

July 6, 2015

CITY COUNCIL STUDY SESSION ITEM

SUBJECT

Update on the Low Impact Development Principles Project and Introduction of Areas of Focus

STAFF CONTACT

Catherine A. Drews, Legal Planner (Project Manager) 452-6134
Development Services Department

Paul Bucich, Assistant Director of Engineering 452-4596
Phyllis Varner, NPDES Permit Manager 452-7683
Utilities Department

POLICY CONSIDERATION

Should Council approve the Areas of Focus developed as part of Phase I of the LID Principles Project as the starting point to explore what revisions, if any, are appropriate for the City's development-related codes and standards to make LID the preferred and commonly-used approach to site development? The NPDES Permit requirement is included as Attachment A.

Comprehensive Plan

POLICY UT-23. Manage the storm and surface water system in Bellevue to maintain a hydrologic balance in order to prevent property damage, protect water quality, provide for the safety and enjoyment of citizens, and preserve and enhance habitat and sensitive areas.

POLICY EN-1. Consider the immediate and long-range environmental impacts of policy and regulatory decisions and evaluate those impacts in the context of the City's commitment to provide for public safety, infrastructure, economic development, and a compact Urban Center in a sustainable environment.

POLICY EN-17. Establish land use regulations that limit the amount of impervious surface area in new development and redevelopment city-wide.

POLICY EN-18. Implement land use incentives to minimize the amount of impervious surface area below that allowed through prescriptive standards, in new development, redevelopment, and existing development city-wide.

POLICY EN-27. Implement the citywide use of low impact development techniques and green building practices that provide benefits to critical areas functions.

POLICY EN-39. Restrict the runoff rate, volume, and quality to predevelopment levels for all new development and redevelopment.

DIRECTION NEEDED FROM COUNCIL

☒ X Action
☒ X Discussion
☒ X Information

At the conclusion of the presentation, **staff seeks approval from Council to move forward with the Areas of Focus. Staff also seeks Council's approval of the Project Interest Statement and Project Principles.**

BACKGROUND/ANALYSIS

This memorandum presents an Executive Summary providing Council with an overview of the LID Principles Project and its status. Following the Executive Summary the memorandum provides Council with information on the following topics:

1. The proposed Project Interest Statement and Principles;
2. Overview of the City's NPDES Stormwater Permit and corresponding requirements;
3. Project status and phase 1 of the work;
4. Discussion of the Areas of Focus, the process to distill the areas, and the next phase of work
5. Information on the proposed Public Participation Plan; and
6. Next Steps

Executive Summary

The 2013-2018 NPDES Western Washington Phase II Municipal Stormwater Permit ("NPDES Permit") requires the City to review and revise its development-related codes and standards to incorporate and require low impact development ("LID") principles. LID principles are "land use management strategies that emphasize conservation, use of on-site natural features, and site planning to minimize impervious surfaces, native vegetation loss, and stormwater runoff." LID principles are different from LID Best Management Practices ("BMPs"), which are on-site stormwater control and treatment facilities such as rain gardens and permeable pavement. LID BMP requirements will be addressed in a different project. The intent for the revisions is to make LID the preferred and commonly-used approach to site development. A copy of the NPDES Permit requirement is included as Attachment A.

The permit, however, doesn't provide any metrics for reducing impervious surfaces and native vegetation loss, thus providing jurisdictions flexibility to determine appropriate measures. This allows development of Bellevue-appropriate recommendations that are area and context sensitive, thus avoiding a one-size-fits all approach. The permit does require, however, that the City's review of its development-related codes and standards be similar to the process described in *Integrating LID into Local Codes: A Guidebook for Local Governments* (Puget Sound Partnership 2012). Reviewing to integrate LID principles is a new requirement and process for all the Phase II permittees, including Bellevue. In addition to reviewing the City's development-related codes and standards, the process requires identifying and engaging stakeholders early in the process and ensuring successful implementation.

Bellevue's review project is called the LID Principles Project (the "Project") and the Project deadline is December 31, 2016. Early on, the Project team recognized the need for the Project to be context and area sensitive, recognizing that Bellevue has varying levels of urban development and targeted areas for growth. Consequently a one-size-fits-all approach is inappropriate. For example, what is appropriate for the highly urbanized Downtown, will not be appropriate in Bridle Trails, with its large, treed single-family lots and the community's strong desire to maintain neighborhood character. Bellevue also has development goals for the Downtown, Bel-Red, and Eastgate. Concentrating density in certain areas of the City, such as the Downtown, achieves two things. First, it helps the City meet its GMA obligations to meet growth targets (population and employment) and concentrating growth in areas already growing provides for concentrated impervious areas while maintaining reduced impervious cover in other areas of the City, which is a LID technique. Balancing environmental benefits with Bellevue's goals for economic development is important and will also be considered.

The Project not only supports permit compliance now and in the future, but it also has the potential to support or advance other Council goals and priorities and certain City programs. For example, minimizing native vegetation loss could result in increased tree canopy, helping to meet proposed tree canopy targets, decreased greenhouse gas emissions, reduced stormwater flows, and reinforcing Bellevue's reputation as a City in a Park. Other efforts that will benefit from the Project include aiding salmon recovery, supporting the Environmental Stewardship Initiative, implementing aspects of the Storm and Surface Water System Plan, and championing the Council's vision of a high quality built and natural environment for Bellevue. In the 2014 Budget Survey, Bellevue's

citizens ranked protecting Bellevue's water quality in its lakes and streams fifth in importance; only public safety issues ranked higher.

The internal Project team, with the assistance of the consulting firm AHBL, has completed reviewing the development-related codes and standards, and from that work has developed Areas of Focus. The Areas of Focus will be the starting point for discussions with the City's boards and commissions and stakeholders about what revisions are appropriate for Bellevue. At the conclusion of the Study Session, staff seeks Council approval of the Areas of Focus. Once approved, the Project may then move forward and begin the public participation process. The Project team will provide updates to the Council throughout the process and ensure Council's questions and concerns are addressed.

If the City adopts any land use code amendments, the adoption must occur before November 2016 to allow the East Bellevue Community Council ("EBCC") to hold a final public hearing on the adopted amendments in early December. Once the EBCC completes its final hearing, the City will have completed the Project and met the compliance deadline of December 31, 2016. A report detailing the review process, revisions which incorporate LID principles, and discussing measures to minimize impervious surfaces, loss of native vegetation, and other measures to reduce stormwater runoff is due to the Washington State Department of Ecology in March of 2017.

Project Principles

The Project Interest Statement and Principles will establish Council-approved guidelines for the Project. This document will guide staff and boards and commissions as they explore the feasibility of the Areas of Focus and develop recommendations to better align the City's codes and standards with the LID principles. These principles require consideration of:

- Bellevue-appropriate options (area and context sensitive);
- Engaging stakeholders (educate and seek input);
- Building on existing City programs;
- Maintaining Bellevue's compliance record with its NPDES permit; and
- Recognizing and seeking to balance competing needs.

A copy of the proposed Interest Statement and Project Principles is included as Attachment B to this memorandum. At the conclusion of the Study Session, staff seeks Council's approval of the Interest Statement and Project Principles or alternative direction.

NPDES Permit: Stormwater Management Program

LID principles are but one component of the City's Stormwater Management Program, required under the City's NPDES Permit, which is a requirement of the federal Clean Water Act ("CWA"). The CWA goal is to protect water quality and beneficial uses of the nation's surface waterbodies, such as aquatic life support, recreational activities and drinking water supply. The Stormwater Management Program is designed and intended to reduce pollutants discharged to and from the municipal storm drainage systems into waterbodies.

The NPDES Permit continues and builds upon the prior permit's Stormwater Management Program requirements by increasing and adding new requirements that are phased in over the 5-year permit term, including LID principles. Examples of increased or new requirements that staff are implementing include:

Requirement	2013-2018 Change
Municipal O&M	Reduce inspection/maintenance cycle from 4 to 2years for over 21,000 catch basins
Illicit Discharge Detection & Elimination (IDDE)	Field screen at least 40% of municipal storm system for illicit discharges

Monitoring	Participate in collectively-funded regional monitoring program
Public Education & Outreach	Measure a targeted audience's adoption of water quality protective measures
Controlling Runoff from New Development, Redevelopment & Construction Sites	Make LID (Principles and BMPs) the preferred and commonly-used approach to site development

Project Status – Phase I Work

Staff introduced the Project to Council on September 16, 2013. The September Study Session materials are included as Attachment C. Since introducing the Project, the City selected AHBL, Inc. as its consultant to assist in the required review. AHBL authored the guidebook *Integrating LID into Local Codes* for the Puget Sound Partnership that contains the review process the City must undertake for this project. Additionally, AHBL has provided consulting services for numerous jurisdictions seeking to integrate LID into codes and standards, including the cities of Newcastle, Redmond, Issaquah, and Kirkland.

The Project's first substantive work was the Opportunity Analysis of the City's Comprehensive Plan. Between February and June 2014, the consultant, with assistance and input from staff, reviewed the Comprehensive Plan to identify opportunities to integrate LID principles into the policy document. As a result of the analysis, it was concluded that, although the Comprehensive Plan provides excellent policy support for earlier LID requirements, opportunities exist to better align the City's policies with the new LID principle requirements. Based on this conclusion, on September 24, 2014, staff presented recommended policy amendments to the Planning Commission as part of the City's major Comprehensive Plan Update.

The Planning Commission's recommendation, which incorporated policy updates addressing LID, was presented to the Council on April 6, 2015. Council specifically reviewed the Environment Element policies, including LID on June 8. During that Study Session, Council raised questions about proposed policy EN-X6, in response to questions about the policy wording and the objectives of the NPDES Permit. A written response to Council's questions was provided with the July 6 Study Session materials for the Comprehensive Plan update. Staff will also be available to address Council's questions at the July 6 Study Session.

The Opportunity Analysis of the City's development codes and standards is also complete. To complete the analysis, AHBL conducted a thorough review of Bellevue's development codes and standards and development guidelines, including the:

- Transportation Code (Title 14);
- Land Use Code (Title 20);
- Construction Codes (Title 23);
- Utilities Codes (Title 24);
- Clearing and Grading Code and Development Standards;
- Critical Areas Handbook;
- Design Guidelines Building/Sidewalk Relationships, Central Business District;
- Environmental Best Management Practices & Design Standards;
- Pedestrian Corridor and Major Public Open Space Design Guidelines;
- Storm and Surface Water Engineering Standards; and
- Transportation Design Manual and Standards.

The Opportunity Analysis was presented to the internal staff team, which includes staff from Development Services, Transportation, Parks, Fire, and Utilities departments, and discussed over six working meetings. Like the Comprehensive Plan policies, the consultants and staff found the City's development-related codes and standards generally support LID Principles, and found opportunities exist to better align the City's development codes and standards with LID principles.

Moving to Next Phase of Work: Evaluating Appropriate Revisions

To better align the City's development codes and standards, themes or Areas of Focus were identified in the Opportunity Analysis for further consideration and discussion with stakeholders, the City's commissions and boards, and interested citizens. The goal of this next phase of work is to determine what revisions, if any, are appropriate to the City's development-related codes and standards to make LID the preferred and commonly-used approach to site development. The Areas of Focus Memorandum is included as Attachment D to this memorandum.

The internal team considered numerous issues when evaluating the appropriateness of the Areas of Focus, including:

- Providing site flexibility similar to allowed modifications to critical area buffers and setbacks;
- Ensuring the right vegetation in the right place;
- Thinking outside of the box for creative solutions, such as the use of incentives;
- Understanding impacts to public and private projects;
- Considering neighborhood concerns and goals;
- Implementing programs related to preserving and protecting trees;
- Improving processes – such as elevating site analysis to the forefront;
- Understanding what the market supports;
- Balancing competing interests and needs;
- Acknowledging known issues with LID BMPs;
- Focusing on solutions that support other Council goals and priorities; and
- Engaging in the process without pre-conceived ideas.

From these discussions, the following Areas of Focus emerged:

- Land Use Code
 - Evaluate use of LID principles (and BMPs) early in the site design process
 - Reduce impervious surface lot coverage
 - Preserve and enhance tree canopy
 - Improve options for clustering development
- Transportation Code and Design Standards
 - Reduce impervious surfaces in road rights-of-way
 - Increase tree canopy in transportation facilities.

For each area of focus, both the opportunities and challenges to implement each area were vetted and considered. The Areas of Focus were also presented to directors or their representatives from Parks, Utilities, and Transportation because their respective departments undertake development in the City that may be affected by incorporating LID Principles into the City's development codes and standards. Staff was interested in learning their impressions, questions, and concerns, and having the opportunity to inquire about possible stakeholders to invite to participate in the Project as it moves forward.

The next phase of work for the Project is to engage the public, stakeholders, commissions and boards and initiate discussions about what revisions to the City's development-related codes are appropriate for Bellevue. To initiate this next phase of work, staff is seeking Council's input on and approval of the Areas of Focus. The Council-approved Areas of Focus will be the starting point for the next project phase. If additional areas of focus in the codes and standards are identified by stakeholders, including the City, these additional areas will be evaluated for feasibility for inclusion in the Project or addressed during the next permit cycle.

Draft Public Participation Plan

A robust public participation plan is an important element of the Project. A copy of the draft public participation plan is included with this Memorandum as Attachment E. The goal of the public participation plan is to educate the public about low impact development, the NPDES Permit and its requirements, and Bellevue's approach to meeting the LID permit requirement. The public participation effort is intended to achieve specific desired outcomes, including:

- Providing clear information to the public on the purpose of the LID Principles project and the project process;
- Providing opportunities for interested parties to comment, and for people to listen and learn from one another;
- Conducting public participation events in multiple locations to capture an area's priorities and to make citizen participation easier;
- Seeking broad participation of all interested groups and individuals to capture different viewpoints;
- Harnessing the energies and knowledge of a broad range of stakeholders to ensure issues and concerns are understood, considered, and addressed wherever possible; and
- Creating a transparent process which documents all public input and makes that input readily available for review.

Components of the plan include public workshops, open houses, and presentations before the City's boards, commissions, and the East Bellevue Community Council. To provide easy access to information, the Project will establish a web page on the City's website where the public may access information, schedules, and contact information.

Next Steps

After Council direction, staff will next meet with the City's Parks Board and Environmental, Transportation and Planning Commissions to introduce the Project, explain the process, and identify roles and responsibilities as the Project moves forward. Staff will contemporaneously finalize the public engagement plan and begin engaging stakeholders and community members on exploring the feasibility of each of the Areas of Focus. Staff will provide Council with a status report this fall.

ALTERNATIVES

- Direct staff to explore the six Areas of Focus and approve the Project Interest Statement and Guidelines.
- Provide alternative direction to staff.

RECOMMENDATION

- Direct staff to explore the six Areas of Focus and approve the Project Interest Statement and Guidelines

ATTACHMENT(S)

- NPDES Permit Requirement
- Draft Project Interest Statement and Principles
- September 16, 2013 Study Session materials
- Areas of Focus Memorandum, AHBL
- Draft Public Participation Plan

AVAILABLE IN COUNCIL DOCUMENT LIBRARY

Document	Information Summary	Meeting Date & Recommended Reading
Integrating LID into Local Codes	Guidance for required review	July 6 Study Session. Introduction.

	process	Reviewing Steps 2 and 3 illustrates project status to date
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The public may access this document here:

http://www.psp.wa.gov/downloads/LID_Guidebook/20120731_LIDguidebook.pdf