

**STORMWATER ORDINANCE UPDATE
STAKEHOLDER ADVISORY COMMITTEE (SAC)
Meeting #8: Tuesday, January 8, 2008
Clark County Public Service Center, 1300 Franklin St., Vancouver
6th Floor Training Room
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, Joel Rupley, Scott Wilson, Steven Madsen, Doug Stienbarger, Art Stubbs

Members Absent

Bob Blakemore, Don Moe, James Howsley

Staff & Consultants

Traci Carick, Jim Gladson, Tim Kraft, Robin Krause, Earl Rowell, Sue Stepan, Ron Wierenga

Audience

John Meier, Greg Winters (Ecology)

Facilitator

Francine Raften

Approvals

The meeting notes were approved.

The agenda was approved as submitted.

Member Updates

Mr. Golemo invited members to attend the Development Advisory workshop meeting on Thursday, January 17, 2007 at 2:30 p.m. in the 6th floor training room at the PSC building.

BOCC Work Session Review (Please refer to the PowerPoint presentation)

Mr. Krause reviewed the BOCC work session for December 19, 2007.

The direction from the board was as follows:

- Provide code that allows ponds to be an amenity (open space).
- Develop an alternative between option 1 (Current Code with 30-year predevelopment standard and option 2 (Tiered Approach).
- Do not include a forested condition within the urban area.
- Study the impact to the urban growth boundary.
- Support the development of an agriculture manual.

Variance (Draft Variance Code Handout)

Mr. Krause stated that the agreement from the last SAC meeting was that variances need to stay general but there needs to be a process for administrative or technical variances versus an economical base variance. The existing code, language in the Ecology manual and road modifications (CCC 40.550) were all looked at to come up with a variance draft code.

The code is broken down into two (2) categories: administrative and complex modification. Administrative modification is typically a Type 2 variance process which addresses technically related variances. Complex modifications are typically Type 3 and are intended to provide the process for the hardship argument or infeasibility.

Discussion

Mr. Madsen suggested changing the term complex modification to a reasonable use modification.

Mr. Krause explained that from an engineering stand point, the administrative process for variances are very cut and dry. The process is easy to show that it will still work while applying the same end result. By comparison, the complex modification involves issues with more discretion involved. Anytime there is more discretion, there needs to be a certain amount of public notification. Type 2 or administrative modifications will involve fees and the necessity for public notice. Type 3 or complex modifications requires fees and a public hearing process. (As opposed to a Type 1 process which involves staff and no public notification). Both administrative and complex types of variances are providing a process and showing that the same end result will be achieved.

Mr. Golemo stated that there are situations that come up where a fast solution is required. Waiting 120 days for the public process to be completed is not an option.

Mr. Krause replied that maybe a temporary solution can be addressed while going through the process until a final decision is met. It is foreseeable that emergency situations could come up while under construction where a temporary fix would be necessary.

Mr. Madsen asked if the development code has emergency provisions.

Mr. Krause responded that there are provisions for certain kind of emergencies, such as flooding.

Mr. Golemo stated that there is a problem with situations that involve technical issues and public involvement. There may need to be a pier review where there is more technical expertise.

Mr. Krause asked SAC members for their input and additions to the Draft Variance Code.

Mr. Madsen believes there is a gap between the Type 2 and Type 3 variances. The cutoff for a Type 2 variance is 25% of the numerical standard but after that you jump to a different standard of proof with the Type 3.

Mr. Golemo replied that the numerical standard or percentages lend themselves better to zoning and dimensional standards. With the administrative modifications, instead of a percentage it is based more on need.

To clarify the statement, Mr. Madsen would like to add anything greater than 25% of the numeric standard to the description of the Type 3 variance process. He feels that there is a gap in logic the way the code is read. There could be situations that are not at the level of economic hardship but beyond the 25% need for a variance.

Mr. Golemo stated that the variances need to be limited to things that do not meet the code and not the things that have changed only a small amount while still meeting the requirements.

Mr. Krause asked SAC members for their perspectives on the Variance Process.

Mr. Rupley explained that the variances need to be consistent with the Permit so unnecessary flags are not raised. There should also be internal consistency with existing codes so a separate system is not created.

Mr. Golemo discussed that the variance process tends to go more toward planning issues and should apply to situations only in the code, such as a strict code interpretation. As long as there is compliance, a variance is not needed.

Mr. Stienbarger believes that there needs to be a concept process instead of a specific laundry list as the list could be too limiting.

Mr. DiVittorio stated that the flip side of having a general list is not knowing exactly why something can't be done.

Mr. Bodell suggested that staff needs to work closely with developers to establish guidelines instead of laundry list.

Mr. Madsen would like to see the language changed from "and are limited to" to "including but not limited to".

Mr. Dean suggested that the list needs to be flexible but also needs to have a backbone. Staff has to make the final decision. It is easier to be more restrictive.

Mr. Madsen added that staff also needs to explain any denials.

Mr. Stubbs believes that the variance code should be as streamlined as possible.

Stop-Loss Provision

Mr. Krause stated that Ecology's intent for the stop-loss provision was specifically for replaced impervious surface. For the county, the intent is only for redevelopment.

What was heard at the last SAC meeting:

- 1/3 of the total budget of a project is too much. 1/3 is what King County had proposed.
- Blanket reduced standard rather than a waiver. More concerned with what the standard is and may provide rather than a dollar figure.

The proposal would be X% of the budget. Once a percentage of the budget is reached, you must move to another standard.

Discussion:

Mr. Golemo asked if in-fill would fit under the stop-loss provision because it is a Type of redevelopment.

Mr. Kraft stated that an in-fill is a separate site and is not necessarily developed.

Mr. Krause replied that a stormwater site that has 35% or more of existing impervious surface coverage is considered redevelopment.

Mr. Krause and Mr. Golemo discussed the basic flow control thresholds which are projects in which the total of effective impervious surface is 10,000 square feet or more in a threshold discharge area (TDA), if $\frac{3}{4}$ acres or more of native vegetation is converted to lawn, or a 0.1 cubic feet per second (CFS) increase in flow from the site. 40.380.040(C)

Originally, the 0.1 CFS was interpreted as the difference between a forested site and what the new proposal would be but the intent from Ecology is that the 0.1 CFS is from the existing sites today to what the proposal is which makes the 10,000 square feet the threshold for redevelopment and an in-fill.

Mr. Rupley asked if the concern isn't still with reducing the run-off on existing areas that are going to be redeveloped.

Mr. Kraft replied that the idea is to not to completely discourage redevelopment.

Mr. Rupley explained that incentives are needed for reducing the existing run-off. If the proposed trigger is met and X amount of money is spent; the outcome would be a percentage of reduction of the preexisting flow from the site.

Mr. Krause replied that once a certain threshold is met, a standard of reduction occurs and it is less onerous.

Mr. Rupley reiterated that the point is to reduce the developed areas that have stormwater run-off. If you go through the triggering process, the desired outcome is a measurable reduction.

Mr. Krause stated that this would be another way to say what the existing standard states of reducing the 2-year discharge by 50%.

Mr. Bodell and Mr. Krause discussed the extremely high cost of the stop-loss provision with the 1/3 of the total budget of a project being spent on a stormwater facility. Staff wants to look at some real numbers based on some estimates and actual completed projects and find some averages to come up with a better solution.

Mr. Bodell asked if the end result of this analysis would be compliant with this section of the code that is limited to 5% of the total cost of the project.

Mr. Krause answered that the results should show on average, stormwater costs are 10 - 20% of a typical redevelopment project and use that as a justification for the stop-loss.

Mr. Rupley stated that there needs to be a measurable and reasonable reduction other than a standard. It would be a percentage reduction of the existing flow off-site. The concept is if the standard of the new ordinance can't be met, no more than the standard said amount needs to be paid as long as there has been a reduction of stormwater.

Mr. Krause explained that Ecology's intent is to try to find a way to make requirements proportionate with what the developments are and the ordinance should recognize the differences in budgets. The percentage of stormwater is going to be higher, the lower the total projects costs are.

Mr. Krause stated that if a reduced standard for redevelopment is chosen, it will apply to all redevelopment projects. The lowest level threshold would be the 50% reduction in the existing 2-year flow.

He asked SAC members for their perspectives between 3 proposals:

- ❖ Dollar trigger that triggers a different standard.
- ❖ Dollar trigger where a certain amount of money is spent to do whatever needs to be done.
- ❖ A single different standard from what everyone else has to do for redevelopment regardless of how much money you have to spend to meet it.

Mr. Rupley believes that the TAC members need to come up with a pretty good idea on how to achieve a significant enough reduction off a redevelopment site to write it into code. He would prefer to see a trigger but if incentives are what's needed for redevelopment, then that is the way to go.

Mr. Krause stated that calculating a specific dollar figure creates a lot of time and energy for staff.

Mr. Wilson believes that there should be a standard treatment.

Mr. Golemo suggested getting rid of discretionary cost estimates and give credit for redevelopment.

Instead of a "stop-loss provision", Mr. Madsen would like to call it a "redevelopment incentive".

Mr. Bodell explained that the goal for redevelopment should be a significant improvement regardless of the cost.

Mr. Dean likes the idea of changing stop-loss to redevelopment incentive.

Next Steps

A Draft Code Review will go out to TAC, SAC, DEAB, and be available on the web site.

There will be a formal public review process in the spring.

Staff is currently working on a SAC Executive Summary Report with the policy recommendations and input from all the meetings that will go out to SAC members for review prior to presentation to the BOCC.

The next BOCC work session will be January 30th.

The purpose of SAC meeting # 9 will be to review draft code questions and comments and the draft SAC Executive Summary.

Public Comment

Mr. Meier agrees with the group on an equivalent standard.

Adjourn

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

The next meeting will be held on January 22, 2008 at the
Public Service Center
6th Floor Training Room
1300 Franklin Street, Vancouver
6:00 - 8:00 p.m.

Respectfully Submitted,

Traci Carick