

Lake Whatcom Overlay District: Code Review



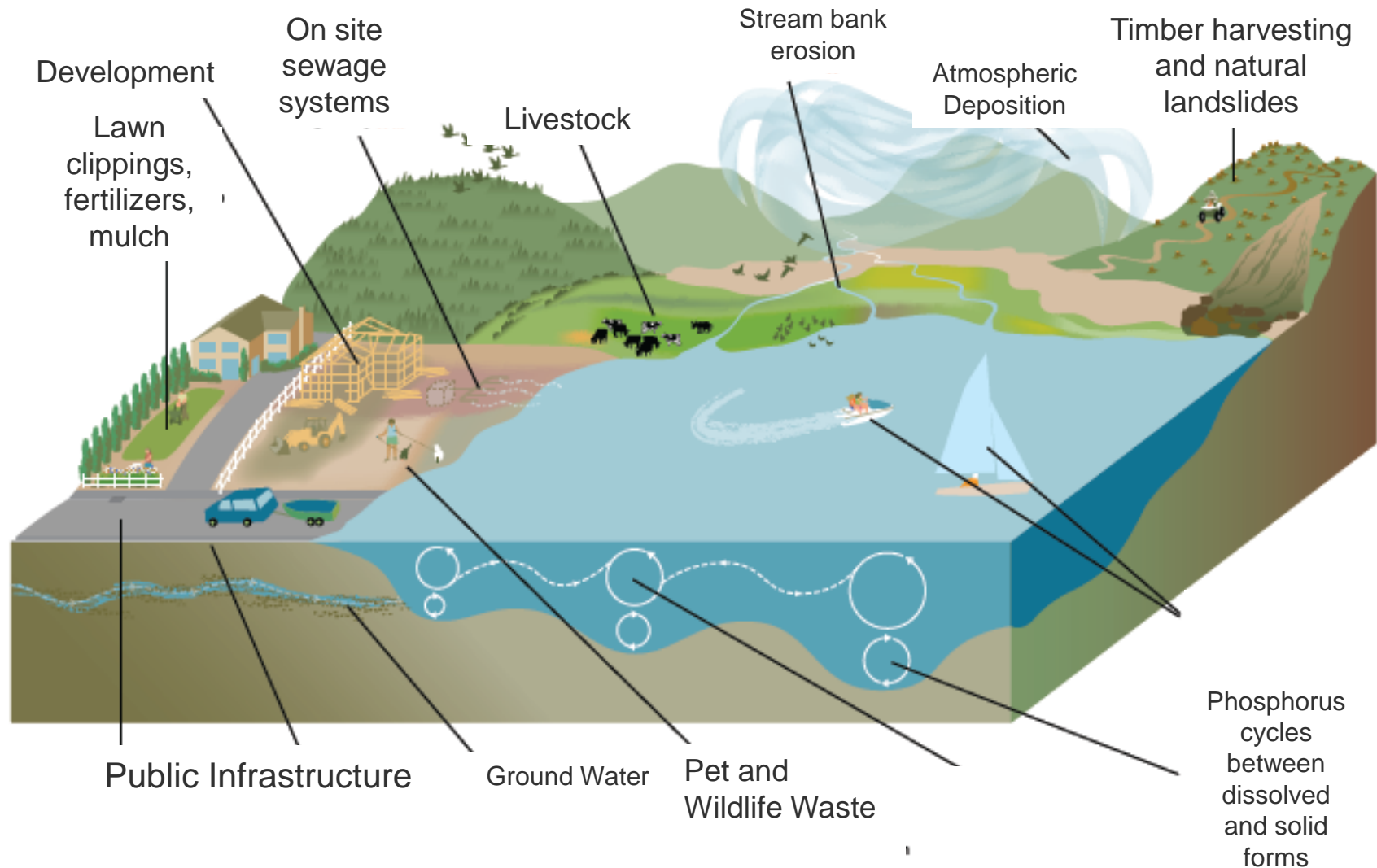
May 7, 2013

Whatcom County Council
Natural Resource Committee

Discussion Overview

- How the proposed code differs from existing code (Exhibit D)
- Discuss potential updates (Exhibit E)
- Schedule

Phosphorus Sources



Source: Modified from Lake Whatcom Stormwater Plan, CH2M Hill. 2008



Code Comparison: Exhibit D

- Proposed approach provides financial incentives to minimize changes to the landscape vs. imposing limits with the existing code.

Existing Standards	Proposed Standards
On-site Stormwater Facilities	Yes
Seasonal Clearing Limitations (Oct. 1–May 31)	Yes
Impervious Surface Limitations	No
Erosion and Sediment Control	Yes
Tree Canopy Retention	No
Open Space Requirements	No
Stormwater Site Plan Recording	No
Protective Native Growth Area Covenant	No
Subdivision clustering	Yes

Stormwater Code Updates

- Changes to address:
 - New State NPDES Standards & TMDL

 - Planning Commission Recommendation

Stating three goals:

- 1.) Prevent additions of phosphorous to Lake Whatcom from new development projects:
- 2.) Achieve a consistent and **predictable** (emphasis added) set of development regulations: and
- 3.) Meet TMDL objectives contained in Ecology's pending Water Quality Clean-up Plan.

The proposed regulations do not achieve the last two of these stated goals.



Are changes needed to ensure Consistency & Predictability?

- Consolidate 3 separate sections of code that apply to Lake Whatcom Watershed
- Make sure the standards meet the state NPDES requirements
- PDS & Engineering continue to develop stormwater educational materials

Are changes needed to meet TMDL objectives?

- Stormwater regulations on new development alone will NOT achieve 87% TMDL Phosphorus reduction objective – PC recommended a new stormwater management district for existing development
- New standards are intended to prevent the problem from getting worse while protecting property rights

Planning Commission Recommended Greater Investment in

Public Stormwater Facilities

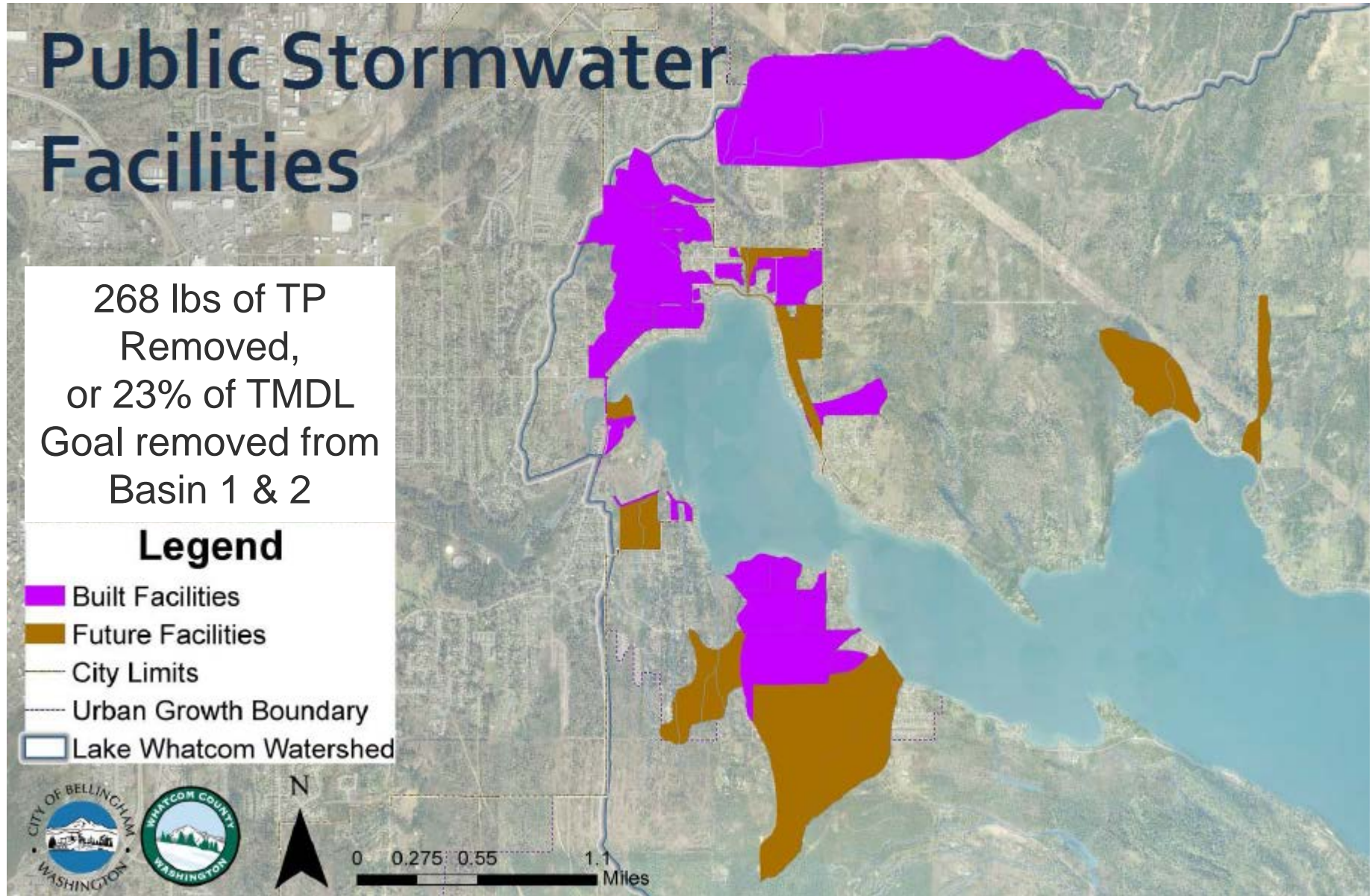
268 lbs of TP
Removed,
or 23% of TMDL
Goal removed from
Basin 1 & 2

Legend

-  Built Facilities
-  Future Facilities
-  City Limits
-  Urban Growth Boundary
-  Lake Whatcom Watershed



0 0.275 0.55 1.1 Miles



Code Updates: Exhibit E

1. Stormwater Manual References
2. Recording of stormwater system & Notice of Activity for clearing
3. Clarification of subdivision language
4. Code Clean up
5. Removal of Forest Area Preservation
6. Phosphorus neutral performance standard
7. Small Lot Exemption

Code Updates: Exhibit E

Change 1. Stormwater Manual References

- Changes reference the 2012 Ecology Storm Water Management Manual, rather than the 2005 Manual that was in effect when code was written.

Code Updates: Exhibit E

Change 2. Recording and protection of the stormwater system

- record the location of the stormwater facility,
- establish responsibility for maintenance,
- protect the stormwater dispersion area as a protective native growth area.
 - Notice of Activity for clearing

Code Updates: Exhibit E

Change 3. Clarification of subdivision language

- If creating lots $>22,000$ sqft no stormwater system is required at time of platting – but it is when home is built.

Code Updates: Exhibit E

Change 4. Code Clean up

- Artifact of code changes

Code Updates: Exhibit E

Change 5. Removal of Forest Area Preservation

- Forest Area Preservation is clarified as a Protective Native Growth Area, with applicable sections moved to 20.51.420 (3)(b)]

Code Updates: Exhibit E

Change 6. Meeting the Phosphorus neutral standard

- Changes the phosphorus loading factor to back to neutral in order to meet County and TMDL goals.
- Currently written it is 25% above the natural loading conditions, which makes it difficult to utilize the prescriptive design standards for full dispersion and infiltration.

Code Updates: Exhibit E

Change 7. Small Lot Exemption

- Cost estimates presented on May 21st
- If an exemption, what size?
- Off-site stormwater mitigation is in the proposed code: 51.420(2)(a)(2)

Meeting Schedule

May 7 & 21

- Cost Estimates for small lot BMPs
- Final code updates

June 4 & 18

- Ordinance introduction
- Optional Hearing and vote

QUESTIONS?



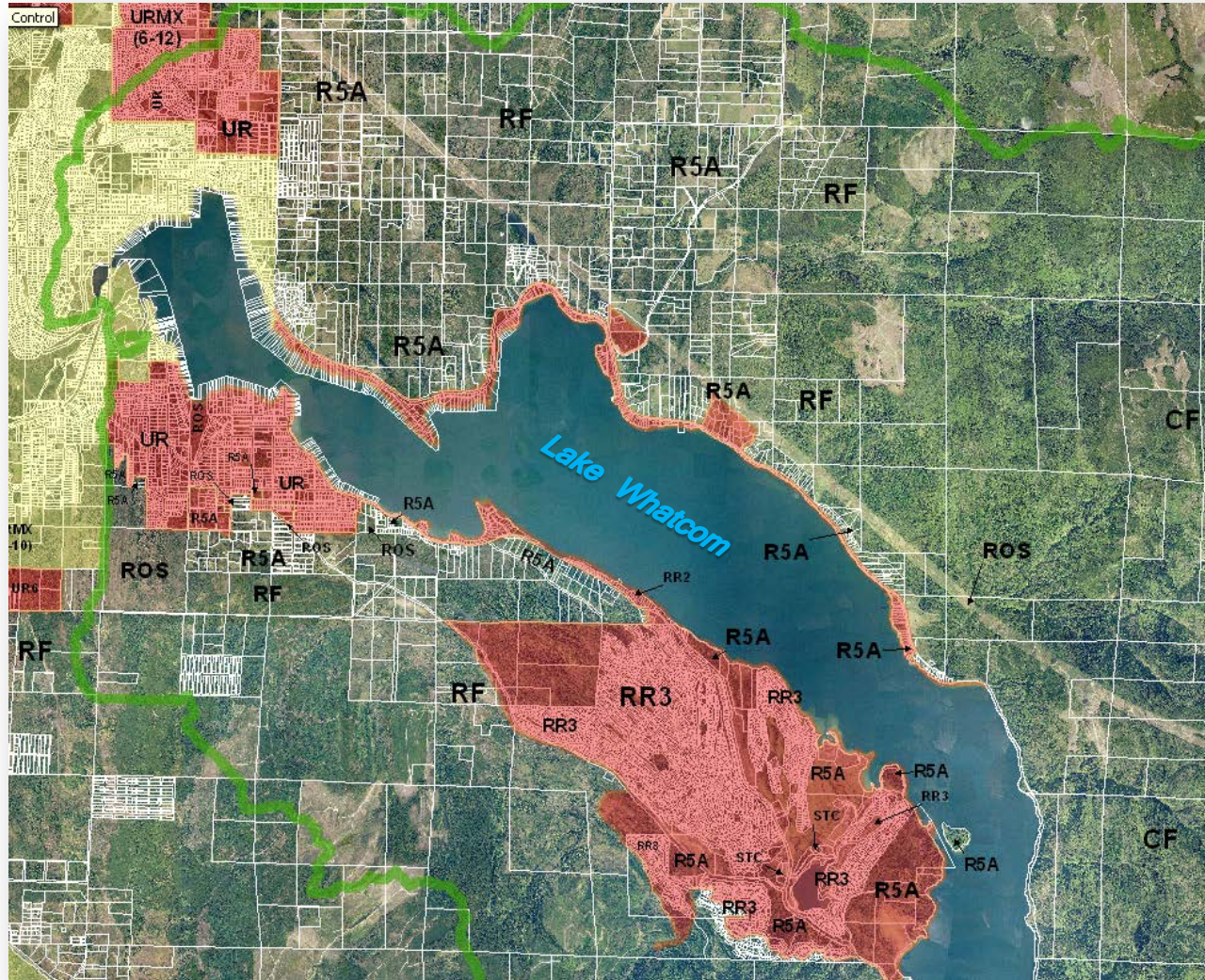
Photo: City of Bellingham



Considerations for Exempting Small lots from new rules

- Small lot stormwater design - Cost to comply with new rules? [forthcoming]
- Additional public investment needed for phosphorus treatment if exempted
- Consistency for landowners-different regulations apply in the watershed

2012 NPDES Area (Lk Whatcom)



Red Area is subject to NPDES development standards