# LOCAL DEVELOPMENT CODES
# DID YOU KNOW...

The 2013 – 2018 stormwater general permits for Phase I and Phase II Western Washington municipalities, issued by the WA Department of Ecology and currently in effect through July 31, 2019, included requirements to update local development codes. These requirements can be found in S5.C.4.f. in the WWA Phase II permit, as follows:

> "No later than December 31, 2016, Permittees shall review, revise and make effective their local development-related codes, rules, standards, or other enforceable documents to incorporate and require Low Impact Development (LID) principles and LID BMPs… The intent of the revisions shall be to make LID the preferred and commonly-used approach to site development. The revisions shall be designed to minimize impervious surfaces, native vegetation loss, and stormwater runoff in all types of development situations. Permittees shall conduct a similar review and revision process, and consider the range of issues, outlined in the following document: Integrating LID into Local Codes: A Guidebook for Local Governments (Puget Sound Partnership, 2012).
>
> "Each Permittee shall submit a summary of the results of the review and revision process in (i) above with the annual report due no later than March 31, 2017… This summary shall include, at a minimum, a list of the participants (job title, brief job description, and department represented), the codes, rules, standards, and other enforceable documents reviewed, and the revisions made to those documents which incorporate and require LID principles and LID BMPs. The summary shall include existing requirements for LID principles and LID BMPs in development-related codes. The summary shall be organized as follows: (a) Measures to minimize impervious surfaces; (b) Measures to minimize loss of native vegetation; and (c) Other measures to minimize stormwater runoff."

This is a change from the last permit update, when local municipalities were required to remove barriers to low-impact development. The key change is "to make LID the preferred and commonly-used approach." This permit obligation is also distinct from another permit obligation to adopt a stormwater manual. Incorporating the stormwater manual by reference in development codes will not meet the LID code update requirements. Washington Environmental Council (WEC) and Puget Soundkeeper (PSK) have been tracking the implementation of local development code updates using a new tool: Nature's Scorecard.

## ABOUT NATURE'S SCORECARD

Nature's Scorecard is a first-of-its-kind tool designed to keep cities and counties around Puget Sound accountable for protecting our waters and using green solutions when planning for growth. Together, WEC and PSK reviewed all 81 Puget Sound municipalities covered by the Municipal Stormwater Permits, and determined their compliance with the LID code update requirements. Specific considerations for the Scorecard included: (1) assembly of an interdepartmental review team; (2) facilitation of an accessible public review and code adoption process; (3) implementation of proposed LID code updates; and (4) filing of form 41b with your annual report to Ecology, including a clear matrix of code updates.


**NATURESSCORECARD.COM**

The LID Code Update and Integration Toolkit can be found at wastormwatercenter.org/lidcodeintegration

The following contractors have experience implementing LID code updates:

AHBL (ahbl.com) BERK (berkconsulting.com) Herrera (herrerainc.com) Otak (otak.com)
Robin Consulting (robin.consulting) SCJ Alliance (scjalliance.com)

# NATURE'S SCORECARD
# INTERPRETING YOUR SCORE

WEC and PSK chose five specific LID code updates directly from the LID Code Update and Integration Toolkit that cities and counties were provided to help update their codes. We selected these five fundamental updates because they are straightforward, easy to accomplish, and vital to achieving the goals of the permit. Each of these five code updates is explained below, along with examples of successful updates that merited check marks.

## SOFTENING OUR FOOTPRINT

This indicator targets hard surface limits for different land use types. We looked for maximum hard surfaces, coverage, lot coverage, hardscapes, and net coverage. This indicator applies to the true footprint of a project – including parking lot, pathways, etc. To receive a check, you must provide numerical limits for at least two broad categories of development in this manner. Note: discretionary thresholds are insufficient to merit a check.

**FOR EXAMPLE** Renton's Development Regulations clearly indicate the maximum permissible impervious surface area as a percentage of total surface area for all land use types and zoning designations. In residential zoning designations, maximum allowable impervious surface ranges from 15 – 80% of total surface area (see Renton Municipal Code Title IV).

## BUILDING WITH CARE

This indicator targets the protection of native plants and soils during construction. We looked for language including sediment control measures, fencing requirements around trees and plants, date restrictions, explicit protections for native soils/duff layer/existing infiltration, other disturbance minimization measures, and incorporation of best management practices explicitly from the SWMMWW. To receive a check, you must require clear protections for land and ecological processes. A check mark was not merited if protections were only required in critical areas, or suggested within the stormwater manual.

**FOR EXAMPLE** Oak Harbor requires creation of an erosion and sediment control plan before any land clearing activity, with detailed native soil protection provisions and seasonality requirements (see Oak Harbor Municipal Code Chapter 12).

## IMPROVING FILTRATION

This indicator targets a preference or requirement for permeable pavement in parking lots, sidewalks or other large areas. We looked for language clarifying that pervious surfaces are not simply an option for developers, but rather the preferred approach. To receive a check, permeable pavement must be explicitly encouraged or required where feasible. Permeable pavement requirements must not be restricted to private property or specialized zones.

**FOR EXAMPLE** See Lacey Municipal Code Chapter 16: "Permeable paving is the preferred surfacing for sidewalks [/forecourt or porch-stoop-terrace frontages/parking lots] where feasible."

## GROWING THE RIGHT TREES

This indicator targets planting native trees. We looked for language pointing developers to easy-to-locate explicit street tree lists. A native plant list that included trees was also acceptable. To receive a check, you must provide concrete guidance to developers on appropriate native trees and plants. Guidance could not be limited to a list of banned or noxious trees, and citations of other resources could not be limited to national lists, lists of descriptors, or other un-helpful directives. Note: Explicitly referencing another easily-accessible local list could suffice.

**FOR EXAMPLE** The City of Seattle's Street and Master Tree Lists specify native plants.

## MAINTAINING BUFFERS

This indicator targets critical area buffers. We looked for language explicitly defining what buffers are, and requiring that they be maintained with native vegetation associated with LID BMPs. To receive a check, you must include buffer requirements in at least one critical area, though they should be included for all.

**FOR EXAMPLE** Kitsap County specifies that buffers should be consistent with that of the environment designation in which the land use is occurring, and shall be permanently maintained between new agricultural activities and the OHWM of the shoreline or wetlands. Fences are required at the outer buffer edge to separate water bodies from livestock pastures (see Kitsap County Code Chapter 22).