



**City Council Business Agenda Item
City of Kenmore, WA**

Subject/Topic: Integrating Low Impact Development Principles and Best Management Practices Into the City's Development-Related Codes, Rules and Standards.

For Council Meeting Agenda of: September 19, 2016

Department: Public Works

Prepared by: Richard Sawyer, Surface Water Manager

Initial & Date

Approved by Department Head: KMD 9/14/16
 Approved by City Attorney: NA
 Approved by Finance Director: [Signature] 9/15/16
 Approved by City Manager: [Signature]

Proposed Council Action/Motion:
This meeting includes a staff presentation and no Council Action is required. Council feedback/comments is encouraged.

Exhibits/Attachments:
 A – Gap Analysis
 B – Draft Amendments

Expenditure Required \$50,000 Amount Budgeted \$50,000 Appropriation Required \$0

INFORMATION/BACKGROUND:

The intent of this presentation is to 1) update the Council on what Low Impact Development is, 2) explain why and how we are integrating it into the City's codes and development standards and 3) outline upcoming steps that staff propose to implement these changes.

Background

The City's Western Washington Phase II Municipal Stormwater Permit (Permit) is issued by the Washington State Department of Ecology (Ecology) as part of the National Pollutant Discharge Elimination System (NPDES) program. The City has been under Permit coverage since 2007, and is currently under its third permit under Ecology. Each Permit has built upon requirements and programs developed under the previous Permit. The current Permit, effective August 1, 2013 through July 31, 2018, requires that the City revise their local development-related code, rules, standards, or other enforceable documents to incorporate and require Low Impact Development (LID) principles and LID Best Management Practices (BMPs). These revisions must be implemented by December 31, 2016.

As a brief reminder, LID is a surface water management philosophy that strives to manage surface water at the source through principles such as, but not limited to, 1) retention of native soils, vegetation and trees, 2) reduction of impervious areas and 3) clustering of development away from critical habitat. In addition to these principles, LID also utilizes an assortment of BMPs to manage surface water in a way that mimics how the predeveloped environment worked. These BMPs include rain gardens, green roofs, bio-retention facilities and permeable surfaces (including asphalt and concrete pavements, pavers and reinforced vegetated surfaces).

The City began the process of LID integration with updates to the Surface Water Master Plan and the Surface Water Element of the City's Comprehensive Plan in 2014 and 2015. Policy SW 1.1.4 was added to the Surface Water Element which support efforts to make LID the preferred and commonly used approach to site development. The Surface Water Master Plan developed a programmatic surface water project, labeled 'Sprog-01', which is the last part of integrating the Permit's LID requirements into the City's codes and standards.

Prior Policy Discussion

During the update of the Surface Water Master Plan, Council considered policies related to private versus public responsibility for surface and storm water management, which will be particularly important with the long term operations and maintenance of LID facilities. The City's existing administrative policies, which Council voted to support and continue, are to only maintain surface water facilities and structures that are within the right-of-way, or within a tract or easement dedicated to the City for the purpose of operations and maintenance and provide technical and educational assistance when possible to private property owners. The proposed code amendments and proposed surface water design manual adoption will support these policies. Proposed code amendments are called out in Attachment B under chapter 13.35.110 and 13.35.120 and additional details regarding drainage facility maintenance responsibility is described in the 2016 King County Surface Water Design Manual under section 1.2.6, which due to its size is not attached to this report. However, it is available on King County's website.

Additionally, during the update of the Surface Water Master Plan, surface water rate reductions were discussed in regards to privately maintained surface water facilities. In light of increasingly more complicated surface water management requirements over time and more stringent requirements coming with LID integration, Council voted to modify the rate reduction incentives to owners of privately operated surface water facilities. Currently, rate reductions are applied the same for any private facility owner regardless of the age or performance of the facility. The proposed code amendments will apply higher surface water rate reductions for newer facilities with higher performance levels. Council agreed that private stormwater facility maintenance was appropriate for rate reduction consideration, but voted to remove other rate reduction options, such as the curriculum option used by school districts to lower their rates based upon providing certain surface water related curriculum in classrooms. However, programs like this were found to be incredibly difficult to manage and enforce and providing private facility rate reduction to school district properties already provided a substantial reduction. The proposed rate reduction code amendments are shown in Attachment B, section 13.40.070.

Current Progress

The current phase of LID integration, which began in late 2015/early 2016, included 1) contracting a knowledgeable consultant to assist the City with integration of LID into applicable codes and standards. The consultant then worked with a committee of staff members to 2) gather all applicable information related to existing development codes and standards and 3) conducted a gap analysis to determine which codes and standards needed amending and which were meeting the intent of LID. Presently, and moving forward, the consultant is 4) working with staff to develop code amendments for Council and public review. The final step of the process will include 5) development of an ordinance for Council adoption. This ordinance would amend applicable codes and standards and adopt the new surface water design manual, meeting compliance with the NPDES municipal stormwater Permit.

To implement this project, the City acquired the services of two environmental engineering firms. PACE Engineering is the City's on-call surface water consultant and provides oversight and technical guidance. AHBL, Inc. has been forefront in developing and implementing LID in the Puget Sound region for many years and was co-author with the Puget Sound Partnership on the region's primary guidance manual on this topic titled "Integrating LID into Local Codes: A Guidebook for Local Governments". AHBL is currently conducting similar efforts for many other local municipalities and is providing the bulk of the review and recommendations that will be presented to Council over the next few meetings. The City formed a multi-department committee to work with the consultants on this endeavor, which includes planners from Development Services and Planning & Community Development, a Civil Engineer from Public Works and the City's Surface Water Program Manager.

Earlier this year, a thorough gap analysis of the City's existing codes and development standards was conducted. The gap analysis, which leveraged the Consultant's expertise and experience working with several other municipalities within the region, identified specific areas in the City's codes that hindered or prohibited the use of LID principles and BMPs. It is also worth noting that this gap analysis confirmed that many sections of the City's code already supported the implementation of LID principles and BMPs. The gap analysis (Attachment A) includes comments on many sections of code and is attached to this report for your review. Once the gap analysis identified areas in the City's codes and standards needing an update, staff worked with the consultant to begin drafting amendments to eliminate those gaps, which is still in progress and will continue to evolve with Council and public review. A copy of the current draft code amendments (Attachment B) are attached to this report for your review. The more substantial updates needed to address gaps include:

- Updated definitions to include LID terminology
- Updated landscaping requirements to allow LID where feasible
- Updated paving surface standards to allow permeable options where feasible
- Updated impervious area zoning maximums reduced (or established)
- Road Standards update to include LID requirements
 - Reduce impervious areas where feasible
 - Allow permeable surface options where feasible
 - Allow LID BMPs where feasible
- 2016 King County Surface Water Design Manual update to include LID requirements
 - Equivalent to Ecology's Stormwater Management Manual for Western Washington
 - Define LID feasibility and infeasibility
 - Provides permitting and site planning criteria for LID principles and BMPs
 - Provides design and construction criteria for LID principles and BMPs
 - Provides operations and maintenance criteria for LID principles and BMPs

Council is encouraged to express their questions/comments at this presentation or email staff at any time. Questions and comments will be incorporated into staff's reviews and edits as needed.

Next Steps

Code amendments and Design Manual adoptions, to bring the City into compliance with current NPDES requirements, are required to be effective by December 31, 2016. Staff have proposed the following schedule to meet this deadline and allow the public and Council several opportunities to review and comment throughout the process.

This September 19, 2016 meeting will provide Council with the first versions of the gap analysis and draft code change recommendations. This version will also be presented to the public during two open houses scheduled the following week. Over the next 2-3 weeks, staff will review comments and questions and make applicable updates and prepare a draft ordinance to formalize the code edits. At the following Council meeting, Council will receive the draft ordinance for review and comment. A Public Hearing will also be held and the public will have an opportunity to comment on the draft ordinance.

Following the Public Hearing, staff will review comments and make applicable updates, if needed. In November, staff anticipates that the final ordinance will be prepared and ready for Council adoption. Depending on feedback received from the Public Hearing, this may happen in one meeting, but additional may be scheduled if needed.

Schedule Summary

September 2016 – SEPA submittal to City of Kenmore

September 2016 – Department of Commerce submittal

September 19, 2016 – Council Meeting 1 to introduce LID integration

September 27, 2016 – Public Open House 1 (morning session)

September 29, 2016 – Public Open House 2 (afternoon session)

October, 2016 – Council Meeting 2 to present draft ordinance

October, 2016 – Public Hearing to present draft ordinance

November, 2016 – Council Meeting 3 Motion to adopt final ordinance

FISCAL CONSIDERATION:

The estimated cost is \$50,000, of which \$25,000 is being covered by a grant awarded to the City by Ecology. The other \$25,000 was budgeted in the adopted 2015-2016 biennial budget.

COUNCIL GOAL/BUDGET OBJECTIVE BEING ADDRESSED:

7 – To address watershed and water quality issues affecting the City.