

# Memorandum

To: City Council

From: Laura Reed, Stormwater Program Manager  
Eric LaFrance, Public Works Director  
Christy Osborn, Community and Economic Development Director

Via: Scott Hugill, City Manager

Date: May 3, 2018

Subject: Review of Low Impact Development (LID) Ordinance Updates

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The purpose of this memo is to update the Council on proposed changes to the update of low impact development (LID) code ordinance resulting from legal and other review.

## ANALYSIS

The amendments consist of clarifying and streamlining the code, definition updates, minor text additions, and repair of “dead links” and other existing LID code inconsistencies. The following list is an abbreviated version of the changes summarized in the March 29 work session memo for LID code updates.

1. Rename and reorganize sections of Chapter 16.20 (Controlling Runoff from New Development, Redevelopment, and Construction Sites).
2. Amend several code sections to trigger stormwater plan review for more than 7,000 square feet of land disturbing activity through the existing clearing and grading permit.
3. Amend stormwater definitions to match the approved Stormwater Manual.
4. Amend definitions for “Department” and “Director” to assign responsibility for LID to the Public Works Department and Public Works Director.
5. Repair references to LID code that was not adopted.
6. Amend general design standards related to siting of LID features to encourage more LID implementation.
7. Amend open space provisions in Planned Unit Developments to allow surface LID elements in up to 25 percent of the total open space area.

## ORDINANCE

The proposed ordinance amends MTMC 15.05.270, Chapter 16.20 (020, 080, 090, 110, and 210), Chapter 17.10 (020, 030, 040, and 050), and MTMC 18.05.360, 19.15.100, 19.80.150, 19.115.050, 19.120.220, 19.120.310, 19.125.050, 19.130.110, and 19.130.170.

## ENVIRONMENTAL REVIEW

An environmental checklist was prepared for the original LID code update and a Determination of Non-significance (DNS) issued on October 5, 2016. The DNS was published, posted in the official places, and mailed to a distribution list on October 6, 2016 with a Request for SEPA

Comments. No comments or written appeals were received by the deadline of October 21, 2016. A signed reaffirmation of this SEPA checklist has been submitted by staff on March 15, 2018. To date there have been no comments submitted.

### **LEGAL REVIEW**

The draft ordinance has been reviewed by City Attorney Greg Schrag. The following changes (highlighted in yellow in the attached draft ordinance) have been made for consistency with existing code:

- Minor wording changes to the “WHEREAS” and Section 2.
- Section 8: Changes to MTMC 16.20.210 (Civil penalty) section were made for clarity and consistency with other existing code.
- Section 23: The “Conflicts and Interim Relief Measures” section (accidentally carried over from the 2016 LID ordinance language) is not currently codified, and would require a new section to be added to the code to be enforceable. After reviewing the “competing needs” language in the city’s adopted Stormwater Manual, it appears sufficient relief may already be provided through the manual, making additional measures unnecessary.

### **ADDITIONAL PROPOSED CHANGES**

Three needed additional changes were identified through staff review since the last work session with Council. These changes are also highlighted in yellow in the attached draft ordinance.

- Section 4: MTMC 16.20.020 (Definitions)-One sentence of the definition for “Wetland” or “wetlands” updated for consistency with the adopted Stormwater Manual.
- Section 8: MTMC 16.20.210 (Civil penalty)-Two more references to code that was not adopted in 2016 have been identified and corrected.
- Section 21: MTMC 19.130.170.C (Site clearing)-Updated to reference Chapter 16.15 (Critical Areas).

### **PUBLIC NOTICE**

The City Council will be holding meetings to review and discuss the amendment process, and consider various amendments on the following dates. In addition, three stakeholder meetings have been held. The Department of Commerce received a copy of the draft ordinance February 26, 2018, and should have completed their 60 day review. A follow-up email has been sent to Commerce requesting a status update.

#### LID Stakeholder Meetings

- November 30, 2017
- February 1, 2018
- February 14, 2018 (with Puget Soundkeeper Alliance)

#### Planning Commission Meetings

- February 26, 2018
- March 26, 2018 (public hearing)

#### City Council Meetings

- March 29, 2018
- May 3, 2018

- May 21, 2018 (public hearing)

All meeting materials and audio are available on the City's webpage at: [www.cityofmlt.com/129](http://www.cityofmlt.com/129). A separate webpage was created for the 2018 LID code amendments, including the draft ordinance, stakeholder meeting notes, and a schedule of the code adoption process: [www.cityofmlt.com/1869](http://www.cityofmlt.com/1869).

The public hearing notice for the Planning Commission was published in *The Herald* newspaper and posted at Interim City Hall, Post Office, Library, and Recreation Pavilion as of March 9, 2018. A similar notice will be posted for the City Council public hearing. Notice of the LID code update has also been provided through other media, including articles in City Happenings and as part of the City Manager Weekly Update.

#### **NEXT STEP**

- May 21, 2018 City Council public hearing

#### **ATTACHMENT**

- Updated Draft LID Code Update Ordinance