



# Meeting Summary

**Meeting:** Clark County 2013-2018 NPDES Stormwater Permit  
Technical Advisory Committee #9

**Meeting Date:** January 28, 2015

**Meeting Time:** 3:00 - 5:00 p.m.

**Location:** Public Service Center, 6th Floor Training Room

**Notes By:** Trista Kobluskie, Rod Swanson

## Attendees:

Ron Wierenga, Rod Swanson, Fereidoon Safdari - Clark County DES

Ali Safayi, John Davis - Clark County Public Works

Eric Golemo - SGA Engineering

Andrew Gunther - PLS Engineering

Dave Meyer - Clean Water Commission

Peter Tuck - Olson Engineering

Lance Lehto - Columbia West

Annette Griffy - City of Vancouver

Tim Kraft, Trista Kobluskie - Otak

## Ecology Feedback

Department of Ecology did not meet the 90-day review goal and has not yet returned an equivalency review of the draft Clark County Stormwater Manual (CCSM) One factor was the timing of the permit modification, which went into effect in January, and resulted in an update to *Stormwater Management Manual for Western Washington* to a 2014 version. The equivalency review will now be to the 2014 version. The County's permit deadline for making the Clark County Stormwater Manual and associated codes effective moves back one day for each day Ecology is delayed in returning the equivalency review. [We anticipate a review mid-February which puts our deadline out to the end of 2015]. The preliminary feedback from Ecology's Permit Manager and engineer has been good.

## Policies

The primary purpose of this meeting is to review the status of policy decisions and obtain any additional feedback. Rod Swanson distributed an internal draft of 16 policy issues for TAC to review.

### I. Applicability of Permit Minimum Requirements to Areas Not Draining to MS4

Should the Minimum Requirements (MRs) and most of the CCSM apply to sites that do not drain to the MS4? The permit clearly exempts these sites.

**Clark County Stormwater Technical Advisory Committee  
TAC Meeting #9 – Meeting Summary**

*January 28, 2015*

*Page 2*

Discussion highlights:

- Historically the County has applied the same, or substantially the same, requirements across the board, regardless of discharge to MS4
  - Currently there is a minor difference for rural large lots
- Not all staff and developers are clear on the definition of MS4. This would need to be defined very well to create an exemption. There is no definition in the CCSM currently.
- Sites exempt from the Minimum Requirements might not be exempt from best available science under other regulations, such as GMA, SEPA, and UIC. A County exemption could end up being a moot point in many cases.
- Ensure that potential negative effects on neighboring properties are prohibited in some other manner.
- Various scenarios were discussed for not applying all MRs to projects that don't discharge to MS4, e.g.:
  - Exempt only from MR 5
  - Exempt from MRs 5, 6, and 7 (although several in the group stated that water quality treatment should always be addressed)
  - Change flow control pre-development standard to “existing”
- Various methods were discussed for implementing the idea:
  - Create an exemption
  - Add a criterion for a variance
  - Change applicability in individual MRs
- Complications could include:
  - Could sites be split up if parts discharge to MS4 and other parts do not?
  - Perception of fairness
  - Potential to trigger anti-backsliding provisions of CWA
  - Ensuring consistently applied definition of MS4
  - Not applying the MRs will create a flow control deficit at the watershed scale that will some day need to be addressed to meet water quality standards.

**2. Public/Private Residential Facility Ownership**

Should the County change the current flexibility that allows for either public or private ownership of residential stormwater facilities?

Discussion highlights:

- Eric Golemo indicated that the County Deputy Prosecuting Attorney, Chris Horne, prefers maintenance responsibility to be recorded as a maintenance covenant and referenced on plat. Would like to see standard maintenance covenant language. Recording a covenant on the plat also eliminates the problem of HOA disbandment, which can leave private facilities without a responsible entity.
- Ownership of the underlying land is key. Maintenance responsibility follows land ownership.

**Clark County Stormwater Technical Advisory Committee  
TAC Meeting #9 – Meeting Summary**

January 28, 2015

Page 3

- City of Vancouver also allows either. One reason for allowing private is that the City will not maintain facilities to private ownership aesthetic standards.
- Consider limiting private facility ownership to above-ground facilities.
- The group tended to prefer the status quo of allowing either. Fix the existing problem of protecting private parties without taking away the option.
- Connection fees or system development charges may be on the horizon, though nothing firm has been discussed.

**3. LID Financial Infeasibility Criteria**

No discussion due to a lack of interest in pursuing

**4. Bioretention Setback Waivers**

The County goal is to have bioretention facilities and other stormwater facilities in the public ROW. Building setback requirements are from the ROW. Where ROW is widened to accommodate bioretention, developments may have trouble meeting standard building setbacks and maximizing number of buildable lots. Setbacks are given in Title 40.

Discussion highlights:

- The group agreed the issue should be addressed
- Engage County stakeholders (Planning, Engineering, etc.) to find a solution

**5. Lot Plans**

Tabled

**6. Level of Submittals for LID at Preliminary Plan**

There is a concern that too much or insufficient information is required at the preliminary plan stage.

Discussion highlights:

- Land use approval requires a finding that the project is feasible
- If further investigation reveals different site characteristics, the risk can be on the developer – could build a bigger pond, lose a lot that was planned
- If feasibility at preliminary turns out to be wrong, the project could then require a post-decision review
- Recommends no change to current language

**7. Allowing BMPs from Other Approved Manuals**

Should the County consider accepting public domain BMPs on a case-by-case basis?

Discussion highlights:

- Ecology has been enforcing the idea that an approved manual/program is a full approach and cannot be taken in individual parts as equivalent
- Could allow other BMPs through a variance; applicant proves there is no different impact than the default
- Is there really an issue? Are there other BMPs that applicants have been wanting to use that are not allowed in the County but are allowed elsewhere in western Washington? TAC members should send specific examples of BMPs they desire to use from other Phase I permittees.

### **8. Adequate Construction Inspection**

Construction inspection for LID BMPs may require higher level of oversight and expertise. Is this available on private projects that are building public ROW?

Discussion highlights:

- County inspectors are currently providing this service for public projects that use permeable pavements and other LID BMPs
- Distinguish between inspection and testing
- Lance Lehto says geotechnical firms are often requested to submit lots of info on compaction etc. when doing construction monitoring
- It is the County's duty to determine what level of inspection and expertise if needed to ensure functional public facilities, and then to either provide or prescribe it

### **9. Off-Site Analysis**

County staff recommendation is to revise the existing draft of the CCSM to focus on verifying conveyance capacity and managing erosion problems at outfalls. The group agreed.

### **10. Buried Infiltration Systems in ROW**

The current draft CCSM clarifies that Class V injection systems may be used in the ROW, so confusion generated by the current language is resolved in the draft.

### **11. Application of MR 7 to Wetland Discharges**

This issue is resolved. The permit requires addressing both MR7 and MAR8 for discharges to wetlands.

### **12. Stormwater Site Plans for Individual Residential Subdivision Lots**

The NPDES permit requires a plat or short plat approval to identify all stormwater BMPs that are required for each lot. With LID BMPs becoming mandatory for individual lots, and also being an integral component of the entire site's compliance with MR7 (through modeling credits), the draft CCSM requires a detailed "stormwater lot plan" for each lot, and requires conformance to the plan by the homebuilder.

**Clark County Stormwater Technical Advisory Committee  
TAC Meeting #9 – Meeting Summary**

*January 28, 2015*

*Page 5*

Discussion highlights:

- Could the lot plans be “typical”?
- At final engineering/land use, individual lot plans are not possible because so many details are still unknown:
  - Size of home
  - Location of home
  - Placement of driveway
- Current lot plans are conceptual for each lot, not prescriptive
- The conceptual lot plans are problematic for Building Department counter staff – difficult to understand if the building plan conforms
- Plans must be constructable and able to be used for construction inspection
- The engineer can provide an approved change to the lot plan; engineers do this, although not for free
- Even if more specific plans are submitted at final engineering/land use, changes will happen – the problem to solve is how to address those changes
- Currently, building requires stamped plans to replace requirements specified by engineering design for subdivision
- 

**13. Permeable Pavement on Streets**

This issue is largely resolved in the 2014 SMMWW with a low volume threshold of 400 ADT. Clarify that the infeasibility criterion for low traffic volume streets is only for the purpose of determining of permeable pavement is mandatory for the proposed surface. Applicants may propose permeable pavement on higher volume streets, which will be subject to an engineering review and approval.

**14. Western Washington Hydrology Model**

The local model that includes better representations of soils in Clark County is awaiting model validation by Clear Creek Solutions and subsequent approval by Ecology.

**15. Allowing Bioretention Underdrains for Flow Control in Tight Soils**

The draft CCSM will be updated to allow meeting MR5 using underdrains following requirements in the 2014 SMMWW.

*End of meeting summary*