

March 26, 2019

Board of Directors  
Clean Water Services  
2550 SW Hillsboro Hwy  
Hillsboro, Oregon 97123

**RE: CWS Design and Construction Standards Update**

Dear CWS Directors:

Thank you for the opportunity to comment on the proposed update to the Clean Water Services Design and Construction Standards. The Urban Greenspaces Institute works across the Portland-Vancouver metropolitan region to integrate greenspaces with the built environment. We engage with agencies, nonprofits, and the public on collaborative conservation initiatives and how to best leverage our limited public resources to achieve wildlife habitat connectivity, clean water, and public access to nature.

We applaud and support CWS' adoption of an HPSF continuous hydrologic model to assess and design mitigation for stormwater impacts from new development. This is a significant improvement over the current design and construction requirements and does more to address the ongoing degradation and erosion impacts on our waterways. We have reviewed the February 14, 2019 base strategy and methodology to address hydromodification impacts and have a few comments, as follows.

*Regulated project size thresholds* – We support CWS setting the minimum project area at 1,000 square feet of new/modified impervious area. However, stormwater impacts from new development that is less than 1,000 square feet in area does occur and the cumulative impact of these small developments may be significant. To avoid these cumulative small project impacts, we advocate lowering the threshold even farther to 500 square feet. CWS might also consider using smaller minimum regulated project areas in landscape settings that are deemed high risk.

In addition, we encourage CWS to consider measures that safeguard against developers using a piecemeal approach to new development projects. We would support additional measures to safeguard against project proponents splitting a single medium or large project into a series of small projects to avoid needed on-site stormwater mitigation, particularly for development projects that might span multiple adjacent taxlots.

*Map tools and risk assessment* – From our review of the CWS Hydromod Planning Tool web map certain small streams, that may be classified as ditches by CWS, are not represented in the 'Stream Order/Receiving Reach' layer. We would encourage CWS to review available stream data layers and consider including these waterbodies where they are directly connected to designated streams. One example of these features lies in upper

Nyberg Creek, west of SW Boones Ferry Road. A ditched stream here flows along the railroad right-of-way and drains directly to upper Nyberg Creek.

The presence/absence of streams on the CWS Hydromod Planning Tool could directly impact required stormwater mitigation approaches for new development. We understand that the map functions as a prescreening tool and request that CWS review and seek include other more detailed stream channel GIS layers, where available. We would also encourage CWS to include a process to incorporate streams found in the course of site investigations and predevelopment planning.

There is little background information provided on development of the Hydromodification Protection Level map rankings. We would like to understand more what is behind the high-medium-low rankings and there is little information provided. We understand simply that it relates to the ‘risk of physical or biological degradation of the stream corridor’ but no more. We suspect that this ranking relates to soils, slopes, and likely other factors. How were they weighted and compiled? If CWS desires more thorough feedback and input on these tools, we respectfully suggest that more background information be provided to reviewers and the general public.

*Fee-in-lieu option* – We understand the logic and desire to include a fee-in-lieu program for situations where construction of on-site stormwater management facilities is not feasible. However, the details of this option are important, and affect how and where this option is utilized. It also affects what costs CWS absorbs within its own operations through administration of the fee-in-lieu program.

We understand from CWS’ current published rates and charges that the amount of the fee-in-lieu is calculated based on the cost of constructing a water quality treatment facility, not including land value or anticipated maintenance/upkeep of the facility. New requirements for the water quantity treatment will require larger facilities, and thus land values may need to be included in the cost of administering the fee-in-lieu program. If CWS must construct additional regional stormwater management facility capacity to mitigate for sites exercising the fee-in-lieu option, CWS needs to more closely investigate and develop a sustainable financing model for now-escalating land costs. We suggest that CWS take a close reconsideration of its rates and fees to fully fund and administer the fee-in-lieu program.

*Community-led voluntary stormwater retrofits* – For many areas within the CWS service area, redevelopment that triggers new stormwater mitigation requirements is many years away. In addition, certain property owners lack financial resources to retrofit their properties in order to move them towards compliance with current CWS stormwater standards. Incentives and/or the removal of barriers to incorporate new sustainable stormwater designs could greatly accelerate the process of retrofitting historical non-compliant developments.

We would encourage CWS to consider how the Design and Construction Standards could be altered to ease the permitting and design burden on community-led redevelopment projects that meet well-defined public benefit criteria. For small voluntary projects led by nonprofits or others, stormwater and other local jurisdiction permits can represent a significant hurdle. In my experience managing community-driven voluntary stormwater retrofit projects at M&M Market and Inukai Boys and Girls Club on behalf of Depave, the multi-layered permitting process posed a challenge. CWS could consider designating internal staff to serve as a community ombudsman or other approaches to assist projects with demonstrated public benefits with design/permitting challenges.

*Implementation strategy* – We favor the original implementation schedule that included a 90-day grace period for new projects not requiring construction within one year. The proposed 180-day grace period for new projects beginning no later than two years following adoption of the new standards is too lenient and will enable many developers to vest many additional projects. We think this extended implementation schedule will be ripe for abuse and trigger the proliferation of poorly planned development applications. We would encourage CWS staff to revisit this decision.

Thank you for the opportunity to comment. The proposed updated design and construction standards represent an important step forward on the regulation of stormwater in Washington County. We urge you to adopt the standards as proposed, consider avenues to strengthen them further, and not to weaken or delay implementation measures.

Sincerely,

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