

**ORDINANCE NO. 1126**

**THE CITY OF WOODLAND, WASHINGTON RELATING TO EROSION CONTROL AND CREATING A NEW SECTION OF THE WOODLAND MUNICIPAL CODE AND AUTHORIZING PUBLICATION BY SUMMARY.**

**WHEREAS**, pursuant to RCW 35A.11.020 and the Constitution of the State of Washington, Article 11, Section 11, cities have the power to enact regulations in the interest of the health, safety and welfare of their residents;

**WHEREAS**, the Washington State Department of Ecology (WDOE) encourages all the local permitting authorities to ensure compliance with the Best Management Practices (BMPs) outlined in the BMP Manual, the most recent issue of the Stormwater Management Manual for Western Washington (SMMWW).

**WHEREAS**, the City Council of the City of Woodland has expressed concerns regarding water quality degradation caused by land disturbing activity. The City Council finds it necessary to adopt erosion control measures to regulate land disturbing activity to help minimize or control water quality degradation and to help minimize or prevent damage to city infrastructure.

**NOW THEREFORE**, be it hereby ordained by the City Council of the City of Woodland as follows:

Section 1. A new chapter is hereby added to the Woodland Municipal Code to read as follows:

Woodland Municipal Code  
Chapter 15.10 Erosion Control Ordinance

**15.10.010 Purpose.**

1. The purpose of this chapter is to establish erosion control measures for land disturbing activity within the city to help minimize or control water quality degradation and to help minimize or prevent damage to city infrastructure.
2. It is expressly the purpose of this chapter to provide for and promote the health, safety and welfare of the general public and not to create or otherwise establish or designate any particular class or group of persons or individual who will or should be especially protected or benefited by the terms of this chapter.
3. Nothing contained in this chapter is intended nor shall be construed to create or form the basis of any liability on the part of the city, or its officers, employees or agents, for any injury or damage resulting from any action or inaction on the part of the city related in any manner to the enforcement of this chapter by its officers, employees or agents.

**15.10.020 Applicability.**

1. This chapter applies to land disturbing activity within the city, unless exempt under WAC 15.10.050.
2. The requirements of this chapter are minimum requirements. Compliance with provisions of this chapter does not in any way imply, either directly or indirectly, compliance with any other law.
3. In the event of any conflict between the requirements of this chapter and any other portion of the Woodland Municipal Code, the most restrictive provision shall govern.

**15.10.030 Authority and General Requirements.**

1. The City hereby adopts the BMP Manual by reference.
2. The director is hereby given the authority to interpret and apply, and the responsibility to enforce this chapter. The director may withhold, approve, approve with conditions, or deny erosion control plans in accordance with the provisions outlined in this chapter and the BMP Manual.
3. Meeting the requirements of this chapter and the BMP Manual is the responsibility of the property owner on whose parcel the land disturbing activity occurs and the person undertaking such activities. In addition, if the land disturbing activity involves a city issued permit, the permit holder is also responsible for meeting the requirements of this chapter.
4. If the BMPs applied to a site are insufficient to prevent sediment from reaching water bodies, adjacent properties, or public right-of-way, then the director shall require additional BMPs.

**15.10.040 Definitions.**

This chapter adopts by reference the uniform usage and definitions of terms from the BMP Manual. Unless specifically defined in this section or in the BMP Manual, the words and 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.

“Best Available Science” means current scientific information, used in the process to designate, protect, or restore critical areas that is derived from a valid scientific process as defined in WAC 365-195-900 through WAC 365-195-925.

“Best Management Practices (BMPs)” means schedules of activities, prohibitions of practices, maintenance procedures, and structural and/or managerial practices, that when used singly or in combination, prevent or reduce the release of pollutants and other adverse impacts to waters of Washington State.

“BMP Manual” means the most current issue of the Stormwater Management Manual for Western Washington (SMMWW).

“City” means the city of Woodland, Washington.

“Development” means any man-made change to improved or unimproved real estate, including but not limited to the construction and expansion of buildings, other structures, sewers or streets, creation of impervious surfaces, demolition, mining, dredging, paving, excavating, compaction, clearing, landscaping, and filling or grading in amounts greater than five hundred (500) cubic yards on any lot.

“Director” means the director of public works or his/her designee.

“Emergency” means any man-made or natural event or circumstance causing or threatening loss of life, injury to person or property, and includes, but is not limited to, fire, explosion, flood, severe weather, drought, earthquake, volcanic activity, spills or releases of oil or hazardous material, contamination, utility or transportation disruptions, and disease.

“Erosion” means the movement of soil particles resulting from actions of water, wind, gravity or mechanical forces.

“Erosion Control Plan” means a plan showing any temporary or permanent measures to be taken to reduce erosion, control siltation and sedimentation, and ensure that sediment-laden water does not leave the site.

“Erosion Control Permit” means a Stormwater Pollution Prevention Plan (SWPPP) required by the Washington Department of Ecology (WDOE).

“Excavation” means any act of development by which soil or rock is cut into, dug, quarried, uncovered, removed, displaced, exposed or relocated.

“Fill” means any material such as, but not limited to, sand, gravel, soil, rock or gravel that is placed for the purposes of development or redevelopment.

“Grading” means any stripping, clearing, stumping, excavating, filling, or stockpiling of the land, or any combination thereof, including the land in its excavated or filled condition.

“Impervious Surface” means a hard surface area that prevents or retards the entry of water into the soil mantle as under natural conditions prior to development or that causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled macadam or other surfaces which similarly impede the natural infiltration of Stormwater.

“Land Disturbing Activity” means any activity that results in a change in the existing soil cover (both vegetative and non-vegetative) and/or existing soil topography. Land disturbing activities include, but are not limited to demolition, reconstruction, construction, expansion, compaction, associated with stabilization of structures, clearing, grading, filling, excavation, and landscaping.

“Large Parcel Development” means creation or addition of five thousand (5,000) or more square feet of new impervious surface or land disturbing activities of one (1) acre or more provided that the construction of individual detached single-family residences and duplexes shall be treated as small parcel developments.

“Owner” means any party, including an owner, part owner or agent that has a legal interest in a piece of real property upon which development is proposed, or their designated representatives.

“Person” means any individual, group of individuals, association, corporation, partnership, limited liability company or any business entity.

“Pollution” means contamination or other alteration of the physical, chemical, or biological properties, of waters of the state, including change in temperature, taste, color, turbidity, or odor of the waters, or such discharge of any liquid, gaseous, solid, radioactive or other substance into any waters of the state as will or is likely to create a nuisance or render such waters harmful, detrimental or injurious to the public health, safety or welfare, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life.

“Sediment” means any soil, sand, dirt, dust, mud, rock, gravel, refuse, mineral or any other organic or inorganic material that is in suspension, is transported, has been moved or is likely to be moved by erosion.

“Small Parcel Development” means construction of individual, detached, single-family residences and duplexes, or creation or addition of less than five thousand (5,000) square feet of impervious surface, or land disturbing activities of less than one (1) acre.

“Stormwater” means that portion of precipitation that does not naturally percolate into the ground or evaporate, but flows via overland flow, interflow, pipes and other features of a stormwater drainage system into a defined surface waterbody, or a constructed infiltration facility.

#### **15.10.050 Exemption.**

The following categories of land disturbing activity are exempt from the requirements ~~in~~ of this chapter:

1. Commercial Agricultural and Forest Practices regulated under WAC Chapter 222, except for Class IV general forest practices that are conversions from timber land to other uses.

2. Road Maintenance in the public right of way, including but not limited to, pothole and square cut patching, overlaying existing asphalt or concrete pavement with asphalt or concrete without expanding the area of coverage, shoulder grading, reshaping/regarding drainage systems, crack sealing, resurfacing with in-kind material without expanding the road prism, and vegetation maintenance.

4. Underground utility projects that replace the ground surface with in-kind material or materials with similar runoff characteristics are only subject to requirements concerning the Construction Stormwater Pollution Prevention provisions outlined in the BMP Manual.

5. Installation and maintenance of the public utilities by the city or utility companies or their contractors.

6. Routine gardening and landscape maintenance activities on existing landscaped areas on developed lots, including pruning, weeding, and planting.

7. Removal of trees and ground cover in emergency situations involving immediate danger to life or property or substantial fire hazards.

8. Removal of diseased, dead or dying trees upon written verification by a qualified arborist or landscape architect, or landscape contractor which states that removal of the trees is essential for the protection of life, limb, or property and is filed with the director.

#### **15.10.060 Required Submittals.**

An erosion control plan is required for all land disturbing activity, and such erosion control plan shall satisfy the applicable requirements in Sections 15.10.110 or 15.10.120 and shall include the following information:

1. Clearing and grubbing for perimeter controls,
2. Installation of perimeter controls,
3. Construction phasing,
4. Clearing and grubbing, Grading and trenching for activities other than perimeter control,
5. Final grading, landscaping, and stabilization,
6. Work on or at bridges and other water course structures,
7. Utility installation and removal,
8. Work required in any wetlands,

9. Monitoring of rainfall,
10. Inspection of controls,
11. Installation and maintenance of permanent controls,
12. Installation, maintenance and removal of temporary controls, and
13. Disposal of waste materials generated on-site.
14. If required by the director or applicable law, all plans, studies, and reports shall be stamped, signed and dated by the professional civil engineer(s) registered in the State of Washington and, if required by the director, the registered soil scientist(s). The plan shall include a soils survey or a written description of the soil types of the exposed land area contemplated for the earth change. An erosion control plan shall contain methods and measures to be used during and after construction to prevent or control erosion prepared in compliance with the provisions in the BMP Manual.
15. The Erosion Control Plan shall indicate that erosion control measures will be managed and maintained during the land disturbing activity. The erosion control plan shall also indicate that erosion control measures will remain in place until disturbed soil areas are permanently stabilized by landscaping, grass, approved mulch or other permanent soil stabilizing measures.
16. Alternative BMPs.
17. Vicinity maps.
18. Other maps showing the contours and the following:
  - a. Steep slopes,
  - b. Floodplains,
  - c. Wetlands, and
  - d. Shoreline Management Areas.
19. Any other information required by the director to demonstrate compliance with this chapter.

#### **15.10.090 General Approval Procedure**

1. The director shall review the erosion control plan for compliance with the BMPs, and withhold, approve, approve with conditions, or deny the plan with notice of the decision to the applicant. The erosion control plan shall be approved prior to issuance of the associated land-use or building permits. Upon issuance of the land-use or building permit, the owner or his/her

designated representative of the land subject to the land disturbing activity shall implement the plan.

a. If the land disturbing activity does not require a land use or building permit, the director may withhold, approve, approve with conditions, or deny the erosion control plan with notice of the decision to the applicant. Upon approval of the plan, the owner or his/her designated representative of the land subject to the land disturbing activity shall implement the plan.

b. The director may approve the alternative BMPs based on the provisions in the BMP Manual and the Best Available Science.

2. A Stormwater Pollution Prevention Permit (SWPPP), if required by the WDOE, shall be submitted concurrent with the erosion control plan. The SWPPP is required to be approved by the WEOD prior to the issuance of the associated land use or building permit.

3. The City may inspect the site of land disturbing activity to determine compliance with the approved erosion control plan and associated permit.

4. Approval of an erosion control plan does not constitute an approval of permanent road or drainage design (e.g., size and location of roads, pipes, restrictors, channels, retention facilities, utilities, etc.).

#### **15.10.100 Applicable Minimum Requirements for Small Parcel Developments**

Small parcel developments shall comply with the requirements in this section:

1. Construction Access. Construction vehicle access shall be limited, wherever possible, to only one (1) route. Access points shall be stabilized with two (2) to four (4) inch diameter gravel to minimize tracking of sediment or debris onto public roads. Vehicles not performing a construction activity shall not be permitted off-street. Worker personal vehicles shall be parked on adjacent streets or other approved areas.

2. Stabilization of Denuded Areas. All exposed and unworked soils shall be stabilized by suitable application of BMPs, including but not limited to sod or other vegetation, plastic covering, mulching, or application of ground base on areas to be paved. All BMPs shall be selected, designed, and maintained in accordance with the BMP manual. From October 1st through April 30<sup>th</sup> of any calendar year, no soils shall remain exposed for more than two (2) days. From May 1st through September 30<sup>th</sup> of any calendar year, no soils shall remain exposed for more for seven (7) days. Construction materials such as lumber shall be delivered and stored on designated locations that are stabilized and protected from erosion. All sidewalk areas shall be pre-graded and stabilized for use as Sediment traps.

3. Protection of Water Bodies and Adjacent Properties. Water bodies and adjacent properties shall be protected from sediment deposition by appropriate use of vegetative buffer strips, Sediment barriers or filters, dikes, mulching, or by a combination of these measures and other

appropriate BMPs. Each owner, builder, or permit holder shall install and maintain inlet protection on storm drain inlets impacted from construction activity on their site.

4. Maintenance. All erosion control BMPs shall be inspected and maintained and repaired as needed to ensure continued performance of their intended function. Maintenance and repair shall be conducted in accordance with the BMP Manual or approved site plans. A maintenance log for private facilities shall be provided and kept as a permanent record. The maintenance log shall be in a designated on-site location. Uncompleted construction sites shall be inspected at least once a week and after each rainfall and shall be repaired if needed. An inspection log shall be maintained from the beginning of construction until the completion of the warranty period and final project inspection.

5. Sediment Removal from Roadways. If sediment, mud or debris is transported onto a road surface, the roads shall be cleaned thoroughly at the end of the work day, or more often if necessary. Significant soil deposits shall be removed from roads by shoveling or sweeping. Street washing, which must be approved by the director, shall be allowed only after sediment is removed in this manner. Prior to washing, all inlets and down-stream facilities must be protected.

6. The methods of cutting and removal of the existing vegetation and significant-trees shall comply with the provisions of the BMP Manual.

#### **15.10.110 Applicable Minimum Requirements for Large Parcel Developments**

Large parcel developments shall comply with the requirements in this section:

1. Construction Access Route. Construction vehicle access shall be limited to specific access points. Access points shall include a temporary sedimentation pond or other approved BMP to contain or treat wash water from construction vehicles. Additional accesses shall be approved by the director. Access points shall be stabilized with four (4) to eight (8) inch diameter gravel, and a minimum of twelve (12) inch thick, fifteen (15) foot wide, and one hundred (100) foot deep, to minimize the tracking of sediment or debris onto public roads. Evidence of tracking of material from a construction site may require construction activities to cease until corrections are made.

2. Sediment Removal from Roadways. If sediment or debris is transported onto a road surface, the roads shall be cleaned thoroughly at the end of the work day, or more often if necessary. Significant soil deposits shall be removed from roads by shoveling or sweeping. Street washing, which must be approved by the director, shall be allowed only after sediment is removed in this manner. Prior to washing, all inlets and downstream facilities must be protected.

3. Delineate Clearing and Easement Limits. At the site, mark clearing limits and/or any easements, setbacks, sensitive/critical areas and their buffers, trees and drainage courses.

4. Stabilization and Sediment Trapping. All exposed and unworked soils shall be stabilized by suitable application of BMPs. From October 1st to April 30<sup>th</sup> of any calendar year, no soils shall remain unstabilized for more than two (2) days. From May 1st to September 30<sup>th</sup> of any calendar year, no soils shall remain unstabilized for more than seven (7) days. Prior to leaving the site,

stormwater runoff shall pass through a sediment pond or sediment trap, or other appropriate BMPs.

5. Protection of Water Bodies and Adjacent Properties. Water bodies and properties adjacent to the site shall be protected from sediment deposition by appropriate use of BMPs. Prior to leaving sites larger than one (1) acre, stormwater runoff shall pass through a sediment pond, sediment trap, or other appropriate BMP designed in accordance with the BMP manual. Sediment traps alone are not adequate on sites greater than three (3) acres. BMPs shall be selected, designed and maintained in accordance with the BMP manual.

6. Timing of Sediment Trapping Measures. Sediment ponds and traps, perimeter dikes, sediment barriers, and other BMPs intended to trap sediment on-site shall be constructed as a first step in grading. These BMPs shall be stabilized and functional before land disturbing activities take place. Earthen structures such as dams, dikes, and diversions shall be seeded and mulched according to the timing indicated in 15.10.110(4) concerning stabilization and sediment trapping.

7. Infiltration System Protection. Permanent infiltration systems shall be isolated and protected from sedimentation by sediment traps, sacrificial systems, duplicate systems, or redundant systems.

8. Controlling Off-Site Erosion. Properties and waterways downstream from development sites shall be protected from erosion due to increases in the volume, velocity, and peak flow rate of stormwater runoff from the project site. Acceptable BMPs include temporary or permanent detention ponds and temporary infiltration BMPs limiting the discharge from a two (2) year storm to one-half (1/2) the pre-development two (2) year storm peak runoff rate.

9. Stabilization of Temporary Conveyance Channels and Outlets. All temporary on-site conveyance channels shall be designed, constructed and stabilized to prevent erosion from the expected velocity of flow from a two (2) year, twenty-four (24) hour frequency storm for the developed condition. Stabilization adequate to prevent erosion of outlets, adjacent streambanks, slopes and downstream reaches shall be provided at the outlets of all conveyance systems. BMPs shall be selected, designed and maintained in accordance with the BMP manual. Outlet protection shall also include energy dissipation structures or devices that retard peak flows to non-erosive conditions.

10. Storm Drain Inlet Protection. All storm drain inlets shall be protected so that Stormwater runoff shall not enter the conveyance system without first being filtered or otherwise treated to remove Sediment. BMPs shall be selected, designed and maintained in accordance with the BMP manual. Other BMPs may be utilized, provided they have prior approval by the responsible official. The details on the methods of storm drain inlet protection will be developed after the ordinance is adopted.

11. Maintenance. All Erosion control BMPs shall be inspected, maintained and repaired as needed to ensure continued performance of their intended function. Maintenance and repair shall be conducted in accordance with the BMP Manual or approved site plan. A maintenance log for private facilities shall be provided and kept as a permanent record. The maintenance log shall be

in a designated on-site location. Uncompleted construction sites shall be inspected at least once a week and after each rainfall and shall be repaired if needed. An inspection log shall be maintained from the beginning of construction until the completion of the warranty period and final project inspection.

12. **Underground Utility Construction.** The construction of underground utility lines shall be subject to the following criteria:

- a. Where feasible, no more than five hundred (500) feet of trench shall be opened at one (1) time.
- b. Excavated material shall be placed to minimize runoff into the trench and adjacent roadways consistent with safety and space considerations;
- c. Trench dewatering devices shall discharge into a Sediment trap or Sediment pond;
- d. BMPs shall be used to control erosion during and after construction;
- e. BMPs damaged during construction shall be replaced or repaired; and
- f. An Erosion Control Plan specifically related to underground work shall be submitted and approved prior to beginning work.

13. **Construction Site Dewatering.** Dewatering devices shall discharge into a sediment trap or sediment pond. Off-site dewatering discharges shall not be authorized unless the applicant has received prior approval from the appropriate permitting authority.

14. **Control of Pollutants Other Than Sediment on Construction Sites.** All pollutants other than sediment that occur on-site during development shall be handled and disposed of in a manner that does not cause contamination of stormwater or waters of the state.

15. **Removal of Temporary BMPs.** All temporary erosion and sediment control BMPs shall be removed within thirty (30) days after final site stabilization is achieved or after the temporary BMPs are no longer needed. Trapped sediment shall be removed or stabilized on-site. Disturbed soil areas resulting from removal shall be permanently stabilized.

16. **Cut and Fill Slopes.** Cut and fill slopes shall be designed and constructed in a manner that will minimize erosion. In addition, slopes shall be stabilized in accordance with Section 4 15.10.110(4) above concerning stabilization and sediment trapping.

17. If the BMPs approved and applied to a site are insufficient to prevent sediment from reaching water bodies, adjacent properties, or public rights-of-way, additional BMPs shall be implemented immediately by the property owner, person undertaking the activity, or permit holder.

18. The methods of cutting and removal of the existing vegetation and significant-trees shall comply with the provisions of the BMP Manual.

### **15.10.120 Authority to Inspect and Enforce Provisions**

1. Any authorized official of the city is given the authority to inspect any site of ~~or~~ land disturbing activities, pursuant to WMC 1.16.010, for the purpose of determining compliance with the provisions in this chapter.
2. If the director finds that the facilities and techniques approved in an erosion control plan are not sufficient to prevent erosion during any land disturbing activity regulated by this chapter, the director shall notify the owner or his/her designated representative. Upon receiving notice, the owner or his/her designated representative shall immediately install interim erosion control measures as specified in the BMP Manual, required by the director, or otherwise directed by WDOE (Washington Department of Ecology).

### **15.10.1430 Penalty.**

The city adopted this chapter pursuant to its police powers to protect the public's health, safety, and welfare. It shall be unlawful to violate this chapter. Whenever the director determines that a violation has occurred or is occurring, the director, in response to the seriousness and severity of the violation, may utilize one or a combination of the enforcement mechanisms in this section. The following enforcement mechanisms may be used instead of, or in addition to, any other remedies available under law:

1. **Correction Notice.** The director may issue a correction notice to any person who violates this chapter. The correction notice shall specify the violated provisions of this chapter and impose a date certain by which corrective action must be taken.
2. **Civil Infraction.** The director may issue a civil infraction to the person(s) who violate this chapter, as provided in Chapter 1.12 of the Woodland Municipal Code. Each violation of this chapter shall constitute a Class 1 Civil Infraction. The director may issue a separate civil infraction to the person(s) who violate this chapter each day a violation continues. Every civil infraction shall cite the provision(s) of this chapter that has been violated.
3. **Stop Work Order.** The director may issue a stop work order to the person who is in violation of this chapter until the violator demonstrates compliance with this chapter's requirements.
4. **Criminal Prosecution.** A violator(s) of this chapter may be criminally prosecuted as provided in Woodland Municipal Code Chapter 1.12.

### **15.10.1540 Appeal.**

Any appeal of the director's decision to require, approve, approve with conditions, or deny an erosion control plan may be appealed in accordance with WMC 19.08.

Section 2. **Savings.** The ordinance, or portions of the ordinance, which are amended by this ordinance shall remain in full force and effect until the effective date of this ordinance

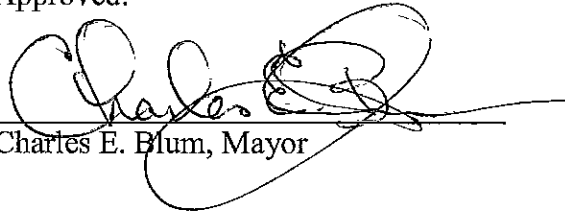
Section 3. **Severability.** If any section sentence, clause or phase of this ordinance is ruled invalid by a court of competent jurisdiction, the remaining portion of this ordinance shall remain valid and in full force and effect.

Section 4. **Effective Date.** This ordinance shall be effective five days after publication and shall be published according to the law.

**ADOPTED IN OPEN MEETING 5<sup>th</sup> DAY OF May, 2008.**

**CITY OF WOODLAND, WASHINGTON**

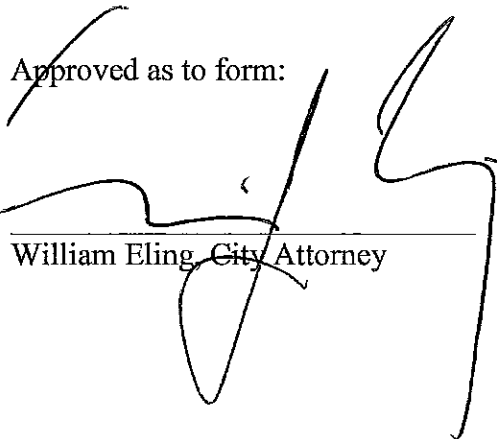
Approved:

  
Charles E. Blum, Mayor

Attest:

  
Mari E. Ripp Clerk-Treasurer

Approved as to form:

  
William Eling, City Attorney

**SUMMARY OF ORDINANCE NO. 1126**  
**OF THE CITY OF WOODLAND, WASHINGTON**

On May 5, 2008 the City Council of the City of Woodland, Washington, approved Ordinance No. 1126 the main point which may be summarized by its title as follows:

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WOODLAND, WASHINGTON, RELATING TO EROSION CONTROL AND CREATING A NEW SECTION OF THE WOODLAND MUNICIPAL CODE AND AUTHORIZING PUBLICATION BY SUMMARY.**

The full text of this Ordinance will be mailed upon request.

APPROVED by the City Council at their meeting on the 5<sup>th</sup> of May, 2008.

  
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Mari E. Ripp, Clerk-Treasurer

Published: May 14, 2008  
Effective: May 19, 2008