

Stakeholders Workgroup Suggestions for Code Revisions to Proposed Erosion, Stormwater & Water Resources Protection Ordinances
March-May 2009

5/6/09 DRAFT

#	VMC	City Code	County Code	Issue	Comments/Notes/Discussion	Potential Resolution/Action
1	EP	14.24 Proposed Code		Title change from “Erosion Prevention” to more appropriate descriptor chapter title of “Erosion Prevention and Sediment Control”		Change title to “Erosion Prevention and Sediment Control” Verify with Law.
2	EP	14.24.010 A7 Existing Code		“ <u>Findings</u> ” Suggestion to add “and other water bodies” to end of code statement #7. Existing code suggests only Burnt Bridge Creek, Vancouver Lake and Columbia River are could have causes of detrimental water quality problems.		Direction from City Attorney’s office is to retain as is those sections of the code unrelated to NPDES Permit. Verify with Law.
3	EP SW	14.24.030 14.25.100 Proposed Code		“ <u>Applicability</u> ” Comment on providing hierarchy within the ordinance and guidance, for determining which prevails with the reliance on the NPDES permit? If there’s a conflict is it the Permit, the Ordinance, the Stormwater Manual or the City’s General Requirements?	Staff will look to clarify intent in ordinance and as required by the permit. Issue with Erosion with “All” land disturbing activity. How to clarify requirement if less than a 1 Acre as stated in Permit (Appendix 1 - Figure 3.1). SW Applicability 14.24.101 B suggested to take out reference to permit.	Additional Discussion
4	EP SW WRP	14.24.035 14.25.105 14.26.113 Proposed Code		“ <u>Adoption of Manuals</u> ” Suggestion to adopt the state Stormwater Manual as supplemented by the City’s General Requirements. Question on more stringent requirements for protection of water quality vs. local conditions as provided under the permit and written in the General Requirements. Also, how a “shall” vs. a “may” in different sources would play out?	County is a Phase I and code structure is different than the city’s and backsliding is an issue Review Clark County’s format as suggested. Note: See details on discussion from meeting #2 notes. Note: Review definitions for “Stormwater Manual” and “General Requirements”. Note: See meeting #4 notes and suggestion to not adopt Puget Sound LID Manual under 14.25.105B – Issue for city for incorporating appropriate/approved LID into city code if not Ecology accepted. Also, is last sentence of 14.25.101B necessary?	Additional Discussion
5	EP SW	14.24.040 14.25.110 Proposed Code		“ <u>Definitions</u> ” Best Management Practices – add comma between control and prevent “control, prevent or reduce”		To be corrected.
6	EP	14.24.040 Proposed Code		“ <u>Definitions</u> ” Minimum Requirements correct typo “as set forth tin Appendix 1”		To be corrected.

7	EP SW WRP	14.24.040 14.25.105 14.26.113 Proposed Code		<p>“Definitions” Stormwater Manual – add adoption of manual as amended by city’s General Requirements and as provided for by the Permit for local conditions and basin planning.</p>		Additional Discussion; See Adoption of Manuals comments; Verify suggestion for amendment language with Law.
8	EP	14.24.050 Proposed Code		<p>“Persons responsible for compliance” Delete “Permit” or change to more specific application.</p>	Developer or property owner is not responsible party for implementation of City’s NPDES Phase II Stormwater Permit.	Will be corrected, verify change with Law.
9	EP	14.24.060 B Proposed Code		<p>“Specific compliance requirements” Comment on “Delineation of Clearing and Easement Limits”</p>	Is delineation of all items required? Would clearly mark suffice? Is easement needed? Example of easement through sites parking lot, why would that be important since it’s part of the overall site plan? Should marking sensitive/critical areas the trees be specified under their codes?	Check language source and Critical Areas & Urban Forestry ordinances; reword as appropriate. Verify with Law.
10	EP	14.24.060 C Existing Code		<p>“Specific compliance requirements” Conflict within the code language that access shall be limited to only one route, but additional accesses must be approved by the Director.</p>		Change code to read Construction vehicle access shall be limited to one route <u>if possible, unless</u> additional access is approved by the Director.
11	EP	14.24.060 D Proposed Code		<p>“Specific compliance requirements” Comment on the addition of “Paved Surfaces”.</p>	How is this defined and would it include hard pack surfaces, etc... Issue is that this may not be protective enough.	Change the code to read “Sediment Removal form Roadways, Paved and <u>Impervious</u> Surfaces.”
12	EP	14.24.060 E Existing Code		<p>“Specific compliance requirements” The dates for the exposed seven day window for exposed soils is incorrect; should read September 30th instead of October 1st.</p>		To be corrected.
13	EP	14.24.060 F Existing Code		<p>“Specific compliance requirements”</p>		Additional comments to be provided
14	EP	14.24.060 G Existing Code		<p>“Specific compliance requirements” Suggested language change “Prior to leaving a site <u>and/or infiltration system sediment ladent water shall pass through...</u>”</p>	Suggestion to strike “G”	Additional comments to be provided
15	EP	14.24.060 I Proposed Code		<p>“Specific compliance requirements” Suggestion to add exception to “Stormwater Facility Protection” for Temporary Erosion Ponds.</p>		Craft new ordinance language or specify in General Requirements. Determine placement of exception with GR erosion section review.
16	EP	14.24.060 L Proposed Code		<p>“Specific compliance requirements” Resolve potential conflict and responsible party issue with “Removal of Temporary BMPs”.</p>	The “final site stabilization” for residential doesn’t occur until after all homes are constructed. Need clarification on what’s required upon civil plan completion of construction.	Look at adding clarifying code with language to cover interim BMP’s between time site plan is completed and prior to Home Builders coming in.
17	EP	14.24.070 Proposed Code		<p>“Erosion prevention plans” Change the chapter title to “Erosion prevention <u>and sediment control plans</u>” to match suggested title change by Stakeholders Workgroup.</p>		Changed if verified by Law in suggestions #1 above.

18	EP	14.24.070 A4 Proposed Code		<p>“<u>Erosion prevention plans</u>”</p> <p>Specify the specific sections of the Stormwater Manual that contain the activities required for an ECP.</p>		Look at adding clarifying code language and specify more of the specific activities in the GR’s regarding applicability thresholds for Erosion. (see also suggestion #19 below)
19	EP	14.24.070 B Proposed Code		<p>“<u>Erosion prevention plans</u>”</p> <p>Clarify erosion applicability and thresholds.</p>	Discussion on how code applies to project less than one acre. Clarify code and General Requirements, so that it’s apparent when a SWPPP is required vs. an Erosion Control Plan (ECP). Also, where to look for ECP specifications.	Look at adding clarifying code language and specify more of the specific activities in the GR’s regarding applicability thresholds for Erosion. (see also suggestion #18 above)
20	EP	14.24.070 C Proposed Code		<p>“<u>Erosion prevention plans</u>”</p> <p>Add stormwater facilities protection to code language. “adjacent properties, or public rights-or-way <u>or stormwater facilities</u>, then the Director...”</p>		To be corrected.
21	EP SW WRP	14.24.075 A1 14.25.320 A 1 14.26.155		<p>“<u>Exceptions</u>”</p> <p>Permittee needs to be clarified at City of Vancouver.</p>		Work with Law on clarification of the use of “Permittee” throughout the code and within the General Requirements. Review WRP for use of Permittee, may not be issue in WRPO.
22	EP SW WRP	14.24.076 14.25.315 14.26.154 Proposed Code		<p>“<u>Adjustments</u>”</p> <p>Unintended application of adjustments to BMP’s for example use of a new alternative water quality device or side slope of a swale, etc...</p>	Unintended arduous process for what would and should be part of another process like Ecology approval or Civil Plan review and design.	Clarify code to specify that adjustments apply only to the minimum requirements per the NPDES Phase II permit.
23	SW	14.25.110 Proposed Code		<p>“<u>Definitions</u>”</p> <p>Stormwater site plan has possible conflict with modified submittals under General Requirements. Chapter 3 of Volume I.</p>		Verify definition source from manual and clarify as needed within General Requirements
24	SW	14.25.110 Proposed Code		<p>“<u>Definitions</u>”</p> <p>Total Maximum Daily Load is this use within the ordinance is it needed?</p>		No and Yes
25	SW	14.25.200 Proposed Code		<p>“<u>Stormwater site plan submittal requirements</u>”</p> <p>Question of hierarchy 14.25.200B why was “(detention ponds or infiltration basins)” added?</p>		Hierarchy is a larger question applying to other topics and needs to be holistically and consistently addressed throughout the ordinance and the General Requirements.
26	SW	14.25.210 4B Existing Code to be deleted		<p>“<u>Runoff Treatment</u>”</p> <p>Retain language and look at moving to adoption of manuals section.</p>	Language proposed to be retained: “B. Where provisions of this chapter conflict with the Puget Sound Manual or other cited design guidance, this chapter shall take precedence.”	This is the hierarchy issue.
27	SW	14.25.215		<p>“<u>Source control of pollution</u>”</p> <p>Verify that Ecology manual says “all” projects in first sentence of 14.25.215.</p>		To be verified.
28	SW	14.25.220		<p>“<u>Flow control</u>”</p>		To be discussed at later meeting 5/13/09

29	SW	14.25.225		<p><u>“Low Impact Development”</u> Stakeholders preference to adopt design recommendations for LID in the General Requirements.</p>	See meeting notes #4; LID is very dynamic; Puget Sound manual is changing this fall and doesn't include specific design details or local conditions and city approvals	If inclusion of LID BMP's into the General Requirements meets the legal permit requirements, then the city would strongly consider this change, to be verified with Law.
30	SW	14.25.227		<p><u>“Wetlands Protection”</u> Hierarchy question of when most protective applies?</p>		This is the hierarch issue, consider new language with Law.
31	SW	14.25.240		<p><u>“Bonds and Insurance”</u> Distance to sewage system drain fields</p>	Discussion on 100' separation to drain fields; mentioned that Clark County manual is less and follows Department of Health guidelines which were approved by Ecology	This language is moving to General Requirements DOH and Ecology guidelines will be reviews during the process of moving this language.
32	SW	14.25.300		<p><u>“Basin Plans”</u> 14.25.300 A “As allowed by Minimum Reuirement #9 of Permit”; #9 doesn't apply and specify where in the permit.</p>	Discussion on hierarchy; can basin plans trump flow control once completed and approved by Ecology?	Basin planning is allowed under permit, insure ordinance language and hierarchy is addressed to allow Ecology approved standards to be applied.
33	SW	14.25.300		<p><u>“Basin Plans”</u> 14.25.300 B.3. add State to “approved by the Washington State Department of Ecology.” language</p>		To be corrected.
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