – Property owner to compensate**

To the extent allowed by law and/or pursuant to agreement with property owners, Thurston County, acting through the Water Resources Program Manager, shall have the following authority:

- A. In cases where immediate action is required to solve an erosion or drainage problem, the county may perform the necessary construction or remedial work and bill the property owner, the property owners' association or proponent for all costs.
- B. The county may remove, correct, or replace improperly constructed storm drainage or erosion control systems that it has previously reviewed and approved under Section 15.05.010 of this chapter and bill the property owner, the property owners' association or proponent for all costs.
- C. The property owner, property owners' association and proponent are jointly and severally liable for costs incurred in any remedial action performed by the county under this chapter. The county may record a lien on the property owned by such jointly and severally liable entities for payment of costs plus reasonable attorney's fees. Interest shall accrue on costs at the same rate as for real estate tax delinquencies and shall commence on the date of completion of remedial action.
- D. The county assumes no liability for performing any action under this section.

**Section 3.** Section 15.05.070 of the Thurston County Code shall be amended as follows:

**15.05.070 Manual administrator**

The administrator of the Drainage Design and Erosion Control Manual of Thurston County shall be the Water Resources Program Manager or his/her designee.

**Section 4.** Severability. If any section, clause or provision of this Ordinance is declared by the courts to be invalid, the same shall not affect the validity of this Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

**Section 5.** Effectiveness. This Ordinance shall take effect upon November 16, 2009.

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ADOPTED: August 17, 2009

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
Thurston County, Washington

LaBonta J. Bowman  
Clerk of the Board

Cathy Neff  
Chairman

APPROVED AS TO FORM:

Anders Rasmussen  
Commissioner

EDWARD G. HOLM  
PROSECUTING ATTORNEY

Karen Valenzuela  
Commissioner

By: Elizabeth Petrich  
Elizabeth Petrich  
Deputy Prosecuting Attorney

[CODIFY]

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