

**Development and Engineering Advisory Board Meeting**  
**October 3, 2024**  
**2:30pm – 4:00pm**  
**Public Service Center**  
**Meeting held by Microsoft Teams**

**Board members in attendance:** James Howsley, Sherrie Jones, Mike Odren, Eric Golemo, Andrew Gunther, Ryan Wilson, Seth Halling

**Board members not in attendance:** Dan Wisner, Terry Wollam, Jeff Wriston

**County Staff:** Shannon Nashif, Chad Dragon, Dianna Nutt, Victoria Abram, Rod Swanson, Devan Rostorfer, April Furth, Melissa Tracy, Maureen Patronaggio, Oliver Orjiako

**Public:** Noelle Lovern, Jackie Lane, Justin Wood, Trista Kobluskie

**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)
- Review upcoming events:
  - Public Hearings:
    - October 17, 6:30 pm – Planning Commission – CPZ-2024-00001: 2025-2030 Transportation Improvement Program (TIP)
  - COUNTY COUNCIL Work Sessions:
  - COUNTY COUNCIL Meetings:
    - No agenda items posted as of
  - PLANNING COMMISSION Work Sessions:
    - October 3, 5:30 pm – CPZ-2024-00001: 2025-2030 Transportation Improvement Program (TIP), Land Use alternatives for DEIS – Jose Alvarez
  - DEAB MEETING:
    - November 7, 2:30 pm
- DEAB member announcements:
  - Request from Mr. Odren for a presentation on the TIP by Community Planning added to November's agenda.
  - Mr. Golemo suggests adding an item to the DEAB workplan:
    - Incentives to create housing affordability were added to the middle housing code and the Highway 99 standards are in direct conflict with those standards.
    - In a recent pre-application conference, which highlighted the issue of items in the townhouse code being unable to meet both townhouse and HWY 99 codes.
    - Potential items for the next biannual code amendments:
      - Terraced driveway requirements are very difficult to work around.
      - Driveways cannot connect to public roads, only private roads and shared driveways.

- Driveway length being restricted to 10 feet is inadequate for parking, forcing residents to park on the street.
  - HWY 99 standards should be modified to match the middle housing code update.
- Mr. Wilson has a list of items regarding the HWY 99 code that could be improved in the code language as well.
  - Mr. Golemo and Mr. Wilson will bring their code items to the next meeting and will add their topic to the agenda.
  - The staff contact for this topic is Brent Davis, and in his absence, Bryan Mattson.
- Mrs. Jones and Mr. Wilson have discussed the DEAB work plan and the county permitting process, which is rather long compared to other jurisdictions.
  - Mr. Odren wants to note: the county has a codified 78-day review period compared to Vancouver's 90-day and other various jurisdictions 120-day review period.
    - This doesn't mean they take the entire 120 days after a technically or fully complete determination.
    - When early issues come out, the project is placed on hold and staff then takes 14 days to review if needed, as allowed by the state.
    - The process used to be: If things get resolved within a week, projects would not be placed on hold.
    - Mr. Davis provided a comprehensive email that explained what staff is allowed to do per state law.
    - Mr. Odren wants to ensure that specific situations are provided, since some issues may be due to capacity and volume with the county.
  - Mrs. Jones agrees and wants to take a closer look at opportunities to save time at different steps of the permitting process where possible.
  - Mrs. Furth has the state coming in to do a breakdown of the entire Type 3 process with a road mod, October 29th-31<sup>st</sup>.
  - Mr. Howsley suggests holding off on this topic for a few months ahead of new legislation being filed that addresses time frames and clear, objective criteria for codes that may smooth things out. There has been bipartisan support for this.

## **Wetland and Habitat Fee Proposal**

*Presenters: Dragon*

- Mrs. Furth notes: this agenda item pertains to cost recovery for the Land Use Review (LUR) and Wetland and Habitat Review (WHR) programs.
  - Council was provided information on this in a recent work session.
  - In 2011, there was a fee proposal and the 4y approved a 15% subsidy from the General Fund, which has increased to a 50% subsidy over the years.
  - Increased fees are not being proposed, but so that everyone (including Council) is aware, this is now a \$1.7 million subsidy from the General Fund.

- In this meeting, Mr. Dragon will show how 85% subsidized looks, full subsidy, and 15% subsidy.
  - This will go to a work session with Council afterwards.
- Mr. Dragon is the finance manager for Community Development.
- The purpose is to analyze the fees for the LUR and WHR programs and receive feedback on the proposed new fees and updates.
  - The current cost recovery framework, as stated in RCW 82.02.020, allows reasonable fees from an applicant to cover the costs of processing the applications, inspections, and plan reviews.
  - Title 6 of the Clark County Code has similar language allowing the county to adopt application and service fees at the level necessary to cover the cost of conducting reviews and providing services.
  - General Fund support for key activities will be identified where necessary.
- Background: There have not been any significant fee increases or updates since around 2008-2009.
  - There were smaller efforts in 2011 and 2017, but fees were both increased and decreased which did not have much impact on program revenues.
- This year, a fee study was conducted with the goal of calculating the actual cost it takes for the county to provide these services today versus '08-'09.
  - Most of the fee amounts from '08-'09 are still currently charged per Title 6, with a couple exceptions.
- The methodology used to calculate the proposed fee updates was reviewed and approved by the Clark County Finance Committee.
- Regarding historical cost recovery data:
  - From 2019-2023, the sum of LUR fees maintained coverage of around 60% of the LUR program expense, slightly declining in the last two years.
  - WHR has similar historical data, with fees maintaining coverage of around 55% of the expense with a slight decline in 2022 and 2023.
- On September 11<sup>th</sup>, Mr. Dragon and Mrs. Furth presented to the Council:
  - Current fees for LUR and WHR as seen in Title 6
  - Proposed fees at 100% cost recovery
  - Proposed fees at 85% cost recovery (with a 15% General Fund subsidy)
    - These do not include a 2/5% technology fee that the department will add to the final proposal
  - The goal is to return to Council later this year with the final proposals, incorporating the DEAB's feedback, and ultimately have a public hearing.
    - Importing fees into the permitting system and testing to ensure accurate calculations would be the following steps.
- Question from Mr. Odren: Mr. Dragon, what is the current percentage of subsidy for LUR?

- Answer: For 2023 (2024 is not yet complete), at the program level, fees covered about 47% of the program costs and 53% was subsidized by the General Fund.
- Mrs. Furth notes: Clark County had employee wages evaluated by Baker Tilly (this resulted in an increase in wages), which would explain the significant increase in cost of services between 2021 and 2022.
- This item is being reviewed because it has not been brought to Council since around 2009, when they decided on the 15% subsidy. This will keep the Council informed on why \$1.7 million comes out of the General Fund and subsidizing.
  - Mrs. Furth plans on updating the Council once a year.
  - This is based on an average of how long the site plan review should take.
  - Methodology for calculating the cost: Taking all program costs and packing that into an hourly rate which includes staff time, salaries, benefits, etc. then multiplied by an estimate of how long each review should take. If it takes longer, you're not paying more; you're still paying the same plan review fee based on expected time frame.
- Question by Mr. Howsley: In jurisdictions throughout the region, such as City of Portland, there is a cycle of cost recovery where they hire up to meet timelines and meet cost recovery, but then lay off when times are slow. What's the answer to that?
  - Answer by Mrs. Furth: We operate differently than Portland does. They have thresholds where if they fall below, they lay off. We haven't hit those thresholds; we have a fund-based policy that is not as strict as theirs. We staff to average number of reviews, not to high points. After the average, when we have to ramp up operations, we take care of that with either being faster or approving overtime.
  - Question: So, is there a way to get a more expedited review at a slightly higher fee cost? If so, can we look into this for LUR?
    - Answer: There are jurisdictions that have that. In some cases we have it in our code; people don't use it. In building, we have the lien process. Yes, we can look into this.
- Most of the fees shown in the spreadsheet are existing, with a few exceptions:
  - Brent Davis, LUR and WHR manager, has fees he wants to add such as a subdivision review.
    - The current base fee goes up to 30 lots. He is proposing a scale:
      - Base fee = up to 16 lots
      - 17-30 lots = \$459 per lot
      - 31-100 = \$125 per lot
    - WHR has new fees and some changes compared to Title 6.
  - Scenario example:
    - Preliminary approval for 35 lot subdivision

## Project Overview

*Presenters: Rostorfer & Swanson*

- Ms. Rostorfer and Mr. Swanson are joined by Trista, a technical consultant from OTAK.
  - The scope is to update the Clark County Stormwater Code and Manual.
- Trista Kobluskie is a stormwater planner and the project manager for the county's update.
- Key project contacts: (Clark County) Ms. Rostorfer, Mr. Swanson, Ken Lader, Jeremy Provenzola, Dave Daly and (Otak) Ms. Kobluskie, Amy Thatcher, and (Haley & Aldridge, Inc.) Dan Trisler
- Dept. of Ecology issued a new stormwater permit to Clark County in 2024, which includes update requirements for stormwater and erosion control.
- Otak will update the manual and codes, incorporate changes requested by staff and the community, obtain feedback, and assess the training needs of staff/community members to ensure good understanding of the technical contents of the code and manual.
- Mandated changes:
  - Redevelopment project level thresholds
    - Nuanced changes directed at road, industrial, and commercial projects
  - Project exemptions
    - Related to utility projects and vehicle use definitions, etc.
  - Definitions related to Minimum Requirements
    - Clarifications without a huge impact. The allowance of TDA in an ultra-urban environment should provide some flexibility. The definition of TDA will change to recognize older urban environments, which has an impact on the existing drainage pattern.
  - Wetland Hydroperiod Protection Method 2
  - Runoff treatment performance goal threshold
    - Related to where metal treatment is required and change in definition from the terminology of enhanced to the terminology of metals. New name for the same thing.
  - Source Control BMPs – PCB edits
    - Ensuring PCBs do not contaminate the environment.
  - High Performance Bioretention Soil Mix
    - Not a requirement, but an option. Provides phosphorus treatment and can be used near sensitive water bodies unlike the standard fire retention soil mix.
- Another big set of changes are requests by Clark County that have been compiled and maintained by Mr. Swanson, roughly 80 requests that vary in complexity, from scrivener's errors, technical or policy issues, etc.

- Per permit requirements, changes considered significant must be reviewed by Ecology.
  - DEAB's request will be considered and added to the list.
- Winter 2024-Spring 2025 is the discussion period for the mandated Appendix 10 policy changes.
- Winter 2025-2026, CC Stormwater Manual edits begin.
- Permit due date for enforceable standards to be in effect is July 1, 2026.
- This team will share proposed edits to the manual and Title 40 with the DEAB, as well as the infiltration policy assessment Haley & Aldridge, Inc. completed.
  - Dan Trisler will attend some DEAB meetings, bringing information from the study.
- The DEAB can provide their feedback to the Clean Water Division staff, and the updates are available to the public online for review.

#### **Extra Items**

- Donna Goddard is the newly appointed Fire Marshal for Clark County, in addition to her roles as manager of both Code Enforcement and Animal Control.
- There is a group reviving the aggregate and surface mining issues topic in Clark County.

#### **Public Comment**

- N/A

**Meeting adjourned:** 4:00 pm

Meeting minutes prepared by: Diana Schotanus

Reviewed by: Victoria Abram