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19.15.170 Mitigation Requirements

A. Impacts. The applicant shall avoid all impacts that degrade the functions and values of a critical area or areas. Unless otherwise provided in this chapter, all critical areas mitigation required pursuant to this chapter (either as a permit condition or as the result of an enforcement action) shall use the best available science in accordance with an approved critical area assessment, mitigation plan, and State Environmental Policy Act documents so as to result in no net loss of critical area functions and values.

B. Mitigation Plan Timing. When a mitigation plan is required, the plan shall be approved by the Department prior to any site disturbance. The Department may seek assistance from resource agencies prior to making a decision.

The Director may authorize a one-time temporary delay, up to one hundred twenty (120) days, in completing minor construction and landscaping when environmental conditions could produce a high probability of failure or significant construction difficulties. The delay shall not create or perpetuate hazardous conditions or environmental damage or degradation, and the delay shall not be injurious to the health, safety, and general welfare of the public. The request for the temporary delay must include a written justification that documents the environmental constraints that preclude implementation of the mitigation plan. The justification must be verified and approved by the Director.

C. Mitigation Sequencing. Applicants shall demonstrate that all reasonable efforts have been examined with the intent to avoid and minimize impacts to critical areas. When an alteration to a critical area is proposed, such alteration shall be avoided, minimized, or compensated for in the following sequential order of preference:

1. Avoiding the impact altogether by not taking a certain action or part of an action;
2. Minimizing the impact(s) by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps, such as project redesign, relocation, or timing, to avoid or reduce impacts;
3. Rectifying the impact to wetlands, critical aquifer recharge areas, frequently flooded areas, riparian habitat, and habitat conservation areas by repairing, rehabilitating, or restoring the affected environment to the historical conditions or the conditions existing at the time of the initiation of the project;
4. Minimizing or eliminating the hazard by restoring or stabilizing the hazard area through engineered or other methods;
5. Reducing or eliminating the impact or hazard over time by preservation and maintenance operations during the life of the action;
6. Compensating for the impact to wetlands, critical aquifer recharge areas, frequently flooded areas, riparian habitat, and habitat conservation areas by replacing, enhancing, or providing substitute resources or environments; and
7. Monitoring the hazard or other required mitigation and taking remedial action when necessary.

D. Type and Location of Mitigation. Compensatory mitigation for ecological functions shall be either in-kind and on-site, or in-kind and within the same stream reach, or sub-basin, except when all of the following apply:

1. There are no reasonable on-site or in-sub-basin opportunities or on-site and in-sub-basin opportunities do not have a high likelihood of success; and
2. Off-site mitigation has a greater likelihood of providing equal or improved critical area functions than the impacted critical area; and
3. One of the following applies:
 - a. Established watershed goals for water quality, flood or conveyance, habitat, or other critical area functions have been established and strongly justify location of mitigation at another site; or
 - b. Credits from a state certified habitat and/or wetland mitigation bank are used as mitigation and the use of credits is consistent with the terms of the bank's certification under WAC 173-700.

E. Mitigation Performance Standards.

1. Mitigation sites shall be located to preserve or achieve contiguous wildlife habitat corridors to minimize the isolating effects of development on habitat areas, where applicable.
2. Mitigation of alterations to habitat conservation areas shall achieve no net loss of biological or hydrologic functions.
3. The performance standards set forth in this Subsection may be modified at the Director's discretion if the applicant demonstrates that greater habitat functions, on a per function basis, can be obtained as a result of alternative mitigation measures.
4. Mitigation and associated buffers will take place on land controlled by the applicant, or the applicant may obtain a written agreement from the affected property owner(s) that acknowledges any increased buffers and their impacts to the property(s). The agreement must be in a form approved by the Director and be recorded with the auditor's office.
5. Mitigation Ratios for Wetlands.
 - a. Acreage Replacement Ratios. The following ratios shall apply to mitigation that is in-kind, is on-site, is the same category, is timed prior to or concurrent with alteration, and has a high probability of success. These ratios do not apply to remedial actions resulting from unauthorized alterations; greater ratios shall apply in those cases. These ratios do not apply to the use of credits from a state certified wetland mitigation bank. When credits from a certified bank are used, replacement ratios should be consistent with the requirements of the bank's certification. The first number specifies the acreage of mitigation wetlands and the second specifies the acreage of wetlands altered.

Table 19.15.170-A. Wetland Mitigation Ratios

Category and Type of Wetland Impacts	Re-establishment or Creation	Rehabilitation Only^a	Re-establishment or Creation (R/C) and Rehabilitation (RH)^a	Re-establishment or Creation (R/C) and Enhancement (E)^a	Enhancement Only^a
All Category IV	1.5:1	3:1	1:1 R/C and 1:1 RH	1:1 R/C and 2:1 E	6:1
All Category III	2:1	4:1	1:1 R/C and 2:1 RH	1:1 R/C and 4:1 E	8:1
All Category II	3:1	6:1	1:1 R/C and 4:1 RH	1:1 R/C and 8:1 E	12:1
Category I Forested	6:1	12:1	1:1 R/C and 10:1 RH	1:1 R/C and 20:1 E	24:1
Category I – based on score for functions	4:1	8:1	1:1 R/C and 6:1 RH	1:1 R/C and 12:1 E	16:1
Category I Natural Heritage site	Not considered possible ^b	6:1 Rehabilitation of a Natural Heritage site	R/C Not considered possible ^b	R/C Not considered possible ^b	Case-by-case
Category I Bog	Not considered possible ^b	6:1 Rehabilitation of a bog	R/C Not considered possible ^b	R/C Not considered possible ^b	Case-by-case

^a These ratios are based on assumption that the rehabilitation or enhancement actions implemented represent the average degree of improvement possible for the site. Proposals to implement more effective rehabilitation or enhancement actions may result in a lower ratio, while less effective actions may result in a higher ratio. The distinction between rehabilitation and enhancement is not clear-cut. Instead, rehabilitation and enhancement actions span a continuum. Proposals that fall within the gray area between rehabilitation and enhancement will result in a ratio that lies between the ratios for rehabilitation and the ratios for enhancement.

^b Natural Heritage sites and bogs are considered irreplaceable wetlands because they perform some functions that cannot be replaced through compensatory mitigation. Impacts to such wetlands would therefore result in a net loss of some functions no matter what kind of compensation is proposed.

- b. Increased Replacement Ratio. The Director may increase the ratios under the following circumstances:
 - i. Uncertainty exists as to the probable success of the proposed restoration or creation;
 - ii. A significant period of time will elapse between impact and replication of wetland functions;
 - iii. Proposed mitigation will result in a lower category wetland or reduced functions relative to the wetland being impacted; or
 - iv. The impact was an unauthorized impact.

F. Mitigation Plan Requirements. At a minimum, all mitigation plans shall meet the following standards:

1. The applicant shall prepare the mitigation plan or a qualified professional hired by the applicant as required in this chapter and shall be acceptable to the Director.

2. The mitigation plan shall include:
 - a. Existing critical area features (where applicable):
 - i. Existing and proposed critical area acreage;
 - ii. Existing functions and values of the critical area;
 - iii. Existing flora and fauna;
 - iv. Surface and subsurface hydrologic conditions including an analysis of existing and future hydrologic regime and proposed hydrologic regime for enhanced, created, or restored mitigation areas;
 - v. Soil and substrate conditions, topographic elevations;
 - vi. Existing and proposed adjacent site conditions;
 - vii. Maps of the mitigation area; and
 - viii. Written assessment of the mitigation area.
 - ix. Additional requirements for wetland mitigation only:
 - a) Associated wetlands and related wetlands that may be greater than three hundred (300) feet from the subject project; and
 - b) Relationship within watershed and to existing waterbodies.
 - b. A contingency plan in the event the stated objectives are not accomplished;
 - c. Required critical area buffers (including any buffer reduction and mitigation proposed to alter the buffers);
 - d. Proof of ownership or written permission from the landowner for use of the mitigation site;
 - e. Functions and values that will be lost;
 - f. How the functions and values will be replaced including the purposes of the mitigation measures;
 - g. The selection criteria used to identify an off-site mitigation site if applicable;
 - h. Wetlands Enhancement/Rehabilitation as Mitigation:
 - i. Functions and values of the existing mitigation wetland;
 - ii. The source of historic degradation at the mitigation wetland; and
 - iii. The measures to be used for enhancement or rehabilitation and how the actions will increase the functions of the degraded wetland.
 - i. Detailed construction plans including:
 - i. The proposed construction sequence, timing and duration;
 - ii. Grading and excavation details;
 - iii. Erosion and sediment control features;
 - iv. A planting plan specifying plant species, quantities, locations, size, spacing, and density; and

- v. Measures to protect and maintain plants until established.
- j. Measurable mitigation objectives, if practical.
- k. A monitoring plan that outlines the schedule for site monitoring (for example, monitoring shall occur in years, 1, 3, and 5 after site construction) and describes how the monitoring data will be evaluated to determine if objectives are being met. A monitoring report shall be submitted as needed to document milestones, successes, problems, and contingency actions. Mitigation and compensation projects must be monitored for no less than five (5) years following site construction.
- l. Where applicable, an evaluation of adverse impacts where mitigation measures will affect adjacent properties.
- m. Proposed mitigation for impacts within fish and wildlife habitat conservation areas may be conditioned by the county on a case-by-case basis using recommendations provided by Washington Department of Fish and Wildlife.

G. Alternative Mitigation Plans. The Director may approve alternative critical areas mitigation plans for larger projects of 10-acres or greater that are based on best available science including but not limited to activities such as advance mitigation and preferred environmental alternatives. Alternative mitigation proposals must provide an equivalent or better level of protection of critical area functions and values than would be provided by the strict application of this chapter.

The Director shall consider the following for approval of an alternative mitigation proposal:

1. The project area meets the minimum acreage criteria;
2. Creation or enhancement of a larger system of natural areas and open space is preferable to the preservation of many individual habitat areas;
3. Mitigation according to CCC 19.15.170. C, D & E is not feasible due to site constraints such as parcel size, stream type, wetland category, or geologic hazards;
4. There is clear potential for success of the proposed mitigation at the proposed mitigation site;
5. The plan shall contain clear and measurable standards for achieving compliance with the specific provisions of the plan. A monitoring plan shall, at a minimum, meet the provisions in CCC19.15.170.F.2 (k);
6. The plan shall be reviewed and approved as part of overall approval of the proposed use;
7. A wetland of a different type is justified based on regional needs or functions and values; the replacement ratios may not be reduced or eliminated unless the reduction results in a preferred environmental alternative;
8. Mitigation guarantees shall meet the minimum requirements as outlined in CCC 19.15.170.J;
9. Qualified professionals in each of the critical areas addressed shall prepare the plan;
10. The County may consult with agencies with expertise and jurisdiction over the resources in the review process to assist with analysis and identification of appropriate performance

measures that adequately safeguard critical areas. The County may incorporate those agencies recommendations into their final project approval criteria.

H. Signs and Fencing of Wetlands and Habitat Protection Areas.

1. Temporary Markers. The outer perimeter of the wetland, habitat protection area, riparian habitat area, or buffer and the limits of those areas to be disturbed pursuant to an approved permit or authorization may be required to be marked in the field in such a way as to ensure that no unauthorized intrusion will occur and is subject to discretion of an inspection by the Director prior to the commencement of permitted activities. This temporary marking shall be maintained throughout construction and shall not be removed until permanent signs, if required, are in place.

2. Permanent Signs. As a condition of any permit or authorization issued, the Director may require the applicant to install permanent signs along the boundary of a wetland, habitat protection area, riparian habitat area, or buffer.

- a. Permanent signs shall be made of an enamel-coated metal face and attached to a metal post, or another non-treated material of equal durability or as approved by the Director. Signs must be posted at an interval of one (1) per lot or within sight distance of each other, whichever is less, and must be maintained by the property owner in perpetuity. The sign shall be worded as follows or with alternative language approved by the director:

Protected Critical Area
Do Not Disturb
Contact Cowlitz County Building and Planning
Regarding Uses and Restriction

- b. The provisions of subsection (a.) may be modified as necessary to assure protection of sensitive features or wildlife.

3. Fencing or Barriers.

- a. The Director may condition any permit or authorization to require the applicant to install a permanent fence or natural barrier at the edge of the wetland, wetland buffer, or habitat protection area buffer, when fencing will prevent future impacts. Natural barriers can include log fences, a five (5) foot wide planting of native shrubs generally considered impassible, or other natural barrier approved by the Director.
- b. The applicant shall be required to install a permanent fence or impassible natural barrier around the wetland, habitat protection area, or buffer when domestic grazing animals will be introduced on a site.
- c. Fencing or barriers installed as part of a proposed activity or as required in this Subsection shall be designed so as to not interfere with species migration, including fish runs, and shall be constructed in a manner that minimizes impacts to the wetland, habitat protection area, and associated buffer.

I. Restoration. Restoration shall be required when a critical area has been altered by the landowner after the adoption of the critical areas ordinance and prior to project approval or when a critical area is temporarily affected by construction or any other temporary phase of a project.

J. Mitigation Guarantees. As part of the mitigation plan the Director may require a mitigation guarantee. The guarantee may include one or more of the following:

1. **Deed Restriction.** The applicant shall record a deed restriction in the County Auditor's office declaring that the mitigation area as shown on the exhibits of the approved Critical Areas Permit will be maintained as prescribed in the approved Mitigation Plan, and that future development activities will not remove native vegetation or disturb the soil within the mitigation area.

2. **Financial Guarantee.** Financial guarantees ensuring fulfillment of the mitigation project, monitoring program, and any contingency measures shall be posted in accordance with the following:

- a. The financial guarantee shall be in a form of a surety bond, performance bond, assignment of savings account, or an irrevocable letter of credit guaranteed by an acceptable financial institution with terms and conditions acceptable to the county attorney.
- b. Bonds or other security authorized by this section shall remain in effect until the county determines, in writing, that the standards bonded for have been met. Bonds or other security shall be held by the county for a minimum of the length of the time specified for monitoring in the plan and shall be released after a request by the applicant and a final inspection, but may be held for longer periods when necessary.

19.15.180 Subdivisions and Short Subdivisions

A. Within All Designated Critical Areas and Associated Buffers:

1. For new lots applicants shall demonstrate that all reasonable efforts have been examined with the intent to avoid and minimize impacts to critical areas.

2. Where avoidance of critical areas is not possible, new lots with building envelopes (for example: home, septic, and potable water locations), access roads and utilities may be permitted within Critical Areas provided an assessment by a qualified professional demonstrates that the proposal will not adversely impact the Critical Area or adjacent properties.

3. When building envelopes and access roads or utilities are permitted within a Critical Area, the project may be required to comply with mitigation requirements in CCC 19.15.170.

B. Erosion and Landslide Hazard Areas. Within Erosion Hazard Areas and Landslide Hazard Areas subdivisions and short subdivisions may be permitted provided a vegetation, erosion control, and drainage plan is developed by a qualified professional and implemented as provided in CCC 19.15.150, Geologically Hazardous Areas.

C. Critical Aquifer Recharge Areas:

1. Open spaces may be required on subdivision and short subdivision proposals overlying areas with moderate or severe aquifer classification.

2. Community/public water systems are encouraged and may be required where site conditions indicate a high degree of potential contamination to individual wells from on-site and off-site sources.

3. It may be required that contaminants be removed from storm water runoff prior to their point of entry into surface or ground water resources in accordance with specific plans prepared by a qualified professional to include using available and reasonable best management practices by the Cowlitz County engineer.

D. Mitigation Guarantees. As part of the subdivision or short subdivision the Director may require a mitigation guarantee. The guarantee may include one or more of the following:

4. Deed Restriction or Covenants Codes and Restrictions. The applicant shall record as a deed restriction or include within the Covenants Codes and Restrictions for a subdivision or short subdivision in the County Auditor's office a certification by the owner that the mitigation area as shown on the exhibits of the approved Critical Areas Permit will be maintained as prescribed in the approved Mitigation Plan and that future development activities will not remove native vegetation or disturb the soil within the mitigation area without prior approval of a Critical Areas Permit.

5. Conservation Tract. The applicant shall record on the face of the plat for the subdivision or short subdivision a Conservation Tract in accordance with the approved mitigation area as shown on the exhibits of the approved Critical Areas Permit. The plat shall include a note for the Conservation Tract stating that no future development activities shall remove native vegetation or disturb the soil within the Conservation Tract without prior approval through a Critical Areas Permit.

6. Financial Guarantee. If mitigation is required for the subdivision or short subdivision, financial guarantees ensuring fulfillment of the mitigation project, monitoring program, and any contingency measures shall be posted in accordance with the following:

- a. The financial guarantee shall be in a surety bond, performance bond, assignment of savings account, or an irrevocable letter of credit guaranteed by an acceptable financial institution, or other form with terms and conditions acceptable to the county attorney.
- b. Bonds or other security authorized by this section shall remain in effect until the county determines, in writing, that the standards bonded for have been met. Bonds or other security shall be held by the county for a minimum for the length of the time specified for monitoring in the plan and shall be released after a request by the applicant and a final inspection, but may be held for longer periods when necessary.

19.15.190 Variance or Reasonable Use Allowance. If an applicant asserts that application of this chapter would deny him reasonable use of his property, the applicant may apply for a variance pursuant to CCC 18.10.340 - 365. A variance is intended to address those cases in which the application of this chapter unreasonably restricts all economic use of a parcel of land and the restriction cannot be remedied by other authorized techniques or conditions. If a request for a variance is denied, the applicant may apply for a Reasonable Use Allowance.

A. Variance Request and Approval. The Hearings Examiner shall have the power to grant variances. A request for a variance shall be made on forms provided by the Director and shall accompany an application for a development permit. Before an application for a variance is acted upon, all of the matters relating to the application shall be reviewed by the Hearings Examiner and his or her findings shall be included in his/her decision.

1. Before a variance is granted it shall be shown by the applicant:
 - a. That the application of this Chapter will deny all economically viable use of the subject property otherwise allowed by applicable law; and
 - b. That because of special circumstances applicable to the subject property including size, shape, topography and location, the enforcement of this chapter would result in unwarranted hardship; and
 - c. That an interpretation of this chapter will deprive the land owner of rights commonly enjoyed by other properties in similar areas within the critical area or buffer; and
 - d. That the granting of a variance will not confer upon a land owner any special privilege that would be denied by the terms of this chapter to other lands or structures within the critical area or buffer that are of a similar nature or circumstance; and
 - e. That the variance request is not based upon conditions or circumstances which are the result of actions by the current or previous land owners or that the request arises from any condition related to land or building use, either permitted or nonconforming, on any neighboring property. Such conditions or circumstances include:
 - i. Prior subdivision or segregation of the subject property, or changes to the boundaries of the subject property through a boundary line adjustment or otherwise,
 - ii. Prior actions taken in violation of this chapter or any local, state or federal law or regulation, or
 - iii. Natural constraints of the subject property that would otherwise preclude the proposed development activities.
 - f. That as a result of the proposed development varying from the terms of this chapter there will be no threat to the public health, safety or welfare on or off the subject property; and
 - g. Any variance granted shall be for the least intrusion into the critical area or buffer necessary to allow an economically viable use of the subject property; and
 - h. That any authorized alteration of a critical area or buffer under this section shall be subject to conditions established by the Department in accordance with this chapter and may require mitigation under an approved mitigation plan.

B. Reasonable Use Allowance and Approval. If the application of this chapter would result in denial of reasonable and economically viable use of a property, and if such reasonable and economically viable use of the property cannot be obtained by consideration of a variance pursuant CCC 19.15.190.A to one or more individual requirements of this chapter, then a landowner may seek a reasonable use allowance from the standards of this chapter. Reasonable use exceptions are intended as a "last resort" when no plan for mitigation and/or variance can meet the requirements of this chapter and allow the applicant a reasonable economically viable use of his or her property.

1. Standards. A request for reasonable use shall only be granted when the following standards are met:
 - a. The application of this chapter would deny all reasonable and economically viable or beneficial uses of the property so that there is no reasonable and economically viable or beneficial use with a lesser impact on the critical area than that proposed; and

- b. The proposed development does not pose a reasonable threat to the public health, safety and welfare on or off the site for which the reasonable use exception is sought; and
- c. The proposed development does not conflict with any relevant local, state or federal codes or statutes, and
- d. Any proposed modification to a critical area will be the minimum necessary to allow reasonable and economically viable and beneficial use of the property; and
- e. The inability of the applicant to derive reasonable use is not the result of actions by the applicant in subdividing the property or adjusting boundary lines thereby creating the undevelopable condition; and
- f. The applicant has requested and been denied a variance under the provisions of CCC 19.15.190.A.1.

2. Application. The burden of proof shall be on the applicant to bring forth evidence in support of the application and to provide sufficient information on which any decision has to be made on the application. Cowlitz County shall provide access to available data or other information that pertains to the subject property which may be used by the applicant. Any required studies shall be the responsibility of the applicant and be prepared by a qualified expert(s) in the area(s) of concern. The established fee and a report shall accompany a reasonable use exception proposal. Said report shall provide the following information.

- a. A description of the proposal, including the proposed site plan; and
- b. An analysis of the affect of the proposal on the critical area(s); and
- c. Alternatives to the proposal that were considered and the reasons why they were rejected; and
- d. Deviations from the provisions of this chapter needed to accommodate the proposed development; and
- e. Recommended methods for mitigating impacts and a description of how these methods may impact adjacent properties.

3. Hearing. The Director shall review requests for a reasonable use exception and conduct a public hearing. The Director may issue, as part of the findings in any decision made under this subsection, conditions of approval, including modifications to the size and placement of structures and facilities to minimize impacts to critical areas and associated buffers. As part of the findings, the decision maker may also specify mitigation requirements that ensure that all impacts are mitigated to the maximum extent feasible.

- a. In reviewing a request for reasonable use exception, the Director shall consider testimony provided at any public hearing and recommendations provided by interested and affected agencies and jurisdictions, including the Washington Departments of Ecology, Fish and Wildlife, and Natural Resources, and affected Indian tribes, and any technical interdisciplinary team participating in critical areas review for the proposed development.

4. Appeal of Directors Decision. Decisions issued by the Director on requests for reasonable use exceptions may be appealed to the Hearings Examiner under the provisions of CCC 19.15.200.

19.15.200 Appeals. Any interpretation or decision made by the Director in the administration of this chapter is final and conclusive unless appealed to the Cowlitz County Hearing Examiner as authorized by Cowlitz County Ordinance No. 95-193. Appeals of decisions made by other bodies shall be as directed by the appropriate county code governing the underlying action.

A. Any person aggrieved by a decision of the Director may, within 30 days following the date of the Department's written decision, submit an appeal of the Director's decision. The burden of proof in any appeal is the responsibility of the appellant. Any appeal shall be in written form and filed with the Department together with a fee as established by resolution by the Board. Any appeal shall as a minimum contain the following information:

1. An explanation and description of how the appellant is aggrieved;
2. A statement describing why the appellant believes the decision of the Director is in error and the specific relief sought;
3. A statement showing why upholding an appeal will not be detrimental to public health, safety or welfare, or significantly negate the functions of a critical area, the goals, objectives and policies of the Growth Management Act, and the purposes this chapter;
4. A statement describing any mitigating measures the appellant proposes to assure that the function of the critical area will not be irrevocably jeopardized in the event the appeal is successful.

B. Upon the filing of an appeal with appropriate fee, the Director shall set forth the time and place for a public hearing before the Hearing Examiner on the matter. If the appeal is filed 20 days or more before the Hearing Examiner's regularly scheduled monthly meeting, he/she shall hear the appeal at that meeting. For appeals filed within 19 days of the regularly scheduled monthly meeting, the Hearing Examiner shall hear the appeal in the subsequent month.

C. Notice of the time, date and place of the hearing shall be sent to the appellant and the permittee by first class mail prior to the public hearing. Legal notice of the hearing shall be published in a newspaper of general circulation and the subject property shall be posted with the notice not less than 10 days prior to the public hearing.

D. Within 10 days after the public hearing, the Hearing Examiner shall issue a written decision, including findings of fact on which his/her decision is based. Such written decision shall be available to the appellant and the public upon request.

E. The Director shall transmit the application and appeal information to the Hearing Examiner at least five days prior to the public hearing. The Director may provide additional information if the appeal contains material or facts not available prior to the Director's decision.

F. The Hearing Examiner shall determine if the appeal should be upheld, upheld with conditions, or denied. Any person aggrieved by the decision of the Hearing Examiner regarding a permit pursuant to this ordinance may request relief from the Superior Court of Cowlitz County pursuant to state law.

19.15.210 Penalties/Violations. It is a civil infraction for any person to violate this chapter or assist in the violation of this chapter. Violations are subject to the provisions of CCC 2.06. Any violation is a

public nuisance. Each day a violation exists is a separate violation. Payment of any penalty imposed for a violation does not relieve a person from the duty to comply with this chapter.

19.15.220 Fees. Fees, in the amount established by the Board of County Commissioners, shall be paid to the Department when an application for a critical areas determination and permit is filed.

19.15.230 Liability for Damages. This chapter shall not be construed to hold the County of Cowlitz, or any officer or employee thereof, responsible for any damages to persons or property by reason of the certification, inspection or noninspection of any building, equipment or property as herein authorized.

19.15.240 Severability. Should any section, clause or provision of this chapter or any code adopted be declared by a court to be invalid, the same shall not affect the validity of the remainder, either in whole or in part.

19.15.250 Effective Date. This chapter shall become effective May 1, 2009.