
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, *The Columbian*

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

FROM: Robin Krause, Public Works, Project Manager

SUBJECT: Stormwater Ordinance Update Project

DATE: September 10, 2008

Staff presented the status of the stormwater ordinance update to the Board of County Commissioners in work session on September 10, 2008. Topics included the Stormwater Needs Assessment Program, sub-basin planning, Low Impact Development, and a review of Department of Ecology's comments on the draft proposed ordinances and technical manuals. The work session concluded with Board direction to staff.

Kevin Gray introduced the Stormwater Needs Assessment Program (SNAP), an ongoing effort of the Clean Water Program that provides a high-level overview of individual sub-watershed conditions. The SNAP provides the information necessary for comprehensive stormwater management and informs policy decisions related to regulation, maintenance, capital and educational efforts. It identifies opportunities for improving water quality, and suggests ways to measure progress.

Mr. Gray also introduced a pilot program for sub-basin planning. These plans will provide detailed hydrological and geological information needed to determine sub-basin water quality and flow control requirements. After consulting the Development Engineering Advisory Board (DEAB), Mill Creek and Cougar Creek sub-watersheds were chosen for the initial sub-basin planning pilot. Properly completed sub-basin plans can be used to set flow control standards for new development and re-development in lieu of using Ecology's blanket standard. The standards are set to achieve the specific goals

identified for the sub-basin and at a minimum must meet the requirements of the Clean Water Act and the State's water quality laws.

Mr. Gray reviewed the current status of the stormwater ordinance update. The county submitted drafts of CCC 13.26A and 40.380 as well as technical manuals in July and received Department of Ecology's comments in August. Ecology supported most of the county's draft language, making several minor corrections and clarifying comments. In two areas, Ecology rejected the county's draft language; the predevelopment land cover condition and the flow control threshold for redevelopment and urban infill projects. Ecology's comments are posted on the Web at www.clark.wa.gov/stormwater.

Ecology rejected the county's proposed method for determining predevelopment land cover condition. The Commissioners and staff discussed the basis for using a forested predevelopment land cover; the result is that the county bears the onus of demonstrating different conditions using basin studies. It is generally accepted that the county was mostly forested with some prairie areas prior to settlement (historic prairie maps are included in the Clark County Stormwater Manual, Appendix B). Commissioner Stuart commented that aerial photographs should be sufficient evidence to support a different predevelopment condition at the parcel level.

Ecology rejected the county's proposed modification to the threshold for infill and redevelopment projects. Mr. Gray explained that only one other jurisdiction modified this requirement. Seattle proposed to decrease flow control in exchange for reducing the number of projects exempted. If Seattle demonstrates equivalent protection of surface water, then Ecology will accept it.

Commissioners and Mr. Gray discussed the potential influence of county capital stormwater projects and retrofits on standards. If basin studies demonstrate water quality improvement through county actions, standards for individual projects could be lowered.

Commissioner Stuart recommended building regional facilities and county capital projects to help ease impacts of stormwater regulations on redevelopment and infill. He suggested reviewing the Clean Water Fee in light of capital projects needed to improve water quality in areas of existing development. He requested that public land managers be present at discussions of stormwater capital opportunities to encourage multiple uses.

Commissioners Boldt and Stuart requested coordination on development codes with Phase II jurisdictions within Clark County.

Mr. Gray noted that the Pollution Control Hearings Board ruled that Phase I jurisdictions must require, not just allow, Low Impact Development (LID). Ecology will need to modify the NPDES Permit to implement that ruling. The county's draft encourages, but does not require, LID.

The Board gave staff the following direction:

- Address Ecology's minor corrections to the draft ordinances and manuals

- Retain the county's proposed standards for predevelopment land cover condition and redevelopment thresholds
- Hold at least two public hearings and potentially adjust the drafts in response
- Begin sub-basin planning and tie those plans into the stormwater ordinance
- Ensure that the regulations are as easy as possible to understand and administer

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