

From: Danika Globokar
Sent: Friday, November 13, 2020 8:07 PM
To: Jeff Elekes;David Pyle;Lisa Marshall
Cc: Cheryl Paston;Dave Rudat
Subject: ****Please Review Your Comments**** - Stormwater Video 1 Transcript
Attachments: Council Stormwater Education Session Meeting Notes - Video 1.docx

Jeff, David, Lisa,

I did the best I could to capture staff and councilmember comments throughout the three sessions we had with councilmembers this week RE: stormwater education videos.

Before I give to Jeff to disperse to City Council, would you please review to make sure I didn't mishear or mistype any of your comments? Just search for your initials. Use track changes to make any adjustments. Please return to me at your earliest convenience; we start round 2 of the videos Monday afternoon.

Thank you,

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****During the COVID-19 outbreak, I am working remotely, away from City Hall.****
*****My scheduled work hours are Monday through Friday, from 8:30 AM to 5:30 PM.*****

Please be aware that email communications with members of the City Council, City Commissioners, or City staff are public records and are subject to disclosure upon request.

Council Education Session Meeting Notes

Video 1: Stormwater Runoff and Control 101

Meetings from 11/9-11/13. Notes transcribed by Danika Globokar, Senior Stormwater Program Manager. These notes reflect the general questions asked and points raised by council members but may have some small errors based on my typing speed limitations.

11/09/2020

Participants:

Mayor Karen Moran (KM)

Councilmember Jason Ritchie (JR)

Dave Rudat, City Manager (DR)

David Pyle, Director of Community Development (DP)

Jeff Elekes, Director of Public Works (JE)

Cheryl Paston, Deputy Director of Public Works (CP)

Danika Globokar, Senior Stormwater Program Manager (DG)

Lisa Marshall, City Attorney (LM)

Discussion:

JR – Trying to understand the 100% containment...what is vs what isn't infeasible.

DG – This video's purpose is to establish a common language, next will dive into regulations in Sammamish, including a discussion of the 2010/2013 ordinances which set a 100% volume-matching standard and then reduced it.

JE -After next video, there will be an opportunity to discuss additional work by staff, evaluate what additional controls we could implement, based on Council direction. We would then bring this to you in an executive session, and bring Kenyon Disend in, too, to explain why you might or might not want to pursue extra stormwater controls.

JR – That sounds good. I want to know, eventually, what we can do vs want to do, and what makes sense.

KM – We're frustrated because plats aren't addressing their stormwater until after the fact, and it isn't addressed early on. It shouldn't be left to the end.

ME – Yes, some developers will defer major stormwater issues to the end and then ask for an "adjustment" that allows them to deviate from strict manual rules. We are proposing to bring this to Council as an option next meeting, to discuss adjustment protocol and staff discretion.

JE – We will partner with the Department of Community Development to ensure whatever we implement in PW tracks with DCD and their processes.

KM – You’re using peak flow and duration, instead of “flows going out.” Is there going to be a clarification of that?

DG – We have an additional white paper that will go out after next week’s slides that gives a more technical description of these.

JE – There are those who haven’t gotten up to date with current terminology. Ex, “Historical” vs “forested.”

11/12/2020

Participants:

Councilmember Pam Stuart and

Councilmember Chris Ross

Dave Rudat, City Manager (DR)

David Pyle, Director of Community Development (DP)

Jeff Elekes, Director of Public Works (JE)

Cheryl Paston, Deputy Director of Public Works (CP)

Danika Globokar, Senior Stormwater Program Manager (DG)

Lisa Marshall, City Attorney (LM)

Discussion:

CR – Analogies are excellent, great video. General question about matching, and reducing impermeable surfaces.

DG –

JE – One point of the videos is getting the terminology out there so everyone is using the same words.

PS – Any time you develop anything there's going to be a change in the stormwater. If we increase the runoff volume even if we control the peaks and durations, is that bad?

DG – With the current regulations, surface water professionals agree that we're sufficiently reducing our impact on the environment, despite changes in the runoff.

JE – The Department of Ecology sets rules that are presumptive; they presume that if you follow the rules in the stormwater manual (surface water design manual) that you will effectively minimize development's impact on the environment. But Ecology's regulations do not stop us, as a City, from adopting a deterministic approach.

PS – So, the current regulations say that, "if you follow the regs, we don't believe we're causing environmental damage?"

DG – Yes

PS – I'm all for reducing impervious surfaces. Look at all LID approaches for regulation/mitigation of stormwater. Another question: Danika, you gave us storm sizes in inches. How does that change if storms are getting worse and we're seeing climate change?

DG – Yes, climate scientists, including the University of Washington climate group, have measured distinct increases in heavy rain storms the last 20 years in particular. Heavier rain events are occurring more frequently.

PS – But are the models changing, yet?

DG – No, the models haven't changed, yet. I expect that the manual's requirements, sizing stormwater facilities to control a certain size storm, will stay the same. But the rain events will change in size. For example, currently, a 100-yr rain event is about 4" of rain in a 24-hour period. With climate change, it might take 5" of rain to trigger a 100-yr rain event. 4" of rain in a 24-hr period might instead be the new 50-yr rain event. But we're not there, yet.

PS – Can we get a cheat-sheet of the vocabulary, please? Also, can we have homework, something we as councilmembers can read or research to be better informed? I'm interested in innovative stormwater technologies.

DG – Sure thing, I will see what I have and pass up to Jeff Elekes for distribution.

11/13/2020

Participants:

Deputy Mayor Christie Malchow

Councilmember Kent Treen

Dave Rudat, City Manager (DR)

David Pyle, Director of Community Development (DP)

Jeff Elekes, Director of Public Works (JE)

Cheryl Paston, Deputy Director of Public Works (CP)

Danika Globokar, Senior Stormwater Program Manager (DG)

Lisa Marshall, City Attorney (LM)

Discussion:

CM – No questions, it’s always good to review.

KT – A couple of points: how do we address stormwater volumes? How do you address the stormwater from different storms, like the 2-year, 50-year, 100-year, 200-year? Also, we need to clear up the language. It’s confusing with “pre-existing”/”historic”/”forested.” We need to clarify this vocabulary. Also, doesn’t location determine runoff, too? I’m getting a lot of runoff on my site because of development that has happened higher up the plateau.

DG – I understand the concern. By “runoff,” I was describing characteristics of a site that change the runoff generated by the site itself, not water that flows onto the site.

JE – We won’t change the video to reflect the location bit, but we understand your point. Remember the next video will discuss the federal regulatory context, down to the state level, and then how we implement those regulations in Sammamish. We’ll talk about the volume matching concept that existed in Sammamish from 2010-2016, but note that we do not regulate it. We match peak flows and durations, not volumes, but LID does reduce some volumes.

KT – Ok, so is that where policy comes into play?

JE – Yes, City Council has that opportunity. In the next video, we’ll highlight some components of code that can be changed. The Department of Ecology sets rules that are presumptive. But Ecology’s regulations allow us to instead take a deterministic approach and ask, “do we want to, by policy, have more strict controls?” If so, staff need Council to tell us that, we’ll hire a professional if we go down that road. If tighter controls introduces a legal risk to the City, we have Lisa to help inform that.

CM – Where are there opportunities to tighten stormwater control without getting into the realm of making sites undevelopable? Don't want the City to get sued. Does staff have ideas on how to tighten code?

DG – Yes, some of the ideas that we'll present for discussion next week are 1) not allowing any adjustments to the Core Requirement #3 Flow Control, and also to add a process so that the drainage adjustment process is more transparent to Council and City residents.

LM – Redacted Text [1a]
[Redacted]
[Redacted]
[Redacted]

JE – The other area of change we might look at – and it would require more detailed technical analysis – would be looking at the impact of changing matching “Existing” to “forested/historic” instead. Maybe something to consider.

LM – Redacted Text [1a]
[Redacted]
[Redacted]
[Redacted]

DG – I just want to mention that we're talking in great detail about small changes to the manual. The manual is a pretty strong, high-quality tool for regulation. Changes to it won't change stormwater controls much. One of the bigger issues contributing to flooding right now is a lot of Sammamish's older neighborhoods that have zero stormwater controls. We'd see big gains by focusing on areas without stormwater control facilities.

CM – Great example. I agree retrofitting is key. (Poor signal, I couldn't catch everything that was said)

KT – I want to explore an idea. Can we move the decision of stormwater to the pre-site plan? Would this move the decision to the Department of Community Development (DCD)?

DP – If we did this, we could get out of arguing with developers later in the process. It sounds like you're asking about moving that information to the pre-app stage, and applicants would have to bring their stormwater plan to the pre-app. At the pre-app, the applicant will have to show how they've considered LID. LID is not just stormwater, it's lowering developer's impact on the land and working with the land rather than against it.

KT – That's what I'm looking for. We're looking for predictable outcomes. Move LID and stormwater to the pre-development planning site phase. May need to incentivize LID, but wish developers would do it because it's the right thing to do. Seems like in the past, the City has made housing the priority in the comprehensive plan.

LM – Sammamish was just ranked the City with the highest livability. There can be a greater emphasis on natural land forms.

CM – Didn't we do this with our last run through development regulations? We took away the amount of earthwork and mass grading that could happen on a site?

DP – Yes, that was the first step of overhauling the development regulations and it focused a lot on the subdivisions. This next phase of regulations focuses on the single family homes and infill development, like in Tamarack. If we're going to be successful with LID, we need to front-load it and make developers think of it from the beginning. We need to change their approach. We keep hearing about the character of Sammamish neighborhoods needs to be preserved – that means getting the builders to understand what we're looking for. Takes a lot to turn the ship internally, and we're in that process. We're trying to get the builders to change their approach.

CM – Because a lot of Sammamish is built out, retrofitting or stormwater seems very beneficial.

DR - As far as requirements and pushing those to builders on the front end. They have to do a Geotech report, right? Could we require the builder to submit a hydrology report? This should be a no-brainer.

KT – I agree. Do you think the main developers would be ok flipping the LID conversation to the beginning of the development process? They come in, make money, and then leave.

DP – Stormwater engineers aren't always the most creative. The engineer will throw their hands up in the air and say they need an adjustment. And the Council hears from applicants how difficult staff are being because we don't allow an adjustment. City Council and staff must be on the same side, on the same page.

CM – Noted hearing frustration from developers/applicants, and agreeing that when adjustments are denied, that's from City Council.

KT – There needs to be clear, consistent policy/code/direction. So, if City Council took away all staff ability to approve adjustment, would that kick all adjustment to the City Council?

CM – Her understanding is that there aren't a lot of adjustments.

DG – Correct, there have maybe only been 12 or so approved adjustment over the last 3.5 years. Most, staff deny because we know Council's will and intent.

LM – **Redacted Text [1a]**
[Redacted]
[Redacted]
[Redacted]

CM – Understand about our regs. Just today staff denied the UZDP because it didn't meet our code.

JE – About adjustments, when Council takes away staff discretion, staff is going to be spending a lot of time preparing adjustments to come before Council, and it's going to be a lot of work on the Council's plate. In the current situation, you're relying on professional, the staff, to use their expertise to make those decisions.

CM – That's not a role I want as a council member. There's a time and a place for director discretion. If adjustments had to come up to Council, we'd be in meetings all day. Staff has good intentions with deviations. For example, a deviation was processed for NE 8th, where staff approved a deviation from standards in order to preserve a row of trees. Staff knew the intent and desire of Council.

JE – Maybe we develop some more guiding principals on the core requirements so that City Council has more assurances that staff are appropriately approving/rejecting adjustment requests?

KT – These 9 Core Requirements, would you have a checklist?

DG - The stormwater code, Title 13, was amended last year, in Sept 2019. The code ID's the three core requirements within stormwater where applicants typically have the most issues meeting requirements. SMC Title 13 provides guidance for staff on when adjustments may be considered. For example, if large trees would need to be removed to build a stormwater vault, the benefits of large trees are recognized and the code says that's grounds for considering an adjustment. I'll include this discussion in video 2 so staff and City Council are on the same page. We can also explore other considerations Council may want staff to take. Staff want to make decisions consistent with what Council wants.

JE – Danika, can you summarize what's in the next video for us? Also, would you please send out some vocabulary?

DG – Yes, will do. I'll also send out a rough transcript of all of the Council 2's and 3's. The next video will cover how stormwater regulations originate at the federal level, down to the state, and ultimately to Sammamish. We'll review the NPDES Permit and the Stormwater Manual. I'll talk about drainage review and how projects trigger different types of drainage review. I'll talk about Core Requirements and what projects must do, as well as adjustments and where there currently is staff discretion. I'll also prepare some slides, not part of the presentation, that we can use to explore and discuss opportunities for changes to code or policy.