

What is happening with Low Impact Development (LID) regulations that I need to know about?



Ecology's NPDES municipal stormwater permits are requiring a large number of municipalities throughout Washington State to integrate LID into their development codes and standards within the next few years.

Until recently, LID was seen as an alternate approach to stormwater management. The current regulatory framework evolved around traditional stormwater management practices including detention ponds, pipes, and swales. However, under new stormwater permits issued by the Department of Ecology (Ecology), LID will no longer be the alternative approach, but will become the preferred method for stormwater management.

Q. When does this affect Western Washington municipalities?

Answer. It depends whether your jurisdiction is a Phase I or Phase II permittee. To find out whether your jurisdiction is a Phase I or Phase II permittee, please visit www.ecy.wa.gov/programs/wq/stormwater/municipal/MuniStrmWtrPermList.html

Phase I

The new Phase I permit came into effect on August 1, 2013 and relevant jurisdictions must fully implement LID site requirements and development codes by June 30, 2015. Phase I includes the cities of Seattle and Tacoma, and the counties of Clark, King, Pierce, Snohomish, as well as the Port of Seattle and Port of Tacoma.

Phase II

The Western Washington Phase II permit became effective on August 1, 2013. Phase II jurisdictions must integrate the new requirements at the time of their next scheduled Growth Management Act (GMA) Comprehensive Plan update. Most Phase II communities have until December 31, 2016, although a few jurisdictions have deadlines into 2017 and 2018. Phase II includes 82 cities, including Bellingham, Bremerton and Bellevue, and portions of five counties (King, Pierce, Snohomish, Kitsap and Whatcom.)

Q. When does this affect Eastern Washington municipalities?

Answer. The Eastern Washington Phase II permit becomes effective on August 1, 2014. Jurisdictions in Eastern Washington must allow LID as a viable stormwater management technique and must identify local feasibility criteria for infiltrating some runoff. This applies to all regulated small municipal stormwater systems which includes 18 cities and portions of six counties, including Spokane, Ellensburg, and Yakima.

The implementation of LID requirements in Eastern Washington is an incremental approach with a strong focus on identifying what will work in local conditions in different areas of Eastern Washington. Ecology will continue to work with jurisdictions and industry members to evaluate the results through 2019 before expanding to more prescriptive requirements.

Q. How will the new Western Washington LID requirements affect existing plans, codes, ordinances, and other regulations?

Answer. LID integration in Western Washington will involve reviewing and possibly updating existing plans, land development codes and ordinances. Updates may involve adding language or removing existing language that creates a barrier to LID implementation. A wide variety of codes, ordinances, and other regulations may be affected and each jurisdiction has the flexibility to identify what needs to be reviewed and updated. The good news is that numerous jurisdictions have already begun the work to review ordinances and identify barriers to LID. Their experiences, including lessons learned, are captured in an excellent guidance document entitled "Integrating LID into Local Codes: A Guidebook for Local Governments". (see Fact Sheet #4: Resources or visit: www.psp.wa.gov/downloads/LID_Guidebook/20120731_LIDguidebook.pdf). This document is cited in the Ecology permits as the guidance for reviewing and revising codes and ordinances.

Jurisdictions should look for ways to facilitate how developers select and use LID best management practices (BMPs) and LID principles in designing stormwater site plans. For example, bioretention will be more effective if it is coupled with modifications to road widths and parking standards. A great place to start is to look at the following types of regulations for opportunities to remove barriers to LID implementation, as well as considering the addition of new requirements, including:

- Subdivision ordinances
- Short plat ordinances
- Clearing and grading ordinances
- Stormwater ordinances
- Road standards
- Parking standards



- Utility requirements
- Landscaping ordinances
- Critical areas ordinances
- Road maintenance
- Park maintenance
- Public facilities maintenance
- Other land development and construction ordinances

Q. Where can I go for additional regulatory information?

Answer. Stormwater guidance manuals for Eastern and Western Washington explain the BMPs that need to be integrated. While the manuals are for guidance purposes, they are directly referenced in NPDES stormwater permit documents.

Western Washington Manual - Stormwater Management Manual for Western Washington

- Updated in late 2012 to match the NPDES permit requirements. Changes from the 2005 version include:
 - New standards for using LID to manage stormwater, either through the use of listed LID BMPs or the achievement of an hydrologic LID performance standard.
 - Revised guidance on designing infiltration facilities.
 - New and revised BMPs for stormwater source control and treatment as well as for construction.
 - Update and guidance on using the Western Washington Hydrology Model.
- The manual is available at: www.ecy.wa.gov/programs/wq/stormwater/manual.html

Eastern Washington Manual

- Eastern Washington permittees are developing an Eastern Washington LID guidance manual funded by an Ecology grant.
- The Stormwater Management Manual for Eastern Washington will be updated during the 2014-2019 permit term, in part to include LID BMPs and guidance from the Eastern Washington LID Manual.
- The 2004 (current) Eastern Washington manual is available at: www.ecy.wa.gov/programs/wq/stormwater/easternmanual/manual.html