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CLARK COUNTY
WASHINGTON

Environmental Services

TO: Clark County Planning Commission

FROM: Don Benton, Director of Environmental Services
Dean Boening, Clean Water Division Manager

DATE: 1 October 2015

SUBJECT: Clark County Stormwater Manual and code update project

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BACKGROUND:

Clark County Department of Environmental Services (DES) is in the final stages of a project to update the Clark County Stormwater Manual (CCSM) and related development code. Under the Washington Department of Ecology (Ecology) National Pollution Discharge Elimination System (NPDES) Phase I Municipal Stormwater Permit for Clark County (Permit) the county is required to update its stormwater manual and related development code to be equivalent to Ecology's *2014 Stormwater Management Manual for Western Washington (SWMMWW)*. The CCSM will be adopted by reference in the updated stormwater code when Clark County Code (CCC) Chapter 40.385 replaced by CCC 40.386.

The Water Quality Code, Chapter 13.26A, which regulates pollutant discharges and stormwater facility maintenance for existing land uses is revised to reference the new manual and remove outdated language.

Along with the stormwater code changes, Title 40 has a number of relatively minor revisions to update code references and make changes required to remove barriers to use of Low Impact Development (LID) as the required stormwater management method where feasible.

Staff will finalize all documents by the end of October in preparation for public hearing at the Board of County Councilors on December 1, 2015. All updates and revisions are required by the state Department of Ecology to become effective by January 8, 2015.

SUMMARY:

The proposed changes to the Clark County Stormwater Manual, Stormwater Requirements in CCC 40.385 and Water Quality requirements in CC13.26A will comply with the NPDES Permit requirement to create a stormwater management manual equivalent to the Washington Department of Ecology 2012 Stormwater Management Manual of Western Washington (Amended 2014). Minor revisions to Title 40 will remove barriers to the use of LID BMPs in development and redevelopment projects.

Numerous code changes are proposed:

- Remove design and submittal requirements from code language and move it to the design manual for a comprehensive technical manual (ease of customer use);
- Update all code to adopt Permit requirements for best management practices for stormwater management;
- Eliminate barriers to the use of Low Impact Development (LID) as the preferred approach for stormwater management in development and redevelopment projects; and,
- Create consistency amongst code chapter for stormwater language and references.

ANALYSIS:

Listed below are the key proposed code and manual changes. Specific changes are outlined in Exhibit 1, a binder of all proposed updates to the manual and Clark County Code.

1) **The updated CCSM will be a comprehensive technical document that will provide all requirements to meet county standards for stormwater management design, operations and maintenance.**

   The 2015 Clark County Stormwater Manual is a comprehensive stormwater manual that meets current state and federal regulations. The manual is an updated compilation of:

   - *2012 Stormwater Management Manual for Western Washington* published by Washington Department of Ecology, Amended December 2014.
   - *Clark County Stormwater Manual* adopted by Clark County, November 2009.
   - *Stormwater Facility Maintenance Manual* adopted by Clark County, January 2009.
   - *Appendix 1 – Minimum Technical Requirements for New Development and Redevelopment* of the Phase I Municipal Stormwater Permit: National Pollutant Discharge Elimination System and State Waste Discharge General Permit for discharges from Large and Medium Municipal Separate Storm Sewer Systems, issued by Department of Ecology to Clark County, as modified January 16, 2015.

   The CCSWM is designed for use by project planners and developers, design professionals, stormwater pollution source control specialists, and operations / maintenance staff. The manual includes references, checklists and forms necessary to assist the design of stormwater controls for a project. A "small project" section is included to assist applicants for projects such as single-family residence, which do not require a professional engineer.

   The on-line digital version of the manual will include hyperlinks to allow users to quickly navigate to desired sections.

2) **All Clark County Code (CCC) references to 40.385 will be replaced by the new CCC 40.386.**

   The proposed code changes update references to repealed CCC 40.385 (Stormwater and Erosion Control) to adopted CCC 40.386. Affected code sections include CCC: 6.110A (Fees); 13.26A (Water Quality); 14.07 (Grading, Excavation, Fill and Stockpile); 40.200 (Land Use District); 40.210 (Rural Districts); 40.230 (Commercial, Business, Mixed use and Industrial Districts); 40.240 (Columbia

Gorge Scenic District); 40.250 (Overlay Districts); 40.260 (Agricultural Stands and Markets); 40.320 (Landscape and Screening); 40.340 (Parking and loading standards); 40.350 (Transportation and Circulation); 40.360 (Solid Waste and Recycling); 40.430 (Geologic Hazard Areas – Administration); 40.450 (Wetland Protection); 40.460 (Shoreline Protection); 40.510 (Application submittal requirements); 40.520 (Site Plan Review); and, 40.570 (SEPA and County Decisions).

3) **Updated language in CCC 13.26A will clarify current regulations for compliance with Water Quality standards as defined by the Washington Department of Ecology.**

   Update CCC 13.26A to eliminate outdated language, conform to current standards for definitions formatting, all technical references that will be moved to the Clark County Stormwater Manual. This section will also update all requirements to comply with the current Department of Ecology regulations, including definitions.

4) **Residential code language will be updated to reference the most current national standards for Green Building design.**

   Update CCC 14.06 Clark County Residential to include updated information related to Green Building standards. Updates include 14.06.020 to reference the 2015 version of the International Residential Code. It will also add a reference to the International Green Construction Code (IgCC) that discusses green roof construction techniques and standards.

5) **Updated language in CCC 14.07 will provide greater clarity on the requirements to comply with grading regulations from submittals to inspections.**

   Update CCC 14.07 (Grading, excavation, fill and stockpile) to make definitions to current Department of Ecology terminology (such as "land-disturbing activity"). The section will also include requirements related to site plan submittals and stormwater grading inspections. These updates will create greater consistency amongst required language and practices, as further described in CCC 40.386. Additional stormwater grading inspections will close the gap between submitted and approved plans to the on-site requirements reviewed by Clark County inspectors.

6) **Updated language in CCC 14.100 creates clarity and consistency amongst definitions used throughout the code and matches language per the Department of Ecology.**

   Update CCC 40.100 (Introductions and Administration) to add new definitions that are used in the Clark County Stormwater Manual as well as update existing definitions to new language in the Department of Ecology stormwater manual. Definition changes include "bioretention facility," "hard surface," "land disturbing activity," "MS4," "paved surface," "permeable pavement," and "stormwater facility."

7) **Updated language in CCC 14.320 creates greater consistency in design techniques that incorporate LID features while meeting other standards, such as landscape screening.**

   Update CCC 40.230 (Commercial, Business, Mixed use and Industrial Districts) to reflect new requirements per the Department of Ecology, including the use of Low Impact Development (LID). Most changes are in the landscaping sections that should allow landscape features to include LID elements such as bioretention while meeting various screening requirements. The proposed changes also add language to reduce the potential for source related pollution from outdoor storage areas (need to contain and treat stormwater runoff).

8) **Updated language in CCC 14.320 to expand the use of plantings to utilize LID design techniques while meeting all screening requirements.**

   Update CCC 40.320 (Landscaping and Screening) to allow for the use of LID techniques and features in development projects. Specific changes include allowing permeable pavement in landscape areas, specific plantings for bioretention areas, and minimizing conflict between LID plantings and screening requirements. The goal is to reduce impervious surfacing and allow more plantings that support infiltration of stormwater.

9) **Updated language in CCC 14.360 to create better design of stormwater catchment and treatment from exterior storage areas prior to discharge to a stormwater facility.**

   Update CCC 40.360 (Solid Waste and Recycling) to reference compliance with CCC 40.386 for design and construction of exterior solid waste containment areas. Stormwater that enters dumpster, compactor, and recycling storage areas have the potential to release polluted stormwater directly to the stormwater catchment facilities. Redesign of the storage areas will provide a reduction in the risk for pollution to get to stormwater inlets.

10) **Updated language in CCC 14.460 will ensure compliance with development projects to use LID and minimize environmental impact.**

    Update CCC 40.460 (Shoreline Master Program) to include a statement that requires the use of Low Impact Development techniques for development and redevelopment projects.

11) **Updated language to limit earlier stormwater approvals to five years after adopting 40.386 and CCSWM.**

    Update CCC 40.500 (Overview of Procedures) to include stormwater approval limitations of the 2013 NPDES municipal stormwater permit.

PROPOSED ACTION:

The Planning Commission approve proposed the Clark County Stormwater Manual and related codes revisions as listed herein and recommend adoption by the Board of County Councilors.

RECOMMENDATION:

Based upon the information and the findings presented in this report and in the supporting documents, staff recommends that the Planning Commission forward to the Board of Clark County Councilors a recommendation of **APPROVAL** of the Clark County Stormwater Manual and related codes, including CCC 40.386, CCC 13.26A and related Title 40 development code sections.

Attachment:

Exhibit 1 – Binder of *Clark County Stormwater Manual* and Code update project:

1) Planning Commission Staff report for October 1 & 15, 2015
2) Review documentation – Department of Commerce; SEPA; Department of Ecology
3) Proposed 40.386 (to replace repealed 40.385)
4) Amended 13.26A - with underline / strikeout

5) Matrix of all proposed code changes (as submitted to Department of Commerce)
6) Clark County Stormwater Manual cover / introductory chapter
7) CCSWM Book 1
8) CCSWM Book 2
9) CCSWM Book 3
10) CCSWM Book 4