

**STORMWATER ORDINANCE UPDATE  
STAKEHOLDER ADVISORY COMMITTEE (SAC)  
Meeting #3: Tuesday, October 2, 2007  
Clark County Elections Conference Room  
1408 Franklin St., Vancouver  
6:00 - 8:00 p.m.**

**N O T E S**

The meeting was called to order at 6:05 p.m.

**Introductions**

Members Attending

Dan Bodell, Tim Dean, John DiVittorio, Eric Golemo, James Howsley, Steven Madsen, Don Moe, Joel Rupley, Doug Stienbarger, Art Stubbs, Scott Wilson

Members Absent

Reg Martinson, Bob Blakemore

Staff & Consultants

Traci Carick, Jim Gladson, Kevin Gray, Tim Kraft, Robin Krause, Earl Rowell, Sue Stepan, Ron Wierenga, Ali Safayi

Audience

Andrew Warner, Chad McMurray (TAC Member), Greg Winters (Ecology)

Facilitator

Francine Raften

Announcements

Mr. Rowell invited SAC and the public to an open house on the update of the Stormwater Management Program, including the code update. It will be hosted by the Clean Water Commission on Thursday, November 15<sup>th</sup> from 6:30 - 8:00 p.m. at the Public Works Operations Conference Room B-1, 4700 NE 78<sup>th</sup> St., Vancouver. In addition, there will be a second presentation early next year. For more information, see <http://www.clark.wa.gov/water%2Dresources/SWMPstormwater%20public%20involvement.html> or contact Earl Rowell, Sue Stepan, Robin Krause, or Jim Gladson.

**Approvals**

Mr. Rupley requested the following correction to the September 11, 2007 notes: replace "constitutional amendment" on page 4, last paragraph with "habitat conservation ordinance."

The meeting notes were approved as corrected.

The agenda was approved.

DEAB Public Workshop Session Issues

Mr. Krause asked to feed any comments into the discussion where appropriate.

### Member Updates

Ms. Raften asked members to report on their communication with constituent groups.

Mr. Howsley attended The Responsible Growth Forum (RGF) current issues coalition meeting. The forum is a collection of developers and consultants in the development industry who will be keeping a close eye on the stormwater issues.

### Review items covered at 9/11/07 meeting

Reference the PowerPoint presentation handout.

Mr. Krause reviewed the 10 Minimum Requirements and where to find these and the Exemptions.

- In the 2007 Phase I Municipal Stormwater NPDES Permit, Appendix 1.
- In Ecology's 2005 Stormwater Management Manual for Western Washington (*hereafter 2005 Manual*), Volume 1.

Mr. Krause: The three exemptions that were identified from the last meeting were agricultural exemption, construction of single family homes on rural lots, and adding an exemption to MR 4 for drainage projects and wetland enhancement projects.

### Agricultural Exemption

Mr. Krause explained the agricultural exemption would no longer exempt the creation of impervious surface.

He gave the example of a site less than 35% impervious where an existing 1,900 SF barn is being replaced. Is this exempt? Under the new proposed language, it would need to meet Erosion Control. Currently, it would be 100% exempt. Mr. Bodell asked if this was because the same thing is being replaced. Mr. Krause said in this case, impervious surface is being replaced so it would fall under Minimum Requirement #2 - Erosion Control.

Mr. Golemo asked if there was any difference between the pollution-generating and non pollution-generating roof surface compared to a driveway. If you have 2000 SF of new road and a 10,000 SF barn, are the cutoffs for water quality triggered either way? Mr. Krause: For water quality, you have to have 5,000 SF of pollution-generating impervious surface. An exposed galvanized roof would be a pollution-generating surface.

Mr. Stubbs: If we are taking the exemption away from the agricultural community, you need to give them some tools. Mr. Krause: Dispersion is a good option, especially with large lots. It is simply directing the runoff through native vegetation and you protect it. This is a new tool that currently does not exist. Otak is currently looking into this.

Mr. Rupley recommended developing an Agricultural Manual for stormwater that coincides with what already exists to the degree that it could be meshed with the permit. Mr. Krause replied that staff is currently looking into something similar to this such as what kind of BMP's (Best Management Practices) are required on agricultural property.

Mr. Rupley: Coincidence between what's available to farmers from other sources such as NRCS and the new stormwater requirements are very important to the farmers. Mr. Krause stated that staff will find out the BMP's and see how they might meet the new requirements and report at next meeting. Mr. Golemo proposed looking into a BMP for pervious gravel to be another tool for the agricultural community.

### Construction of Single Family Homes

Mr. Krause explained the reason for the exemption was the cost of meeting stormwater code for rural existing lots seemed onerous. If the exemption is removed, new tools such as dispersion and LID's (Low Impact Development) would be available.

Mr. Kraft and Mr. Bodell discussed submission requirements for rural single-family homes. The County could develop a checklist with prescriptive and standard details to use to solve questions that may come up.

Mr. Golemo asked if homes are vested along with a land use proposal. Mr. Krause: According to our legal counsel, only if it's noted on the face of the plat. Otherwise, the lots are subject to the current stormwater code.

Mr. Golemo questioned the fairness of retroactively applying these standards to lots that were platted before the standards.

Mr. Krause: If future impervious area from the lots was considered on the plat, then there are some vesting abilities, but if they didn't consider it, which is how a lot of these are being built, just focusing on the roads, there is no vesting.

Mr. Howsley: Lots approved under old standards may not be buildable under new standards because of other critical area regulations, such as wetland and habitat ordinances

Mr. Golemo asked about plats that were done under previous ordinances when the vesting standards were different; they are technically vested under vesting standard that had no requirements.

Mr. Krause explained they are only good for five years, even if they are vested.

Mr. Howsley stated if there is a plat and that lot is created, vesting carries forever.

Mr. Madsen: The building application is the trigger for vesting.

Mr. Howsley: Because of all the critical area regulations and building envelopes that have to be provided to the county and reviewed, this is one more item to worry about.

Mr. Madsen: An approved plat that includes impervious surfaces should be vested.

Mr. Krause stated at the next meeting, Mr. Kraft will present examples of how eliminating this exemption will affect construction on rural single family lots.

Adding exemption to MR 4 to allow flexibility for wetland enhancement or drainage projects  
Mr. Krause asked members if they thought this exemption would be appropriate. It seems like it could simplify life in some particular instances.

Mr. Krause asked Mr. Howsley to draft some language on this subject so he could present it at the next SAC meeting.

Mr. Howsley explained the exemption is meant to create clarification where two codes aren't jiving together.

#### Project Thresholds

Mr. Krause: Staff is doing analysis of the 40% rule. Does the 40% rule apply in creating impervious surfaces? This is in regards to the existing basin being 40% impervious surface in 1985. If it is, you can use coverage from 1985 instead of forested conditions. It appears that the 40% rule won't apply to much in Clark County, may apply to east part of burnt bridge.

Mr. Wierenga: Research has been done and shows basins that have been at 40% impervious for 20 years show stream channels start to stabilize after that period of time.

Mr. Krause: Mr. Golemo brought up the point there could be other streams and creeks in Clark County that have eroded to that point in less than 20 years but the only way to demonstrate that to DOE would be through basin planning.

Mr. Wierenga: But this doesn't mean they're stable. The point is the stabilizing channel, not an actively degrading or recovering channel.

Mr. Golemo: I would like to see it go the other way. Go to forested conditions if there is evidence of excessive erosion downstream instead of saying it applies unless you show it. Why should we apply all these restrictions unless these studies have been done? When there is a basin that is impaired, then these rules should apply.

Mr. Kraft: You would be competing against a lot of research.

Mr. Krause: We, as a county have to demonstrate to the DOE that the code will protect the streams.

Mr. Golemo: How do you prove it was prairie or pasture at certain times?

Mr. Krause: You have to go back quite a ways to show it was prairie regardless to the 40% and there is no data that goes back that far in Clark County.

Mr. Wierenga: The Department of Natural Resources has mapped area in Clark County that was prairie based on landscape settings, geology, soil, as well as DNR maps.

Mr. Golemo asked if it was the consensus of staff and members working on the ordinances, to adopt this 40% rule or do we feel we should go back 20 years and that's adequate. Good aerial photos are needed for reference. What's a reasonable time limit that streams have adapted and erosion has stabilized? If this 40% rule was formulated by a certain time period of running like that and streams stabilized, what time period is that and is there anything similar that we can adopt? Can aerial photos be pulled and whatever the land was at this time; the least pervious condition is what we go to? It just seems like it would be more practical.

Mr. Krause: It seems like if it's that practical other agencies would have looked into it, but I will look into it and report back.

Mr. Wierenga: In terms of trying to look where erosion is occurring and applying these standards, we don't want to let the problems development then solve them.

#### Redevelopment

Mr. Krause asked if there should be incentives for redevelopment.

Mr. Golemo asked if there could be offsite mitigation for impacts. There are areas where frontage improvements are made in a very local area, just enough to trigger the ordinance but not enough where there is room or properties available to compensate. There is also wetland banking, which is taking a large impervious surface, treating and containing it so that some capacity can be freed up.

Mr. Stubbs asked what the advantages are for promoting redevelopment. Mr. Golemo gave examples of redevelopment going on to rundown properties, the properties values go up.

Mr. Madsen brought up redevelopment vs. Infill.

Mr. Rupley asked about redevelopment on existing properties without stormwater treatment. Redeveloping these areas come with a pretty onerous set of rules. It's almost a disincentive to even fool with untreated stormwater. The water needs to be treated but it's a huge expense.

Mr. Bodell discussed mitigating offsite. The responsibility of finding an offsite location would be on the shoulder of the owner. Is there anything written into the code where they can buy credits from the County, like TIF credits? The responsibility then falls on the County to find the offsite.

Mr. Krause: I think this would have to happen through a regional facility and basin plan. This has been thought about and a lot of effort has been put into it. I will talk to staff and find out what the current thoughts are. Questions have come up on how the County would give these credits out:

- First come, first serve
- Certain kinds of developments

Mr. Stubbs: I have no objection to incentives or redevelopment but I am against developing a site that's worse than before. If the developer doesn't like the incentives, he can ignore them and go back to polluting.

Mr. Golemo: With the new code, maybe there's not a need for incentives. The main goal is to make sure the ordinance doesn't stop redevelopment. If you are tearing out existing, broken up pavement on a used car lot and put up a nice office building, you're not exempt from anything. You now have to go back to forested conditions because it's in a basin and it probably wasn't 40% impervious even though, that site was completely impervious. It's creating a major hurdle for redevelopment.

Mr. Bodell: Instead of incentives, we need to find tools.

Mr. Krause discussed the possibility of giving something like a credit to those developers who take 100% impervious site and redevelop it to 80%. Perhaps there should be something in the code that addresses these particular sites.

Mr. Madsen spoke about a State Supreme Court case that stated you don't have to enhance, but preserve. What we're talking about here is the enhancing of pervious surfaces, I don't know if this would survive the legal challenges.

Mr. Krause: Staff will look into the questions raised.

## **Minimum Requirement 6 & 7**

### MR #6 Water Quality

Mr. Krause explained how to find the threshold discharge area. If Stormwater leaves the site at two different locations but come together within ¼ mile, then that is 1 threshold discharge area. That's important because the thresholds for MR #6 & #7 are based on the threshold discharge area.

Mr. Krause discussed the thresholds for water quality. Mr. Stubbs asked about mitigating a rain garden opposed to landscaping. Mr. Krause explained that a rain garden is a water quality BMP.

### MR # 7 Flow Control

Mr. Krause discussed the thresholds for flow control.

He stated there are a lot of BMP's to meet water quality and flow control. The thresholds are getting us there. These are what are being proposed and where we are heading with the new code.

Mr. Krause: New detention ponds are much larger. Clark County is currently putting together a model to demonstrate the difference in the pond sizes by looking at projects under current code and eventually under the LID proposals. These models are the easiest way to demonstrate the changes in the code.

Mr. Krause: We have 2 continuous models (WWHM and MGS Flood) available to us but there are questions about soil condition and rainfall data that's in these 2 models. Department of Ecology will give a presentation to the County, other local engineers and the Realtor's Association on October 19<sup>th</sup> to discuss how the WWHM model works locally. There is the ability that Clark County could do local calibration but there is just no time between now and February to do it.

Mr. Kraft: Calibration takes a lot of time and data. It should be done in Clark County and would be beneficial. Currently, they're doing this based on a study done in Puget Sound approximately 20 years ago.

#### Infiltration Testing Methods/Procedures

Mr. Krause: There have been failures over the years with infiltration systems within the County. There is a code section that requires 8 inches per hour infiltration rate. This was put together to apply to roof drains but right now they apply to the entire site. So if you don't have 8 inches per hour, you can't do infiltration. With the new ponds and the new methodology having an inch per hour would make a tremendous difference in the size of your pond for your storm facility.

Mr. Krause reported that current discussion with the Technical Committee shows there's a pretty good chance that the 8 inches per hour could go away with the implementation of the new testing methods. The methods used to test the infiltration rate are going to become much more onerous. They should be a truer representation of infiltration rates.

DOE has a guidance manual for UIC (Underground Injection Control). It shows specific uses that require specific types of treatment before the water can go through a drywell. Everything that is underground that's either in a drywell or some kind of pipe that's infiltrating or dispersing water is considered a UIC.

Staff is looking into how this needs to be in our ordinance in regards to specific uses.

#### **Next Steps**

Mr. Kraft asked members to look over Technical Memos #6 & #7 and bring comments to the next SAC meeting.

Mr. Krause asked for feedback on Minimum Requirements #6 and #7 at the next SAC meeting.

E-mail or call Robin with questions on materials presented at the meeting.

The next meeting will cover Low Impact Development.

#### **Adjourn**

The meeting adjourned at 8:20 p.m.

The next meeting will be held on October 16, 2007 in the PSC 6<sup>th</sup> floor training room at 1300 Franklin Street, Vancouver, from 6:00 - 8:00 p.m.

Respectfully Submitted,

Traci Carick