



City of Stevenson

Planning Department

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TO: Planning Commission
FROM: Ben Shumaker
DATE: May 17th, 2018
SUBJECT: Critical Areas Ordinance Review- Scope & Progress Update

Introduction

This provides the City Council with an update on the Planning Commission's process to "review and, if needed, revise" the City's development regulations for critical areas and natural resource lands. This process is well-underway and must be completed by June 30th, 2018.

Update Status

Currently there are 26 (23 current and 3 new) sections involved in review of the Critical Areas Code. To date, 15 (12 existing and 3 new) sections have been reviewed by the Planning Commission and found acceptable for recommendation. This includes the regulations related to 4 of the 5 critical area types. The sections that remain focus primarily on permitting process and Fish & Wildlife Habitat Conservation Areas. Difficult decisions are expected at the Planning Commission's upcoming meetings, but a final draft document and is expected to be available in June.

Chapter 18.13 – Critical Areas & Natural Resource Lands

18.13.005 – General Provisions & Purpose (Accepted May, 2018)

18.13.010 – Definitions (Monthly Updates Anticipated)

18.13.015 – Administrative Provisions (Accepted March, 2018)

18.13.020 – Applicability—Critical Areas Designated (Accepted March, 2018)

18.13.025 – Exemptions (Presented in March, June)

18.13.030 – Reasonable Use Allowance (Anticipated in June)

18.13.035 – Critical Areas Permit—Application (Presented in May, June)

18.13.040 – Critical Areas Permit—Review & Approval (Anticipated in June)

18.13.045 – Critical Areas Inspection (Accepted March, 2018)

18.13.050 – Critical Area Reports—Professional Standards (Accepted May, 2018)

18.13.050 – Critical Area Reports—Modification to Requirements (NEW) (Accepted May, 2018)

18.13.055 – Preferred Mitigation (Accepted March, 2018)

18.13.057 – Protective Buffers—Standards (NEW) (Accepted March, 2018)

18.13.059 – Performance & Monitoring Standards (NEW) (Presented in December, March, June)

18.13.060 – Bonds to Ensure Mitigation, Maintenance, and Monitoring (Presented in March, June)

18.13.065 – Appeals Process (Accepted March, 2018)

18.13.070 – Fees (Accepted March, 2018)

18.13.075 – Penalties—Violations (Anticipated in April)

18.13.080 – Liability for Damages (Anticipated in April)

18.13.085 – Nonconforming Uses—Legal Lots of Record (Presented in May)

18.13.090 – Critical Area—Geologically Hazardous Areas (Accepted May, 2018)

18.13.095 – Critical Area—Fish & Wildlife Habitat Conservation Areas (Presented in April, May)

18.13.100 – Critical Area—Wetland Areas (Accepted March, 2018)

18.13.105 – Critical Area—Frequently Flooded Areas (Accepted April, 2017)

18.13.110 – Critical Area—Critical Aquifer Recharge Areas (Accepted April, 2017)

18.13.115 – Severability (Accepted March, 2018)

Approach to Review & Update

The Planning Commission gave the following guidance to City staff as part of this update process:

- Incorporate greater flexibility into the existing regulations.
- "[Better is good](#)"; amend the regulations as possible based on Best Available Science, but accept that *perfect* may not be achievable during this review.
- Act on staff's "[say something once, why say it again](#)" principle to streamline the code and ease its implementation.

This approach has led to the universal applicability of several sections (e.g., critical areas applications & reports, protective buffer standards, performance monitoring). The longest single change involved in this has been the move of Critical Aquifer Recharge Areas from within SMC 18.13 to a new chapter (13.30) and will protect all drinking water resources. The regulatory program of that chapter will dovetail nicely with the new analysis and protocols involved with the sewer pretreatment ordinance.

Best Available Science

The updates are also intended to comply with current state laws, guidelines, and the "best available science", a required approach to the development and implementation of these ordinances. This requirement drove the proposed changes to the Frequently Flooded Areas and Wetland regulations. Notably, this approach also led to the decision not to update the Geological Hazardous Areas regulations.

Council Action

The City Council is encouraged to review and ask staff any general or specific questions related to the Critical Areas Code, however no action is expected at this meeting. Next steps will involve a final action by the Planning Commission, a 21-day SEPA notice, and a coincident 60-day comment period by the Department of Commerce. Following that, the final draft ordinance will be brought to you for your review.

Prepared by,

Ben Shumaker
Planning Director

Attachments

1. Exhibit A- 18.13.005 Purpose & Intent (1)
2. Exhibit C- 18.13.015 Administrative provisions (1)
3. Exhibit D- 18.13.020 Applicability—Critical Areas Designated (2)
4. Attachment 5- 18.13.040 Critical Areas Inspection (1)
5. Exhibit I- 18.13.050 Critical Area Reports – Requirements (1)
6. Exhibit J- 18.13.051 Critical Area Reports – Modifications to Requirements (1)
7. Exhibit I- 18.13.055 Preferred Mitigation (1)
8. Exhibit I- 18.13.057 Protective Buffers—Standards (2)
9. Exhibit M- 18.13.065 Appeals (1)
10. Exhibit N- 18.13.070 Fees (1)
11. Attachment 11- 18.13.090 Critical Area – Geologically Hazardous Areas (5)
12. Exhibit T- 18.13.105 Critical Area—Frequently Flooded Areas (1)
13. Exhibit A- 15.24 Floodplain Management Regulations (4)
14. Exhibit U- 18.13.110 Critical Area—Critical Aquifer Recharge Areas (1)
15. Attachment 15- 13.30 Drinking Water Resource Protection (20)

Stevenson Critical Areas Code

SMC 18.13 Critical Areas & Natural Resource Lands

SMC 18.13.005 Purpose & Intent

A. Purpose. The purpose of SMC 18.13, herein referred to as the Chapter, is to:

1. Protect the public health, safety, and welfare by preventing adverse impacts of land use and development on the functions and values of critical areas;
2. Protect the public and public resources and facilities from injury, loss of life, property damage, or financial loss due to flooding, erosion, landslides, soils subsidence, or steep slope failure;
3. Further the public's interest in the conservation and wise use of our lands;
4. Implement, using the best available science, the goals, policies, guidelines, and requirements of the City's Comprehensive Plan and Washington's GMA;
5. Classify and designate critical areas;
6. Protect and conserve water resource areas, water quality, and water quantity, in support of human uses and enjoyment, fish and wildlife habitat, and to prevent degradation through direct or cumulative effect;
7. Protect and maintain the viability of natural fish and wildlife habitat for the long-term sustainable use and enjoyment of the public, and for a healthful quality of life for the citizens of Stevenson, through the development of strategies to avoid impacts to, mitigate impacts on, and enhance the functions of designated critical areas;
8. Preserve, protect, and/or enhance critical areas—with special consideration given to anadromous fisheries, as required by the GMA—by regulating activities within and adjacent to them, while allowing for the reasonable use of private property.

B. Intent.

1. The regulations of this Chapter are intended to protect critical areas in accordance with the GMA and through the application of the best available science, as determined according to WAC 365-190-900 through 365-190-925, and in consultation with state and federal agencies and other qualified professionals.
2. This Chapter is intended to be administered with flexibility and attention to site-specific characteristics. However, in the interpretation and application of these regulations, the provisions of this Chapter are considered to be the minimum requirements necessary, are to be liberally construed to serve the purposes stated above, and are not to be deemed to limit or repeal any other provisions under state statute.
3. It is not the intent of this Chapter to:
 - a. Make a parcel of property unusable by denying its owner reasonable economic use of the property, or
 - b. Prevent the provision of public facilities and services at levels of service determined by the City Council as necessary to support existing and planned development.

SMC 18.13 Critical Areas & Natural Resource Lands

SMC 18.13.015 Administrative Provisions

A. Administrative Authority

1. As provided herein, the Critical Areas Administrator is given the authority to interpret and apply, and the responsibility to enforce, this Chapter to accomplish the stated purpose.
2. The City shall regulate, and may withhold, condition, or deny permits or approvals for regulated activities to ensure that the proposed action is consistent with the requirements of this Chapter.

B. Title. This Chapter shall be known and may be cited as the Stevenson Critical Areas Code.

C. Relationship to Other Regulations.

1. These critical areas regulations shall apply as an overlay and in addition to zoning and other regulations adopted by the City.
2. Compliance with the provisions of this Chapter does not constitute compliance with other local, state, or federal reviews, regulations, or permit requirements (e.g., SEPA, SMP, HPA, etc.). The applicant is responsible for complying with such requirements, apart from the process established in this Chapter.
3. Regulated activities subject to this Chapter shall be routed to appropriate state and federal agencies for review and comment as required through the SEPA and/or JARPA review process.
4. These regulations shall apply concurrently with review under SEPA, and any conditions required pursuant to this Chapter shall be included in the SEPA review and threshold determination.
5. When any provision of this Chapter or any existing regulation, easement, covenant, or deed restriction conflicts with this Chapter, that which provides more protection to the critical areas shall apply.

SMC 18.13 Critical Areas & Natural Resource Lands

SMC 18.13.020 Applicability; Critical Areas & Natural Resource Lands Designated

A. Applicability

1. The provisions of this Chapter apply to all lands within the Stevenson corporate limits.
2. The provisions of this Chapter apply to all persons and all land uses, alterations, developments and other regulated activities that are within, adjacent to, or likely to affect one or more critical areas or their buffers. No person shall alter a critical area or buffer except as consistent with the purposes and requirements of this Chapter.
3. Where a site contains two or more critical areas, the site shall meet the minimum standards and requirements for each identified critical area as set forth in this Chapter.
4. Approval of a permit or development proposal pursuant to the provisions of this Chapter does not discharge the obligation of the applicant to comply with the provisions of this Chapter.

B. Designation of Critical Areas.

1. The following critical areas are designated under RCW 36.70A.170 and regulated by this Chapter:
 - a. Geologically Hazardous Areas,
 - b. Fish and Wildlife Habitat Conservation Areas,
 - c. Wetlands,
 - d. Frequently Flooded Areas,
 - e. Critical Aquifer Recharge Areas (CARA).
2. Buffers- For the purpose of this Chapter, critical areas include their protective buffer areas as established herein.
3. Critical Areas Location. The City of Stevenson has designated critical areas by defining their characteristics. The precise limits of critical areas and their attendant buffers on a particular parcel of land shall be the responsibility of the applicant and subject to confirmation or concurrence by the City or appropriate agency prior to final approval of regulated activities on the subject property.
4. Critical Areas Map Inventory-
 - a. As an aid to both compliance and enforcement, a map inventory showing the approximate location and extent of known and likely critical areas will be displayed on various inventory maps available at City Hall. The Critical Areas Administrator shall keep the Critical Areas Map Inventory on permanent file and update it from time to time as required by the GMA.
 - b. Maps and inventory lists are neither precise nor complete and are to be considered only as guides to the general location and extent of critical areas. Maps will be used for a preliminary determination to suggest the presence or absence of a critical area.

C. Designation of Natural Resource Lands.

1. No lands within the City are designated as natural resource lands under RCW 36.70A.170(1).

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2. No lands adjacent to the City are currently designated as natural resource lands under RCW 36.70A.170(1). Future annexation of territory may result in natural resource lands that are adjacent to the City.

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SMC 18.13 Critical Areas & Natural Resource Lands

SMC 18.13.045 Critical Areas Inspection. Reasonable access to the site shall be provided to the City, state, and federal agency review staff for the purpose of inspections during any proposal review, restoration, emergency action, or mitigation monitoring period.

[NO CHANGE]

Stevenson Critical Areas Code

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SMC 18.13.050 Critical Area Reports—Requirements.

- A. Qualified Professional.** When required by this Chapter, the applicant shall submit a critical area report prepared by, or under the direct supervision of, a qualified professional as defined herein.
- B. Best Available Science.** The critical area report shall use scientifically valid methods and studies in the analysis of critical area data and field reconnaissance and reference the source of science used. The critical area report shall evaluate the proposal and all probable impacts to critical areas in accordance with the provisions of this Chapter.
- C. Minimum Report Contents.** At a minimum, the report shall contain the following:
1. The name and contact information of the applicant and landowner (if different);
 2. The street address and tax lot number of the site proposed for the regulated activity;
 3. A description of the proposal and identification of the permit requested;
 4. A detailed plan of the proposal site and all adjoining areas within 100 feet, drawn to a standard engineering scale and submitted on 8 ½"x11" or 11"x17" paper, showing:
 - a. The location and description of all critical areas and buffers,
 - b. The existing conditions of the property including all property boundary lines, public and private roads, structures, utilities, easements, septic tanks and drainfield areas, wells, and other improvements,
 - c. The location, species and diameter of all significant trees,
 - d. The location and extent of all proposed regulated activities, and
 - e. Details related to the proposed stormwater management plan for the development and consideration of impacts to drainage alterations,
 5. The dates, names, and qualifications of the persons preparing the report and documentation of any fieldwork performed on the site;
 6. Identification and characterization of all critical areas, wetlands, water bodies, and buffers adjacent to the proposed project area;
 7. A statement specifying the accuracy of the report, and all assumptions made and relied upon;
 8. A discussion of the regulatory standards applicable to the critical area and proposed activity;
 9. A description of reasonable efforts made to apply mitigation sequencing pursuant to SMC 18.13.055; and
 10. Any additional information required for the critical area as specified in the corresponding section.
- D.** Unless otherwise provided, a critical areas report may be supplemented by or composed, in whole or in part, of any reports or studies required by other laws and regulations or previously prepared for and applicable to the development proposal site, as approved by the Administrator.

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SMC 18.13 Critical Areas & Natural Resource Lands

SMC 18.13.051 Critical Area Reports—Modifications to Requirements.

- A. Limitations to Study Area.** The Administrator may limit the required geographic area of the critical area report as appropriate if:
1. The applicant, with assistance from the City, cannot obtain permission to access properties adjacent to the project area; or
 2. The proposed activity will affect only a limited part of the subject site.
- B. Modifications to Required Contents.** The applicant may consult with the Administrator prior to or during preparation of the critical area report to obtain City approval of modifications to the required contents of the report where:
1. In the judgment of a qualified professional, more or less information is required to adequately address the potential critical area impacts and required mitigation; or
 2. Existing information is on file with the City that addresses the impacts.
- C. Additional Information Requirements.** The Administrator may require additional information to be included in the critical area report when determined to be necessary to the review of the proposed activity in accordance with this Chapter. Additional information that may be required, includes, but is not limited to:
1. Historical data, including original and subsequent mapping, aerial photographs, data compilations and summaries, and available reports and records relating to the site or past operations at the site;
 2. Grading and drainage plans; and
 3. Information specific to the type, location, and nature of the critical area.

EXHIBIT I

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SMC 18.13 Critical Areas & Natural Resource Lands

SMC 18.13.055 Mitigation Sequencing.

Before impacting any critical area, applicants shall demonstrate that the following actions have been taken. Actions are listed in the order of preference.

- A. Avoid.** Avoid the impact altogether by not taking an action or parts of an action.
- B. Minimize.** Minimize impacts by limiting the degree or magnitude of the action or its implementation by using appropriate technology or by taking affirmative steps such as project redesign, relocation, or timing to avoid or reduce impacts.
- C. Rectify.** Rectify the impact by repairing, rehabilitating, or restoring the affected environment to the conditions existing at the time of the initiation of the project or activity.
- D. Reduce Over Time.** Reduce or eliminate the impact or hazard over time by preservation and maintenance operation during the life of the action.
- E. Compensate.** Compensate for the impact to wetlands, critical aquifer recharge areas, frequently flooded areas, and habitat conservation areas by replacing, enhancing, or providing substitute resources or environments.
- F. Monitor.** Monitor the impact and the compensation projects and take remedial or corrective measures when necessary.

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SMC 18.13.057 Protective Buffers--Standards.

Whenever protective buffers are required by this chapter, the following standards apply:

- A. Construction Staking.** The outer edge of the buffer area shall be clearly staked, flagged, and fenced in the field and maintained throughout the duration of any construction activities. The markers may be combined with temporary erosion control fencing and shall be clearly visible, durable, and posted in the ground.
- B. Notice on Deed.** A conservation covenant shall be recorded in a form approved by the City Attorney as adequate to incorporate the restrictions of this chapter and to give notice of the requirements for engaging in regulated activities.
 - 1. In the case of plats, short plats, and recorded site plans, the boundaries of critical areas and any protective buffers and a reference to the separately recorded conservation covenant shall be included on the face of such instrument.
 - 2. At the Administrator's discretion, a deed notice in a form approved by the City Attorney may be accepted in lieu of a conservation covenant.
- C. Permanent Demarcation.**
 - 1. A permanent and perpetual physical demarcation along the outer boundary of the buffer area shall be installed and thereafter maintained. Such demarcation may consist of logs, a tree or hedgerow, wood or wood like fencing, or other prominent physical marking approved by the Planning Department.
 - 2. In the case of plats or short plats, the administrator may require that critical areas and buffers be placed in a separate tract which may be held by an appropriate natural land resource manager, such as a land trust.
 - 3. Permanent signs along the boundary of a buffer are required.
 - 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. Signs must be posted at an interval of one every 50 feet, or one per lot if the lot is less than 50 feet wide, and must be maintained by the property owner in perpetuity. The signs shall be worded as follows or with alternative language approved by the Administrator: "Protected Area. Do Not Disturb. Contact the City of Stevenson Regarding Uses, Restrictions, and Opportunities for Stewardship."
 - b. The signage provisions above may be modified as necessary to assure protection of sensitive features or wildlife. For highly visible areas or areas located along a public right-of-way, interpretive signs may be required in lieu of other signage.
- D. Fencing.**
 - 1. The applicant shall install a permanent fence around a critical area or buffer when domestic grazing animals are present or may be introduced on site.
 - 2. Fencing installed as part of a proposed activity or as required in this section 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 critical areas.

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E. Planting. Whenever planting is required within a protective buffer, the following standards shall apply:

1. Native plant material should be used unless a qualified professional recommends a suitable, noninvasive alternative that provides functions equal to a native species.
2. The minimum plant density shall be 2 trees and 5 shrubs per 400 square feet.
3. Bare root plants at least 24 inches long and/or containerized stock at least 1 gallon in size are preferred for mitigation planting. Live stakes at least 36 inches long may be used for willow, dogwood and cottonwood species. Hydroseeding may be used as an alternative when the above planting methods are demonstrated to be unadvisable.
4. The base of each plant shall be mulched at least 3 inches deep for a radius of at least 1 foot to inhibit weed growth, conserve water, and moderate soil temperature.

F. Maintenance.

1. Except as otherwise specified or allowed in accordance with this Code, buffers shall be retained in an undisturbed or enhanced condition. In the case of compensatory mitigation sites, removal of invasive non-native weeds is required for the duration of the monitoring period.
2. Unless waived by the Administrator, a temporary irrigation system shall be installed for newly planted buffer areas. Such areas shall receive at least one inch of water once a week from April 15 to September 15 for the first 2 years of the monitoring period.

Stevenson Critical Areas Code

SMC 18.13 Critical Areas & Natural Resource Lands

SMC 18.13.065 Appeals.

A. Appeals Authorized.

1. Any interpretation or decision made by the Critical Areas Administrator in the administration of this Chapter is final and conclusive unless appealed to the City of Stevenson Board of Adjustment as authorized by SMC 2.14 – Board of Adjustment.
2. Any person aggrieved by a decision of the Administrator may, within 30 days following the date of the Administrator’s written decision, submit an appeal of the 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 City together with a fee as established by resolution by the City Council. Any appeal shall minimally contain statements:
 - a. Describing why the appellant believes the decision of the Administrator is in error and the specific relief sought,
 - b. Showing why granting an appeal will not negate the functions of a critical area, the goals, objectives and policies of the Growth Management Act, and the purposes of this Chapter.
 - c. 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. Appeals Administrative Procedure.

1. Notice of appeal shall be provided as set forth in SMC 2.14.050 – Appeal and Variance Procedures.
2. The Administrator may provide the Board of Adjustment with additional information related to any material or facts not available prior to the Administrator’s decision.
3. The Board of Adjustment shall determine if the appeal should be granted, granted subject to conditions, or denied.
4. Within 10 days after the public hearing, the Board of Adjustment shall issue a written decision, including findings of fact on which the decision is based. Such written decision shall be transmitted to the appellant and made available to the public upon request.
5. The action by the Board of Adjustment on an appeal from the decision of an administrative official shall be final and conclusive unless, within 10 days from the date of such action, the original applicant or an adverse party makes application to a court of competent jurisdiction for a writ of certiorari, a writ of prohibition, or a writ of mandamus.

EXHIBIT N

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SMC 18.13 Critical Areas & Natural Resource Lands

SMC 18.13.070 Fees.

- A. An application for an approval under this chapter shall be accompanied by an application fee payable to the City in an amount established and periodically adjusted by resolution of the City Council.
- B. Fees are not refundable.
- C. Payment of an application fee does not guarantee that a permit will be issued.

18.13.090 - Critical area—Geologically hazardous areas.

- A. Purpose. Geologic hazard areas include areas susceptible to landslides, erosion, seismic hazards from earthquakes, and volcanic hazards from volcanic events. Geologic hazards pose a threat to the safety of citizens and damage to property and infrastructure when incompatible development is sited in areas of significant hazard. Such incompatible development may also increase the hazard to surrounding development and use. The purpose of this section is to apply the preferred mitigation principles of Section 18.13.055 of this chapter to land uses and developments within or near geological hazard areas.
- B. Classification and Designation.
 - 1. Classification. Areas susceptible to one or more of the following types of hazards shall be designated as geologically hazardous areas and are further described in later sections:
 - a. Landslide hazard areas;
 - b. Erosion hazard areas;
 - c. Seismic hazard areas;
 - d. Mine hazard areas;
 - e. Volcanic hazard areas.

One or more of these geologic hazards may be present at a particular proposed development site. Therefore, it is necessary that each of these hazards be evaluated in accordance with following sections of this chapter. This is required in order to determine if the hazard exists for a particular site and what performance standards, if any, apply.

- 2. Designation. The city will maintain a geologic hazards map inventory for planning purposes. The approximate locations of geologic hazard areas present within the city's boundaries are detailed in this inventory. It should be noted that the landslide hazard and erosion hazard areas shown in the geologic hazards inventory are approximations based on the best available information at the time of the mapping and are not meant to represent the exact location or extent of potential geologic hazard areas within the city.

- C. Landslide Hazard Areas.
 - 1. Designation. Landslide hazard areas are areas potentially subject to landslide based on a combination of geologic, topographic, and hydrologic factors. They include areas susceptible because of any combination of bedrock, soil, slope (gradient), slope aspect, structure, hydrology, or other factors. The approximate location and extent of known landslide hazard areas are shown in the adopted critical areas map inventory. They are a reference and do not provide a final critical area designation. The classification of the landslide hazard areas is located in Table 18.13.090-1.

Table 18.13.090-1 Landslide Hazard Classification

	Hazard Category	Description
High Hazard	Active or Historically Active Landslides	Known or suspected active or historically active landslides

	Discrete Inactive Landslide Masses	Discrete landforms covering less than one acre that indicate prehistoric landslide movements in which confirmed indications of ongoing ground movement may be lacking. These masses may contain unrecognized movements or may be reactivated by natural processes or as a result of grading or concentration of surface water flows.
Moderate Hazard	Inactive Landslide Complex	Landforms covering more than one acre indicating multiple zones or blocks of prehistoric landslide movements in which confirmed indications of ongoing ground movement may be lacking. The complex may contain unrecognized movements. The complex or individual blocks within the complex may be reactivated by natural processes or as a result of grading or concentration of surface water flows.
	Debris Flow	Areas of geologically youthful debris flows and areas prone to initiation, transport, and deposition of debris flows.
	Potentially Unstable Steep Slopes	Areas of steep slopes (equal to or greater than twenty-five percent) that are prone to landslide failure or rock fall by natural causes or may fail if disturbed during development activities.
Unknown Hazard	Hazard Not Designated	All other areas not designated on map.

2. Assessment Requirements and Performance Standards.

- a. Geotechnical Assessment. A geotechnical assessment shall be conducted on all prospective development sites located within the city limits that occur within mapped landslide hazard areas. The geotechnical assessment shall include a site visit to perform a geologic reconnaissance to be carried out by an engineering geologist licensed in the State of Washington. A determination of the Hazard shall be made based on the results of the geotechnical assessment. The minimum requirements of the geotechnical assessment are as follows:
 - i. A review of existing and available geologic information.
 - ii. The preparation of a geologic map using a LIDAR-based topographic map when available from the city as a base map. The map should include visible geologic features observed in the field.
 - iii. A discussion of the surface and probable subsurface geologic conditions of the site.
 - iv. A site plan of the area delineating all areas of the site subject to landslide hazards.
 - v. A contour map of the proposed site at a reasonable scale that clearly delineates slopes for ranges between fifteen and twenty-five percent.
- b. Geotechnical Stabilization Report. For any development proposal on a site containing a moderate or high landslide hazard area, including active and inactive landslides, potentially unstable slopes, or debris flow hazard areas, a geotechnical stabilization report is required which includes design recommendations that are appropriate for mitigating landslide hazard conditions and can be prepared as a supplement, or be incorporated into the foundation and grading report typically provided by geotechnical engineers for

general construction. The geotechnical stabilization report shall be completed and jointly sealed by the engineering geologist responsible for the geotechnical assessment and by a qualified geotechnical engineer licensed as a civil engineer in Washington. The report shall summarize all reconnaissance, exploration, monitoring, and analysis results and engineering recommendations. The report shall include the results of the investigations and the following information:

- i. Site Geologic Conditions. A description of the surface and subsurface geology, hydrology, soils and vegetation found in the project area based on subsurface data collected during the investigations. The results shall include boring logs and exploratory methods, soil and rock unit descriptions, springs, water seepage areas, and groundwater levels.
- ii. Site History. A description of any prior grading, soil instability, or slope failure, and public and private sewage disposal systems.
- iii. Topographic Data. A contour map of the proposed site at a scale of one inch equals fifty feet and two-foot contour intervals.
- iv. Engineering Geology Analysis and Results.
 - (a) Confirms the hazard category.
 - (b) Summarizes the results of the subsurface investigations and logs of borings, test pits, or other geologic or geophysical methods employed including investigation methods, sampling methods and test results.
 - (c) Reports on monitoring including groundwater levels, surface surveys, and inclinometer measurements.
 - (d) Completes a detailed geologic site model including the location, dimensions, and estimated depth of any areas of slope instability on the site. If located within a landslide complex, determine the potential effects of the complex on the subject site.
- v. Geotechnical Engineering Analysis and Results.
 - (a) An estimate of slope stability and the effect construction and placement of proposed structures will have on the slope over the estimated life of the structure.
 - (b) The assumed or established site and subsurface conditions used in the slope stability analysis (e.g., slopes, dimensions of any landslides, thickness and strengths of soil and rock units, depth to failure surface if any, and groundwater levels and fluctuations).
 - (c) A description of analysis performed and results of the analysis.
 - (d) The mitigation of adverse site conditions including slope stabilization measures if appropriate.
 - (e) The recommendations as follows:
 - (1) For land determined to contain no obvious instability and modest proposed improvements, demonstrate that the proposed site grading or structures will not reduce slope stability;
 - (2) For land containing active landslides or inactive landslides or on designated potentially unstable slopes, demonstrate that the proposed development will not decrease the factor of safety below acceptable limits determined by the geotechnical engineer.

D. Erosion Hazard Areas.

1. Designation. Erosion hazard areas are those areas identified by the presence of soils which are recognized as having a "severe" erosion hazard by the Soil Survey of Skamania County Area, U.S. Department of Agriculture, Soil Conservation Service, 1990.
2. Performance Standards. Uses and activities in any area identified as an erosion hazard area shall conform to the following standards:

- a. Parcels containing erosion hazard areas may be developed to provide for reasonable use in accordance with control plan and drainage plan developed by a qualified professional and implemented as provided below.
- b. Erosion Control Plan. An erosion control plan is needed to limit erosion and sedimentation during construction and use. The plan shall incorporate the following:
 - i. Minimize the alteration of topography and disturbance or removal of vegetation.
 - ii. Conform to existing topography of the site and reduce topographic modification. Foundations shall conform to the natural contours of the slope and be stepped/tiered where possible.
 - iii. Design roads, driveways and other vehicular accesses, trails, walkways, and parking areas with low gradients and/or parallel to the natural contours of the site.
- c. Erosion Control Management. Erosion control management practices shall at a minimum, contain the following elements:
 - i. Erosion and sedimentation control facilities such as silt fences shall be installed prior to any clearing and grading.
 - ii. Disturbed areas shall be protected from erosion through implementation of best management practices, including groundcovers and filter fabrics, immediately after disturbance. Vegetative cover shall be re-established on disturbed surfaces as soon as feasible.
- d. Drainage Plan. A drainage plan shall be developed by a qualified professional that includes:
 - i. The surface drainage, including downspouts, shall avoid draining to erosion hazard areas.
 - ii. The following uses and activities shall be permitted on erosion hazard areas only when analysis by a qualified professional finds that such systems will not result in an increase in erosion. A qualified professional shall design said systems. The qualified professional shall also provide verification that the systems are installed as designed and function as predicted.
 - (a) Stormwater retention and detention systems, including percolation systems utilizing buried pipe.
 - (b) On-site sewage disposal system drainfields. The septic system drainfield must be in compliance with the City's regulations.
 - (c) Utility lines and pipes.

E. Seismic Hazard Areas

1. Designation. A seismic hazard area is any area subject to underlying deposits indicative of a risk of liquefaction during a seismic event, slope failure during a seismic event, or surface faulting during a seismic event. For the purposes of this classification, a seismic hazard area is any indicated by a Zone D1 or higher rating as defined by the Seismic Risk Map of the United States, adopted by the Washington State Legislature and defined in the International Building Code (IBC), as updated.
2. Performance Standards. All development within areas that meet the designation for seismic hazard areas shall comply with the adopted IBC.

F. Mine Hazard Areas. Not applicable within the city of Stevenson.

G. Volcanic Hazard Areas. Not applicable within the city of Stevenson.

H. General Geological Hazard Area Performance Standards.

1. Demarcation. The outer edge of geological hazard areas shall be clearly staked, flagged, and fenced in the field and maintained throughout the duration of any construction activities. The markers shall be clearly visible, durable, and posted in the ground.
2. Covenants. A conservation covenant shall be recorded in a form approved by the city attorney as adequate to incorporate the other restrictions of this section and to give notice of the requirements for engaging in regulated activities within a geologically hazardous area.

- a. In the cases of plats, short plats, and recorded site plans, the boundary of the geologically hazardous area a buffer and a reference to the separately recorded conservation covenant provided for in subsection 2., above the face of such instrument.

(Ord. No. 1022, 11-2-08)

EXHIBIT T

Stevenson Critical Areas Code

SMC 18.13 Critical Areas & Natural Resource Lands

SMC 18.13.105 Critical Area – Frequently Flooded Areas

- A. Classification & Designation.** All lands identified in the Federal Emergency Management Agency (FEMA) FIRMS, as amended and approved by the City as being within Zone A, are designated as frequently flooded areas.
- B. Performance Standards.** All regulated activities within designated critical aquifer recharge standards shall comply with the City of Stevenson Floodplain Management Regulations, Chapter 15.24, as now or hereafter amended.

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SMC 15.24 Floodplain Management Regulations

SMC 15.24.010 Statement of Purpose. (No Change)

SMC 15.24.020 Definitions. Unless specifically defined in this section, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application...

“Basement” means any area of the building having its floor sub-grade (below ground level) on all sides.

“Development” means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials located within the area of special flood hazard.

“Elevation Certificate” means the official form (FEMA Form 81-31) used to track development, provide elevation information necessary to ensure compliance with community floodplain management ordinances, and determine the proper insurance premium rate with Section B completed by Community Officials.

“Flood Insurance Study” means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

“Floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

SMC 15.24.030 Lands to which this Chapter Applies. (No Change)

SMC 15.24.040 Basis for Establishing the Areas of Special Flood Hazard. The areas of special flood hazard identified by the Federal Insurance Administration as Zone A as shown on the Flood Insurance Rate Map for City of Stevenson, WA, Community No. 530161 A, Panels 01-02, dated July 17, 1986 and Skamania County Washington, Community No. 530160, Panel 425, dated August 5, 1986, including any revisions thereto, and any revisions hereafter, are adopted by reference and declared to be a part of this chapter. The Flood Insurance Rate Map is on file at City Hall, 7121 East Loop Road, Stevenson, WA.

SMC 15.24.050 Establishment of Development Permit. (No Change)

SMC 15.24.060 Designated of the Permit Administrator. (No Change)

SMC 15.24.070 Duties and Responsibilities of the Permit Administrator.

Duties of the permit administrator shall include, but not be limited to:

- A. Permit Review. (No Change)
- B. Use of Other Base Flood Date. (No Change)

Exhibit A

C. Information to be Obtained and Maintained.

1. Where base flood elevation data is provided through the Flood Insurance Study, FIRM, or required as in subsection B of this section, obtain and record the actual (as-built) elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement. Recorded on a current elevation certificate (FF 81-31) with Section B completed by the local official;
2. For all new or substantially improved floodproofed nonresidential structures where base flood elevation data is provided through the FIS, FIRM, or as required in subsection B of this section:
 - a. Obtain and record the elevation (in relation to mean sea level) to which the structure was floodproofed, and
 - b. Maintain the floodproofing certifications required in Section 15.24.050(B)(3);
3. Maintain for public inspection all records pertaining to the provisions of this chapter.

D. Alteration of Watercourses.

1. Notify adjacent communities and the Department of Ecology prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
2. (No Change)

E. Interpretation of FIRM Boundaries. (No Change)

SMC 15.24.075 Variance Procedure. (No Change)

SMC 15.24.080 General Standards for Flood Hazard Reduction. (No Change)

SMC 15.24.090 Specific Standards for Flood Hazard Reduction.

In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 15.24.080(B), the following provisions shall apply. Additional standards were clarified in FEMA Technical Bulletin 11-01 to allow crawlspace construction for buildings located in the special flood hazard areas; however, adopting this provision can result in a 20% increase in flood insurance premiums.

A. Residential Construction. (No Change)

- B. Nonresidential Construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated one foot or more above the base flood elevation; or, together with attendant utility and sanitary facilities, shall:
1. Be floodproofed so that below one foot or more above the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
 2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
 3. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in Section 15.24.070(C)(2).

Exhibit A

4. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in subsection (A)(2) of this section.
 5. Applicants who are floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g. a building constructed to the base flood level will be rated as one foot below that level). Floodproofing the building an additional foot will reduce insurance premiums significantly.
- C. Manufactured Homes.
1. All manufactured homes to be placed or substantially improved on sites shall be elevated one foot or more above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
 2. A plan for evacuating residents of all manufactured home parks or subdivisions located within flood prone areas shall be developed and filed with and approved by appropriate community emergency management authorities.
- D. Recreational Vehicles. (No Change)

SMC 15.24.092 AE and A1-30 Zones with Base Flood Elevation by No Floodways. (New) In areas with base flood elevations (but a regulated floodway has not been designated), no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

SMC 15.24.094 Floodways. (New) Located within areas of special flood hazard established in SMC 15.24.040 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters that can carry debris, and increase erosion potential, the following provisions apply:

- A. Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels during the occurrence of the base flood discharge.
- B. Construction or reconstruction of residential structures is prohibited within designated floodways, except for (i) repairs, reconstruction, or improvements to a structure which do not increase the ground floor area, and (ii) repairs, reconstruction or improvements to a structure, the cost of which does not exceed 50% of the market value of the structure either (A) before the repair, or reconstruction is started, or (B) if the structure has been damaged, and is being restored, before the damage occurred. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or to structures identified as historic places, may be excluded in the 50%.

Exhibit A

- C. If section A of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this chapter.

SMC 15.24.100 Encroachments. (No Change)

SMC 15.24.110 Repeal of Conflicting Ordinances and Provisions. (No Change)

EXHIBIT U

Stevenson Critical Areas Code

SMC 18.13 Critical Areas & Natural Resource Lands

SMC 18.13.110 Critical Area – Critical Aquifer Recharge Areas

- A. Classification & Designation.** All lands identified in SMC 13.30.150(1) – Critical Aquifer Recharge Areas are designated as critical aquifer recharge areas under this Chapter.
- B. Performance Standards.** All regulated activities within designated critical aquifer recharge areas shall comply with SMC 13.30 – Drinking Water Resource Protection, as now or hereafter amended.

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Chapter 13.30

DRINKING WATER RESOURCE PROTECTION

Sections:

13.30.010	Purpose.
13.30.050	Authority, interpretation.
13.30.100	Definitions.
13.30.125	Adoption of manual.
13.30.150	Designation, scope and applicability.
13.30.175	Discharges to drinking water resources.
13.30.200	Minimum requirements.
13.30.300	Application of greater standards.
13.30.325	Greater standards for hazardous materials operations.
13.30.350	Restrictions in critical aquifer recharge areas.
13.30.400	Administrative programs.
13.30.500	Enforcement.
13.30.600	Trade secrets and confidential records.
13.30.700	Alternative practices.
13.30.725	Adjustments.
13.30.750	Special exceptions.
13.30.800	Appeals.
13.30.900	Halogenated solvent table.

Section 13.30.010 Purpose.

A. The purpose of this chapter is to protect drinking water resources in the City by establishing development regulations and minimum requirements to reduce the risks of contaminants entering drinking water resources (SMC 13.30.100(P)).

B. In furtherance of this purpose, the City prohibits the discharge of contaminants to drinking water resources as set forth in SMC 13.30.175 and requires certain operations to utilize best management practices as set forth in SMC sections 13.30.200, .300, and .325.

C. The City also recognizes that achieving successful pollution control must include a drinking water resources pollution prevention education component for agencies, businesses, industries, and the general public. Enforcement actions will normally be implemented when:

1. Education and technical assistance measures are unsuccessful at protecting the public interest;
2. Best management practices are not followed; or
3. Persons willfully contaminate the drinking water resources of the City.

D. It is not the intent of this chapter to have the City pursue enforcement actions against businesses, industries, or persons whose actions or activities result in the discharge of de minimus amounts (SMC 13.30.100(J)) of contaminants into the drinking water resources of the City.

E. The City finds this chapter is necessary to protect the health, safety and welfare of the residents of the City and the integrity of the drinking water resources for the benefit of all by:

1. Minimizing or eliminating surface and ground water quality degradation;
2. Preserving and enhancing the suitability of waters for drinking, recreation, fishing, wildlife habitat, aquatic life, and other beneficial uses; and
3. Preserving and enhancing the aesthetic quality and biotic integrity of the water.

F. The City recognizes the importance of maintaining economic viability while providing necessary environmental protection. This chapter helps achieve both goals.

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G. The enforceable mechanisms and the application of best management practices (BMPs) within this chapter ensure compliance with state and federal water quality programs, including the Washington Growth Management Act's requirement for Critical Aquifer Recharge Areas.

Section 13.30.050 Authority, interpretation.

A. The City shall retain the authority to require implementation of any portion of this chapter, as defined herein and as necessary to protect drinking water resources when the City becomes aware of and documents specific circumstances concerning an operation that demonstrate that the measures are necessary to protect public health and safety. The City may impose additional requirements whenever documented specific circumstances applicable to an operation threaten drinking water resources.

B. The provisions of this chapter shall be liberally construed by the City to serve the purposes of this chapter. Where provisions of this chapter or the stormwater manual adopted under this section conflict with other provisions of the Stevenson Municipal Code, the more stringent requirements, which have the most protective effect on drinking water quality, shall apply.

Section 13.30.100 Definitions.

For the purposes of this chapter, the following definitions shall apply. The 2005 Stormwater Management Manual for Western Washington may be used for guidance interpreting any words or phrases not defined herein. Other words or phrases shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable interpretation and application.

A. "Best Management Practices" or "BMPs" means the schedules of activities, prohibitions of practices, maintenance procedures, and structural and/or managerial practices approved by the Washington State Department of Ecology and/or the City of Stevenson that, when used singly or in combination, control, prevent or reduce the release of pollutants and other adverse impacts to waters of Washington State.

B. "Bulk Petroleum Fuel Operation" means an operation that manages a cumulative total of 12,000 gallons or more of petroleum fuel on-site in tanks capable of holding volumes of at least 4,000 gallons.

C. "Chemical Lagoons and Pits" means any earthen basin or uncovered concrete basin or depression containing hazardous materials.

D. "City" means the City of Stevenson.

E. "Closure of Operation" means the cessation of activity such that hazardous materials are no longer managed at the operation. For the purposes of this chapter, an operation is considered closed if it has been non-operational for a continuous period of 2 years.

F. "Connection" means a link or channel between two otherwise separate conveyance systems whereby there may be flow from one system to the other.

G. "Connection, Illicit" means any man-made conveyance that is connected to a municipal separate storm sewer without a permit, excluding roof drains and other similar type connections. Examples include, but are not limited to, sanitary sewer connections, floor drains, channels, pipelines, conduits, inlets, or outlets that are connected directly to the stormwater drainage system.

H. "Container" means any portable device in which a material is stored, transported, treated, disposed of, or otherwise handled.

I. "Dangerous Waste" means waste designated in the Washington State Dangerous Waste Regulations (WAC 173-303) as dangerous or extremely hazardous due to its physical, chemical or

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biological properties.

J. “De Minimus Amounts” means a small or miniscule amount of contaminant in a discharge that is demonstrated to be non-harmful to the environment.

K. “Direct Infiltration Facility” means, for the purposes of this chapter, any mechanism that is intended to direct stormwater or process wastewater directly into the ground without providing treatment. Examples include, but are not limited to, drywells, ponds, trenches and perforated pipe systems.

L. “Discharge” means, for purposes of this chapter only, the release of materials such that the materials may enter or be emitted to the air, land, or drinking water resources.

M. “Discharge, Illicit” means any discharge to a municipal separate storm sewer that is not composed entirely of storm water except discharges pursuant to a NPDES permit (other than the NPDES permit for discharges from the municipal separate storm sewer) and discharges resulting from fire fighting activities.

N. “Disposal” means discharging, discarding, or abandoning materials into or on any land, air, or water resources.

O. “Disposal Site” means an area of land or an excavation in which wastes are placed for permanent disposal, and which is not a land application site (SMC 13.30.100(U)), surface impoundment, injection well, or waste pile.

P. “Drinking Water Resources” means the surface water or ground water supply for any Group A water system.

Q. “Drywell” means a precast concrete manhole with perforations and installed with drain rock or other material for exfiltration of surface water runoff or other drainage to the subsurface.

R. “Ground Water” means water in a saturated zone or stratum beneath the surface of the land or below a surface water body.

S. “Hard Chrome Plating” means chrome plating applied in a sufficient thickness to provide a hardened protective surface rather than merely a decorative surface. A hard chrome shop is more likely to be a large single-purpose plating shop with higher quantities of hazardous plating materials onsite, whereas facilities which do decorative plating may do so as just one of the steps in their manufacturing process.

T. “Hazardous Material” means any product, substance, commodity, or waste in liquid, solid or gaseous form that exhibits a characteristic that presents a risk to drinking water resources. Risk may be due to ignitability, toxicity, reactivity, instability, corrosivity or persistence. This definition extends to all “dangerous wastes” and “hazardous substances” that are defined in WAC 173-303 (State Dangerous Waste Regulations). It also includes the chemicals and/or substances that are defined in the federal Emergency Planning and Community Right to Know Act (EPCRA) and/or the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA).

U. “Land Application Site” means a place where wastes such as sludge or gray water are applied to the land.

V. “Leachable Constituents” means constituents determined using the Toxicity Characteristic Leaching Procedure (TCLP), Test Method 1311 in “Test Methods for Evaluating Solid Waste, Physical/Chemical Methods,” EPA Publication SW-846.

W. “Manage” means a general term that includes, but is not limited to, the use, transfer, storage, processing and re-packaging of materials. This does not include the active or immediate transportation of materials.

X. “Municipal Waste” means general residential and commercial wastes including the waste

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collected by garbage haulers and the waste delivered to transfer or disposal sites by the waste generators themselves (self-haul).

Y. “National Pollutant Discharge Elimination System” or “NPDES” means the national program for issuing, modifying, revoking, and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under sections 307, 402, 318, and 405 of the Federal Clean Water Act, for the discharge of pollutants to surface waters of the state from point sources. These permits are referred to as NPDES permits and, in Washington State, are administered by the Washington State Department of Ecology.

Z. “Operation(s)” means industrial, commercial, institutional, or residential activity that may be publicly or privately-owned and operated, and may involve the use of stationary facilities, equipment, transport vehicles, or transfer equipment. To the extent allowed by state or federal law, this definition includes all federal, state, or local government entities.

AA. “Operation, Classified” means any operation that at any time within a one year time period will or do manage over 220 pounds in total of hazardous materials, including mixtures thereof that contain the following:

1. Constituents referenced in the Code of Federal Regulations, 40 CFR 302.4 (referenced in Section 103(a) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA));
2. Materials that exhibit the characteristic of toxicity (SMC 13.30.100(PP)) because they contain leachable constituents (SMC 13.30.100(V)) from the Toxicity Characteristic List of WAC 173-303-090(8) as amended; or
3. Constituents that are referenced on the Halogenated Solvent List set forth in SMC Table 13.30.900-1.

BB. “Outdoor Wood Preservation” means the act of pressure treating wood products for weather resistance and outdoor use, using organic-based preservatives such as creosote or pentachlorophenol, typically used to treat poles or heavy timbers, and inorganic-based preservatives such as chromium, copper and arsenic, typically used to treat dimension lumber.

CC. “Permeable Surface” means soil or other ground cover with a sufficiently rapid infiltration rate so as to eliminate surface runoff.

DD. “Person” means any human being, firm, labor organization, partnership, corporation, unincorporated association, trustee, trustee in bankruptcy, receiver, or any other legally recognized entity.

EE. “Potentially Harmful Materials” means hazardous materials (SMC 13.30.100(T)) as well as other materials including, but not limited to, the following which, if discharged or improperly disposed, may present a risk to drinking water resources:

Petroleum products including but not limited to petroleum fuel and petroleum based coating and preserving materials; oils containing PCBs; antifreeze and other liquid automotive products; metals, either in particulate or dissolved form, in concentrations above established regulatory standards; flammable or explosive materials; radioactive material; used batteries; corrosives, acids, alkalis, or bases; paints, stains, resins, lacquers or varnishes; degreasers; solvents; construction materials; drain cleaners and other toxic liquid household products; pesticides, herbicides, fungicides or fertilizers unless applied in accordance with local, state and federal standards; steam cleaning and carpet cleaning wastes; pressure cleaning wastes; car wash water; laundry wastewater; soaps, detergents, ammonia; swimming pool backwash; chlorine, bromine, and other disinfectants; heated water; domestic animal wastes; sewage; recreational vehicle waste; animal carcasses, excluding salmonids; food wastes; collected lawn clippings, leaves or branches; trash or debris; silt, sediment, or gravel; dyes; and untreated or unapproved wastewater from industrial processes.

FF. “Process Wastewater” means wastewater discharged from one or more industrial

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processes or industrial cleanup procedures.

GG. “Releasing” or “Release” means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the environment, including but not limited to the abandonment or discarding of barrels, containers, and other closed receptacles.

HH. “Responsible Government Official” means a person employed by the federal, state, or a local government with authority to protect the public health and safety or water resources. Examples include, but are not limited to, persons employed by the police and fire departments, and employees of the Washington State Department of Ecology, the United States Environmental Protection Agency, Skamania County, and the City of Stevenson.

II. “Sewage Disposal Cesspool” means a lined excavation in the ground which receives the discharge of a drainage system, designed to retain solids and organic matter while permitting liquids to seep through the sides and bottom.

JJ. “Stormwater” means runoff during and following precipitation and snowmelt events, including surface runoff and drainage.

KK. “Stormwater Drainage System” means constructed and natural features that function together as a system to collect, convey, channel, hold, inhibit, retain, detain, infiltrate, divert, treat, or filter stormwater.

LL. “Stormwater Manual” means the 2005 Stormwater Management Manual for Western Washington, which is the 5-volume technical manual (Publication Nos. 05-10-29 through 05-10-33) prepared by the Washington State Department of Ecology for use by local governments that contains BMPs to prevent, control, or treat pollution in stormwater.

MM. “Stormwater Treatment Facility” means a stormwater facility that is intended to remove pollutants from stormwater. Stormwater treatment facilities include, but are not limited to, wetponds, oil/water separators, biofiltration swales, and constructed wetlands.

NN. “Surface Water” means water that flows across the land surface, in channels, or is contained in depressions in the land surface, including but not limited to ponds, lakes, rivers, and streams.

OO. “Tank” means a stationary device designed to contain liquids used or stored at an operation which may include hazardous materials, chemicals or dangerous wastes, and which is constructed primarily of non-earthen materials to provide structural support.

PP. “Toxicity” means having properties that cause or significantly contribute to death, injury, or illness in humans or wildlife. A material exhibits the characteristic of toxicity if it contains certain leachable constituents at sufficient concentrations to be considered dangerous to human health and the environment. Leachable constituents and toxicity concentrations are referenced in the Toxicity Characteristic List of WAC 173-303-090(8) as amended.

QQ. “Underground Injection Control” or “UIC well” means a manmade subsurface fluid distribution system designed to discharge fluids into the ground, consisting of an assemblage of perforated pipes, drain tiles, or other similar mechanisms, or a dug hole that is deeper than the largest surface dimension. Subsurface infiltration systems include drywells, pipe or french drains, drain fields, and other similar devices.

Section 13.30.125 Adoption of Manual.

A. For purposes of regulation of activities subject to this chapter, the City hereby adopts as its Stormwater Manual the 2005 Stormwater Management Manual for Western Washington.

B. At least one copy of the manual adopted in this section shall be filed in the Office of the City Clerk for use and examination by the public. The manual may also be made available for use and

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examination by the public at the Office of the Public Works Director, or on the City website.

C. Any reference to “Stormwater Management Manual” or “Puget Sound Erosion Control Manual” or “Washington Department of Ecology’s Stormwater Management Manual for the Puget Sound” or “Puget Sound Water Quality Manual” or “BMP’s approved by the Western Washington Stormwater Manual” or “Department of Ecology alternative paving Best Management Practices,” wherever found within the Stevenson Municipal Code, shall refer to this chapter and to the equivalent manuals as adopted in this chapter.

Section 13.30.150 Designation, scope and applicability.

A. Designated Areas: The following areas are designated Drinking Water Resource Protection Areas:

1. Critical Aquifer Recharge Areas: The City designates the following as Critical Aquifer Recharge Areas, pursuant to WAC 365-190 and Chapter 36.70A RCW, for the protection of drinking water resources. The City shall apply development restrictions as defined in SMC 13.30.350 to activities inside Critical Aquifer Recharge Areas.
 - a. Wellhead Protection Areas. Wellhead protection areas shall be defined by the boundaries of the 10-year time of ground water travel, or boundaries established using alternate criteria approved by the Department of Health in those settings where ground water time of travel is not a reasonable delineation criterion, in accordance with WAC 246-290-135 for Group A water systems.
 - b. Sole Source Aquifers. Sole source aquifers are areas that have been designated by the U.S. Environmental Protection Agency pursuant to the Federal Safe Drinking Water Act. As of 2016, no Sole Source Aquifers are designated within Skamania County.
 - c. Susceptible Ground Water Management Areas. Susceptible ground water management areas that have been designated as moderately or highly vulnerable or susceptible in an adopted ground water management program developed pursuant to Chapter 173-100 WAC. As of 2016, no Susceptible Ground Water Management Areas are designated within Skamania County.
 - d. Special Protection Areas. Special protection areas are those areas defined by WAC 173-200-090. As of 2016, no special protection areas are defined within Skamania County.
2. Surface Water Protection Areas. The City designates all Surface Water Protection Systems identified by the Washington Department of Health for any Group A water system as Surface Water Protection Areas.

B. Mapping.

1. The approximate location and extent of designated Drinking Water Resource Protection Areas are shown on the adopted critical areas map.
2. These maps are to be used as a guide for the city, project applicants, and/or property owners, and may be continuously updated as new Drinking Water Resource Protection Areas are identified. The maps are a reference only and do not provide a final critical area designation.

C. Operations: All operations are subject to the provisions of this chapter. Each operation shall meet the Minimum Requirements defined in SMC 13.30.200. Operations that manage hazardous materials may also be required to meet the Greater Standards for Hazardous Materials Management, as defined in SMC sections 13.30.300 and .325.

D. Prohibitions: Regardless of operating status or location, the following uses and activities shall be prohibited within the City:

1. Hard Chrome Plating Operations

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2. Outdoor Wood Preservation Operations
3. Chemical Lagoons and Pits
4. Sewage Disposal Cesspools
5. Hazardous Material Disposal Sites
6. Radioactive Waste Disposal Sites
7. Municipal Waste Disposal Sites

E. Emergency Response Exclusion: Emergency response activities shall be excluded from the requirements of this chapter, if such an activity is initiated and completed within a timeframe too short to allow for full compliance with this chapter. This exclusion shall only apply to immediate actions that are undertaken in response to an imminent threat to drinking water resources, public health or safety. This exclusion shall not apply unless a responsible government official (SMC 13.30.100(HH)) is notified and agrees that the event is a qualifying emergency.

Section 13.30.175 Discharges to Drinking Water Resources.

A. Prohibited Discharges: No person or operation shall discharge any potentially harmful materials (SMC 13.30.100(EE)) into the drinking water resources of the City. Persons or operations shall use all known, available, and reasonable means to prevent the discharge of any potentially harmful materials into the drinking water resources of the City.

B. Illicit Connections:

1. Any connection that could allow conveyance of any solid, liquid, or gas material not composed entirely of surface and storm water directly to drinking water resources is considered an illicit connection and is prohibited, except:
 - a. Connections conveying allowable discharges as set forth at SMC 13.30.175.C and D herein;
 - b. Connections conveying discharges pursuant to a National Pollutant Discharge Elimination System (NPDES) permit or a state waste discharge permit; and
 - c. Connections conveying effluent from permitted or authorized onsite sewage disposal systems to subsurface soils.
2. Floor drains shall not be installed inside an operation which stores or uses hazardous materials unless approved by the City for connection to sanitary sewer. Existing floor drains connected to storm drains or to surface water drains located in or near indoor hazardous material storage or use areas are considered unauthorized connections and shall be sealed or removed to prevent liquid entry, piped to the sanitary sewer (with approval and appropriate shut-off valves), be routed to blind sumps, or be directed to additional containment or treatment systems meeting the standards of this chapter.

C. Allowable Discharges to Stormwater Drainage System: The following types of discharges shall be permitted unless the City determines that these discharges (whether singly or in combination with others) are causing significant contamination of drinking water resources:

1. Uncontaminated water from crawl space pumps or footing drains;
2. Materials placed as part of an approved habitat restoration or bank stabilization project;
3. Natural uncontaminated surface water or ground water;
4. Flows from riparian habitats and wetlands;
5. City-approved dye testing following verbal notification to the City at least one day prior to the date of test. The City and the Skamania County Environmental Health and Public Works departments are exempt from this requirement;
6. Any discharge allowed by an operation's National Pollutant Discharge Elimination System (NPDES) permit or other authorized discharge permit;
7. Any discharge specifically allowed in writing by a local, state or federal agency for remedial action in an agreed order, a consent decree or in a voluntary cleanup effort.

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D. Allowable Discharges to Permeable Surfaces. The following types of discharges shall be permitted onto a permeable surface unless the City determines that these discharges (whether singly or in combination with others) contain greater than de minimus amounts (SMC 13.30.100(J)) of contaminants:

1. All allowable discharges specified in SMC 13.30.175.C;
2. Potable water;
3. Potable water line flushing;
4. Landscape watering;
5. Residential car and boat washing;
6. Residential swimming pool and spa water;
7. Common discharge practices from water well disinfection.

E. Non-stormwater Discharges to the Stormwater Drainage System Prohibited Unless Conditions Met. The following categories of non-stormwater discharges are prohibited discharges to any Stormwater Drainage System located within a Critical Aquifer Recharge Area unless the stated conditions are met:

1. Discharges from potable water sources, including water line flushing, hyperchlorinated water line flushing, fire hydrant system flushing, and pipeline hydrostatic test water. Planned discharges shall be de-chlorinated to a concentration of 0.1 ppm or less, pH-adjusted, if necessary, and volumetrically and velocity controlled to prevent re-suspension of sediments in the Stormwater Drainage System.
2. Discharges from landscape watering and other irrigation runoff. These shall be minimized through, at a minimum, public education activities and water conservation efforts.
3. Dechlorinated swimming pool discharges. The discharges shall be dechlorinated to a concentration of 0.1 ppm or less, pH-adjusted and reoxygenized if necessary, volumetrically and velocity controlled to prevent re-suspension of sediments in the Stormwater Drainage System. Swimming pool cleaning wastewater and filter backwash shall not be discharged to the Stormwater Drainage System.
4. Street and sidewalk wash water, water used to control dust, and routine external building wash down that does not use detergents. The City shall reduce these discharges through, at a minimum, public education activities and/or water conservation efforts. To avoid washing pollutants into the Stormwater Drainage System, the City must minimize the amount of street wash and dust control water used.
5. Other non-stormwater discharges. The discharges shall be in compliance with the requirements of the stormwater pollution prevention plan received by the City, which addresses control of construction site de-watering discharges.

F. A UIC well may be used to manage stormwater when pollutant concentrations that reach ground water are not expected to exceed Washington state ground water quality standards (chapter 173-200WAC). This section shall not be construed to authorize any discharge to a UIC that does not conform to the requirements of WAC 173-218 – Underground Injection Control Program.

Section 13.30.200 Minimum requirements.

A. Operational Best Management Practices (BMPs): All operations shall adopt the following best management practices to ensure their operations minimize potential risks to drinking water resources.

1. Precautions: The owner/operator shall take precautions to prevent accidental releases of hazardous materials. Hazardous materials shall be separated and prevented from entering Stormwater Drainage Systems, septic systems, and drywells.
2. Hazardous Materials Management: Hazardous materials shall be managed so that they do not threaten human health or the environment, or enter drinking water resources.
3. Hazardous Material Releases: All hazardous materials that have been released shall be contained and abated immediately, and the hazardous materials recycled or disposed of

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properly. The City shall be notified of any release of hazardous materials that clearly impact drinking water resources, as soon as possible but no later than 24 hours after the release. The Stormwater Manual provides applicable operational BMPs for spills of oils and hazardous substances.

4. Oil/Water Separators: Oil/water separators shall be inspected, cleaned and maintained as stipulated in the Stormwater Manual. The City may allow an operation to modify the regularity of cleanouts if the operation can demonstrate to the City's satisfaction that the separator operates effectively at less frequent cleaning intervals.
5. Pesticide and Fertilizer Management. All pesticides, herbicides, fungicides and fertilizers shall be applied and managed according to the applicable BMPs for landscaping and lawn/vegetation management in the Stormwater Manual and SMC 18.13 Critical Areas and Natural Resource Lands.
6. Stormwater Treatment Systems: Stormwater Drainage Systems and treatment facilities, in Critical Aquifer Recharge Areas including, but not limited to, catch basins, wetponds and vaults, biofilters, settling basins, and infiltration systems, shall be cleaned and maintained by the responsible party according to the applicable operational BMPs for the maintenance of stormwater, drainage and treatment systems in the Stormwater Manual.
7. Decommissioning Water Wells: Any water well which is unusable, abandoned, or whose use has been permanently discontinued, or which is in such disrepair that its continued use is impractical or is an environmental, safety or public health hazard shall be decommissioned according to the provisions of the Washington Administrative Code WAC 173-160-381 and physically disconnected from any public water system used to replace the well. Any person decommissioning a water well shall consult with the City regarding consolidation of that well's water right with the municipal system.
8. Operation Closure: At the closure of an operation, all hazardous materials shall be removed from the closing portion of the operation and disposed of in accordance with local, state and federal laws.
9. Mobile Washing and Pressure Cleaning: Operations which engage in activities such as pressure washing, carpet cleaning, and equipment and vehicle washing shall apply best management practices according to applicable BMPs for washing and steam cleaning in the Stormwater Manual. Mobile washing operations shall ensure that all of their employees are knowledgeable of proper discharge practices. Washwater from such operations shall be captured and directed to an approved discharge location. Non-approved washwater shall not be discharged into the City's Stormwater Drainage System.

B. Commercial Operations Requiring Additional BMPs: Operations which engage in the following commercial operations shall implement the applicable source control BMPs from the Stormwater Manual: commercial animal handling, commercial composting, printing operations, fueling stations, log sorting, railroad yards, recyclers, scrap yards, and wood treatment facilities.

C. Specific Activities Requiring Additional BMPs: Operations performing the following activities shall implement the applicable source control BMPs from the Stormwater Manual and shall comply with the requirements of SMC 18.13 Critical Areas and Natural Resource Lands: construction/repair/maintenance of boats/ships, airfield/street deicing, dust control, landscaping, loading/unloading of trucks and railcars, repair/maintenance/parking of vehicles/equipment, erosion control at industrial sites, maintenance of utility corridors, maintenance of roadside ditches/culverts, outdoor manufacturing, mobile fueling of vehicles/equipment, painting/coating of vehicles/buildings/equipment, storing dangerous wastes, managing raw materials.

Section 13.30.300 Application of greater standards.

A. Classification: Certain non-residential operations present a greater potential risk to drinking water resources because of the volume and type of hazardous materials that are managed. These

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Classified Operations (SMC 13.30.100(AA)) are subject to the stipulated actions defined in this section.

B. Stipulated Actions and Timelines: Classified operations shall adopt the Greater Standards for Hazardous Material Operations defined in SMC 13.30.325, according to the following stipulations:

1. New Operations: New classified operations shall adopt the Greater Standards beginning the date of issuance of certificate of occupancy or as otherwise specified in accordance with the provisions of this chapter.
2. Existing Operations: Existing classified operations shall adopt the Greater Standards (or some portion thereof), within a time period specified by the City, if the City becomes aware of and documents specific circumstances which demonstrate that Greater Standards (or some portion thereof) are necessary to protect public health and safety, or reduce the risk of contamination to drinking water resources.
3. Change of Class or Tenant: The City shall be notified as soon as possible and no later than 30 days after:
 - a. The amount of hazardous materials managed by an operation increases above the thresholds established in SMC 13.30.100(AA).
 - b. Occupation of an existing classified operation by a new tenant.

C. Declassification: An operation shall no longer be classified if:

1. The constituents contained in a product or waste are individually present at less than 1% by weight for non-carcinogenic hazardous materials, and less than 0.1% by weight for known or suspected carcinogenic hazardous materials. (Operators should review the Material Safety Data Sheet for the hazardous materials to make this determination);
2. Both of the following conditions are met:
 - a. The operation is focused on research, education, distribution or consumer oriented activities, including but not limited to laboratories, hospitals, schools, cargo handlers, distributors, warehouses, or retailers; and
 - b. Products containing classified hazardous materials are managed in closed containers or sealed bags with individual capacities of no more than 10 gallons for a liquid material and no more than 80 pounds for a dry or solid material;
3. The reason for classification is due to the operation's management of solid metals and solid metal alloys, including but not limited to roll stock, bar stock, sheet stock, and manufactured articles such as equipment, parts, building materials, and piping, that contain one or more metals listed in 40 CFR 302.4 or WAC 173-303-090(8); EXCEPT, that where machining, forming, grinding, cutting, melting, or other activities produce residues such as shavings, grindings, swarf, fume, or other finely divided particulate forms of a listed metal or metal alloy that may present a threat to drinking water resources, such residues shall not be declassified; or
4. The reason for classification is due to the presence of personal and commercial vehicles that are designed to or do hold quantities of fuel that would otherwise cause them to be classified under this section (SMC 13.30.300.A).

Section 13.30.325 Greater standards for hazardous materials operations.

A. Best Management Practices (BMPs):

1. Design and Construction: Operations shall be designed, constructed, maintained and operated to minimize the possibility of an unplanned release of hazardous materials to soil or drinking water resources.
2. Container/Tank Management: A container or tank holding a hazardous material shall always be closed, except to add or remove materials. Hazardous materials shall also be managed so that they do not damage the structural integrity of the operation or devices containing the material.
3. Container/Tank Condition: All containers and tanks shall be maintained in such a manner

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as to assure effective operation and prevent the release of hazardous materials.

4. Container/Tank Identification: The owner/operator shall label all containers and tanks containing hazardous materials to identify the major risk(s) associated with the contents. This labeling shall conform to applicable sections of the Uniform Fire Code, Occupational Safety and Health standards, and/or the State of Washington's Dangerous Waste Regulations.
 5. Ancillary Equipment: Any leaking pipe, pump, or other ancillary equipment shall be repaired or replaced promptly. Ancillary equipment associated with hazardous materials shall be supported and protected against physical damage and excessive stress.
 6. Compatibility: The owner/operator shall use a container or tank made of or lined with materials which are compatible with the hazardous materials to be stored.
 7. Containment: Container and tank storage areas shall have a containment system that is capable of collecting and holding spills and leaks. This containment shall:
 - a. Be constructed of an impervious surface with sealed joints.
 - b. Joints between concrete slabs and slab/foundation interfaces should be eliminated or minimized in the operation;
 - c. Provide pollution control measures to protect drinking water resources, including run-off collection and discharge from active areas;
 - d. Be designed to provide secondary containment of 110% of the container's or tank's capacity; or in areas with multiple tanks, 110% of the largest tank or 10% of the aggregate tank volumes, whichever is larger. Secondary containment shall be provided in all areas where hazardous materials are loaded/unloaded, transferred, accumulated or stored;
 - e. Be compatible with the materials that are being handled; and
 - f. Be routinely inspected as defined at SMC 13.30.325C.
 8. Loading Areas: Loading and unloading areas shall be designed, constructed, operated and maintained to:
 - a. Contain spills and leaks that might occur during loading/unloading;
 - b. Prevent releases of hazardous materials to drinking water resources;
 - c. Contain wash waters (if any) resulting from the cleaning of contaminated transport vehicles and load/unload equipment; and
 - d. Allow for removal as soon as possible any collected hazardous materials resulting from spills, leaks, and equipment cleaning.
 9. Closure: At closure of an operation, all remaining structures, containers, tanks, liners, and soil containing or contaminated with hazardous materials at concentrations above state and federal regulatory thresholds shall be decontaminated and properly disposed of or managed.
- B. Spill and Emergency Response Plan (SERP):**
1. A Spill and Emergency Response Plan (SERP) shall be developed, implemented, and maintained on site, and shall be made available to the City upon request.
 2. The SERP shall be updated at least every 5 years or as needed to reflect significant changes in operation or practices.
 3. At a minimum, the SERP shall include the following information:
 - a. Spill Prevention.
 - i. Drawings including the layout of the operation, a floor plan, direction of drainage, entrance and exit routes, and areas where hazardous materials are received, stored, transported, handled or used in operations.
 - ii. Listings of all hazardous materials on site including types, volumes, locations and container types and sizes.
 - iii. Spill prevention related equipment including equipment which serves to detect releases of potential drinking water resources contaminants.

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- b. Emergency Response.
 - i. Chain of command and procedures for spill response.
 - ii. Phone list of response agencies including federal, state and city emergency contact numbers and environmental cleanup companies.
 - iii. Procedures for treating and disposing of spilled hazardous materials.
- c. Certification. The SERP shall include a certification signed by an authorized representative of the operation stating: "I certify that the information provided in this document is to the best of my knowledge true and complete, and the spill prevention equipment and emergency response measures described herein are as stated." The signed certificate shall include the authorized representative's name (printed), title, and contact information.

C. Operational Inspections:

- 1. Schedule: The owner/operator shall develop a written schedule for inspecting all monitoring equipment, safety or emergency equipment, security devices, and any other equipment that helps prevent, detect, or respond to drinking water resource-related hazards.
- 2. Regular Inspections: The owner/operator shall perform site inspections to identify malfunctions and deterioration of equipment or containers, operator errors, discharges, or any other condition that may cause or lead to the release of hazardous materials to drinking water resources. The owner/operator shall conduct these inspections often enough to identify problems in time to correct them before they impact drinking water resources. Inspections shall be completed in all areas where hazardous materials are managed and a written record of those inspections made at least annually.
- 3. Water Resource-Related Hazard Mitigation: The owner/operator shall remedy any problems revealed by the inspection. Where a drinking water resource-related hazard is imminent or has already occurred, remedial action shall be taken immediately.

D. Engineering and Operating Report: When the City recognizes and demonstrates a need for additional information on an operation's practices, the City may require the operation to submit an engineering and operating report to accommodate the City's review of operations and to prevent releases of hazardous materials to drinking water resources. If required, the report shall provide the following:

- 1. The type of industry or business including the kind and quantity of finished products.
- 2. A process flow diagram illustrating the process flow of water and materials in a normal operating day. This will include details on the operation's plumbing and piping and where specific chemicals are added to processes.
- 3. A discussion of any discharges to the Stormwater Drainage System.
- 4. A discussion of any discharges through land applications, including seepage lagoons, irrigation, and subsurface disposal. As applicable, this discussion should also include the depth to ground water and anticipated overall effects of the operations on the quality of drinking water resources.
- 5. Provisions for any plans for future expansion or intensification.
- 6. A certification signed and dated by an authorized representative of the operation stating: "I certify that the information provided in this document is to the best of my knowledge true and complete." The signed certificate shall include the authorized representative's name (printed), title, and contact information.

E. Records & Reports:

- 1. Operations shall maintain records of required inspection, cleaning and maintenance events. Where operations are otherwise required by the City or another agency to maintain such records, those records shall satisfy this requirement. All operations shall maintain these records on site for at least 3 years and shall make them available to the City upon request.

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2. Plans, reports or other documentation concerning the management of hazardous materials shall also be made available to the City upon request.
3. Information provided to the City will be available to the public. Information may be claimed as confidential by the operation as outlined at SMC 13.30.600. If no claim is made at the time of submission, the City will make the information available to the public when requested.

F. Protections for Stormwater: All new classified operations shall implement the applicable structural Best Management Practices (BMPs) of the Stormwater Manual.

G. Completion Timeline: All new classified operations shall implement the greater standards of this section shall be completed **prior to/within 90 days** after the date of issuance of the certificate of occupancy. Operations that change in classification from unclassified to classified shall implement the provisions of this section within 90 days of change in classification. Other operations may also be required to implement these provisions if the city determines this action will help prevent releases of hazardous materials to drinking water resources.

Section 13.30.350 Restrictions in critical aquifer recharge areas.

A. Development Limitation:

1. New Operations. The City shall not approve applications for the following in Critical Aquifer Recharge Areas as designated in SMC 13.30.150(A):
 - a. New underground heating oil tank;
 - b. New bulk petroleum fuel operations (SMC 13.30.100(B); or
 - c. New classified operations (SMC 13.30.100(AA)), EXCEPT a new classified operation may occupy an existing structure or facility appropriate for the use when:
 - i. All applicable provisions of this chapter are met; and
 - ii. The owner or operator provides an Engineering and Operating Report described in SMC 13.30.325(F) to the City's satisfaction.
2. Existing Operations.
 - a. Existing bulk petroleum fuel operations are nonconforming uses. However, existing bulk petroleum fuel operations throughout the Special Protection areas may become conforming by:
 - i. Filing such a request with the City; and
 - ii. Taking the necessary action(s) to meet all applicable provisions of this chapter to the City's satisfaction.
 - b. Existing classified operations are nonconforming uses. However, an existing classified operation may become conforming by:
 - i. Filing such a request with the City; and
 - ii. Taking the necessary action(s) to meet all applicable provisions of this chapter to the City's satisfaction.

B. Septic Systems:

1. The City shall accept no application for approval of a project in the Critical Aquifer Recharge Area designated at SMC 13.30.150(A) relying upon installation of a septic system until the system has been approved by Skamania County Environmental Health or a successor agency responsible for permitting of septic systems.
2. New septic systems and replacement of existing septic systems shall not be permitted in Critical Aquifer Recharge Areas. An owner/operator may seek relief from this prohibition by filing with the City a request for relief accompanied by an analysis prepared by a qualified professional to the City's satisfaction of the potential for ground water contamination at the site. This analysis may include a soils and ground water evaluation if deemed necessary by the City.

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3. The City shall not approve a project relying upon installation of a septic system in a Critical Aquifer Recharge Area unless all of the following findings are made:
 - a. Connection to an existing sewer line is impossible or impracticable; and
 - b. The property cannot be reasonably developed without use of a septic system; and
 - c. The septic system design poses no significant risk of ground water contamination.
4. The City's decision may be appealed to the Board of Adjustment in accordance with SMC 2.14.
- C. Direct Infiltration Facilities:
 1. New direct infiltration facilities, and replacement of existing direct infiltration facilities shall not be allowed for classified operations in Critical Aquifer Recharge Areas. An operation may seek relief from this prohibition by filing with the City a request for relief accompanied by an analysis prepared by a qualified professional to the City's satisfaction of the potential for ground water contamination at the site. This analysis may include a soils and ground water evaluation if deemed necessary by the City.
 2. The City's decision may be appealed to the Board of Adjustment in accordance with SMC 2.14.

Section 13.30.400 Administrative programs.

- A. Educational and Technical Assistance Program.
 1. The City will work in conjunction with other agencies to implement an Education and Technical Assistance Program to assist property owners, business and industry owners and managers, residents, and other interested parties in understanding the importance of protecting the City's drinking water resources and in employing best management practices in pursuit of that goal.
 2. The Education and Technical Assistance Program will include but not be limited to:
 - a. Technical assistance visits, informational fact sheets, or self-audits for businesses and industries,
 - b. Education on the proper use of pesticides, herbicides, fungicides, and fertilizers;
 - c. Discussions of the impacts of unauthorized discharges to drywells, catch basins, storm basins and sanitary sewer; and
 - d. Activities to explain and promote the proper management and disposal of used oil and other contaminants.
- B. Compliance Inspections:
 1. City personnel may inspect any operation in the City that is known to manage (or may potentially manage) hazardous materials or is reasonably believed to be a potential source of an illicit discharge.
 2. Inspections may be initiated as the result of a complaint or referral, or as defined by a routine schedule for compliance. Inspections will be used to determine if there is any risk to drinking water resources, and to determine if an operation is in compliance with this chapter.
 3. Inspections may involve a review of process equipment, structures, and operating practices; records or plan review; interviews with operators; photo documentation and sampling. As such, operators shall allow representatives of the City, upon presentation of credentials, to:
 - a. Enter the premises where hazardous materials are being managed, or where records may be kept under the provisions of this chapter. The owner/operator shall make necessary arrangements to allow access without delay. Unreasonable delay may constitute a violation of this chapter;
 - b. Have access to and copy, at reasonable times, any records that must be kept under the provisions of this chapter;

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c. Inspect at reasonable times any facilities, equipment (e.g., safety, monitoring, operating, or other equipment), practices or operations regulated or required under the provisions of this chapter;

d. Sample and monitor at reasonable times, any substances or parameters at any location for the purposes of assuring compliance or as otherwise authorized by the provisions of this chapter. This requirement may involve the City's installation or erection of equipment to conduct sampling, inspection, compliance monitoring or metering operations. As such, at the written or verbal request of the City, operators shall remove any temporary or permanent obstruction to safe and easy access to an operation to be inspected and/or sampled. The operator shall not replace such an obstruction without the City's consent.

Section 13.30.500 Enforcement.

A. Enforcement. It shall be unlawful to violate the provisions of this chapter.

B. Supplemental Enforcement Provisions for Drinking Water Resources Protection. In addition to civil and criminal enforcement as authorized elsewhere in the Stevenson Municipal Code, enforcement of this chapter may utilize the following authority:

1. The City Council of the City of Stevenson finds that an operation not in compliance with the requirements of this chapter constitutes a public nuisance under RCW 7.48, Nuisances.
2. The City may use field notes, observations, photo documentation, sample logs, analytical results or other information to define risk and to establish that an operation is in violation of this chapter.
3. The City may require the implementation of the operational or structural best management practices, as defined through the provisions of this chapter. The City may also require the operator to sample and analyze any discharge, surface and storm water, ground water and/or sediment, in accordance with sampling and analytical procedures or requirements determined by the City. If the operator is required to complete this sampling and analysis, a copy of the analysis shall be provided to the City.
4. The City may impose additional requirements whenever documented specific circumstances (applicable to the operation) threaten drinking water resources.
5. Notwithstanding any other provisions of this chapter, whenever it appears to the City that conditions regulated by this chapter require immediate action to protect the public health and/or safety, the City is authorized to enter such property for the purpose of inspecting and investigating such emergency conditions.

Section 13.30.600 Trade secrets and confidential records.

A. Records Availability.

1. All surveys, reports, plans, diagrams, permits, and other documents, information, and data submitted to the City pursuant to this chapter, or information and data obtained by the City through sampling, monitoring, and enforcement activities shall generally be available for public inspection and copying.
2. Such information shall also not be available for public inspection and copying if protected from public disclosure by the provisions of RCW chapter 42.56 as amended or other state and federal laws governing the dissemination of public records and information to the public, including but not limited to patent, trademark, and trade secret laws and regulations.
3. In no case shall an employee or agent of the City be liable to any person for the public disclosure of any surveys, reports, plans, diagrams, permits, and other documents,

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information, and data submitted to the City pursuant to this chapter, or information and data obtained by the City through sampling, monitoring, and enforcement activities; unless such information or data has been marked confidential by the person and/or the person has requested confidentiality consistent with this section.

B. Exemption from Disclosure Request.

1. Any person may request that specific and particular information or data in the possession of the City be exempted from public inspection and copying. The request shall be in writing and addressed to the City, and the person shall bear the burden of establishing that the specific and particular information or data sought to be exempted is protected from public disclosure. The City attorney's office shall determine whether and which portions of such information are protected from public disclosure within 21 days of receipt of a request for confidentiality. The City shall not release for public inspection and copying that information and data for which a person has requested confidentiality until such time as the City has made a determination of whether the information is protected from public disclosure, unless the City determines in good faith that the request for confidentiality is frivolous or without merit.
2. The City may withhold records only if it finds:
 - a. The record contains information that reflects valuable research data that has been obtained by the City within 5 years of the date of the request and that disclosure would produce private gain and public loss. For purposes of this finding, "research data" means a body of facts and information collected for a specific purpose and derived from close, careful study, or from scholarly or scientific investigation or inquiring; or
 - b. The record contains trade secret information because it includes a formula, pattern, compilation, program, device, method, technique, or process that:
 - i. Derives independent economic value, actual or potential from not being generally known;
 - ii. The information is subject to efforts that are reasonable under the circumstances to maintain its secrecy; and
 - iii. The information is not readily ascertainable from another source.
3. The City attorney's office may decline to make a determination of whether the record is exempt from public disclosure because it contains trade secret information. Where the City attorney's office declines to make such a determination, the City shall provide the holder of the trade secret a reasonable amount of time, but in no case more than 21 days to obtain an order from the superior court preventing disclosure of the record.
4. A person submitting information or data to the City for which the person intends to claim whole or partial confidentiality shall mark those specific pages and sections of information or data asserted to be confidential with a conspicuous and legible marking indicating "TRADE SECRET" and/or "CONFIDENTIAL". The person shall then submit a request for trade secret protection to the City for the marked records within 7 days of submitting such marked information or data.

C. Availability of Confidential Information: Surveys, reports, plans, diagrams, permits, and other documents, information, and data submitted to the City pursuant to this chapter, or information and data obtained by the City through sampling, monitoring, and enforcement activities, which the City or a court of competent jurisdiction has determined are trade secrets and exempted from public inspection and copying, shall be available upon written request to local, state, and federal governmental agencies for uses related to this chapter, the NPDES program, state water quality monitoring and enforcement, and other enforcement proceedings involving the person.

D. Procedure for Public Records Request: Any person seeking to inspect or copy any surveys, reports, plans, diagrams, permits, and other documents, information, and data submitted to the City pursuant to this chapter, or information and data obtained by the City through sampling, monitoring,

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and enforcement activities, which are not exempted from public disclosure, may do so by written request to the City. The request shall be specific enough to permit the City to identify the particular documents, information, or data sought. The City shall respond to each document request in accordance with RCW 42.56.

Section 13.30.700 Alternative practices.

A. Where appropriate, the City shall accept other local, state or federal approvals, permits or other authorization as satisfying certain provisions defined through this chapter. The City retains the authority to review plans, permits and operating conditions to determine compliance.

B. The City will accept an alternative practice, system, plan or structure only if the owner/operator can demonstrate to the City that the alternative will produce the same or a greater level of drinking water resource protection.

SMC 13.30.725 Adjustments

A. An Adjustment is a technical variation in the application of a Minimum Requirement (SMC 13.30.200) to a particular project. The City may grant Adjustments to this chapter, only, under this section. No other Adjustments are authorized under this section.

B. Adjustment Approval Process. Adjustments to the Minimum Requirements may be granted administratively by the City, provided that a written finding of fact is prepared showing compliance with these criteria:

1. The Adjustment provides substantially equivalent environmental protection.
2. Based on sound engineering practices, the objectives of safety, function, environmental protection and facility maintenance are met.
3. The Adjustment will not result in non-compliance with other Minimum Requirements.
4. No Adjustment shall be used in place of an Exception procedure under SMC 13.30.750, where such procedure is applicable.

C. The City shall maintain a record of such decisions and associated findings.

Section 13.30.750 Special Exceptions.

The City may grant Special Exceptions to this chapter under this section.

A. A Special Exception is a waiver of the application of a Minimum Requirement (SMC 13.30.200) to a particular project. The City may grant Special Exceptions to this chapter, only, under this section. No other Exceptions are authorized under this section.

B. Special Exception Approval Process. Special Exceptions from a Minimum Requirement may be granted by the Board of Adjustment, provided that written findings of fact is prepared showing compliance with the criteria in this section.

C. Special Exception Approval Criteria. The City may grant Special Exceptions to this chapter, if application of this chapter imposes a severe and unexpected economic hardship on a project applicant.

1. The following must be documented with written findings of fact:
 - a. The current (pre-project) use of the site, and
 - b. How the application of this chapter restricts the proposed use of the site compared to the restrictions that existed prior to the adoption of this chapter; and
 - c. The possible remaining uses of the site if the Special Exception were not granted; and
 - d. The uses of the site that would have been allowed prior to the adoption of this chapter; and

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- e. A comparison of the estimated amount and percentage of value loss as a result of the requirements of this chapter versus the estimated amount and percentage of value loss as a result of requirements that existed prior to adoption of the requirements of this chapter; and
 - f. The feasibility for the owner to alter the project to apply the requirements of this chapter.
2. In addition any exception must meet the following criteria:
- a. The exception will not increase risk to the public health and welfare, nor be injurious to other properties in the vicinity and/or downstream, and to the quality of waters of the state; and
 - b. The exception is the least possible exception that could be granted to comply with the intent of this chapter. This criteria is met by evidence that the owner/operator has employed measures to avoid and minimize impacts, such as:
 - i. Limiting the degree or magnitude of the regulated use or activity;
 - ii. Implementing best management practices;
 - iii. Phasing or limiting implementation;
 - iv. Changing the timing of activities; or
 - v. Revising site plans.

D. Administration. The Board of Adjustment shall not act on a request for a Special Exception until an open record hearing is held. Hearings under SMC 13.30.750 relating to Special Exceptions shall be consolidated with any required open record hearing or appeal related to any underlying application, where such open record hearing or appeal is required. The City shall maintain a record of any such hearings, decisions, and associated findings made under this section.

Section 13.30.800 Appeals.

A. Appeals of enforcement of this chapter under SMC 13.30.500 shall be governed by SMC 2.14.

B. Appeals under SMC 13.30.350 relating to critical aquifer recharge areas shall be consolidated with any open record hearing or appeal related to any underlying application, where such open record hearing or appeal is required.

Section 13.30.900 Halogenated solvent table.

Solvent	Synonym(s)	CAS No.
Benzyl chloride	Chloromethylbenzene	100-44-7
Bis(2-chloroethyl)ether	Bis(-chloroethyl)ether	111-44-4
Bis(2-chloroisopropyl)ether	Bis(-chloroisopropyl)ether	108-60-1
Bromobenzene	Phenyl bromide	108-86-1
Bromochloromethane	Chlorobromomethane	74-97-5
Bromodichloromethane	Dichlorobromomethane	75-27-4
Bromoethane	Ethyl bromide	74-96-4
Bromoform	Tribromomethane	75-25-2
Carbon tetrachloride	Tetrachloromethane	56-23-5

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Chlorobenzene	Benzene chloride	108-90-7
2-Chloroethyl vinyl ether	(2-Chlorethoxy)ethane	110-75-8
Chloroform	Trichloromethane	67-66-3
1-Chloro-1-nitropropane	Chloronitropropane	600-25-9
2-Chlorophenol	o-Chlorophenol	95-57-8
4-Chlorophenyl phenyl ether	p-Chlorodiphenyl ether	7005-72-3
Chloropicrin	Trichloronitromethane	76-06-2
m-Chlorotoluene		108-41-8
o-Chlorotoluene	2-Chloro-1-methylbenzene	95-45-8
p-Chlorotoluene		106-43-4
Dibromochloromethane	Chlorodibromomethane	124-48-1
1,2-Dibromo-3-chloropropane	DPCP	96-12-8
Dibromodifluoromethane	Freon 12-B2	75-61-6
1,2-Dichlorobenzene	o-Dichlorobenzene	95-50-1
1,3-Dichlorobenzene	m-Dichlorobenzene	541-73-1
1,1-Dichloroethane	1,1-DCA	75-34-3
1,2-Dichloroethane	Ethylene dichloride, 1,2-DCA	107-06-2
1,1-Dichloroethene	Vinylidene chloride 1,1-DCE	75-35-4
trans-1,2-Dichloroethylene	trans-1,2-DCE	156-60-5
1,2-Dichloropropane	Propylene dichloride	78-87-5
cis-1,3-Dichloropropene	cis-1,3-Dichloropropylene	10061-01-5
trans-1,3-Dichloropropene	trans-1,3-Dichlonopropylene	10061-02-0
Ethylene dibromide	1,2-Dibromoethane, EDB	106-93-4
Hexachlorobutadiene	HCBD	87-68-3
Hexachlorocyclopentadiene	HCCPD	77-47-4
Methylene chloride	Dichloromethane	75-09-2
Pentachloroethane	Ethane pentachloride	76-01-7
1,1,2,2-Tetrabromoethane	Acetylene tetrabromide	79-27-6
1,1,2,2-Tetrachloroethane	Acetylene tetrachloride	79-34-5
Tetrachloroethylene	Perchloroethylene, PCE	127-18-4
1,2,4-Trichlorobenzene	1,2,4-TCB	120-82-1
1,1,1-Trichloroethane	Methyl chloroform, 1,1,1-TCA	71-55-6
1,1,2-Trichloroethane	1,1,2-TCA	79-00-5
Trichloroethylene	TCE	79-01-6

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1,1,2-Trichlorofluoromethane	Freon 11	75-69-4
1,2,3-Trichloropropane	Allyl trichloride	96-18-4
Trichlorotrifluoroethane	Freon 113	76-13-1