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Ordinance No. 409 –Approving a request by Walla Walla County to amend Walla Walla County Code Chapter 18.08 – Critical Areas, designating and protecting additional areas as Critical Aquifer Recharge Areas and changing regulations in order to ensure compliance with the Growth Management Act

Auditor File Number(s) of document being assigned or released:

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Grantee

1. **The Public**
- 2.
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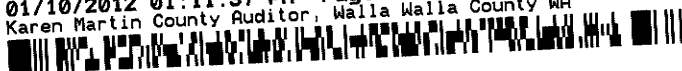
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01/10/2012 01:11:37 PM Page 1 of 23 Fees: 84.00
Karen Martin County Auditor, Walla Walla County WA



**BOARD OF COUNTY COMMISSIONERS
WALLA WALLA COUNTY, WASHINGTON**

ORDINANCE NO. 409

APPROVING A REQUEST BY WALLA WALLA COUNTY TO AMEND WALLA WALLA COUNTY CODE CHAPTER 18.08 – CRITICAL AREAS, DESIGNATING AND PROTECTING ADDITIONAL AREAS AS CRITICAL AQUIFER RECHARGE AREAS AND CHANGING REGULATIONS IN ORDER TO ENSURE COMPLIANCE WITH THE GROWTH MANAGEMENT ACT.

Whereas, Walla Walla County enacted Ordinance 372 on August 31, 2009; and

Whereas, Ordinance 372 enacted new regulations to protect critical areas, as required by the Growth Management Act; and

Whereas, a petition to the Growth Management Hearings Board was filed by Citizens for Good Governance alleging that Ordinance 372 failed to designate and protect the Walla Walla River Basin Shallow Gravel Aquifer; and

Whereas, on May 3, 2010, the Eastern Washington Growth Management Hearings Board (GMHB) issued its decision and order in Case No. 09-1-00013, and found that the County had not complied with the Growth Management Act; and

Whereas, the Growth Management Hearings Board denied the County's Motion for Reconsideration on June 4, 2010; and

Whereas, the Growth Management Hearings Board ordered that the County take further action to come into compliance by October 29, 2010; and

Whereas, the Growth Management Hearings Board has granted six motions to extend time for compliance, with compliance due by January 9, 2012.

NOW THEREFORE,

BE IT ORDAINED, by the Walla Walla County Board of County Commissioners that:

Section I. The Board of County Commissioners Makes the Following Findings of Fact:

1. Walla Walla County Staff prepared draft code changes in October of 2010.
2. Notices of a public information meeting were published in the Waitsburg Times, Tri-City Herald and the Walla Walla Union-Bulletin on October 14, 2010.

3. A copy of the proposed code changes was available on the County website on October 12, 2010.
4. The Board of County Commissioners held a workshop, open to the public on October 18, 2010.
5. A public information meeting on the proposed changes was held on October 25, 2010.
6. Notices of a Board of County Commissioners' Public Hearing were published in the Waitsburg Times, Walla Walla Union-Bulletin and the Tri-City Herald on October 14, 2010.
7. On October 25, 2010, County Planning Staff forwarded the proposed amendments to the Department of Commerce, and requested expedited review.
8. The Board of County Commissioners held a public hearing on October 26, 2010.
9. County Planning Staff issued a SEPA threshold determination/Notice of adoption on October 26, 2010.
10. Notices of a Board of County Commissioners' Public Hearing were published, in conjunction with the SEPA notices, in the Waitsburg Times and in the Walla Walla Union-Bulletin.
11. The Board of County Commissioners held a second public hearing on November 22, 2010.
12. On November 22, 2010, the Department of Commerce denied expedited review.
13. On December 30, 2010, the Department of Ecology submitted draft comments regarding the proposed revisions to the Critical Aquifer Recharge Regulations.
14. On January 1, 2011, the Walla Walla Joint Community Development Agency started operation, and the Walla Walla County Community Development Department ceased operation.
15. On January 18, 2011, the Board of County Commissioners approved a motion to contract with Stalzer and Associates to provide additional staff analysis of the proposed Critical Aquifer Recharge Area regulations.
16. On January 25, 2011, the Department of Ecology submitted formal comments regarding the proposed revisions to the Critical Aquifer Recharge Regulations.
17. On January 31, 2011, the County Commissioners executed a contract with Stalzer and Associates to perform a review process of the County's Draft Critical Aquifer Recharge Area regulations.
18. On February 16, 2011, Mr. Bill Stalzer of Stalzer and Associates solicited four hydrogeologic engineering firms to submit Statements of Qualifications to assist in his analysis.
19. Stalzer selected Golder Associates as the best qualified hydrogeologic consulting firm to assist in his analysis.

20. On March 28, 2011, Walla Walla County executed a supplemental agreement with Stalzer and Associates.
21. On May 27, 2011, Mr. Bill Stalzer reported that a peer review undertaken by Golder Associates indicated there were deficiencies in the County's CARA designations and best available science process for the shallow gravel aquifer.
22. On June 18, 2011, the County Commissioners executed a contract with Stalzer and Associates to analyze the Walla Walla River Shallow Gravel Aquifer and recommend any necessary code changes.
23. On September 23, 2011, Mr. Bill Stalzer transmitted to the County a 17-page technical memorandum authored by Golder Associates.
24. On September 30, 2011, Mr. Bill Stalzer transmitted to the County draft development regulations, which were based upon the technical memorandum prepared by Golder Associates.
25. On September 30, 2011, the Walla Walla Joint Community Development Agency posted Golder Associates' technical memorandum, the draft development regulations, and related materials on its website.
26. On October 6, 2011, Walla Walla County formally applied to the Walla Walla Joint Community Development Agency for that agency to process a code change to incorporate the revisions proposed by Stalzer and Associates.
27. On October 11, 2011, the Walla Walla Joint Community Development Agency issued a SEPA Determination of Non Significance/Notice of Adoption.
28. On October 14, 2011, the Walla Walla Joint Community Development Agency issued a press release regarding the proposed amendments.
29. On October 24, 2011, the Board of County Commissioners held a workshop, open to the public, regarding the proposed amendments.
30. On November 3, 2011, notices of an informational public meeting and a public hearing were published in the Walla Walla Union Bulletin and the Waitsburg Times. On November 4, 2011, a notice of an informational public meeting and a public hearing were published in the Tri-City Herald.
31. On November 6, 2011, the County published a box advertisement in the Walla Walla Union Bulletin giving further notice of the informational public meeting and the public hearing.
32. On November 14, 2011, representatives from the Walla Walla Joint Community Development Agency, Stalzer and Associates and Golder Associates held a public informational meeting on the technical study and draft regulations.
33. On November 15, 2011, the Board of County Commissioners held a public hearing on the proposed code amendments.

34. On November 11 and November 14, 2011, the County received written comments from Citizens for Good Governance, Futurewise, and the Port of Walla Walla, as well as other citizens.
35. On December 22, 23 and 28, 2011, Stalzer and Associates transmitted a review of the comments received to the County, as well as proposed revisions to the maps and regulations based on the comments.

Section II. The Board of County Commissioners Makes the Following Conclusions of Law:

1. The proposed amendments are in compliance with RCW 36.70A, the Growth Management Act.
2. The County has complied with the public participation requirements of the Growth Management Act in a manner that is appropriate and effective under the circumstances presented by the Growth Management Hearing Board's Order.
3. The amendment is consistent with the County Comprehensive Plan, as it is consistent with County-wide Planning Policies 2.10, 11.3, and 11.8, Comprehensive Plan section 2.2.5, and Comprehensive Plan Policy CA-18.
4. The amendment is consistent with other development regulations, as it is consistent with Walla Walla County Code Chapter 18, Critical Areas, and Chapter 11, Stormwater.
5. The amendment is appropriate for consideration at this time, in order to comply with the Growth Management Hearing Board's Order from May 2010.
6. The amendment meets a definable public need.
7. The defined need conforms to policy directives of the Comprehensive Plan and county-wide planning policies.
8. The proposed revisions are consistent with the County Comprehensive Plan and Growth Management Act.
9. The proposed revisions are in the long term interest of the County.
10. The Golder Associates' September 20, 2011 Technical Memorandum analyzed the best available science, and determined the physical characteristics of the shallow gravel aquifer and the location of the recharge areas for the aquifer.
11. The Golder Associates' September 20, 2011 Technical Memorandum evaluated the contaminant loading potential to the shallow gravel aquifer.
12. The Golder Associates' December 22, 2011 Technical Memorandum provided further analysis of the best available science, and recommended necessary refinements to Critical Area Designations and Protections. The memo provided detailed discussion of pertinent issues raised by comments from the public.



13. With regard to Futurewise's request that the County take steps to designate the entire basalt aquifer as a critical aquifer recharge area, the Board notes that the basalt aquifer was not the subject of Citizens for Good Governance's 2009 petition for review, nor of the May 3, 2010, Growth Management Hearings Board's Final Decision and Order. Therefore, consideration of such a designation is not appropriate at this time.
14. The code changes to Chapter 18.08, and adoption of new and revised maps designate and protect areas with a critical recharging effect on the shallow gravel aquifer.

Section III. Adoption of Amendments to Walla Walla County Code Chapter 18.08:

Based on its review to ensure compliance with RCW 36.70A, the Growth Management Hearings Board's May 3, 2010, Order, and the analysis and proposed amendments prepared by County staff, the Board of County Commissioners hereby adopts the following code amendments:

The amendments to the Walla Walla County Code Title 18- Critical Areas, as presented to the Board of County Commissioners on this date, are adopted as shown in Exhibits A and B.

Section IV. Revision of Critical Areas Map 1: The Board hereby adopts a revised version of Critical Areas Map 1, attached to this ordinance, which has been retitled to clarify that it designates 10-year time to travel critical aquifer recharge areas.

Section V. Adoption of Critical Areas Maps 7 and 7A, and Recharge Area Vulnerability Maps 8 and 8A: The Board hereby adopts new Critical Areas Maps 7 and 7A, and Recharge Area Vulnerability Maps 8 and 8A, attached to this ordinance.

Section VI. Effective Date and Savings:

This ordinance is effective as of the date of signing.

Section VII:

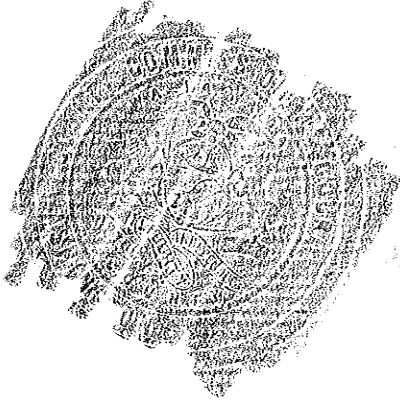
If any section, subsection, paragraph, sentence, clause or phase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this ordinance.

Section VII:

This ordinance will be published by an approved summary consisting of the title.



Passed by the Walla Walla County Board of County Commissioners in regular session, by the following vote on **January 9, 2012**, at Walla Walla, Washington: 2 Aye ___ Nay ___ Abstained 1 Absent.



Gregory A. Tompkins
Gregory A. Tompkins, Chairman, District 3

absent
Gregg C. Loney, Commissioner, District 1

Perry L. Dozier
Perry L. Dozier, Commissioner, District 2

Constituting the Board of County Commissioners of Walla Walla County, Washington

Attest:

Connie R. Vinti
Connie R. Vinti, Clerk of the Board

Approved as to form:

Jesse D. Nolte
Jesse D. Nolte, Deputy Prosecuting Attorney



Exhibit A

Amendments to Walla Walla County Code 18.08.035 Critical area maps.

18.08.035 - Critical area maps.

A. The approximate location and extent of critical areas will be displayed on various inventory maps available at the county community development department. These maps will be updated as inventories are completed in compliance with the requirements of the Growth Management Act, and additional maps may be added as appropriate. These maps include:

1. Walla Walla County Critical Area Map 1: Critical Aquifer Recharge Areas: 10 Year Time to Travel Zones
2. Walla Walla County Critical Area Maps 2a and 2b: Wetlands;
3. Walla Walla County Critical Area Map 3: Frequently Flooded Areas;
4. Walla Walla County Critical Area Maps 4a, 4b, 4c and 4d: Geologic Hazard Areas — Potential Liquefaction Susceptibility, Steep Slope/Landslide Hazards, Potential Water Erosion Susceptibility, and Potential Wind Erosion Susceptibility;
5. Walla Walla County Critical Area Map 5: Riparian Buffers;
6. Walla Walla County Critical Area Map 6: Terrestrial Habitat.
7. Map 7: Walla Walla River Shallow Gravel Aquifer Critical Aquifer Recharge Area Map (December, 2011)
8. Map 7A: Walla Walla River Shallow Gravel Aquifer Critical Aquifer Recharge Area Map Walla Walla Valley (December, 2011)

Exhibit B

Amendments to Critical Aquifer Recharge Areas (CARA) WWCC Chapter 18.08.200 through 18.08.270

18.08.200 - Critical aquifer recharge areas—Designation.

Critical aquifer recharge areas (CARA) are areas with a critical recharging effect on aquifers used for potable water supply that are vulnerable to contamination that would affect water quality. Critical aquifer recharge areas function to protect human health from contaminated drinking water (anti-degradation of ground water). Federal and State laws established three regulatory measures to account for susceptibility and value of groundwater resources: Wellhead Protection Areas, Sole Source Aquifer, and Susceptible Ground Water Management Areas and Special Protection Areas. ~~Of those three, only Wellhead Protection Areas currently applies to Walla Walla County. Therefore, CARA in Walla Walla County are designated as follows: The following areas are identified as CARA:~~

Wellhead Protection Areas. ~~Potable-Group A~~ water-supply purveyors using ground water must develop and implement wellhead protection programs that include delineation of protection areas around each well, inventorying of contamination sources within wellhead protection areas, and development and implementation of water supply contingency and spill response plans to address contamination incidents that could cause loss of a well. The State of Washington wellhead protection regulations exclude individual domestic wells and well systems that do not meet the definition of public water supplies.

Walla Walla County maintains a database of wellhead protection areas submitted by Group A community water systems required to prepare wellhead protection plans and periodically updates its database with DOH provided information from systems. Wellhead protection areas are defined by the boundaries of the ten year time of travel of ground water travel to the wellhead, or boundaries established using alternate criteria approved by the Washington State Department of Health, in accordance with WAC 246-290-135. The CARA delineated by the ten-year capture zones are shown on Map 1: Walla Walla County Critical Areas Map-4: Critical Aquifer Recharge Areas: 10 Year Time to Travel Zones Map 1.

Areas of the Walla Walla River shallow gravel aquifer recharge area designated as CARA on Map 7: Walla Walla River Shallow Gravel Aquifer Critical Aquifer Recharge Area and Map 7A: Walla Walla River Shallow Gravel Aquifer Critical Aquifer Recharge Area, Walla Walla Valley. These areas have been designated as CARA based on the criteria in the Washington Department of Ecology "Critical Aquifer Recharge Area Guidance Document" (Publication 05-10-028) ("Ecology CARA document").

In order to protect the public health and safety, prevent degradation of ground water, and for potentially usable potable water, and to provide for regulations that prevent and control risks to the degradation of ground water quality, development in critical aquifer recharge areas shall be subject to the standards described in this section Sections 18.08.220 through 18.08.270.^{1 [25]}

(Ord. No. 372, § III(Exh. A), 8-31-2009)



18.08.210 - Mapping of critical aquifer recharge areas.

A. The approximate location and extent of critical aquifer recharge areas are shown on the following adopted critical areas maps: Walla Walla County Critical Area Map 1: Critical Aquifer Recharge Areas: 10 Year Time to Travel Zones; Walla Walla County Critical Area Map 7: Walla Walla River Shallow Gravel Aquifer Critical Aquifer Recharge Area; and Map 7A: Walla Walla River Shallow Gravel Aquifer Critical Aquifer Recharge Area, Walla Walla Valley.

B. Maps were completed at a coarse, countywide scale using existing large-scale GIS mapping and the methodology outlined in the Ecology CARA document, rather than a site-specific assessment. The maps delineate the approximate location and extent of wellhead protection areas, Walla Walla River shallow gravel aquifer CARA, and Walla Walla River shallow gravel aquifer areas of vulnerability. These maps are to be used as a guide for the County, project applicants, and/or property owners and may be continuously-updated as additional data becomes available new critical areas are identified. They are a reference and do not provide a final critical area designation.

(Ord. No. 372, § III(Exh. A), 8-31-2009)

18.08.220 - Activities allowed in critical aquifer recharge areas.

In addition to those activities allowed in Section 18.08.085, the following activities listed in this Section are allowed in critical aquifer recharge areas, and do not require approval or submission of a critical area report. All activities shall be conducted in accordance with applicable best management practices, and activities involving the use of pesticides, herbicides and fertilizers shall not exceed the times and rates specified on the packaging.

- A. All residential uses;
- B. Development and improvement of parks, recreation facilities, open space, or conservation areas resulting in less than five percent total site impervious surface area that do not increase the use of a hazardous substance;
- C. Approved water system source development and associated infrastructure;
- D. Aquifer storage and recovery (ASR) facilities approved by the Department of Ecology;
- E. Public water pipelines and supply storage structures;
- F. The following underground storage tank (UST) systems, including any piping connected thereto, so long as all state and federal laws are followed;
 - 1. Any UST system holding hazardous wastes subject to Subtitle C of the Federal Solid Waste Disposal Act, or a mixture of such hazardous waste and other regulated substances;
 - 2. Any wastewater treatment tank system that is part of a wastewater treatment facility regulated under Section 402 or 307(b) of the Clean Water Act;
 - 3. Equipment or machinery that contains regulated substances for operational purposes such as hydraulic lift tanks and electrical equipment tanks;
 - 4. Any UST system whose capacity is one hundred ten (110) gallons or less;

5. Any UST system that contains a de minimis concentration of regulated substances;
 6. Any emergency spill or overflow containment UST system that is expeditiously emptied after use;
 - ~~7. Farm or residential UST systems of one thousand one hundred gallons or less capacity used for storing motor fuel for noncommercial purposes (i.e., not for resale);~~
 - ~~87.~~ UST systems used for storing heating oil for consumptive use on the premises where stored;
 - ~~98.~~ On-site domestic septic systems releasing less than five hundred gallons of effluent per day and that are limited to a maximum density of one system per one acre.
 - ~~109.~~ Any pipeline storage tank facility (including gathering lines) regulated under:
 - a. The Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1671, et seq.); or
 - b. The Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2001, et seq.); or
 - c. Which is an intrastate pipeline facility regulated under state laws comparable to the provisions of the laws referred to in 18.08.220(10)(a) or (b);
 - ~~11.~~ Surface impoundments, pits, ponds, or lagoons;
 - ~~1210.~~ Stormwater or wastewater collection systems;
 - ~~1311.~~ Flow-through process tanks;
 - ~~1412.~~ Liquid traps or associated gathering lines directly related to oil or gas production and gathering operations; or
 - ~~1513.~~ Storage tanks situated in an underground area (such as a basement, cellar, vault, mineworking drift, shaft, or tunnel) if the storage tank is situated upon or above the surface of the floor.
- G. The application of herbicides, pesticides, organic or mineral-derived fertilizers, or other hazardous substances, connected with any allowed activity, provided that their use is conducted in accordance with applicable state and federal law.
- H. Normal and routine activities conducted by a public agency to control mosquitoes and weeds.
- I. Normal and routine maintenance of agricultural ponds, livestock watering ponds and fish ponds.

(Ord. No. 372, § III(Exh. A), 8-31-2009)

18.08.230 - Critical area report—Additional requirements for critical aquifer recharge areas.

In addition to the general critical area report requirements of Section 18.08.095, critical area reports for CARA must meet the requirements of this Section. Critical area reports for two or more types of critical areas must meet the report requirements for each relevant type of critical area.

A. Preparation by a qualified professional.

~~B. Hydrogeologic Assessment. For all proposed activities to be located in a CARA, a level one hydrogeologic assessment must be prepared:~~

- ~~1. Above and below ground storage tanks not included in 18.08.220(F) and on-site septic systems that release greater than five hundred gallons of effluent per day;~~
- ~~2. Facilities that conduct biological research;~~
- ~~3. Boat repair shops;~~
- ~~4. Chemical research facilities;~~
- ~~5. Dry cleaners;~~
- ~~6. Gasoline service stations;~~
- ~~7. Pipelines;~~
- ~~8. Printing and publishing shops (that use printing liquids);~~
- ~~9. Below-ground transformers and capacitors;~~
- ~~10. Sawmills [producing over ten thousand (10,000) board feet per day];~~
- ~~11. Solid waste handling and processing;~~
- ~~12. Commercial vehicle repair, recycling, and recyclable materials—automotive;~~
- ~~13. Funeral services;~~
- ~~14. Furniture stripping;~~
- ~~15. Motor vehicle service garages (both private and government);~~
- ~~16. Photographic processing;~~
- ~~17. Chemical manufacturers and reprocessing;~~
- ~~18. Creosote and asphalt manufacture and treatment;~~
- ~~19. Petroleum and petroleum products refining, including reprocessing;~~
- ~~20. Wood products preserving;~~
- ~~21. Golf course;~~
- ~~22. Regulated waste treatment, storage, disposal facilities that handle hazardous material, excluding landfills;~~
- ~~23. Medium quantity generators (dangerous, acutely hazardous, and toxic extremely hazardous waste);~~
- ~~24. Large quantity generators (dangerous, acutely hazardous, and toxic extremely hazardous waste); and~~
- ~~25. Any other activity not included in 18.08.220 that is determined by the Director likely to contribute to contamination that would affect the drinking water quality in a CARA.~~

~~CB. 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 the CARA located on site or immediately adjacent to the site, and permeability of the unsaturated zone;

2. Ground water depth, flow direction, and gradient based on available information;
3. Currently available data on wells and springs within one thousand three hundred feet of the project area;
4. Location of other critical areas, including surface waters, within one thousand three hundred feet of the project area;
5. Available historic water quality data for the area to be affected by the proposed activity; and
6. Applicable best management practices proposed to be utilized. Applicants must demonstrate how they will integrate necessary and appropriate best management practices to prevent degradation of groundwater.

DC. Level Two Hydrogeologic Assessment. A level two hydrogeologic assessment shall be required for any applicant that wants to avoid implementation of the necessary and appropriate best management practices, as referenced in 18.08.230(C)(6). 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. Ground water monitoring plan provisions;
3. Discussion of the effects of the proposed project on the ground water quality and quantity, including:
 - a. Predictive evaluation of ground water withdrawal effects on nearby wells and surface water features; and
 - b. Predictive evaluation of contaminant transport based on potential releases to ground water; and
4. 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.

D. The director shall require as part of completing a critical areas report the applicable best management practices identified in the Ecology CARA document and how these practices are incorporated into the report.

E. For activities or uses that require preparation of a critical area report, the director shall conduct a review and issue a decision in accordance with the applicable provisions of Subsection 18.08.060.E of this chapter.

(Ord. No. 372, § III(Exh. A), 8-31-2009)

18.08.240 - Performance standards—General requirements.

A. The purpose of performance standards is to prevent contamination of the public drinking water supply provided in wellhead areas and by the Walla Walla River shallow gravel aquifer. Activities may only be permitted in a critical aquifer recharge area if the applicant can show that the proposed activity will not cause contaminants to enter the aquifer.

B. The proposed activity must comply with the water source protection requirements and recommendations of the U.S. Environmental Protection Agency, Washington State Department of Health, Washington State Department of Ecology, and the Walla Walla County Health Department.

C. The proposed activity must be designed and constructed in accordance with existing local, state and federal laws and regulations, including Walla Walla County Code Title 11, Stormwater as required byand the Stormwater Management Manual for Eastern Washington, as amended (Ecology 2004) for those geographic areas covered under the Eastern Washington Phase II Municipal Stormwater Permit (Ecology 2007) or activities covered underand the Ecology General Construction Permit (Ecology 2005), as applicable, and/or the locally adopted stormwater program, as applicable.

D. ~~The community development department shall require as part of completing the critical areas report the applicable Washington State Department of Ecology guidance documents that identify best management practices and how these practices are incorporated into the report.~~

D. For any use or activity located in a CARA or an area of moderate vulnerability and not included in Section 18.08.220 or Sections 18.08.250 through 18.08.270, unless provided otherwise in those Sections, the director shall make a determination as follows:

1. Sufficient information is available to evaluate the potential risk of contamination to the Walla Walla River shallow gravel aquifer from the use, activity or a hazardous substance and existing laws, regulations or facilities adequately mitigate the potential risk of contamination and documentation is provided to demonstrate compliance; or

2. Sufficient information is available to evaluate the potential risk of contamination to the Walla Walla River shallow gravel aquifer from the use, activity or a hazardous substance but existing laws, regulations or facilities do not adequately mitigate any potential risk of contamination. The director shall require a Level One or Level Two Hydrogeologic Assessment, or such other information as necessary, and shall make a determination and issue a decision as provided in Subsections 18.08.060.E.5 and 18.08.060.E.6 of this chapter; or

3. Sufficient information is not available to evaluate the potential risk of contamination to the Walla Walla River shallow gravel aquifer from the use, activity or a hazardous substance. The director shall require a Level One or Level Two Hydrogeologic Assessment, or such other information as necessary, in order to evaluate the potential risk of contamination and shall make a determination and issue a decision as provided in Subsections 18.08.060.E.5 and 18.08.060.E.6 of this chapter.

(Ord. No. 372, § III(Exh. A), 8-31-2009)

18.08.250 - Performance standards—Specific uses in critical aquifer recharge areas.

A. The following uses located in CARA require the preparation of a Level One Hydrogeologic Assessment:

1. Biological research facilities;
2. Boat repair shops;
3. Chemical manufacturers and reprocessing;
4. Chemical research facilities;
5. Commercial vehicle repair, recycling, and recyclable materials—automotive;
6. Creosote and asphalt manufacture and treatment;
7. Dry cleaners;
8. Funeral services;
9. Furniture stripping;
10. Gasoline service stations;
11. Golf course;
12. Motor vehicle service garages (both private and government);
13. Petroleum and petroleum products refining, including reprocessing;
14. Photographic processing;
15. Pipelines;
16. Printing and publishing shops (that use printing liquids);
17. Sawmills [producing over ten thousand (10,000) board feet per day];
18. Septic systems, on site, that release greater than five hundred gallons of effluent per day;
19. Solid waste handling and processing;
20. Storage tanks, above- and below-ground, not included in 18.08.220(F);
21. Transformers and capacitors, below grade;
22. Wood product preserving; and
23. Regulated waste treatment, storage, disposal facilities that handle hazardous material, excluding landfills.

B. In addition to the uses listed in Subsection 18.08.250A, the following uses located in a Walla Walla River shallow gravel aquifer CARA require the preparation of a Level One Hydrogeologic Assessment:

1. Greenhouses, commercial;
2. Horticultural Nurseries, Retail; and

3. Organic Waste Processing Facility.

C. The following uses located in a Walla Walla River shallow gravel aquifer CARA require the preparation of a Level Two Hydrogeologic Assessment:

1. Quarries, gravel/rock extractions (designated mineral lands); and
2. Quarries, gravel/rock extractions (non-designated mineral lands).

D. The following uses located in a Walla Walla River shallow gravel aquifer CARA shall be reviewed by the director in accordance with the provisions in Section 18.08.240(D):

1. Equestrian park with boarding facilities;
2. Farm or residential UST systems of one thousand one hundred gallons or less capacity used for storing motor fuel for noncommercial purposes (i.e., not for resale);
3. Generators, large quantity (dangerous, acutely hazardous, and toxic extremely hazardous waste);
4. Generators, medium quantity (dangerous, acutely hazardous, and toxic extremely hazardous waste);
5. Kennel, commercial;
6. Riding academy with boarding facilities;
7. Stables, public;
8. Surface impoundments, pits, ponds, or lagoons; and
9. Uses or activities in which a hazardous substance will be used, stored, transported, or disposed of.

~~————— No dry wells shall be allowed in critical aquifer recharge areas on sites used for vehicle repair and servicing. Dry wells existing on the site prior to facility establishment must be abandoned using techniques approved by the state Department of Ecology prior to commencement of the proposed activity.~~

(Ord. No. 372, § III(Exh. A), 8-31-2009)

18.08.255 - Performance standards—Specific uses in a Walla Walla River shallow gravel aquifer area of moderate vulnerability.

A. The uses listed in this Section could pose a potential risk to the Walla Walla River shallow gravel aquifer and therefore require special consideration when located in a Walla Walla River shallow gravel aquifer area of moderate vulnerability (Zone II) as delineated on Map 8 Walla Walla River Shallow Gravel Aquifer Recharge Area Vulnerability Map or on Map 8A Walla Walla River Shallow Gravel Aquifer Recharge Area Vulnerability Map, Walla Walla Valley.

B. The following uses require the preparation of a Level One Hydrogeologic Assessment:

1. Chemical manufacturers and reprocessing;

2. Chemical research facilities;
3. Creosote and asphalt manufacture and treatment;
4. Dry cleaners;
5. Gasoline service stations;
6. Petroleum and petroleum products refining, including reprocessing;
7. Pipelines; and
8. Regulated waste treatment, storage, disposal facilities that handle hazardous material, excluding landfills.

C. The following uses require the preparation of a Level Two Hydrogeologic Assessment:

1. Quarries, gravel/rock extractions (designated mineral lands); and
2. Quarries, gravel/rock extractions (non-designated mineral lands).

D. The following uses shall be reviewed by the director in accordance with the provisions in Section 18.08.240(D):

1. Equestrian park with boarding facilities;
2. Farm or residential UST systems of one thousand one hundred gallons or less capacity used for storing motor fuel for noncommercial purposes (i.e., not for resale);
3. Generators, large quantity (dangerous, acutely hazardous, and toxic extremely hazardous waste);
4. Generators, medium quantity (dangerous, acutely hazardous, and toxic extremely hazardous waste);
5. Kennel, commercial;
6. Riding academy with boarding facilities;
7. Stables, public;
8. Surface impoundments, pits, ponds, or lagoons; and
9. Uses or activities in which a hazardous substance will be used, stored, transported, or disposed of.

18.08.260 - Uses prohibited in critical aquifer recharge areas.

The following activities and uses are prohibited in CARA:

- A. Dry wells on sites used for vehicle repair and servicing. Dry wells existing on the site prior to facility establishment must be abandoned using techniques approved by the state Department of Ecology prior to commencement of the proposed activity;
- AB. Landfills. Landfills, including hazardous or dangerous waste, municipal solid waste, special waste, woodwaste, and inert and demolition waste landfills;
- BC. Underground Injection Wells. Class I, III, and IV wells and subclasses 5F01, 5D03, 5F04, 5W09, 5W10, 5W11, 5W31, 5X13, 5X14, 5X15, 5W20, 5X28, and 5N24 of Class

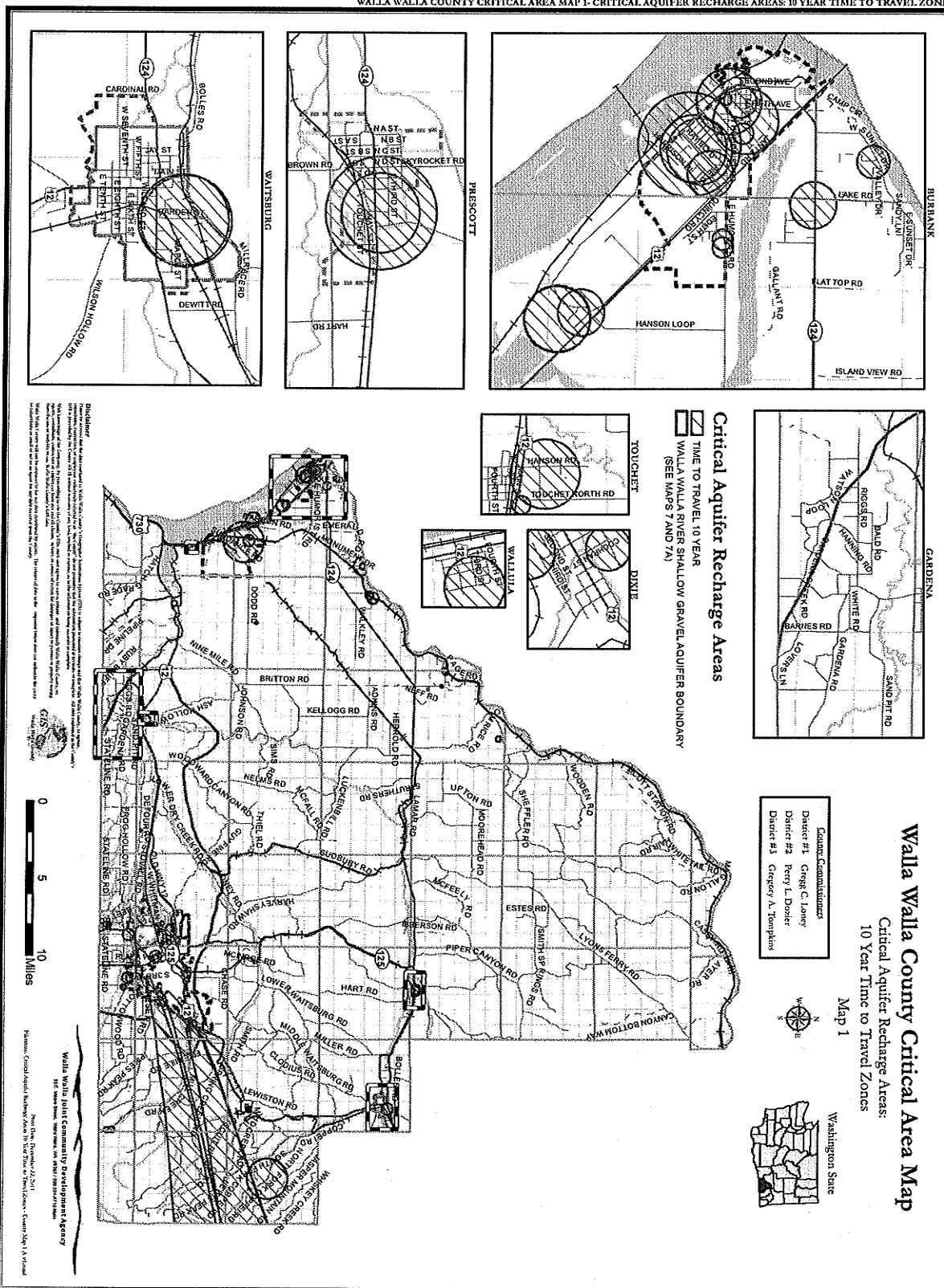
- V wells, unless otherwise approved by the State or Federal government;
- GD. Mining in areas determined to be highly susceptible or vulnerable to contamination in a public water system wellhead protection plan;
- DE. Wood Treatment Facilities. Wood treatment facilities that allow any portion of the treatment process to occur over permeable surfaces (both natural and manmade); and
- EF. Storage, Processing, or Disposal of Radioactive Substances. Facilities that store, process, or dispose of radioactive substances unless the director makes a determination as provided in Section 18.08.240(D).

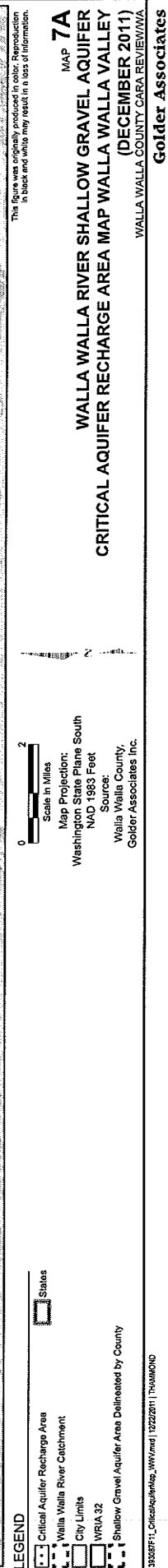
(Ord. No. 372, § III(Exh. A), 8-31-2009)

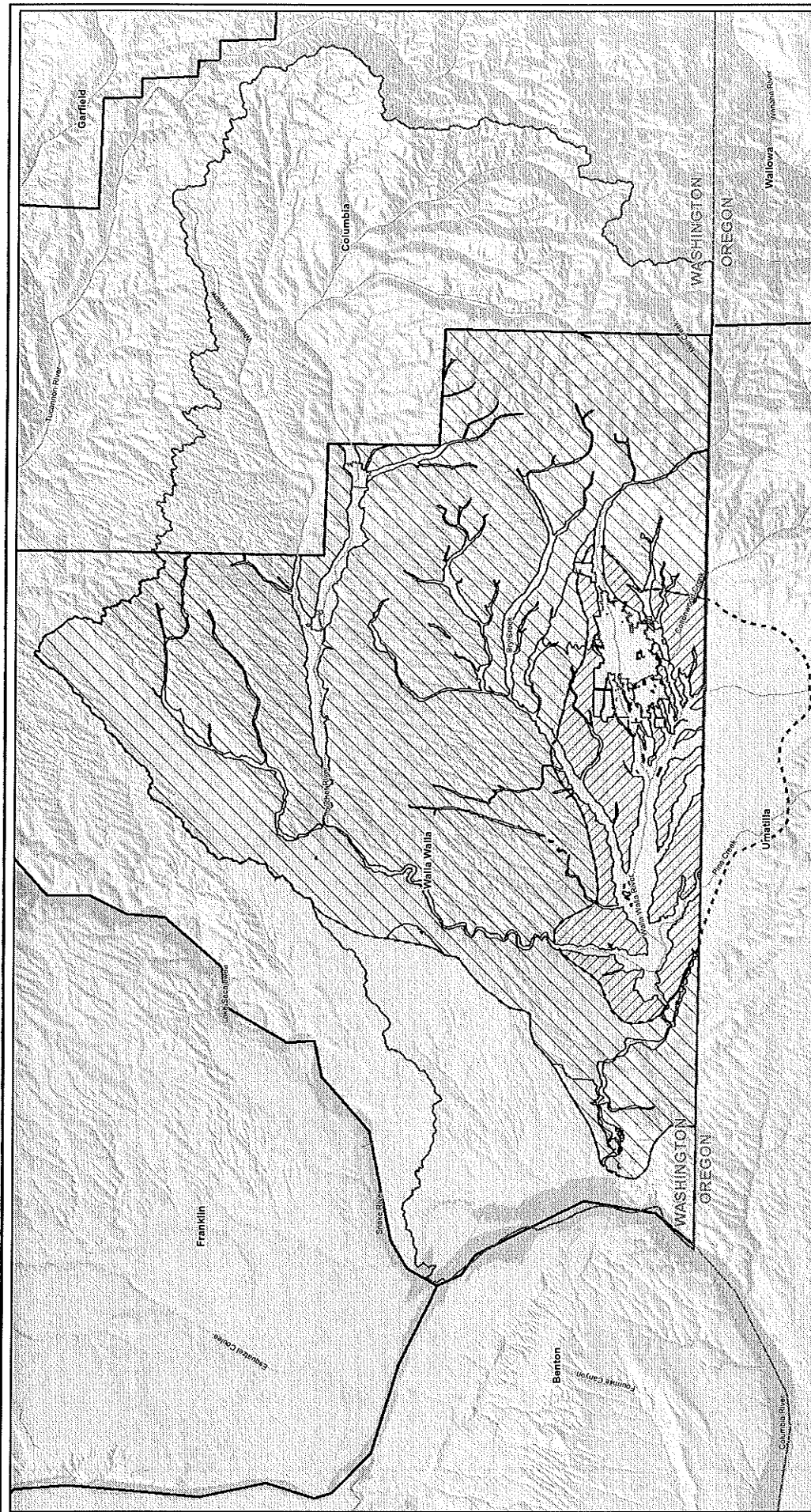
18.08.270 - Uses prohibited in a Walla Walla River shallow gravel aquifer area of moderate vulnerability.

The following uses are prohibited in a Walla Walla River area of moderate vulnerability (Zone II) in the shallow gravel aquifer as delineated on Map 8 Walla Walla River Shallow Gravel Aquifer Vulnerability Map or on Map 8A Walla Walla River Shallow Gravel Aquifer Recharge Area Vulnerability Map, Walla Walla Valley:

- A. Dry wells on sites used for vehicle repair and servicing. Dry wells existing on the site prior to facility establishment must be abandoned using techniques approved by the state Department of Ecology prior to commencement of the proposed activity;
- B. Landfills. Landfills, including hazardous or dangerous waste, municipal solid waste, special waste, woodwaste, and inert and demolition waste landfills;
- C. Underground Injection Wells. Class I, III, and IV wells and subclasses 5F01, 5D03, 5F04, 5W09, 5W10, 5W11, 5W31, 5X13, 5X14, 5X15, 5W20, 5X28, and 5N24 of Class V wells, unless otherwise approved by the State or Federal government;
- D. Mining in areas determined to be highly susceptible or vulnerable to contamination in a public water system wellhead protection plan;
- E. Wood Treatment Facilities. Wood treatment facilities that allow any portion of the treatment process to occur over permeable surfaces (both natural and manmade); and
- A.F. Storage, Processing, or Disposal of Radioactive Substances. Facilities that store, process, or dispose of radioactive substances unless the director makes a determination as provided in Section 18.08.240(D).





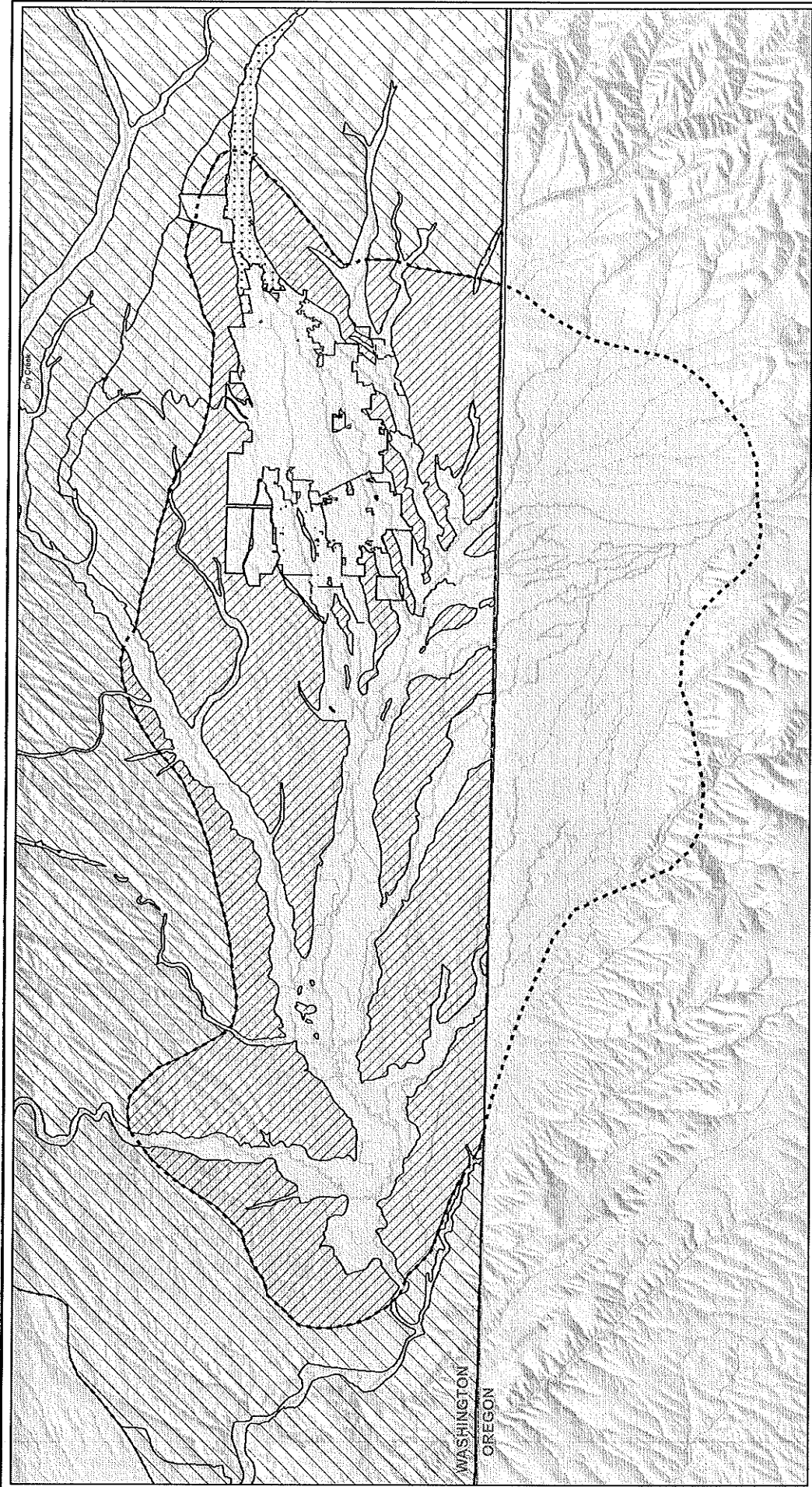


This figure was originally produced in color. Reproduction in black and white may result in a loss of information.

MAP 8
WALLA WALLA RIVER SHALLOW GRAVEL AQUIFER
RECHARGE VULNERABILITY MAP
(DECEMBER 2011)
 WALLA WALLA COUNTY CARA REVIEW/NA
Golder Associates

Scale in Miles
 0 5
 Map Projection:
 Washington State Plane South
 NAD 1983 Feet
 Source:
 Walla Walla County,
 Golder Associates Inc.

- LEGEND**
- Walla Walla River Catchment
 - WRIA 32
 - City Limits
 - Shallow Gravel Aquifer Area Delineated by County
 - States
 - Counties
- Aquifer Vulnerability**
- Zone I (High Vulnerability)
 - Zone II (Moderate Vulnerability)
 - Zone III (Low Vulnerability)



This figure was originally produced in color. Reproductions in black and white may result in a loss of information.

MAP 8A

WALLA WALLA RIVER SHALLOW GRAVEL AQUIFER RECHARGE VULNERABILITY MAP WALLA WALLA VALLEY (DECEMBER 2011)

WALLA WALLA COUNTY CARA REVIEW/WWA

Golden Associates

Scale in Miles
0 1 2

Map Projection:
Washington State Plane South
NAD 1983 Feet

Source:
Walla Walla County,
Golden Associates Inc.

LEGEND

Walla Walla River Catchment

WRIA 32

City Limits

Shallow Gravel Aquifer Area Delineated by County

Aquifer Vulnerability

Zone I (High Vulnerability)

Zone II (Moderate Vulnerability)

Zone III (Low Vulnerability)

States