

Chapter 13.07 WELLHEAD PROTECTION

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13.07.010 Purpose.

The purpose of this chapter is to:

- A. Fulfill public water system wellhead protection program requirements of [Chapter 246 WAC](#).
- B. Protect the general public health and prevent contamination of groundwater resources used by the City as a drinking water supply from hazardous materials and other deleterious substances through the following methods:
 - 1. Preventing pollution;
 - 2. Establishing wellhead protection zones around the City's water supply wells;
 - 3. Prohibiting new facilities or activities that may pose a significant hazard to the City's groundwater resources resulting from storing, handling, treating, using, producing, recycling, or disposing of hazardous materials or other deleterious substances;

4. Imposing standards for storing, handling, treating, using, producing, recycling, or disposing of hazardous materials so as to preclude the introduction of such materials into soil, surface water, or groundwater; and

5. Establishing a monitoring program to detect the presence of contaminants in groundwater prior to their reaching the City's water supply wells. (Ord. 2180 § 1 (part), 2003).

13.07.020 Authority.

This chapter is established under authority of the Optional Municipal Code ([Chapter 35A.70 RCW](#)), Growth Management Act ([Chapter 36.70A RCW](#)), Public Water Systems – Penalties and Compliance ([Chapter 70.119A RCW](#)), and Public Water Supplies ([Chapter 246-290 WAC](#)). (Ord. 2180 § 1 (part), 2003).

13.07.030 Definitions.

For the purpose of this chapter, the following definitions shall apply. Additional definitions related to wellhead protection are located in [Chapter 20A.20 RCDG](#).

(1) "Business license" means that document issued by the City under authority of Chapter 5.04 of the Redmond Municipal Code licensing the transaction of the indicated business by the person whose name appears thereon for the stated year.

(2) "Director" means the Director of the Public Works Department or his/her designee.

(3) "Hazardous Materials Inventory Statement" means a form provided by the City of Redmond and completed by a facility owner or operator that discloses the types, quantities, and locations of hazardous materials and other deleterious substances that are or will be stored, handled, treated, used, produced, recycled, or disposed of at the facility. The Hazardous Materials Inventory Statement shall be prepared pursuant to requirements of the Redmond Fire Code, [Chapter 15.06 RMC](#).

(4) "Hazardous Materials Management Plan" means a form provided by the City of Redmond and completed by a facility owner or operator that includes the facility description; the Hazardous Materials Inventory Statement; descriptions of separation, secondary containment, and monitoring for aboveground and underground storage areas and waste disposal; record keeping; an emergency response plan; and an emergency response training plan. The Hazardous Materials Management Plan shall be prepared pursuant to requirements of the Redmond Fire Code, [Chapter 15.06 RMC](#).

(5) "Hazardous Materials Questionnaire" means a form provided by the City of Redmond and completed by a facility owner or operator that discloses the types and estimated amounts of hazardous materials used by the facility, and the operational activities of the facility.

(6) "Monitoring well" means a well designed to obtain a representative groundwater sample or designed to measure the water level elevations in either clean or contaminated water or soil.

(7) "Operator" means any person or persons in control of, or having responsibility for, the operation of a facility.

(8) "Owner" means, for purposes of this chapter, a person or persons with a vested ownership interest in a facility, including a leasehold interest, but does not include

persons holding only contingent interests or security interests in all or a portion of the facility.

(9) "Person" means an individual, firm, association, joint venture, partnership, municipality, government agency, political subdivision, industry, public or private corporation, owner, lessee, tenant, or any other entity whatsoever.

(10) "RCDG" means the Redmond Community Development Guide.

(11) "Redmond Fire Code" means the fire code adopted by the City of Redmond.

(12) "Retail facility" means a building, structure, or portion thereof, used for the display and sale of merchandise, and involving stocks of goods, wares, or merchandise incidental to such purposes and accessible to the public. Retail facilities include, but are not limited to, the following: department stores, drug stores, markets, paint stores without bulk handling, shopping centers, and wholesale and retail stores.

(13) "Wellhead Protection Zones" means land areas delineated by the City for purposes of safeguarding groundwaters that supply, or potentially supply, drinking water to wells operated by the City. (Ord. 2269 § 2 (part), 2005; Ord. 2180 § 1 (part), 2003).

13.07.040 Scope and Applicability.

A. The provisions of this chapter shall apply to all facilities, activities, and residences in the City of Redmond that store, handle, treat, use, produce, recycle, or dispose of hazardous materials or deleterious substances.

B. Boundaries for wellhead protection zones are delineated in the map "City of Redmond Wellhead Protection Zones" adopted as part of [RCDG 20D.140.10-040](#). Wellhead Protection Zones are classified into four zones: Wellhead Protection Zones 1, 2, and 3, as defined in accordance with [Chapter 246-290 WAC](#), and Wellhead Protection Zone 4.

1. Wellhead Protection Zone 1 represents the land area overlying the six-month time-of-travel zone of any public water source well owned by the City.

2. Wellhead Protection Zone 2 represents the land area that overlies the portion of the one-year time-of-travel zone that does not lie in the six-month time-of-travel zone of any public water source well owned by the City, excluding the land area contained within Wellhead Protection Zone 1.

3. Wellhead Protection Zone 3 represents the land area that overlies the portion of the five-year and ten-year time-of-travel zones of any public water source well owned by the City that does not lie in the one-year time-of-travel zone, excluding the land area contained within Wellhead Protection Zone 1 or 2.

4. Wellhead Protection Zone 4 represents all the remaining land area in the City not contained within Wellhead Protection Zone 1, 2, or 3.

The applicability of various requirements in this chapter shall depend upon the zone in which the facility or activity is located. (Ord. 2180 § 1 (part), 2003).

13.07.050 Information and Operational Requirements.

A. Any facility, activity, or residence in the City in which hazardous materials or other deleterious substances are present shall be operated in a manner that ensures safe storage, handling, treatment, use, production, and recycling or disposal of such materials and substances and prevents their unauthorized release to the environment.

B. In no case shall hazardous materials or other deleterious substances be stored, handled, treated, used, produced, recycled, or disposed of in a way that would pose a significant groundwater hazard within the City of Redmond. (Ord. 2180 § 1 (part), 2003).

13.07.060 Hazardous Materials Questionnaire required.

A. Businesses, public agencies, institutions, nonprofit organizations, and any other organization or person located in Wellhead Protection Zones 1, 2, or 3 that use, store, handle, treat, produce, recycle, or dispose of hazardous materials shall submit a Hazardous Materials Questionnaire in accordance with [RMC 5.04.070\(d\)](#), or at the request of the Director, within thirty (30) days of receipt of notice from the City and shall comply with the wellhead protection chapter accordingly. The City may grant a one-time thirty (30) day extension at the written request of the person. The Director shall review and approve the Hazardous Materials Questionnaire and use it to determine whether the person must submit a Hazardous Materials Inventory Statement.

B. The following facilities or activities are exempt from submitting a Hazardous Materials Questionnaire:

1. Heating equipment fuel tanks with a capacity of less than one thousand one hundred (1,100) gallons existing as of the effective date of this chapter and containing heating fuel for consumptive use on the parcel where used.

2. Petroleum products stored in vehicle or equipment fuel tanks.

3. Storage within retail facilities of hazardous materials or other deleterious substances for sale in original containers with a capacity of less than or equal to five (5) gallons liquid or one hundred (100) pounds solid.

4. Application of fertilizers and pesticides and their commercial formulations, if done in accordance with state and federal standards for accepted farming and horticultural practices.

5. Temporary presence of maintenance chemical substances, such as paints and paint thinners, that are actively in use for nonroutine maintenance or repair of a facility in individual containers not to exceed five (5) gallons liquid or one hundred (100) pounds solid.

C. If it is determined that a facility or an activity that has been exempted under subsection B of this section poses a significant groundwater hazard, the City may require compliance with relevant provisions of this chapter.

D. If the use of an exempt facility is changed or if the facility is expanded or upgraded, the owner or operator shall submit a Hazardous Materials Questionnaire within thirty (30) days of the change to determine the regulatory status of the facility under this chapter. (Ord. 2269 § 2 (part), 2005; Ord. 2180 § 1 (part), 2003).

13.07.070 Hazardous Materials Inventory Statement required.

A. If the Hazardous Materials Questionnaire determination establishes that a facility or activity transfers, stores, handles, uses, produces, recycles, or disposes of aggregate quantities of hazardous materials or deleterious substances equal to or greater than twenty (20) gallons liquid or two hundred (200) pounds solid, the owner or operator of the facility or activity must submit a Hazardous Materials Inventory Statement within thirty (30) days of receipt of notice from the City. The Hazardous Materials Inventory

Statement shall reflect all current and anticipated types and quantities of hazardous materials and other deleterious substances that will be stored, handled, treated, used, produced, recycled, or disposed of at a facility. The City shall review and approve the Hazardous Materials Inventory Statement. The Hazardous Materials Inventory Statement shall be used by the Director to determine if a Hazardous Materials Management Plan is required.

B. Use of Information from Other Jurisdictional Agencies. Information required in the Hazardous Materials Inventory Statement may be substituted with or supplemented by information already documented or tabulated in an equivalent level of detail in a permit issued to the facility or activity by other jurisdictional agencies. The information must be submitted in a format acceptable to the City. (Ord. 2180 § 1 (part), 2003).

13.07.080 Hazardous Materials Management Plan required.

A. If the Director determines that a facility or activity has aggregate quantities of hazardous materials or other deleterious substances of more than fifty (50) gallons liquid or five hundred (500) pounds solid or if the Director determines the facility or activity would pose a significant groundwater hazard, the owner or operator must submit a Hazardous Materials Management Plan within sixty (60) days of receipt of notice from the City. The City may grant a one-time thirty (30) day extension at the written request of the owner or operator. The Hazardous Materials Management Plan shall be submitted in a format approved by the City and shall include the location of the Material Safety Data Sheets at the facility.

B. Availability of the Hazardous Materials Management Plan. The facility owner or operator shall make certain that a copy of the Hazardous Materials Management Plan is available at the facility and is conspicuously located such that a copy or copies of the plan are immediately available to all employees involved with transferring, storing, handling, treating, using, producing, and recycling or disposing of hazardous materials or other deleterious substances.

C. Training Requirements. The facility owner or operator shall ensure that all employees involved with transferring, storing, handling, treating, using, producing, and recycling or disposing of hazardous materials or other deleterious substances are familiar with the Hazardous Materials Management Plan through regular training. (Ord. 2180 § 1 (part), 2003).

13.07.090 Waiver of forms submittal.

A. The submission of a new Hazardous Materials Questionnaire, Hazardous Materials Inventory Statement, or Hazardous Materials Management Plan may be waived if the previously submitted forms on file with the Director are accurate and up-to-date.

B. The request for waiver must be submitted annually on a form provided by the Director and must be signed by the owner or operator attesting that there have been no changes in operation standards, or quantities or types of hazardous materials transferred, stored, handled, used, produced, recycled, or disposed of at the facility as reported in the forms on file.

C. The City may require submittal of a renewed Hazardous Materials Questionnaire, Hazardous Materials Inventory Statement, and/or Hazardous Materials Management Plan at its discretion. (Ord. 2180 § 1 (part), 2003).

13.07.100 Performance standards.

A. General Standards. Within five (5) years, any facility or activity existing as of the effective date of this chapter within which hazardous materials or other deleterious substances are present shall comply with the relevant performance standards in [RCDG 20D.140.50-040](#) or equivalent best management practices acceptable to the City.

B. Specific Performance Standards. The following specific performance standards apply to the following listed facilities within Wellhead Protection Zone 1 or 2:

1. Sewer Pipelines. Should the Director have reason to believe that the operation of a sewer pipeline and conveyance system appurtenances existing as of the effective date of this chapter may be degrading groundwater quality, the Director may require that leak testing be conducted. Should leakage be detected, the Director shall require correction to his/her satisfaction.

2. Stormwater Infiltration Systems. Owners or operators of stormwater infiltration systems existing as of the effective date of this chapter must address specific risks posed by hazardous material storage or processing. These risks may be mitigated by physical means or equivalent best management practices in accordance with an approved Hazardous Materials Management Plan for the facility.

a. Any stormwater infiltration system shall be registered with the Director by February 3, 2009, using a registration form to be developed by the Director. Certain stormwater infiltration systems are regulated by the state as Underground Injection Control (UIC) wells under WAC 173-218 and may meet the city's registration requirement by registering their systems as separately required by the Washington Department of Ecology by February 3, 2009, and providing a copy of the Ecology registration to the Director.

b. An assessment of the potential risks to groundwater from any registered stormwater infiltration system shall be completed by the owner or operator and submitted to the Director by February 3, 2011. Assessment criteria shall be developed by the Director in consultation with affected facility owners or operators. The assessment shall be completed by a professional engineer or engineering geologist registered in the State of Washington. Stormwater infiltration systems must conform to the standards developed in the assessment criteria.

c. If through the assessment process, a stormwater infiltration system is determined to pose a significant groundwater hazard based on the assessment criteria, the Director shall require the system to be modified or decommissioned to protect groundwater quality, pursuant to the standards developed in the assessment criteria and a schedule to be developed by the Director in consultation with affected facility owners or operators.

d. Provisions to prevent releases of hazardous materials into stormwater systems shall be updated in the Hazardous Materials Management Plan and supported by upgraded or new infiltration system designs, as necessary, to reflect significant changes in types, quantities, and handling of hazardous materials.

e. The owner or operator of a stormwater infiltration system shall notify the Director of the intent to modify or decommission a stormwater infiltration system and shall obtain all appropriate approvals and permits prior to any modification or decommissioning.

3. Underground Hydraulic Elevator Cylinders. The owner or operator of any facility with an underground hydraulic elevator pressure cylinder shall inspect the annulus at least once every six (6) months for evidence of hydraulic fluid leakage and report the results to the Director. If leakage is detected, the facility owner or operator shall complete repairs within thirty (30) days of discovery of leakage, and document such repairs to the Director within thirty (30) days of completion of repairs.

C. Residential Users. Residential users of hazardous materials living in the City of Redmond shall reduce contamination risks to groundwater by:

1. Following storage, use, and disposal instructions on all household hazardous chemical containers;
2. Following storage, use, application, and disposal instructions for pesticides, herbicides, and fertilizers;
3. Following storage, use, and disposal instructions for automotive fuels, lubricants, and cleaning products; and
4. Reporting unauthorized releases of hazardous materials into the environment. (Ord. 2269 § 2 (part), 2005; Ord. 2180 § 1 (part), 2003).

13.07.110 Wellhead monitoring program.

A. The City may develop and maintain a Citywide Wellhead Monitoring Program in order to monitor water quality and detect potential contamination before it reaches the City's water supply wells.

B. If the City has probable cause to suspect groundwater contamination at a facility, the City shall request permission of the owner or operator to install groundwater monitoring wells and sample at a frequency to be determined. If the request is denied, the City may apply for an administrative search warrant pursuant to Section [1.14.090](#) of the Redmond Municipal Code. (Ord. 2180 § 1 (part), 2003).

13.07.120 Reporting of Hazardous Substances Releases and Completion of Cleanup.

A. The owner or operator of a facility shall provide a written notice to the Director at the same time as reporting a release under either of the following programs:

1. The Department of Ecology's Model Toxics Control Act (MTCA) ([Chapter 173-344-340 WAC](#)) Cleanup Regulations, or
2. The U.S. Environmental Protection Agency's Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) ([42 U.S.C. Section 9603c](#)).

B. The owner or operator of a facility shall provide written notice to the Director within five (5) business days of receipt of a No Further Action letter from the Department of Ecology, or a final Record of Decision from U.S. Environmental Protection Agency, regarding confirmation of cleanup of a release at the facility. (Ord. 2180 § 1 (part), 2003).

13.07.130 Inspections.

A. The City shall have the right to inspect a facility at reasonable times for the purposes of determining compliance with this chapter. Inspections may include, but are not limited to, visual inspections of hazardous materials storage and secondary containment areas; inspections of Hazardous Materials Management Plans; and sampling of soils, surface water and groundwater.

B. Prior to making inspections on private property for compliance with this chapter, the City's inspector shall present identification credentials, state the purpose of the inspection, and request entry.

C. If the property or any building or structure on the property is unoccupied, the inspector shall first make a reasonable effort to locate the owner or other person(s) having charge or control of the property or portions of the property and request entry.

D. If after reasonable effort the inspector is unable to locate the owner or other person(s) having charge or control of the property, and has reason to believe the condition of the property creates an imminent hazard to human health or the environment, the inspector may enter.

E. In the event that access by a City inspector is denied, the City may apply to a court of competent jurisdiction for issuance of a search warrant authorizing entry for purposes of carrying out the inspections provided for under this section.

F. Coordination with Other City Inspection Programs. City inspectors shall endeavor to coordinate inspections for wellhead protection with stormwater, fire, and/or other applicable inspection programs. (Ord. 2269 § 2 (part), 2005; Ord. 2180 § 1 (part), 2003).

13.07.140 Appeals.

Appeals concerning the application and administration of this chapter shall be processed according to the administrative procedures provided in [Chapter 20F.30 RCDG](#) unless associated with another permit, in which case the appeal procedures in Chapter [20F.30 RCDG](#) for the associated permit will apply. (Ord. 2180 § 1 (part), 2003).

13.07.150 Enforcement authority.

The Director shall administer and enforce this chapter and shall have the authority to adopt and implement administrative procedures for such enforcement. (Ord. 2180 § 1 (part), 2003).

13.07.160 Enforcement policy.

Enforcement action shall be taken whenever a person has violated any provisions of this chapter. The choice of enforcement action taken and the severity of any penalty shall be based on the nature of the violation; the damage or risk to the public or to the underlying aquifer, groundwater wells, and drinking water infrastructure; and/or the degree of bad faith demonstrated by the person(s) subject to the enforcement action. In determining appropriate penalties to be assessed for violation(s) of the terms of the chapter, the City shall also consider the financial savings, if any, achieved by the violator in failing to comply with the terms of this chapter. (Ord. 2180 § 1 (part), 2003).

13.07.170 Orders.

The Director shall have the authority to issue to an owner or operator of a facility, or any other person, an order to bring the facility into compliance with this chapter in accordance with the provisions set forth in [RMC 1.14.100](#). (Ord. 2269 § 2 (part), 2005; Ord. 2180 § 1 (part), 2003).

13.07.180 Penalty for violations.

A. Persons Subject to Penalty. Any person who violates or fails to comply with the requirements of this chapter or who fails to conform with the terms of an approval or order issued by the Director shall be subject to civil and/or criminal penalties. Civil and criminal penalties shall be administered as provided in [Chapter 1.14 of the Redmond Municipal Code](#). Each day of continued violation shall constitute a separate violation.

B. Aiding or Abetting. Any person who, through an act of commission or omission, aids or abets a violation shall be considered to have committed a violation for the purposes of the civil penalty.

C. Procedures for Imposing Penalty. The procedures for notice of violation and imposition of penalties under this chapter shall be the same as for other code violations as described in [Chapter 1.14 of the Redmond Municipal Code](#), provided, that such procedures may be initiated by either the Director or the Code Compliance Officer upon request of the Director.

D. Community Service or Supplemental Environmental Project Alternative. The Director may, at his/her discretion, provide the option for payment of all or part of any penalties incurred by any person(s) to be made in the form of community service or a Supplemental Environmental Project that will be of benefit to the environment and the City. If a person(s) decides to avail himself/herself of this option when offered by the Director, the Director and the person(s) shall enter into a formal written agreement providing for the community service or Supplemental Environmental Project. This agreement shall include, in detail, the description of the service(s) to be rendered or the project to be implemented by the person(s) in penalty for noncompliance with this chapter. The description shall include the hours of service(s) needed to offset the aforementioned penalties based on a mutually agreed upon hourly rate for service.

E. Reinspection Fees. In addition to the penalties imposed by the Code Hearing Examiner, the Director may impose a reinspection fee for any facility found not to be in compliance with this chapter. The reinspection fee shall be independent of any current or future penalties that may be incurred by the facility owner or operator for noncompliance with this chapter. (Ord. 2180 § 1 (part), 2003).

13.07.190 Penalties due.

Penalties imposed by the Code Hearing Examiner under this chapter shall become due and payable thirty (30) calendar days after receiving notice of the penalty unless application for remission or mitigation is made or an appeal filed. Whenever an application for remission or mitigation is made, penalties shall become due and payable thirty (30) calendar days after receipt of the decision regarding the remission or mitigation. Whenever an appeal of a penalty is filed, the penalty shall become due and payable after all review proceedings and a final decision has been issued confirming all

or part of the penalty. If the amount of a penalty owed is not paid within the time specified in this section, the City may take actions necessary to recover such penalties. (Ord. 2180 § 1 (part), 2003).

13.07.200 Severability.

If any portion of this chapter or its application to any person or circumstance is held invalid, the remainder of this chapter or the application of the provision to other persons or circumstances shall not be affected. (Ord. 2180 § 1 (part), 2003).

13.07.210 Abrogation and restrictions.

It is not intended that this chapter repeal, abrogate, or impair any existing regulations, easements, covenants, or deed restrictions, unless specifically provided otherwise in this chapter. However, where this chapter imposes greater restrictions, the provisions of this chapter shall prevail. (Ord. 2180 § 1 (part), 2003).

13.07.220 Interpretation.

The Director shall be responsible for interpreting the provisions of this chapter. The provisions of this chapter shall be held to be minimum requirements in their interpretation and application and shall be liberally construed to serve the purposes of this chapter. (Ord. 2180 § 1 (part), 2003).

13.07.230 Conflicts.

When any existing provision of the Redmond Municipal Code or the Redmond Community Development Guide conflicts with this chapter, that which provides greater public health and environmental protection, as determined by the Director, shall apply, unless specifically provided otherwise in this chapter. (Ord. 2180 § 1 (part), 2003).

Appendices

Redmond Community Development Guide

Definitions: Chapter 20A.20

20A.20.010 “A” Definitions

Aquifer

A body of soil or rock that contains sufficient saturated material to conduct groundwater and yield useable quantities of groundwater to springs and wells

Aquifer Recharge Area

Areas where water infiltrates into the surface and travels downward through the soil to a groundwater aquifer.

20A.20.020 “B” Definitions

Bulk Storage Facility.

A facility where flammable or combustible liquids, solids, or gels are received by tank vessel, pipeline, railroad tank car or tank vehicle and are stored or blended in bulk for the purpose of distributing such substances by tank vessel, pipeline, railroad tank car, tank vehicle, portable tank or container. (Ord. 2180)

20A.20.030 “C” Definitions

Cathodic Protection Well.

A cased or uncased borehole constructed for the purpose of installing equipment or facilities for the electrical protection of metallic equipment in contact with the ground. Cathodic protection wells are also known as anode wells. (Ord. 2180)

Critical Aquifer Recharge Areas

Areas, defined under the provisions of the Growth Management Act ([Chapter 36.70A RCW](#)), where an aquifer that is a source of drinking water is both highly susceptible and vulnerable to contamination. Areas with a high susceptibility to groundwater contamination occur where an aquifer is used as a drinking water source and a combination of the following occur(s): permeable soils, permeable surficial geology, and/or groundwater close to the ground surface

20A.20.040 “D” Definitions

Deleterious Substances.

Include, but are not limited to, chemical and microbial substances that are not classified as hazardous materials under [RCDG 20A.20.080](#), whether the substances are in usable or waste condition, that have the potential to pose a significant groundwater hazard, or for which monitoring requirements or treatment-based standards are enforced under [Chapter 246-290 WAC](#). (Ord. 2180)

Dry Cleaning Establishment.

Any facility that uses a transfer machine, dry-to-dry vented unit, or dry-to-dry closed loop unit with chlorinated solvents to clean clothing or other materials. (Ord. 2180)

20A.20.060 “F” Definitions**Fill/Fill Material**

Earth or other solid material that is brought onto a property located within the City of Redmond, for use in regrading the ground surface; stabilizing on-site soils for support of structure, pavement, and other property features; altering watercourses or wetlands; or other purposes where the material becomes a part of the property. Fill materials does not include such things as topsoil, beauty bark, compost, sand, gravel, or crushed rock used as a surface treatment.

Fleet.

Five or more vehicles operated within or from a facility. (Ord. 2180)

Fueling Area.

An area in which petroleum fuels are dispensed in liquid form for commercial sale, public use, or for fleet vehicle operation. (Ord. 2180)

20A.20.070 “G” Definitions**Groundwater.**

Water in a saturated zone or stratum beneath the surface of the land or below a surface water body. (Ord. 2180)

20A.20.080 “H” Definitions**Hazardous Materials.**

Any hazardous waste, hazardous substance, dangerous waste, or extremely hazardous waste that is a physical or health hazard as defined and classified in Chapter [70.105 RCW](#) and Chapter [173-303 WAC](#), whether the materials are in usable or waste condition. Hazardous materials shall also include petroleum or petroleum products that are in a liquid phase at ambient temperatures, including any waste oils or sludges. (Ord. 2180)

Hazardous Waste Treatment, Storage, and Disposal Facilities

Any facility regulated pursuant to Chapter [173-303-280 WAC](#) through Chapter [173-303-670 WAC](#)

20A.20.090 “I” Definitions**Incremental Environmental Improvement.**

An improvement to a system protective of groundwater at an existing facility where the improvement reduces the facility’s impact on groundwater, provided the improvement is not one of the prohibited activities identified in [RCDG 20D.140.50-030](#). (Ord. 2180)

20A.20.130 “M” Definitions

Mobile Fleet Fueling.

The practice of filling fuel tanks of vehicles from tank vehicles. Mobile fleet fueling is also known as wet fueling and wet hosing. Mobile fleet fueling does not include fueling at construction sites. (Ord. 2180)

MTBE.

Methyl tertiary butyl ether, a gasoline additive. (Ord. 2180)

20A.20.160 “P” Definitions**Perchloroethylene.**

A colorless liquid used as a dry cleaning fluid, degreaser of metals, and a solvent (also known as PERC, tetrachloroethylene, tetrachloroethene, carbon dichloride, and ethylene tetrachloride). (Ord. 2180)

20A.20.190 “S” Definitions**Secondary Containment.**

Containment designed to hold an unauthorized release external to a primary container. (Ord. 2180)

Significant Groundwater Hazard.

A condition in which there is a reasonable probability of release of a hazardous material or deleterious substance and the material or substance is or can be transferred to a liquid phase that is mobile in both soils and groundwater. (Ord. 2180)

Solid Waste.

All putrescible and nonputrescible solid and semisolid wastes as defined in Chapter 173-304 WAC, Minimum Functional Standards for Solid Waste Handling. (Ord. 2180)

System Protective of Groundwater.

A system at a facility that serves to protect groundwater quality, including, but not limited to, stormwater systems, wheel wash systems, and secondary containment systems associated with hazardous materials. (Ord. 2180)

20A.20.200 “T” Definitions.**Time-of-Travel Zone.**

The delineated area within which groundwater moves towards, and eventually reaches, a water supply well within a given period of time. (Ord. 2180)

20A.20.210 “U” Definitions.**Unauthorized Release.**

Any intentional or unintentional spilling, leaking, emitting, discharging, escaping, leaching, or disposing of any hazardous material or other deleterious substance into

groundwater, surface water, surface soils, or subsurface soils not permitted under federal, state, or local law. (Ord. 2180)

20A.20.230 “W” Definitions.

Well.

For the purposes of administering [Chapter 20D.140 RCDG](#), Critical Areas, a bored, drilled or driven shaft, or dug hole whose depth is greater than the largest surface dimension that includes water wells, resource protection wells, instrumentation wells, dewatering wells, and geotechnical soil borings. For this purpose a well does not mean an excavation made for the purpose of obtaining or prospecting for oil or natural gas, geothermal resources, minerals, or products of mining, or quarrying, or for inserting media to repressure oil or natural gas bearing formations, or for storing petroleum, natural gas, or other products. (Ord. 2180)

Wellhead Protection Zone.

A zone designated under guidance from the Washington Department of Health Wellhead Protection Program pursuant to [Chapter 246-290 WAC](#) to protect areas with a critical recharging effect on aquifers used for potable waters. (Ord. 2180)

Critical Areas: Chapter 20D.140.

20D.140 Critical Areas

[20D.140.10-010](#) Purpose and Intent.

[20D.140.10-020](#) Applicability – Regulated Activities.

[20D.140.10-030](#) Exemptions.

[20D.140.10-040](#) Critical Areas Maps.

[20D.140.10-050](#) Relationship to Other Regulations.

[20D.140.10-060](#) Permit Process and Application Requirements.

[20D.140.10-070](#) Alteration or Development of Critical Areas – Standards and Criteria.

[20D.140.10-080](#) General Mitigation Standard.

[20D.140.10-090](#) Other Appropriate Mitigation Actions.

[20D.140.10-100](#) Proposed Developments.

[20D.140.10-110](#) Mitigation Standards, Criteria and Plan Requirements.

[20D.140.10-120](#) Performance Standards for Mitigation Planning.

[20D.140.10-130](#) Approved Mitigation Projects – Signature.

[20D.140.10-140](#) Approved Mitigation Projects – Contingency Planning.

[20D.140.10-150](#) Monitoring Program and Contingency Plan.

[20D.140.10-160](#) Buffer Areas.

[20D.140.10-170](#) Buffer Width Variances.

[20D.140.10-180](#) General Critical Area Protective Measures.

[20D.140.10-190](#) Reasonable Use Provision.

[20D.140.10-200](#) Public Project Reasonable Use Provision.

[20D.140.20](#) Fish and Wildlife Habitat Conservation Areas.

[20D.140.20-010](#) Classification and Rating of Fish and Wildlife Habitat Conservation Areas.

[20D.140.20-020](#) Stream Buffers.

[20D.140.20-030](#) Alteration of Fish and Wildlife Habitat Conservation Areas – Generally.

[20D.140.20-040](#) Alteration of Riparian Stream Corridors.

[20D.140.20-050](#) Alteration of Fish and Wildlife Habitat Conservation Areas.

[20D.140.20-060](#) Riparian Stream Corridor Performance Standards.

[20D.140.20-070](#) Fish and Wildlife Habitat Conservation Area Performance Standards.

[20D.140.30](#) Wetlands.

[20D.140.30-010](#) Classification and Rating of Wetlands.

[20D.140.30-020](#) Wetland Buffers.

[20D.140.30-030](#) Alteration of Wetlands.

[20D.140.30-040](#) Wetlands Performance/Design Standards.

[20D.140.40](#) Frequently Flooded Areas.

[20D.140.40-010](#) Classification and Rating of Frequently Flooded Areas.

[20D.140.40-020](#) Alteration of Frequently Flooded Areas.

[20D.140.40-030](#) Flood Hazard Areas – Development Standards.

[20D.140.50](#) Critical Aquifer Recharge Areas.

[20D.140.50-010](#) Classification and Rating of Critical Aquifer Recharge Areas.

[20D.140.50-020](#) Alteration of Critical Aquifer Recharge Areas.

[20D.140.50-030](#) Prohibited Activities in Wellhead Protection Zones.

[20D.140.50-040](#) Wellhead Protection Zone Performance Standards.

[20D.140.60](#) Geologically Hazardous Areas.

[20D.140.60-010](#) Classification and Rating of Geologically Hazardous Areas.

[20D.140.60-020](#) Landslide Hazard Area Buffers.

[20D.140.60-030](#) Alteration of Geologically Hazardous Areas – Generally.

[20D.140.60-040](#) Alteration of Geologically Hazardous Areas.

[20D.140.60-050](#) Geologically Hazardous Area Performance Standards.

[20D.140.70](#) Procedures.

[20D.140.70-010](#) Procedural Provisions.

[20D.140.70-020](#) Severability.

20D.140.10-010 Purpose and Intent.

(1) The City finds that Redmond contains certain areas that can be identified and characterized as environmentally critical or critical. Such areas within the City include fish and wildlife habitat conservation areas, wetlands, frequently flooded areas, geologically hazardous areas, and critical aquifer recharge areas, and their associated buffers.

(2) The City finds that past growth patterns have in some cases resulted in natural disasters which threaten public health and safety, and that by preventing development on certain critical areas the City can better maintain public health, safety and welfare. In addition, by preserving features that provide for clean water, fisheries, and wildlife, the City can help maintain a positive ecological balance that provides for the immediate and

long-term public welfare. This chapter is intended to preserve the City's important environmental features while allowing development to occur if compatible with and in consideration of these critical areas.

(3) The classification and designation of these critical areas is intended to assure the conservation and protection of critical areas from loss or degradation, and to restrict land uses and development which are incompatible with environmentally critical areas. It is the intent of this chapter to designate and protect critical areas.

(4) The City finds that these essential critical areas perform a variety of valuable and beneficial biological and physical functions that benefit the City and its residents. Some types of critical areas may also pose a threat to human safety or to public and private property. The City further finds that the functions of critical areas include the following:

(a) Fish and Wildlife Habitat Conservation Areas. Wildlife areas are ecosystems composed of unique interacting systems of soils, geology, topography, and plant and animal communities. They consist of land-based areas and aquatic areas.

Wildlife habitat provides opportunities for food, cover, nesting, breeding and movement for fish and wildlife within the City; maintains and promotes diversity of species and habitat within the City; helps to maintain air and water quality; controls erosion; serves as areas for recreation, education and scientific study and aesthetic appreciation; and provides neighborhood separation and visual diversity within urban areas.

Riparian corridors are essential for wild fish populations. Healthy riparian zones are dynamic ecosystems that perform various functions that form salmonid habitat. Some of the major functions include: producing and delivering large and small woody debris to shorelines and stream channels; shoreline protection and habitat formation; removing sediments and dissolved chemicals from water; moderating water temperature; providing favorable microclimate; providing habitat for terrestrial animals; and providing proper nutrient sources for aquatic life. Additionally, aquatic areas and their associated buffers store and convey storm water and floodwater; recharge groundwater; and serve as areas for recreation, education and scientific study and aesthetic appreciation. The City's overall goal shall be no net loss of riparian corridor functions and values.

The primary purpose of fish and wildlife habitat conservation areas regulations is to achieve no net loss of core preservation areas, which includes riparian corridors, minimize impact to and retain character of quality habitat areas, and protect species of concern, priority species, and species of local importance.

(b) Wetlands. Wetlands are fragile ecosystems which serve a number of important beneficial functions. Wetlands assist in the reduction of erosion, siltation, flooding, ground and surface water pollution, and provide wildlife, plant, and fisheries habitats. Wetlands destruction and impairment may result in increased public and private costs or property losses.

The City's overall goal shall be to achieve no net loss of wetlands. This goal shall be implemented through retention of the function, value and acreage of wetlands within the City. Wetland buffers serve to moderate runoff volume and flow rates; reduce sediment, chemical nutrient and toxic pollutants; provide shading to maintain desirable water temperatures; provide habitat for wildlife; protect wetland resources from harmful intrusion; and generally preserve the ecological integrity of the wetland area.

The primary purpose of the wetland regulations is to avoid wetland impacts and achieve a goal of no net loss of wetland function, value and acreage; and where possible enhance and restore wetlands.

(c) Frequently Flooded Areas. Floodplains and other areas subject to flooding perform important hydrologic functions and may present a risk to persons and property. Floodplains help to store and convey storm water and flood water; recharge ground water; provide important areas for riparian habitat; and serve as areas for recreation, education, and scientific study. Development within floodplain areas can be hazardous to those inhabiting such development, and to those living upstream and downstream. Floods also cause substantial damage to public and private property that result in significant costs to the public and individuals.

The primary purpose of frequently flooded areas regulations is to strive towards no net loss of structure, value, and functions of natural systems within frequently flooded areas and to employ no net impact floodplain management in order to avoid impacts to upstream and downstream properties and substantial risk and damage to public and private property and loss of life.

(d) Critical Aquifer Recharge Areas. Potable water is an essential life-sustaining element. Aquifer recharge areas provide a source of potable water and contribute to stream discharge during periods of low flow. The City finds that certain portions of its planning area are susceptible to contamination of drinking water and watercourse supplies through rapid infiltration of pollutants through the soil to ground water aquifers.

The primary purpose of aquifer recharge area regulations is to protect critical aquifer recharge areas by avoiding land use activities that pose potential contamination; and to minimize impacts to recharge areas through the application of strict performance standards.

Wellhead Protection Zones 1, 2, and 3 are designated as critical aquifer recharge areas under the provisions of the Growth Management Act ([Chapter 36.70A RCW](#)) and are established based on proximity to and travel time of groundwater to the City's public water source wells.

(e) Geologically Hazardous Areas. Geologically hazardous areas include areas susceptible to erosion, sliding, earthquake, or other geological events. They pose a threat to the health and safety of citizens when incompatible commercial, residential, or industrial development is sited in or near areas of significant hazard. Some geological hazards can be reduced or mitigated by engineering, design, or modified construction so that risks to health and safety are acceptable. When technology cannot reduce risks to acceptable levels, building in geologically hazardous areas should be avoided.

The primary purpose of geologically hazardous areas regulations is to avoid and minimize potential impacts to life and property from geologic hazards such that sites are rendered as safe as one not containing such hazard through appropriate levels of study and analysis, application of sound engineering principles, and regulation or limitation of land uses.

The City finds, therefore, that identification, regulation and protection of critical areas are necessary to protect the public health, safety and general welfare.

(5) This section of the Redmond Community Development Guide contains standards, guidelines, criteria and requirements intended to identify, analyze, preserve and mitigate potential impacts to the City's critical areas and to enhance and restore degraded

resources, such as wetlands, riparian stream corridors or habitat, where possible. The intent of these regulations is to avoid impacts to critical areas and preserve the functions of critical areas. In appropriate circumstances, impacts to specified critical areas resulting from regulated activities may be minimized, rectified, reduced and/or compensated for, consistent with the requirements of this chapter.

(6) By limiting development and alteration of critical areas, this chapter seeks to:

(a) Protect members of the public and public resources and facilities from injury, loss of life, or property damage due to landslides and steep slope failures, erosion, seismic events, or flooding;

(b) Protect unique, fragile, and valuable elements of the environment, including ground and surface waters, wetlands, and fish and wildlife and their habitats;

(c) Direct activities not dependent on critical area resources to less ecologically critical sites and mitigate unavoidable impacts to critical areas by regulating alterations in and adjacent to critical areas; and

(d) Prevent cumulative adverse environmental impacts to water quality, wetlands, and fish and wildlife habitat, and the overall net loss of wetlands, frequently flooded areas, and habitat conservation areas.

(7) It is the further intent of this section to:

(a) Provide standards, guidelines, and criteria to guide application of these critical areas goals and policies when considered with other goals and policies of the Redmond Community Development Guide, including those pertaining to natural features and environmental protection;

(b) Serve as a basis for exercise of the City's substantive authority under the State Environmental Policy Act (SEPA) and the City's SEPA rules;

(c) Protect critical areas in accordance with the Growth Management Act and through the application of best available science, as determined according to [WAC 365-195-900](#) through [365-195-925](#), and in consultation with state and federal agencies and other qualified professionals; and

(d) Coordinate environmental review and permitting of proposals to avoid duplication and delay.

(8) For the purposes of this chapter, "department" shall mean the City of Redmond Department of Planning and Community Development and "committee" shall mean the City of Redmond Technical Committee. (Ord. 2259)

Critical Areas Maps. 20D.140.10-040

Critical Areas Generally. Critical areas maps are included as a part of this chapter and listed as follows:

(1) Fish and Wildlife Habitat Conservation Areas;

(2) Streams;

(3) Wetlands;

(4) Frequently Flooded Areas;

(5) Wellhead Protection Zones;

(6) Landslide Hazard Areas;

(7) Erosion Hazard Areas; and

(8) Seismic Hazard Areas. (Ord. 2259)

20D.140.50-010 Classification and Rating of Critical Aquifer Recharge Areas.

To promote consistent application of the standards and requirements of this chapter, critical aquifer recharge areas within the City of Redmond shall be rated or classified according to their characteristics, function and value, and/or their sensitivity to disturbance.

- (1) Critical Aquifer Recharge Areas Classification. Critical aquifer recharge areas are those areas with a critical recharging effect on aquifers used for potable water. Wellhead protection involves the management of activities that have a potential to degrade the quality of groundwater produced by a supply well. The City of Redmond is classified into four wellhead protection zones that are based on proximity to and travel time of groundwater to the City’s public water source wells, and are designated using guidance from the Washington Department of Health Wellhead Protection Program pursuant to Chapter [246-290 WAC](#).
 - (a) Wellhead Protection Zone 1 represents the land area overlying the six-month time-of-travel zone of any public water source well owned by the City.
 - (b) Wellhead Protection Zone 2 represents the land area that overlies the one-year time-of-travel zone of any public water source well owned by the City, excluding the land area contained within Wellhead Protection Zone 1.
 - (c) Wellhead Protection Zone 3 represents the land area that overlies the five-year and 10-year time-of-travel zones of any public water source well owned by the City, excluding the land area contained within Wellhead Protection Zones 1 or 2.
 - (d) Wellhead Protection Zone 4 represents all the remaining land area in the City not included in Wellhead Protection Zones 1, 2, or 3.
- (2) Classification of wellhead protection zones shall be determined in accordance with the City’s adopted Wellhead Protection Zone Map, which serves to designate Zones 1 through 4. The Committee, at its discretion, may consider the following factors:
 - (a) Maps adopted pursuant to this chapter;
 - (b) Application of the criteria contained in these regulations; and
 - (c) Consideration of the technical reports submitted by qualified consultants in connection with applications subject to these regulations. (Ord. 2259)

20D.140.50-030 Prohibited Activities in Wellhead Protection Zones.

(1) Land uses or activities for new development or redevelopment that pose a significant hazard to the City’s groundwater resources resulting from storing, handling, treating, using, producing, recycling, or disposing of hazardous materials or other deleterious substances shall be prohibited in Wellhead Protection Zones 1 and 2. These land uses and activities include, but are not limited to:

- (a) On-site community sewage disposal systems, as defined in [Chapter 246-272 WAC](#);
- (b) Hazardous liquid pipelines as defined in [Chapter 81.88 RCW](#) and [Chapter 20A.20 RCDG](#);
- (c) Solid waste landfills;
- (d) Solid waste transfer stations;

- (e) Liquid petroleum refining, reprocessing, and storage;
 - (f) Bulk storage facilities as defined in [Chapter 20A.20 RCDG](#);
 - (g) The storage or distribution of gasoline treated with the additive MTBE;
 - (h) Hazardous waste treatment, storage, and disposal facilities except those defined under permit by rule for industrial wastewater treatment processes per [WAC 173-303-802\(5\)\(c\)](#);
 - (i) Chemical manufacturing, including but not limited to organic and inorganic chemicals, plastics and resins, pharmaceuticals, cleaning compounds, paints and lacquers, and agricultural chemicals;
 - (j) Dry cleaning establishments using the solvent perchloroethylene;
 - (k) Primary and secondary metal industries that manufacture, produce, smelt, or refine ferrous and non-ferrous metals from molten materials;
 - (l) Wood preserving and wood products preserving;
 - (m) Mobile fleet fueling operations;
 - (n) Class I, Class III, Class IV and the following types of Class V wells: 5F1, 5D3, 5D4, 5W9, 5W10, 5W11, 5W31, 5X13, 5X14, 5X15, 5W20, 5X28, and 5N24 as regulated under Chapter [90.48 RCW](#), and Chapters [173-200 and 173-218 WAC](#) as amended; and
- (2) Other land uses and activities that the City determines would pose a significant groundwater hazard to the City's groundwater supply.
- (3) Wellhead Protection Zones. Development within the City of Redmond shall implement the performance standards contained in [RCDG 20D.140.50.040](#) that apply to the zone in which it is located. (Ord. 2259)

20D.140.50-040 Wellhead Protection Zone Performance Standards.

Any uses or activities locating in the City of Redmond which involve storing, handling, treating, using, producing, recycling, or disposing of hazardous materials or other deleterious substances shall comply with the following standards that apply to the zone in which they are located. Residential uses of hazardous materials or deleterious substances are exempt from the following standards.

If a property is located in more than one wellhead protection zone, the Director of Public Works shall determine which standards shall apply based on an assessment evaluation of the risk posed by the facility or activity. The assessment evaluation shall include, but not be limited to: (a) the location, type, and quantity of the hazardous materials or deleterious substances on the property; (b) the geographic and geologic characteristics of the site; and (c) the type and location of infiltration on the site.

(1) Development within Wellhead Protection Zones 1 or 2 shall implement the following performance standards:

(a) Secondary Containment.

(i) The owner or operator of any facility or activity shall provide secondary containment for hazardous materials or other deleterious substances in aggregate quantities equal to or greater than 20 gallons liquid or 200 pounds solid or in quantities specified in the Redmond Fire Code ([Chapter 15.06 RMC](#)), whichever is smaller.

(ii) Hazardous materials stored in tanks that are subject to regulation by the Washington State Department of Ecology under Chapter [173-360 WAC](#) (Underground Storage Tank Regulations) are exempt from the secondary containment requirements of

this section; provided, that documentation is provided to demonstrate compliance with those regulations.

(b) Vehicle Fueling, Maintenance, and Storage Areas. Fleet and automotive service station fueling, equipment maintenance, and vehicle washing areas shall have a containment system for collecting and treating all runoff from such areas and preventing release of fuels, oils, lubricants, and other automotive fluids into soil, surface water, or groundwater. Appropriate emergency response equipment shall be kept on-site during transfer, handling, treatment, use, production, recycling or disposal of hazardous materials or other deleterious substances.

(c) Loading and Unloading Areas. Secondary containment or equivalent best management practices, as approved by the Director of Public Works, shall be required at loading and unloading areas that store, handle, treat, use, produce, recycle, or dispose of hazardous materials or other deleterious substances in aggregate quantities equal to or greater than 20 gallons liquid or 200 pounds solid.

(d) Storm Water Infiltration Systems. Design and construction of new storm water infiltration systems must address site-specific risks of releases posed by all hazardous materials on-site. These risks may be mitigated by physical design means or equivalent best management practices in accordance with an approved Hazardous Materials Management Plan. Design and construction of said storm water infiltration systems shall also be in accordance with [RMC 15.24.020](#) and the City of Redmond Technical Notebook and shall be certified for compliance with the requirements of this section by a professional engineer or engineering geologist registered in the State of Washington.

(e) Well construction and operation shall comply with the standards in [RMC 15.24.095](#).

(f) Protection Standards During Construction. The following standards shall apply to construction activities occurring where construction vehicles will be refueled on-site and/or the quantity of hazardous materials that will be stored, dispensed, used, or handled on the construction site is in aggregate quantities equal to or greater than 20 gallons liquid or 200 pounds solid, exclusive of the quantity of hazardous materials contained in fuel or fluid reservoirs of construction vehicles. As part of the City's project permitting process, the City may require any or all of the following items:

(i) A development agreement;

(ii) Detailed monitoring and construction standards;

(iii) Designation of a person on-site during operating hours who is responsible for supervising the use, storage, and handling of hazardous materials and who has appropriate knowledge and training to take mitigating actions necessary in the event of fire or spill;

(iv) Hazardous material storage, dispensing, refueling areas, and use and handling areas shall be provided with secondary containment adequate to contain the maximum release from the largest volume container of hazardous substances stored at the construction site;

(v) Practices and procedures to ensure that hazardous materials left on-site when the site is unsupervised are inaccessible to the public. Locked storage sheds, locked fencing, locked fuel tanks on construction vehicles, or other techniques may be used if they will preclude access;

(vi) Practices and procedures to ensure that construction vehicles and stationary equipment that are found to be leaking fuel, hydraulic fluid, and/or other hazardous materials will be removed immediately or repaired on-site immediately. The vehicle or equipment may be repaired in place, provided the leakage is completely contained;

(vii) Practices and procedures to ensure that storage and dispensing of flammable and combustible liquids from tanks, containers, and tank trucks into the fuel and fluid reservoirs of construction vehicles or stationary equipment on the construction site are in accordance with the Redmond Fire Code ([Chapter 15.06 RMC](#)); and

(viii) Practices and procedures, and/or on-site materials adequate to ensure the immediate containment and cleanup of any release of hazardous substances stored at the construction site. On-site cleanup materials may suffice for smaller spills whereas cleanup of larger spills may require a subcontract with a qualified cleanup contractor. Releases shall immediately be contained, cleaned up, and reported if required under [RMC 13.07.120](#). Contaminated soil, water, and other materials shall be disposed of according to state and local requirements.

(g) Fill Materials. Fill material shall comply with the standards in [RMC 15.24.095](#).

(h) Cathodic Protection Wells. Cathodic protection wells shall be constructed following the standards in [RMC 15.24.095](#).

(i) Underground Hydraulic Elevator Cylinders. All underground hydraulic elevator pressure cylinders shall be constructed following the standards in [RMC 15.24.095](#).

(j) Best Management Practices. All development or redevelopment shall implement best management practices (BMPs) for water quality and quantity, as approved by the Technical Committee, such as biofiltration swales and use of oil-water separators, BMPs appropriate to the particular use proposed, clustered development, and limited impervious surfaces.

(2) Development within Wellhead Protection Zone 3 shall implement the following performance measures:

(a) Compliance with the performance standards for vehicle fueling, maintenance and storage areas; loading and unloading areas; well construction and operation; cathodic protection wells; underground hydraulic elevator cylinders, and best management practices in subsections (1)(b), (c), (e), (h), (i), and (j) of this section; and

(b) Fill materials shall not contain concentrations of contaminants that exceed cleanup standards for soil specified in [WAC 173-340-740](#), Model Toxics Control Act, regardless of whether all or part of the contamination is due to natural background levels at the fill source site.

(3) Development within Wellhead Protection Zone 4 shall implement best management practices (BMPs) for water quality and quantity as approved by the Technical Committee.

(4) An incremental environmental improvement to a system protective of groundwater shall not alter, expand, or intensify an existing nonconformance but may proceed without having to meet the following City codes, with prior approval from the Director of Public Works or his/her designee:

(a) Restrictions associated with critical areas and critical area buffers, if the footprint of the original system protective of groundwater is located within the same critical area buffer and it can be demonstrated through best available science that there will be no significant adverse impacts to the critical area and its buffer;

(b) Any requirement to bring a portion of the facility up to current building, fire, or land use codes that is triggered by the value or design of the incremental environmental improvement to a system protective of groundwater;

(c) The incremental improvement shall not qualify as a redevelopment that would otherwise be prohibited by [RCDG 20D.140.50-030](#)(1). (Ord. 2259)

***Classification of Hazardous Waste Treatment and Storage Facilities:
Chapter 20D.170.60***

20D.170.60-030 Development Standards:

All incidental or primary hazardous waste treatment and storage shall, at a minimum, meet the following conditions:

(1) Primary treatment or storage facilities shall follow all State regulations, pursuant to Chapter [70.105 RCW](#);

(2) The proposed development or use shall meet all other federal, state and local standards concerning the handling of hazardous substances;

(3) Measures shall be taken in the construction of structures, design of storage areas, and design of delivery areas to prevent release of materials including those resulting from a “worst case” accident and including consideration of large storms where areas are not covered;

(4) The use shall be subject to the critical areas regulations in [RCDG 20D.140.50-040](#), Wellhead Protection Zone Performance Standards, and [RCDG 20D.140.40-030](#) Flood Hazard Area Development Standards;

(5) Incidental treatment and storage shall meet the additional criteria in either [RCDG 20D.170.60-040](#) or [20D.170.60-050](#) and

(6) Measures shall be taken to eliminate or mitigate unpleasant odors from occurring on surrounding properties. (Ord. 2180; Ord. 1930 (20C.80.7570))

Critical Areas Reporting Requirements: Appendix 20D-2

This is an excerpt from the full text of appendix 20D-2, please refer to the complete text to ensure compliance.

The following information is required to be submitted for sites containing critical areas.

I. General Information (required for all critical areas).

- A. Name of proposal as shown on City applications.
- B. Name of applicant as shown on City applications.
- C. Name of organization and individual providing this information.
- D. List any technical expertise/special qualifications of person providing this information.
- E. Date the information was prepared.

- F. Location of the proposed activity (street address and tax parcel number), including a vicinity map.
- G. Clearly identify the development proposal being addressed; including City file number and key project drawing references (originator of drawings, originator's reference number if shown on the drawings, sheet numbers, revision numbers and dates for each sheet, and include reduced copies of key drawings in the report).
- H. Give a succinct but inclusive description of the existing site, including acreage and current and past uses on the property.
- I. A copy of an aerial photo with overlays displaying site boundaries and critical areas.
- J. A single map showing all critical areas at one inch equals 20 feet scale, depicting:
 - 1. Identified critical areas and required buffers;
 - 2. Limits of any areas to be disturbed;
 - 3. Site boundary property lines and roads;
 - 4. Rights-of-way and easements;
 - 5. Existing physical improvements (buildings, fences, impervious surfaces, utilities, etc.);
 - 6. Contours at two-foot intervals;
 - 7. All natural and manmade features within the maximum buffer area of any critical area on or near the site (in no case less than a minimum 50 feet from the site).
- K. A statement specifying the accuracy of the report and key project specific assumptions made and relied upon. List recommendations, if any, for further reporting regarding critical areas related to the proposed project as the project proceeds.
- L. Provide a bibliography of published information referenced, including maps and best available science materials.

For sites with mitigation, also provide the following information identified in M through Q below. (Information in this section is to be provided only if there are critical areas within or in the vicinity of the site that will be impacted by the proposed project.)

- M. A summary description of reasonable efforts made to apply mitigation sequencing pursuant to RCDG [20D.140.10-110](#), Mitigation Standards, Criteria and Plan Requirements, to avoid, minimize, and mitigate impacts to critical areas.
- N. Plans for adequate mitigation, as needed, to offset any impacts, including, but not limited to:
 - 1. The impacts to on-site and affected off-site critical areas; and
 - 2. The impacts of any proposed alteration of a critical area or buffer on the development proposal, other properties, and the environment.

- O. A listing of applicable performance standards and a summary of how each applicable performance standard was addressed. (See RCDG [20D.140.10-120](#), Performance Standards for Mitigation Planning).
- P. A discussion of ongoing management practices that will protect the critical area after the project site has been developed, including proposed monitoring and maintenance programs.
- Q. Additional information may be required. The Technical Committee may require additional information to be included in the critical areas report when deemed necessary to the review of the proposed activity.

V. Geologically Hazardous Areas Reporting Requirements (in addition to the General Information listed in Section I above).

A geologically hazardous areas report shall be prepared by a geotechnical engineer or geologist, licensed in the State of Washington, with experience analyzing geologic, hydrologic, and groundwater flow systems; or by a geologist who earns his or her livelihood from the field of geology and/or geotechnical analysis, with experience analyzing geologic, hydrologic and groundwater flow systems, who has experience preparing reports for the relevant type of hazard.

- A. A geologically hazardous area report must be submitted to the City. The purpose of this report is to evaluate the actual presence of geologic conditions giving rise to geologic hazards; determine the appropriate class of hazard, according to the classification of potential hazards contained in these regulations; evaluate the safety and appropriateness of proposed activities; and recommend appropriate construction practices, monitoring programs and other mitigation measures required to ensure achievement of the purpose and intent of these regulations. The information required by this report should be coordinated with the study and reporting requirements for any other critical areas located on the site.
- B. The approach of the City of Redmond critical area regulations is to require a level of study and analysis commensurate with potential risks associated with geologic hazards on particular sites and for particular proposals. Depending on the particular geologic hazard, geologic, hydrologic and/or topographic studies may be required. At a minimum, all applicants shall review the history of the site and conduct a surface reconnaissance.
- C. Geologically Hazardous Area Report. The geologically hazardous area report shall include the following information:
 - 1. Geologically Hazardous Areas Map. Geologic hazards shall be located on a site map with an engineering scale of one inch equals 20 feet. The map must show the surveyed locations of all geologic hazards and their required buffers/setbacks. In addition, the map must show topography at two-foot intervals.
 - 2. A written geologically hazardous area report which includes the following information:
 - a. A written geologic hazards characterization. This characterization shall describe specific descriptions of geologic hazards present on site, including topography;

a characterization of soils, geology, and drainage; a characterization of groundwater conditions including the presence of any public or private wells within one quarter mile of the site; and groundwater elevation, gradient and direction data, including depth and duration of seasonally high water table if any proposed grading, borings, pilings or excavation work may extend to groundwater depth; identification of any areas that have previously been disturbed or degraded by human activity or natural processes; and a site history.

- b. A written analysis of proposed clearing, grading and construction activities, including construction scheduling; potential direct and indirect, on-site and off-site impacts from development, including dewatering activities. The analysis shall include identification of proposed mitigation measures, including any special construction techniques, monitoring or inspection program, erosion or sedimentation programs (during and after construction), and surface water management and protection controls.
3. Critical Landslide Hazard Areas (Steep Slopes). In addition to the geologically hazardous area report required above, the following tasks and information are required for critical landslide hazard areas.
 - a. Review site history and available information.
 - b. Conduct a surface reconnaissance of the site and adjacent areas.
 - c. Conduct subsurface exploration suitable to site and proposal to assess geohydrologic conditions.
 - d. Conduct detailed slope stability analysis.
 - e. Recommend detailed surface water management controls during construction and operation.
 - f. Establish recommendations for site monitoring and inspection during construction.
 - g. Recommended minimum steep slope buffer distance(s). In no case, shall the setback be less than that required by RCDG [20D.140.60-020](#).
 4. Critical Erosion Hazard Areas. In addition to the geologically hazardous area report required above, the following tasks and information are required for critical erosion hazard areas:
 - a. Review site history and available information.
 - b. Conduct a surface reconnaissance of the site and adjacent areas.
 - c. Identify surface water management, erosion and sediment controls appropriate to the site and proposal.
 5. Seismic Hazard Areas. In addition to the geologically hazardous area report required above, the following tasks and information are required for seismic hazard areas:

- a. For one- and two-story single-family structures, conduct an evaluation of site response and liquefaction potential based on the performance of similar structures under similar foundation conditions.
- b. For all other proposals, conduct an evaluation of site response and liquefaction potential including sufficient subsurface exploration to provide a site coefficient (S) for use in the static lateral force procedure described in the International Building Code.

VI. Critical Aquifer Recharge Areas (Wellhead Protection) Reporting Requirements (in addition to the General Information listed in Section I above and the general information listed in Section V above).

A critical aquifer recharge areas report shall be prepared by a qualified professional who is a hydrogeologist, geologist, or engineer, who is licensed in the State of Washington and has experience in preparing hydrogeologic assessments.

- A. A critical aquifer recharge area report must be submitted to the City. The purpose of the report is to evaluate the actual presence of geologic conditions giving rise to the critical aquifer recharge area; determine the appropriate wellhead protection zone; evaluate the safety and appropriateness of proposed activities; and recommend appropriate construction practices, monitoring programs and other mitigation measures required to ensure achievement of the purpose and intent of these regulations. The information required by this report should be coordinated with the study and reporting requirements for any other critical areas located on the site.
- B. The approach of the City of Redmond critical area regulations is to require a level of study and analysis commensurate with potential risks to wellhead protection areas associated with particular sites and particular proposals. Geologic, hydrologic and/or topographic studies may be required. At a minimum, all applicants shall review the history of the site and conduct a surface reconnaissance.
- C. Hydrologic Assessment Required. For all proposed activities to be located in a critical aquifer recharge area, a critical aquifer recharge area report shall contain a level one hydrological assessment. A level two hydrogeologic assessment shall be required for any of the following proposed activities:
 1. Activities that result in 5,000 square feet or more impervious site area.
 2. Activities that divert, alter, or reduce the flow of surface or groundwaters, including dewatering or otherwise reduce the recharging of the aquifer.
 3. The storage, handling, treatment, use, production, recycling or disposal of deleterious substances or hazardous materials, other than household chemicals used according to the directions specified on the packaging for domestic applications.
 4. The use of injection wells, including on-site septic systems, except those domestic septic systems releasing less than 14,500 gallons of effluent per day and that are limited to a maximum density of one system per one acre.

5. Any other activity determined by the Committee likely to have an adverse impact on groundwater quality or quantity, or on the recharge of the aquifer.
- D. Written Level One Hydrogeologic Assessment. A level one hydrogeologic assessment shall include the following site and proposal related information at a minimum:
1. Available information regarding geologic and hydrogeologic characteristics of the site including the surface location of all critical aquifer recharge areas located on site or immediately adjacent to the site, and permeability of the unsaturated zone.
 2. Groundwater depth, flow direction and gradient based on available information.
 3. Currently available data on wells and springs within 1,300 feet of the project area.
 4. Location of other critical areas, including surface waters, within 1,300 feet of the project site.
 5. Available historic water quality data for the area to be affected by the proposed activity.
 6. Best management practices proposed to be utilized.
- E. Written Level Two Hydrogeologic Assessment. A level two hydrogeologic assessment shall include the following site and proposal related information at a minimum, in addition to the requirements for a level one hydrogeological assessment:
1. Historic water quality data for the area to be affected by the proposed activity compiled for at least the previous five year period.
 2. Groundwater monitoring plan provisions.
 3. Discussion of the effects of the proposed project on the groundwater quality and quantity, including:
 - a. Predictive evaluation of groundwater withdrawal effects on nearby wells and surface water features.
 - b. Predictive evaluation of contaminant transport based on potential releases to groundwater.
 4. Identification of the type and quantities of any deleterious substances or hazardous materials that will be stored, handled, treated, used, produced, recycled, or disposed of on the site.
 5. Proposed methods of storing any of the above substances, including containment methods.
 6. Proposed plan for implementing protection standards during construction.
 7. A spill plan that identifies equipment and/or structures that could fail, resulting in an impact. Spill plans shall include provisions for regular inspection, repair, and replacement of structures and equipment that could fail.

General Provisions
Nonconformance: Chapter 20F.10.50

20F.10.50-090 Alteration or Expansion of a Nonconformance.

(1) General. The alteration or expansion of a nonconformance is prohibited unless it does not increase the nonconformity, or unless it is specifically permitted through an official action as stated in [RCDG 20F.30.15](#), Types of Review, or as stated below. The alteration or expansion of a nonconformance is prohibited for land uses and activities listed in [RCDG 20D.140.50-030](#)(1) and located in Wellhead Protection Zones 1 and 2.

(2) Nonconforming Use. The expansion of a structure containing a nonconforming use is prohibited, with the following exceptions. A nonconforming use may be changed to a conforming use.

(a) Nonconforming Residential Uses:

(i) General. A nonconforming residential use may not be expanded to create additional dwelling units.

(ii) Single-Family Dwellings. A single-family dwelling on a single lot may be expanded up to 450 square feet of floor area.

(iii) Duplex and Multifamily Dwellings. Two or more dwellings may be expanded up to 450 square feet of floor area per unit; provided, that parking for all units is brought into conformance with existing regulations.

(b) A structure containing a nonconforming use may be altered; provided, that nonconforming landscaping and pedestrian system improvements are brought into conformance per subsection (4) of this section.

(3) Nonconforming Structures. A nonconforming structure may not be expanded or altered in any way so as to increase that nonconformity. A nonconforming structure shall be brought into full compliance with the Redmond Community Development Guide when alteration or expansion of the structure takes place and the following takes place within any three-year period:

(a) The gross floor area of the structure is increased by 100 percent or more; or

(b) The costs stated on all approved building permit applications for the structure equal or exceed the assessed value of the structure at the beginning of that three-year period.

(4) Nonconforming Landscaping and Pedestrian System Area. A nonconforming landscaping or pedestrian system area shall be brought into compliance with [RCDG 20D.80.10](#) and 20C.40.100 in accordance with the following:

(a) When improvements to the building or parking areas do not exceed \$12,000 on any lot in any three-year period, no improvements are required.

(b) For improvements to the building or parking area which exceed \$12,000 on any lot in a three-year period, the percentage (by value) of the required landscaping or pedestrian system, to be installed shall be established by dividing the value of the proposed improvement by the assessed value of the existing lot improvements up to 100 percent.

(c) For the purposes of subsections (4)(a) and (b) of this section, improvements shall not include those improvements required by the City for health and safety reasons, nor ordinary repair and maintenance.

(d) The Technical Committee shall have the authority to specify the location and phasing sequence of the landscaping or pedestrian system improvements which fall under this section.

(5) Nonconforming Parking. The following shall apply to uses with nonconforming parking:

(a) Expansion of Conforming Residential Use with Nonconforming Parking.

(i) No New Units. A conforming residential use with nonconforming parking may be expanded by up to 450 square feet, provided no new dwelling unit is created by the expansion. Any expansion beyond 450 square feet shall require the provision of one parking space for each 450-square-foot addition not to exceed the total number of parking spaces required by current parking standards. However, for single-family residential uses outside of parking impacted areas, no additional parking is required on lots with driveways 20 feet or more in length.

(ii) New Units Added. A conforming residential use with nonconforming parking may be expanded to create additional conforming units only if the parking for all units, old and new, is brought into conformance with current parking standards.

(b) Expansion of Nonresidential Use with Nonconforming Parking. A conforming nonresidential use with nonconforming parking may be expanded or intensified; provided, that parking is provided for the expansion or intensification in accordance with current parking standards. (Ord. 2180; Ord. 2118)

20F.10.50-100 Alteration or Expansion of a Nonconformance in the City Center.

(1) Purpose. The City recognizes that some existing, vital businesses of value to the community in the City Center may have been rendered nonconforming as a result of land use plan changes. The intent of this section is to encourage retention of existing businesses and to allow continued investment and upgrades to the business structures in the City Center. Nonconforming uses except those located in Wellhead Protection Zones 1 and 2 listed in [RCDG 20D.140.50-030](#)(1) in the City Center may expand as described below.

(2) This section applies to nonconformances in the City Center in addition to [RCDG 20F.10.50-090](#), Alteration or Expansion of a Nonconformance. In the case of a conflict, this section shall apply.

(3) Nonconforming Commercial, Institutional, or Park Use. Nonconforming commercial, institutional, and park uses in the City Center Neighborhood may expand and/or rebuild in conjunction with restoration per [RCDG 20F.10.50-080](#) to occupy a greater area of building, but shall not be expanded beyond the original parcel(s) occupied at the time the use or structure became nonconforming. Parking for the expansion shall be provided in accordance with current parking standards. Nonconforming landscaping and pedestrian system improvements shall be brought into conformance with current standards per [RCDG 20F.10.50-090](#)(4).

(4) Nonconforming Industrial Uses.

(a) General. Nonconforming industrial uses in the City Center Neighborhood not deemed unsafe, hazardous, unhealthful, or obnoxious due to noise, odor, air quality or visual blight may expand to occupy a greater area of building, but shall not be expanded beyond the original parcel(s) occupied at the time the use or structure became nonconforming. Parking for the expansion shall be provided in accordance with current parking standards. Nonconforming landscaping and pedestrian system improvements shall be brought into conformance with current standards as required by [RCDG 20F.10.50-090](#)(4), Nonconforming Landscaping and Pedestrian System Area.

(b) Outside Uses. Equipment and machinery associated with outside nonconforming uses may be relocated or altered, provided the equipment or machinery is not relocated any closer to the nearest residential district or street.

(c) Volumes. Increased sales, production or output volume shall not be considered as an expansion, provided the use does not expand to occupy additional land or another building.

(5) Change in Use to Another Nonconforming Use. A nonconforming use in the City Center Neighborhood may be changed to another nonconforming use if Type I review is granted as provided for in this title and provided:

(a) A special building inspection is conducted to ensure the building conforms or is repaired to conform to minimum building, plumbing, fire, housing, electrical and earthquake code provisions as necessary to protect public health and safety.

(b) The proposed change of use will provide a service or will be beneficial to the neighborhood, and will more closely conform to the zoning of the site than the existing use.

(c) The proposed use is compatible with the goals of the design area as specified in RCDG Title 20B, Redmond Comprehensive Plan, and the zone in which it is located as specified in Chapter 20C.40 RCDG.

(d) The proposed use is compatible with the surrounding uses. For example, compatible uses next to existing residential uses might include complementary retail services such as dry cleaning, pharmacies, cafes, newsstands, and hair salons. Incompatible uses in, and adjoining, areas designated for office and residential uses might include strip retail centers, and auto-oriented services or drive-through facilities.

(e) The proposed use will not pose or create greater negative impacts than uses which are permitted within the design area or zone in which it is located.

(f) The proposed use will not pose or create unsafe, unhealthful, or hazardous conditions upon surrounding properties.

(g) The proposed change is in accordance with Chapter 20D.140 RCDG, Critical Areas Regulations. (Ord. 2180; Ord. 2118)

20F.30.15-040 Classification of Permits and Decisions – Table.

Type of Review Procedure	TYPE I Administrative, Appropriate Department	TYPE II Administrative, Technical Committee/ Design Review Board/Landmark Commission	TYPE III Quasi-Judicial, Hearing Examiner	TYPE IV Quasi-Judicial, City Council with Hearing Examiner Recommendation	TYPE V Quasi-Judicial, City Council	TYPE VI Legislative, City Council with Planning Commission Recommendation	TYPE VII Quasi-Judicial, Landmark Commission
Permits and Land Use Actions	Planning Department Boundary Line Adjustment Certificate of Appropriateness, Level I ¹ Sign Permit Sign Program Shoreline Exemption Structure Movement Permit (Class I, II, and III only) Telecom. Facility (no ground equipment) Temporary Use (short-term) Tree Removal Building Division Building Permit Electrical Permit Mechanical Permit Plumbing Permit Fire Department Fire Protection Permit Hazardous Materials Permit UFC Permit Public Works Department Clearing and Grading Permit Extended Public Area Use Permit Flood Zone Permit Hazardous Materials Inventory Statement Hazardous Materials Management Plan Hydrant Permit Performance Standards in Wellhead Protection Zones Right-of-Way Use Permit Sewer Permit Special Event Permit Structure Movement Permit (Class IV only) Water Permit	Administrative Design Flexibility Administrative Modification Binding Site Plan Certificate of Appropriateness, Level II ¹ SEPA Review (when not combined with another permit or required for a Type I permit) Shoreline Substantial Development Short Plat Site Plan Entitlement Special Use Telecom. Facility (with ground equipment)	Preliminary Plat Reasonable Use Exception Shoreline Conditional Use Shoreline Variance Variance	Concurrency Exemption Conditional Use Master Planned Development (Residential and Commercial) Planned Development (Residential and Commercial) Public Project Alteration of Wildlife Habitat Areas Development Guide Amendment, Zoning Map (consistent with Comprehensive Plan) Essential Public Facility	Annexation Final Plat Plat Alteration Plat Vacation Right-of-Way Vacation Critical Areas Exception for Streets and/or Utilities Temporary Use (long-term)	Development Guide Amendment, Comprehensive Plan Map and/or Policies Development Guide Amendment, Text Development Guide Amendment, Zoning Map (that requires a Comprehensive Plan Amendment, that is an area-wide amendment or that is the adoption of a new or substantially revised neighborhood or city-wide Zoning Map)	Historic Landmark Designation ¹ Certificate of Appropriateness, Level III ¹

Type I Review Decision-Maker and Appeal Body. 20F.30.30-015

(1) Decisions on Type I applications are made by the appropriate department director or designee. Appeals of Type I decisions are made to the appropriate appeal body. The decision-maker and designated appeal body for each application reviewed as a Type I are indicated in the table in subsection (2) of this section.

(2) Type I Decision-Maker and Appeal Body

Application	Decision-Maker (Department)	Appeal Body
Administrative Interpretation	Planning	Hearing Examiner
Certificate of Appropriateness, Level I	Planning	Hearing Examiner
Christmas Tree Lot	Planning	Hearing Examiner
Home Business	Planning	Hearing Examiner
Lot Line Revision	Planning	Hearing Examiner
Sign Permit	Planning	Hearing Examiner
Sign Program	Planning	Hearing Examiner
Shoreline Exemption	Planning	Hearing Examiner
Telecommunication Facility	Planning	Hearing Examiner
Temporary Use (short-term)	Planning	Hearing Examiner
Tree Removal	Planning	Hearing Examiner
Building Permit	Building	Hearing Examiner
Electrical Permit	Building	Hearing Examiner
Mechanical Permit	Building	Hearing Examiner
Plumbing Permit	Building	Hearing Examiner
Fire Protection Permit	Fire	Hearing Examiner

Hazardous Materials Permit	Fire	Hearing Examiner
UFC Permit	Fire	Hearing Examiner
Clearing and Grading	Public Works	Hearing Examiner
Floodplain Development Permit	Public Works	Hearing Examiner
Hazardous Materials Inventory Statement	Public Works	Hearing Examiner
Hazardous Materials Management Plan	Public Works	Hearing Examiner
Hydrant Permit	Public Works	Hearing Examiner
Performance Standards in Wellhead Protection Zones	Public Works	Hearing Examiner
Right-of-Way Use Permit	Public Works	Hearing Examiner
Sewer Permit	Public Works	Hearing Examiner
Special Event Permit	Public Works	Hearing Examiner
Street Use Permit	Public Works	Hearing Examiner
Structure Movement Permit (Class I, II, III)	Planning	Hearing Examiner
Structure Movement Permit (Class IV)	Public Works	Hearing Examiner
Water Permit	Public Works	Hearing Examiner

Redmond Municipal Code

Title 1 General Provisions: Chapter 1.14.090-100

1.14.090 Application of criminal penalties, civil penalties, equitable actions, injunctions, and other remedies.

(a) Each violation of this chapter, any provision listed in RMC Section [1.14.030\(a\)](#), Applicability, or a permit or approval issued under any provision listed in RMC Section [1.14.030\(a\)](#), Applicability, shall constitute a separate violation.

(b) Each calendar day or portion of a calendar day that any violation continues after receiving notification by city, state, or federal agency staff that the violation exists shall be considered a separate violation for the purposes of the penalties and remedies provided in this chapter. The notification shall be in writing or electronic mail or fax. Posting a written notice on the property on which the violation is occurring shall be considered receiving the notice.

(c) Any one, all, or any combination of the penalties and remedies provided for in this chapter may be used to enforce this chapter or any provision listed in RMC Section [1.14.030\(a\)](#), Applicability. However, a criminal penalty and a civil penalty shall not be sought or obtained for any single violation or offense. Combinations of criminal and civil penalties may be sought and obtained for separate violations as defined in RMC Section [1.14.090\(b\)](#), Application of Criminal Penalties, Civil Penalties, Equitable Actions, Injunctions, and Other Remedies. (Ord. 1935 § 6 (part), 1997).

1.14.100 Notices and orders, restoration orders, and imposition of civil penalties.

(a) Notice and Order. If the Code Compliance Officer determines that a violation of one or more of the provisions listed in RMC Section [1.14.030\(a\)](#), Applicability, has occurred, the Code Compliance Officer may issue a notice and order, which may also include a civil penalty as provided for in RMC Section [1.14.060](#), Criminal Violations and Penalties, Civil Violations and Penalties, and other Penalties, and a restoration order as provided for in RMC Section [1.14.080](#), Restoration and Natural Resources Damages, to any responsible person or persons. The notice and order shall contain the following information:

- (1) A description of the specific nature and extent of violation and the damage or potential damage;
- (2) The location of the violation;
- (3) The violation date;
- (4) The name of the person who observed the violation, if any is known;
- (5) The title and section number of the law or regulation violated;
- (6) A notice that the violation cease and desist;
- (7) Any civil penalty imposed and the date by which the penalty must be paid;
- (8) Any restoration required to undo the harm created by the violations or to achieve compliance;
- (9) The date(s) upon which compliance and restoration shall occur;
- (10) The deadline for seeking remission or appealing the order to the Violations Hearings Examiner; and

(11) That each calendar day the violation continues after receiving this notice is a separate violation.

(b) Service of a Notice and Order. A notice and order shall be served by:

(1) Mailing the notice and order to the owner of the property on which the violation has occurred (i) at his or her last known address or (ii) serving the order in person to the owner of the property on which the violation has occurred.

(2) If a notice and order is directed to a person other than the property owner, a cease and desist order shall be served by serving the owner of the property as provided in subsection (b)(1) and by mailing the notice and order to person(s) to whom it is directed at his/her last known address or serving the order in person to the person(s) to whom the order is directed.

(3) If the violation is ongoing, a copy of the notice and order may be left with the occupant of the property, a person conducting activities on the property and apparently in charge of the activities on the site, or be posted in a conspicuous place on the affected property or structure, if any.

(4) If the violation consists of a sign which violates provisions listed in RMC Section [1.14.030\(a\)](#), Applicability, the notice and order may be served solely by affixing the notice to the sign and serving a copy of the notice and order on the premises of the person advertised by the sign.

(c) Mailed Service. All mailed orders shall be mailed first class certified mail, return receipt requested.

(d) Proof of Service. Proof of service shall be made by a written declaration under penalty of perjury by the person serving or mailing the order, declaring the date and time of service and the manner by which service was made. The declaration shall be filed with the Code Compliance Hearing Examiner whenever a hearing is requested as provided in this chapter, and it shall be made part of the record of the matter.

(e) Extensions of Compliance or Restoration Time Periods. Upon written request prior to completion of the time period, the Code Compliance Officer may extend the date for compliance or for restoration for good cause. Good cause may include substantial completion of the necessary correction(s) or unforeseeable circumstances, which, in the judgment of the Code Compliance Officer, render the completion impossible by the date established.

(f) Effective Date. The notice and order issued under this section shall become effective immediately upon receipt by the person to whom the order is directed, receipt at the person's home or office, or upon posting it upon the property on which the violation occurred or an adjoining public right-of-way.

(g) Compliance. Failure to comply with the terms of a notice and order is a violation of this chapter and can result in enforcement actions including, but not limited to, the issuance of an additional civil penalty.

(h) The notice and order or any restoration order together with any other documentary evidence in the case may, at the option of the Code Compliance Officer, substitute for a staff report in appeals before the Violations Hearings Examiner.

(i) Preprinted forms or other types of forms may be used for notice and orders where they include the information required by this section. Such forms may be filled in by legible handwriting or by any other legible written means.

(j) The Code Compliance Officer may impose a civil penalty or require restoration in orders issued separately from any notice and order. The form of these orders shall comply with this section. (Ord. 1935 § 7, 1997).

***Title 5 - Business Licenses and Regulation: Chapter 5.04
Procedures for issuance of licenses: Chapter 5.04.070***

5.04.070 Procedures for issuance of license.

(a) Formal Application Required. Every person required to procure a license under the provisions of this chapter shall submit an application for such license to the Finance Director. The application shall be made upon forms provided by the Finance Director.

(b) Commencement of Business Activities. No person shall be entitled or authorized to engage in business within the city until such time as the Finance Director has approved the issuance of a business license pursuant to the terms of this chapter. The acceptance of a business license application by the city shall not be deemed to grant any right or privilege under this chapter, except as otherwise provided by law.

(c) Burden on Applicant. The Finance Director, or other designated officer, is authorized, but not required, to mail to persons engaging in business forms for applications and/or renewals for licenses, but failure of the person to receive any such form shall not excuse the person from making application for and securing the license required by this chapter.

(d) Applications for new business licenses, including home businesses, within the boundaries of Wellhead Protection Zones 1, 2, or 3 shall be accompanied by a completed Hazardous Materials Questionnaire to determine the regulatory status of the business. The Director of Public Works, or his or her designee, shall review and approve the Hazardous Materials Questionnaire. Applications for business license renewals do not need to be accompanied by a Hazardous Materials Questionnaire; however, the Director of Public Works, or his or her designee, may require an updated Hazardous Materials Questionnaire from renewing businesses in accordance with the requirements under [Chapter 13.07](#), Wellhead Protection. (Ord. 2269 § 1, 2005; Ord. 2238 § 1 (part), 2004; Ord. 2180 § 1 (part), 2003; Ord. 1924 § 1, 1996).

***Title 13: Water and Sewer Service Funds
Stormwater Maintenance Code: Chapter 13.06***

13.06.180 Penalty for violations.

A. Persons Subject to Penalty. Any person who violates or fails to comply with the requirements of this chapter or who fails to conform with the terms of an approval or order issued by the Director shall be subject to a civil penalty to be administered by the Code Compliance Hearing Examiner as provided in Chapter 1.14 of the Redmond Municipal Code. Each day of continued violation shall constitute a separate violation for purposes of this penalty.

B. Aiding or Abetting. Any person who, through an act of commission or omission, aids or abets in the violation shall be considered to have committed a violation for the purposes of the civil penalty.

C. Procedure for Imposing Penalty. The procedure for notice of violation and imposition of penalties under this chapter shall be the same as for other code violations as described in [Chapter 1.14](#) of the Redmond Municipal Code; provided, that such procedures may be initiated by either the Director or the Code Compliance Officer upon request of the Director.

D. Community Service Alternative. The Director may, at his/her discretion, provide the option for payment of all or part of any penalties incurred by any person(s) to be made in the form of community service that will be of benefit to the environment and the City. If a person decides to avail themselves of this option when offered by the Director, the Director and the person shall enter into a formal, written agreement providing for the community service. This agreement shall include in detail the description of the service(s) to be rendered by the person(s) in penalty for noncompliance of this chapter. The description shall include the hours of service needed to offset the above mentioned penalties based on a mutually agreed upon hourly rate for service.

E. Re-Inspection Fees. In addition to the penalties to be imposed by the Code Compliance Hearing Examiner, the Director may impose a re-inspection fee for any account or storm drainage facility found not to be within compliance of this chapter. This inspection fee shall be independent of any current or future penalties that may be incurred by the property owner for noncompliance of this chapter.

F. Business License Revocation. In addition to any other penalty imposed, the Director may seek revocation of any business license held by the violator. The Director may request that the City Clerk revoke the violator's business license for any of the following reasons: (a) noncompliance with this chapter, (b) not allowing for inspection of their stormwater facility, and (c) nonpayment of any fines or inspection fees incurred by the owner of the utility account. The procedures for revocation shall be those described in [Chapter 5.04](#) of the Redmond Municipal Code. (Ord. 2180 § 1 (part), 2003; Ord. 1870 § 1 (part), 1996).

Title 15: Building and Construction

Fire Code: Chapter 15.06.010, 15.06.011, 15.06.020-23

15.06.010 Short title.

This chapter and amendments hereto shall constitute the Redmond Fire Code and may be cited as such. (Ord. 2220 § 1, 2004).

15.06.011 Adoption.

The International Fire Code, 2003 Edition, published by the International Code Council, together with the amendments, modifications, and exceptions in [Chapters 51-54 WAC](#) excluding changes to IFC Section 503, and the Uniform Fire Code, 1997 Edition, published by the IFCI, Appendix II-E, in their entirety as the same now exist or as they may be hereafter amended, except such portions as are hereinafter by this chapter deleted, modified, amended or added to, are hereby adopted and incorporated as fully as if set out at length herein. (Ord. 2220 § 1, 2004).

15.06.020 Wellhead Protection Ordinance coordination.

Fire Department construction and maintenance, reviews and inspections occur within Wellhead Protection Zones established within the RMC and the Community Development Guide. A major component of these Fire Department reviews and inspections is the verification that storage, handling, use, and operations involving hazardous materials complies with adopted codes. In order to coordinate and minimize overlap in the enforcement of the Redmond Fire Code with wellhead protection regulations, the following shall apply:

1. Regulations imposed through the Wellhead Protection Ordinance are enforceable by the Fire Code Official.
2. Where, within a particular wellhead protection zone, a threshold amount noted within the WPO is less than the threshold in the Redmond Fire Code, the lower threshold shall apply and be enforceable by the Fire Code Official
3. The Fire Code Official shall exercise authority over all Hazardous Materials Inventory Statements and Hazardous Material Management Plans for materials regulated by the Redmond Fire Code.
4. The Fire Department shall have the authority to enforce rules governing "deleterious substances" for such substances so identified by the Redmond Natural Resources Department. Substances so identified by Natural Resources shall be listed under the subcategory "other health hazards" of Hazardous Materials. Other health hazards may include irritants, sensitizers, pyrophoric, unstable-reactive, or radioactive material, as identified by the Fire Code Official. (Ord. 2220 § 1, 2004).

15.06.021 Appeals.

Whenever the Fire Code Official or designee disapproves an application or refuses to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code has been misconstrued or wrongly interpreted, the applicant may appeal to the Chief of the Fire Department in accordance with the procedures for Type 1 review, [20F.30.30](#) of the Community Development Guide. Appeals from the decisions of the Chief to the Hearing Examiner shall be made as prescribed in [RCDG 20F.30.30](#). (Ord. 2220 § 1, 2004).

15.06.022 Penalties and enforcement.

(1) Penalties for Violations. Any person who violates any of the provisions of the Redmond Fire Code or fails to comply therewith, or who violates or fails to comply with any order made thereunder, or who builds in violation of any detailed statement of specifications or plans submitted and approved thereunder, and from which no appeal has been taken, or who fails to comply with such an order as affirmed or modified by the board of appeals or by a court of competent jurisdiction, within the time fixed herein, shall, severally for each and every such violation and non-compliance respectively, be subject to the penalties for violations provided in [RMC 1.01.110](#) or [1.14.060](#) as deemed applicable by the Chief. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time.

(2) The imposition of penalties upon conviction shall not preclude the City and the Chief from taking further appropriate legal action to cause compliance with the provisions of the Fire Code or to remove prohibited conditions. (Ord. 2220 § 1, 2004).

Building permits issuance and occupancy. 15.06.023

The passage of the ordinance codified in this chapter is necessary for the protection of the public health, safety and welfare of the citizens of the City. No building permit shall be issued until plans, which are in compliance with this chapter, have been submitted and approved. No building shall be occupied until such approved systems have been inspected and are operational. (Ord. 2220 § 1, 2004).

Clearing, Grading, and Stormwater Management Code:

Chapter 15.24.020, 15.24.050, & 15.24.095

15.24.020 Design, Construction and Maintenance – General requirements.

(1) The design, construction, and maintenance of all clearing, grading and storm water management systems and facilities shall comply with the requirements and design standards contained in all the following documents:

(a) This chapter.

(b) The Department of Ecology Storm Water Management Manual for Western Washington, dated August 2001 or its successor when approved by the City's Technical Committee.

(c) Any applicable construction specifications, design standards and details approved under the authority of subsection (2) of this section.

(2) The Public Works Director shall prepare and shall adopt construction specifications and design standards and details for clearing, grading, and storm water management. The specifications, design standards and details shall be based on the Department of Ecology Storm Water Management Manual for Western Washington, dated August 2001 or its successor when approved by the City's Technical Committee. The Public Works Director has the authority to make changes as local conditions warrant with approval of the Technical Committee. The specifications, design details, and any changes shall be made available to the public. A fee set by the Public Works Director may be charged for these documents.

(3) In the case of conflicts between the documents listed in subsection (1) of this section, conflicts shall be resolved by applying the following order of precedence:

(a) This chapter;

(b) The standard specifications and details referred to in subsection (2) of this section; and

(c) The Storm Water Management Manual for Western Washington. (Ord. 2218 § 1, 2004)

15.24.050 Activities requiring permits.

All clearing, grading or storm water management construction activities listed below require approved plans and a permit(s). The thresholds are cumulative during a one-year period for any given site.

(1) Clearing of 7,000 square feet of land area or more.

(2) Earthwork of 50 cubic yards or more. This means any activity which moves 50 cubic yards of earth, whether the material is excavated or filled and whether the material is brought into the site, removed from the site, or moved around on the site.

(3) Removal of 11 or more trees that are six-inch diameter or larger. The tree diameter is measured four feet from the ground. The removal of 10 or fewer trees is regulated in RCDG 20D.80.20.

(4) Any clearing or grading within a critical area or buffer of a critical area. Critical areas are defined in [Chapter 20D.140 RCDG](#). Any disturbance to vegetation within critical areas and their corresponding buffers is also regulated by [Chapter 20D.140 RCDG](#), the Critical Area Ordinance (CAO). Note that under the CAO, a clearing/grading permit for work on steep slopes must first receive a variance from the Hearing Examiner and must address criteria in the CAO which include considerations of alternatives that avoid any disturbance of steep slopes.

(5) Any change of the existing grade by four feet or more. This criterion applies to all permanent changes in grade and grade changes for extended periods of time (60 days or longer) located outside structure footprints.

(6) Any work within a public easement, City-owned tract or City right-of-way. Any clearing, grading or landscaping must be approved by the Department of Public Works prior to construction.

(7) The creation or addition of new, replaced or new plus replaced impervious surface in the amount of 2,000 square feet or more.

(8) Any construction of public drainage facilities to be owned or operated by the City.

(9) Any construction of private storm drainage pipes 12 inches in diameter or larger.

(10) Any modification of, or construction which affects, the private quantity or quality control system. (Does not include maintenance or repair to the condition defined by previously approved plans). (Ord. 2218 § 1, 2004)

15.24.095 Wellhead Protection Zones 1 and 2 Performance Standards.

In Wellhead Protection Zones 1 and 2, performance standards for the following uses or activities shall be implemented:

(1) Well Construction and Operation. The record and construction details of any well regulated under Chapter [173-160 WAC](#), Construction and Maintenance of Wells, and any well excluded per WAC [173-160-010\(2\)](#) that is constructed or decommissioned in Zones 1 and 2 shall be provided to the Department of Public Works within 60 days of well completion or decommissioning.

(2) Fill Material. Fill material shall not contain concentrations of contaminants that exceed cleanup standards for soil specified in [WAC 173-340-740](#), Model Toxics Control Act, regardless of whether all or part of the contamination is due to natural background levels at the fill source site. Where the detection limit (lower limit at which a chemical can be detected by a specified laboratory procedure) for a particular soil contaminant exceeds the cleanup standard for soil specified in [WAC 173-340-740](#), the detection limit shall be the standard for fill material quality.

(a) Fill materials in quantities greater than 10 cubic yards placed directly on or in the ground in excess of six months shall meet the following requirements:

(i) A fill material source statement shall be provided to the Department of Public Works and shall be reviewed and accepted by the Department prior to stockpiling or

grading imported fill materials at the site. The source statement shall be issued by a professional engineer, geologist, engineering geologist or hydrogeologist licensed in the State of Washington demonstrating the source's compliance with standards of the Model Toxics Control Act. The source statement shall be required for each different source location from which fill will be obtained.

(ii) Analytical results demonstrating that fill materials do not exceed cleanup standards specified in [WAC 173-340-740](#) may be used in lieu of a fill material source statement, provided the regulated facility submits a sampling plan to, and which is approved by, the Director of Public Works. The regulated facility must then adhere to the approved sampling plan, and maintain analytical data on-site and available for inspection for a minimum of five years from the date that the fill was accepted.

(b) The Department of Public Works may accept a fill material source statement that does not include results of sampling and analysis of imported fill if it determines that adequate information is provided indicating that the source location is free of contamination. Such information may include, but is not limited to:

(i) Results of field testing of earth materials to be imported to the site with instruments capable of detecting the presence of contaminants; or

(ii) Results of previous sampling and analysis of earth materials to be imported to the site.

(c) A fill material source statement is not required if documents confirm that imported fill will be obtained from a Washington State Department of Transportation approved source.

(d) The Director of Public Works shall have the authority to require corrective measures regarding noncompliant fill materials, including independent sampling and analysis, if the property owner or operator fails to accomplish such measures in a timely manner. The property owner or operator shall be responsible for any costs incurred by the City in the conduct of such activities.

(3) Cathodic Protection Wells. Designs for cathodic protection wells shall be submitted to the City for review and approval prior to initiation of drilling. Cathodic protection wells shall be constructed such that the following do not occur:

(a) Vertical cross-connection of aquifers normally separated by confining units;

(b) Migration of contaminated surface water along improperly sealed well casings;

(c) Introduction of electrolytes or related solutions into the subsurface; and

(d) Any of the above conditions caused by improperly abandoned cathodic protection wells that are no longer in use.

(4) Underground Hydraulic Elevator Cylinders. All underground hydraulic elevator pressure cylinders shall be encased in an outer plastic casing constructed of Schedule 40 or thicker-wall polyethylene or polyvinyl chloride (PVC) pipe, or equivalent. The plastic casing shall be capped at the bottom, and all joints shall be solvent- or heat-welded to ensure water tightness. The neck of the plastic casing shall provide a means of inspection to monitor the annulus between the pressurized hydraulic elevator cylinder and the protective plastic casing. (Ord. 2257 § 1, 2005)

Other References

Environmental Protection Agency (EPA): www.epa.gov

Comprehensive Environmental response, compensation, and Liability Act
(CERCLA): 42 U.S.C. Section 9603c:

http://www.access.gpo.gov/uscode/title42/chapter103_subchapteri_.html

Redmond Municipal Code & Redmond Community Development Guide:

<http://www.codepublishing.com/WA/redmond.html>

Revised Code of Washington: <http://apps.leg.wa.gov/RCW/>

Growth Management Act: Chapter 36.70A:

<http://apps.leg.wa.gov/RCW/default.aspx?cite=36.70A>

Navigation and harbor improvements: Chapter 88:

<http://apps.leg.wa.gov/RCW/default.aspx?Cite=88>

Optional Municipal Code: Chapter 35A.70:

<http://apps.leg.wa.gov/RCW/default.aspx?cite=35A.70>

Public Water Systems: Chapter 70.119A:

<http://apps.leg.wa.gov/RCW/default.aspx?cite=70.119A>

Washington Administrative Code: <http://apps.leg.wa.gov/wac/>

Community, trade, and economic development, department of
(building code council): Chapter 51 WAC:

<http://apps.leg.wa.gov/wac/default.aspx?cite=51>

Community, trade, and economic development, department of (community
development): Chapter 365 WAC:

<http://apps.leg.wa.gov/wac/default.aspx?cite=365>

Department of Ecology: Chapter 173 WAC:

<http://apps.leg.wa.gov/WAC/default.aspx?cite=173>

Department of Health: Chapter 246 WAC:

<http://apps.leg.wa.gov/wac/default.aspx?cite=246>