



## Sanitary and Stormwater Rules and Standards Update Task Force Meeting #3 - Thursday, November 15, 2018 Meeting Notes

### Participants

- Bruce Goldson, Theta
- Ben Austin, HHPR
- Cedomir Jasic, Cardno
- Kathleen Freeman, 3J Consulting
- Monty Hurley, AKS Engineering
- Ray Moore, All County Surveyors
- Lance Forney, All county Surveyors
- Josh Wheeler, City of Oregon City
- Justin Poyser, City of Gladstone
- Amy Pepper, City of West Linn
- Sally Curran, City of Happy Valley
- Deana Mulder, Clackamas County
- Jason Rice, Oak Lodge Water Services
- Jennifer Garbely, City of Milwaukie
- James Adkins, HBA Metro Portland

### Staff and Consultant Team

- Don Kemp, WES Development Review Supervisor
- Leah Johanson, WES Senior Civil Engineer
- Alissa Maxwell, Brown and Caldwell
- Libby Barg, Barney & Worth, Inc.
- Kimi Sloop, Barney & Worth, Inc.

### Agenda Items

**Minimum Requirements and Submittals:** Alissa Maxwell described the process that the technical team took to arrive at a short list of potential minimum requirements for stormwater management. She described 12 potential minimum requirements. The group did an exercise that provided feedback on each of the potential requirements and where in the permitting process they could/should be addressed (pre-application meeting, land use application, or building permit). A group discussion followed. Suggestions and comments follow:

- At the pre-application stage, the more insight that can be given to the applicant into how much of the site will be impacted by the criteria/how well the project will meet the baseline criteria, the better. This will provide more certainty when it comes to the land use review and will result in a more efficient process for developers because they can do site planning with more complete information.
- There is an acknowledgement that how much detail is provided by the applicant at the pre-application stage impacts how much feedback the agency is able to provide. A two-step process might help with information share. The first pre-application meeting could be more exploratory to identify challenges/issues. A second pre-application meeting would be more detailed. Although a drawback of this approach is extending the permitting timeline. Some communities allow developers to request an "informational meeting" prior to the official pre-app.
- The applicants don't want to be locked into doing a lot of work at the pre-app stage – they want to find out what the challenges are issues are.

- Infiltration feasibility should be addressed at the pre-application stage. If site conditions automatically prohibit infiltration (steep slopes, contamination, etc), then applicants want agreement that they don't have to do an infiltration test or design for infiltration. Developers should have the ability to apply for infiltration waivers early in the process (at the pre-application stage or before land use).
- Infiltration testing on sites that have the potential to infiltrate should be performed during the land use process. Applicants want to know the design infiltration rate to size their facilities during the land use stage.
- Operations and maintenance plans are not needed until after the land use stage. The design plans should show that O&M can be done (access, etc.), but the detail plan is not useful to the process.
- For erosion control and UICs, it is a matter of checking the box that a plan will be provided. There's no need to show ESC plans or provide UIC permits at the land use stage.
- Having a map of the areas the County already knows cannot infiltrate would provide more certainty.

**Rural Exceptions:** The group discussed when an exception to the permitting requirements should be allowed. For example, should there be an exception for the location or size of project? There was agreement that there should be an allowance for exceptions. Potential exceptions/standards mentioned included:

- Enough acreage on site that the stormwater can be addressed without adversely affecting their road and neighbors.
- Areas outside the UGB.
- If you have a point source, then it applies. If non-point, then it doesn't apply.
- Proximity to adjacent properties.
- Trails through natural areas or parks should have an exception.
- Partitions should have a bigger threshold.

**Downstream analysis:** The group discussed how the developer and agency could address the impacts of a project downstream. There was agreement that this is an issue that needs to be addressed. Key questions that need to be answered is who is responsible and how can it be equitably addressed. Potential solutions mentioned included:

- Do nothing if you meet regulations
- Over detain/retain more on site
- Fix done by downstream owners
- Everyone pays into a CIP project fund
- Different standards for different sized projects
- Conduct upstream analysis to determine if it will result in an issue on your property
- SDC credits for completing an agency CIP project

The threshold to conduct downstream analysis was also discussed. There should be a different threshold for the lots of record and partitions vs. subdivisions.

Agency staff noted that downstream flooding is the public concern that needs to be addressed. That's a topic where the public and surrounding land owners will weigh in on land use applications.

**Fee in Lieu:** The group discussed the concept of a fee in lieu. The group discussed different requirements that would work with a fee in lieu options.

Adjourned at 1:00 pm