

CITY COUNCIL AGENDA ITEM
CITY OF SHORELINE, WASHINGTON

AGENDA TITLE: Work program to address City Council Goal #8
DEPARTMENT: Planning and Development Services and Public Works
PRESENTED BY: Tim Stewart, Director; Paul Haines, Director; Anna Kolousek, Assistant Director

PROBLEM/ISSUE STATEMENT:

Goal #8 in the 2002-2003 Council Work Plan is to "Develop a water quality and environmental program to comply with state and federal regulations". This goal supports the integration of relevant City of Shoreline water quality and environmental programs to comply with state and federal requirements intended to protect the environment. The City Council has included the development of this program as a goal since 2000, when Puget Sound Chinook salmon was listed as a threatened species under the Endangered Species Act (ESA). This report proposes a program outline that includes a streamlined and integrated response to various obligations the City of Shoreline must fulfill together with phasing in programs over time. The outline consists of three major elements:

- A. Preparation of a Surface Water Master Plan.
- B. Updating of Environmental Policies and Development Regulations.
- C. Near Term Action Plan to Comply with ESA Requirements.

FINANCIAL IMPACT:

The budget and schedules will be discussed as we move forward with tasks outlined in the program.

RECOMMENDATION

No action required. Staff seeks Council input on the program outline.

Approved By: City Manager  City Attorney N/A

This page intentionally left blank.

INTRODUCTION

Goal #8 in the 2002-2003 Council Work Program is to “Develop a water quality and environmental program to comply with state and federal regulations”. This goal allows for integration of all City of Shoreline relevant water quality and environmental programs to comply with state and federal regulations intended to protect the environment (including water quality). Staff wishes to discuss with the City Council the program outline.

BACKGROUND

The need to comply with state and federal regulations to protect the environment (including water quality) has been widely acknowledged since 2000, when Puget Sound Chinook salmon was listed as a threatened species under the Endangered Species Act (ESA). The City of Shoreline has responded with several initiatives since the last strategy briefing with the City Council in August 2000. They are:

- Preparation of the stream and wetland inventories and characterization reports (draft reports are being reviewed and organized for publication);
- Active participation in WIRA 8 (Watershed Resource Inventory Area) - interlocal agreement signed in January 2001;
- Adoption of the Regional Road Maintenance ESA Program Guidelines - adopted May 2001;
- Review and amendment process to update the critical areas and other environmental regulations - Council and Planning Commission workshop held on March 18, 2002.

Legal challenges brought against various regulatory and development activities (on the state and local levels) require the City of Shoreline to carefully analyze our regulations, capital improvement projects, and daily operational and maintenance activities.

The Council Goal #8 evolved from Goal #4 in the 2001-2002 work plan. The Planning and Development Services and Public Works departments are cooperating on various tasks to address the water quality and environmental issues within the context of City of Shoreline specific economic and land use limitations. The outlined program is responsive to relevant federal and state requirements that should enhance the City's environment and at the same time reduce regulatory burdens to City's existing programs and economic growth.

The following are the relevant federal and state requirements and a brief description what the City of Shoreline has in place to comply with these requirements:

- Growth Management Act (GMA) - The City is planning and managing it's growth in accordance with the Comprehensive Plan and Development Code (adopted in 1998 and 2000 under GMA). In accordance with GMA the City is updating the critical area policies and regulations. GMA require this update to include the “best available

science" (BAS). In March 2002 the Council reviewed the process for possible amendments to the critical area and environmental procedures and regulations. The GMA deadline for the updated regulations has been extended from September 2002 until December 2004.

- State Environmental Policy Act (SEPA). We will streamline revisions to the existing SEPA requirements (adopted in 2000) with the update of the critical areas.
- Clean Water Act (CWA) – Phase II National Pollutant Discharge Elimination System (NPDES) – City must comply with NPDES Phase II permit requirements by March 2003.
- Endangered Species Act (ESA) listing of Puget Sound Chinook salmon. City will prepare a near term action plan for ESA compliance.
- Shoreline Management Act (SMA) – City adopted by reference King County Shoreline Master Program.
- Puget Sound Water Quality Management Plan (PSWQMP) – requirement for the "basic" surface water management plan with five elements:
 - (1) Ordinance containing minimum requirements for development – City adopted King County Surface Water Manual.
 - (2) Best Management Practices (BMP) Manual – City adopted the Regional Road Maintenance ESA Program Guidelines for operational and maintenance programs.

Three major work efforts that will be executed simultaneously and in an integrated manner are:

A. Preparation of a Surface Water Master Plan.

1. Review/rationalize and organize the Stream and Wetland Inventory and Assessment Reports. These reports are necessary to establish BAS record for Critical and Environmental Regulations.
2. Identify NPDES Phase II mandates:
 - a) Establish BMP
 - b) Identify measurable goals for water quality improvements.
 - c) Develop schedule for storm drainage maintenance activities.
 - d) Record management and reporting.
3. Establish goals, policies, and improvement measures for storm water management. Based on the Stream and Wetland Inventory and Assessment Reports, Comprehensive Plan goals and policies, state and federal requirements, and fiscal limitations develop goals, policies, and measurable objectives for the highest priority needs for each basin. This will include recommendations to improve water quality, flow control measures, programmatic actions to promote public awareness and promote pollution prevention.
4. Storm Water Modeling – required for compliance with Clean Water Act (CWA) and to dermine system insufficiencies.
5. Identify and prioritize capital project needs and project costs ultimately to be included in CIP process.
6. Develop long-range financial and rate plan for storm water operations/maintenance, engineering, and CIP construction.
7. Review and update the Storm Water Manual. The City of Shoreline adopted the King County 1998 Surface Water Design Manual with exceptions identified in the City of Shoreline Engineering Development Guide.

8. Update the Road Maintenance Guidelines.

B. Updating of Environmental Policies and Development Code Regulations.

1. Critical areas and environmental regulations:

- Charter was approved in February 2002.
- Joint City Council and Planning Commission workshop held in March 2002.
- Contract with Berriman & Henigar signed in June 2002.
- Analysis of existing regulations and procedures completed in September 2002.
- Revised procedures and regulations in draft form will be prepared in January 2003. (Stream and Wetland Inventory and Assessment Reports are necessary basis for updating regulations.)
- Planning Commission review and public hearings: February/March 2003.
- City Council action: April 2003

2. Preparation of the Shoreline Master Program (SMP) – mandated by Shoreline Management Act (SMA).

Shoreline Management Act (SMA) was, like State Environmental Policy Act (SEPA), enacted in 1971, and it manages the shorelines of the state by regulating development in these designated areas. The primary responsibility to administer the SMA is through local government Shoreline Master Program (SMP) regulations. Under GMA and the regulatory reform legislation, the City of Shoreline adopted shoreline master program element in the Comprehensive Plan (1998). The Shoreline Master Program regulations were adopted in 1995 by reference from King County (Title 25) as an interim code. In November 2000, the Department of Ecology adopted new shoreline master program guidelines (Chapter 173-26 WAC), that were to provide cities a choice how to write their master program regulations. However, in August 2001, the state Growth Management Hearings Board (*Association of Washington Business v. Department of Ecology*) invalidated these new guidelines on number of grounds.

Most jurisdictions are waiting for new guidelines to update their shoreline regulations. Under the GMA requirements these regulations must be updated by December 2004. We will begin the process to update these regulations in 2003.

C. Near Term Action Plan to Comply with ESA Requirements for the recovery of Puget Sound Chinook Salmon.

1. Active involvement in regional program: *WRIA 8 Near term Action Agenda*. This *Action Agenda* proposes many voluntary actions that can be taken to help salmon. The City of Shoreline will determine which guidelines to implement and how to do so.
 - a) Review WRIA 8 near term action agenda.

- b) Identify near term applicable policies, programs and projects for the City of Shoreline.
- c) Select appropriate regulatory, educational, public involvement, adaptive management, and enhancement activities.
- d) Specify parameters for monitoring program.
- e) Track progress and successes.

RECOMMENDATION

No action required. Staff seeks Council input on the program outline.

ATTACHMENT

Attachment A: Water Quality and Environmental Program Chart

City Council Goal No: 8

Project Title: Water Quality and Environmental Program

Project Lead: PADS-Anna Kolousek
 Current Authorized Budget: \$470,620

Project Start Date: January-02
 Estimate End Date: March-04

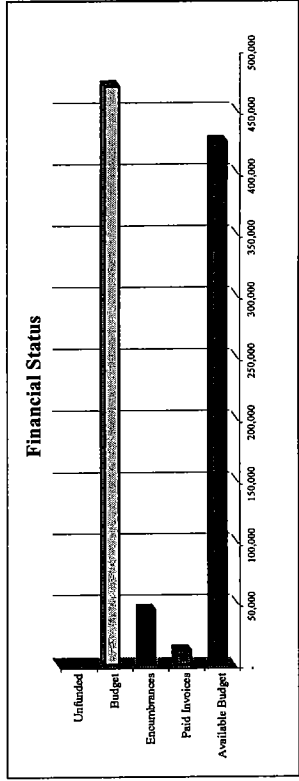
Project Steps	Year 2002												Year 2003												Year 2004												
	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	
A. SURFACE WATER MASTER PLAN																																					
1. Stream and Wetland Inventory																																					
2. RFQ and hire consultant																																					
3. Identify NPDES Phase II mandates																																					
4. Water quality goals and improvement measures																																					
5. Storm water modeling																																					
6. Identify and prioritize capital projects needs/costs																																					
7. Long range financial and rate plan for storm water operations/maintenance, engineering, and CIP construction																																					
8. Update Storm Water Manual																																					
9. Update Road Maintenance Guidelines																																					
10. Adoption of SWM Master Plan																																					
B. UPDATE DEVELOPMENT CODE																																					
1. Critical Areas and Environmental Regulations:																																					
Charter approval and Council Workshop*																																					
Hire consultant																																					
Analysis of existing regulations and procedures																																					
Revisions - draft																																					
Planning Commission review and public hearing																																					
City Council Action**																																					
Shoreline Master Program (SMP)																																					
C. NEAR TERM ACTION PLAN TO COMPLY WITH ESA																																					
1. Active involvement in regional programs (WRIA 8)																																					
2. Strategy for the recovery to comply with ESA																																					

Project Overview:
 Development of a water quality and environmental program to comply with state and federal regulations (Council Goal #8). The program consists of three major projects: Surface Water Master Plan, Update of Development Code, and Near Term Action Plan for ESA Compliance.

Next Milestone:
 Stream and Wetland Inventory - approval; Updating of critical areas and environmental regulations; Hire consultant for SWM master plan; Hire consultant for preparation of SMP; Prepare near action plan for ESA compliance.

Estimated City Council Agenda Dates:
 Nov. 18, '02, Feb. '03, May '03, Sept. '03, Nov. '04, March '04

Project Status:	Date:
\$42,000 grant from CTED received for the update	2/02
Council and PC workshop on the updating of critical areas and env. regulations	3/02
Consultant Hired for the regulatory updates	6/02
Analysis of existing procedures and env. regulations	9/02
Council review of the Program for Water Quality and Env. Outline	11/02



* City Council briefing, discussion, direction
 ** City Council Action

This page intentionally left blank.