



Using Local Ordinances For Water Resource Management



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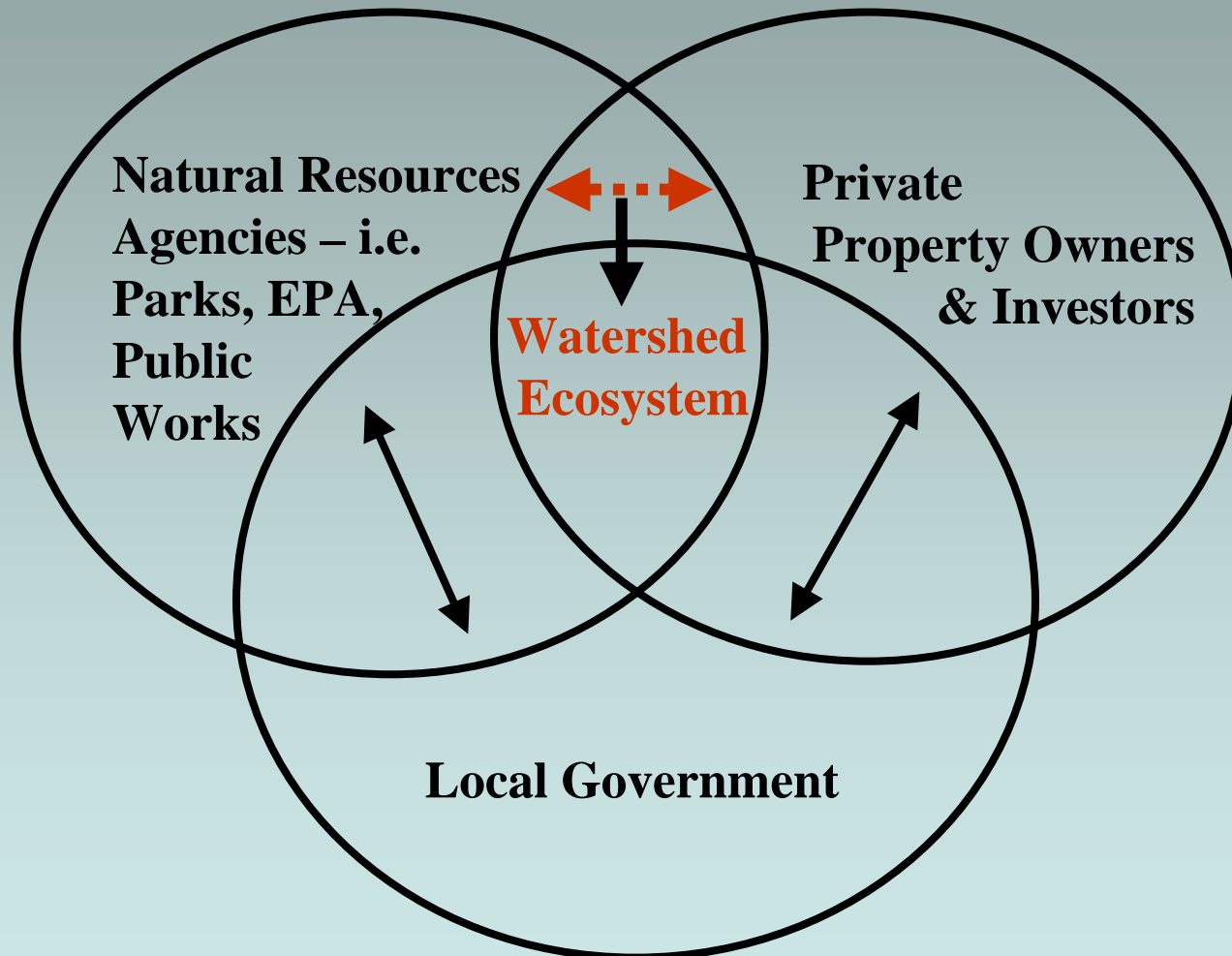
US Army Corps of Engineers
Watershed Planning – LA District
213-452-3802

Urbanized Ecosystem

- Urbanized areas are part of the watershed ecosystem
- Public works type resource preservation projects only include public open space and natural habitat areas
- Natural resource management is separated entirely from urban land use management and development design
- Design of development determines the impact of the non-open space parts of the ecosystem
- Development can add pollutant loading and reduce pollutant removal by separating water from the land's natural purification processes

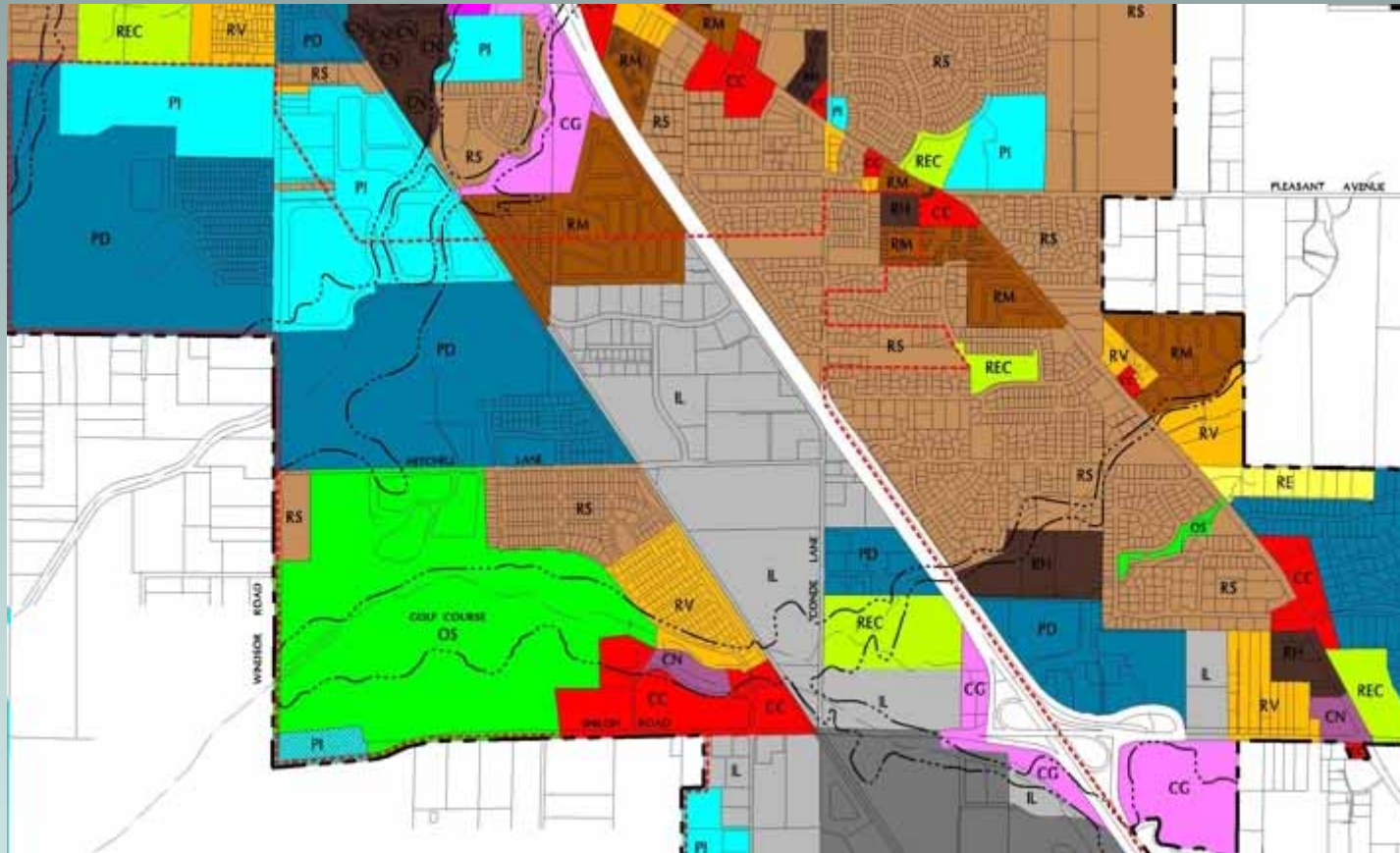
Linking Spheres Of Influence

Single Purpose Regulations  Political Pressure



Land Use Zones

- Flood hazard boundaries & segmented uses



Windsor, California

Local Land Use Authorities

- State & Federal agencies can help, but only local gov't has authority over land use
- Local laws are an important tool for implementing watershed goals & concepts
- Local government controls land use through these ordinance groups:
 - Step 1: Planning Laws
 - Step 2: Financial/Property Ordinances
 - Step 3: Subdivision Ordinances
 - Step 4: Zoning Ordinances
 - Step 5: Building Ordinances
- Consistency between these layers of law matters!!

Planning Laws

- Planning laws are passed by resolution and give broad community goals the force of law
- All local laws must be consistent with planning laws, which are guiding documents, like a Constitution
- Every city in CA must have a General Plan, which must have at least seven elements, can have more
 - Housing, Circulation, Land Use, Conservation, Open Space, Safety & Noise
 - Multi purpose - Infuse Conservation goals into other elements
- Community Plans, Area Plans, Coastal Plans, etc, become a part of, or partner to, the General Plan
- Specific Plans are part planning and part zoning in purpose

Financial/Ownership Ordinances

- Designed to financially incentivize private actions
- Tax breaks or penalties, subsidies, public financing criteria such as for bonds, impact fees, etc...
- Redevelopment Zone design requirements
- Incentivize reuse of rundown property & areas
- Incentives for land owners to dedicate easements, covenants, conditional uses, or deed restrictions for watershed functions
 - I.e – allow owners to dedicate some land in order to develop other land on a property that they could not develop at all otherwise
 - Zoning density or use ordinances can be used to incentivize these kinds of negotiations

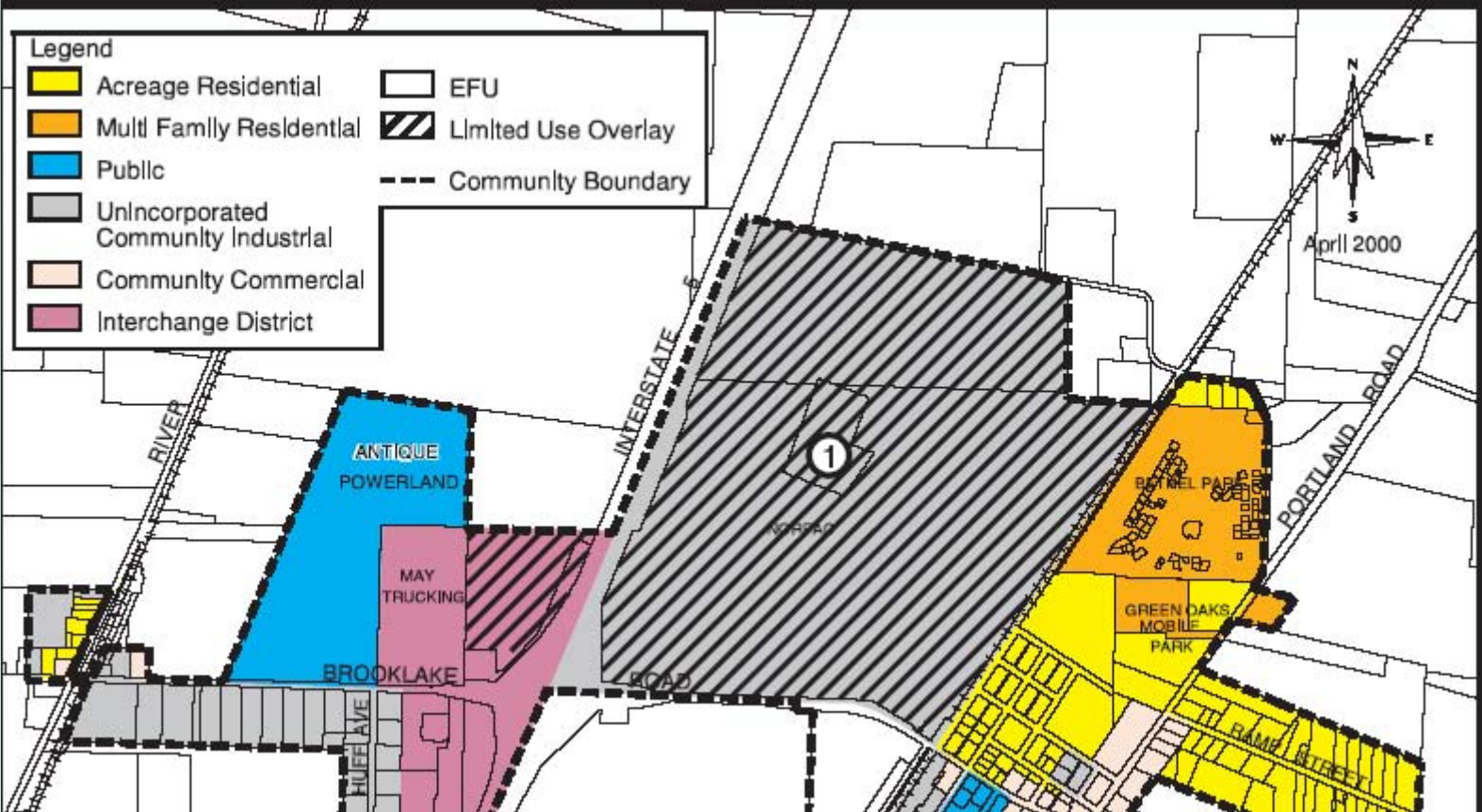
Subdivision Ordinances

- Based on California Subdivision Map Act
- Used to create standards and conditions for the subdivision of land to prevent negative community wide impacts
- Can allow cities to extract Impact Fees to pay for infrastructure, roads, schools, habitat mitigation, etc, if needed
- Can require open space, conservation easements, site & natural drainage design, etc, in the project plan
- ‘Conservation’ Subdivision Ordinances can be designed to direct and permit ‘smart growth’ developments
- Very effective tool for implementing hydrologic considerations in the land use plan at the beginning of the development process

Zoning Ordinances

- Used to implement Planning goals on each piece of property by regulating land use
- Regulates building density, intensity, footprint, building size, design, type of use, Floor/Area Ratio, parking, road design, stream setbacks, landscaping, infiltration...
- Overlay zones for special purpose considerations, mixed use zones and site plan review ordinances by zone
- Does zoning require, or even allow, smart land use decisions?
- Planned Unit Development zone for projects large enough to require some mix of uses – reviewed to meet Planning goals
- “Developer Agreements” give vested permitting approval to a total project up front – only subdivision and zoning ordinance requirements in place at that time can be applied

Overlay Zoning Map



Marion County, Oregon

Building Ordinances

- Minimum requirements must meet Uniform Building Code nation wide and California Building Code state wide
- Cities can exceed legal minimum standards
- Do codes require, not address, or directly prohibit eco-friendly methods and materials?
- Are alternative water technologies allowed?
- Do codes consider the cumulative impacts of each building – as with roof top impermeable surfaces?
- How is rain water directed off the roof?
- Are site rainwater capture methods approved?

What's Happening Now

- Terms like 'Smart Growth' and 'Sustainable Development' are being used to market real estate developments.
 - There is willingness, but who defines what these things are, and what they mean to the watershed ecosystem?
- Development community is trying to plan for environmental constraints project by project:
 - Urban Land Institute & US Green Builders Council
 - Isolated pockets. Lack of ecosystem wide information or overarching plans that guide and connect these efforts.
- Economic revitalization through habitat restoration
 - Brownfields, Waterfronts, River walks...

What's Needed & Why

- Where's the watershed science to base land use planning on? County, Fed, City, State, Non-Profits, Universities???
- Regionalism: SCAG's Compass 2020 Growth Visioning for population growth. Where's the water?
- Realistic watershed-based land use plan creates permitting predictability & helps investors avoid unexpected obstacles – i.e.: Playa Vista
- Predictability & clear direction from the public sector encourages economic investment & growth
- Urbanized areas can utilize innovative technologies and design methods to add ecological value to each site

State Framework

- Local laws 35% more likely with enabling higher level legal framework.
- Systemic solution for a systemic problem.
- Maryland, Oregon, Minnesota, Virginia, Utah...
- California is getting there, but water resource concerns not yet integrated into Planning.
 - AB 2117: Inventories successful Watershed partnerships. Enforces State agency cooperation.
 - AB 857: Integrates planning for Anti-Sprawl “Smart Growth” issues like transportation, jobs & housing.
 - Neither bridge the gap between water resources & land use planning directly.

A Few Useful Resources

- Sustainable Communities Network
- Community Based Collaborative Research Consortium
- US Green Builders Council
- Urban Land Institute
- EPA – Smart Communities Network
- ICLEI – International Council for Local Environmental Initiatives
- Santa Monica Sustainable City program
- California General Plan Guidelines – Office of Planning & Research
- Puget Sound Action Team – Office of the Governor
- Center for Watershed Protection
- Rocky Mountain Institute
- Sustainable Development Resource Network
- Institute for Local Self Government
- Save the Bay
- Chesapeake Bay Program