

DATE: June 3, 2019

TO: Clean Water Services Advisory Commission (CWAC) Members
and Interested Parties

FROM: Mark Jockers, Government & Public Affairs Director

**SUBJECT: REMINDER OF AND INFORMATION FOR JUNE 12, 2019 CWAC
MEETING**

This is a reminder of the Clean Water Services Advisory Commission (CWAC) meeting scheduled for **Wednesday, June 12, 2019** at the District's main office, 2550 SW Hillsboro Highway. The CWAC meeting packet will be mailed to Commission members on June 4 and posted to the [CWAC section](#) of Clean Water Services' website.

Dinner will be served for CWAC members at 5:30 p.m. **Please call or send an email to Stephanie Morrison (morrison@cleanwaterservices.org; 503.681.5143) if you are unable to attend** so food is not ordered for you.

Enclosures in this packet include:

- June 12 Meeting Agenda
- May 8 Meeting Notes

Clean Water Services Advisory Commission

June 12, 2019

AGENDA

6:30 p.m. Welcome & Introductions

6:35 p.m. Review/Approval of Meeting Notes of May 8, 2019

6:40 p.m. Calendar invitation for the 2019 meeting schedule

- Mark Jockers, Government & Public Affairs Director

Requested action: *Informational*

6:45 p.m. Design & Construction Standards Update

Staff will review adopted fee-in-lieu strategy and proposed analysis methodology and discuss potential revisions.

- Nora Curtis, Managing Director, Utility Operations & Services
- Damon Reische, Development Services and Systems Planning Division Manager

Requested action: *Review and input*

7:45 p.m. Announcements

8:00 p.m. Adjourn

Next Meeting: July 10, 2019

**Clean Water Services
Clean Water Advisory Commission
May 8, 2019 | Meeting Notes**

Attendance

Attending the meeting from CWAC:

- Commission Chair Tony Weller (Homebuilder-Developer)
- Commission Vice Chair Mike McKillip (District 3/Rogers)
- Art Larrance (At-Large/Harrington)
- John Jackson (Agriculture)
- Judy Olsen (Agriculture)
- Stu Peterson (Business)
- Lori Hennings (Environmental)
- Diane Taniguchi-Dennis
(Clean Water Services Chief Executive Officer (non-voting))
- David Waffle (Cities/non-voting)

Absent:

- Nafisa Fai (District 1/Schouten)
- Molly Brown (District 2/Treece)
- Andy Duyck (District 4/Willey)
- Kevin Wolfe (Business)
- Kris Balliet (Environmental)
- Matt Wellner (Homebuilder-Developer)

Attending the meeting from Clean Water Services:

- Mark Jockers, Government and Public Affairs Director
- Nora Curtis, Managing Director, Utility Operations and Services
- Damon Reische, Planning and Development Services Division Manager
- Stephanie Morrison, Office Manager

Attending the meeting from the public:

- Dale Feik

1. Call to Order

Mr. Weller called the meeting to order at 6:34 pm in the Tualatin Room at the Clean Water Services (CWS) Administration Building Complex in Hillsboro, Oregon.

2. Previous Meeting Notes

There were no comments regarding the notes from the last meeting, March 13, 2019.

3. Budget Committee Report

The Budget Committee, composed of the Clean Water Services Board of Directors (Board) and five CWAC members, met on May 3, 2019, to review CWS' proposed budget. Staff and committee members provided a report on the meeting and its outcome.

Mr. Jockers thanked the CWAC members who serve on the Budget Committee. All five Washington County Commissioners attended the meeting. It was the first budget cycle for Chair

Harrington, Commissioner Treece and Commissioner Willey; it was also the first budget cycle for Ms. Taniguchi-Dennis as CEO. The proposed budget will go before the Board on June 18, 2019.

CWAC members who attended the budget meeting shared some highlights:

- Balance between innovation, low rates, growing communities and capital project needs.
- Quality of budget materials
- Appreciative of effort required to keep the doors open and the water flowing the right way.
- Acknowledged the magnitude of upcoming projects that happen once in a generation.
- Graphic summaries were very informative and could be used in a dashboard or on the public website.
- A utility could easily focus on permit compliance and nothing else; CWS has an interesting story and a great approach to the mission.

Ms. Taniguchi-Dennis thanked the group for its support.

4. Design and Construction Standards Update

At the April 2, 2019, Board meeting, the Board adopted revised Design and Construction Standards regarding hydromodification. The Board also directed staff to present a plan for evaluating potential further revisions. At the April 16, 2019, Work Session, the Board renewed CWAC's charge to act as a sounding board and provide input to staff regarding revisions to the Design and Construction Standards that are expected to come before the Board in Fall 2019. Ms. Curtis and Mr. Reische provided updates on the Board's charge and the scope and schedule for the Fall 2019 Standards Amendments (**presentation attached**).

Questions and comments related to the Design and Construction Standards update are in Appendix A.

Mr. Reische reviewed the significant actions since the March 13, 2019, CWAC meeting. The first Public Hearing before the Board was held on March 26, 2019. At that meeting, staff proposed a number of changes to the draft Standards, including:

- Infill exemption analysis: Clarify exclusions of "remaining developable area."
- Street trees: Allow for credit.
- Clarify impervious area used for remodels, additions, etc. on existing single family lots.
- Pond orifice sizing: Address possible conflict between co-implementer standards.
- Underground detention: Add inspection ports and manholes, add approval by road owner and maintainer.
- Vegetated swale: 3-foot maximum ponding depth.
- Correct grammatical errors.

Testimony at the Public Hearing was primarily focused on fee-in-lieu, with the Homebuilders advocating for further expansion of the program and Riverkeepers advocating for limiting its use. Additional testimony was given regarding the use of underground detention, the calculation of impervious surface on small lots and design standards for ponds. The Board directed staff to make the recommended changes, evaluate potential additional changes based on testimony and continued the Public Hearing to April 2.

- At the April 2, 2019, continued Public Hearing, staff presented Standards with the Board-directed changes and recommended two additional changes regarding the per lot impervious area used for design of stormwater approaches on lots 3,000 square foot (sf)

or smaller and setting criteria for review and approval of detention pond designs deeper than 5 feet.

A late proposal to expand fee-in-lieu was abandoned. Staff was concerned that the timing of the change would not allow robust public comment in time to meet permit requirements. The Board adopted the Standards as recommended and directed staff to return on April 16, 2019, with a scope and schedule for evaluating potential additional changes to the fee-in-lieu program.

- On April 16, 2019, staff presented a proposed scope, criteria and schedule for Fall 2019 amendments to the Board. The Board directed staff to proceed and continue to use CWAC for stakeholder engagement.

Mr. Reische presented the Commission with the scope of the Fall 2019 Amendments:

- Revise pump station standards.
- Update design details.
- Incorporate implementation refinements to RO 19-5.
- Address DEQ comments on Hydromodification Assessment Report. (DEQ mostly asked clarifying questions, but seemed generally pleased with approach.)
- Explore refinements of on-site alternatives.
 - Regional stormwater management projects.
 - Fee-in-lieu program components.
 - On-site/regional combination.

Mr. Reische reviewed the criteria for Fall 2019 Amendments:

- Meet NPDES permit requirements, consistent with the Hydromodification Assessment Report.
- Defend from economic, legal and regulatory perspectives.
- Consider site, regional and programmatic approaches.
- Increase protection and enhancement of natural resources.
- Update technical specifications for consistency with industry standards.
- Ensure Standards are easily implementable across all jurisdictions.
- Include corresponding fee structure.

A tentative timeline has been established based on the implementation policy and how quickly a new project working under the new Standards might be subject to paying a fee-in-lieu.

- June 18: New rates and charges announced.
- June 2019: Board tour.
- June 12: Update CWAC.
- July 10: Update CWAC.
- Sept. 1: Public notice amendments.
- Sept. 10: Work Session (tentative).
- Sept. 11: Update CWAC.
- Sept. 24: Public hearing (tentative).
- Oct. 1: Adopt revised rates and charges.

Mr. Reische and Ms. Curtis anticipate briefing CWAC at every meeting through the adoption of the amendments.

The Rates and Charges that will go before the Board on June 18, 2019. The fee-in-lieu for combined water quality and hydromodification will be \$1.50 per square foot of impervious area created or modified. The fee-in-lieu solely for water quality or solely for hydromodification will be \$1 per square foot of impervious area created or modified.

5. Leaf Program report to the Board

On April 23, 2019, staff briefed the Board on CWAC's review and recommendations for the Leaf Program. Ms. Curtis provided a report on the Board discussion. (**presentation attached**).

Questions and comments related to the Leaf Program are in Appendix B.

Ms. Curtis reviewed the CWAC recommendations.

- Eliminate CWS' curbside leaf pickup.
- Promote the use of green yard debris bins.
- Increase the number of leaf drop days and participating locations.
- Continue enhanced storm patrol.
- Continue routine street sweeping.

The Board confirmed the CWAC recommendations at its April 23, 2019, meeting and thanked the Commission for its work.

The Board acknowledged the process was long and detailed and the recommendations would not be universally popular. There was much discussion about outreach, messaging and the challenges of implementation. Despite the challenges of discontinuing the program, the Board confirmed the recommendations because the Leaf Program is fundamentally inequitable, and therefore inconsistent with the *County 2020 Strategic Plan* that included equity of services as a fundamental tenet.

What's next?

- Fall 2019: Continue existing program.
- Fall 2019: Focus public outreach on informing impacted customers about changes and solicit input on preferred times, days and locations for additional leaf drop days.
- Spring-Summer 2020: Communicate change.
- Fall 2020: Expand leaf drop days; discontinue curbside pickup.

CWS will keep CWAC apprised throughout the process.

6. Public comment

Dale Feik, who lives in Forest Grove and is the chair of the Washington County Citizen Action Network, shared several observations.

- **Design and Construction Standards:** Spoke in favor of the Standards at a Public Hearing. He said CWS has technical skills and is very knowledgeable; the Standards are solid. CWS staff has done a good job developing the Standards.
- **Subdivisions:** Mr. Feik asked for clarification on the use of variances and the need for inspections. Ms. Taniguchi-Dennis said CWS conducts inspections for erosion control and private water quality facilities. Ms. Curtis said the number of water quality facilities is growing rapidly, from 600 to more than 1,000 in the next few years. CWS publicly maintains those facilities; it is not a variance. They are facilities that were installed as part of development.
- **Hagg Lake:** Stimson Lumber Company has been fined for major air violations. Mr. Feik encouraged CWS to conduct a major environmental impact review of the Stimson site. He also shared concerns about methyl mercury in the lake and has sent EPA papers on the topic to CWS staff.
- **PFAS:** Mr. Feik asked if CWS tests for PFAS. He has communicated his concerns about the chemical and shared information with CWS staff members. Ms. Taniguchi-Dennis said it is a chemical of interest. Dr. Ken Williamson and Bob Baumgartner, who head the Regulatory Affairs Department, are following EPA studies, developments and requirements.

7. Announcements

- Mr. Jockers invited members of CWAC to a barbeque celebrating the Tualatin Interceptor Project on Friday, May 10, 2019, at noon at Cook Park.
- Mr. Jockers will ask the Board if CWAC members can join the tour on June 11.
- The next CWAC meeting is scheduled for Wednesday, June 12, 2019.

7. Adjournment

Mr. Weller adjourned the meeting at 8:02 pm.

(Meeting notes compiled by Jody Newcomer.)

Appendix A
Clean Water Services Advisory Commission Meeting Notes
May 8, 2019

Questions and comments regarding Design and Construction Standards:

Fee-in-Lieu

Q: Where do fee-in-lieu funds go and how protected are the funds?

A: Fee-in-lieu funds will be used for stormwater management mitigation such as a retrofit fund project, stream enhancement or programmatic project. It's an area still to be defined.

Q: Is fee-in-lieu paid to the seven large cities or CWS?

A: Today the fee is collected by the jurisdiction issuing the permit. Who retains the fee is under discussion.

This could cause cities to rethink what they're doing.

Q: When will that happen? Will it happen in the same small-ish watershed?

A: CWS has thought of fee-in-lieu as small impacts; it might not make sense to apply a fee in the same basin where the fee is collected. CWS currently has a regional stormwater management charge that is similar to a system development charge where fees are directly tied to the cost of their projects. CWS is suggesting that if a fee collected for a specific project isn't adequate, there might be a better use and higher priority for the funds.

Fee-in-lieu will be adopted with the Rates and Charges on June 18, but they probably won't be collected until the end of the year because of where projects are in the pipeline.

Sub-basins

Q: When the sub-basin plan is finalized, will you have the ability to look at a system development charge component for capital projects?

A: Yes. CWS has a regional stormwater management charge. It's been in the Rates and Charges for three years; it's been adjusted for inflation and there's a minor adjustment coming in June.

The goal is to try to develop sub-basin strategies to cover the CWS district. North Bethany and River Terrace have sub-basin strategies and CWS is working to develop more strategies. Fee-in-lieu is a placeholder.

Q: What are we talking about with sub-basins?

A: Two sub-basin strategies are in place in North Bethany and River Terrace, which are each about 600 acres. In North Bethany, there were 17 facilities planned to serve the 5,000 units as opposed to a facility for every single development. That approach could've created approximately six times the number of facilities in North Bethany.

CWS is doing serious analysis at a sub-basin level — looking at how the stream system is functioning, how it's being impacted and future impacts. As CWS starts identifying strategies, we identify smaller areas. The North Bethany strategy area is within the Rock Creek sub-basin. CWS thought about Rock Creek downstream when we planned the 17

ponds. North Bethany would be a stormwater island and wouldn't impact Rock Creek downstream.

Q: When you look at sub-basin strategies, it might be interesting to look at the existing development and potential for development. In the middle of an urban area I'd rather see money go to fix streams rather than spend money on a useless facility. I'd rather to something proactive.

A: That's some of the analysis we hope to do.

Dam safety

Q: How do the Standards connect with the dam safety work?

A: CWS wants to stay below the threshold for dam safety, otherwise dam safety requirements are triggered.

Q: Your requirements for ponds should be below dam thresholds?

A: Dams can be less than 9 feet in the state rules. A 9-foot dam triggers different threshold for monitoring and inspections. You can have a dam at two feet. There are dam safety recommendations below 9 feet and requirements above 9 feet.

If you're excavating a pond, and you're not building a berm, you're not going to have a dam. Issues crop up on steeper sites.

Soil

Q: A separate geotech will be done for soils, right?

A: If a developer is trying to demonstrate infiltration for a site as a way to address hydromodification and matching post-development flow with pre-development flow, geotech data could be necessary. If a developer is creating a pond to hold back water, that data might not be necessary.

Q: You're looking at soil conditions in streams and impacts.

A: Soils are considered in selection. We don't want or advocate for large ponds on areas susceptible to landslides. That's included in the initial screening.

Right now with the base strategy, these details are calculated for each individual project. The idea of a sub-basin strategy is to calculate the best strategy for the sub-basin so developers can plug in to regional stormwater management approach.

General

Q: When does the land use application process start and how long does it take?

A: A land use application is required to be processed within 120-150 days; Washington County is using all the allowed time. The engineering approval and technical review process starts after land use approval.

The length of the process is affected by the quantity of applications and quality of application.

Q: What is CWAC's role?

A: The Board renewed CWAC's charge at its April 16 Work Session:

- Act as sounding board.
- Provide comment and input on date considered, analyses and proposed amendments.
- Focus on stormwater management amendments.

Q: Did we meet the April 22 deadline specified in the permit even with the additional changes to the Standards?

A: Yes. We put Standards in place that address hydromodification on April 22, 2019. The Standards have to be in compliance with the permit requirement, which is broad; and in compliance with the hydromodification assessment strategy that was submitted in February. DEQ has accepted the strategy.

Oregon DEQ is delegated authority from EPA and issues the CWS permit. Ultimately, these are federal rules implemented through state permits in this area.

Comments

- Consider changing terminology to design modification instead of variance for pond designs.

Appendix B
Clean Water Services Advisory Commission Meeting Notes
May 8, 2019

Questions and comments regarding the Leaf Program:

Q: Are you going to talk about inception of program? Context is important.

A: Yes. Commissioner Treece focused on messaging and what we should include. The program didn't come out of nowhere and changes aren't coming out of nowhere. More changes can be made.

Q: Have we discussed ways to assist populations that can't participate in drop sites due to physical limitations or other concerns.

A: CWS will be working on that and including in its outreach. One of the recommendations is promoting use of green yard debris bins and CWS will work with County solid waste. Messaging will be important to many audiences

Green bins have disadvantages, including the use of plastic.

Bags are ok, but there's an associated cost.

Q: Did you model this after someone's program?

A: It's consistent with programs in Tigard, Tualatin and Beaverton. Curbside service is not equitable, it's expensive and it's not sustainable.

This will impact almost exclusively Commissioner Schouten and Commissioner Treece's districts.

Comment: The opportunity to coordinate leaf drops with cities could be win-win. They're very popular.

Design & Construction Standards Amendments, Fall 2019

Nora Curtis, Utility Operations & Services Managing Director
Damon Reische, Planning & Development Services Division Manager

Clean Water Advisory Commission
May 8, 2019



D&C Update Events

March 13, 2019

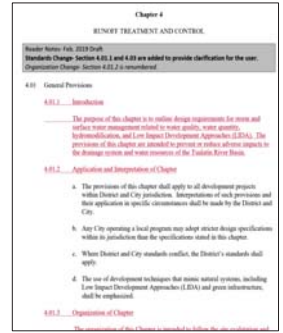
- Last CWAC Meeting

March 14, 2019

- Response to Comments: Preliminary Draft Standards
- Proposed Draft for Public Hearing, Chapters 1, 2, & 4

March 26, 2019

- Board Work Session & Public Hearing
- Public Hearing Continued
- Staff Proposed Changes



Staff Recommended Changes - Directed by Board March 26, 2019 Meeting

- Infill Exemption Analysis: clarify exclusions of "remaining developable area"
- Street Trees: Allow for credit
- Clarify Impervious Area used for remodels, additions, etc. on existing single family lots
- Pond Orifice Sizing: address possible conflict between co-implementer standards
- Underground Detention
 - Add inspection ports and manholes
 - Approval by road owner and maintainer
- Vegetated Swale: 3' max. ponding depth
- Fix copy/paste error in Section 4.03.2



D&C Update Events

March 13, 2019

- Last CWAC Meeting

March 14, 2019

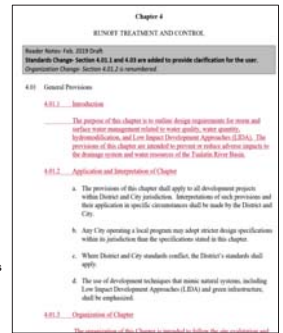
- Response to Comments: Preliminary Draft Standards
- Proposed Draft for Public Hearing, Chapters 1, 2, & 4

March 26, 2019

- Board Work Session & Public Hearing
- Public Hearing Continued
- Staff Proposed Changes

April 2, 2019

- Board Work Session & Continued Public Hearing
- Draft with Directed Changes & Additional Changes
- Board closes Public Hearing, Directs Additional Changes, & Adopts Standards



Additional Recommended Change - April 2, 2019 Meeting Impervious Area Used in Design

Chapter 4.08.1

- For lots **3000** sf or smaller, the per lot impervious area used for design of stormwater approaches may:
 - Be calculated based on maximum lot coverage per local development code; or
 - Statistical average of 2640sf
- Change from 2500 sf lot size limitation

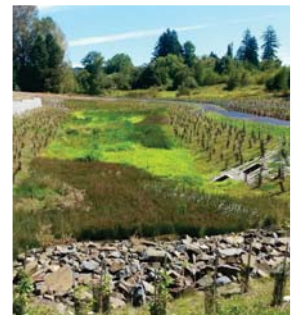


Additional Recommended Changes – April 2, 2019 Meeting Pond Depth Variance

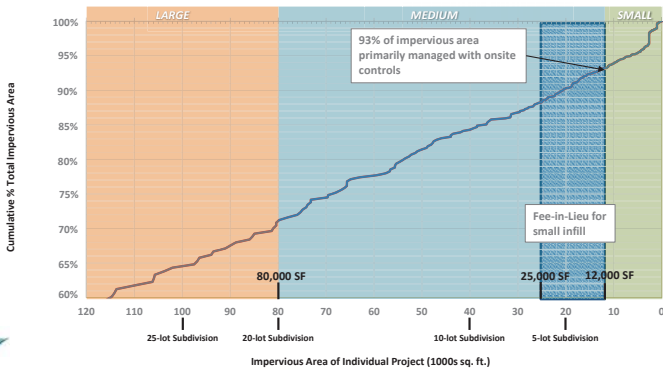
Chapter 4.09.2

- Sets criteria for review and approval of detention pond designs deeper than 5'

- Alternative must:
 - Meet all other pond design and performance criteria
 - Maintain water quality treatment function including plant survivability
 - Be able to be accessed and maintained with existing equipment
 - Limit 30" or higher walls to 50% of perimeter
 - Limit ponding depth to 9'
 - Not trigger dam safety requirements-may require inundation analysis

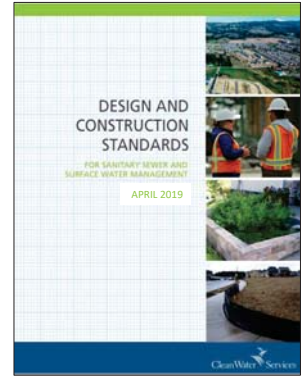


Project Size Thresholds



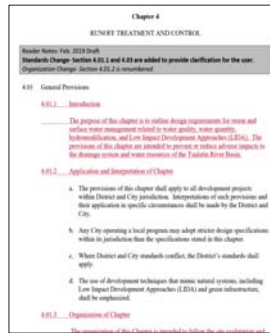
April 2, 2019 Board Actions

- Directed staff to make additional recommended changes
- Adopted Revised Standards (R&O 19-5), effective April 22, 2019
- Directed staff to present a plan and process for further potential revisions at the April 16, 2019 Work Session



D&C Update Events

- March 13, 2019**
 - Last CWAC Meeting
- March 14, 2019**
 - Response to Comments: Preliminary Draft Standards
 - Proposed Draft for Public Hearing, Chapters 1, 2, & 4
- March 26, 2019**
 - Board Work Session & Public Hearing
 - Public Hearing Continued
 - Staff Proposed Changes
- April 2, 2019**
 - Board Work Session & Continued Public Hearing
 - Draft with Directed Changes & Additional Changes
 - Board closes Public Hearing, Directs Additional Changes, & Adopts Standards
- April 16, 2019**
 - Work Session
 - Staff Proposal – Scope, Criteria, & Schedule for Fall 2019 Amendments
 - Board Direction to Proceed and Continue to Use CWAC for Stakeholder Engagement



Scope of Fall 2019 Amendments

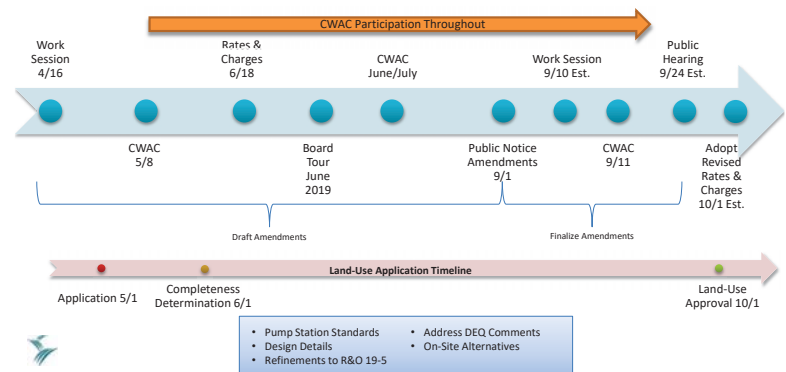
- Revise Pump Station Standards
- Update Design Details
- Incorporate Implementation Refinements to R&O 19-5
- Address DEQ Comments on Hydromodification Assessment Report
- Explore Further Refinements of On-Site Alternatives
 - Regional Stormwater Management Projects
 - Fee-in-Lieu Program Components
 - On-site/Regional Combination



Criteria for Fall 2019 Amendments

- Meet NPDES permit requirements, consistent with Hydromodification Assessment Report
- Defensible from economic, legal & regulatory perspectives
- Consider site, regional and programmatic approaches
- Increase protection and enhancement of natural resources
- Update technical specifications for consistency with industry standards
- Easily implementable across all jurisdictions
- Include corresponding fee structure

Fall 2019 Amendments Timeline



CWAC's Role

- April 16 Work Session Board Renewed CWAC's Charge
- Act as Sounding Board
- Provide Comment and Input
 - [Data Considered](#)
 - [Analyses](#)
 - [Proposed Amendments](#)
- Focus on Stormwater Management Amendments



CLEAN WATER SERVICES LEAF PROGRAM

April 23, 2019
Board Work Session

Nora Curtis and Ryan Sandhu / Utility Operations & Services
Shannon Huggins / Government & Public Affairs



CleanWater Services

CLEAN WATER SERVICES LEAF PROGRAM

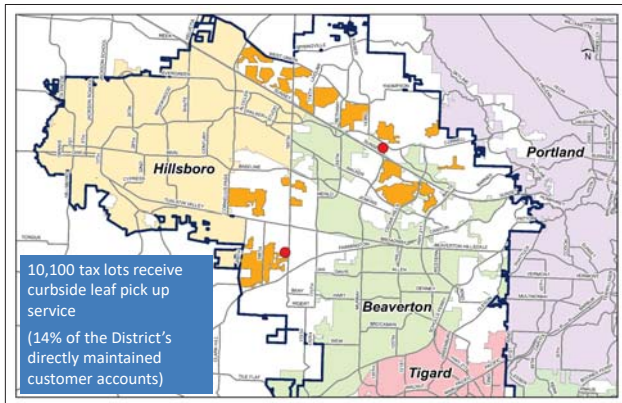
- Today's Purpose
 - Report to the Board on recommendations resulting from its March 2018 charge to CWAC related to the District's Leaf Program
- Desired Outcomes
 - Confirmation of CWAC's recommendations
 - Guidance on implementation details



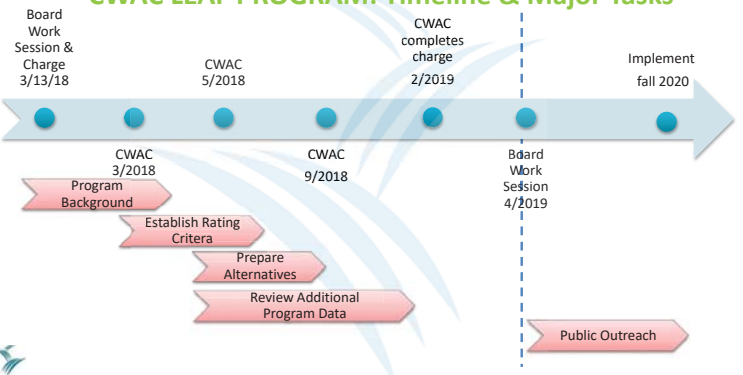
CHARGE TO CWAC

- On March 18, 2018, the Board charged CWAC with reviewing, discussing and providing a recommendation to the Board of Directors and staff on issues related to the Leaf Program including:
 - Review of current program;
 - Development of criteria to evaluate program alternatives;
 - Development of program alternatives and review against criteria; and
 - Provide recommendations to Board.

CURBSIDE LEAF PICKUP AND LEAF DROP DAYS



CWAC LEAF PROGRAM: Timeline & Major Tasks



CWAC RECOMMENDATIONS

- Discontinue District's curbside leaf pickup;
- Promote use of green yard debris bins;
- Increase the number of leaf drop days and participating locations;
- Continue enhanced storm patrol; and
- Continue routine street sweeping.



NEXT STEPS

- Fall 2019: Continue existing program
- Fall 2019: Focus public outreach on informing impacted customers about the changes and solicit input on preferred times, days and locations for additional leaf drop days
- Spring-Summer 2020: Provide notice of changes
- Fall 2020: Expand leaf drop days; discontinue curbside
- Provide updates to the Board on progress

