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CLARK COUNTY
WASHINGTON

STAFF REPORT

TO: Clark County Planning Commission

FROM: Oliver Orjiako, Director

DATE: July 25, 2013

SUBJECT: Updates to the Stormwater ordinance, CCC Chapter 40.385

BACKGROUND

Clark County adopted a stormwater ordinance in 2009 (Ordinance 2009-01-01) in order to comply with the requirements of the Western Washington Phase I Municipal Stormwater Permit (Permit). The part of the ordinance that requires control of the quantity and duration of stormwater runoff from developments based on existing pre-development conditions was challenged as violating the Federal Clean Water Act. The challenge was upheld in federal court, and at a public meeting on June 18, 2013, the Board of County Commissioners amended the ordinance on an interim basis, to reflect the pre-developed condition requirement as set forth in the Permit. The county now proposes to make the ordinance change permanent, consistent with the federal court order and current county practice.

PROPOSED ACTION

The proposal is to amend CCC Chapter 40.385, as follows:

40.385 STORMWATER AND EROSION CONTROL

40.385.010 INTRODUCTION

D. Definitions. For the purposes of this chapter, the following definitions shall apply. Additional definitions can be found in the SMMWW.

Stormwater Manual	"Stormwater Manual" means the November 2009 <u>June 2013</u> stormwater manual maintained by Clark County Public Works <u>Environmental Services</u> .
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40.385.020 STANDARDS – STORMWATER CONTROL

C. Quantity Control

2. Pre-development Land Cover Requirements.

- a. The pre-developed condition to be matched shall be ~~the land cover condition existing at the time of the development application~~ historic forested land cover unless reasonable, historic information is provided that indicates the site was prairie prior to settlement.
- b. Where an approved basin plan exists, the land cover condition to be matched shall be commensurate with achieving a target flow regime identified in the study. If no land cover condition or target flow regime is identified, land cover condition to be matched shall be as required above.
- c. This requirement is not applicable to project sites designed to retain all stormwater runoff on-site.

PUBLIC OUTREACH

A SEPA checklist and Notice of Determination of Non-Significance was published on June 26, and no comments were received.

A 30-day expedited review of the amendments was requested of and granted by the Department of Commerce. The comment period ended on July 20.