

**MARION WATER QUALITY ADVISORY COMMITTEE
MEETING MINUTES**

Wednesday, March 31, 2021
5:30pm – 7:30pm

Public Works/WebEx
5155 Silverton Rd NE
Salem, OR 97305

PRESENT: **Members:** Richard Walker, Brent Stevenson, Mark Grenz, Brenda Sanchez, Rebecca McCoun, Zach Diehl, Rick Massey, Gary White
Staff: Matt Knudsen, Elizabeth Parker, Alex Wade
Guest:

Action – Approval of Minutes

Zack Diehl opened the meeting at 5:33pm. Mark motioned to approve the February 25, 2021 meeting minutes; Zach Diehl's name was misspelled. Elizabeth will correct and resend modified minutes. Brent seconded the motion. A voice vote was unanimous. Motion passes.

Modification to minutes: correct Zach's name on February minutes. Elizabeth Parker will make the modification and send the revised minutes to the group.

Gary White: New MWQAC Member

Gary White was appointed to the Marion Water Quality Advisory Committee by the Marion County Board of Commissioners on Wednesday, March 17, 2021, with his term expiring on March 17, 2025. Welcome!

Engineering Design Standards

Matt led the discussion on engineering design standards and permit details. For meeting minutes, the conversation will be listed by question and committee comments.

Question 1: Have there been any barriers to implementing LID low impact development/GI facilities in the County? Anyone notice conflicts with the City of Salem and Marion County?

Mark stated that conflicts in Salem are locating LID areas between curbs, sidewalks and trees. Most things in Marion County won't be that way. The perception is that they're costly and difficult to achieve; makes people stay away. Richard added the unknowns of ongoing maintenance. "When you're trying to get water in the ground; the ability will only be as good as the maintenance." Public maintenance isn't so great in residential. Matt added that operations and maintenance is in the permit language.

Question 2: How will the updated SW standards include a facility hierarchy and prioritize? Table 5-4: currently using and it creates hierarchy rather than going straight to piping away. We're meeting requirements, but do we need a more robust direction of hierarchy? The discussion internally was to keep in standards, but have more of an introduction.

Rick stated that they'd discussed, and Marion County agreed to take on maintenance, but wouldn't take on the quality side. Matt asked Rick if they were in the permitted area for MS4? Matt's understanding is that its tandem with quality and quantity and that Marion County wouldn't have an issue with taking on. If not the case, Matt said he would want to look into these scenarios. If together, Marion County would take on detention. Rick stated that he was in a meeting when John said they required separation due to quality over quantity. Matt will clarify what the county is doing. Richard wants the definition for maximum extent feasible and said it would be helpful to better define that.

Question 3: Will the LID approach include site development requirements?

We have Table 5-4 to go off of. Brown & Caldwell is looking to do more formulations for developers to look at as site considerations. Clackamas County has a check-sheet for developers to fill out when planning a site. Matt asked if this is worthwhile to do a check off sheet or does it need to be something meaningful. Mark asked if we're suggesting that this should be a more formal site review process? Richard said Matt's intent of the question is SHOULD it be required and have developers document that they went through the process. Is this extra step beneficial? Richard said a checklist probably wouldn't be beneficial, but if Marion County documented items and what the county is looking for specifically, that would be beneficial. Zach said the benefit is to not go back through the planning phase if it didn't hit the mark. Richard stated that a narrative would be helpful to describe; challenge site plan review process with county – there isn't much of that, less encumbering. This topic becomes difficult; some of our sites have less intense review. This would require a very engaged developer. Zach stated that it shouldn't be a problem to document what they went through and where they are now; they need it for design process.

Does the county want to incorporate the City of Salem BMP's? Pervious pavement is not a popular idea at the county. Mark supports the county's view on pervious pavement. Rick shared that tree preservation requirements are strict, and in some cases, replanting makes more sense. Brenda asked where vegetation has been removed. The BMP would need to say planting, seeding, etc. The oak trees being moved at Costco site is at an extreme extensive cost vs. the cost of replanting. Zach said that the Costco trees aren't related to stormwater code and the idea of pervious pavement is recommended, not a lot of people choose it as an option. He doesn't think Salem stated it as a requirement. Mark was told no pervious pavement on sidewalks in Salem from City of Salem today. Richard said Keizer has one street that has pervious concrete.

Marion County has a little pervious pavement on Auburn Road sidewalks. Zach said that people should use pervious pavement if it's an option. Mark said option ok, but not mandated.

Question 4: How will applicants be required to “prove the limitations” for the use of LID?

Question 5: Do you want to reference or include another jurisdiction's details to go with your “treatment facility design standards?”

Mark stated that we don't want to rely on someone else's details. We need to build in flexibility; Salem is rigid. You have to demonstrate how it's going to work. Matt stated that we didn't have control or have to be notified that changes were occurring in other jurisdictions, unintentionally turning people toward other details. Zach suggested having a schedule to check back on it. Marion County Capitol Project staff is familiar with ODOTs, but it might not make as much sense for private development.

OPERATION and MAINTENANCE:

O&M standards satisfactory: the permit requires long term Operations and Maintenance of stormwater treatment facilities. How do maintenance agreements transfer from the developer when completed, to a facility that is privately maintained? Marion County hasn't had a robust program on private facility maintenance. There have been more facilities in last two years where developers push maintenance on property owners. Marion County needs to ensure they're being properly maintained.

Rick is concerned about residential, ongoing maintenance being a sticking point. This is where we'll see a lot of issues moving forward. He thinks the best approach is a common facility maintained on property. Matt doesn't see success by requirements being forced on residential property owners. Brent said Stayton has a program for this. There is a recorded agreement on the deed for owner responsibility, but City steps in for maintenance. (for example, rain gardens in people's back yard.) How do we ensure these are maintained? Marion County has access rights and will maintain if the owner doesn't, at a cost. Zach said you have to have a recorded agreement because if you don't, it's legally difficult to rectify. Matt stated that if this trend continues, we could have a lot of enforcement issues. Marion County has septic tanks that are in people's backyards that the County has to maintain. It can become intrusive to property owners.

Brenda asked what would happen if someone has a rain garden that is not maintained and it impacts stormwater, creating an emergency issue: Matt said if it's in the backyard, we're taking down fences and pushing dirt. Matt noted that Marion County has not had to exercise this at this point. Richard added to have caution on using Stayton's standards. They follow Portland's standards and add a layer of complexity.

Warranty period for vegetation: Matt stated that currently, the county has a two-year warranty on rain gardens; will replace plants that die; how this has worked out isn't great to the county's liking. Marion County wants a better way to include in the standards. This will lead to better O&M success.

STORMWATER STANDARDS: WORKSHOP #2

Workshop #2 focused around construction erosion. Brown & Caldwell will come back with a red-lined version. The next time we see post construction, we will put it under sharper microscope.

Zach asked if Workshop #1 was post-construction, why did Workshop 2, Construction Erosion come before post-construction. Matt explained the process. Marion County hasn't had a lot of interest to update detention standards. Matt asked if we should take a closer look at it and set up specific urban and rural requirements?

Matt said they're not expecting the redlined version for several months; approximately June or July. Zach asked if we want to set up a meeting in April or wait until May and asked if there were other presentations from BC that we need to go through? As construction erosion will be quick to go through, the group decided to regroup and meet on construction erosion in April. The next thing to take on is the redlined version of standards and ordinances. The group decided have a meeting in April, skip May, a meeting in June, skip July, and schedule the next meeting in August or September.

Elizabeth will send out a Doodle Poll to find an April meeting date for construction erosion. She will also include options for the June meeting in the poll.

With no public comment, Zach adjourned meeting at 6:56 p.m.

Next meeting: Thursday, April 22, 2021.