

**STORMWATER ORDINANCE UPDATE
STAKEHOLDER ADVISORY COMMITTEE (SAC)
Meeting #6: Tuesday, December 4, 2007
Public Works Operations Conference Room B1
4700 NE 78th Street, Vancouver
6:00 - 8:00 p.m.**

REVISED N O T E S

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

Introductions

Members Attending

Eric Golemo, James Howsley, Steven Madsen, Don Moe, Joel Rupley, Doug Stienbarger, Scott Wilson

Members Absent

John DiVittorio, Bob Blakemore, Dan Bodell, Tim Dean, Art Stubbs

Staff & Consultants

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

Facilitator

Francine Raften

Approvals

The meeting notes were approved.

The agenda was approved as submitted.

Member Updates

Mr. Rupley discussed concerns from the NOAA Fisheries over copper and heavy metals. If there is a project that involves the metals, **NOAA Fisheries** would want to go beyond the manual.

Quick Updates

Mr. Krause explained that progress continues on the agricultural exemption and the current proposal to add a manual for the Ag community to use and implement BMP's without an onerous submittal process.

Incentives Brainstorm

Mr. Krause asked SAC members to discuss finding incentives we have control over. What can the county do offset the impacts of the new requirements?

Mr. Howsley explained the option of a density bonus. The approach would ensure that a project does not lose more units or lots due to the increased pond sizes. The approach could also consider the storm facilities similar to a wetland or critical area and remove that area from density calculations.

Mr. Madsen stated a reduction in minimum lot size would be another option.

Mr. Golemo said with the bonus there is a variance in lot size and would be best for multi-family. Another option would be a density transfer similar to protected wetlands.

Mr. Howsley and Mr. Krause explained the transfer could be making an active stormwater area part of an open space; not just a fence but something that's truly built in to the open space with trails etc.

Mr. Howsley believes the developer and land owner need compensation and the density bonus would allow that.

Mr. Rupley asked how density transfers work when it is required to do everything onsite you can. Mr. Golemo explained you have a certain density to achieve based on zoning. The example is with the new stormwater pond, 20 lots are taken out of a 50 lot subdivision.

Mr. Madsen stated incentives are good for larger developments but lose their charm with the smaller ones. The fee-in-lieu option would be best for smaller projects. In restoration projects, the cash flow would be anticipated in the basin studies.

Mr. Krause and Mr. Madsen discussed the lag time of a project and when the fees would be collected. Mr. Madsen stated the units would be determined like a school impact fee. There should be sufficient data to make a fair conservative guess.

Mr. Golemo brought up the option of payment-in-lieu using grants in a tier system.

Mr. Krause: This would be a tiered system based on how much actual mitigation is done on site.

Mr. Golemo replied if infiltrating on site is impossible, it is extremely difficult to meet the forested conditions. The system would work best on those areas that have high ground water, slopes that could be impacted, and clay soil.

Mr. Rupley talked about the upcoming cumulative effects fund provided by the Habitat and Wetland ordinance that could be used for this.

Mr. Golemo discussed pervious pavement for public roads.

Mr. Gray replied pilot projects are currently being looked at through the county on access roads that have pervious pavement.

Mr. Golemo stated the public needs to be educated on the maintenance of pervious pavement. With bark dust distribution, there could be a fine for dumping without laying down plastic.

Mr. Madsen suggested signage explaining the dos and don'ts of pervious pavement.

Mr. Gray discussed the new LEED neighborhood design standard certification which encourages low impact sustainable development. An incentive could be given if the certification is provided.

Mr. Rupley stated the new ordinance needs to accommodate new technologies.

Mr. Madsen said that there needs to be an incentive for footprint size or the amount of pervious surface, maybe a tax break?

Mr. Krause explained that there are agencies that provide a break on the Clean Water Fee. If no stormwater leaves the site, the fee is waived.

Mr. Gray discussed the need for incentives for homeowners that have rain gardens and a break for maintaining them.

Mr. Madsen added that the incentive for rain gardens should be neighborhood wide. It's basically a design concept for the entire neighborhood.

Mr. Rupley discussed that incentives for LID's create a reduction in fees for homeowners which makes the homes more marketable and easier to sell.

Mr. Golemo discussed the need for incentives for redevelopment in target areas such as Hwy 99.

Mr. Howsley believes that there needs to be an expedited process specific to redevelopment projects to off-set the costs.

Mr. Rupley asked about targeting capital projects in redevelopment areas.

Mr. Krause explained this would be similar to basin planning whether it's a capital road project that over sizes the facility or a specific drainage project.

Prioritized Recommendations - Incentives

- Density Bonus
- Density Transfer (transfer of credits)
- Payment in Lieu
- Use of neighborhood LEED design
- Use of pervious pavement for neighborhood roads
- Making sure code is flexible to allow new technology
- Tax Incentive (clean water fee, property tax)

- Look at target areas for capital projects (construct capital facilities to facilitate future designs - shovel ready site)
- Waiving frontage improvement requirements under certain circumstances

Variance Process Brainstorm

Mr. Krause reviewed the handouts on the variance processes from the DOE permit and King County and asked SAC members to discuss conceptual ideas. King County has a pretty general and flexible list. Basically any process can be submitted for review. Mr. Krause mentioned that Pierce County has removed the variance process from the code.

Mr. Madsen asked if circumstances for the variance requests are targeted or open.

Mr. Howsley believes legally, they have to stay open, and that basically a variance is likely to be either an economically situation or technically infeasible.

Mr. Golemo stated that road modifications have categories which are open. There are two tiers, administrative and design. There are pros and cons for having the variance criteria very general or focused.

Mr. Krause replied that having the process focused takes away the flexibility.

Mr. Golemo replied that it needs to be somewhere in the middle and staff should make that determination on a case by case basis.

Mr. Madsen: There are situations where treatment can be technically feasible but economically enviable in redevelopment areas but where there are ground water issues, it becomes technically incapable of compliance.

Mr. Golemo likes the idea of the payment in lieu linked with the variance process. By redeveloping a site that has 80% impervious surface, impacts are not increased and there is an addition to the economic base of the county. Payment in lieu allows those funds to be used where they are more effective. The areas that have the highest impact need to be pinpointed.

Mr. Rupley stated that the administrative processes need to be easy to use. He suggested the incentives and variance process should be combined to handle the special cases, such as infill areas.

Mr. Golemo said the process needs to be clearly defined so there are fewer appeals later.

Mr. Wilson believes the more incentives that are offered, the less variances are needed.

Prioritized Recommendations - Variance Process

- Admin Level vs. Hearing Examiner Level
- Technical Level vs. Economical Level (in-fill area)
- Payment in Lieu
- A well defined process

Ownership of Facilities

Mr. Madsen asked about how the maintenance fee would be allocated for publicly owned facilities. Mr. Krause replied that the Clean Water funds 100% of stormwater facilities.

Mr. Golemo stated that most developers prefer public owned facilities due to the maintenance issues.

Mr. Madsen discussed the rise in clean water fees due to the increased maintenance costs of more facilities.

Mr. Wilson believes the question of ownership depends on the location. It seems like many neighborhood associations are disbanding so the public facilities would be more practical for maintenance issues. Treatment and water quality would be lost with facilities that aren't maintained.

Mr. Moe and Mr. Stienbarger have budget concerns with public facilities.

Mr. Howsley believes the public facilities should have some sort of reserve account that the developer could use to maintain it.

Ms. Stepan explained with publicly owned facilities, developers can have a performance bond and delay construction; privately owned facilities have to be fully constructed before they can record plats.

Ownership - Policy Recommendations:

- Publicly owned facilities for residential properties
- Privately owned facilities for commercial and industrial properties

Location of Facility

Mr. Krause explained infiltration underground is not allowed within the county right-of-way on subdivisions. It has to be placed on a tract or easement outside the right-of-way. On frontage improvements, a catch basin is needed but it needs to be piped out of the right-of-way for treatment and flow control.

Frontage improvements have a logistics issue for maintenance. If it's an infiltration facility, it doesn't make sense to put it on a tract next to the road, it's easier to put it in an area where there is easier access.

Mr. Madsen: Distinction is the risk for the frontage improvements. Mr. Krause explained if the facility is designed and dedicated to the county, the responsibility of maintenance falls to the county but the design remains with the engineer.

Mr. Howsley suggested if a project is going to use an existing county right-of-way, the developer needs to sign an agreement indemnifying the county.

Mr. Wilson stated the biggest reason for failure of infiltration trench lines is tree roots. Placing infiltration outside the right of way typically subjects the systems to more tree root intrusion. It is also much simpler to maintain infiltration systems in the roadway. It is uncommon to have to dig a system up in any case, so any added cost for paving repair is minor compared to the trouble of accessing systems that are on tracts or easements.

Location of Facilities - Policy Recommendations

- Use of right-of-way should be allowed for underground systems.

Fencing (refer to handout - attached)

Mr. Wilson believes fencing is a good idea for the protection of water quality. Some homeowners want to manicure areas using fertilizers or bark dust which contradicts the treatment.

Mr. Rupley suggested taking the word "fence" out and change wording to "provide these protections to the facilities". There are other alternatives to the chain link fence. Let the outcome be known and let people be creative with the design.

Mr. Gray suggested education with neighborhood associations or notes on the plat regarding maintenance of the facility. The developer and homeowners need some flexibility.

Mr. Krause stated if the fencing requirement goes away, the facility needs to be part of the neighborhood. The landscaping standards for those types of facilities would need careful thought. A focus group may be the best approach.

Mr. Howsley replied that there are landscaped standards and signage issues.

Mr. Rupley added that there needs to be design standards.

Fencing Facilities - Policy Recommendations

- Provide options to fencing in the code for facilities that intended to be an amenity to the development.

Low Impact Development

Mr. Krause reviewed the addition of rain barrels and green roofs to the LID list. The group agreed to the additions and reiterated the need to provide flexibility to allow other LID techniques where appropriate.

Next Steps

Tentative future meeting: January 8, 2007

Adjourn

The meeting was adjourned at 8:25 p.m.

The next meeting will be held on December 18, 2007 at the
Public Service Center
6th Floor Training Room
1300 Franklin Street, Vancouver
6:00 - 8:00 P.M.

Respectfully Submitted,

Traci Carick

Current Clark County Code 40.380(F) - Fencing Requirements for Stormwater Facilities

Fencing of Stormwater Facilities.

- 1 Stormwater treatment and runoff control facilities located in or adjoining residential areas shall be fenced unless these facilities are constructed as part of a development amenity such as a park or the responsible official waives the fencing requirement due to special circumstances.
- 2 Stormwater treatment and runoff control facilities, other than those described in Section 40.380.040(F), shall be fenced if they pose safety risks to the public.
- 3 The size and type of fence shall be determined by the responsible official.

Current county practice is to require fences for all *public* facilities (WSDOT standard fence detail). Developers have been keeping facilities private if they do not want them fenced.

Reasons to fence:

- Vandalism (vehicles, ORV's, bicycles, others)
- Prevent dumping
- Safety
 - Standing water
 - Confined spaces
 - Internal wall drop-offs
- Keep wildlife out (protect plantings)
- Protect above-ground infiltration facilities from being driven on and being compacted.
- Uncontrolled chemical applications (by homeowners)
- Prevent filling in by homeowners

Reasons to not fence:

- Aesthetics (developers design facilities as an amenity)
- LID facilities (rain gardens, stormwater planters, vegetated swales) should not be fenced.
- Maintain continuity when adjacent to a wetland or open space.

Alternatives to requiring fences:

- Location (designed and located as an amenity to the development);
- Alternate barriers;
 - Boulders (may be an issue if they are movable)
 - 4' black vinyl fencing
 - split rail fence
 - landscaping (standards to be determined)
- Bolt down all grates and manhole covers;
- Side slopes:
 - Slopes at 3:1 or flatter with a 5' bench above the permanent pool;
 - Side slopes at 4:1 or flatter without a bench;
- Facilities are required to have an access road with 5:1 or flatter slope;
- Maintenance access via bollards or gate;
- Sign the facility (similar to wetland ordinance standard);
- No internal walls greater than two feet exposed height;
- Grates on all pipes greater than 12" diameter;
- Peak outlet flow of ? or less.