

CITY OF LYNDEN

SUMMARY OF LOW IMPACT DEVELOPMENT MUNICIPAL CODE REVISION PROCESS

PER PHASE II STORMWATER PERMIT SECTION S5.C4.F11



CITY OF LYNDEN

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This document serves as Attachment D to the City of Lynden's 2017 Annual Report submittal to the Department of Ecology for its Phase II NPDES Municipal Stormwater Permit

Introduction

In 2017, the City of Lynden updated the Lynden Municipal Code (LMC) and the Design and Development Standards to incorporate new provisions for low impact development (LID). These changes were driven by the State of Washington through requirements in the City's Western Washington Phase II stormwater permit or National Pollutant Discharge Elimination System (NPDES) permit. The purpose was to revise and incorporate provisions in the development code and other standards that require the use of low impact development techniques (LID) where feasible as the preferred and commonly used approach to site development. The goals of LID are to minimize impervious surfaces, native vegetation loss and stormwater runoff in all types of development situations. Section S5.C.4.f.ii of the permit requires that a summary of the process be submitted to the Department of Ecology with the annual report by March 31, 2018. This report documents the City of Lynden's process to revise the municipal code and includes the extent of titles affected and the content of code changes.

Code and Standards Revision Process

The specific requirement for the City to incorporate LID in the stormwater and the development code is found in Section S5.C.4, Controlling Runoff from New Development, Redevelopment and Construction Sites, of the Phase II permit. This section requires that each Permittee shall implement and enforce a program to reduce pollutants in stormwater runoff to their MS4 from new development, redevelopment and construction site activities. The program shall apply to private and public development, including roads. Specifically, the low impact development code-related requirements mandate that jurisdictions shall review, revise and make effective their local development-related codes, rules, standards, or other enforceable documents to incorporate and require LID principles and LID best management practices (BMPs).

To meet these charges and to ensure consistency and support for the changes, several of the City's departments and consultants were involved in the code review and update process. The City began work in 2015 with attendance at the Department of Ecology's Low Impact Development Code Update and Integration Training Workshop and through the formation of a stormwater committee. Staff were educated on the permit requirements for the upcoming code changes and overviews of the code revision process were provided to the Public Works Committee and City Council.

The primary code revision team, or internal committee, was assembled and led by consultant Karen F. Welch, Welch Ecological Services, LLC. and Public Works staff members, Steve Banham, Director, Mark Sandal, Programs Manager, Laura Burford, Administrative Manager, and Planning Department staff members, Heidi Gudde, Director and Dave Timmer, Planner. An External Stakeholder Committee was formed by this team.

Summary of Steps and Timeline

The City of Lynden followed the general concepts and steps outlined in the Washington Department of Ecology's July 2014, *Low Impact Development – Code Update and Integration Toolkit* (toolkit) document. A brief summary of the code revision steps is presented below:

- The primary code revision team had representation from Public Works and Planning Departments and provided oversight and guidance. An extensive review of existing codes, rules, and standards was undertaken.
- The process involved presentations and working sessions to provide understanding of the general topics. During 2017, presentations were made to the Public Works Committee, Planning Commission, Design Review Board, and the City Council. Meetings were held periodically to brief these committees on the status of code revisions and solicit comments. The internal team members also met with administration to inform them of progress and solicit input on specific approaches.
- An External Stakeholders group was formed and a kick-off meeting was held in March of 2017. A wide range of community interests were invited to participate in this process including representatives from the construction industries, environmental community, and local tribes, County, Conservation District, School Districts and the Watershed Improvement Districts. Notices were published in the Lynden Tribune.
- Draft code revisions were made available to the stakeholder group and general public during the process. Documents for review were posted on the City's website two weeks prior to the meeting. Input from this stakeholder group was reviewed by the City's internal committee and incorporated as appropriate into the draft code. A follow-up meeting occurred in September 2017 with the purpose of soliciting comment from the stakeholders on the draft code revisions.
- Feedback from the Internal Stormwater Committee meeting held on August 9, 2017 was addressed. Staff from the Public Works, Planning, Parks and Fire departments were in attendance. An overview of the extent of code changes and LMC Titles affected was given. Discussion focused on changes to Title 12 Streets, Sidewalks and Public Places, Chapter 13.24 Stormwater Management System, and a new Chapter 16.20 Clearing and Grading.
- It was decided that many of the specifics should be detailed in the City's Design and Development standards rather than the LMC. These included such things as soil amendments, long-term maintenance of large width roads, alley loading, trail width standards etc. Much of Title 12's text was proposed to be stricken as it was dated at the turn of the century and /or addressed in other titles. Fire was concerned about the extent of strikeouts in Title 12. To address this the modifications were made.

- The Internal Committee also reviewed the City's Design and Development Standards and the document was revised to incorporate changes into Divisions 2, 4, and 8.
- The Planning Commission was presented with periodic updates on the progress of this project from January through August 2017. A presentation to the Design Review Board also occurred in August. A public hearing was held before the Planning Commission on September 14, 2017.
- Following the public hearing, the code changes were moved forward to final legal review, SEPA review, and the Department of Commerce review. The recommended code revisions went before the City Council on December 4, 2017 and were adopted.

Content of Code Revisions

Six ordinances (Ords. #1540-41 and #1545 -48) were passed on December 4, 2017 amending the Lynden municipal code to incorporate and require low impact development principles and best management practices. Code revisions were extensive and affected Titles: 12, 13, 16, 18 and 19. The Department of Ecology's 2012 Stormwater Management Manual for Western Washington as amended in 2014 was specifically adopted in Title 13 as the standard for stormwater management.

LMC Title 12 -Streets, Sidewalks, and Public Places

LID language was added to encourage use of these strategies in road and sidewalk design. Old language (circa 1909) on technical specifications was stricken from the code and reference was made to the City's adopted Design and Development Standards as the authoritative document on specifications.

LMC Title 13 Chapter 13.24 -Stormwater System Management Utility

Sections were reorganized to offer a more cohesive flow of an applicants' stormwater requirements for City approval for new development or redevelopment and stormwater utility specifics of rates, billings and procedures. Section 13.24.060, measurement of impervious area, was stricken and replaced with a new extensive section on requirements for development per the Phase II permit and the Ecology Stormwater Manual.

Land Use Development Code – LMC Titles 16 Environment, 18 Subdivisions, and 19 Zoning

Low impact development techniques focus on minimizing the creation of impervious surfaces; minimizing the loss of native vegetation; and minimizing stormwater runoff by increasing infiltration. This influences how land how stormwater is managed but can also influence how land is subdivided, cleared, and developed. Changes to the planning titles focus on the following:

- Encouraging LID techniques by allowing flexible lot design, such as cluster development, when LID is utilized.
- Minimizing the impervious surfaces required in infrastructure improvements.
- Encouraging infill through the use of accessory dwelling units, and subdivision of existing large lots.
- Strengthening landscape requirements, specifically for multi-family development, to allow for more impervious areas.

Specifically, Title 16 was amended to include a new Chapter 16.20 to add language governing clearing and grading to the environmental code. Clearing and grading regulation was not present in the code prior to the new insertion of Chapter 16.20.

The Subdivision Title 18 was amended to include encouragement of the use of LID strategies in site planning by renaming 18.14, Plat Design, to the broader name of New Development and Redevelopment Site Design. The language of this new chapter encourages LID strategies in development design and seeks to reduce barriers to using LID strategies. Considerations include amending language to provide flexibility on lot sizes, lot widths, frontage etc. It also references the City's adopted Design and Development Standards as the authoritative document. The goal of the changes is to allow for lot design to respond to the natural characteristics of the property and minimize negative environmental impacts without sacrificing the quality and character of the neighborhood layout.

The Zoning Code, Title 19 was altered to encourage LID strategies in development design and seeks to reduce barriers to using LID strategies by amending language that sets specifics such as setbacks etc. Flexibility is provided here by expanding the use of Planned Residential Developments in RM-3 and RM-4 zones. Specific language was added to allow for infill in single family and multi-family building zones through the expanded use of accessory dwelling units. Strengths provisions related to landscape requirements for multi-family. It also references the City's adopted Design and Development Standards as the authoritative document.

Details of Revisions

Details of the adopted revisions are itemized in Table 1 which provides specifics on the sections of LMC reviewed, the nature of the revision.

Table 1. City of Lynden Low Impact Development Code Revision Matrix March 2018

Code Title and Section Number	Ordinance Reference & Comments
Title 12 Streets and Sidewalks	Ordinance 1541 - A new chapter 12.02 Applicability is adopted 12.04 Construction standards chapter was repealed in its entirety 12.05 Streets and sidewalk standards were amended to detail use of LID techniques on arterials and residential roads. Street planting strips and tree planting were aligned with LID goals
Title 13 Public Utilities 13.24 Stormwater Management Systems	Ordinance 1540 - Chapter 13.24 was hereby repealed and replaced per Exhibit A of the ordinance. Language was added to require LID techniques with new development or redevelopment.
Title 16 Environmental Policy	Ordinance 1545- added a specific Clearing and Grading chapter 16.20 to address land disturbing activities
Title 18 Subdivisions	Ordinance 1546 – changes were made to many of the subdivision chapters from 18.04 through 18.24. Changes included many references to City design standards and new LID protocol as well as application requirements
Title 19 Zoning	Ordinance 1547 -amended the zoning code for many of the chapters; 19.03 Comprehensive Plan through single family zones, commercial etc. to 19.29 Planned Residential Development Overlay