

## D & C Standards Phase 1 update Key Topics Public Meeting

### Summary of Discussion and Stakeholder Feedback

Thursday, October 6, 2016, 9-11 a.m.

Clean Water Services, Tualatin Room, 2550 SW Hillsboro Hwy, Hillsboro, OR 97123

Nearly 50 stakeholders attended the key topics discussion meeting, representing public agencies, builders and developers, consultants, and community groups. The Design and Construction Standards (Standards) update process is being driven by new requirements in the District's recently renewed NPDES/MS4 permit watershed-based permit (Permit). Clean Water Services (CWS) staff reviewed the timeline and topics that will be addressed in both Phase 1 and Phase 2 of the process. The purpose of this meeting is to discuss the Phase 1 Key Topics. These discussions are summarized below.

#### Key Topic 1: 1,000 ft<sup>2</sup> water quality treatment threshold

CWS staff described how this new treatment threshold will affect the Standards. For most multi-lot or larger single-lot developments, there will be little to no change. The biggest impact will be for development of single family/duplex lots and minor land partitions which are currently exempt from treatment requirements. Those blanket exemptions will no longer be available.

Questions were raised about how the new treatment threshold will affect the redevelopment and water quantity portions of the Standards. CWS staff clarified that redevelopment standards will continue to apply and will be expanded to apply to new single family construction and partitions. CWS staff noted that the 1,000 ft<sup>2</sup> threshold applies to water quality treatment requirements. Any changes to water quantity requirements will be evaluated and addressed as part of Phase 2.

Significant feedback from stakeholders included:

- siting on-site stormwater treatment facilities may be difficult on partitions and existing single family lots due to lot size and topography
- a desire for clear and objective standards to provide surety and allow flexibility through the application of a "variance" process

#### Key Topic 2: Prioritization of Low Impact Development Approaches (LIDA)

The new Permit language will require consideration of LIDA and Green Infrastructure before allowing the use of other structural controls (such as cartridge systems, also known as "filter vaults") or paying a fee-in-lieu. This most likely will require developing a "decision tree" or flowchart of criteria to be used in determining whether LIDA has been "prioritized." Criteria could include land use, lot constraints, topography, and density. In addition, CWS proposes to define the existing vegetated water quality swales and dry basins (listed in Section 4.06) as Low

Impact Development Approaches (listed in Section 4.07). This simple change in how the existing facilities are defined will mean little to no change for most multi-lot developments currently constructing vegetated swales and basins to meet water quality treatment requirements. (Multi-lot developments will also still have the option of using lot-level LIDA.) The biggest potential impact will be for those developments which are currently allowed to construct filter vaults to meet their treatment requirements.

Significant feedback from stakeholders included:

- a desire for clear and objective criteria for the treatment “decision tree”
- concerns that LIDA requirements will reduce buildable area
- concerns regarding the use, long-term functionality, and maintenance of planter boxes on small single family lot sites
- concerns about the potential physical and fiscal impacts of being required to use LIDA on redevelopment sites where existing topography, pipe depths and site amenities often present design challenges

Incentive and credit ideas generated by the stakeholders included:

- allowing LIDA in setbacks and crediting LIDA towards landscape requirements
- developing a sizing tool/calculator that will facilitate design and engineering (City of Portland and Clackamas County referenced)
- providing LIDA credits for a significant net reduction in impervious area, vegetated corridors and upland tree preservation

Significant clarifications from CWS included:

- continued use of the existing design storm
- retaining a voluntary option for infiltration testing but not requiring infiltration testing to prove infiltration-based LIDA is infeasible in areas known for low infiltration rates or high ground water

### Key Topic 3: Redevelopment

CWS staff reviewed the history of the redevelopment standards and the 2012/2013 update effort, where significant work was done on this topic. Three options were presented: A modified Table 4-1 with additional breakpoints for treatment of existing area, a simplified proposal using a straight 3:1 (existing area to new impervious area) treatment ratio, and a hybrid.

Significant feedback from stakeholders included:

- desire for credits for net reductions in impervious area to incentivize the removal of existing impervious surface

- continue to allow trading of treatment areas either onsite or nearby
- consider exempting certain types of development activities (non-profit uses and City of Portland’s exemption for ADA upgrades mentioned)
- desire for a simple approach with an option to choose a variable path for more flexibility, a specific treatment requirement for single family properties, and allowing fee-in-lieu

Significant clarifications from CWS included:

- exemptions should avoid “user class” and focus on specific physical characteristics of development
- no change is planned for the existing Standard which allows for treating off-site areas and promotes co-location of treatment for new development and existing areas

### Other Discussion Items

- Concerns about increased costs to future homeowners as a result of the new standards
- Implications for projects already being designed and engineered—consider phasing in implementation

### Next Steps

CWS staff will use the feedback from this meeting to develop draft Standards.

- Visit [cleanwaterservices.org/dncupdate](https://cleanwaterservices.org/dncupdate) for the latest drafts and information.
- Send comments and questions to [dncupdate@cleanwaterservices.org](mailto:dncupdate@cleanwaterservices.org).