



Onamac Maintenance Association

Washington State and Island County Regulatory Index

Prepared by Windermere Property Management

Version #2 December, 2014



Table of Contents

1	Purpose	3
1.1	Regulatory Index	3
1.2	Alerts, LISTSERV's and Quarterly Report.....	3
2	Surface Water & Storm Water	4
3	Septic System	5
3.1	Onsite Septic System (OSS)	5
3.2	Large Onsite Sewage System (LOSS)	6
4	Well System.....	9
4.1	Washington State Governance	9
4.2	Island County Water Resources	11
4.2.1	Clean Water Utility.....	11
4.2.2	Water Resources Advisory Committee	11
4.2.3	Groundwater Data	11
5	HOA Guidelines	12
6	Shoreline Management	13
6.1	Development Information Bulletins	15

1 Purpose

1.1 Regulatory Index

The purpose of the Onamac Regulatory Index is to provide the Onamac Maintenance Association (OMA) Board of Directors and community members with an easy reference to the Washington State and Island County rules and regulations that guide five key aspects of the community. Key contact names are also included in each section.

- Surface Water / Storm Water
- Septic System
- Well System
- HOA Guidelines
- Shoreline Management

1.2 Alerts, LISTSERV's and Quarterly Report

Since these regulations can also be updated from time to time, Windermere Property Management has created "Google Alerts" for the following words and phrases.

- "Camano"
- Onamac or "Admiralty Way" or "Crescent Drive" or "Crescent Drive" or "Malabar Drive" or "Saratoga Drive" or "Commodore Lane" or "Tiberon Place" or "Pebble Place"
- "Island County" -rock -fox
- "RCW 64.38"
- WAC "246-290"

In addition, Windermere Property Management has registered on the following state-level LISTSERV's.

- WASTEWATER-LOSS
- WASTEWATER
- WA-WATERTAP
- WA-DRINKINGWATERPUB
- WA-DRINKINGWATERPOLICIES
- WA-DRINKINGWATERRULES
- WDFW Mailing List

Other update resources may be utilized as needed and included in the Quarterly Alert Report. The resulting update emails will be emailed to Windermere Property Management and will be compiled on a quarterly basis. This compilation will then be sent to the Onamac Board President and/or Property Management Liaison. It is expected that the OHA Board will then review this Quarterly Report and determine if any action steps are necessary.

2 Surface Water & Storm Water

State/Island County Department:

The Island County Department of Public Works **Surface Water Division** provides the following oversight:

- Surface Water and Watershed Planning
- Manages Surface Water/Drainage projects
- Investigates Surface Water problems
- Administers Surface Water Grants
- Manages the County Surface Water Utility Program
- Provides a Stormwater Design Manual (Word '97 document)

Contacts:

- Public Works Director/County Engineer - William Oakes
- Assistant Director - Steve Marx
- Assistant County Engineer - Connie Bowers
- Phil Cohen, Surface Water Manager philc@co.island.wa.us
- From Camano: (360) 629-4522
- FAX: (360) 678-4550

Regulatory Code:

- The RCW covering Surface Water and Storm Water can be found under Chapter 11 of the Island Code starting with the following link: <https://www.islandcounty.net/code/CountyCode.htm>
- The Island County code book is officially updated once a year and the on-line version is updated quarterly. The index for Chapter 11 is provided for convenience.

TITLE XI: LAND DEVELOPMENT STANDARDS

- 11.01 Land Development Standards
- 11.02 Clearing and Grading Requirements
- 11.03 Stormwater and Surface Water**
- 11.04 Concurrency Ordinance
- 11.05 Adequacy Ordinance

3 Septic System

Onamac has two types of septic systems: **Onsite Septic Systems (OSS)** and a **Large Onsite Sewage System (LOSS)**. OSS are governed by Island County and LOSS are governed by Washington State.

3.1 Onsite Septic System (OSS)

An on-site sewage system (OSS) is an integrated system of components, located on or nearby the property it serves, that conveys, stores, treats, and/or provides subsurface soil treatment and dispersal of sewage. It consists of a collection system, a treatment component or treatment sequence, and a soil dispersal component. An on-site sewage system may also refer to a holding tank sewage system or another system that does not have a soil dispersal component.

Island County Department:

OSS are overseen by Island County's **Department of Public Health**, who provide the following services:

- Soil Evaluation determining site suitability for wastewater disposal
- Onsite sewage (septic) system design review
- Ensuring systems are installed in accordance with design and proper practice
- Final inspections of newly installed/repared systems
- Work with homeowners to ensure systems are inspected and maintained
- Response to sewage complaints
- Partners with homeowners to repair systems that are failing or in distress
- Licensing Onsite Installers, Maintenance Service Providers and Pumpers

Contact:

- email b.roberts@co.island.wa.us
- call (360) 629-4522 from Camano

Regulatory Code:

- The RCW covering Onsite Septic Systems can be found under Chapter 8 of the Island County Code starting with the following link: <https://www.islandcounty.net/code/CountyCode.htm>
- The index for Chapter 8 is provided for convenience.

TITLE VIII HEALTH, WELFARE, AND SANITATION

8.01 Definitions and General Provisions

8.01A Reserved

8.01B Reserved

8.02 Food and Beverage Service Workers (Repealed)

8.03 Mobile Homes and Mobile Home Parks (Repealed)

- 8.03A Mobile Homes and Mobile Home Parks
- 8.04 Tourist Accommodations and Sanitation Facilities
- 8.05 (Reserved)
- 8.06 Sewage and/or Waste Removers
- 8.07 Sewage Waste Disposal (Repealed)
- 8.07A Sewage Waste Disposal (Superseded by 8.07B)
- 8.07B Sewage Waste Disposal (Superseded by 8.07C)
- 8.07C On-Site Sewage Systems (Superseded by 8.07D)**
- 8.07D On-Site Sewage Systems**
- 8.08 Solid Waste and Sludge (Superseded by 8.08A)
- 8.08A Solid Waste Regulations (Superseded by 8.08B)
- 8.08B Solid Waste Handling Regulations
- 8.09 Potable Water Source and Supply
- 8.10 (Reserved)
- 8.10B Food Establishments and Food Service Workers (Repealed)
- 8.10C Food Establishments and Food Service Workers (Superseded by 8.10D)
- 8.10D Food Establishments and Food Service Workers
- 8.12 Island County Children’s Commission
- 8.13 Community Health Advisory Board
- 8.14 Mental Health Services Advisory Board

3.2 Large Onsite Sewage System (LOSS)

Traditionally, on-site treatment occurs through a septic tank and drain field, located on or near the property where the sewage is produced. Other higher level treatment methods, in combination with a drain field, are becoming more common, particularly when there is a concern about nutrients such as nitrates in the groundwater or when a drain field is less able to provide adequate treatment.

Large On-site Sewage Systems (LOSS) convey, store, treat, and provide subsurface soil treatment and disposal of domestic sewage. Their design flow is between 3,500 to 100,000 gallons per day. LOSS offer an alternative to centralized municipal sewage treatment plants and can serve from 10 to about 370 individual residences, or equivalent flows from schools and churches, campgrounds and recreation vehicle parks, resorts or state park sites, or smaller cities or towns.

Certain types of wastewater and sewage are not allowed to be treated by or flow into a LOSS, including industrial wastewater and storm water.

State Department:

- Washington State **Department of Health** LOSS Program staff review and approve LOSS project applications state-wide.
- All existing LOSS are required to obtain and renew annual operating permits from the Department of Health.
- Some LOSS were previously regulated and permitted by either the Washington State Department of Ecology or local health jurisdictions. The regulatory authority for these LOSS transferred to Health when the revised rule became effective.
- The Department of Ecology reviews, permits, and regulates systems that treat industrial wastewater and storm water.

Contact:**Mailing Address:**

Wastewater Management Section
Division of Environmental Public Health
Washington State Department of Health
PO Box 47824
Olympia, WA 98504-7824

Email: wastewatermgmt@doh.wa.gov

Website:

<http://www.doh.wa.gov/CommunityandEnvironment/WastewaterManagement/LOSSProgram>

Physical Address:

243 Israel Road SE
Town Center Building 3
Tumwater, WA 98501

Phone: 360-236-3330

Fax: 360-236-2257

Regulatory Code:

- The LOSS rule is Chapter 246-272B WAC, developed under authority of Chapter 70.118B RCW.
- The revised rule became effective July 1, 2011.

4 Well System

4.1 Washington State Governance

Onamac has a GROUP A Water System (15 or more connections) governed primarily by Washington State.

Washington State Department:

- For Group A water systems, Island County Public Health staff issues water availability verification for building and sewage permits and review QSS surveys by delegation.
- All other Group A water system requirements are in the jurisdiction with the Washington State Department of Health (DOH) and not with Island County Public Health.
- Regional Engineers with the State DOH are responsible for the implementation of the state's drinking water program in assigned counties. They conduct sanitary surveys and special purpose investigations of public water systems and promote needed water facility improvements. They also review and approve water system plans and specifications for system improvements and provide technical assistance to purveyors and local health departments upon request.

Contact:

The DOH Regional Engineer for Island County works out of the Northwest Regional Office in Kent.

Washington State Department of Health
Virpi Salo-Zieman, P.E.
20425 72nd Avenue South, Suite 310
Kent, WA 98032
(253) 395-6761 Virpi.Salo-Zieman@doh.gov

Regulatory Code:

- Chapter 246-290 WAC governs all aspects of GROUP A water systems and can be found at the following link: <http://app.leg.wa.gov/wac/default.aspx?cite=246-290>
- The primary sections are listed for convenience:

PART 1. GENERAL PROVISIONS
PART 2. PLANNING AND ENGINEERING DOCUMENTS
PART 3. DESIGN OF PUBLIC WATER SYSTEMS
PART 4. WATER QUALITY
PART 5. WATER SYSTEM OPERATIONS
PART 6. SURFACE WATER TREATMENT
 Subpart A - Introduction and General Requirements

Subpart B - Requirements for Filtered Systems

Subpart C - Requirements for Systems Installing Filtration Facilities

Subpart D - Requirements for Other Unfiltered Systems

PART 7. REPORTING

Subpart A - Public Notification and Consumer Information

Subpart B - Consumer Confidence Reports

PART 8. WATER USE EFFICIENCY

4.2 Island County Water Resources

4.2.1 Clean Water Utility

On December 20, 2010 the Board of Island County Commissioners adopted the Clean Water Utility to address concerns related to water quantity and quality in Island County. Through the utility, the county collects fees from property owners to fund specific surface water and ground water programs.

For more information on the utility,

Contact: (360) 629-4522, extension 6069 <http://www.islandcountyeoh.org/page/204>

4.2.2 Water Resource Advisory Committee

The mission of the Water Resource Advisory Committee is to ensure that the water resources of Island County are managed and protected in such a way as to ensure sustainable use, while protecting habitat, environmental and human health.

The purpose of the Water Resource Advisory Committee is to develop and oversee the implementation and evaluation of a comprehensive water resources program in Island County. We encourage public awareness, education, and involvement in water related issues.

There are twelve members on the Water Resource Advisory Committee. Four for each of the county's distinct geographical areas - North Whidbey, Central/South Whidbey, and Camano Island - representing the four water resource interests of Groundwater, Storm water, Watershed Management, and Salmon Recovery.

Contact: Lori Clark 360-679-7352.

4.2.3 Groundwater Data

The hydrogeology program maintains a groundwater database containing information regarding well construction, groundwater quality and water levels. Requests for information can be made by contacting Hydrogeologist **Douglas Kelly**, LG, LHG

Physical Address:

1 NE 6th Street
Coupeville, WA 98239

Mailing Address:

PO Box 5000
Coupeville, WA 98239

(360) 678-7885

D.Kelly@co.island.wa.us

5 HOA Guidelines

Homeowner Associations are governed by a chain of governing documents and laws.

- The **Articles of Incorporation** filed with the Secretary of State provide the legal basis of the association in the form of an Incorporated Non-Profit Corporation.
- The recorded map or '**plat**' defines each owner's title to property including the association's title to common areas.
- The **CCR's (Covenants, Conditions, and Restrictions)** are publicly recorded deed restrictions.
- The **Bylaws** are the rules for management and administration.
- **Resolutions** are additional rules and regulations that the association may adopt.
- **Federal Laws** also apply. Some but not all include the Fair Housing Act, Internal Revenue Codes, the American Disabilities Act, the Virginia Graeme Baker Pool and Spa Safety Act , the FCC OTARD Rule (Over the Air Reception Devices - Satellite Dishes) and the Fair Debt Collection Practices Act.
- Information regarding **Washington State Law** specific to common interest communities such as homeowner associations are provided below. In addition there are typically additional state laws that are not specific to Common Interest Communities which require compliance. Some examples include storm water runoff, coastal development, to name a few.
- **Local Ordinances**, while not specific to homeowner associations, apply to building codes, animal control, abandoned cars, water restrictions, etc.
- **Additional legal regulations** can exist in the form of case law; standards set by professional organizations such as accountants, engineers, architects, home inspectors, and real estate brokers; as well as lender requirements.

Considerations:

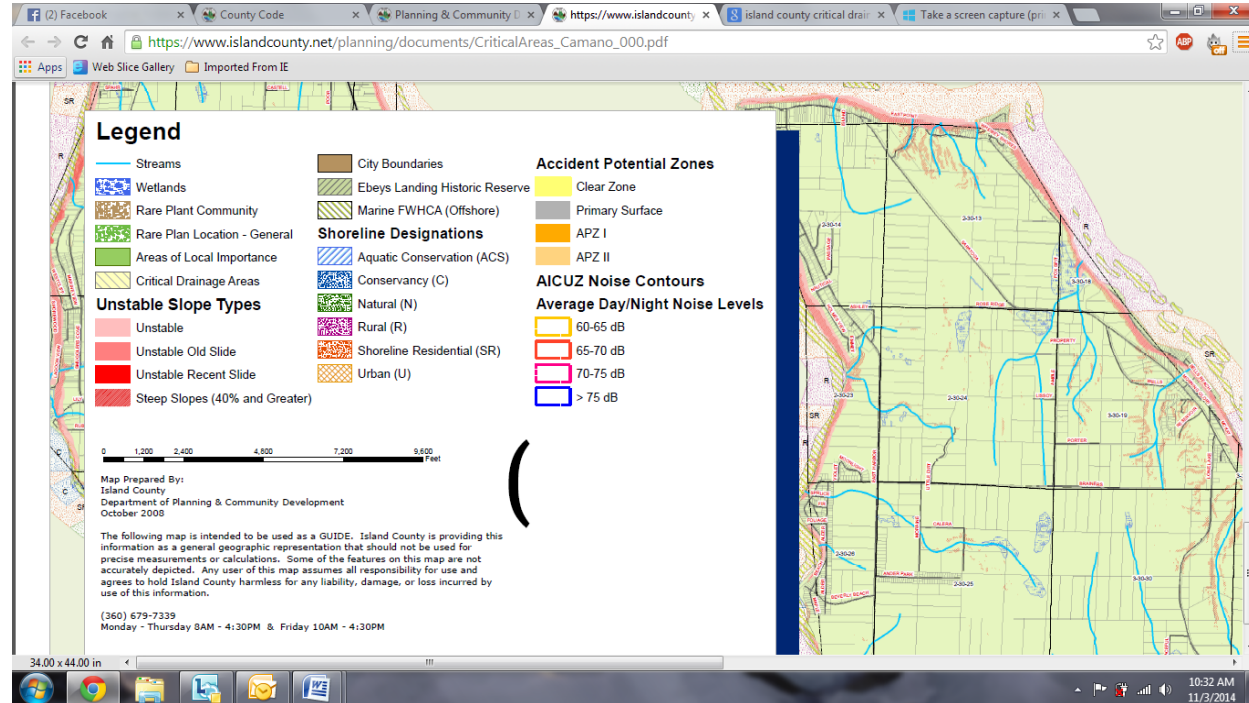
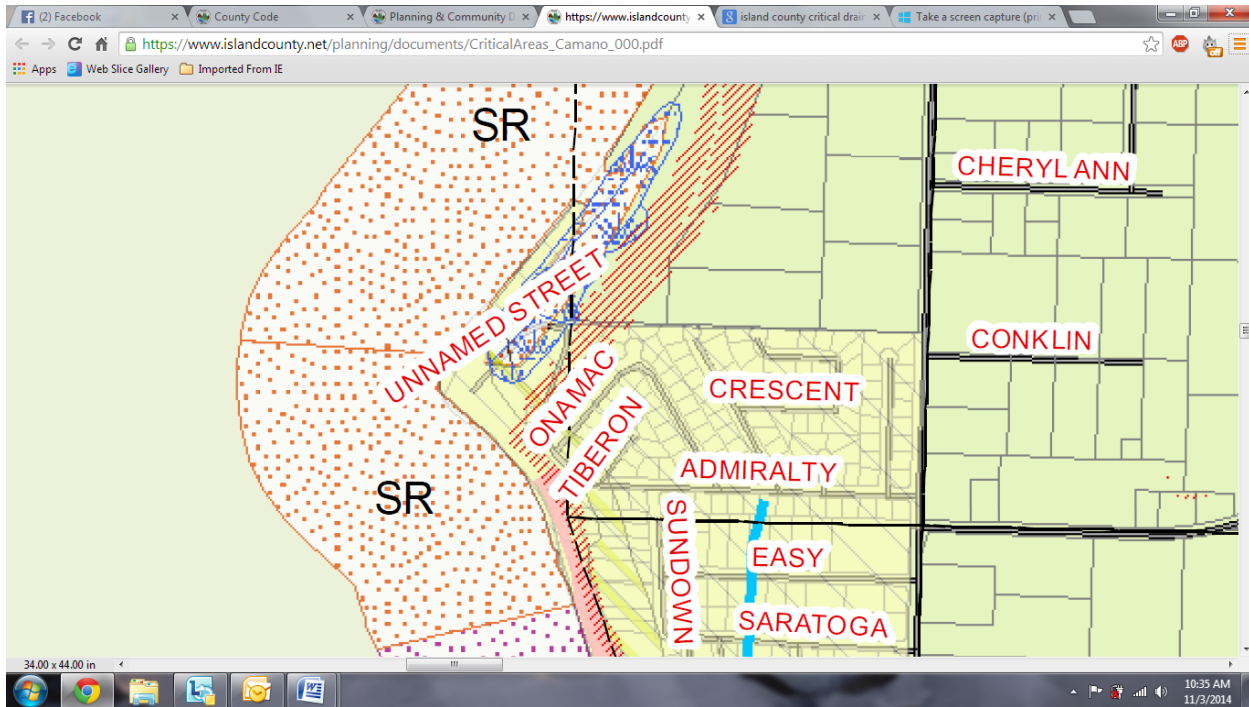
- State laws affecting Common Interest Communities vary widely.
- Bills affecting Common Interest Communities are frequently being introduced in state legislatures and may be in different stages of consideration, approval, or enactment.
- It is not uncommon to find conflicts within or between governing documents such as the covenants and the bylaws. There may also be conflicts between governing documents and statutes. When this occurs, attorneys must often consider applying Rules of Interpretation.
- Because of the wide variance in state laws, constant changes and possible conflicts in governing documents or statutes, it is strongly recommended that association boards and members seek legal counsel and especially with firms that have expertise or strong practice experience in the area of Common Interest Community law.

Regulatory Code:

- All aspects of Homeowners Associations in Washington State are regulated by State Code RCW 64.38. A link is provided below for convenience:
- <http://app.leg.wa.gov/rcw/default.aspx?cite=64.38>

6 Shoreline Management

Onamac is located in several Island County Critical Area designations as shown on the Planning Department maps below.



Island County Department

Critical Areas are generally governed by the **Island County Planning Department**; however they are also strongly supported by several State Agencies including the Department of Fish and Wildlife and the Department of Ecology.

Island County is in the process of updating its Comprehensive Plan, which will affect all land use aspects. It is expected that this will be adopted by Island County in June of 2016. Comments can be sent to compplan@co.island.wa.us and status updates and preliminary reports can be found here: <http://www.islandcounty.net/planning/IslandCountyComprehensivePlanUpdate.html>

Contact:

- **Island County:**

Brad Johnson, Senior Planner
Planning & Community Development
P.O. Box 5000, 1 N.E. 6th Street
Coupeville, WA 98239
b.johnson@co.island.wa.us
(360) 678-7972

- **Washington State:**

Doug Thompson
Area Habitat Biologist
Washington State Department of Fish and Wildlife
PO Box 1100
La Conner, WA 98257-1100
(360) 466-4345 ext. 251
Doug.Thompson@dfw.wa.gov
www.wdfw.wa.gov

David Pater
Shorelands and Environmental Assistance
Department of Ecology
3190 160th Avenue SE
Bellevue, WA 98008
(425) 649-4253
www.ecy.wa.gov/programs/sea/shorelan.html

Regulatory Code:

- The RCW covering Critical Areas can be found under Chapter 17 of the Island County Code starting with the following link: <https://www.islandcounty.net/code/CountyCode.htm>
- The index for Chapter 17 is provided for convenience.

TITLE XVII ZONING

- 17.02 Old Island County Critical Areas Ordinance
- 17.02A New Island County Critical Areas Ordinance
- 17.03 Island County Zoning Code
- 17.04 Ebey’s Landing National Historical Reserve
- 17.05 Shoreline Use Regulations

6.1 Development Information Bulletins

Island County staff is in the process of updating all Development Information Bulletins (DIBs). DIBs provide general information and answer commonly asked questions regarding permits, procedures, and regulations. Regulations are often written in a style difficult to comprehend, interpret, and apply to specific situations. DIBs are an attempt to translate the legalese of regulations into clear and common language. In the DIBs, excerpts from regulations are combined with plain-language explanations, rewording of complex passages, and some interpretation by staff. While the hope is that use of the DIBs will reduce expense and effort, reading the regulations in some cases may be required.

<https://www.islandcounty.net/planning/dibs.htm>

Following are the DIB categories:

- [100 General Information](#)
- [200 Building Permits](#)
- [300 Zoning and Land Use](#)
- [400 Subdivisions, Short Plats, and Boundary Line Adjustments](#)
- **[500 Site Development and Environmental Protection](#)**
- [600 Open Space Tax Programs](#)