
Memorialization

TO: Commissioner Betty Sue Morris, Chair
Commissioner Marc Boldt
Commissioner Steve Stuart
Bill Barron, County Administrator
Louise Richards, Clerk of the Board
Michael Andersen, Reporter for *The Columbian*
(Michael.Andersen@columbian.com)

COPY: Pete Capell, Public Works Director/County Engineer
Kevin Gray, Deputy Public Works Director
Earl Rowell, Clean Water Program Manager
Anita Johnson, Public Works
Sue Stepan, Engineering Services Division Manager
Joel Rupley, Endangered Species Act Program

FROM: Robin Krause, Public Works, Project Manager

SUBJECT: Stormwater Ordinance Update Project

DATE: March 13, 2008

Staff presented several issue papers on the stormwater ordinance update to the Board of County Commissioners in work session on March 12. The presentation included a brief background, discussion on several issue papers, and presentation of a redevelopment example. The work session concluded with a brief summary of next steps and the Board's direction to staff.

Kevin Gray introduced Greg Jellison, representing the Development Engineering Advisory Board; Eric Golemo representing the Stakeholder Advisory Committee and Development Engineering Advisory Board; and Art Stubbs representing the Clean Water Commission and also a member of the Stakeholder Advisory Committee. Mr. Gray acknowledged and thanked the representatives at the table, as well as the many other volunteers that have helped with the stormwater update work.

Mr. Gray continued with a brief background on the appeal process. Commissioner Stuart asked if an appeal or an amicus brief to the Phase II appeal was filed regarding the forested pre-development condition. Bronson Potter explained that the appeal period ended long ago and he did not know if the Appeals Board has a process to file amicus briefs.

Flow Control

Commissioner Morris commented that the 1955 aerial plots are difficult to read and wondered if appeals would result. Ali Safayi explained that the current code refers to “the past 30 years” which causes similar discussions regarding ground cover. Mr. Golemo felt that determining 1955 ground cover would be no more difficult than the current 30-year standard. Mr. Jellison suggested that the County map the forest boundaries and provide the pre-development land cover requirement in the GIS development packets. The Board supported the idea and continued to support the 1955 pre-development standard.

Redevelopment

Mr. Gray went over the redevelopment proposal in regard to the stop-loss provision and the current proposal developed by the SAC to develop an alternate standard in-lieu of a stop-loss limit. The Board continues to support that option.

Rural Single Family and Agricultural Exemptions

The Board continues to support revising the current exemptions per the municipal permit and developing a large lot manual to provide clear requirements and tools for large lot owners to provide stormwater management at a feasible cost.

Outreach

Mr. Gray reviewed the outreach process to date, as outlined in the issue paper. Commissioner Boldt commented on the poor job that Ecology has done explaining to them, and the general public, the purpose and outcome of the required stormwater rule changes. He felt that the County will need to deliver that message if we hope to garner any support for the new rules. Commissioner Morris directed staff to hold open houses at the Amboy Grange, Manor Grange, and near La Center. She also added Clark County Citizens United to the list of groups to contact. Commissioner Stuart also suggested Team 99 and a presentation to the newly formed 3-creeks advisory council.

Pete Capell reiterated the option to submit draft code to Ecology now or wait until the added public outreach is complete. Commissioner Morris doesn't feel the code is ready to submit. Commissioner Stuart believed that submitting code may help educate the message in the outreach process in regard to what Ecology is willing to accept. Mr. Golemo asked that the current comments received on the January draft be considered prior to submitting to Ecology.

Commissioner Boldt reiterated the need to develop a clear message that ties the rules to the outcome. Mr. Stubbs referred to his experience with the Habitat ordinance development. He recognized the importance that those who participate need to have their issues considered and input valued.

Staff will develop a detailed outreach plan and submit to the Board for approval.

Low Impact Development

Commissioner Boldt asked about how new technologies are approved for use. Mr. Gray indicated that the code does allow for new technologies to be used as they are approved (Ecology maintains a web site - Evaluation of Emerging Stormwater Treatment Technologies, <http://www.ecy.wa.gov/programs/wq/stormwater/newtech/index.html> - where new technologies tracked and approvals are posted.)

Using the County Right-of-way, Fencing Stormwater Facilities

The Board continued to support reasonable use of the County right-of-way and developing options to fencing stormwater facilities.

Fiscal Impacts

Mr. Gray reviewed the Fiscal Impacts, emphasizing the difficulty in determining the costs due to unknowns in regard to the extent of low impact development practices, the types of treatment facilities constructed, and the trade-off of initial construction cost versus long term maintenance costs.

Commissioner Stuart asked if secondary impacts were reviewed; for example, if reducing impervious surfaces result in changes to cross circulation. Mr. Gray explained that SAC had identified several areas of the code that need to be reviewed to support stormwater management. (Staff would also add that a grant project is underway that will review County code to identify the road blocks to successfully implementing an LID project.)

Commissioner Morris requested that Mr. Capell prepare a fiscal note in regard to the ordinance revisions and NPDES municipal permit requirements.

Mr. Gray went over an example of a redevelopment project that was constructed in 2003. Staff reviewed the project to compare the design under the current stormwater code, the draft code, the Ecology manual, and using LID approach. The following table summarizes costs for detention and water quality to meet those standards.

Table 1. Redevelopment Stormwater Management Costs

Condition	Detention	Cost ¹
Current Code	275 cf	\$20,600
Draft Code 1955	None	\$40,500
Draft Code Forested	7,220 cf	\$216,500
Porous Pavement ²	NA	\$54,400

1. Cost includes water quality and detention facilities.
2. Cost is in addition to standard asphalt.

Commissioner Morris asked that we look at the mobile home park on Highway 99 that is being developed as an example of an area that the Board would like to see redeveloped.

Commissioner Boldt asked if a project could remove paving from a neighboring site to mitigate for development.

Commissioner Morris asked what the fee increase would be to cover the costs of the new permit requirements. Mr. Gray indicated that the fee would need to increase on the order of 10% - 15% to maintain 2006 levels of service. Commissioner Morris referred to the Board making a policy decision regarding increasing the fee. Options include absorbing the cost from other funding sources, or accepting decreased levels of service – primarily Capital investments in public stormwater management. Commissioner Stuart reiterated the need to clearly define benefits and service levels for the public to understand the value and implications of any fee considerations.

Mr. Stubbs felt the original stormwater fee was set too low and annexation will continue to decrease funds collected. He felt that having a united message would be critical to successfully changing the fees. He also cautioned to not set the fee too low.

Mr. Gray noted that the fee discussion would be part of an upcoming work session with the Board of County Commissioners and the Clean Water Commission.

Commissioner Morris felt that fees in older subdivisions may need to be set higher where there is a lack of water quality and flow control facilities.

Incentives were briefly discussed. Mr. Capell cautioned that some incentives do not always provide a decrease in program costs, and fees will need to be carefully considered. Commissioner Stuart noted that that notion sounds counter intuitive and will need further discussion.

Next Steps

Staff will focus on:

- Developing and executing an outreach plan targeted to rural and suburban land owners.
- Incorporating comments received on the draft ordinance and reformatting the ordinance in a manual format with adopting code.
- Developing a Large Lot Drainage Manual
- Completing the LID Manual

Thank you for your consideration. Please call me at extension 4911 with any questions or concerns regarding this summary of the work session.