

Development and Engineering Advisory Board Meeting
November 8, 2024
2:30pm - 4:00pm
Public Service Center
Meeting held by Microsoft Teams

Board members in attendance: Sherrie Jones, Mike Odren, Jeff Wriston, Dan Wisner, James Howsley, Andrew Gunther, Seth Halling, Eric Golemo.

Board members not in attendance: Ryan Wilson and Terry Wollam.

County Staff: April Furth, Brent Davis, Naomi Patibandla, Chris Carle, John McSherry, Laura Hoggatt, Michelle Dawson, Victoria Abram, Mikaela Rankin, Rod Swanson, Devan Rostorfer, Steve Gallup.

Public: Travis Johnson, Houston Aho, Jackie Lane, Justin Wood, Nick Massie, Trista Kobluskie, Teresa Hardy.

Call to Order: 2:30 pm

- **Administrative Actions:**
- Introductions
- DEAB meeting is being recorded and the audio will be posted on the DEAB website.
- Review/adopt last month's minutes (adopted)
 - Mike Odren proposed correction on page 4 of the minutes, two thirds down the page, LIEN should be spelt LEAN.
- Review upcoming events:
 - COUNTY COUNCIL Work Sessions:
 - November 6, 2024 at 9 AM.
 - 2025-2030 Transportation Improvement Program & 2025 Annual Construction Program
 - Parks and Lands Draft 2025-2030 Capital Improvement Plan
 - COUNTY COUNCIL Meetings:
 - November 5, 2025 at 10 AM.
 - 2024 Fall Budget Supplemental Appropriation
 - Merging Timberland & Designated Forestland Programs
 - PLANNING COMMISSION Work Sessions:
 - November 7, 2024 at 5:30 PM
 - Affordable Housing Code Amendments
 - CPZ-2024-00002 Resource and Rural Districts Amendment
 - PLANNING COMMISSION Public Hearings:
 - November 7, 2024 at 6:30 PM
 - Land Use Alternatives for DEIS
 - November 21, 2024 at 6:30 PM
 - Affordable Housing Code Amendments
 - CPZ-2024-00002 Resource and Rural Districts Amendment
- DEAB MEETING:

- December 5, 2024 at 2:30 PM.
 - DEAB member announcements:
 - Victoria Abram:
 - Three DEAB Member terms will be expiring on 12/31/2024. There is also a vacant seat.
 - Eric Golemo (Private-sector professional engineer/planner)
 - Jeff Wriston (Construction contractor)
 - Terry Wollam (At-large/development work)
 - Vacant seat (Public-sector professional engineer/planner)
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 - Eric Golemo:
 - Do we want to make recommendations to the Planning Commission tonight as a board?
 - It's not on our agenda today.
 - James Howsley responded: I think there is going to be a lot of testimony tonight in this regard and maybe it would be better to wait until that testimony comes in and maybe stake out a position from there.
 - Eric Golemo: That is a good plan of action because all of that could change between now and the board and we're technically an advisor to the board, not the Planning Commission. They have asked us in the past because they have relied on some of our expertise for our opinion, but they haven't done that yet.
 - James Howsley: So long as we hold the December meeting, my understanding is that we would have time to do a recap of the Planning Commission work session.
 - Mike Odren: I might suggest, if we have an open position in December that we have Jose (Alvarez) join and provide some background information and an overview of the testimony.

2025-2030 Transportation Improvement Program (TIP) Update

Presenters: Chris Carle (Clark County Public Works Program Manager) & John McSherry (Clark County Public Works Capital Programs Specialist)

- Guiding Principles and Legalities:
 - Legal requirements per RCW 36.81 and WAC 136:
 - All capital road projects must be included in the Annual Construction Program (ACP) and the Transportation Improvement Program (TIP).
 - Council must adopt the TIP before the county budget, which will be in December. Hope the TIP will be adopted by council on November 19th.
- How does a project get on the TIP?
 - Clark County comprehensive plan studies both the arterial atlas and subarea circulation plans to develop the capital facilities plan (a 20-year revolving plan).

- This is the umbrella large capital projects operate under as well as ongoing programs that need to be included in the capital facility plan for them to enter the six-year TIP.
 - From there, the one-year ACP (annual construction program) is the first year of the TIP, this is when the type of funding and budget is declared.
 - Evaluation system criteria for large capital projects. Safety, economic development, mobility and other factors (environmental impacts, public & outside agency support and leveraging of outside funding).
 - Projects funded in the 2025-2030 TIP:
 - Maps provided in power point:
 - Red projects: projects deemed obligated; they have either met 30% of their project budget or have been deemed obligated through county council.
 - Blue projects: projects in wait for the next phase of the large capital projects.
 - Green projects: projects that are ongoing.
 - 2015-2035 Capital Facility Plan overlay; projects in purple are coming directly from the Capital Facility Plan.
 - Use a similar prioritization to rank these projects as they fall into the program accordingly.
 - Proposed construction schedule for the 6-year TIP:
 - 179th street area projects:
 - 1 phase completed this year.
 - Large roundabout starting construction mid-2025.
 - Remaining projects tied together through the environmental permitting process and scheduled for construction in 2028.
 - Large capital projects:
 - 99th Street corridor project completed this year.
 - 152nd Avenue project: construction to begin in the 2nd quarter of 2025.
 - Several bridge projects completed this year.
 - Mattney Bridge project scheduled for 2025.
 - Road Preservation Projects:
 - Sunset Falls Road pavement improvement extended into 2025.
 - NW 78th Street & St. Johns Road pavement improvements scheduled to begin in 2025.
 - Rural Road Improvement project:
 - NE 182nd Avenue/NE Risto Road project will be going to bid in June of 2025.
 - Sidewalks and ADA Compliance projects:
 - Multiple completed this year.

- Highway 99 sidewalk (NE 102nd Street & NE 104th Street) going to bid at the beginning of 2025.
 - Transportation Safety Improvements project:
 - NE 119th Street/NE 152nd Avenue
 - NE Ward Road/NE Davis Road roundabout will go to bid in 2026.
- 2024 completed projects:
 - NE 119th Street/NE 152nd Avenue: Converted from a signal-controlled intersection to a single lane roundabout. Utilities were also improved.
 - NE 130th Avenue: Pedestrian improvements, crossing of Padden Parkway Trail and improved the crossing at Heritage High School.
 - NE 179th Street at 50th Ave: Intersection improvement.
- 2023 completed projects:
 - NE Hazel Dell Avenue sidewalk improvements
 - NE 99th Street
 - Strengthening bridge bundle #1 and bundle #2 (various locations).
 - NE 134th Corridor adaptive traffic signals.
 - Davis Bridge #232 replacement.
- Schedule and next steps:
 - Council to adopt program on November 19th Council Public Hearing.
 - Council to approve county budget in early December.

Closed Depression

Presenters: Travis Johnson

- Subdividing and developing the Kunze Farms property (south of NE 58th Avenue and north of NE 47th Street, have been through the preliminary process.
- Plan to pick up all the water and conveying it away from the closed depression and infiltrating it with the correct factor safeties.
- County is asking for closed depression analysis due to a closed depression on the property.
 - Don't believe this project falls under any of the 3 cases for Closed Depression outlined in the county's Stormwater Manual because the stormwater is being routed away from the closed depression.
- Seeking DEAB's opinion on this.
- Eric Golemo: Do we have a position from staff on why they are requiring it and what the justification is?
- Travis: No, just one email from Michelle Dawson (Development Engineering) stating that they believe case 1 is applicable.

- Eric: Does it take any water from offsite?
- Travis: It might take a little bit of the neighboring properties from offsite.
- Eric: It shouldn't be a full analysis because you're not impacting anything. You should be able to prove to the county that it's not impacting neighboring properties because I think the review process is to make sure you're protecting the neighboring properties and not cutting off runoff from them. You're not cutting off runoff because I'm guessing you're filling in this depression.
- Travis: That's correct, we'll be providing the same amount of volume area, next to this area where it can flow to it. I don't know how to show that none of these cases apply. I do agree that we should provide the same amount of volume within the closed depression.
- Eric: If it's a closed depression and there is no wetland, storm water is going to the closed depression, if you are even creating infiltration, it's practical. You'd have to show that you're not impacting neighboring properties. There are some criteria for the closed depression showing that nothing is going to leave the site after it's impacted, so I don't know that you need to create the same amount of volume, you have to show that there's no increase and you're not blocking neighboring drainage and you're not discharging more to a neighbor and there is no impact. Further down in the Stormwater Manual, what is the analysis the county is asking you to do and is it that much work? In my opinion, the county has the right to ask to make sure that whatever you're doing on the site doesn't impact a neighboring property.
- Travis: I agree, I just don't think that the closed depression analysis in the manual should apply.
- It would be simple to prove that given what you've said, but we don't have all the information. I'd love to hear from Michelle (Dawson) because she's the reviewer on this project.
- Michelle Dawson: Travis hasn't provided an analysis showing what all goes to that closed depression. There isn't a basin map in his TIR that shows the whole area that could potentially drain into this closed depression. The closed depression isn't just the bottom of that depression, it could be everything that flows to that closed depression. If he's infiltrating within the basin that flows to that closed depression, he has not demonstrated that the water won't eventually percolate up into that closed depression. If he fills that closed depression, he hasn't demonstrated that the water will not flow into the neighbors' yard since the low point if that area is filled, is the backyard of the adjacent properties. So, he hasn't provided sufficient information to demonstrate that he will not impact the adjacent properties.
- James Howsley: I hate to be lawyerly here, but my question is, that sounds pretty abstract, it's almost as if the county is asking Travis to study a straw man only to knock that straw man down.
- Michelle: There is a closed depression on site. Ken (Lader) if you want to jump in?
- Ken Lader (Public Works Director): *sharing a map of the property on screen*. Here is the closed depression that Travis is talking about. Our primary concern is the

adjacent properties at the same elevation. We need to know that we're not creating a problem by filling that in, especially the way it is phased. Travis, you're proposing a roadway along here with a wall. This is basically a gap until it's graded out at some future date where the water is going to be standing right at the edge of that wall. We need to have an analysis to know what's going to happen with those properties and your basin maps right now are at the edge of your development area, as though it's a straight line and don't show the actual basin and run off.

- Travis: I agree. Right now, we are doing phase 1 and we're not touching the closed depression. We're going to look at it during phase 2. That's kind of where we're being held up. Of course, it doesn't show that area in the phase 1 plans because we're barely impacting that area. I can pull up the cover sheet right now.
- April Furth: When we are done with this discussion, because I want to make sure that you have enough time. I do have something to add at the end, but don't want to slow down the discussion.
- Travis: *Sharing cover sheet of Kunze Farms Phase 1.* We're filling in a tiny bit, so we're not changing anything in this area. We're cutting all the flows off that would come there with the phase 1 area, but all of the existing flows are still going to be able to go to that closed depression during phase one. Phase 2 I'd agree we can look at the neighboring properties, but I still feel confident that we don't meet the requirements based on the language of the code for us to do a closed depression analysis. I agree that we need to deal with the adjacent properties and make sure we're not holding water back on their properties and am more than willing to look at that during phase 2.
- Eric: Does your TIR just cover phase 1 and not cover any other phases? Most of the time on a phased project, you do them all together.
- Travis: We would, but it's infiltration.
- Eric: So, you're going to do a separate storm water report for the next phase?
- Travis: That's correct.
- Eric: It's double the work. Typically, it's good to do it together, but in your case, you might be able to punt it if you're not filling any of the closed depression that holds water.
- Travis: The impounding is somewhere in this area (*grading and erosion control Plan for Kunze Farms displayed on screen*) based on the arrow mapping and the flooding we see. There is no point in doing the phase 2 because we're doing individual trenches throughout the project. There is no point in doing the drainage report for the next phases until the trenches are sized.
- Ken: You are infiltrating in the upstream area of the closed depression in a phase that you're saying doesn't affect it and then giving is no analysis to know if that is actually true in an area where we have clear maps of ground water standing in the area of the closed depression, so it's hard for us to have confidence that you're not creating an issue for the neighboring properties without any kind of analysis or a TIR that's complete for all of the phases, so I am just going to agree to disagree at

this point. I don't want to go back and forth; I don't think the analysis is that difficult and I'm not sure why you're unwilling to address it.

- Travis: I'm not, I'm saying that the three cases in the code do not apply. We have addressed it and met the code to a T on this project. We are not impacting the ponding area here in the closed depression. There is no analysis to do. We're not putting water to the closed depression.
- Ken: Your basin maps don't describe the run on for the phase that you're proposing, so we are not able to determine that.
- Eric: From the outside it sounds like you are both saying the same thing. So, I agree, you need to show the map that shows what goes to it so that you can tell the county that no water goes to the closed depression and you're not impacting it. It should be a very simple analysis if the county sees it that way as well, I don't think the request is unreasonable. It shouldn't have to be a detailed analysis because it's full infiltration, it even says in the code that the county may waive the requirement for a route to the 100-year overflow, providing the facilities full infiltrated the 100-year storm. You're basically going to show that as part of your stormwater report with your infiltration analysis. So, I would say the reasonable thing is to show a map of the contributing area, that reflects what goes to it, show how it's cut off from it, if you're picking up any off-site flow from the neighboring properties that must get routed somewhere. I'm guessing you're probably routing it to your infiltration system or cut off drain of some sort. The closed depression analysis is basically what you're doing normally with the storm water report and showing that there is no impact to it and it's not going to rise because you're not contributing anything.
- Travis: We can do that, and we can show the mapping of all of that. The calculations, if we're not routing, the county wants us to do one of the case studies, and I don't know how to do the case study when were not running water to the closed depression. We can show the mapping and how we have no runoff going that direction.
- Eric: The way I see the analysis being is you run a continuous model with the basin you route everything that's not making it to the closed depression to whatever BMP is picking it up, the infiltration systems. By the time you have that closed depression system, it shows zero water went there and there's no impact. It's a closed depression by nature, but I see what you're talking about. I think the analysis is your normal storm water report, you don't even have to call it a closed depression analysis and it must be enough to satisfy the county where they know that it's not going to impact a neighboring property because that is their responsibility to make sure that anything on this property doesn't impact a neighbor. That simple analysis should satisfy the county, but not showing anything, they need a map and a model that shows that nothing is going there and then it's an N/A for future analysis.
- Travis: What about when we fill it?

- Eric: Then there is no water there anymore and you run the continuous model with it filled. I think you can fill it because these closed depressions, most of the time, it's an upper layer of more impermeable soil and if you're doing soil tests and you're getting below that layer where you can infiltrate it, and there's no wetlands there, you should be able to pierce through that layer and infiltrate it into the groundwater. That's what's happening now, it's just happening very slowly. Do you're just getting it there a little quicker using an infiltration system to get to the aquifer. The model is going to show that no water is in that closed depression, and it doesn't impact it anymore. Michelle, is that what you were looking for?
- Michelle: I am not 100% sure because nothing has been provided to show what goes there now and how it will and if there will be anything going to it after construction.
- Eric: Here is my suggestion. From a third point of view, I think Travis needs to show a map showing the contributing area. He needs to run it through the model and say there's no impact and as long as its shown that there's no impact and it's 100% infiltrated and the water doesn't rise more than the .1 feet, the analysis is done and you can move on with the project and fill the closed depression.
- Travis: What happens when I get to phase 2 when we're filling it in and the county asks for another closed depression analysis.
- Eric: It's the same analysis again and it will say the same thing that there's no impact and no rising water level because all of the water that went to it is now being rerouted other places. I haven't seen the whole design, but from what you're saying, you're taking all of the water that went to that closed depression, you're infiltrating is and you're filling the closed depression. The model will show that there's no backup in the closed depression. And that volume is no longer needed because it's being routed elsewhere.
- Seth Halling: I'm in general agreement with Eric. The first phase, the way I looked at it and understood it, was you're not increasing, but actually decreasing the flow that would go to the closed depression because of your underground infiltration facilities and the future phases where there's actually fill placed in the closed depression, that would be an area where, in my opinion, you'd have to look at because that closed depression extends to the neighboring properties, whether or not the contributing basin would actually back up if the closed depression on your portion of the site would be filled.
- Eric: You might have to put in some kind of significant cutoff drain to pick up any flow that you're impounding so it doesn't impound under the neighbor's property. You must make sure there's positive drainage into your system and nothing backs up to the neighbor. This isn't a true closed depression, the way its functioning, it is by nature, because it's a low area that doesn't have any discharge so in the analysis you just have to show that it's not impacting the neighbor's property and its 100% infiltrating. Model it filled and make sure it doesn't impact or doesn't back up to the neighbor's property, and the county, I would say, would be satisfied.

- Seth: Another point, in my opinion is that if your entire project only consisted of the first phase, per the actual description in the stormwater manual, it says this analysis applies to discharges to any low-lying areas. In your case, you wouldn't be discharging anything to that low area with your proposed design. To your point, you can't really run that analysis other than to say, I'm reducing the amount of flow that going to this depression with my phase one construction.
- Travis: That's what we said, were cutting off flows. Less water running there, analysis isn't needed during phase one.
- Ken: I think if your basin maps represent the flow then you can say that, but without them, I don't have confidence in what you're saying.
- Travis: We'll be happy to provide the map showing how were cutting flows off.
- Ken: and the calculations to show what we've been talking about.
- April: This discussion did not handle the process for how DEAB discusses disagreements between applicants and the county. I, Ken or Naomi (Patibandla) would have to approve this to be able to be presented to. In the future, I think that this needs to be approved by Naomi, Ken or I before it goes in front of DEAB. I want to go on record that I want to follow the process, and it's the process that DEAB built.
- Travis: I'm sorry April, I thought by Michelle saying that this could go to DEAB on a later date that the county allowed it.
- Sherrie Jones: I had the same question when this came in my inbox because it was unclear. It says if it's referred by staff and it was not clear on what the definition of staff is. So that is why I agreed to look at this because it appeared to come from staff.
- April: I trust Michelle, I just think that I should have some say in that before it goes in front of DEAB.
- Mike Odren: As the author I thought the same thing when it came through, I scrolled through the email chain and saw that Michelle suggested. I think that it's now an issue to be taken on the staff side and an internal policy to establish how that's going to work internally and what the definition of staff is. A reviewer recommending going to DEAB, I don't think that warrants a change to the policy that we have currently in place, but maybe something more internal and we look forward to hearing what you April, and others plan on doing.
- April: I just don't want to put staff in that situation to have to make a decision when already their not agreeing with the applicant and that's the reason why, I don't want them to have to defend themselves in that way.
- Eric: How should we change out policy and what would work best for you? I think this worked the way it's supposed to. Staff is reasonable, if there is a disagreement and they could use justification either way. That's why we're here, as a resource. In this case, I think you are saying the same things and you're trying to achieve the same things.

- April: I don't think we need to change anything; we'll just define staff as Naomi, Ken and I.
- Sherrie: Thank you, April, for informing us so it's more clear when we see things come through.
- Mike: I want to make sure that this information gets passed along to future chairs and co-chairs of DEAB that they're cognizant of any requests that come from staff that it's defined that we should do a quick follow up with April, Ken or Naomi before accepting someone in front of DEAB.

Stormwater Code and Manual Update discussion/input

Presenters: Devan Rostofer (Clark County Public Works, Clean Water Division Manager), Trista Koblusike (Otak)

- Devan: I'm the Clean Water division manager in Public Works and today we have out technical team from Otak here to provide an update on our Stormwater Manual update process and our goal today is to walk through the Department of Ecologies required changes to the manual.
- Trista:
 - Goal of submitting the changes to ecology in April 2025.
 - Ecology is calling these significant changes, and we are referring to them as mandated changes because they are not optional, they are a part of the permit language and Clark County needs to adopt and enforce these changes in order to remain compliant with their phase one municipal stormwater permit.
 - Project overview:
 - The Department of Ecology issued a new stormwater permit and stormwater manual in 2024. As part of this permit, the county must adopt new requirements for new development and re development (Appendix 10, Appendix 1) and update technical standards and guidance language.
 - The county will be updating the Clark County Stormwater Manual (CCSM) & Clark County Code (CCC).
 - The phase one municipal stormwater permit is the source of these changes.
 - Appendix 10 lists those seven minimum changes. They often reference appendix one which is the minimum technical requirements. This is where we get the threshold, the applicability, exemptions and lets you know whether a project triggers stormwater management.
 - Trista will provide DEAB with materials to review.
 - Because these are mandated, our goal today is to inform you of the content of these changes and a preview of what the county is planning to do in edits to its enforceable document.

- Mandated changes:
 - Redevelopment Project Level Thresholds:
 - Applies to road, commercial and industrial redevelopment projects.
 - Located ad CCSM 1.4.2.1 additional requirements for the redevelopment project site and figure 1.3
 - The thresholds give you an idea of whether it meets the minimum requirements one through five or if it's the whole suite of minimum requirements one through 9.
 - For road related projects, the thresholds are a little stricter because you'll now be calculating new plus replaced.
 - Eric: How would this affect maintenance? What is considered maintenance and what is considered replace? For example, taking a road and grinding and overlaying, is that a replacement?
 - Trista: There's a whole section on exemptions that has pavement maintenance, and we can look at that. Grind and overlay is maintenance unless you expose the base core.
 - Devan: Really great comments and questions, however we need to get through this presentation. This is meant to be a first touch on these changes. I'm happy to provide additional time for questions whether that is in a follow up meeting of by taking them through e-mail.
 - Trista: I will be sending you an email that has the proposed changes in ~~strikeout~~ and underline as a result of the seven changes that we are going through today.
 - Changes for commercial and industrial projects; there is now a secondary criterion that requires you to use a stormwater management system is there is 50% more repaves in previous surface.
 - Figure 1.3 is the flow chart for determining requirements for redevelopment and this revised version incorporates those changes.
 - Project Exemptions:
 - The text describing the exemptions from minimum requirements has been updated to ensure that the project scope does not exceed the intention of these limited exemptions.

- Applies to clarifying how exemptions may be used, pavement maintenance exemption and utility project exemptions.
- Main clarifications:
 - A project that combines multiple types of exemptions can still be exempt if the whole project is made up of exempt activities.
 - If an exempt activity is part of, directly related to or caused by a new development, or re development than it is no longer exempt.
 - If the exempt activity requires you to make a change to comply with ADA laws, the ADA activity is exempt.
 - Clarification on what is pavement maintenance.
 - Clarification on what is qualifying as an exemption for underground utility.
 - I would urge you to look at these sections in 1.2.
 - Definitions related to minimum requirements: multiple definitions related to the minimum requirements have been updated for statewide consistency and/or to reflect updated requirements.
 - The two important ones I want to look at today:
 - Threshold discharge area (TDA): They have added a definition that deals with ultra urban sites. This should make it easier to understand how to draw a TDA when you're working in an urban area and ecology has already provided more drawings of how to do that.
 - New definition of new hard surface
- Wetland Hydroperiod Protection Method 2:
 - The update includes an increase from 15% to 20% allowable monthly discharge volume deviations during October, November and December, and an "allowable exception" for summer months.
- Runoff Treatment Performance Goal Threshold:
 - Some thresholds for runoff treatment BMP types have been updated for statewide consistency and/or to reflect the updated requirements.

- Source Control BMPs – PCB E have been updated to include guidance for preventing pollution from PCBs in building materials.
 - Applies to source control BMPs for maintaining, cleaning, repairing and demolishing buildings that may have PCBs. Buildings that were built or remodeled from 1950 to 1980.
- High Performance Bioretention Soil Mix:
 - A new soil mix has been added for bioretention. Benefits are that it can be used near phosphorous sensitive waterbodies and as a phosphorous control BMP.
 - Ecology has a publication on guidance for the high performance bioretention soil mix, link provided in the presentation.
 - Most important part of this document is appendix 1 acting as a specification for construction on how to mix and layer the soil mix properly.
- Next steps:
 - We will send you excerpts of strikeout and underline documents as well as a table of changes.
 - If you have questions related to these documents, please reach out to Rod Swanson in the Clean Water division by November 27th.
 - December DEAB meeting we will be reviewing a portion of additional code/manual changes requested by Clark County.
 - January DEAB meeting we will present to you the infiltration policy assessment.
- Questions:
 - Andrew Gunther: It looks like ecology recognizes the issues with the hydro period analysis for wetland protection. I know there were issues with being able to successfully model that for a lot of projects. One question/comment would be, if that is the best available science, is there any way to adopt that change sooner than when we adopt a new manual? When you've got a category two wetland, you can run into issues where the current requirements are not really feasible to satisfy.

Public Comment

- Sherrie: We have run out of time so there will not be any additional comments or agenda items today.

Meeting adjourned: 4:05 pm

Meeting minutes prepared by: Mikaela Rankin

Reviewed by: Victoria Abram