

ENVIRONMENT COMMITTEE AGENDA

October 20, 2016 – North Conference Room

21630 11th Avenue South – Des Moines 98198

5:30P – 6:15P

1. Approval of the minutes of the 9.15.2016 meeting

2. 2nd Draft LID Ordinance

(Action Item – 40 min)

Staff will present the 2nd draft of the LID ordinance that incorporates comments from the Environment Committee as well as update the Committee on the Public Meeting that was held September 21. Upon review staff will incorporate any final comments before submitting the ordinance to Council for adoption.

3. Poverty Bay Shellfish Downgrade

(Informational Item – 10 min)

Staff will brief the Committee on the recent downgrade due to fecal coliform pollution of approximately 130 acres of the Poverty Bay commercial shellfish growing area from Approved to Conditionally Approved resulting in closure for shellfishing from June to November each year.

DRAFT MINUTES - ENVIRONMENTAL COUNCIL COMMITTEE MEETING 9.15.2016

The meeting was called to order @ 6:00 PM, Thursday, August 18, 2016, in the North Conference room @ 21630 11th Avenue South, Des Moines with the following in attendance:

Council Members

Robert Back, Chair

Melissa Musser - Absent

Matt Pina

City Staff

Michael Matthias, Interim City Manager

Loren Reinhold, SWM Utility Manager

Dunyele Mason, Finance Director

Peggy Volin, Admin Asst II

AGENDA:

1. Approve minutes of the 8.18.2016 meeting
2. 2017 SWM Capital Budget
3. 2017 SWM Budget Discussion
4. Project Updates

MEETING:

1. Approve the minutes of the August 16, 2018 meeting: Unanimously approved.
2. 2017 SWM Capital Budget: SWM Engineering Manager Loren Reinhold and Finance Director Dunyele Mason presented the draft SWM Financial Plan for the years 2017 – 2022 which included current project expenditures and also future years projects based on a six year CIP Plan.
3. 2017 SWM Budget Discussion: This item was combined with item number 2 listed above.
4. Project Updates: SWM Engineering Services Manager Loren Reinhold updated the Committee on the progress of the Lower Massey Creek Project which is on track to be completed by November and is within the budgeted amount.

Meeting adjourned at 5:53 pm

Minutes respectfully Submitted by: Peggy Volin, Admin Asst II

INTEGRATING LOW IMPACT DEVELOPMENT DRAFT FINAL CODE REVISIONS

Purpose

Previously on July 21, 2016 we presented the DRAFT code revisions to incorporate and remove barriers to LID. At this meeting we will provide the DRAFT final recommendations of the proposed code revisions for your review. These revisions are the result of feedback from our public meeting held on September 21, 2016 and a meeting with City staff on October 10, 2016.

Packet Contents

This packet contains the DRAFT final recommended revisions to the City's current municipal code; and a table comparing the status, proposed code revisions and outreach/coordination efforts as reported by several other Phase 2 communities (this information was suggested at the public meeting).

Requested Input from the Committee

- *Please review the DRAFT final code revisions prior to the meeting? Are the final revisions acceptable and are the proposed revisions ready for presentation to the full Council?*
- *For the presentation to Council we would propose to give a brief background on why the revisions are necessary, discuss the process of how the revisions were determined and refined over the past year, summarize the input we received from the public meeting and then present the DRAFT revisions for comment. Is this acceptable or is there additional information that you believe would be helpful so that can gain support for adoption of the code revisions?*

Discuss Next Steps

1. Incorporate final comments from the Environment Committee
2. Schedule and complete legal review of proposed code revisions?
3. Prepare presentation to full Council – when should we schedule this?

City Code Revisions Summary Table

Low Impact Development Integration into City Code and Design Guidelines | 213-1792-015

Section	Existing Text	Proposed Revision	Purpose	Update Summary
11.08 SURFACE WATER MANAGEMENT PROGRAM	11.08.060 Stormwater Pollution Prevention Manual – Adopted by reference. The King County Stormwater Pollution Prevention Manual is adopted by reference pursuant to RCW 35A.12.140 as though fully set forth in this chapter, as presently constituted or as it may be subsequently amended. Not less than one copy of this manual, suitably marked to indicate amendments and additions, is filed in the office of the Des Moines City Clerk for public inspection. [Ord. 1593 § 1, 2014.]	11.08.060 Stormwater Pollution Prevention Manual – Adopted by reference. (1) The King County Stormwater Pollution Prevention Manual is adopted by reference pursuant to RCW 35A.12.140 as though fully set forth in this chapter, as presently constituted or as it may be subsequently amended. Not less than one copy of this manual, suitably marked to indicate amendments and additions, is filed in the office of the Des Moines City Clerk for public inspection. [Ord. 1593 § 1, 2014.] (2) The King County Surface Water Design Manual is adopted by reference pursuant to RCW 35.21.180 as though fully set forth in this chapter, as presently constituted or as it may be subsequently amended. Not less than one copy of this manual, suitably marked to indicate amendments and additions, is filed in the office of the Des Moines City Clerk for public inspection. [Ord. 1583 § 83, 2013.]	- LID flow control standard and subsequent preferred use of LID approaches and BMPs included in King County manual requirements. - King Co Surface Water Design Manual currently adopted by reference in Title 16 SEPA. - Move reference to this section to Improve clarity. All stormwater management manuals referenced in same section. - Clarify proper RCW reference.	Removed ordinance references from proposed revision text for consistency with current City practices

Section	Existing Text	Proposed Revision	Purpose	Update Summary
11.08.070 UTILITIES, Supplemental storm water standards.	(2) Impervious Surface Percentage Exemption. Under Core Requirement No. 3 for Flow Control of the King County Surface Water Design Manual, the impervious surface percentage exemption exempting threshold drainage areas that result in no more than four percent total impervious surface and no more than 15 percent pervious surface is not allowed.	(2) Impervious Surface Percentage Exemption. Under Core Requirement No. 3 for Flow Control of the King County Surface Water Design Manual, the impervious surface percentage exemption exempting threshold drainage areas that result in no more than four percent total impervious surface and no more than 15 percent pervious surface is not allowed.	Exemption removed from 2016 King Co SWDM	

11.08.070(5) UTILITIES, Supplemental storm water standards, Storm Water Discharges to Wetlands.	(b) Discharges to wetlands shall maintain the hydrologic conditions, hydrophytic vegetation, and substrate characteristics necessary to support existing and designated uses. The hydrologic analysis shall use the existing land cover condition to determine the existing hydrologic conditions unless directed otherwise by a regulatory agency with jurisdiction. A wetland can be considered for hydrologic modification and/or storm water treatment in accordance with Guide Sheets 1B and 2B in Appendix I-D of the Department of Ecology Stormwater Management Manual for Western Washington (2005). Guide Sheets 1B and 2B of Appendix I-D of the Department of Ecology Stormwater Management Manual for Western Washington (2005) are adopted by reference in subsection (6) of this section and are for wet-land protection in accordance to this chapter. (6) Department of Ecology Stormwater Management Manual for Western Washington Guide Sheets 1B and 2B – Adopted by reference. (a) The Department of Ecology Stormwater Management Manual for Western Washington (2005) Guide Sheets 1B and 2B are adopted by reference pursuant to RCW 35A.12.140 as though fully set forth in this chapter, and as presently constituted or as may be subsequently amended. (b) Not less than one copy of each such regulation as written, and suitably marked to indicate amendments and additions, is filed in the office of the Des Moines City Clerk and is available for use and examination by the public. [Ord. 1593 § 2, 2014.]	(b) Discharges to wetlands shall maintain the hydrologic conditions, hydrophytic vegetation, and substrate characteristics necessary to support existing and designated uses. The hydrologic analysis shall use the existing land cover condition to determine the existing hydrologic conditions unless directed otherwise by a regulatory agency with jurisdiction. A wetland can be considered for hydrologic modification and/or storm water treatment in accordance with Guide Sheets 1B and 2B in Appendix I-D of the Department of Ecology Stormwater Management Manual for Western Washington (2005). Guide Sheets 1B and 2B of Appendix I-D of the Department of Ecology Stormwater Management Manual for Western Washington (2005) are adopted by reference in subsection (6) of this section and are for wet-land protection in accordance to this chapter. (6) Department of Ecology Stormwater Management Manual for Western Washington Guide Sheets 1B and 2B – Adopted by reference. (a) The Department of Ecology Stormwater Management Manual for Western Washington (2005) Guide Sheets 1B and 2B are adopted by reference pursuant to RCW 35A.12.140 as though fully set forth in this chapter, and as presently constituted or as may be subsequently amended. (b) Not less than one copy of each such regulation as written, and suitably marked to indicate amendments and additions, is filed in the office of the Des Moines City Clerk and is available for use and examination by the public. [Ord. 1593 § 2, 2014.]	Update to most recent version of manual to provide up-to-date guidance, including most recent LID requirements
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Section	Existing Text	Proposed Revision	Purpose	Update Summary
11.12.020(8) UTILITIES, Surface Water Utility Rates, Definitions	“Impervious surface” or “area” means a hard surface area which either prevents or retards the entry of water into the soil mantle as it entered under natural conditions prior to development, and/or a hard surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, roofs, walk-ways, patios, driveways, parking lots, storage areas, areas which are paved, graveled or made of packed or oiled earthen materials, or other surfaces which similarly impede the natural infiltration of surface and storm water. Open, uncovered retention/detention facilities shall not be considered as impervious surfaces for the purpose of this chapter.	“Impervious surface” or “area” means a hard surface area which that either prevents or retards the entry of water into the soil mantle as it entered under natural conditions prior to development, and/or a hard surface area which that causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, roofs, walk-ways, patios, driveways, parking lots, storage areas, areas which are paved, graveled or made of packed or oiled earthen materials, or other surfaces which similarly impede the natural infiltration of surface and storm water. <u>For the purposes of applying impervious surface thresholds and exemptions contained in this surface water design manual, permeable pavement, vegetated roofs, and pervious surfaces with underdrains designed to collect stormwater runoff are considered impervious surface while open</u> Open, uncovered retention/detention facilities shall are not be considered as impervious surfaces for the purpose of this chapter. <u>However, for the purposes of computing runoff, uncovered flow control or water quality facilities shall be modeled as impervious surfaces as specified in the surface water design manual.</u>	Minimize impervious surfaces Minimize stormwater runoff	

Section	Existing Text	Proposed Revision	Purpose	Update Summary
11.12.020 UTILITIES, Surface Water Utility Rates, Definitions	(No current definition)	<u>"Permeable pavement" means pervious concrete, porous asphalt, permeable pavers, or other forms of pervious or porous paving material intended to allow passage of water through the pavement section. Permeable pavement includes an aggregate base or natural soil base that provides structural support and acts as a stormwater reservoir. Surfaces referred to as "paved" shall include those covered by permeable pavement.</u>	Definition based on King Co SWDM.	Update Summary
11.12.020(12) UTILITIES, Surface Water Utility Rates, Definitions	(19) "Storm water drainage system" means constructed and natural features which function together as a system to collect, convey, channel, hold, inhibit, retain, detain, infiltrate, divert, treat or filter storm water. (20) "Storm water facility" means a constructed component of a storm water drainage system designed or constructed to perform a particular function, or multiple functions. Storm water facilities include, but are not limited to, pipes, swales, ditches, culverts, street gutters, detention basins, retention basins, constructed wetlands, infiltration devices, catch basins, oil/water separators, sediment basins and modular pavement. Storm water facilities are described in the King County Surface Water Design Manual as previously adopted in DMMC 18.86.330.	(19) "Storm water drainage system" means constructed and natural features which function together as a system to collect, convey, channel, hold, inhibit, retain, detain, infiltrate, divert, treat or filter storm water. (20) "Storm water facility" means a constructed component of a storm water drainage system designed or constructed to perform a particular function, or multiple functions. Storm water facilities include, but are not limited to, pipes, swales, ditches, culverts, street gutters, detention basins, retention basins, constructed wetlands, infiltration devices, catch basins, oil/water separators, sediment basins and modular pavement. Storm water facilities are described in the King County Surface Water Design Manual as previously adopted in DMMC 18.86.330.	- Shown for comparison with 12.01.050 "Surface water drainage facilities", no change recommended COMMENT – DOES EACH SECTION NEED TO HAVE ITS OWN DEFINITION OR CAN YOU REFERENCE OTHER SECTIONS? WILL NEED TO FOLLOW UP WITH CITY ATTORNEY TO DISCUSS	Referencing definitions is acceptable. We decided to include a reference in Title 12 but to leave the definition of Drainage Facility in Title 16.

Section	Existing Text	Proposed Revision	Purpose	Update Summary
12.01.050 STREETS, SIDEWALKS, AND PUBLIC PLACES, Definitions – Use of words and phrases.	“Nonconforming paved street surface” means asphaltic concrete or cement concrete street surface that does not conform with the current “City of Des Moines Street Development Standards,” but that the Planning, Building and Public Works Director finds to be adequate for projected vehicular traffic.	“Nonconforming paved street surface” means asphaltic concrete, or cement concrete, <u>or permeable pavement</u> street surface <u>(as defined in DMMC 11.12.010(8))</u> that does not conform with the current “City of Des Moines Street Development Standards,” but that the Planning, Building and Public Works Director finds to be adequate for projected vehicular traffic.	Minimize impervious surfaces Minimize stormwater runoff	
12.01.050 STREETS, SIDEWALKS, AND PUBLIC PLACES, Definitions – Use of words and phrases.	“Street system improvements” include a half street section of street pavement (including appropriate subpaving preparation), surface water drainage facilities, sidewalks where required, curbs, gutters, street lighting, right-of-way landscaping (including street trees where required), and other similar improvements as required by the “City of Des Moines Street Development Standards.”	“Street system improvements” include a half street section of street pavement (including appropriate subpaving preparation), <u>surface water-storm</u> drainage facilities, sidewalks where required, curbs, <u>and gutters if used</u> , street lighting, right-of-way landscaping (including street trees where required), and other similar improvements as required by the “City of Des Moines Street Development Standards.”	Remove barriers to LID BMPs	Updated text to refer to storm drainage facilities which is consistent with definition in Title 11.

Section	Existing Text	Proposed Revision	Purpose	Update Summary
12.01.050 STREETS, SIDEWALKS, AND PUBLIC PLACES, Definitions – Use of words and phrases.	“Surface water drainage facilities” means piped and covered surface water drainage, including catch basins, and such detention, retention, and biofiltration as the Planning, Building and Public Works Director shall require in accordance with sound engineering principles and the adopted ordinances and policies of the City.	“SurfaceStorm water drainage facilities” means piped and covered surface water drainage, including catch basins, and such detention, retention, and biofiltration as the Planning, Building and Public Works Director shall require in accordance with sound engineering principles and the adopted ordinances and policies of the City. is as defined in Title 11 DMMC.	- Refers to broader definition that removes barriers to LID and provides more consistency in the code. - Term used to identify systems developer is required to construct COMMENT – VERIFY WITH CITY ATTORNEY WHETHER OR NOT WE CAN REFER TO DEFINITIONS IN OTHER SECTIONS OF CODE?	Revised to match definition exactly in Title 11.
12.05.250 USE AND MAINTENANCE OF PUBLIC RIGHTS-OF-WAY, Duty to maintain clean rights-of- way.	No person shall willfully or negligently cause or allow dirt, mud, rocks, vegetation, grease, oil, or other foreign material or substance to be deposited, stored, abandoned, discharged, or spread on a public street, alley, sidewalk, walkway, trail, shoulder, or drainage ditch; provided, however, nothing contained in this chapter shall require an adjacent property owner to maintain any drainage ditch. [Ord. 1578 § 40, 2013.]	No person shall willfully or negligently cause or allow dirt, mud, rocks, vegetation, grease, oil, or other foreign material or substance to be deposited, stored, abandoned, discharged, or spread on a public street, alley, sidewalk, walkway, trail, shoulder, or drainage storm water ditch facility; provided, however, nothing contained in this chapter shall require an adjacent property owner to maintain any drainage ditch. [Ord. 1578 § 40, 2013.]	Broaden section to include protection of LID facilities	Revised to match definition in Title 11.

Section	Existing Text	Proposed Revision	Purpose	Update Summary
12.15.050 Street Development Standards.	Streets and sidewalks in the City shall be constructed in accordance with the provisions of a document entitled "City of Des Moines Street Development Standards." The Street Development Standards shall be approved by the City Council and amended as is necessary by approval of the City Council. [Ord. 1578 § 58, 2013.]	Streets and sidewalks in the City shall be constructed in accordance with the provisions of a document entitled "City of Des Moines Street Development Standards." <u>The Planning and Development Director shall prepare and as necessary shall update the Street Development Standards for compliance with laws, regulations and standard engineering practices.</u> The Street Development Standards shall be approved by the City Council and amended as is necessary by approval of the City Council. [Ord. 1578 § 58, 2013.]	<u>Minimize impervious surfaces</u> - Minimize stormwater runoff - Street Development Standards to be updated COMMENT – NEED TO FOLLOW UP WITH CITY STAFF FOR SPECIFIC LANGUAGE FOR THIS REVISION	Updated text to clarify that the <u>Planning and Development Director</u> shall be responsible for <u>preparing and maintaining the standards.</u>
<u>12.15.050</u> <u>Street</u> <u>Development</u> <u>Standards.</u>	<u>None</u>	Until such a time that the City has the necessary equipment and properly trained staff that is required for the maintenance of pervious pavement; <u>pervious pavement shall not be used within travel lanes or shoulders of public streets and roads unless otherwise approved by the Planning and Development Director.</u>		New code added to clarify that <u>pervious pavement may not be used on public streets until the City has the necessary equipment and resources for proper maintenance.</u>

Section	Existing Text	Proposed Revision	Purpose	Update Summary
12.20.080 Development sites fronting paved street surface.	If the development site fronts a paved street surface, the developer shall construct street system improvements along the right-of-way frontage of the development site in accordance with this section. (1) The developer shall construct surface water drainage facilities.	If the development site fronts a paved street surface, the developer shall construct street system improvements along the right-of-way frontage of the development site in accordance with this section. (1) The developer shall construct surface <u>storm water drainage</u> facilities.	Update definition for consistency and clarity	Updated to match definition in Title 11.
14.05.120(4) BUILDING CODE, ADDITIONAL REQUIREMENTS AND AMENDMENTS, International Property Maintenance Code (IPMC) amended.	The IPMC shall read as follows: All premises and exterior property shall be maintained free from weeds or plant growth in excess of twelve (12") inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs, provided; however, this term shall not include cultivated flowers and gardens.	The IPMC shall read as follows: All premises and exterior property shall be maintained free from weeds or plant growth in excess of twelve (12") inches. All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs, provided; however, this term shall not include cultivated flowers, and gardens, <u>or vegetation within drainage storm water facilities.</u>	Remove barriers to LID	Updated to match definition in Title 11.
14.20.030 LAND FILLING, CLEARING AND GRADING CODE, Purpose.	(g) To acknowledge that trees and ground cover reduce air pollution by producing pure oxygen from carbon dioxide;	(g) To acknowledge that trees and ground cover reduce air pollution by producing pure oxygen from carbon dioxide; <u>and reduce stormwater runoff by intercepting, evapotranspiring, and retaining rainwater in the soils surrounding their root systems;</u>	- Minimize native vegetation loss - Minimize stormwater runoff	

Section	Existing Text	Proposed Revision	Purpose	Update Summary
14.20.080 LAND FILLING, CLEARING AND GRADING CODE, Permit – Plans and specifications.	(2) Site Plan. An accurate plan for the entire site illustrating the existing conditions shall be submitted to the City containing the following information: (d) The location of all existing drainage facilities, natural and manmade, which transport surface water from the site including: streams and surface waters, artificial channels, drainpipe, or culverts;	(2) Site Plan. An accurate plan for the entire site illustrating the existing conditions shall be submitted to the City containing the following information: (d) The location of all existing <u>drainage storm water</u> facilities, natural and manmade, which transport surface water onto <u>the site, into site soils through infiltration, across the site, or from the site, including: streams and surface waters, artificial channels, drainpipe, or culverts</u> ;	- Remove barriers to LID - Broaden definitions to encompass more features, including LID-type facilities	Updated to match definition in Title 11.
16.01-050 ENVIRONMENT, Definitions.	“Drainage facility” means the system of collecting, conveying, and storing surface and storm water runoff. Drainage facilities shall include but not be limited to all surface and storm water runoff conveyance and containment facilities including streams, pipelines, channels, ditches, wetlands, closed depressions, infiltration facilities, retention/detention facilities, erosion/sedimentation control facilities, and other drainage structures and appurtenances, both natural and manmade.	“Drainage facility” means the system of collecting, conveying, and storing surface and storm water runoff. Drainage facilities shall include but not be limited to all surface and storm water runoff conveyance and containment facilities including streams, pipelines, channels, ditches, wetlands, closed depressions, infiltration facilities, retention/detention facilities, erosion/sedimentation control facilities, and other drainage structures and appurtenances, both natural and manmade.	Shown for comparison with 12.01.050 “Surface water drainage facilities”, no change recommended Refers to both natural and constructed features Requirement to show drainage facilities on development permit application	Will be removed from table because it was determined that this definition should remain. The definition does not conflict with Title 11 and is used in a unique and important way throughout Title 16.

Section	Existing Text	Proposed Revision	Purpose	Update Summary
16.05.310 SEPA, Substantive authority – Conditions – Denial – Policies.	(d) The City formally designates the following regulations, plans, studies, reports or codes as possible bases for the exercise of authority pursuant to the State Environmental Policy Act of 1971 as amended: (xvii) King County Stormwater Pollution Control Manual, Best Management Practices for Businesses, July 1995;	(d) The City formally designates the following regulations, plans, studies, reports or codes as possible bases for the exercise of authority pursuant to the State Environmental Policy Act of 1971 as amended: (xvii) King County Stormwater Pollution Control Manual, Best Management Practices for Businesses, July 1995 ;	Update to most recent version of manual to provide up-to-date guidance, including most recent LID requirements	
16.10.090 ENVIRONMENTALLY CRITICAL AREAS, Best management practices required.	All allowed activities under this chapter shall be conducted using the best management practices, adopted pursuant to the King County Surface Water Design Manual which is adopted by this provision and implemented herein as set forth in DMMC 16.10.050, that result in the least amount of impact to the critical areas. Best management practices shall be used for tree and vegetation protection, construction management, erosion and sedimentation control, water quality protection, and regulation of chemical applications. The City shall observe the use of best management practices to ensure that the activity does not result in degradation to the critical area. Any incidental damage to, or alteration of, a critical area shall be restored, rehabilitated, or replaced at the responsible party's expense. [Ord. 1583 § 57, 2013.]	All allowed activities under this chapter shall be conducted using the best management practices, adopted pursuant to the King County Surface Water Design Manual which is adopted by this provision and implemented herein as set forth in DMMC 16.10.050, that result in the least amount of impact to the critical areas. Best management practices shall be used for tree, soil , and vegetation protection, construction management, erosion and sedimentation control, water quality protection, and regulation of chemical applications. The City shall observe the use of best management practices to ensure that the activity does not result in degradation to the critical area. Any incidental damage to, or alteration of, a critical area shall be restored, rehabilitated, or replaced at the responsible party's expense. [Ord. 1583 § 57, 2013.]	Allow use of LID through soil protection	Revised to read correctly and removed suggested grammatical revisions.

Section	Existing Text	Proposed Revision	Purpose	Update Summary
17.35.070 LAYOUT AND DESIGN OF SUBDIVISIONS AND SIMILAR REQUIREMENTS, Access—General.	(2) An owned vehicular access having a minimum width of 20 feet shall be permitted to serve one lot only (e.g., parhandle or flag lot). The area of the vehicular access strip shall not be included in the computation of lot area.	(2) An owned vehicular access having a minimum width of 20 feet shall be permitted to serve one lot only (e.g., parhandle or flag lot). The area of the vehicular access strip shall not be included in the computation of lot area.	- Minimize impervious surfaces - Minimize stormwater runoff - Suggested lane width based on FHWA recommendation for local roads	Proposed revision is unnecessary because this ordinance is regarding the required width for lot boundaries and pavement widths would be as specified in street standards.
17.35.130 LAYOUT AND DESIGN OF SUBDIVISIONS AND SIMILAR REQUIREMENTS, Utilities and related improvements – Surface water.	(1) General. The subdivision shall be served by a permanent surface water control system designed to accommodate runoff from all land within the subdivision and convey any runoff which passes through the subdivision in accordance with the surface water management program requirements of Titles 11 and 18 DMMC	(1) General. The subdivision shall be served by a permanent surface water control drainage storm water facility system designed to accommodate runoff from all land within the subdivision and collect, convey, treat, detain, or infiltrate any runoff which passes through the subdivision in accordance with the surface water management program requirements of Titles 11, 14, 16, and 18 DMMC	Remove barriers to LID Broaden definitions to encompass more features, including LID-type facilities	Revised to match definition in Title 11 and corrected code reference to include Title 14.

Section	Existing Text	Proposed Revision	Purpose	Update Summary
17.35.130 LAYOUT AND DESIGN OF SUBDIVISIONS AND SIMILAR REQUIREMENTS, Utilities and related improvements – Surface water.	(2) Tracts Required. All surface water detention and above-ground conveyance improvements shall be located in separate tracts which provide for surface water functions. The area dedicated under this section shall become the property of the City, which shall thereafter assume all maintenance and other ownership responsibilities. (3) Lot Area. The area of surface water tracts shall not be included in the compilation of lot area for any lot. [Ord. 1585 § 108, 2013.]	(2) Tracts Required. All <u>publicly owned</u> surface water detention and above-ground conveyance improvements shall be located in separate tracts which provide for surface water functions. The area dedicated under this section shall become the property of the City, which shall thereafter assume all maintenance and other ownership responsibilities. (3) Lot Area. The area of surface water tracts shall not be included in the compilation of lot area for any lot. <u>[Ord. 1585 § 108, 2013.]</u>	- Discussion for City: - How to handle single-unit stormwater facilities? - Single-family rain gardens? - Multi-family rain gardens? <u>COMMENT – NEED TO FOLLOW UP WITH CITY STAFF TO DISCUSS</u>	<u>Determined revision is necessary but that it should apply to publicly owned conventional facilities.</u>
17.35.190 LAYOUT AND DESIGN OF SUBDIVISIONS AND SIMILAR REQUIREMENTS, Natural features – General.	(1) General. The proposed subdivision shall demonstrate sensitivity to the natural features of the property including, but not limited to, topography, streams, lakes, wetlands, habitat, geologic features, and vegetation. Any division of land shall be designed to preserve and enhance as many of these valuable features as possible. In addition to the specific provisions of this chapter, the subdivision shall comply with all applicable provisions of Title 18 DMMC and other specific requirements regarding development restrictions due to natural features.	(1) General. The proposed subdivision shall demonstrate sensitivity to the natural features of the property including, but not limited to, topography, streams, lakes, wetlands, habitat, <u>soils and other</u> geologic features, and vegetation. Any division of land shall be designed to preserve and enhance as many of these valuable features as possible. In addition to the specific provisions of this chapter, the subdivision shall comply with all applicable provisions of Titles <u>11, 14, 16, and 18</u> DMMC and other specific requirements regarding development restrictions due to natural features.	Allow use of LID through soil protection	<u>Corrected code reference to include Title 14.</u>

Section	Existing Text	Proposed Revision	Purpose	Update Summary
18.01.050 ZONING, General Provisions, Definitions.	“Public utility” means a private business organization such as a public service corporation performing some public service and subject to special governmental regulations, or a governmental agency performing similar public services, the services by either of which are paid for directly by the recipients thereof. Such services shall include, but are not limited to, water supply, electric power, gas, and transportation for persons and freight. “Public utility facilities” means a building or complex that facilitates an action or process associated with a public utility which can be a private business or governmental agency performing some public service, such as, but not limited to, water supply, electric power, gas, sewer, or transportation.	“Public utility” means a private business organization such as a public service corporation performing some public service and subject to special governmental regulations, or a governmental agency performing similar public services, the services by either of which are paid for directly by the recipients thereof. Such services shall include, but are not limited to, <u>stormwater management</u>, water supply, electric power, gas, and transportation for persons and freight. “Public utility facilities” means a building, or <u>complex, or installation</u> that facilitates an action or process associated with a public utility which can be a private business or governmental agency performing some public service, such as, but not limited to, <u>stormwater management</u>, water supply, electric power, gas, sewer, or transportation.	- Remove barriers to LID Broaden definitions to encompass more features, including LID-type facilities - Minimize native vegetation loss - Minimize stormwater runoff	

Section	Existing Text	Proposed Revision	Purpose	Update Summary
18.01.050 ZONING, General Provisions, Definitions.	"Required open space" means a portion of the area of a lot or building site, other than required yards, which area is required by this Title, as set forth in the different zones contained in this Title, to be maintained between buildings, between wings of a building, and between buildings and any portion of a property boundary line not contiguous to a required front or side yard. Such open spaces, as in the case of required yards, are required to be free and clear of buildings and structures and to remain open and unobstructed from the ground to the sky.	"Required open space" means a portion of the area of a lot or building site, other than required yards, which area is required by this Title, as set forth in the different zones contained in this Title, to be maintained between buildings, between wings of a building, and between buildings and any portion of a property boundary line not contiguous to a required front or side yard. Such open spaces, as in the case of required yards, are required to be free and clear of buildings and structures and to remain open and unobstructed from the ground to the sky, but may contain vegetation preservation areas and drainage storm water facilities.	• Allow LID • Open spaces related to off-street parking, loading areas, convenient and safe circulation of vehicles and pedestrians, ingress and egress as related to the marginal traffic pattern, vision clearance (traffic), drainage, and lighting.	• Revised to match definition in Title 11.
18.55.120 SINGLE-FAMILY RESIDENTIAL ZONE, Permissible lot coverage.	(1) In a Single-Family Residential Zone all buildings and structures shall not cover more of the lot than the maximum lot coverage requirements provided in this section. (2) The maximum lot coverage requirements provided in this section shall not apply to open areas for on-site parking and private swimming pools.	(1) In a Single-Family Residential Zone all buildings and structures shall not cover more of the lot than the maximum lot coverage requirements provided in this section. (2) The maximum lot coverage requirements provided in this section shall not apply to open areas for on-site parking and private swimming pools provided that the stormwater management requirements of Titles 11 and 16 DMMC and the surface water design manual are met.	• Minimize impervious surfaces • Minimize stormwater runoff	• Code revision is not necessary because currently the code does not specify maximum impervious lot coverages. The code only refers to the maximum coverage of buildings.

Section	Existing Text	Proposed Revision	Purpose	Update Summary
18.60.060 RA-3,600 RESIDENTIAL: ATTACHED TOWNHOUSE AND DUPLEX 3,600 ZONE, Dimensional standards.	(a) Except as provided below and for churches and schools which shall conform to the lot coverage limitations provided by DMMC 18.52.010A, all buildings, including accessory buildings and structures but not including any open areas used to provide parking spaces and private swimming pools on residential lots, shall not cover more than 35 percent of the area on the lot.	(a) Except as provided below and for churches and schools which shall conform to the lot coverage limitations provided by DMMC 18.52.010A, all buildings, including accessory buildings and structures but not including any open areas used to provide parking spaces and private swimming pools on residential lots, shall not cover more than 35 percent of the area on the lot. <u>The maximum lot coverage requirements provided in this section shall not apply to open areas for on-site parking and private swimming pools provided that the stormwater management requirements of Titles 11 and 16 DMMC and the surface water design manual are met.</u>	- Minimize impervious surfaces - Minimize stormwater runoff	Code revision is not necessary because currently the code does not specify maximum impervious lot coverages. The code only refers to the maximum coverage of buildings.
18.65.120 RM-2,400 RESIDENTIAL: MULTIFAMILY 2,400 ZONE, Permissible lot coverage.	All buildings, including accessory buildings and structures but not including private swimming pools or any open areas used to provide parking on residential lots, shall not cover more than 50 percent of the area of the lot. [Ord. 1591 § 167, 2014.]	All buildings, including accessory buildings and structures but not including private swimming pools or any open areas used to provide parking on residential lots, shall not cover more than 50 percent of the area of the lot. [Ord. 1591 § 167, 2014.] <u>The maximum lot coverage requirements provided in this section shall not apply to open areas for on-site residential parking and private swimming pools provided that the stormwater management requirements of Titles 11 and 16 DMMC and the surface water design manual are met.</u>	- Minimize impervious surfaces - Minimize stormwater runoff	Code revision is not necessary because currently the code does not specify maximum impervious lot coverages. The code only refers to the maximum coverage of buildings.

Section	Existing Text	Proposed Revision	Purpose	Update Summary
18.70-120 RM-1,800 RESIDENTIAL- MULTIFAMILY 1,800 ZONE, Permissible lot coverage	If a dwelling, rest home, nursing home, or convalescent home is involved, all buildings, including accessory buildings and structures but not including private swimming pools on residential lots or any open areas used to provide parking space, shall not cover more than 50 percent of the area of the lot. If a dwelling or rest home, nursing home, or convalescent home is not involved, then the maximum permissible lot coverage shall not apply. [Ord. 1591-§ 181, 2014.]	If a dwelling, rest home, nursing home, or convalescent home is involved, all buildings, including accessory buildings and structures but not including private swimming pools on residential lots or any open areas used to provide parking space, shall not cover more than 50 percent of the area of the lot. The maximum lot coverage requirements provided in this section shall not apply to open areas for on-site parking and private swimming pools provided that the stormwater management requirements of Titles 11 and 16 DMMC and the surface water design manual are met. If a dwelling, rest home, nursing home, or convalescent home is not involved, then the maximum permissible lot coverage shall not apply. [Ord. 1591-§ 181, 2014.]	Minimize impervious surfaces Minimize stormwater runoff	Code revision is not necessary because currently the code does not specify maximum impervious lot coverages. The code only refers to the maximum coverage of buildings.
18.75-130 RM-900 RESIDENTIAL- MULTIFAMILY 900 ZONE, Permissible lot coverage	If a dwelling, rest home, nursing home, or convalescent home is involved, all buildings, including accessory buildings and structures but not including private swimming pools on residential lots or open areas used to provide parking space, shall not cover more than 60 percent of the area of the lot. If a dwelling, rest home, nursing home, or convalescent home is not involved, then the maximum permissible lot coverage shall not apply. [Ord. 1591-§ 196, 2014.]	If a dwelling, rest home, nursing home, or convalescent home is involved, all buildings, including accessory buildings and structures but not including private swimming pools on residential lots or open areas used to provide parking space, shall not cover more than 60 percent of the area of the lot. The maximum lot coverage requirements provided in this section shall not apply to open areas for on-site parking and private swimming pools provided that the stormwater management requirements of Titles 11 and 16 DMMC and the surface water design manual are met. If a dwelling, rest home, nursing home, or convalescent home is not involved, then the maximum permissible lot coverage shall not apply. [Ord. 1591-§ 196, 2014.]	Minimize impervious surfaces Minimize stormwater runoff	Code revision is not necessary because currently the code does not specify maximum impervious lot coverages. The code only refers to the maximum coverage of buildings.

Section	Existing Text	Proposed Revision	Purpose	Update Summary
18.80.150 RM-900A AND RM-900B RESIDENTIAL: MULTIFAMILY ZONE, Permissible lot coverage.	In an RM-900B Zone all buildings, including accessory buildings and structures, but not including private swimming pools on residential lots or open areas used to provide parking space, shall not cover more than 60 percent of the area of the lot. [Ord. 1591 § 214, 2014.]	In an RM-900B Zone all buildings, including accessory buildings and structures, but not including private swimming pools on residential lots or open areas used to provide parking space, shall not cover more than 60 percent of the area of the lot. <u>The maximum lot coverage requirements provided in this section shall not apply to open areas for on-site parking and private swimming pools provided that the stormwater management requirements of Titles 11 and 16 DMMC and the surface water design manual are met. [Ord. 1591 § 214, 2014.]</u>	- Minimize impervious surfaces - Minimize stormwater runoff	Code revision is not necessary because currently the code does not specify maximum impervious lot coverages. The code only refers to the maximum coverage of buildings.
18.130.100 R-SR RESIDENTIAL: SUBURBAN RESIDENTIAL ZONE, Permissible lot coverage.	In an R-SR Zone all buildings and structures, including accessory buildings and structures, but not including any open areas used to provide parking spaces or private swimming pools, shall not cover more than 35 percent of the area of the lot. In the case of churches and schools the limitation of lot coverage shall pertain to buildings and structures only, and does not include open air parking areas. [Ord. 1591 § 309, 2014.]	In an R-SR Zone all buildings and structures, including accessory buildings and structures, but not including any open areas used to provide parking spaces or private swimming pools, shall not cover more than 35 percent of the area of the lot. <u>The maximum lot coverage requirements provided in this section shall not apply to open areas for on-site parking and private swimming pools provided that the stormwater management requirements of Titles 11 and 16 DMMC and the surface water design manual are met. In the case of churches and schools the limitation of lot coverage shall pertain to buildings and structures only, and does not include open air parking areas. [Ord. 1591 § 309, 2014.]</u>	- Minimize impervious surfaces - Minimize stormwater runoff	Code revision is not necessary because currently the code does not specify maximum impervious lot coverages. The code only refers to the maximum coverage of buildings.

Section	Existing Text	Proposed Revision	Purpose	Update Summary
18.195.200 LANDSCAPING AND SCREENING, Curbing.	In order to protect the landscaping materials planted and to ensure proper growth, all planter areas shall be separated from parking areas and streets by vertical curbing. Curbing shall be of Portland cement or as approved by the Planning, Building and Public Works Director. [Ord. 1591 § 431, 2014.]	In order to protect the landscaping materials planted and to ensure proper growth, all planter areas shall be separated from parking areas and streets by vertical curbing. Curbing shall be of Portland cement continuous Portland cement concrete; provided, however that Portland cement concrete with vertical curb cuts are allowed for drainage into low impact development storm water facilities; or as approved by the Planning, Building and Public Works Director. [Ord. 1591 § 431, 2014.]	Consider updating or eliminating these requirements to allow LID approaches	Updated to clarify that continuous PCC curbing shall be used unless vertical curb cuts are necessary to allow drainage into LID storm water facilities such as rain gardens, etc.

City Code Updates – Comparison with Other Phase II Jurisdictions

Low Impact Development Integration into City Code and Design Guidelines | 213-1792-015

Process Element	Des Moines	Kirkland	Olympia	Renton	SeaTac	Sumner
Update Status	<u>Progress To-Date</u> - Kickoff Mar 2016 - Met with Environment Committee Apr, Aug, Oct - Public Open House Sep	<u>Progress To-Date</u> - Kickoff Jun 2015 - New Code spring/summer 2016 - Met with Houghton Council and Planning Commission - Public Workshop & Hearing	<u>Progress To-Date</u> - Kickoff Jan 2014 - Met with Utility Advisory Committee, Planning Committee, City Council, workgroup of local designers, inter-jurisdictional workgroup	<u>Progress To-Date</u> Code approved by Planning Commission Sep 2016	<u>Progress To-Date</u> - Planning Commission review summer/fall - Contract add-on for additional review meetings Sep 2016	<u>Progress To-Date</u> - Kickoff Sep 2016 - Revisions underway
	<u>Expected Adoption</u> Council – Nov/Dec 2016	<u>Expected Adoption</u> - Kirkland Council Nov 2016 - Adoption by Dec 31, 2016	<u>Expected Adoption</u> - Code adopted Jul 13, 2016 - Code Effective Dec 31, 2016	<u>Expected Adoption</u> - Delaying Council approval in order to combine with Stormwater Manual approval ordinance - Council adoption by Dec 31, 2016	<u>Expected Adoption</u> Council adoption by Dec 31, 2016	<u>Expected Adoption</u> Council adoption by Dec 31, 2016

Process Element	Des Moines	Kirkland	Olympia	Renton	SeaTac	Sumner
Code Revisions	• Update definitions to include bioretention, permeable paving, and other LID approaches • Adopted most recent version of King County Surface Water Design Manual • Street Design Standards adopted by reference. Pending update of these standards will eliminate many barriers to LID use and potentially reduce required road widths. • No changes to tree or vegetation preservation requirements • Minimal mention of vegetated roofs	• Previous code very LID-oriented: soil protections; road widths and parking areas minimized; use of pervious pavements; use of vegetated roofs; allows cluster housing – no changes • Tree preservation and native vegetation requirements updated • LID incentives on parcel development changed to requirements	• New chapter: “Tree, Soil, and Native Vegetation Protection and Replacement” • “Soil and Vegetation Protection Areas (SVPA)” designated • Residential development: Reduced minimum required lot dimensions • Zoning: Reduced allowed maximum hard surface percentages • Added new requirements to landscape with native plants • Stricter limits before allowing increased parking areas	• Updating definitions and allowed practices to include LID approaches • LID incentives could allow for increased parking areas • Permeable paving required in parking lots where feasible • Update street requirements to allow for less sidewalk area and road widths • Native trees and shrubs called out for preservation where possible	• Tree retention required, focus on “critical root zone” • “LID” definition included • LID identified as preferred approach • Vegetated roofs identified as preferred	• “LID” definition added • “Hard Surfaces” defined as impervious surface, permeable pavement, or vegetated roof • Updating references to existing design manuals

Process Element	Des Moines	Kirkland	Olympia	Renton	SeaTac	Sumner
Outreach/Coordination	- Public meetings: Three Environment Committee Meetings, Public open house, Outreach to AGC and other jurisdictions - City Council – 2 meetings anticipated Website info on code revisions	- Planning Commission, Public review, City Council - Dedicated LID page with code revisions on website	- Utility Advisory Committee – 6 meetings - Planning Committee – 3 meetings - City Council – 2 meetings - Workgroup of local designers - Inter-Jurisdictional Workgroup: Thurston Regional Planning Council, Lacey, Tumwater, and Olympia - Dedicated LID page with code revisions on website	- Completed approval process with Planning Commission - Minimal website info on code revision	- Public meetings: Planning Commission, Transportation and Public Works Committee, Council Study Sessions - Minimal website info on code revision	- Revisions underway in-house by Public Works department - Outreach/coordination not heavily publicized - No website info on code revision



STATE OF WASHINGTON

DEPARTMENT OF HEALTH

OFFICE OF ENVIRONMENTAL HEALTH AND SAFETY

243 Israel Road SE • PO Box 47824 • Olympia, Washington 98504-7824

TDD Relay Service: 1-800-525-0127 (TDD/TTY 711)

August 10, 2016

Dear Interested Party:

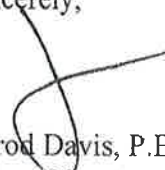
Our office is reclassifying approximately 130 acres of the Poverty Bay commercial shellfish growing area in King County from ***Approved*** to ***Conditionally Approved***. This change in classification was prompted by the results of a comprehensive review of pollution conditions and marine water quality data. We anticipate that the reclassification will be finalized by September 14, 2016.

The review concludes that marine stations 722 and 720 fail the National Shellfish Sanitation Program water quality standards for an ***Approved*** classification. Based on our evaluation of marine water data, we have determined that this portion of Poverty Bay meets the standards for a ***Conditionally Approved*** classification. The area will be closed from June through November each year.

The area being reclassified is identified by boundary lines in Figure 2 of the enclosed Sanitary Survey report.

If you have any questions, please contact Trevor Swanson at (360) 236-3313.

Sincerely,



Jerrod Davis, P.E.
Office Director

Enclosure

Addendum to the 2008 Sanitary Survey Report of Poverty Bay

July 2016



WASHINGTON STATE DEPARTMENT OF HEALTH
OFFICE OF ENVIRONMENTAL HEALTH AND SAFETY

Prepared by:

Trevor Swanson
Public Health Advisor

Summary

Station 722 in the Poverty Bay growing area failed the National Shellfish Sanitation Program (NSSP) water quality standard for an Approved classification in the 2015 Annual Report. Station 720 is currently failing and will fail to meet standards at the end of 2016. In response, the Department of Health (the Department) is downgrading approximately 130 acres around these stations, including Station 721, from Approved to Conditionally Approved. The Conditionally Approved area will be closed to commercial shellfish harvest from June 1 through November 30 each year. Growing area classifications before and after the downgrade are shown in Figures 1 and 2, respectively.

Water Quality Data

Table 1 shows the most recent 30 fecal coliform sample results and summary statistics for Station 722 from the 2015 Annual Report. Station 722 had an estimated 90th percentile of 43.7 FC/100 mL and a geometric mean of 4.9 FC/100mL.

Table 2 shows the most recent 30 samples at Station 720. Station 720 met NSSP standards at the end of 2015, but currently has an estimated 90th percentile of 58.4 FC/100 mL and a geometric mean of 6.5 FC/100 mL. Station 720 will fail the estimated 90th percentile standard at the end of 2016, regardless of fecal coliform results from upcoming sampling.

Department staff evaluated environmental conditions (rainfall, salinity, and season) that potentially impact the area around stations 720 and 722. The evaluation showed a correlation between substantial day-of-sampling rainfall (recorded at SeaTac Airport) and elevated fecal coliform concentrations during the months of June through November at both stations. As shown in Table 3, stations 720, 721, and 722 failed the NSSP water quality standard during this season and met the NSSP water quality standard for an Approved classification from December through May. The Department did not find an association between elevated bacteria and rain falling one to five days prior to sampling.

Table 4 shows all day-of-sampling rainfall totals greater than 0.10 inch and associated fecal coliform bacteria concentrations (2008 to present).

Because the growing area highlighted in Figure 2 cannot be closed quickly enough to protect human health during day-of-harvesting rainfall conditions, and to avoid product recalls, shellfish harvesting will not be allowed during the months of June through November when pollution from day-of-harvesting rainfall has potential to impact the area.

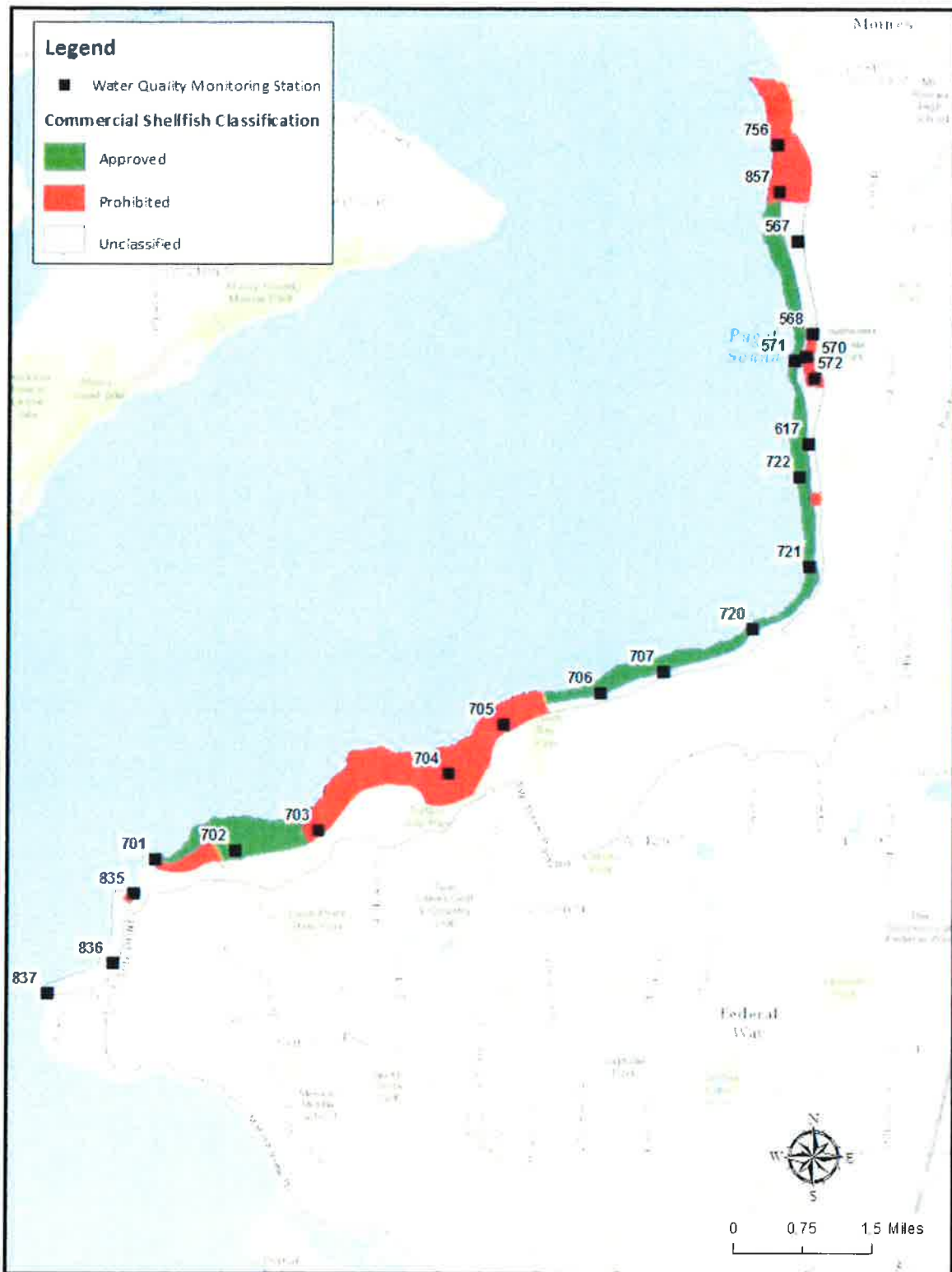


Figure 1. Poverty Bay growing area before downgrade.

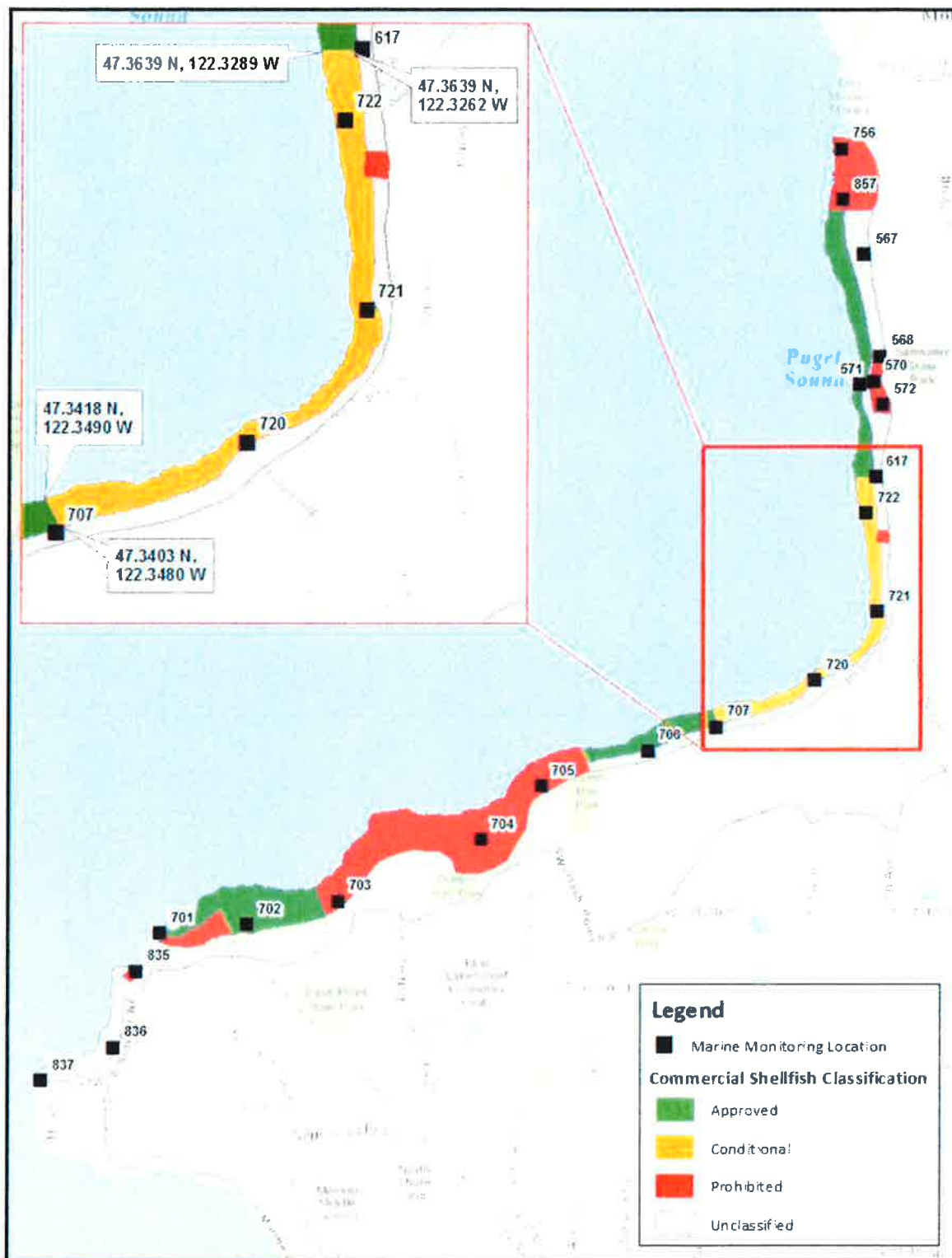


Figure 2. Poverty Bay growing area showing the new Conditionally Approved area and GPS coordinates.

Conclusions

Based on Station 722 failing the estimated 90th percentile marine water quality standard in the 2015 Annual Report, and Station 720 currently failing NSSP standards (and will fail at the end of 2016), the area shown in Figure 2 will be closed to shellfish harvesting from June 1 through November 30 each year, when day-of-harvesting rainfall conditions have potential to pollute the area and impact human health.

The new Conditionally Approved area is further described and outlined as follows:

Beginning at the western boundary of the subtidal growing area at 47.3639° N, 122.3289° W, east to the eastern boundary of the subtidal growing area at 47.3639° N, 122.3262° W, following the eastern boundary of the subtidal zone south and then west to 47.3403° N, 122.3480° W, then northwest to the western boundary of the subtidal growing area at 47.3418° N, 122.3490° W, following the western boundary of the subtidal growing area east and then north back to 47.3639° N, 122.3289° W. The intertidal area remains Unclassified and Prohibited as shown in Figure 2.

Recommendations:

The Department should:

- Work with King County and other local and state regulatory authorities to evaluate potential pollution sources that may impact the growing area, with focus on creek water quality and the impacts of storm events.
- Increase marine sampling to monthly at stations 617, 722, 721, 720, and 707.
- Develop a Conditionally Approved Area Management Plan for commercial shellfish harvesters.